

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 Sarah Bunch
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
May 16, 2017**

A meeting of the Fayetteville City Council was held on May 16, 2017 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. Ozark Regional Transit Periodic Report
2. 2017 First Quarter Financial Report

Agenda Additions:

1. **CULLERS SEWER EXTENSION:** A resolution to approve an extension of the city's sewerage system beyond the city limits to a proposed development near Hughmount Road and Lierly Lane.

AT THE MAY 16, 2016 CITY COUNCIL MEETING THIS RESOLUTION FAILED.

A. Consent:

1. Approval of the May 2, 2017 City Council Meeting Minutes.

Approved

2. **NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING SCHOLARSHIP:** A resolution to approve a budget adjustment recognizing a scholarship received by the purchasing division from the national institute of governmental purchasing in the amount of \$2,500.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 105-17

3. **BID #17-28 DFI TECHNOLOGIES, INC.:** A resolution to award bid #17-28 and approve a contract with DFI Technologies, Inc. for one year's mailing services at an approximate cost of \$279,369.00 with automatic renewals for up to four additional one year terms.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 106-17

4. **BID #17-31 FOUNDATION SPECIALTIES, INC.:** A resolution to award bid #17-31 and authorize a contract with Foundation Specialties, Inc. in the amount of \$34,918.00 for the installation of micropile foundations for the Cato Springs Trail Bridge No. 3, and to approve a project contingency in the amount of \$3,491.80.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 107-17

5. **RFP #17-11 CHALLENGER TEAMWEAR:** A resolution to award RFP #17-11 and authorize a contract with Challenger Teamwear for the purchase of youth soccer uniforms in the amount of \$14.96 plus applicable taxes per uniform for the fall 217 and spring 2018 seasons, with an automatic renewal at the same price for the fall 2018 and spring 2019 seasons.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 108-17

6. **CITY OF JOHNSON MEMORANDUM OF UNDERSTANDING:** A resolution to approve a memorandum of understanding between the City of Fayetteville and the City of Johnson to transfer control, operation, ownership and maintenance of the traffic signal at the Joyce Boulevard and Wilkerson Street intersection in Johnson.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 109-17

7. **CISCO SYSTEMS, INC:** A resolution to authorize the purchase of Cisco Systems, Inc. data communications products and services through authorized resellers, pursuant to a State of Arkansas and Western States Contracting Alliance - National Association of Procurement Officials Contract.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 110-17

B. Unfinished Business:

1. **RZN 17-5733 (SE OF CROSSOVER RD. & HEARTHSTONE DR.):** An ordinance to rezone that property described in rezoning petition RZN 17-5733 for approximately 1.79 acres located at southeast corner of Crossover Road and Hearthstone Drive from r-o, residential office, and rsf-4, residential single family, 4 units per acre to ns-g, neighborhood services, general.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5972

2. **VAC 17-5753 (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES):** An ordinance to approve VAC 15-5753 for property located at southeast corner of Crossover Road and Hearthstone Drive to vacate a portion of a drainage easement and a portion of a utility easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5973

3. **FAYETTEVILLE COMMERCE PARK LAND SALE:** A resolution to sell about 5 acres of land in the commerce district to AR-Canna, LLC for \$75,000.00 contingent on AR-Canna, LLC receiving a medical marijuana cultivation facility license from the State of Arkansas.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 111-17

C. Public Hearing:

1. **RAZE AND REMOVAL 265 WEST NONNAMAKER DRIVE:** A resolution to order the razing and removal of a dilapidated and unsafe structure on property owned by Harold and Rosetta Harmon located at 265 West Nonnamaker Drive in the City of Fayetteville, Arkansas, and to approve a budget adjustment.

**AT THE MAY 16, 2016 CITY COUNCIL MEETING THIS RESOLUTION WAS
TABLED UNTIL JUNE 6, 2016 CITY COUNCIL MEETING.**

D. New Business:

1. **SOUTH BLOCK PARTNERS, LLC COST SHARE AGREEMENT:** An ordinance to waive the requirements of formal competitive bidding and approve a cost share agreement with South Block Partners, LLC for the installation of a sewer main along a portion of South Block Avenue between West 4th Street and West 5th Street, with the estimated amount to be paid by the City of Fayetteville not to exceed \$16,375.00, and to approve a project contingency in the amount of \$3,347.00.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5974

2. **MILLSAP DRAINAGE COST SHARE:** An ordinance to waive the requirements of formal competitive bidding and approve a cost share agreement with Southern Star Enterprises, LLC for the installation of drainage improvements along a portion of East Millsap Road with the City of Fayetteville's share of the costs not to exceed \$49,070.40, and to approve a project contingency in the amount of \$5,000.00.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5975

3. **RZN 17-5756 (2621 E. MISSION BLVD./ERC HOLDINGS, LLC):** An ordinance to rezone that property described in rezoning petition rzn 17-5756 for approximately 2.62 acres located at 2621 East Mission Boulevard from c-1, neighborhood commercial to cs, community services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5976

4. **RZN 17-5781 (1622 E. MISSION BLVD./LAMB-MORRIS):** An ordinance to rezone that property described in rezoning petition rzn 17-5781 for approximately 0.54 acres located at 1622 East Mission Boulevard from rsf-4, residential single family, 4 units per acre to nc, neighborhood conservation.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5977

5. **VAC 17-5751 (1541 W. MLK BLVD./ MONROE EATON, LLC):** An ordinance to approve vac 17-5751 for property located at 1541 West Martin Luther King, Jr. Boulevard to vacate a portion of a street right of way.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5978

6. **ADM 17-5705 (UDC CHAPTER 178 OUTDOOR MOBILE VENDORS):** An ordinance to amend chapter 178 outdoor vendors of the unified development code to end the permit lottery for mobile vendors utilizing public parking areas, to allow administrative approval of permits for mobile vendor courts and sidewalk cafés, to allow mobile vendors to administratively renew permits annually, and to make technical revisions.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5979

E. City Council Agenda Session Presentations:

1. Agenda Session Presentation - FPTV (public access) Operations Update, Presented by Dan Robinson, Executive Director of Your Media.

F. City Council Tour:

G. Announcements:

Adjournment: 10:19 p.m.

City Council Meeting:

May 16, 2017

Adjourn: 10:19 pm

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

9-0

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

Subject:	Consent				
Motion To:					
Motion By:		Approve			
Seconded:		Marsh			
		Long			
A.1 - A. 7 <u>Approved</u> 105-17 110-17	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Bunch	✓			
	Mayor Jordan				

8-0

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

Subject:	RAZE AND REMOVAL 265 WEST NONNAMAKER DRIVE				
Motion To:		<i>Change order of agenda</i>	<i>Table to June 6, 2017</i>		
Motion By:		<i>Marsh</i>	<i>marsh</i>		
Seconded:		<i>Long</i>	<i>La Tour</i>		
C. 1 Public Hearing <i>Tabled to June 6, 2016</i>	La Tour	✓	✓		
	Long	✓	✓		
	Gray	✓	✓		
	Marsh	✓	✓		
	Kinion	✓	✓		
	Petty	✓	✓		
	Tennant	✓	✓		
	Bunch	✓	✓		
	Mayor Jordan				

8-0

8-0

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

Subject:	CULLERS SEWER EXTENSION				
Motion To:	<i>Remove from table</i>	<i>Suspend Rules add to agenda</i>	<i>Approve</i>		
Motion By:		<i>Kinion</i>	<i>Kinion</i>		
Seconded:		<i>Long</i>	<i>Petty</i>		
Agenda Additions <u><i>Failed</i></u>	La Tour	✓	✓		
	Long	✓	N		
	Gray	✓	N		
	Marsh	✓	N		
	Kinion	✓	N		
	Petty	✓	N		
	Tennant	✓	N		
	Bunch	✓	N		
	Mayor Jordan				

8-0

1-7

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

Subject:		RZN 17-5733 (SE OF CROSSOVER RD. & HEARTHSTONE DR.)			
Motion To:		<i>2nd Read</i>	<i>Approve Citizen presentation</i>	<i>3rd Read</i>	<i>Approve</i>
Motion By:		<i>Gray</i>	<i>La Tour</i>	<i>Marsh</i>	
Seconded:		<i>Marsh</i>	<i>Gray</i>	<i>Gray</i>	
B. 1 Unfinished Business <i>Approved</i> <i>5972</i>	La Tour	✓	✓	<i>N</i>	<i>N</i>
	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	<i>N</i>
	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Bunch	✓	✓	✓	✓
	Mayor Jordan				
		<i>8-0</i>	<i>8-0</i>	<i>7-1</i>	<i>6-2</i>

Subject:		VAC 17-5753 (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES)			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:		<i>Long</i>	<i>Long</i>		
Seconded:		<i>Tennant</i>	<i>Marsh</i>		
B. 2 Unfinished Business <i>Approved</i> <i>5973</i>	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Bunch	<i>Absent during vote</i>	✓	✓	
	Mayor Jordan				
		<i>7-0</i>	<i>8-0</i>	<i>8-0</i>	

Subject:		FAYETTEVILLE COMMERCE PARK LAND SALE			
Motion To:					
Motion By:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Long</i>			
B. 3 Unfinished Business <i>Approved</i> <i>111-17</i>	La Tour	<i>N</i>			
	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Bunch	<i>✓</i>			
	Mayor Jordan				

7-1

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

Subject:		SOUTH BLOCK PARTNERS, LLC COST SHARE AGREEMENT			
Motion To:		2nd Read	3rd Read	Approve	
Motion By:		Kinion	Kinion		
Seconded:		La Tour	Marsh		
D. 1 New Business <u>Approved</u> 5974	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Bunch	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:		MILLSAP DRAINAGE COST SHARE			
Motion To:		2nd Read	3rd Read	Approve	
Motion By:		Kinion	Long		
Seconded:		Long	Kinion		
D. 2 New Business <u>Approved</u> 5975	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Bunch	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:		RZN 17-5756 (2621 E. MISSION BLVD./ERC HOLDINGS, LLC)			
Motion To:		2nd Read	3rd Read	Approve	
Motion By:		Tennant	Tennant		
Seconded:		Marsh	Long		
D. 3 New Business <u>Approved</u> 59710	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Bunch	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:		RZN 17-5781 (1622 E. MISSION BLVD./LAMB-MORRIS)			
Motion To:		2nd Read	3rd Read	Approve	
Motion By:		Marsh	La Tour		
Seconded:		La Tour	Marsh		
D. 4 New Business <u>Approved</u> 59717	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Bunch	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject: VAC 17-5751 (1541 W. MLK BLVD./ MONROE EATON, LLC)					
Motion To:		<i>Amend</i>	<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>
Motion By:		<i>Long</i>	<i>Gray</i>	<i>Marsh</i>	
Seconded:		<i>Marsh</i>	<i>Marsh</i>	<i>Tennant</i>	
D. 5 New Business <i>Approved</i> <i>5978</i>	La Tour	✓	✓	✓	✓
	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Bunch	✓	✓	✓	✓
	Mayor Jordan				
		<i>8-0</i>	<i>8-0</i>	<i>8-0</i>	<i>8-0</i>

Subject: ADM 17-5705 (UDC CHAPTER 178 OUTDOOR MOBILE VENDORS)					
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:		<i>Marsh</i>	<i>Long</i>		
Seconded:		<i>La Tour</i>	<i>Marsh</i>		
D. 6 New Business <i>Approved</i> <i>5979</i>	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Bunch	✓	✓	✓	
	Mayor Jordan				
		<i>8-0</i>	<i>8-0</i>	<i>8-0</i>	



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Mayor Jordan**

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **May 17, 2017**

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of May 16, 2017

1. A resolution to approve a budget adjustment recognizing a scholarship received by the purchasing division from the National Institute of Governmental Purchasing in the amount of \$2,500.00.
2. A resolution to award bid #17-28 and approve a contract with DFI Technologies, Inc. for one year's mailing services at an approximate cost of \$279,369.00 with automatic renewals for up to four additional one year terms.
3. A resolution to award bid #17-31 and authorize a contract with Foundation Specialties, Inc. in the amount of \$34,918.00 for the installation of micropile foundations for the Cato Springs Trail Bridge no. 3, and to approve a project contingency in the amount of \$3,491.80.
4. A resolution to award RFP #17-11 and authorize a contract with Challenger Teamwear for the purchase of youth soccer uniforms in the amount of \$14.96 plus applicable taxes per uniform for the fall 2017 and spring 2018 seasons, with an automatic renewal at the same price for the fall 2018 and spring 2019 seasons.
5. A resolution to approve a memorandum of understanding between the City of Fayetteville and the City of Johnson to transfer control, operation, ownership and maintenance of the traffic signal at the Joyce Boulevard and Wilkerson Street Intersection in Johnson.
6. A resolution to authorize the purchase of Cisco Systems, Inc. data communications products and services through authorized resellers, pursuant to a State of Arkansas and Western States Contracting Alliance – National Association of Procurement Officials contract.
7. An ordinance to rezone that property described in rezoning petition RZN 17-5733 for approximately 1.79 acres located at southeast corner of Crossover Road and Hearthstone Drive

from R-O, Residential Office, and RSF-4, Residential Single Family, 4 units per acre to NS-G, Neighborhood Services, General.

8. An ordinance to approve VAC 15-5753 for property located at southeast corner of Crossover Road and Hearthstone Drive to vacate a portion of a drainage easement and a portion of a utility easement.

9. A resolution to sell about 5 acres of land in the Commerce District to Ar-Canna, LLC for \$75,000.00 contingent on Ar-Canna, LLC receiving a Medical Marijuana Cultivation Facility License from the State of Arkansas.

10. An ordinance to waive the requirements of formal competitive bidding and approve a cost share agreement with South Block Partners, LLC for the installation of a sewer main along a portion of South Block Avenue between West 4th Street and West 5th Street, with the estimated amount to be paid by the City of Fayetteville not to exceed \$16,375.00, and to approve a project contingency in the amount of \$3,347.00.

11. An ordinance to waive the requirements of formal competitive bidding and approve a cost share agreement with Southern Star Enterprises, LLC for the installation of drainage improvements along a portion of East Millsap Road with the City of Fayetteville's share of the costs not to exceed \$49,070.40, and to approve a project contingency in the amount of \$5,000.00.

12. An ordinance to rezone that property described in rezoning petition RZN 17-5756 for approximately 2.62 acres located at 2621 East Mission Boulevard from C-1, Neighborhood Commercial to CS, Community Services.

13. An ordinance to rezone that property described in rezoning petition RZN 17-5781 for approximately 0.54 acres located at 1622 East Mission Boulevard from RSF-4, Residential Single Family, 4 units per acre to NC, Neighborhood Conservation.

14. An ordinance to approve VAC 17-5751 for property located at 1541 West Martin Luther King, Jr. Boulevard to vacate a portion of a street right of way.

15. An ordinance to amend Chapter 178 Outdoor Vendors of the Unified Development Code to end the permit lottery for mobile vendors utilizing public parking areas, to allow administrative approval of permits for mobile vendor courts and sidewalk cafés, to allow mobile vendors to administratively renew permits annually, and to make technical revisions.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, May 16, 2017

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
Sarah Bunch 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. [2017-0244](#)**

OZARK REGIONAL TRANSIT PERIODIC REPORT

2. [2017-0246](#)

2017 FIRST QUARTER FINANCIAL REPORT

Agenda Additions:**1. [2017-0218](#)**

THIS RESOLUTION WAS TABLED AT THE MAY 2, 2017 CITY COUNCIL MEETING TO THE JUNE 6, 2017 CITY COUNCIL MEETING. THIS ITEM WILL POSSIBLY BE REMOVED FROM THE TABLE FOR DISCUSSION AT THE MAY 16, 2017 CITY COUNCIL MEETING.

CULLERS SEWER EXTENSION:

A RESOLUTION TO APPROVE AN EXTENSION OF THE CITY'S SEWERAGE SYSTEM BEYOND THE CITY LIMITS TO A PROPOSED DEVELOPMENT NEAR HUGHMOUNT ROAD AND LIERLY LANE

Attachments: [CULLERS SEWER EXTENSION](#)

At the May 2, 2017 City Council Meeting this resolution was tabled to June 6, 2017.

A. Consent:**A. 1 [2016-0575](#)**

APPROVAL OF THE MAY 2, 2017 CITY COUNCIL MEETING MINUTES.

A. 2 [2017-0221](#)**NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING SCHOLARSHIP:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING A SCHOLARSHIP RECEIVED BY THE PURCHASING DIVISION FROM THE NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING IN THE AMOUNT OF \$2,500.00

Attachments: [NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING SCHOLARSHIP:](#)
 [BA_NIGP Scholarship](#)

A. 3 [2017-0226](#)**BID #17-28 DFI TECHNOLOGIES, INC.:**

A RESOLUTION TO AWARD BID #17-28 AND APPROVE A CONTRACT WITH DFI TECHNOLOGIES, INC. FOR ONE YEAR'S MAILING SERVICES AT AN APPROXIMATE COST OF \$279,369.00 WITH AUTOMATIC RENEWALS FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS

Attachments: [BID NO. 17-28 DFI TECHNOLOGIES, INC.:](#)

A. 4 [2017-0223](#)**BID #17-31 FOUNDATION SPECIALTIES, INC.:**

A RESOLUTION TO AWARD BID #17-31 AND AUTHORIZE A CONTRACT WITH FOUNDATION SPECIALTIES, INC. IN THE AMOUNT OF \$34,918.00 FOR THE INSTALLATION OF MICROPILE FOUNDATIONS FOR THE CATO SPRINGS TRAIL BRIDGE NO. 3, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,491.80

Attachments: [BID #17-31 FOUNDATION SPECIALTIES, INC.:](#)

A. 5 [2017-0243](#)**RFP #17-11 CHALLENGER TEAMWEAR:**

A RESOLUTION TO AWARD RFP #17-11 AND AUTHORIZE A CONTRACT WITH CHALLENGER TEAMWEAR FOR THE PURCHASE OF YOUTH SOCCER UNIFORMS IN THE AMOUNT OF \$14.96 PLUS APPLICABLE TAXES PER UNIFORM FOR THE FALL 2017 AND SPRING 2018 SEASONS, WITH AN AUTOMATIC RENEWAL AT THE SAME PRICE FOR THE FALL 2018 AND SPRING 2019 SEASONS

Attachments: [RFP #17-11 CHALLENGER TEAMWEAR:](#)

A. 6 [2017-0224](#)**CITY OF JOHNSON MEMORANDUM OF UNDERSTANDING:**

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FAYETTEVILLE AND THE CITY OF JOHNSON TO TRANSFER CONTROL, OPERATION, OWNERSHIP AND MAINTENANCE OF THE TRAFFIC SIGNAL AT THE JOYCE BOULEVARD AND WILKERSON STREET INTERSECTION IN JOHNSON

Attachments: [CITY OF JOHNSON MEMORANDUM OF UNDERSTANDING:](#)

A. 7 [2017-0240](#)**CISCO SYSTEMS, INC.:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF CISCO SYSTEMS, INC. DATA COMMUNICATIONS PRODUCTS AND SERVICES THROUGH AUTHORIZED RESELLERS, PURSUANT TO A STATE OF ARKANSAS AND WESTERN STATES CONTRACTING ALLIANCE - NATIONAL ASSOCIATION OF PROCUREMENT OFFICIALS CONTRACT

Attachments: [CISCO SYSTEMS, INC.:](#)

B. Unfinished Business:

B. 1 [2017-0207](#)**RZN 17-5733 (SE OF CROSSOVER RD. & HEARTHSTONE DR.):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5733 FOR APPROXIMATELY 1.79 ACRES LOCATED AT SOUTHEAST CORNER OF CROSSOVER ROAD AND HEARTHSTONE DRIVE FROM R-O, RESIDENTIAL OFFICE, AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS-G, NEIGHBORHOOD SERVICES, GENERAL

Attachments: [RZN 17-5733 \(SE OF CROSSOVER RD. & HEARTHSTONE DR.\)](#)

At the May 2, 2017 City Council Meeting this ordinance was left on first reading.

B. 2 [2017-0204](#)**VAC 17-5753 (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES):**

AN ORDINANCE TO APPROVE VAC 15-5753 FOR PROPERTY LOCATED AT SOUTHEAST CORNER OF CROSSOVER ROAD AND HEARTHSTONE DRIVE TO VACATE A PORTION OF A DRAINAGE EASEMENT AND A PORTION OF A UTILITY EASEMENT

Attachments: [VAC 17-5753 \(SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES\)](#)

At the May 2, 2017 City Council Meeting this ordinance was left on first reading.

B. 3 [2017-0211](#)**FAYETTEVILLE COMMERCE PARK LAND SALE:**

A RESOLUTION TO SELL ABOUT 5 ACRES OF LAND IN THE COMMERCE DISTRICT TO AR-CANNA, LLC FOR \$75,000.00 CONTINGENT ON AR-CANNA, LLC RECEIVING A MEDICAL MARIJUANA CULTIVATION FACILITY LICENSE FROM THE STATE OF ARKANSAS

Attachments: [FAYETTEVILLE COMMERCE PARK LAND SALE - AR-CANNA, LLC](#)

At the May 2, 2017 City Council Meeting this resolution was tabled to the May 16, 2017 City Council Meeting.

C. Public Hearing:

C. 1 [2017-0237](#)**RAZE AND REMOVAL 265 WEST NONNAMAKER DRIVE:**

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY HAROLD AND ROSETTA HARMON LOCATED AT 265 WEST NONNAMAKER DRIVE IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[RAZE AND REMOVAL 265 W NONNAMAKER AVENUE:](#)[BA RAZE AND REMOVAL 265 W NONNAMAKER AVENUE:](#)**D. New Business:****D. 1** [2017-0230](#)**SOUTH BLOCK PARTNERS, LLC COST SHARE AGREEMENT:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH SOUTH BLOCK PARTNERS, LLC FOR THE INSTALLATION OF A SEWER MAIN ALONG A PORTION OF SOUTH BLOCK AVENUE BETWEEN WEST 4TH STREET AND WEST 5TH STREET, WITH THE ESTIMATED AMOUNT TO BE PAID BY THE CITY OF FAYETTEVILLE NOT TO EXCEED \$16,375.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,347.00

Attachments:[SOUTH BLOCK PARTNERS, LLC COST SHARE AGREEMENT:](#)**D. 2** [2017-0229](#)**MILLSAP DRAINAGE COST SHARE:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH SOUTHERN STAR ENTERPRISES, LLC FOR THE INSTALLATION OF DRAINAGE IMPROVEMENTS ALONG A PORTION OF EAST MILLSAP ROAD WITH THE CITY OF FAYETTEVILLE'S SHARE OF THE COSTS NOT TO EXCEED \$49,070.40, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,000.00

Attachments:[MILLSAP DRAINAGE COST SHARE:](#)

D. 3 [2017-0236](#)**RZN 17-5756 (2621 E. MISSION BLVD./ERC HOLDINGS, LLC):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5756 FOR APPROXIMATELY 2.62 ACRES LOCATED AT 2621 EAST MISSION BOULEVARD FROM C-1, NEIGHBORHOOD COMMERCIAL TO CS, COMMUNITY SERVICES

Attachments: [RZN 17-5756 \(2621 E. MISSION BLVD./ERC HOLDINGS, LLC\):](#)

D. 4 [2017-0245](#)**RZN 17-5781 (1622 E. MISSION BLVD./LAMB-MORRIS):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5781 FOR APPROXIMATELY 0.54 ACRES LOCATED AT 1622 EAST MISSION BOULEVARD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

Attachments: [RZN 17-5781 \(1622 E. MISSION BLVD./LAMB-MORRIS\):](#)

D. 5 [2017-0238](#)**VAC 17-5751 (1541 W. MLK BLVD./ MONROE EATON, LLC):**

AN ORDINANCE TO APPROVE VAC 17-5751 FOR PROPERTY LOCATED AT 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD TO VACATE A PORTION OF A STREET RIGHT OF WAY

Attachments: [VAC 17-5751 \(1541 W. MLK BLVD./ MONROE EATON, LLC\):](#)

D. 6 [2017-0192](#)**ADM 17-5705 (UDC CHAPTER 178 OUTDOOR MOBILE VENDORS):**

AN ORDINANCE TO AMEND CHAPTER 178 **OUTDOOR VENDORS** OF THE UNIFIED DEVELOPMENT CODE TO END THE PERMIT LOTTERY FOR MOBILE VENDORS UTILIZING PUBLIC PARKING AREAS, TO ALLOW ADMINISTRATIVE APPROVAL OF PERMITS FOR MOBILE VENDOR COURTS AND SIDEWALK CAFÉS, TO ALLOW MOBILE VENDORS TO ADMINISTRATIVELY RENEW PERMITS ANNUALLY, AND TO MAKE TECHNICAL REVISIONS

Attachments:[ADM 17-5705 \(UDC CHAPTER 178 OUTDOOR MOBILE VENDORS\)](#)[EXHIBIT A \(UDC CHAPTER 178 OUTDOOR MOBILE VENDORS\)](#)**E. City Council Agenda Session Presentations:****E. 1** [2017-0227](#)

AGENDA SESSION PRESENTATION - FPTV (PUBLIC ACCESS) OPERATIONS UPDATE, PRESENTED BY DAN ROBINSON, EXECUTIVE DIRECTOR OF YOUR MEDIA

F. City Council Tour:**G. Announcements:****H. Adjournment**

NOTICE TO MEMBERS OF THE AUDIENCE

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

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. City staff, City Council members, and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item.

Public Comments: Public comment shall be allowed for all members of the audience on all items of unfinished and new business and subjects of public hearings. A simple majority of the City Council members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the ordinance or resolution to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed; however, 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's 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 Telecommunications Device for the Deaf (TDD), for hearing impaired are available for all City Council meetings, a 72-hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available on our website at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas (479) 575-8323.

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0244

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

Agenda Number: 1.

OZARK REGIONAL TRANSIT PERIODIC REPORT



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0246

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Report

Agenda Number: 2.

2017 FIRST QUARTER FINANCIAL REPORT



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0218

Agenda Date: 5/16/2017

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Resolution

Agenda Number: 1.

THIS RESOLUTION WAS TABLED AT THE MAY 2, 2017 CITY COUNCIL MEETING TO THE JUNE 6, 2017 CITY COUNCIL MEETING. THIS ITEM WILL POSSIBLY BE REMOVED FROM THE TABLE FOR DISCUSSION AT THE MAY 16, 2017 CITY COUNCIL MEETING.

CULLERS SEWER EXTENSION:

A RESOLUTION TO APPROVE AN EXTENSION OF THE CITY'S SEWERAGE SYSTEM BEYOND THE CITY LIMITS TO A PROPOSED DEVELOPMENT NEAR HUGHMOUNT ROAD AND LIERLY LANE

WHEREAS, §51.113 **Sewer Service and Extension Policy** states that "the city's sewerage system shall not be extended outside the city's corporate limits except on the express approval of the City Council."

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the request by Justin Cullers for an extension of the City's sewerage system beyond the city limits to a proposed development near Hughmount Road and Lierly Lane as shown on the maps attached to the City Council agenda memo.

City of Fayetteville Staff Review Form

2017-0218

Legistar File ID

5/2/2017

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

W/S Committee-Mark Kinion, Chair

4/14/2017

City Council /
General Government Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a Request to Extend Sewer Service Outside the City Limits

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item?

Current Budget

\$

-

Funds Obligated

\$

-

Current Balance

\$

-

Does item have a cost?

Item Cost

Budget Adjustment Attached?

Budget Adjustment

Remaining Budget

\$

-

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 2, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Tim Nyander, Utilities Director

CC: Chris Brown, City Engineer
Andrew Garner, Planning Director

DATE: April 14, 2017

SUBJECT: Request for Sewer Service Outside the City Limits

RECOMMENDATION:

The City Council Water and Sewer Committee recommends approval of a request to extend sewer service outside the City limits. The Committee voted 3-1 to forward the request to the Council for consideration, with a recommendation for approval.

BACKGROUND:

Justin Cullers, a representative for a proposed development located just outside the City limits, near Hughmount Road, contacted City staff recently regarding sewer service options. Andrew Garner, Planning Director, advised him that annexation, or extension of sewer would be in conflict with the City's stated growth policies, and that annexation would likely not be recommended by staff. Mr. Cullers also contacted the the Water and Sewer Committee and requested to be placed on the agenda to discuss this development.

DISCUSSION:

The Water and Sewer Committee heard the request at the April 11th meeting. Mr. Cullers presented his request to receive sewer service outside the City limits. It should be noted that extension of sewer service outside the City limits is not allowed, except by approval of the City Council, per Section 51.113 of City Code, which is provided below. Staff also discussed the City's policies related to growth and development on the fringes of the City, and that this proposed development would be in conflict with those policies. After discussion, the Committee voted to recommend approval of this request; the request is therefore presented to the City Council for consideration.

Attachments:

Vicinity and Layout Maps

City Code Reference:

51.113 - Sewer Service And Extension Policy

The policies of the city concerning and regarding the sewer system, shall be as follows:

(A) (1) It shall be the policy of the city to maintain and operate a municipal sewer system capable of collecting waste water from the city's sewer customers and treating such water for disposal into natural water courses.

(2)

To sustain and expand the municipal sewer system the city shall assume the expense of treating the waste water together with the operation and maintenance of the collection lines and appurtenances.

(3)

Construction of major collection lines shall be made in accordance with sewer system improvement and expansion programs and plans adopted by the City Council to better serve existing customers and to make the sewer system available to new customers and land development. Priorities for such improvement and extension shall be established by the City Council on the basis of need and the city's financial ability.

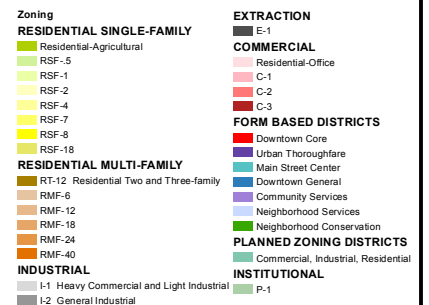
(B)

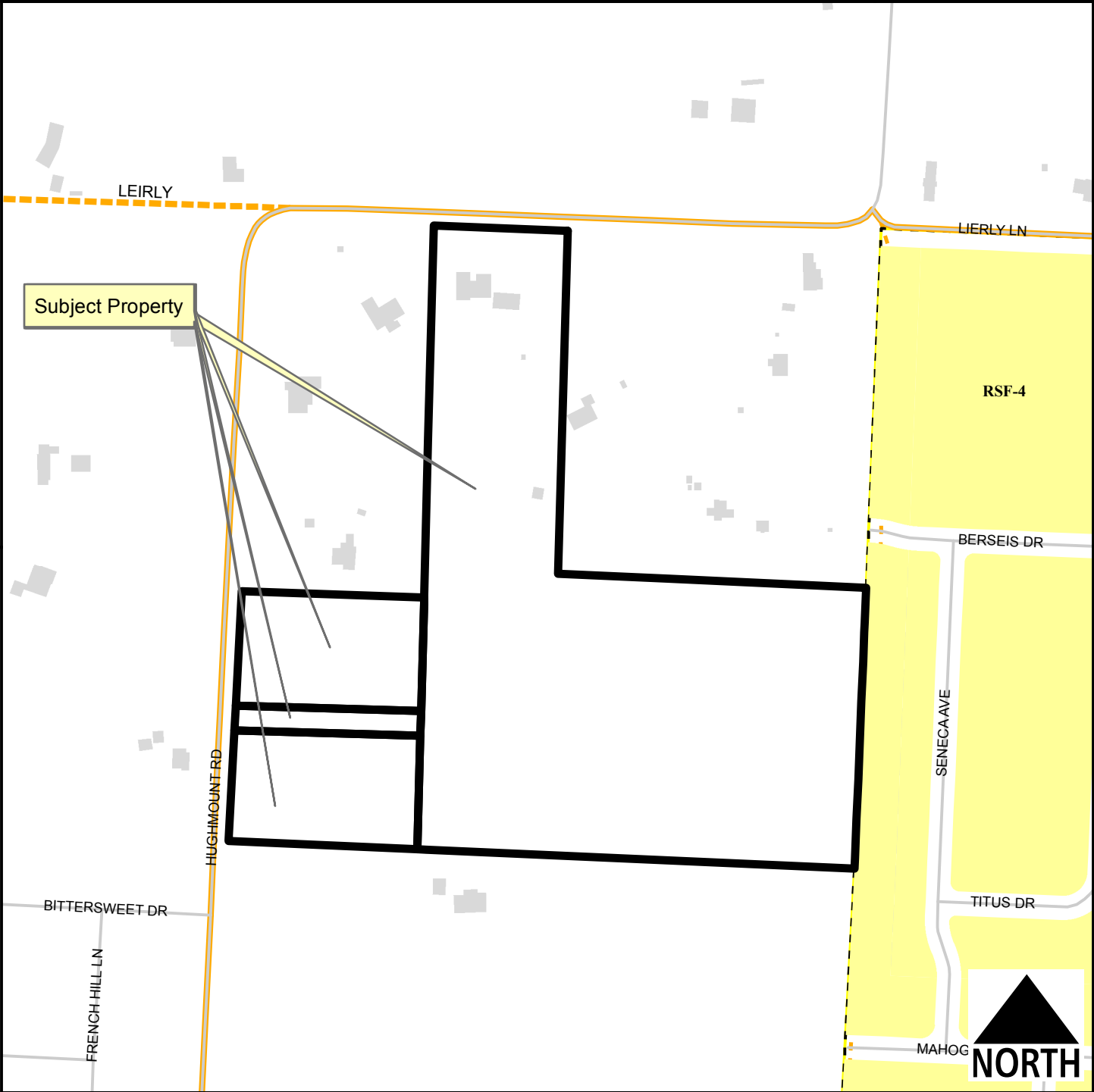
Extensions to and Within Subdivisions. The cost of extending sewer lines from existing mains to subdivisions and other land developments and the cost of constructing sewerage facilities within subdivisions as prescribed in subdivision regulations and according to specifications and location prescribed by the Water and Wastewater Director shall be the financial responsibility of the developer; however, the city shall pay the excess material cost of facilities of a size 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 sewerage system. All sewer facilities financed by the developer shall become the property of the city after inspection and acceptance by the Water and Wastewater Director.

(C)

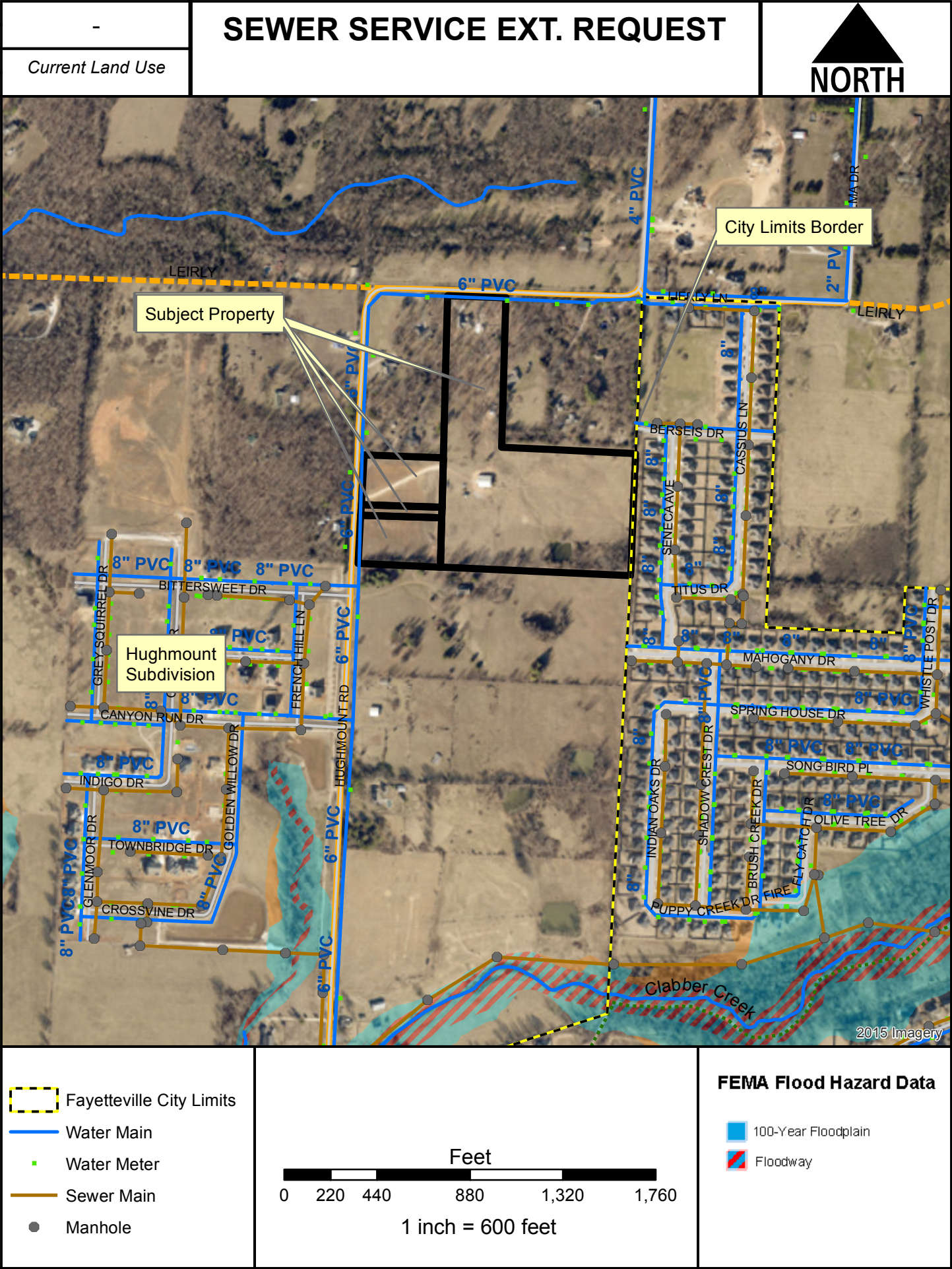
Sewer Extensions Outside the City. Except for facilities needed to serve property within the city's limits, such as major transmission lines and pump stations to deliver sewage to disposal sites, and except through contractual arrangements with other municipal corporations, the city's sewerage system shall not be extended outside the city's corporate limits except on the express approval of the City Council.

(Code 1965, §21-17; Ord. No. 1762, 9-9-70; Ord. No. 2896, 2-15-83; Code 1991, §51.113)





Legend - Planning Area - Fayetteville City Limits - Trail (Proposed) - Building Footprint	Feet 0 112.5 225 450 675 900 1 inch = 300 feet	RSF-4
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JOSEPH WOOD
County Judge



JIM KIMBROUGH
Planning Director

WASHINGTON COUNTY, ARKANSAS
Planning Office

May 10, 2017

To whom it may concern:

The Washington County Planning Board heard a Variance request at the May 4, 2017 Planning Board meeting. The Variance was requesting to allow lot sizes less than the county's 10,000 sq ft. minimum subdivision lot size, and to allow lot frontages less than the county's 75 ft minimum subdivision lot frontage on a property adjacent to Fayetteville's City Limits, inside Fayetteville's Planning Area.

It is my understanding the applicant, Justin Cullers, was requesting Variance approval for the small lot sizes/frontages with the hope that receiving county approval would help his chances in getting Fayetteville's approval to connect the proposed subdivision's sewer infrastructure to Fayetteville's existing municipal sewer system, as well as annexation into Fayetteville's City Limits.

The Variance request was denied by the Washington County Planning Board and the Conditional Use Permit request (to allow lot sizes less than one-acre in an area zoned for one residential unit/acre) was not heard. Had the Variance been approved, the conditions of approval were such that Fayetteville would have to approve the sewer connection or the Variance would have been voided. The Conditional Use Permit, had it been heard and approved, would have required approval of the Variance beforehand.

Current zoning for the subject property is Agricultural/Single Family Residential at 1 unit/acre. Additional Dwelling Units are allowed, with review, for up to a total of 3 residential units per parcel. ADUs require an approved soil analysis before a 911 address will be issued. So any residential land development will require 1 acre for each residence. Land developments requesting lots less than 1 acre requires Conditional Use Permit approval from the Planning Board. And a development of 5 or more lots requires Subdivision approval from the Planning Board. With CUP and Subdivision approval, 10,000 sq ft. lots are allowed.

Official minutes of the May 4, 2017 meeting will not be available until they are reviewed and approved by the Planning Board at the next scheduled meeting, June 1, 2017. Once they are approved they will be available on the Planning Dept's website.

Please feel free to call with any questions.
Sincerely,

A handwritten signature in cursive script that reads "Nathan Crouch".

Nathan Crouch, Washington County Senior Planner

2615 Brink Drive • Fayetteville, Arkansas 72701
Telephone: (479) 444-1724 • Fax: (479) 444-1786



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0575

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE MAY 2, 2017 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0221

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING SCHOLARSHIP:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING A SCHOLARSHIP RECEIVED BY THE PURCHASING DIVISION FROM THE NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING IN THE AMOUNT OF \$2,500.00

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

Section 1: That the City Council for the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, recognizing a scholarship received by the Purchasing Division from the National Institute of Governmental Purchasing ("NIGP") in the amount of \$2,500.00 that will allow Les McGaugh, the City's Purchasing Agent, to attend the 2017 NIGP National Forum in Salt Lake City.

City of Fayetteville Staff Review Form

2017-0221

Legistar File ID

5/16/2017

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

Andrea Rennie

4/18/2017

Purchasing /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Resolution to accept a \$2,500 scholarship from the National Institute of Governmental Purchasing (NIGP) and approve a budget adjustment.

Budget Impact:

1010.160.1610-5304.00

General

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? No

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? Yes

Item Cost

\$ 2,500.00

Budget Adjustment Attached? Yes

Budget Adjustment

\$ 2,500.00

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 16, 2017

TO: Mayor Lioneld Jordan and Fayetteville City Council

THRU: Paul A. Becker, Chief Financial Officer

FROM: Andrea Rennie, CPPO, Purchasing Manager

DATE: Tuesday, April 18, 2017

SUBJECT: Resolution to accept a \$2,500 scholarship from the National Institute of Governmental Purchasing (NIGP) and approve a budget adjustment.

RECOMMENDATION:

Resolution to accept a \$2,500 scholarship from the National Institute of Governmental Purchasing (NIGP) and approve a budget adjustment.

BACKGROUND:

The NIGP Forum is the largest North American conference exclusively for public procurement professionals. The Forum is NIGP's showcase educational event, providing an ideal environment for networking with colleagues and suppliers, attending educational workshops led by subject matter experts, and being motivated and inspired by professional speakers during general sessions.

Attendees have the opportunity to visit with nearly 200 suppliers during the products exposition, which provides an environment for one-on-one interaction and networking. Procurement professionals receive real hands-on experience with the latest and greatest products and services available to governments during dedicated expo hours.

More than 60 specialized educational workshops and formal networking opportunities will be available to help improve skills, learn best practices, and provide a platform where professionals can gain support from colleagues on issues faced daily in the procurement profession. The NIGP Forum is exclusive to the public procurement profession; therefore, educational sessions will relate specifically to public procurement needs. Professionals from all facets of the government will highly benefit from attending this event. Attending the NIGP Forum enhances competencies and allows staff to bring additional value to the City and the taxpayers we serve with the knowledge gained.

DISCUSSION:

The 2017 NIGP Forum Scholarship Program for Young and/or New Public Procurement Professionals was developed in 2015 by the NIGP Forum and Products Exposition Committee to provide assistance to public procurement professionals for people new to the public procurement profession. An overwhelming amount of applications were received and twelve scholarships were granted.

Les McGaugh, the City's Purchasing Agent, applied for and was awarded one of twelve scholarships from NIGP to fund attendance at the 2017 NIGP National Forum.

Acceptance of this \$2,500 scholarship will enable Les McGaugh to attend the 2017 National Forum in Salt Lake City, UT in August 2017 and also pursue other educational opportunities in 2017.

BUDGET/STAFF IMPACT:

Approving the scholarship will have a positive impact on the Purchasing Division as it will enable Les McGaugh to attend additional educational opportunities.

Attachments:

Staff Review Form

Staff Review Memo

NIGP 2017 Scholarship Recipients

NIGP FORUM

Connecting Procurement Communities



-happy

Congrats to these Forum Scholarship Winners!

Caleb Adams - State of Illinois Procurement

Katie Branham Kerr - Blount County, TN

Erin Buch - Sound Transit, WA

Denise Chessie - Province of New Brunswick

Sherry Cochran-Schmees - Oklahoma City, OK

Janet Haney - York County, VA

Matt Kleinschmidt - Loudon County, TN

Julie Maxwell - City of Knoxville, TN

Les McGaugh - City of Fayetteville, AR

Petra Payne - Sound Transit, WA

Starla Takara - City and County of Honolulu

Juli Tuson - Port of Tacoma, WA

Looking forward to seeing you in Salt Lake City...

nigp.org/forum | [#NIGPForum2017](https://twitter.com/NIGPForum2017)

Budget Year	Division	Adjustment Number
2017	PURCHASING (160)	
	/Org2	
	Requestor: Andrea Rennie	

Request for approval to receive and recongize a scholarship from NIGP (Les McGaugh) in the amount of \$2,500 to attend the NIGP 2017 National Forum. The scholarship funds will be used for Les to attend forum and enable him to pursue additional educational opportunities in 2017.

	COUNCIL DATE:	5/16/2017
	LEGISTAR FILE ID#:	2017-0221
	<i>Barbara Fell</i>	
	<i>4/19/2017 11:27 AM</i>	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0226

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

BID #17-28 DFI TECHNOLOGIES, INC.:

A RESOLUTION TO AWARD BID #17-28 AND APPROVE A CONTRACT WITH DFI TECHNOLOGIES, INC. FOR ONE YEAR'S MAILING SERVICES AT AN APPROXIMATE COST OF \$279,369.00 WITH AUTOMATIC RENEWALS FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #17-28 and approves a contract with DFI Technologies, Inc. for one year's mailing services at an approximate cost of \$279,369.00, depending upon the volume of mailings, with automatic renewals for up to four additional one year terms.

City of Fayetteville Staff Review Form

2017-0226

Legistar File ID

5/16/2017

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

Cheryl Partain

4/25/2017

Utilities Financial Services /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Awarding Bid 17-28, Mailing Services to DFI Technologies, Inc. for a period of one (1) year with an option for four (4) automatic annual renewals for a total possible contract term of five (5) years. Prices detailed in Bid.

Budget Impact:

5400.710.1810-5305.00 & 5500.750.5000-
5305.00

Water/Sewer and Recycling & Trash Collections

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 331,050.00

Funds Obligated \$ -

Current Balance \$ 331,050.00

Does item have a cost? Yes

Item Cost \$ 279,369.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 51,681.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 16, 2017

TO: Mayor and City Council

THRU: Paul Becker, Chief Financial Officer

FROM: Cheryl Partain, Utilities Financial Services Manager

DATE: April 27, 2017

SUBJECT: Approval of a service contract with DFI Technologies, Inc. for Mailing Services for the City of Fayetteville – Prices detailed Per Bid 17-28

RECOMMENDATION:

City Administration recommends approval of the resolution and contract awarding to DFI Technologies, Inc. for mail processing for the City of Fayetteville for a period of one (1) year with an option for four (4) automatic annual renewals for a total possible contract term of five (5) years based on the prices detailed in Bid 17-28.

BACKGROUND:

The City of Fayetteville has had a mailing service for over 25 years. Utilizing a mailing service is a cost savings to the City. The mailing service picks up the City's mail from the US Post Office and has the mail delivered before 9:00 am every morning Monday through Friday. The mailing service picks up City mail twice a day to mail. They pick up utility bills, final utility bills, and delinquency notices and fold and stuffs bills/notices with return envelopes when needed in envelopes and mails for the City.

DISCUSSION:

Contract costs for mailing services include: Pickup and delivery of mail, folding and putting into envelopes utility bills, final bills, utility delinquency notices, employee retirement & savings statements, arrest warrants, parking management statements along with return envelopes, sorting, barcoding on envelopes and postage. DFI Technologies, Inc. was the lowest bidder for the mailing services.

The bids came in as follows:

DFI Technologies, Inc.	\$279,369.00
Mailco, Inc.	\$281,533.60
Stafford & Assoc., Inc.	\$416,259.00

BUDGET/STAFF IMPACT:

Budgeted funds are available in the Water & Sewer – Utilities Financial Services Division operational budget. At this time, it is anticipated that costs will not exceed budgeted amounts for 2017.

Attachments:

Staff Review Form

Signed Agreement

Bid Tabulation

Bid Submittal – DFI Technologies, Inc.

This contract executed this ____ day of _____, 2017, between the City of Fayetteville, Arkansas, and DFI Technologies, Inc. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. DFI Technologies, Inc. at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 17-28 as stated in DFI Technologies, Inc. bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 17-28, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay DFI Technologies, Inc. based on their bid proposal in an amount not to exceed prices presented in Bid 17-28 with the exception of postage rates. Increase in postage rates will be allowed in the event rates are increased by the United States Postal Service (USPS). Increase in postage rates allowed shall be equal to the increase by the USPS. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and DFI Technologies, Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 17-28 with the specifications and conditions typed thereon.
 - B. DFI Technologies, Inc. bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville DFI Technologies, Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and DFI Technologies, Inc.
5. DFI Technologies, Inc. shall not assign its duties under the terms of this agreement.
6. DFI Technologies, Inc. agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from DFI Technologies, Inc. performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. DFI Technologies, Inc. shall furnish a certificate of insurance addressed to the City of Fayetteville, showing

that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, DFI Technologies, Inc. shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected. The premiums for all insurance and the bond required herein shall be paid by DFI Technologies, Inc.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

Bodily Injury Liability

\$500,000 for each person injured.

\$1,000,000 for each accident.

Property Damage Liability

\$1,000,000 aggregate.

8. DFI Technologies, Inc. shall furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or DFI Technologies, Inc. with 30 calendar days written notice.
10. This contract shall be effective from one year of the date of signed contract. The City reserves the right to automatically renew the contract for four (4) additional one (1) year terms. Renewals shall be automatic unless either DFI Technologies, Inc. or the City notifies the other of its intent to terminate the contract at the end of the contract period.
11. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo copying costs pursuant to the FOIA may be assessed for this compliance.
12. Changes in scope or price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the Fayetteville City Council **in advance** of the change in scope, cost or fees.
13. Jurisdiction: Legal jurisdiction to resolve any disputes shall be **Washington County, Arkansas** with **Arkansas law** applying to the case.
14. Arbitration/Mediation: The City will not agree to be forced to mediate or arbitrate any dispute.
15. Interest charges for late payments by the City: The City of Fayetteville does NOT agree to any interest or penalty for "untimely" payments. The City will pay all invoices within 30 calendar days of accepted invoice.

WITNESS OUR HANDS THIS 6 DAY OF APRIL, 2017.

VENDOR NAME: DFI Technologies, Inc.

CITY OF FAYETTEVILLE, ARKANSAS

By: [Signature]
Signature

By: _____
LIONELD JORDAN, Mayor

Jay Hayward President
Printed Contractor Name & Title

[Signature]
ATTEST (Signature)

JOHN HAYWARD
Company Secretary (Printed Name)

ATTEST: (Signature)

Sondra E. Smith, City Clerk, Treasurer

Business Address
947 N. Main
Fayetteville, AR 72701
City, State & Zip Code

Date Signed: 4/6/17

Date Signed: _____

Bid 17-28, Mailing Services

****Official Bid Tabulation****

			DFI Technologies, Inc		MailCo USA Inc.		Stafford & Associates Inc.	
ITEM	DESCRIPTION	Estimated Yearly Quantity	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1	Monthly Bill	375,000	\$0.395	\$ 148,125.00	\$0.397	\$ 148,875.00	\$0.590	\$ 221,250.00
2	Shut Off Notice/Past Due	85,000	\$0.385	\$ 32,725.00	\$0.388	\$ 32,980.00	\$0.570	\$ 48,450.00
3	Bank Draft	125,000	\$0.385	\$ 48,125.00	\$0.388	\$ 48,500.00	\$0.570	\$ 71,250.00
4	Final Bill	15,000	\$0.385	\$ 5,775.00	\$0.397	\$ 5,955.00	\$0.590	\$ 8,850.00
5	Collection Letter	7,500	\$0.385	\$ 2,887.50	\$0.388	\$ 2,910.00	\$0.570	\$ 4,275.00
Total Bid, Section A Items (1-5)				\$ 237,637.50		\$ 239,220.00		\$ 354,075.00
ITEM	DESCRIPTION	Estimated Yearly Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total
6	Employee Retirement & Savings Statements	2,500	\$0.415	\$ 1,037.50	\$0.406	\$ 1,015.00	0.590	\$ 1,475.00
7	Arrest Warrants	6,000	\$0.395	\$ 2,370.00	\$0.388	\$ 2,328.00	0.570	\$ 3,420.00
8	Parking Management	6,000	\$0.395	\$ 2,370.00	\$0.388	\$ 2,328.00	0.570	\$ 3,420.00
9	Sex Offender Mailouts	2,500	\$0.395	\$ 987.50	\$0.496	\$ 1,240.00	0.950	\$ 2,375.00
10	Accounts Receivable Statements	2,700	\$0.395	\$ 1,066.50	\$0.388	\$ 1,047.60	0.570	\$ 1,539.00
Total Bid, Section B Items (6-9)				\$ 7,831.50		\$ 7,958.60		\$ 12,229.00
ITEM	DESCRIPTION	Estimated Yearly Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total
11	0-2 oz. letter (price per each)	75,000	\$0.395	\$ 29,625.00	\$0.403	\$ 30,225.00	0.500	\$ 37,500.00
12	Inserts	85,000	\$0.010	\$ 850.00	\$0.010	\$ 850.00	0.025	\$ 2,125.00
13	0-2 oz. certified with return receipt letter	500	\$6.850	\$ 3,425.00	\$6.560	\$ 3,280.00	0.500	\$ 250.00
14	Courier fee - price per day	252	\$0.000	\$ -	\$0.000	\$ -	40.000	\$ 10,080.00
Total Bid, Section C (Items 10-13)				\$ 33,900.00		\$ 34,355.00		\$ 49,955.00
Total Base Bid: Section A-C (Items 1-13)				\$ 279,369.00		\$ 281,533.60		\$ 416,259.00

*Notes correction in calculation error

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

CERTIFIED:

A. Rennie, Purchasing Manager

Witness

Date

3/9/17



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 BID

INVITATION TO BID: Bid 17-28, Mailing Services

DEADLINE: Wednesday March 08, 2017 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: Thursday February 09, 2017

INVITATION TO BID Bid 17-28, Mailing Services

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: DFI Technologies, Inc.
Contact Person: Mike Emis Title: V-PRESIDENT
E-Mail: memis@dfimail.com Phone: 479-685-8250
Business Address: 947. N. Main
City: Fayetteville State: AR Zip: 72701
Signature: [Signature] Date: 3/7/17

City of Fayetteville, AR
Invitation to Bid
Bids 17-28, Mailing Services

The City of Fayetteville is accepting bids for the City of Fayetteville's mail processing services. The contract period will be for one year from award of contract, with the option of four one year annual renewals.

Sealed bids shall be received by the City of Fayetteville, AR Wednesday March 8, 2017 before 2:00:00 PM (local time). Bids shall be submitted in a sealed envelope or sealed package labeled Bid 17-28. Bids received after this time will not be accepted. Bids will be opened and publicly read aloud immediately after specified closing time. All interested parties are invited to attend. Bids shall be received at 113 West Mountain St. Fayetteville, Arkansas 72701.

Copies of the Bid Documents may be obtained electronically for bidding purposes from the City of Fayetteville Purchasing Division by e-mailing Les McGaugh, City of Fayetteville Purchasing Agent, lmcgaugh@fayetteville-ar.gov or by calling 479-575-8220. Any questions concerning the bidding process should be addressed to Les McGaugh, Purchasing Agent.

Bidders shall be qualified to do business and licensed in accordance with all applicable laws of the State of Arkansas and the City of Fayetteville for this Work.

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.

The City reserves the right to reject any or all Bids and to waive irregularities therein, and all Bidders shall agree that such rejection shall be without liability on the part of the City for any damage or claim brought by any Bidder because of such rejections, nor shall the Bidders seek any recourse of any kind against the City because of such rejections. The filing of any Bid in response to this invitation shall constitute an agreement of the Bidder to these conditions.

City of Fayetteville, AR
By: Les, McGaugh
City of Fayetteville, Purchasing Agent
Advertisement Dates: 02/09/17

City of Fayetteville
 Bid 17-28, Mailing Services
 Bid Form

Bid 17-28, Mailing Services Estimated Quantities

SECTION A: Utility Bills

ITEM	DESCRIPTION	Estimated Yearly Quantity		Unit Price		Total
1	Monthly Bill	375,000	x	.395	= \$	148,125
2	Shut Off Notice/Past Due	85,000	x	.385	= \$	32,725
3	Bank Draft	125,000	x	.385	= \$	48,125
4	Final Bill	15,000	x	.385	= \$	5,775
5	Collection Letter	7,500	x	.385	= \$	2,888
Total Bid, Section A (Item 1-5):						\$ 277,678

Section B: Standard Monthly Services

ITEM	DESCRIPTION	Estimated Yearly Quantity		Unit Price		Total
6	Employee Retirement & Savings Statements	2,500	x	.415	= \$	1038
7	Arrest Warrants	6,000	x	.395	= \$	2,370
8	Parking Management	6,000	x	.395	= \$	2,370
9	Sex Offender Mail outs	2,500	x	.395	= \$	988
10	Accounts Receivable Statements	2,700	x	.395	= \$	1,067
Total Bid, Section B (Items 6-9):						\$ 7,832

Section C: Daily Mail & Other Services

ITEM	DESCRIPTION	Estimated Yearly Quantity		Unit Price		Total
11	0-2 oz. letter (price per each)	75,000	x	.395	= \$	29,625
12	Inserts	85,000	x	.01	= \$	850
13	0-2 oz. certified with return receipt letter	500	x	6.85	= \$	3,425
14	Courier fee - price per day	252	x	0	= \$	0
Total Bid, Section C (Items 10-13):						\$ 33,900

Total Base Bid

Section A + Section B + Section C (Sum of Items 1-14):

\$ 279,369

NAME OF FIRM

DFI Technologies, Inc.

THIS BID FORM CONTINUES ON THE NEXT PAGE. . .

***Bidders shall bid and provide pricing on all line items of all sections in the bid form. Failure to bid on all line items shall result in rejection of bid. The City intends to award this bid to the lowest responsive responsible bidder.**

Upon signing this Bid, the bidder certifies that:

- 1.) NO KNOWN RELATIONSHIP EXISTS

City of Fayetteville, AR
Bid 17-28, Mailing Services
Page 4 of 20

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

*NAME OF FIRM: DFI Technologies, Inc.

Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name _____

*BUSINESS ADDRESS: 947 N. Main

*CITY: Fayetteville *STATE: AR *ZIP: 72701

*PHONE: 479-443-0099 FAX: 479-443-1418

*E-MAIL: memis@dfimail.com - sales
brardin@dfimail.com - billing

*BY: (PRINTED NAME) Mike Emis

*AUTHORIZED SIGNATURE: [Signature]

*TITLE: V. President

DUNS NUMBER: _____

CAGE NUMBER: _____

*TAX ID NUMBER: 71-0817512

Acknowledge Addendums:

Addendum No. 1 Dated: 3/1/17 Acknowledged by: [Signature]

Addendum No. 2 Dated: 7/1/17 Acknowledged by: [Signature]

Addendum No. _____ Dated: _____ Acknowledged by: _____

City of Fayetteville
Bid 17-28, Mailing Services
References

The following information is required from all Bidders so all bids may be reviewed and properly evaluated.

COMPANY NAME: DFI Technologies, Inc

BUSINESS ADDRESS: 947 N. Main Pkwy, AR 72701

NUMBER OF YEARS IN BUSINESS: 20 yrs HOW LONG IN PRESENT LOCATION: 14 yrs

TOTAL NUMBER OF CURRENT EMPLOYEES: 10 FULL TIME 5 PART TIME

NUMBER OF EMPLOYEES YOU PLAN TO USE TO SERVICE THIS CONTRACT: 4 FULL TIME 3 PART TIME

PLEASE LIST FOUR (4) LOCAL COMMERCIAL AND/OR GOVERNMENTAL REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed). Bidders shall have valid experience.

1. City of Springdale
COMPANY NAME

Springdale, AR 727
CITY, STATE, ZIP

Jackie Casson
CONTACT PERSON

479-751-5751
TELEPHONE

Continuing
DATE COMPLETED

jcasson@springdalewater.com
E-MAIL ADDRESS

3. City of Ft. Smith
COMPANY NAME

Ft. Smith, AR 72901
CITY, STATE, ZIP

Bill Hawn
CONTACT PERSON

479-788-2265
TELEPHONE

Continuing
DATE COMPLETED

bhawn@fsark.com
E-MAIL ADDRESS

2. City of Rogers
COMPANY NAME

Rogers, AR 727
CITY, STATE, ZIP

Joyce Johnson
CONTACT PERSON

479-936-5408
TELEPHONE

Continuing
DATE COMPLETED

joyce.johnson@rwa.org
E-MAIL ADDRESS

4. Conway Corporation
COMPANY NAME

Conway, AR 72033
CITY, STATE, ZIP

Edie Turner
CONTACT PERSON

501-450-6048
TELEPHONE

Continuing
DATE COMPLETED

edie.turner@conwaycorp.com
E-MAIL ADDRESS

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 shall 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. Failure to provide services or products bid will subject bidder to disqualification for the remainder of the calendar year. Failure to deliver poor or inadequate services, on a consistent basis or more than three (3) times in a calendar year will subject bidder to disqualification for the remainder of the calendar year.
- 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 will award bids in their entirety.
- i. This agreement shall be effective from one year of the date of signed contract. The City reserves the right to extend the contract by mutual agreement for a period of four (4) additional, one (1) year periods automatically unless either the Contractor or the City notifies the other of its intent to terminate the contract at the end of the contract period.
- j. Bid pricing shall remain firm for five years.

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 (Contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
- c. Legal jurisdiction to resolve any disputes shall be in Washington County, Arkansas with Arkansas law applying to the case.

13. 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:

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.

The City will pay the awarded bidder based on unit prices provided on invoicing. Progress payments will be made after approval and acceptance of work and submission of invoice. Payments will be made within 30 days of accepted invoice.

18. CANCELLATION:

- a. The City reserves the right to cancel this contract without cause by giving thirty (30) days prior notice to the Contractor in writing of the intention to cancel or with cause if at any time the Contractor fails to fulfill or abide by any of the terms or conditions specified.
- b. Failure of the contractor to comply with any of the provisions of the contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.
- c. In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source, any items and/or services which have not been delivered within the period of time from the date of order as determined by the City of Fayetteville.

- d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the 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 Contractor shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a bidder intends to subcontract a portion of this work, the bidder shall disclose such intent in the bid submitted as a result of this bid.
- b. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the City within thirty (30) calendar days of Contractor's notice of such action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a 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 Contractor 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 Contractor(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. CERTIFICATE OF INSURANCE:

The successful bidder shall provide a Certificate of Insurance in accordance with specifications listed in this request for proposal, prior to commencement of any work. Such certificate shall list the City of Fayetteville as an additional insured. Insurance shall remain valid during each contract term and shall be provided at each renewal period.

For single projects exceeding \$20,000 contractor shall submit certificates of insurance within 10 days of notice of notice to proceed, after City Council approval. Certificates of insurance are to be addressed to the City of Fayetteville, showing that the contractor carries the following insurance which shall be maintained throughout the term of the bid. Any work sublet, the contractor shall require the subcontractor similarly to provide the same insurance coverage. In case any employee engaged in work on the project is not protected under Workers' Compensation, the Contractor shall provide, and shall cause each subcontractor to provide, adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workers' Compensation:	Statutory Amount
Comprehensive General & Automotive Liability:	\$1,00,000 for each accident
Bodily Injury Liability:	\$500,000 for each accident
Property Damage Liability:	\$500,000 aggregate.

26. PRICING:

- a. Prices shall include all labor, supervision, materials, equipment, transportation, and services necessary to do a superior quality job.
- b. Bidder shall state any discounts to apply. Discounts shall be shown for individual items unless all items have the same percentage of discounts.
- c. Any projects in excess of \$20,000 will require additional approval from the Fayetteville City Council prior to authorization of work. Projects exceeding \$20,000 will require a 100% performance and payment bond after Council approval at no additional cost to the City.

- i. The City shall reimburse the actual cost of the 100% performance and payment bond for projects over \$20,000 to the awarded contractor. Reimbursement cost shall be equal to actual cost of bonds paid by the contractor
- d. Any projects in excess of \$75,000 shall be subject to prevailing wage rates as determined by the Arkansas Department of Labor. Additional hourly fees shall not be charged to the City for projects requiring prevailing wage rates.

27. 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. Prices shall include all labor, materials, overhead, profit, insurance, shipping, freight, etc., to cover the products and services presented. *Sales tax shall not to be included in the bid price; however, applicable Arkansas sales tax laws will apply when necessary but will not be considered in award of this project.*
- b. 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.
- c. 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.
- d. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
- e. 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.
- f. 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.
- g. 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.
- h. 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.

- i. 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.
 - j. 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.
 - k. 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. 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.
28. **INVOICING:** All invoices shall be presented to the City with the minimum information listed below.
- a. City Department that ordered the materials or services
 - b. Delivery date or the date of services
 - c. Name of the City Employee that requested service
 - d. Bid Number that applies to the purchase and invoices. Amounts in the bid shall match invoicing.
29. Invoicing shall be itemized based upon line item pricing provided with bid.
30. **ATTACHMENTS TO BID DOCUMENTS:** See included detailed specifications.

City of Fayetteville
Bid 17-28, Mailing Services
Detailed Specifications

Bidders shall bid and provide pricing on all line items of all sections in the bid form. Failure to bid on all line items shall result in rejection of bid. The City intends to award this bid to the lowest responsive responsible bidder.

1. SERVICE REQUIREMENTS:

- a. Mail shall have a Fayetteville, Arkansas postmark.
- b. Incoming mail shall be picked up from United States Postal Service and delivered no later than 9:00 am daily.
- c. Mail, UPS, and FedEx items shall be picked up at least twice daily with the last pick up no earlier than 3:30 PM, Monday through Friday.
- d. Mail marked "Same Day" shall be metered, sorted, and mailed on the same day collected.
- e. Mail marked "Next Day" shall be metered, sorted and mailed on the first business day after collection.
- f. Utility bills shall be processed and mailed no later than the following business day after pick up.
- g. When utility bills or past due notices are not available for pick up due to equipment problems but are available to be picked up by 10:00 a.m. the following day, they shall be collected and processed for mailing on the same day collected.
- h. Monthly reports shall be provided detailing total number of pieces, as categorized on the bid form and show processing counts on a daily basis. Sample reporting should be submitted with bid.
- i. Provide daily pickup for all mail packages or UPS packages without additional charge, unless a special trip is made to pick up the package.

2. REQUIRED BIDDER QUALIFICATIONS:

- a. All bidders shall be legally qualified in all respects to do business in the State of Arkansas for the services requested in this bid.
- b. Bidder shall prepare an Equipment Schedule. The bidder shall have equipment available and adequate experience which, in the opinion of the City, is adequate to complete the work under these specifications in the time allowed for completion.
- c. It shall be understood that the rates presented by the Bidder shall be for the furnishing of all materials, labor, etc. as required.
- d. Bidder shall include mileage and travel time as part of this agreement. The City will not assume mileage or travel time costs.
- e. Bidder shall include a log of the previous month's volume by quantity and type.
- f. Bidder shall have and maintain all licensing necessary from federal, state, and local agencies.

3. ITEM DESCRIPTIONS AND REQUIREMENTS:

- a. All pricing shall reflect one total all-inclusive cost, including postage, sorting fees, etc. Prices shall not include printing costs unless stated. Pick up fees, if applicable, shall be provided in with the "Courier fee – per day" item of the bid form.
- b. In the event of a postage cost increase, the price per item will only be allowed to reflect the actual postage increase cost.
- c. Detailed item description – Section A, Utility Bills: Services provided in this contract are detailed below. Pricing shall be inclusive of all costs (including postage) unless otherwise stated.

- i. **Item 1 – Monthly Bill:** Fold statement, insert statement and return envelope, meter, sort, and postage. Statement, mailing envelope, and return envelope will be provided by the City.
 - ii. **Item 2 – Shut Off Notice / Past Due Notices:** Fold statement; insert statement, meter, sort, and postage. Statement and mailing envelope will be provided by the City.
 - iii. **Item 3 – Bank Draft Notices:** Fold statement; insert statement, meter, sort, and postage. Statement and mailing envelope will be provided by the City.
 - iv. **Item 4 – Final Bill Notices:** Fold statement, insert statement and return envelope, meter, sort and postage. Statement, mailing envelope, and return envelope will be provided by the City.
 - v. **Item 5 – Collection Letter:** Fold letter, insert letter, meter, sort, and postage. Letter and mailing envelope will be provided by the City.
- d. **Detailed item description – Section B, Standard Monthly Services:** Services provided in this contract are detailed below. Pricing shall be inclusive of all costs (including postage) unless otherwise stated.
- i. **Item 6 – Employee Retirement & Savings Statements:** Fold up to 4 sheets, insert up to 4 sheets, meter, barcode, and sort. Statement and mailing envelope will be provided by the City.
 - ii. **Item 7 – Arrest Warrants:** Fold warrant, insert warrant, meter, barcode, & sort. Warrant and mailing envelope will be provided by the City.
 - iii. **Item 8 – Parking Management:** Fold statement; insert statement, meter, barcode, & sort. Statement and mailing envelope will be provided by the City.
 - iv. **Item 9 – Sex Offender Mail Outs:** THIS ITEM INCLUDES PRINTING SERVICES. Price includes printing of the mail out (as described below), fold printed items, insert printed items into envelope, and affix first class postage. Price shall be inclusive of all printing, processing, and postage. Mailing envelope will be provided by the City. Volume is expected at 250 per month.
 - 1. Printing services consist of printing the two following items: one (1) 8.5 x 11 black and white mail merge 20lb. letter AND one (1) full color 8.5 x 11 20lb. description notification.
 - v. **Item 10 – Accounts Receivable Statements -** Fold statement; insert statement, meter, sort, and postage. Statement and mailing envelope will be provided by the City.
- e. **Detailed item description – Section C, Daily Mail & Other Services:**
- i. **Item 11 – Zero (0) – two (2) ounce letter:** Meter, barcode, and sort pieces picked up as needed. City provides all materials, no inserting, and no folding.
 - ii. **Item 12 – Inserts ,** Inserts will be provided periodically to be included in the utility bill mail out processing. Some inserts will need to be folded.
 - iii. **Item 13 – Zero (0) – two (2) ounce certified with return receipt letter:** Meter, barcode, sort, and deliver return receipt; picked up as needed. City provides all materials, no inserting, and no folding.

iv. **Item 14 – Courier Fee, price per day:** Price per day for courier services includes the following:

1. Each trip, twice daily shall include pick up of mail from the US Post Office located on Dickson St. and delivery of that mail to City Hall. Also shall include mail picked up from the City to be processed as specified depending on the item type.
2. Services shall be ran a MINIMUM of two (2) times per day with the last pick up no earlier than 3:30 PM, local time. First pick up & delivery should be before 9:00 AM but no later than 10:00 AM.
3. This courier services excludes weekends and designated City holidays.
4. Courier services shall not be charged on days the City is closed due to inclement weather.
5. Pick up shall include all mail, UPS, and FedEx.
6. See other requirements listed above and under "Service Requirements".

This contract executed this ____ day of _____, 2017, between the City of Fayetteville, Arkansas, and _____. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. _____ at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 17-28 as stated in _____ bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 17-28, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay _____ based on their bid proposal in an amount not to exceed \$_____. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and _____ consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 17-28 with the specifications and conditions typed thereon.
 - B. _____ bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville _____ and may be modified only by a duly executed written instrument signed by the City of Fayetteville and _____.
5. _____ shall not assign its duties under the terms of this agreement.
6. _____ agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from _____ performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. _____ shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, _____ shall provide and shall cause

each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected. The premiums for all insurance and the bond required herein shall be paid by _____.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

Bodily Injury Liability

\$500,000 for each person injured.

\$1,000,000 for each accident.

Property Damage Liability

\$1,000,000 aggregate.

8. _____ shall furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or _____ with 30 calendar days written notice.
10. This contract shall be effective from one year of the date of signed contract. The City reserves the right to automatically renew the contract for four (4) additional one (1) year terms. Renewals shall be automatic unless either _____ or the City notifies the other of its intent to terminate the contract at the end of the contract period.
 - a. Projects exceeding \$20,000 will require additional approval from the Fayetteville City Council.
11. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo coping costs pursuant to the FOIA may be assessed for this compliance.
12. Changes in scope or price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the Fayetteville City Council in advance of the change in scope, cost or fees.
13. Jurisdiction: Legal jurisdiction to resolve any disputes shall be Washington County, Arkansas with Arkansas law applying to the case.
14. Arbitration/Mediation: The City will not agree to be forced to mediate or arbitrate any dispute.
15. Interest charges for late payments by the City: The City of Fayetteville does NOT agree to any interest or penalty for "untimely" payments. The City will pay all invoices within 30 calendar days of accepted invoice.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2017.

CONTRACTOR NAME

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Signature

By: _____
LIONELD JORDAN, Mayor

Printed Contractor Name & Title

ATTEST (*Signature*)

ATTEST: (*Signature*)

Company Secretary (*Printed Name*)

Sondra E. Smith, City Clerk, Treasurer

Business Address

City, State & Zip Code

Date Signed: _____

Date Signed: _____



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0223

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

BID #17-31 FOUNDATION SPECIALTIES, INC.:

A RESOLUTION TO AWARD BID #17-31 AND AUTHORIZE A CONTRACT WITH FOUNDATION SPECIALTIES, INC. IN THE AMOUNT OF \$34,918.00 FOR THE INSTALLATION OF MICROPILE FOUNDATIONS FOR THE CATO SPRINGS TRAIL BRIDGE NO. 3, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,491.80

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 #17-31 and authorizes Mayor Jordan to sign a contract with Foundation Specialties, Inc. in the amount of \$34,918.00 for the installation of micropile foundations for the Cato Springs Trail Bridge No. 3, and further approves a project contingency in the amount of \$3,491.80.

City of Fayetteville Staff Review Form

2017-0223

Legistar File ID

May 16th, 2017

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

Matt Mihalevich

4/25/2017

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Award of Bid 17-31 and authorization of a contract with Foundation Specialties, Inc. in the amount of \$34,918 for the installation of micropile foundations for the Cato Springs Trail Bridge No. 3 and approval of a 10% contingency in the amount of \$3,491.80.

Budget Impact:

4470.800.8830-5814.05

Sales Tax Cap Imp

Account Number

Fund

02016.1405

Cato Springs Trail

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 3,169,570.00

Funds Obligated \$ 3,002,186.37

Current Balance \$ 167,383.63

Does item have a cost? Yes

Item Cost \$ 34,918.00

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 132,465.63

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 16, 2017

TO: Mayor and City Council

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

FROM: Matt Mihalevich, Trails Coordinator

DATE: April 25th, 2017

SUBJECT: 2017-0233 Cato Springs Trail – Micropiles

RECOMMENDATION:

Award of Bid 17-31 and authorization of a contract with Foundation Specialties, Inc. in the amount of \$34,918 for the installation of micropile foundations for the Cato Springs Trail Bridge No. 3 and approval of a 10% contingency in the amount of \$3,491.80.

BACKGROUND:

The 2.9 mile Cato Springs Trail will extend the Razorback Regional Greenway to the Kessler Mountain Regional Park and provide an active transportation route for all the residents of Northwest Arkansas to visit and enjoy the cultural and recreation amenities and beautiful natural areas in Fayetteville. Due to the large scale of the trail, the project has been divided into 2.3 miles being constructed by the City in-house trail construction crew and 0.6 miles to be built by Boulder Construction who was the low bidder of bid 16-53 and approved by resolution 183-16.

The 2.3-mile in-house section includes a 130-foot long bridge which has been designed with a micropile foundation system. The micropiles will be drilled into the solid rock below to support the bridge abutments. The installation of micropiles requires special equipment so the City has solicited formal bids through bid 17-31.

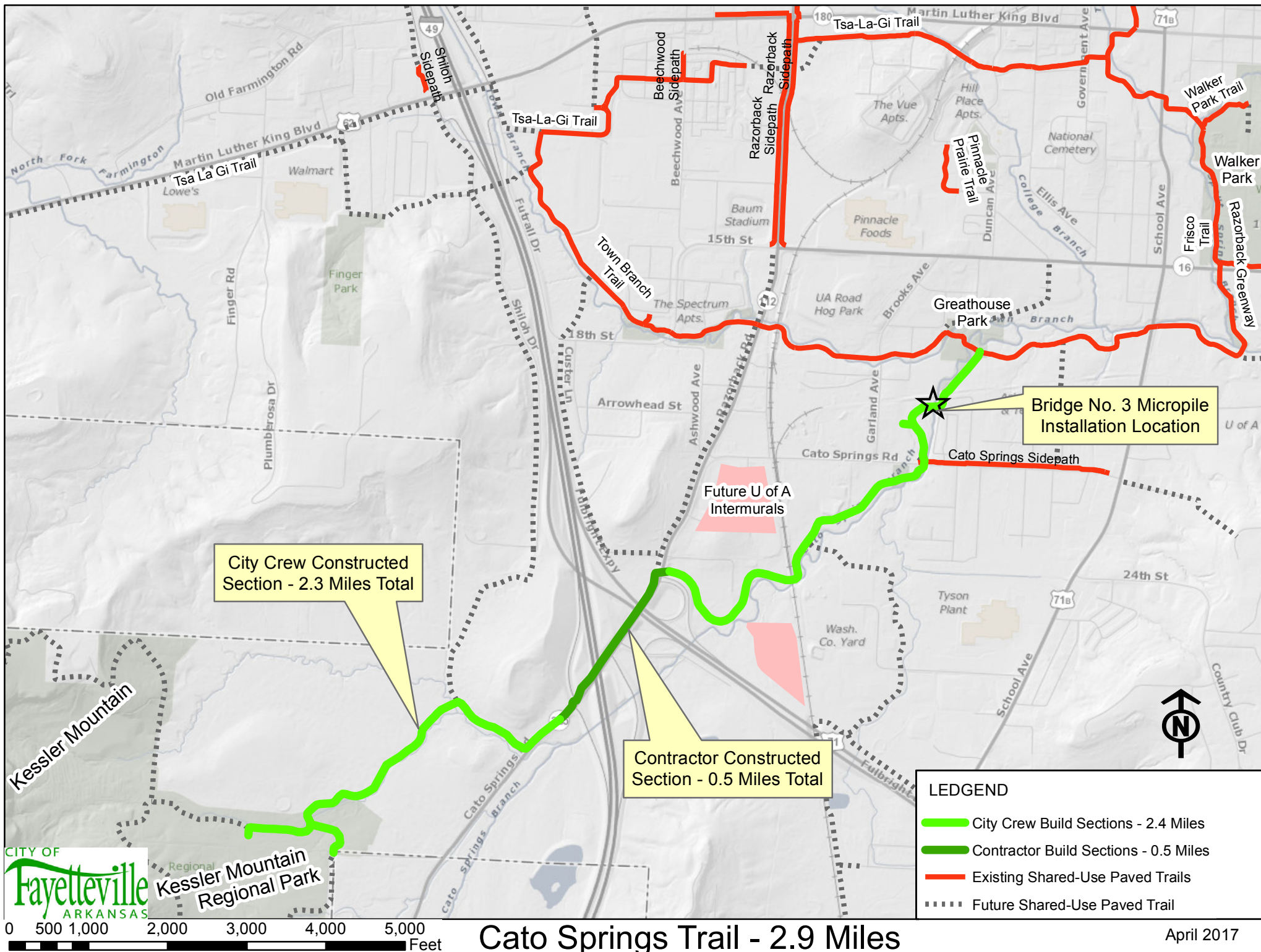
DISCUSSION:

Foundation Specialties, Inc. was the only bidder who responded to the request for formal bids on April 19th 2017. The City has had a successful working relationship with Foundation Specialties, Inc. as they have installed many of the micropile bridge foundations along the trail system.

BUDGET/STAFF IMPACT:

The City was awarded a matching grant of \$2,000,000 for the Cato Springs Trail from the Walton Family Foundation recognized through Resolution 73-16. Funding for the micropiles has been budgeted through the Cato Springs Trail Project.

Attachments: Cato Springs Trail Map
Bid 17-31 Bid Submittal and Tabulation
Contract – Foundation Specialties Inc.





Bid: 17-31
DATE: 4.19.2017
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 17-31, Construction - Micropiles

Official Bid Tabulation

Bidder	Total Lump Sum Bid
Foundation Specialties, Inc.	\$34,918.00

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

CERTIFIED:

A handwritten signature in cursive script, appearing to read "A. Rennie".

A. Rennie, Purchasing Manager

A handwritten signature in cursive script, appearing to be a stylized "W".

Witness

4/21/17

Date:

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

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

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

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

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

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

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

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

K.) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over City.

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

M.) No Bid shall be based upon aggregate of Subcontractors performing more than 60 percent of the total Work.

N.) The experience, past performance, and ability of each proposed Subcontractor will be considered in the evaluation of Bids. Any Subcontractor so requested shall be required to furnish experience statements prior to the Notice of Awards.

O.) 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.

1. Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
2. 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.

Section 4 – Price:

Total Lump Sum Bid in the amount of \$ **34,918.00, Thirty Four Thousand Nine Hundred Eighteen Dollars**

Section 5 – Listing of Subcontractors:

I, the signed General Contractor, certify that proposals from the following subcontractors were used in the preparation of my proposal. I agree that if I am the successful bidder, and if the following subcontractors are approved by the City, I will not enter into contracts with others for these divisions of the Work without written approval from the City.

Type of Work: **No Subcontractors**

Subcontractor's Name: _____

Arkansas License No: _____

Address: _____

Date Firm Established: _____

Percentage of Work: _____

Type of Work: **No Subcontractors**

Subcontractor's Name: _____

Arkansas License No: _____

Address: _____

Date Firm Established: _____

Percentage of Work: _____

Type of Work: **No Subcontractors**

Subcontractor's Name: _____

Arkansas License No: _____

City of Fayetteville, AR

Bid 17-31, Construction – Micropiles

Page 24 of 44

Address: _____

Date Firm Established: _____

Percentage of Work: _____

Section 6 – Contract Times:

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

B.) Bidder accepts the provisions of the Agreement referring to liquidated damages in the event of failure to complete the Work with the times specified in the Agreement.

Section 7 – Communications:

A.) Communications concerning this Bid shall be addressed to the Bidder as follows:

Foundation Specialties, Inc.

PO Box 505

Lowell, AR 72745-0505

Phone No. **479-756-2930**

FAX No. **479-756-2931**

A.) This bid is being submitted in good faith, according to the entire bid package presented:

SUBMITTED on this **19th** Date of **April**, 20 **17**.

Arkansas State Contractor License No. **0039030318**

DUNS #: **062154208** CAGE CODE: **57HE2**

If Bidder is:

OPTION 1: An Individual

Name (type or printed): _____

By: _____ (SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

OPTION 2: A Partnership

Partnership Name: _____ (SEAL)

By: _____

(Signature of general partner – attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

Phone No.: _____ FAX No.: _____

OPTION 3: A Corporation or LLC

Corporation Name: Foundation Specialties, Inc. (SEAL)

Date of Incorporation: September 15, 1989

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

By:  _____

(Signature – attach evidence of authority to sign)

Name (type or printed): Paul Gintonio

Title: President


R. GLEN CARTE SECRETARY-TREASURER

(CORPORATE SEAL)

Business address: 881 Hatcher Rd., Bethel Heights, AR 72764-8465

Phone No.: 479-756-2930 FAX No.: 479-756-2931

City of Fayetteville
Bid 17-31, Construction – Micropiles
Vendor References

The following information is required from all Bidders so all bids may be reviewed and properly evaluated.

COMPANY NAME: Foundation Specialties, Inc.

BUSINESS ADDRESS: 881 Hatcher Rd, Bethel Heights, AR 72764-8465

NUMBER OF YEARS IN BUSINESS: 28 HOW LONG IN PRESENT LOCATION: 28 years in NWA

TOTAL NUMBER OF CURRENT EMPLOYEES: 21 FULL TIME 0 PART TIME

NUMBER OF EMPLOYEES YOU PLAN TO USE TO SERVICE THIS CONTRACT: 4 FULL TIME 0 PART TIME

PLEASE LIST FOUR (4) LOCAL COMMERCIAL AND/OR GOVERNMENTAL REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed). Contractors shall have valid experience.

1. City of Fayetteville - Trails Coordinator

COMPANY NAME

Fayetteville, AR 72702

CITY, STATE, ZIP

Matthew Mihalevich

CONTACT PERSON

479-444-3416

TELEPHONE

02-13-2015

DATE COMPLETED

mmihalevich@fayetteville.ar.gov

E-MAIL ADDRESS

3. Crossland Heavy Contractors

COMPANY NAME

Rogers, AR 72758

CITY, STATE, ZIP

Dan Thompson

CONTACT PERSON

479-366-1637

TELEPHONE

06-23-2016

DATE COMPLETED

dthompson@heavycontractors.com

E-MAIL ADDRESS

2. Boulder Construction

COMPANY NAME

Fayetteville, AR 72701

CITY, STATE, ZIP

Ron Troutman

CONTACT PERSON

479-521-8881

TELEPHONE

10-22-2013

DATE COMPLETED

ron@boulderconst.com

E-MAIL ADDRESS

4. Arco Excavation & Paving

COMPANY NAME

Bentonville, AR 72712

CITY, STATE, ZIP

Matt Cravey

CONTACT PERSON

479-451-8000

TELEPHONE

05-22-2014

DATE COMPLETED

matt@arocexc.com

E-MAIL ADDRESS

This contract executed this ____ day of _____, 2017, between the City of Fayetteville, Arkansas, and Foundation Specialties, Inc. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Foundation Specialties, Inc. at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 17-31 as stated in Foundation Specialties, Inc. bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 17-31, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay Foundation Specialties, Inc. based on their bid proposal in an amount not to exceed \$34,918.00 for the initial scope of work. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after acceptance of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and Foundation Specialties, Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 17-31 with the specifications and conditions typed thereon.
 - B. Foundation Specialties, Inc. bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and Foundation Specialties, Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Foundation Specialties, Inc..
5. Foundation Specialties, Inc. shall not assign its duties under the terms of this agreement.
6. Foundation Specialties, Inc. agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from Foundation Specialties, Inc. performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. Foundation Specialties, Inc. shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, Foundation Specialties, Inc. shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

Bodily Injury Liability	\$500,000 for each person injured. \$1,000,000 for each accident.
Property Damage Liability	\$1,000,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by Foundation Specialties, Inc.

8. Foundation Specialties, Inc. to furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or Foundation Specialties, Inc. with 30 days written notice.
10. This project shall be completed within **30 calendar days** from issue date of Notice to Proceed.
11. Liquidated Damages: N/A
12. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo copying costs pursuant to the FOIA may be assessed for this compliance.
13. Changes in Scope or Price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2017.

Foundation Specialties, Inc.

CITY OF FAYETTEVILLE, ARKANSAS

By: 

Signature

By: _____

LIONELD JORDAN, Mayor

Paul Gintonio its President

Printed Contractor Name & Title



ATTEST (Signature)

ATTEST: (Signature)

R. Glen Carte

Company Secretary (Printed Name)

Sondra Smith, City Clerk

Business Address

Bethel Heights, AR 72764-8465

City, State & Zip Code

Date Signed: April 20, 2017

Date Signed: _____



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0243

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

RFP #17-11 CHALLENGER TEAMWEAR:

A RESOLUTION TO AWARD RFP #17-11 AND AUTHORIZE A CONTRACT WITH CHALLENGER TEAMWEAR FOR THE PURCHASE OF YOUTH SOCCER UNIFORMS IN THE AMOUNT OF \$14.96 PLUS APPLICABLE TAXES PER UNIFORM FOR THE FALL 2017 AND SPRING 2018 SEASONS, WITH AN AUTOMATIC RENEWAL AT THE SAME PRICE FOR THE FALL 2018 AND SPRING 2019 SEASONS

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 RFP #17-11 and authorizes a contract with Challenger Teamwear for the purchase of youth soccer uniforms in the amount of \$14.96 plus applicable taxes per uniform for the Fall 2017 and Spring 2018 seasons, with an automatic renewal at the same price for the Fall 2018 and Spring 2019 seasons.

City of Fayetteville Staff Review Form

2017-0243

Legistar File ID

5/16/2017

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

John Crow

4/28/2017

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Parks and Recreation Staff recommends City Council award RFP 17-11 to Challenger Teamwear for approximately \$26,000 for the purchase of soccer uniforms for the Fall 2017 and Spring 2018 seasons at a cost of \$14.96 per uniform. The price includes a pair of socks, shorts, and jersey with a two digit number and the screen printed team logo/sponsor. The resolution includes an automatic renewal for the Fall 2018 and Spring 2019 seasons.

Budget Impact:

1010.5220.5200.05

Tournament Supplies/Awards

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 72,861.00

Funds Obligated \$ 9,898.06

Current Balance \$ 62,962.94

Does item have a cost? Yes

Item Cost \$ 26,000.00

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ 36,962.94

Previous Ordinance or Resolution # 109-15

V20140710

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 16, 2017

TO: Mayor and City Council

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

FROM: John Crow, Recreation Superintendent

DATE: April 28, 2017

SUBJECT: Resolution to approve the purchase of youth soccer uniforms from Challenger Teamwear for the approximate amount of \$26,000 for the Fall 2017 and Spring 2018 seasons.

RECOMMENDATION:

Parks and Recreation Staff recommend City Council award RFP 17-11 to Challenger Teamwear for approximately \$26,000 for the purchase of soccer uniforms for the Fall 2017 and Spring 2018 seasons. Amount of purchase will depend on the number of registered participants in the soccer program. The resolution includes an automatic renewal for the Fall 2018 and Spring 2019 seasons.

BACKGROUND:

Fayetteville Parks and Recreation operates one of the largest recreational soccer programs in the state with over 1,600 participants. It is important to get a quality uniform at a reasonable price with a turnaround time that is compatible with the program's timeline.

DISCUSSION:

Fayetteville Parks and Recreation currently charges between \$60 and \$75 to participate in the soccer program. The fees cover the various expenses associated with running the program, including ref fees, insurance, equipment and uniforms. Parks and Recreation budgets between \$15 and \$20 per child for uniforms. This includes a pair of shorts, socks, and a jersey with the numbers and logos screen printed.

An RFP was advertised, soliciting prices and samples from companies wanting to provide uniforms for the soccer program. The Selection Committee unanimously chose Challenger Teamwear.

Two companies submitted a proposal to provide uniforms. Challenger Teamwear submitted a price of \$14.95 while Score Sports submitted \$15.85 per set. The committee chose Challenger based on the quality of the uniforms, lower price, and quicker turnaround times for initial and secondary orders. They met all the qualifications as specified in the RFP. Challenger has historically provided good service to Fayetteville Parks and Recreation in previous years.

BUDGET/STAFF IMPACT:

The 2017 Operations Budget includes \$26,240 for the purchase of soccer uniforms. The purchase amount will be approximately \$26,000 and will depend on the number of participants who register for the program. The resolution includes an automatic renewal for the Fall 2018 and Spring 2019 seasons.

Attachments:

Challenger RFP Submittal
Submittal Analysis



City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8220
TDD (Telecommunication Device for the Deaf): 479.521.1316

RFP (REQUEST FOR PROPOSAL)

REQUEST FOR PROPOSAL: RFP 17-11, Soccer Uniforms

DEADLINE: Thursday, April 06, 2017 before 2:00:00 PM, local time

RFP DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701

PURCHASING AGENT: Les McGaugh, lmcgaugh@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: Friday March 17, 2017

REQUEST FOR PROPOSAL RFP 17-11, Soccer Uniforms

No late proposals shall be accepted. RFP's shall be submitted in sealed envelopes labeled with the project number and name as well as the name and address of the firm.

All proposals shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each Proposer is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection. Any bid, proposal, or statements of qualification will be rejected that violates or conflicts with state, local, or federal laws, ordinances, or policies.

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 submitting, 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 Agent.

Name of Firm: Challenger Teamwear

Contact Person: Greg Knight Title: Central USA Sales Director

E-Mail: gknight@challengerbeamwear.com Phone: 866 243 5862

Business Address: 8263 Flint

City: Lenexa State: KS Zip: 66214

Signature: Greg Knight Date: 3/31/17



March 31, 2017

Dear City of Fayetteville,

Listed below are a few uniform options available to you from Challenger Teamwear. I have given you prices on a number of uniform styles. The price includes jersey, number, shorts & socks.

Uniform Set

Apache Set	\$14.95 Youth	\$14.95 Adult	Page 20	Sizes – YXXS-AXXL – 16 colors
Ranger Set	\$14.95 Youth	\$14.95 Adult	Page 19	Sizes – YXS-AXL – 16 colors
Tomahawk Set	\$14.95 Youth	\$14.95 Adult	Page 14	Sizes – YXS-AXXL – 21 colors
Mayan Set	\$14.95 Youth	\$14.95 Adult	Page 13	Sizes – YXXS-AXL – 16 colors
Seminole Set	\$14.95 Youth	\$14.95 Adult	Page 11	Sizes – YXS-AXXL – 18 colors

*Uniform Set includes – Jersey, One-Color number, Patriot or Dakota Short, Premiere sock.

Upgrade Short

Frisco FREE UPGRADE

Additional Information

- Numbers - Uniform Set includes 8 inch number on back of jersey.
- Dakota Short – available in 11 colors
- Premiere Sock – available in 15 colors
- Shipping – all uniforms will be shipped UPS. We are 2 day ground UPS from you – we ship from Kansas.
- Turnaround time Main order – 14-15 days from date of order. Can be less - We can work with you if dates are provided.
- Turnaround time on additional orders – 6 business days with ground shipping.

Qualifications

- Experience – Challenger has over 15 years of experience of providing Soccer uniforms direct to City soccer leagues.
- Challenger provides uniforms to over 1000 soccer leagues in the United States.
- Challenger provides uniforms to soccer leagues with 100-4000 soccer players.
- All Challenger uniforms are housed, separated, printed, packed and shipped from one central location.
- All uniforms will be separated and labeled by team for easy distribution.

Experience, Competence, and Capacity

- Jersey Quality – Each of our fabrics are knit with quality yarns and finished to have a rich soft feel for maximum comfort, ultimate moisture-wicking and breathability. Our jerseys are known for their bright colors – we use the most expensive reactive dyes to retain their bright color and prevent bleeding or fading. Each seam is double-stitched with extra strong threads which prevent seam splitting. A soft heavy-weight trim is used for the neckbands on Challenger Teamwear's jerseys to retain the jerseys shape.
- Short Quality – we pre-shrink the elastic band before sewing into our shorts. Polyester fabric does not shrink. If the elastic band has not been pre-shrunk before being sewn into a waist band, the fabric will bunch with the first wash. A heavy duty, more expensive polyester drawstring is used in all our shorts, again to prevent shrinkage and bunching.
- Sock Quality – The 'Premiere' sock is made of elasticized acrylic-nylon fabric and nylon true rib legs, with turndown cuffs to hold full-length shin-guards in place. This sock also has a cushioned insole.

Past Performance

- See Reference sheet

League Gifts

Challenger would also like to offer the league Gifts:

- **Challenger - N.S.C.A.A 'Parent Coach' coaching Certificate course** - \$35.00 Value – FREE to your club. Challenger has partnered with the largest coaching organization in the U.S.A. the N.S.C.A.A. and will come and put on a complementary coaching course for your Recreational parent coaches for FREE.
- **The Challenger Way** - Access to our new on-line training tool – with a comprehensive collection of coaching drills, Team practices, small sided games and much more to support all your youth coaches – Check out the FREE demo at www.thechallengerway.com . Retail price \$79.00 – your price \$5.95 per coach!
- **League Store** – Challenger can create a league store for parents to purchase club customized items. This can be used as a fundraiser for the league and also an avenue for parents to show their club support.

In addition to the great prices, quality uniforms and gifts I want to list additional advantages of working with Challenger:

- Location – our uniforms are housed, printed, packed and shipped from Kansas – we are only a **2 day ship to you. Shorter shipping time.**
- Additional orders – if you can order by noon any day we can have the uniforms to in 6 business days with logo and numbers – with ground shipping!
- Team Packed – all uniforms can be team packed and labeled ready for distribution
- Sizing samples – Complementary sizing samples for registration.
- Comfort – all our uniforms are tag – less and with stitching hidden in neck line for additional comfort.

- On line ordering – we keep you in the loop all along the ordering process – with e-mail confirmation of the order, e-mail tracking of the order and you can order 24 hours a day!
- Access to Challenger Sports resources – British Soccer Camps, Tetra Brazil Camps, Year round coaching, Tours, Tournaments.

I look forward to speaking with you to discuss our proposal but should you have any immediate questions please do not hesitate to contact me at: Tel: 866-243-5862 or email: gknight@challengersports.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Knight', written in a cursive style.

Greg Knight
Regional Director
Challenger Teamwear

City of Fayetteville
RFP 17-11, Soccer Uniforms
SECTION C: Vendor References

The following information is required from all firms so all statements of qualification may be reviewed and properly evaluated:

COMPANY NAME: Challenger Teamwear

NUMBER OF YEARS IN BUSINESS: 15 HOW LONG IN PRESENT LOCATION: 10

TOTAL NUMBER OF CURRENT EMPLOYEES: 75 FULL TIME 95 PART TIME

NUMBER OF EMPLOYEES PLANNED FOR THIS CONTRACT: 3 FULL TIME 4 PART TIME

PLEASE LIST FOUR (4) REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed):

1. City of Tallahassee

COMPANY NAME

Tallahassee FL 32301

CITY, STATE, ZIP

Lucas Williams

CONTACT PERSON

850 891 3825

TELEPHONE

850 891 3850

FAX NUMBER

lucas.williams@talgov.com

E-MAIL ADDRESS

2. City of Batesville

COMPANY NAME

Batesville AR 72501

CITY, STATE, ZIP

Lowen Lermite

CONTACT PERSON

870 698 2427

TELEPHONE

870 698 2527

FAX NUMBER

YouthSports@cityofbatesville.com

E-MAIL ADDRESS

3. City of Apopka

COMPANY NAME

Apopka FL 32703

CITY, STATE, ZIP

Darko Bocevski

CONTACT PERSON

407 703 1784

TELEPHONE

407 703 1783

FAX NUMBER

darkobocevski@apopka.net

E-MAIL ADDRESS

4. Oxford Park Commission

COMPANY NAME

Oxford MS 38635

CITY, STATE, ZIP

Jared Barkley

CONTACT PERSON

662 232 2378

TELEPHONE

662 232 2380

FAX NUMBER

Jared@oxfordparkcommission.com

E-MAIL ADDRESS

1. DISCLOSURE INFORMATION

Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Proposer response must 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, to your knowledge, 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. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

✓ 1) NO KNOWN RELATIONSHIP EXISTS

_____ 2) RELATIONSHIP EXISTS (Please explain): _____

I certify that; as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and my organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

2. PRIMARY CONTACT INFORMATION

At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.**

Corporate Name of Firm: Challenger Teamwear

Primary Contact: Greg Knight Title of Primary Contact: Central USA Sales Director

Phone#1 (cell preferred): 813 346 7340 Phone#2: 866 243 5862

E-Mail Address: gknight @ challenger teamwear. com

3. ACKNOWLEDGEMENT OF ADDENDA

Acknowledge receipt of addenda for this invitation to bid, request for proposal, or request for qualification by signing and dating below. All addendums are hereby made a part of the bid or RFP documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED
RFP 17-11, #1	<i>Greg Knight</i> Greg Knight	3/24/17.

4. PRICING:

PROPOSALS SHALL NOT BE FAXED & SHALL BE SIGNED AND SEALED WHEN SUBMITTED

1.) Price Per Uniform (includes shirt, shorts, socks, & screen print): \$ 14.95 (NOT INCLUDING TAX)

Note: An estimate of 1,700 per fall/spring combined season for a total of approximately 3,400 uniforms if the City renews the purchase for the second term.

2.) Processing time from City order to shipment of items: 8-15 Calendar Days for each order

3.) **Do you want samples returned? YES (NO) (circle one)

**If yes, City will send via FedEx and charge Proposer's FedEx number: _____

4.) Price will increase 0 % per uniform for term 2 of this purchase (Fall 2018, Spring 2019)

5.) List the location of manufacturing for the uniform: Vietnam and USA

6.) List the fiber content and place of origin: 100 % Polyester, Vietnam and USA

7.) List any environmental, labor, or safety violations filed against your company: N/A

8.) Describe environmental best management practices: Please see next page.

Environmental Best Management Practices

Our company is an American company started by Ron Matsch who was raised in Rogers, Arkansas and graduated from Arkansas State University. His first job was working for Spaulding Racquetball Clubs nationwide. There, he noticed that, that while there were many options for physical activity for adults, at that time, there was no activity base for youth. So he created a national franchise called Discovery Zone, where children and their parents could get fun activity together. Once this was started, he began Challenger Sports, a soccer based company. He realized that soccer was a sport that all shapes and sizes could participate in and have fun while getting the much needed exercise they needed. In other words, physical fitness for youth has been Ron's top priority. This has led to the basic philosophy of the our company, 'to put smiles on kids faces'.

Challenger Sports and all of its divisions, including Challenger Teamwear is now the largest soccer company in the United States. It includes an in-house print and art department for the production and implementation of logos, sponsors, and numbers. This department also meets OSHA standards. Safety is priority, and in the 15 years of operation, no one has been hurt. It employs men and women equally at all skill levels as well as the disabled. We also employ work study students from the surrounding colleges to help them with job training. It is management's policy to help those who may not have had the best opportunities, to learn skills through on-the-job- training to get ahead within the company. Occasionally this has led to losing good employees as they progress in their careers based on what they have learned within the company. But this also allows for opportunities for others.

We use 100% nontoxic dyestuffs. They are 30% more costly than those made in by other companies but well worth the difference in cost since they offer no danger to children touching the surface of the garment and then putting their hand in their mouth.

All of our screen print ink is made in USA and is nontoxic.

Our polyester is made in high tech modern fabric mills using the latest in pollution control and safety standards. Under law, there is no child labor. The National government requires a high school diploma before a person can apply for a job.

Our cardboard uses projects that systematically replant trees to insure no permanent damage to the ecology.

Our factories are clean, modern, safe and high tech applying the latest equipment to insure that state of the art equipment and methods are used to produce quality merchandise.

5. DEBARMENT CERTIFICATION:

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

Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

Signature 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.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME OF COMPANY: Challenger Teamwear

PHYSICAL ADDRESS: Challenger Teamwear

MAILING ADDRESS: 8263 Flint, Lenexa KS 66214

PRINTED NAME: Greg Knight

PHONE: 813 346 7340 FAX: 913 599 2928

E-MAIL: gknight@challengerteamwear.com

SIGNATURE: 

TITLE: Central USA Sales Director DATE: 3/31/17



City of Fayetteville, Arkansas
RFP 17-11, Soccer Uniforms
Submittal Analysis

	American Soccer Co dba Score Sports	Challenger Teamwear
Price per Uniform (includes shirt, shorts, socks, & 2 digit number screen print)	12.10 + 1.00 (Team Name) + 2.75 (Team Logo) = 15.85 for black/white	14.95 (16 Color)
Processing Time	Within 16 business days	8-15 Calendar Days
Price increase for term 2	0%	0%
Fiber content	Polyester/nylon from various sources woven @ SCORE	100% Polyester, Vietnam and USA



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0224

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

CITY OF JOHNSON MEMORANDUM OF UNDERSTANDING:

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FAYETTEVILLE AND THE CITY OF JOHNSON TO TRANSFER CONTROL, OPERATION, OWNERSHIP AND MAINTENANCE OF THE TRAFFIC SIGNAL AT THE JOYCE BOULEVARD AND WILKERSON STREET INTERSECTION IN JOHNSON

WHEREAS, in the 1990's the City of Fayetteville sought a northwestern access to Gregg Street (known as Wilkerson when it enters Johnson) from the Northwest Arkansas Mall area; and

WHEREAS, the City of Johnson cooperated and worked with the City of Fayetteville to provide right-of-way through the City of Johnson from its border with Fayetteville to the intersection with Wilkerson to create this new east-west corridor; and

WHEREAS, the City of Fayetteville installed a traffic signal at this intersection and has operated and maintained it for the last two decades; and

WHEREAS, the City of Johnson desires to obtain ownership and control over this traffic signal within its corporate limits and plans to modify it to create protected pedestrian crossings and if Johnson extends Joyce Avenue toward the west; and

WHEREAS, the City of Fayetteville Transportation Department supports this transfer of ownership and maintenance responsibilities to the City of Johnson; and

WHEREAS, the City of Johnson has agreed to the proposed Memorandum of Understanding which places a duty upon the City of Johnson to "properly operate and maintain this traffic signal...so that it continues to operate efficiently and provide the same basic service as the motoring public has enjoyed for the last couple of decades."

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the attached Memorandum of Understanding with the City of Johnson and authorizes Mayor Jordan to sign this contract which transfers control, operation, ownership and maintenance of the traffic signal at the Joyce Boulevard and Wilkerson Street intersection to the City of Johnson.

City of Fayetteville Staff Review Form

2017-0224

Legistar File ID

5/16/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

4/20/2017

Transportation Services /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FAYETTEVILLE AND THE CITY OF JOHNSON TO TRANSFER CONTROL, OPERATION, OWNERSHIP AND MAINTENANCE OF THE TRAFFIC SIGNAL AT THE JOYCE BOULEVARD AND WILKERSON STREET INTERSECTION IN JOHNSON.

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: Transferring this traffic signal to the City of Johnson would reduce annual utility expense and general maintenance operating costs.



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 16, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Terry Gulley, Transportation Services Director

DATE: April 20, 2017

SUBJECT: Joyce Boulevard & Wilkerson Street Traffic Signal

RECOMMENDATION:

A resolution to approve a memorandum of understanding between the City of Fayetteville and the City of Johnson to transfer control, operation, ownership and maintenance of the traffic signal at the Joyce Boulevard and Wilkerson Street intersection in Johnson.

BACKGROUND:

In the 1990s the City of Johnson cooperated and worked with the City of Fayetteville to provide right-of-way access to Gregg Avenue from the Northwest Arkansas Mall area. The City of Fayetteville installed a traffic signal at the intersection of Joyce Boulevard and Wilkerson Street and has maintained it for the last two decades.

DISCUSSION:

The City of Johnson desires to obtain ownership and control over this traffic signal within its corporate limits and plans to modify it to create protected pedestrian crossings and may replace with a four way signal if Joyce Boulevard is extended to the west.

BUDGET/STAFF IMPACT:

Transferring this traffic signal would reduce annual utility and general maintenance operating costs.

Attachments:

City of Johnson Resolution 2017-03
Memorandum of Understanding

RESOLUTION 2017- 03

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITIES OF JOHNSON AND FAYETTEVILLE, ARKANSAS, CONCERNING THE TRAFFIC SIGNAL AT JOYCE AND WILKERSON

WHEREAS, the Cities of Johnson and Fayetteville previously entered into an interlocal agreement that the traffic signal at the intersection of Joyce Boulevard and Wilkerson Street within the city limits of Johnson would be owned and operated by the City of Fayetteville;

WHEREAS, discussions between the cities over the last several months centered on the City of Johnson assuming responsibility for the traffic signal and adding pedestrian crossing sections to tie in with the nearby trailhead;

WHEREAS, future development in the City of Johnson will necessitate that the traffic signal at that intersection be converted into four-way operation; and,

WHEREAS, the Cities of Fayetteville, Arkansas and Johnson Arkansas have reached a Memorandum of Understanding regarding the transfer of ownership and responsibility for the operation of the traffic signal at that intersection;

BE IT RESOLVED BY THE CITY COUNCIL OF JOHNSON, ARKANSAS, that:

Section 1: The Memorandum of Understanding regarding the transfer of the traffic signal located at the intersection of Joyce Boulevard and Wilkerson Street, as attached to this resolution, is hereby approved by the Council.

Section 2: The Mayor and Recorder-Treasurer are hereby authorized to sign and execute the attached Memorandum of Understanding with the Mayor and Clerk of the City of Fayetteville.

Section 3: Regarding the transfer of the traffic signal at Wilkerson and Joyce, that the Mayor and Recorder-Treasurer are hereby authorized and directed to take such further steps as are necessary to maintain and operate such traffic signal so as to provide the same basic service as the motoring public has enjoyed for the last couple of decades and to provide for safe crossings of Wilkerson Street by pedestrians at that location.

PASSED AND APPROVED this 11th day of April, 2017.

APPROVED:



CHRIS KEENEY, Mayor

ATTEST:



JENNIFER ALLEN, Recorder-Treasurer

MEMORANDUM OF UNDERSTANDING

The City of Johnson and the City of Fayetteville hereby enter into this Memorandum of Understanding concerning the control, operation, ownership and maintenance of the traffic signal located at the intersection of Joyce Avenue and Wilkerson Street in Johnson, Arkansas.

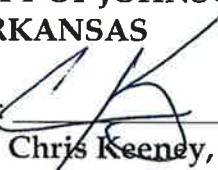
The City of Fayetteville agrees to transfer its control, operation, ownership and maintenance of this traffic signal at the intersection of Joyce and Wilkerson to the City of Johnson under the following terms and conditions:

1. The City of Johnson will properly operate and maintain this traffic signal or its authorized replacement so that it continues to operate efficiently and provide the same basic service as the motoring public has enjoyed for the last couple of decades.
2. The City of Johnson may install traffic signal protected crosswalks to encourage and assist pedestrian use of sidewalks and/or trails.
3. The City of Johnson may replace the existing traffic signal with a four way signal of the same quality and capabilities if Joyce is extended to the West.
4. Reasonable vehicular access through this intersection to and from Joyce Avenue toward the East shall be maintained.

In agreement with all the terms, conditions and duties listed above, the Mayors of the City of Johnson and City of Fayetteville have properly signed below.

**CITY OF JOHNSON,
ARKANSAS**

By: _____


Chris Keeney, Mayor

ATTEST:

By: _____


Jennifer Allen, Recorder

Date: _____

4/11/17

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: _____


Lioneld Jordan, Mayor

ATTEST:

By: _____

Sondra E. Smith, City Clerk

Date: _____



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0240

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

CISCO SYSTEMS, INC.:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF CISCO SYSTEMS, INC. DATA COMMUNICATIONS PRODUCTS AND SERVICES THROUGH AUTHORIZED RESELLERS, PURSUANT TO A STATE OF ARKANSAS AND WESTERN STATES CONTRACTING ALLIANCE - NATIONAL ASSOCIATION OF PROCUREMENT OFFICIALS CONTRACT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of Cisco Systems, Inc. data communications products and services through authorized resellers, pursuant to a State of Arkansas and Western States Contracting Alliance - National Association of Procurement Officials contract, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2017-0240

Legistar File ID

5/16/2017

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

Keith Macedo

4/26/2017

Information Technology /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Authorization to utilize State contract SP-16-0027 through Western States Contracting Alliance (WSCA) National Association of Procurement Officials (NASPO) ValuePoint Cooperative Contract #AR233, and purchase from authorized resellers of Cisco Systems, Inc. on an as needed basis for data communications products and services through May 31, 2019.

Budget Impact:

Vairous

Various

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached?

Budget Adjustment

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 16, 2017

TO: Mayor Lioneld Jordan and City Council

THRU: Don Marr, Chief of Staff
Keith Macedo, Information Technology Director

FROM: Brad Fulmer, Infrastructure Manager

DATE: April 24, 2017

SUBJECT: **Authorization to utilize State contract SP-16-0027, through agreement #4600036986, for the purchase of data communications products and services.**

RECOMMENDATION:

Authorization to utilize State contract SP-16-0027 through Western States Contracting Alliance (WSCA) National Association of Procurement Officials (NASPO) ValuePoint Cooperative Contract #AR233, and purchase from authorized resellers of Cisco Systems, Inc. on an as needed basis for data communications products and services through May 31, 2019.

BACKGROUND:

Data communications products and services were bid through a reputable national cooperative known as WSCA or NASPO Value Point. The State of Arkansas signed participating contract SP-16-0027, through agreement #4600036986, to acknowledge NASPO ValuePoint #AR233 for data communications products and services which can be utilized by all Arkansas state agencies and cooperative participants including cities, counties, schools (K-12), colleges and universities. The NASPO ValuePoint purchasing cooperative program is led by State Procurement Officers from member States elected by their peers. Every NASPO ValuePoint contract is the result of a formal competitive solicitation conducted by trained, professional procurement officials of a lead state's central procurement office under direction of a lead state's State Procurement Official in accordance with that state's procurement statutes, regulations, and policies.

Contract SP-16-0027 was awarded to multiple vendors and is valid through May 31, 2019. All purchases and invoices resulting from these contracts will be made through an authorized dealer.

DISCUSSION:

Purchasing data communications products and services from the State of Arkansas contract gives the City an opportunity to have competitive pricing which is based off a high-volume discount. If the City were to bid such products and services itself, it would not benefit from the shared purchasing power that the NASPO ValuePoint cooperative contract provides. There is no fee to the City to purchase from the state contract.

BUDGET/STAFF IMPACT:

Data communications products are budgeted within each division and various capital improvement projects and operating budgets across the City.

Attachments:

Staff Review Form

WSCA / NASPO ValuePoint Participating Addendum with State of Arkansas

State of Arkansas Contract SP-16-0027 and Agreement #4600036986

State of Arkansas Cisco Authorized Dealers list

Cisco Cost Schedule JP14001

PARTICIPATING ADDENDUM
NASPO ValuePoint COOPERATIVE PURCHASING ORGANIZATION
Data Communications Products And Services
Administered by the State of Utah
(hereinafter "Lead State")
MASTER AGREEMENT
Master Agreement No: AR233
Cisco Systems, Inc.
(hereinafter "Contractor")
and
State of Arkansas
Contract No: 4600036986

1. Scope:

Cisco Systems, Inc. ("Contractor" or "Cisco") and WSCA-NASPO Cooperative Purchasing Organization have executed Master Agreement No. AR 233 for Data Communications Products and Services 14-20 ("WSCA-NASPO Master Price Agreement" or "Master Agreement"). The Master Agreement is incorporated into this addendum ("Participating Addendum") as if set forth at length. This Participating Addendum covers the Data Communications Products and Services AR233 contract led by the State of Utah for use by Arkansas state agencies and other entities authorized by the Arkansas Department of Finance and Administration Office of State Procurement (Office of State Procurement) to utilize State contracts. The general purpose of this contract is to authorize Cisco Systems Inc. to provide data communications equipment and services in the following categories: Data Center Applications, Networking Software, Network Optimization & Acceleration, Optical Networking, Routers, Security, Storage Networking, Switches, Wireless, and Unified Communications. Capitalized terms not defined in this Participating Addendum shall have the meaning set forth in the Master Agreement. To the extent of a conflict of terms between the Master Agreement and this Participating Addendum, the order of precedence set forth in Section 1 of Attachment A of the Master Agreement shall apply.

2. Participation:

All eligible purchasers within the State of Arkansas are authorized to purchase Products and Services under the terms and conditions of this agreement. State agencies **shall** be those defined by Ark. Code Ann. § 19-11-203(30)(A). Political subdivisions **shall** be those defined by Ark. Code Ann. § 19-11-203(19).

3. Participating State Modifications or Additions to Master Agreement:

These modifications or additions **shall** apply only to actions and relationships within Arkansas.

A. Payment for completion of an order under the Participating Addendum is NET thirty (30) days following the date of invoice. After 60 days the Contractor may assess overdue account charges up to a maximum rate of one half (1/2) of one (1) percent per month on the outstanding balance. Payments may be remitted by mail. Payments may be made via a State or political subdivision "Purchasing Card" with no additional charges. Payments may be made via purchasing card if purchasing card is presented at time of order. Contract vendor **shall** not process the purchasing card for payment until after the product has been shipped.

B. Payment and shipment records relevant to State of Arkansas transactions **shall** be subject to examination by appropriate Arkansas government authorities for a period of five (5) years from the invoice date of the transaction under this Participating Addendum provided, however, that such government authorities **shall** provide thirty (30) days written notice to the Contractor of its intent to conduct such examination contemplated by this section. Access to contractor's records **shall** take place during normal business hours and **shall not** unduly interrupt or interfere with the Contractor's normal business operations. In the even such examination is conducted by a third party, such third party **shall**, prior to conducting such examination, execute a confidentiality agreement for the benefit of the Contractor in a form reasonably satisfactory to the Contractor.

C. The contractor **must** provide sales/utilization reports in accordance with the following requirements:

The contractor shall provide annual sales/utilization reports electronically to the Office of State Procurement via email to OSP.ITContracts@dfa.arkansas.gov for the fiscal period of July 1 through June 30. The annual report **shall** be due no later than September 1st of each year. The Contract Activity Report format **must** be in Microsoft Excel format. The State **shall** have the right to request such sales/utilization reports to be produced for other timeframes as deemed necessary. The reports **shall** include at a minimum:

PARTICIPATING ADDENDUM
NASPO ValuePoint COOPERATIVE PURCHASING ORGANIZATION
Data Communications Products And Services
Administered by the State of Utah
(hereinafter "Lead State")
MASTER AGREEMENT
Master Agreement No: AR233
Cisco Systems, Inc.
(hereinafter "Contractor")
and
State of Arkansas
Contract No: 4600036986

- | | |
|---|--------------------------------|
| 1) Vendor Contract Number | 7) Order Date |
| 2) State | 8) Product/Service Description |
| 3) Customer Type (State, Education, Local Government) | 9) Retail Price |
| 4) Bill To Name | 10) Discount Applied |
| 5) Customer PO Number | 11) Discounted Unit Price |
| 6) Customer Number | 12) Quantity |
| | 13) Total Price |

- D. The laws of the State of Arkansas **shall** govern this agreement. Nothing under this agreement or the Master Agreement **shall** be deemed or construed as a waiver of the State's right of sovereign immunity.
- E. In the event the State no longer needs the service or commodity specified in the contract due to program changes, changes in laws, rules, regulations, lack of funds appropriated for this purpose, or relocation of offices, the State may cancel the contract by giving the contractor written notice of such cancellation 30 days prior to the date of cancellation. Any cancellation under this provision shall not effect the rights and obligations attending purchase orders received and accepted by Authorized Reseller prior to the time of cancellation, including any right of a Purchasing Entity to indemnification by the Contractor, rights of payment for goods/services delivered and accepted, and rights attending any warranty or default in performance in association with any order. After cancellation of the contract, no new purchase orders will be accepted by Contractor or Authorized Resellers.
- F. Expenses for travel **shall not** be reimbursed unless specifically permitted under the duties of the contractor. All travel **must** be approved in advance by the State. Expenditures made by the contractor for travel will be reimbursed at the current rate paid by the State in accordance with the State's written travel procedures and guidelines as previously provided to Contractor. <http://www.dfa.arkansas.gov/travel/Pages/policy.aspx>
- G. **CONFIDENTIAL INFORMATION shall** only be considered confidential by Arkansas State law (Reference the Arkansas Freedom of Information Act, Ark Code Ann. § 25-19-105). In the event the State or political subdivision are disclosing any documents marked "Confidential" related to Contractor pursuant to the Arkansas Freedom of Information Act, the State or political subdivision shall take reasonable steps to notify Contractor prior to disclosure.
- H. The following Indemnification clause replaces in its entirety the Indemnification clause specified in the Master Agreement AR233. The contractor **shall** defend indemnify and hold harmless the other party along with their officers, agencies, and employees as well as any person or entity for which they may be liable from and against employees as well as any person or entity for which they may be liable from and against third-party claims, damages or causes of action including reasonable attorney's fees and related costs for any death, injury, or damage to tangible property to the extent arising from gross negligence or willful misconduct of the indemnifying party, its employees, subcontractors, or volunteers, at any tier, relating to the performance of its obligations under the Master Agreement. This section is not subject to any limitations of liability in the Master Agreement or in any other document executed in conjunction with the Master Agreement. The foregoing indemnification obligations are conditioned upon the indemnified party promptly notifying the indemnifying party in writing of the claim, suit, or proceeding for which the indemnifying party is obligated under this Subsection, cooperating with, assisting, and providing information to, the indemnifying party as reasonably required, and granting the indemnifying party the exclusive right to defend or settle such claim, suit, or proceeding; provided that any such settlement or compromise includes a release of the indemnified party from all liability arising out of such claim, suit or proceeding.

PARTICIPATING ADDENDUM
NASPO ValuePoint COOPERATIVE PURCHASING ORGANIZATION
Master Agreement No: AR233

4. Services:

The contractor **shall not** propose or provide value-added services unless they meet one (1) or more of the following criteria:

- The value-added service is of no cost to the purchasing entity
- The value-added service is linked to items the entity has purchased through a current or past transaction, such as maintenance services related to Cisco Products provided hereunder, partner services for the installation and configuration of Cisco Products purchased hereunder.

5. Lease Agreements:

Leasing **shall not** be permissible under this contract.

6. Subcontractors:

The Contractor may use Fulfillment Partners, as defined in the Master Agreement; however, the Contractor **shall** be responsible for any agreements between Contractor and such Fulfillment Partners. The State of Arkansas **shall not** agree to and **shall not** be responsible for any terms and conditions between Contractor and Fulfillment Partners.

Fulfillment Partners, authorized in the State of Arkansas, as shown on the dedicated Contractor's (cooperative contract) website, are approved to provide sales and service support to participants in the WSCA-NASPO Master Price Agreement, e.g. for direct order taking, processing, fulfillment or provisioning. The Fulfillment Partners participation will be in accordance with the terms and conditions set forth in this Participating Addendum and the aforementioned Master Agreement and which participation shall be approved at the sole discretion of the State of Arkansas, approval of which **shall not** be unreasonably withheld, conditioned or delayed.

Subject to approval of the State of Arkansas, Contractor may add Fulfillment Partners at any time during the term of this Participating Addendum. Contractor may designate a minimum of two Fulfillment Partners and no set maximum number of Fulfillment Partners to provide sales and services support. Contractor, in its sole discretion, is not required to add, and may delete upon thirty (30) days written notice, any Fulfillment Partner who does not meet Contractor's established qualifying criteria, or where the addition of the entity would violate any state or federal law or regulation.

7. Orders:

Any Order placed by an entity ordering under this Participating Addendum for hardware, software or services **shall** be deemed to be a sale under (and governed by the prices and other terms and conditions) the Master Agreement.

Purchasers may place orders directly only through Contractor's approved Fulfillment Partners or through Cisco on products or services only provided through Cisco. Only those Fulfillment Partners approved by the State and listed during the term of Participating Addendum at Contractor's website are authorized to directly provide quotes, receive purchase orders, invoice customers, and receive payment from purchasers on Contractor's behalf.

Except as otherwise set forth in the qualifying criteria, Contractor will not, directly or indirectly, restrict any Fulfillment Partner's participation or ability to quote pricing for a Customer. The approved Fulfillment Partners will not offer less favorable pricing discounts than the contract discounts established by Cisco under the Master Agreement. However, the Fulfillment Partner may offer any additional incremental discounts to WSCA purchasers, and such additional discounts if offered, may be provided in the discretion and as the sole legal obligation of the approved Fulfillment Partner to the Participating State/Entity.

The Master Agreement number and the State Contract Number must appear on every Purchase Order placed under this Participating Addendum.

8. Individual Customer:

Each State agency and political subdivision, as a Participating Entity, that purchases products/services **shall** be treated as if they were Individual Customers. Except to the extent modified by a Participating Addendum, each agency and political subdivision **shall** be responsible to follow the terms and conditions of the Master Agreement; and they **shall** have the same rights and responsibilities for their purchases as the Lead State has in the Master Agreement. Each agency and political subdivision **shall** be responsible for their own charges, fees, and liabilities. Each agency and political subdivision **shall** have the same rights to any indemnity or to recover any costs allowed in the contract for their purchases. The Contractor **shall** apply the charges to each Participating Entity individually.

PARTICIPATING ADDENDUM
NASPO ValuePoint COOPERATIVE PURCHASING ORGANIZATION
Master Agreement No: AR233

9. Primary Contacts:

The primary contact individuals for this Participating Addendum are as follows (or their named successors):

Contractor	Name	Mimi Nguyen-Farr
	Address	2375 E. Camelback Road, Suite 450, 4 th Floor Phoenix, AZ 85016
	Telephone	408-527-2627
	E-mail	mimnguye@cisco.com
State PA/Contract Level Notifications		Agreement-notice@cisco.com
State of Arkansas	Name	Jaime Motley
	Address	1509 W 7th St 3rd Floor, Little Rock, AR 72201
	Telephone	501-371-6070
	E-mail	Jaime.Motley@dfa.arkansas.gov
NASPO ValuePoint	Name	Tim Hay
	Address	201 East Main St, Suite 1405, Lexington, KY 40607
	Telephone	503-428-5705
	E-mail	THay@NASPOValuePoint.org

The contacts listed above can be changed by the parties from time to time in writing. Such updates do not require an amendment to this Addendum.

10. Product & Services Offering:

The full suite of product and service offerings available under the Master Agreement may be procured under this Participating Addendum.

11. Term:

The term of this Participating Addendum shall begin on the date of last signature below. The term shall continue for a period ending on the Termination Date of the Master Agreement or when this Participating Addendum is terminated in accordance with the Master Agreement, whichever shall occur first.

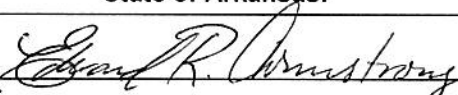
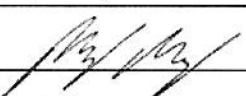
PARTICIPATING ADDENDUM
NASPO ValuePoint COOPERATIVE PURCHASING ORGANIZATION
Data Communications Products And Services
Administered by the State of Utah
(hereinafter "Lead State")
MASTER AGREEMENT
Master Agreement No: AR233
Cisco Systems, Inc.
(hereinafter "Contractor")
and
State of Arkansas
Contract No: 4600036986

12. Authority:

Each Party hereby warrants and represents it is legally authorized to enter into this Participating Addendum for the purposes and upon the terms set forth herein.

This Participating Addendum and the Master Agreement AR233, together with its exhibits, set forth the entire agreement between the parties with respect to the subject matter of all previous communications, representations or agreements, whether oral or written, with respect to the subject matter hereof. There are no conditions, understandings, agreements, representations or warranties, expressed or implied, that are not specified herein. Terms and conditions inconsistent with, contrary to or in addition to the terms and conditions of this Addendum and the Master Agreement AR233, together with its exhibits, will not be added to or incorporated into this Addendum or the Master Service Contract and its exhibits, by any subsequent purchase order or otherwise, and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this Addendum and the Master Agreement AR233 and its exhibits will prevail and govern in the case of any such inconsistent or additional terms within the Participating Entity. This Participating Addendum may be modified only by a written document executed by the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by both parties below.

State of Arkansas:	Cisco Systems, Inc. ("Cisco" or "Contractor"):
By: 	By: 
Name: <i>Edward R. Armstrong</i>	Name: <i>Phil Lozano</i>
Title: <i>Director, Office of State Procurement</i>	Title: <i>Director, Finance</i>
Date: <i>April 18, 2016</i>	Date: <i>April 12, 2016</i>

APPROVED BY LEGAL

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Data Communications Products & Services (WAN)

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Expiration Date	Contract Tracking #	Outline Agreement #	Vendor		
5/31/2019	SP-16-0027	Multiple	Multiple		

Buyer	Co-Op	Mandatory	Minority	Green
Stephanie Cellers	NASPO ValuePoint	No	No	No

Title	Posted
AASIS Multiple Vendor OA Instructions	11/05/2015
Contact Information	04/24/2017

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Little Rock, AR 72201
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Brocade			
Contract Number: 4600033423		Vendor Number: 100209568	
	Contact Name	Phone	Email
	Tania Craythorne	(408) 333-6226	

Cisco Systems			
Contract Number: 4600036986		Vendor Number: 100078550	
	Contact Name	Phone	Email
	Mimi Nguyen-Farr	(408) 527-2627	mimnguye@cisco.com

PARTNER NO.

100178887
100138866
100093992
100137000
100220162
100178430
100220002
100203587
OA 100118473
PI 100158073
100000362
OA 100112277
PI 100208321

PARTNER	Contact Name	Phone	Email
AOS	Haley Thompson	(800) 473-1110	haley.thompson@aos5.com
BCI	Dan Yarbrough	(501) 537-7914	dyarbrough@bcianswers.com
CDW-G	Ashley DiCiurcio	(312) 705-4678	ashleyd@cdw.com
CenturyLink Communications	Randy Hardy	(479) 968-0129	randy.hardy@centrulylink.com
General Datatech	Owen Grove	(214) 857-6745	owen.grove@gdt.com
GKR dba Venture Technologies	Todd Via	(901) 255-1619	todd.via@ventech.com
MSN Communicaitons	Paul Maier	(651) 393-3902	pmaier@convergeone.com
NWN Corporation	Mathew S. Nieman	(916) 637-2135	mniemann@nwnit.com
Presidio Corporation	Rick Marendt	(501) 218-8297	rmarendt@presidio.com
SHI International Corporation	Nick Grappone	(732) 564-8189	nick_grappone@SHI.com
World Wide Technology	Carol Harting	(314) 995-6103	carol.harting@wwt.com

Extreme Networks			
Contract Number: 4600033952		Vendor Number: 100140011	
	Contact Name	Phone	Email
Extreme Networks	Mike Swierk, Contract Analyst	(603)952-5221	mswierk@extremenetworks.com
Extreme Networks	Greg Blum	(504)234-9121	gblum@extremenetworks.com
PARTNER	Contact Name	Phone	Email
Howard Technologies	Melissa Reeves	(601) 399-5681	mreeves@howard.com
IK Electric	Mike Seitz	(501) 376-2081	mseitz@IKELECTRIC.com
SignalShare	Deborah Costanzo	(919) 424-6066	dcostanzo@signalshare.com

PARTNER NO.

100167131
100001870
100213449

PARTNER NO.

100093992
100206250
100060859
100084080
OA 100001471
PI 100182156
100001870
100204739
100155462
100171554
100178087

Hewlett Packard Enterprise			
Contract Number: 4600036167		Vendor Number: 10021557	
	Contact Name	Phone	Email
HP Enterprise	Chad Price	(832) 502-9135	chad.price@hpe.com
HP Enterprise	Stacey Kearns	(501) 205-6277	stacey.lyn.kearns@hpe.com
PARTNER	Contact Name	Phone	Email
CDW-G	Jumana Dihi	(312) 547-2495	jumdihi@cdw.com
Cima Solutions Group	Kevin Grace	(501) 773-0411	kgrace@cimasg.com
Complete Computing Inc	Dan Harpool	(501) 372-3379	dan.harpool@complete.com
Connection Public Sector	John Giordano	(800) 986-2294	jgiordano@govconnection.com
Howard Technology Solutions	Yareasia D. Ellis	(601) 399-5633	yellis@howard.com
IK Electric	Mike Seitz	(501) 376-2081	mseitz@ik-ns.com
Next Step Innovation	Lanny Edgar	(601) 631-8100	lanny_edgar@nextstepinnovation.com
TeleComp	Roger Thomas	(479) 721-8000	roger@telecomp.com
White River Services	Tracy McMahan	(501) 944-5971	tracy@whiteriverservices.com
United Data Tech	Steven Johnson	(501) 773-0132	sjohnson@udtonline.com

PARTNER NO.

100160815
100137000
100224104
100018599
OA 100118473
PI 100158073
OA 100112277
PI 100208321

Juniper			
Contract Number: 4600032329		Vendor Number: 100171802	
	Contact Name	Phone	Email
Juniper	Roxanne Bieniek	(978) 589-0636	rbieniek@juniper.net
PARTNER	Contact Name	Phone	Email
BCI	Dan Yarbrough	(501) 366-4144	dyarbrough@bcianswers.com
CenturyLink	Randy Hardy	(479) 698-0129	Randy.Hardy@centurylink.com
enfoPoint Solutions	Sales: Tom Spear	(615) 414-4721	tom@efopoint.com
	Reports: Judy Spear	(615) 645-0303	judy@enfopoint.com
OPTIV	Sales: Jeep Keyser	(816) 701-2034	jeep.keyser@optiv.com
	Reports: Brenda Milam	(816) 701-2034	PubSecReports@optiv.com
Presidio Corporation	Todd Smithson	(501) 765-1550	Tsmithson@PRESIDIO.com
World Wide Technology, Inc.	Sales: Doug Reeves	(479) 856-1441	doug.reeves@wwt.com
	Reports: Carol Harting	(314) 995-6103	carol.harting@wwt.com

PARTNER NO.

100093992
100018599

Palo Alto			
Contract Number: 4600036782		Vendor Number: 100218534	
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Palo Alto	Ryan Carter	(669) 444-6154	rcarter@paloaltonetworks.com
PARTNER	Contact Name	Phone	Email
CDW-G	Matt Felvey	(312) 705-6220	matfelv@cdwg.com
Optiv	Terry Morrison	(501) 804-1805	terry.morrison@optiv.com

PARTNER NO.
100001870

Shoretel			
Contract Number: 4600033977		Vendor Number: 100180247	
	Contact Name	Phone	Email
Shoretel	Jim McGarry	(408) 962-2517	JMcGarry@shoretel.com
PARTNER	Contact Name	Phone	Email
IK Electric	Mike Seitz	(501) 320-0431	Mseitz@ik-ns.com



EXHIBIT 1 to Attachment C – Cost Schedule
Solicitation Number JP14001
WSCA-NASPO Data Communications RFP

RFP Product Categories: *Minimum Discount Percentage Clarification

- 1) Additional Incremental Discounts: Cisco may solicit on behalf of WSCA Utah and the Participating States additional discounts from the Authorized Resellers (as defined in the bid response) under each Participating Addendum. Such effort will be consistent with the current practice today under the Cisco WSCA Data Communications AR-233 Agreement. The Authorized Resellers, at their sole discretion, may provide additional incremental discounts.
- 2) Hosting Services: Per the Q&A dated July 22, 2013, Cisco, through applicable Authorized Resellers but at Cisco's discretion and approval, wishes to also provide hosted service offerings for certain technology categories in the bid (Attachment C). These hosted offerings provide WSCA-NASPO customers with an alternate way to consume the technology to best meet their needs and provide flexible payment models. These models may be well suited for WSCA-NASPO customers that have limited technical staff for technology deployment and ongoing administration.

The hosted service offerings are based on Cisco validated architectures and delivered through carefully vetted and approved Authorized Resellers. Due to the unique requirements of each customer, Cisco and the approved Authorized Resellers can work with the customer to understand their unique requirements and deploy hosted offerings to best meet their needs. Additional contractual terms and conditions specific to the hosted solutions may be required.

Maintenance Services: *Clarification on Cisco's Offerings

Cisco is pleased to offer customized maintenance services through our Authorized Resellers, subject to Cisco's discretion and approval. While each Authorized Reseller that is assigned to the contract for a Participating State may be able to offer a lower hourly rate, Cisco is providing Not-to-Exceed (NTE) hourly rates on behalf of our Authorized Resellers. Once the Authorized Resellers have been selected for each executed Participating Addendum, Cisco will solicit specific NTE rates from such Authorized Resellers, if they are interested in offering such services and subject to Cisco's discretion and approval.

In addition to customized maintenance offerings, Cisco is pleased to offer its own OEM-branded SMARTnet Services and other technical/maintenance services and Advanced Services. Cisco's SMARTnet operates like an insurance plan for the hardware a customer purchases. For each Cisco hardware SKU, there are several SMARTnet service level options that a customer can choose from. Accordingly, the list price of SMARTnet will vary based on the service level that is selected by the customer for the associated hardware. For these reasons, Cisco is not able to offer this particular OEM-branded maintenance offering in an hourly rate format, only a percentage discount off of the then-current list price. Table 1 below is an illustration to show the different SMARTnet service levels and associated pricing.

Table 1. Examples of SMARTnet Maintenance Offering by Service Level

<i>Hardware SKU</i>	<i>Service Level</i>	<i>SMARTnet SKU</i>	<i>List Price</i>	<i>Discount % (Government) 1 Year</i>	<i>Discount % (Education) 1 Year</i>
WS-C6509-E	SMARTnet 8x5xNBD	CON-SNT-WS-C6509	\$6,825	10.00%	25.00%
WS-C6509-E	SMARTnet 8x5x4	CON-SNTE-WS-C6509	\$9,896	10.00%	25.00%

Hardware SKU	Service Level	SMARTnet SKU	List Price	Discount % (Government) 1 Year	Discount % (Education) 1 Year
WS-C6509-E	SMARTnet 24x7x4	CON-SNTP-WS-C6509	\$10,920	10.00%	25.00%
WS-C6509-E	SMARTnet 24x7x2	CON-S2P-WS-C6509	\$14,503	10.00%	25.00%

Regardless of the service level that is selected by the customer, Cisco agrees to offer the following discounts for its SMARTnet maintenance services.

Cisco SMARTnet Maintenance Services

Listed in **Table 2** below are the discounts for a SMARTnet service contract for a 1-, 3-, or 5-year term.

Table 2. Cisco SMARTnet Discounts

Cisco SMARTnet	Discount % (Government)	Discount % (Education)
1-Year Contract	10.00%	25.00%
3-Year Prepaid Contract*	17.00%	28.00%
5-Year Prepaid Contract*	21.00%	30.00%

** If a 3- or 5-year prepaid term is selected, full payment is made upfront at the beginning of the subscription term. The above discounts do not assume or factor in any applicable finance or interest charges for the prepaid terms. It is the responsibility of the customer to determine the mechanism for funding.*

Other Cisco Technical /Maintenance and Advanced Services

Cisco is pleased to also offer its portfolio of other technical/maintenance services for certain product categories that are not under our SMARTnet program. See **Table 3** below. For example, some Cisco technologies (i.e., Telepresence, UCS, UC, Optical, Remote Management, etc.) have maintenance services that are not under Cisco's SMARTnet Program. In addition, Cisco offers Advanced Services that are not SOW-based (i.e., Network Optimization Service, AS Fixed Priced, etc.).

Table 3. Other Cisco Technical/Maintenance and Advanced Services Discount

Other Cisco Services	Discount %
Technical/Maintenance Services (Not Under SMARTnet Program)	10.00%*
Advanced Services (Non-SOW Based)	0.00%*

**Multiple year terms are available and discounts may be provided once unique customer requirements are understood.*

Professional Services - Deployment Services, Consulting/Advisory Services, Architectural Design Services, and Statement of Work Services: *Clarification with respect to Cisco's Professional Services Offerings

For each of the professional services categories listed in Attachment C (Deployment Services, Consulting/Advisory Services, Architectural Design Services, and Statement of Work Services), Cisco presents Onsite and Remote hourly rates as Not-to-Exceed (NTE) rates. ***However, please be advised that individual hours, or blocks of hours, may not be purchased separately. Instead, Cisco will use the quoted hourly rates to determine the total fixed price of a customer-approved Statement of***

Work (SOW) with specific deliverables. The NTE hourly rates that Cisco is offering are valid for the 7-year term of the contract.

To calculate the total fixed price of the SOW, Cisco will evaluate, after consultation with the customer, which required grade level skill set(s), analytical tools, processes, and level of effort are necessary to complete the required deliverables for the customer. Once all the cost elements have been built up against the specific deliverables, a total cost of the SOW will be determined. This approach allows the customer to potentially save because the most efficient and cost-effective resources will be utilized for various project tasks instead of one labor rate resource for all project tasks. Because the SOW is offered at a fixed price and not billed as Time and Materials, Cisco does not keep time cards.

Partner Services: *Clarification on Cisco's Offerings

Based on existing rates that partners/resellers have provided under the current Cisco WSCA Data Communications AR-223 Agreement, Cisco is offering the NTE hourly rates for Partner Services, subject to Cisco's discretion and approval. These rates are valid for the 7-year term of the contract. As with the existing WSCA Data Communications AR-233 contract, once Cisco adds the specific Authorized Resellers to each executed Participating Addendum, we will solicit, in coordination with the WSCA Utah Contract Administrator, such Authorized Resellers for their specific onsite and remote hourly rates, if they wish to provide such services and subject to Cisco's discretion and approval.

Training Deployment Services: *Clarification on Cisco's Training and Learning Credits Offerings

In addition to the hourly rates for training, Cisco is pleased to offer WSCA-NASPO customers with Cisco Training SKUs and Learning Credits for purchase under the contract. Cisco Training SKUs include the following types of courses: e-learning and classroom. See Table 4 below for examples. As of the date of bid submission, Cisco Learning Credits are also available for purchase at \$100 per credit on the U.S. Global Price Lists and sold in packages of 10, 100, 500, and 1500. See Table 5 below for examples. They can be added to any Cisco hardware, software, or solution purchase and redeemed within 1 year from activation on the Cisco Learning Credits Management Tool (LCMT). Cisco Learning Credits can be redeemed for high-quality, authorized training from a Cisco Learning Partner or their affiliated organizations, or from Cisco Advanced Services Education.

Table 4. Examples of Cisco Training SKUs

<i>Part Number</i>	<i>Description</i>	<i>Price (USD)</i>	<i>Discount %</i>
CON-TRN-CTE-200UL (e-learning)	200 User License	\$178,000	0.00%
CON-TRN-CTE-1UL (e-learning)	Single User License	\$1,000	0.00%
TRN-ESMBU-15	VCO4K Advanced SS7 Class, 5 Days	\$2,100	0.00%
TRN-ESMBU-9	VCO4K-SS7 Class, 4 Days	\$1,900	0.00%

Table 5. Examples of Cisco Learning Credits

<i>Part Number</i>	<i>Credits</i>	<i>Price (USD)</i>	<i>Discount %</i>
TRN-CLC-000	10	\$1,000	0.00%
TRN-CLC-001	100	\$10,000	0.00%
TRN-CLC-002	500	\$50,000	0.00%
TRN-CLC-003	1500	\$150,000	0.00%



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0207

Agenda Date: 5/16/2017

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

RZN 17-5733 (SE OF CROSSOVER RD. & HEARTHSTONE DR.):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5733 FOR APPROXIMATELY 1.79 ACRES LOCATED AT SOUTHEAST CORNER OF CROSSOVER ROAD AND HEARTHSTONE DRIVE FROM R-O, RESIDENTIAL OFFICE, AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS-G, NEIGHBORHOOD SERVICES, GENERAL

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-O, Residential Office, and RSF-4, Residential Single Family to NS-G, Neighborhood Services, General.

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

2017-0207

Legistar File ID

5/2/2017

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

Andrew Garner

4/14/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

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 MAY 2, 2017

TO: Mayor, Fayetteville City Council
THRU: Andrew Garner, Planning Director
FROM: Jonathan Curth, Senior Planner
DATE: April 14, 2017

SUBJECT: RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to NS-G, Neighborhood Services, General, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The proposed rezoning request is for two parcels, totaling approximately 1.79 acres to the south of Hearthstone Drive and east of Crossover Road/Highway 265. The properties are currently split-zoned, with the northern portion as R-O, Residential Office, and the southern portion as RSF-4, Residential Single-family, 4 Units per Acre. The subject property and approximately 500 acres of additional land largely paralleling Crossover Road were annexed in to the City of Fayetteville in November of 1977. Subsequently, the subject property was platted as part of the larger Stonewood Subdivision in 2001, which includes approximately 100 single-family lots and 14 lots intended for residential or office development. The subject property is among the latter, but remains undeveloped.

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre, and R-O, Residential-Office, to NS-G, Neighborhood Services, General, in order prepare the parcel for development.

Land Use Compatibility: The proposed zoning is compatible with surrounding land use patterns in this area, which include a mixture of suburban residential development to the east, office uses to the north, and a City park and botanical gardens to the west. The proposal of NS-G zoning on the corner of a largely-improved Local Street, and a high-volume, improved Principal Arterial can create a transitional area that may be developed in a commercial or mixed-use pattern that compliments both the existing adjacent uses and existing infrastructure. Furthermore, the NS-G

zoning requirements allow a lower density, generally smaller building size, and lower allowed building height than the existing R-O zoning district.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. This location is consistent with the guidelines of City Plan 2030 for higher intensity non-residential use in corner locations and along connecting corridors. This is a corner property with a traffic signal on a busy arterial highway.

Among the goals in City Plan 2030, the proposed rezoning represents the potential for both infill development and development in a traditional urban form pattern. Although less than one mile from Fayetteville's northern city boundary with Springdale, and thereby not generally thought of as an infill site, commercial or mixed-use development on the subject property can take full advantage of City facilities at the adjacent City park and the existing utility and road infrastructure. Similarly, despite being on a state highway (Crossover Road), the subject property's proximity to both a significant City park and a single-family subdivision presents an opportunity to create a mix of uses where residents can live, work, and play all in the same neighborhood. The NS-G zoning district encourages patterns of development that result in realizing this goal, including an expectation that buildings will be located at the corner, creating an environment appealing to pedestrians and reducing the visual impact of parking areas, while also limiting permitted uses to those that are complementary to adjacent neighborhoods. A mixture of residential and commercial uses, which is permitted by the NS-G zoning district, is typical in a traditional urban form, with buildings addressing the street.

Lastly, this area of the City has many residents, with approximately 300 single-family homes accessing Crossover Road by way of Hearthstone Drive, but lacks non-residential goods and services within walking distance. This development pattern has resulted in residents being required to drive to meet any daily needs. The FLUM designation of this area as Residential Neighborhood recognizes this issue in encouraging appropriate non-residential uses, and the applicant's proposal for NS-G at this corner location could help alleviate the lack of services in the area.

The proposal appears to be well-justified from staff's point of view. The applicant has requested the zoning change to develop the property in manner that can serve the surrounding community, which is generally not as feasible under the existing RSF-4 and R-O zoning districts. The proposed NS-G, Neighborhood Services, General, zoning will encourage appropriate commercial or residential development on this corner parcel in an area that has seen limited, and largely-residential development over the last two decades. The NS-G zoning district is designed primarily to promote complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses.

DISCUSSION:

This item was discussed at the March 27, 2017 Planning Commission meeting, where the applicant had previously requested CS, Community Services. During the meeting a very large number of residents, predominantly from the adjacent Stonewood subdivision, spoke in opposition to the rezoning. Concern was expressed over the potential for noise, odor, and light intrusion on to their properties, in addition to the possibility of decreased property values along with increased crime and traffic through the subdivision. Others cited that home purchases were made under the guise of the existing zoning on the subject property, and what could be developed within its permitted residential, office, and small-scale retail uses. Following discussion about the public comment and opposition to some of the permitted uses under the CS zoning district, the Planning

Commission tabled the item in order to afford the applicant the opportunity to reconsider their request.

In response to Commission and resident feedback, the applicant revised the proposal on April 6, 2017 from CS, Community Services, to NS-G, Neighborhood Services, General. Large numbers of residents again spoke in opposition to the rezoning request, citing concerns similar to those shared at the March 27, 2017 meeting. The Planning Commission forwarded the applicant's request for NS-G to the City Council with a recommendation for approval by a vote of 8-1-0. Commissioner Brown voted 'no'.

BUDGET/STAFF IMPACT:

N/A

Attachments:

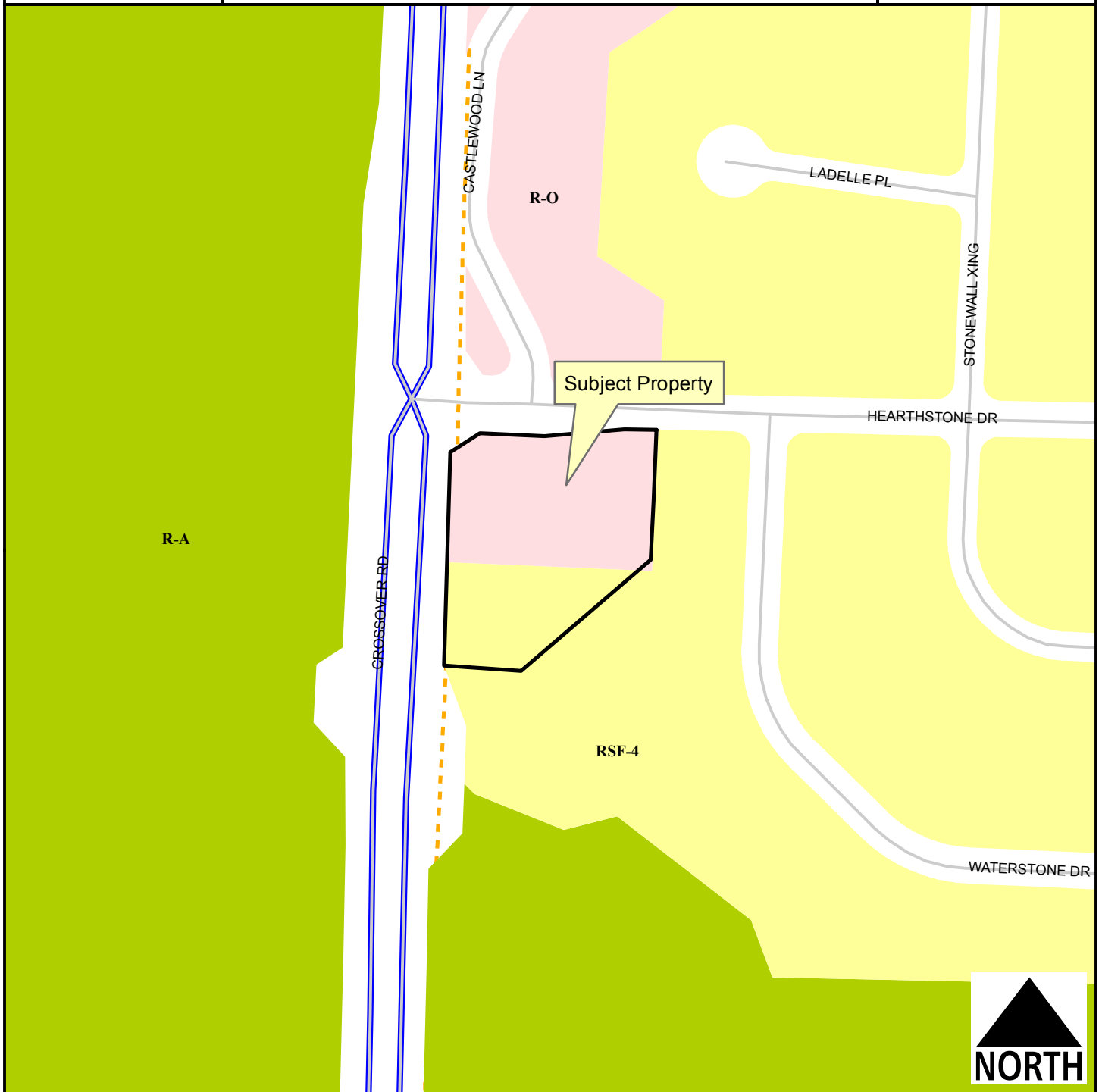
- Exhibit A
- Exhibit B
- Approved and Draft Planning Commission Meeting Minutes
 - o 3/27/2017 Planning Commission
 - o 4/10/2017 Planning Commission
- Application
- Planning Commission Staff Report

RZN 17-5733

Close Up View

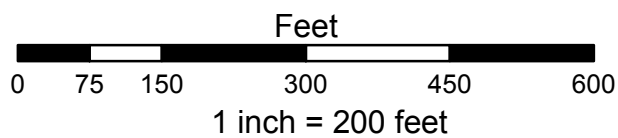
CP PROPERTIES

17-5733
EXHIBIT 'A'



Legend

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



- Residential-Agricultural
- RSF-4
- Residential-Office

17-5733
EXHIBIT 'B'

LEGAL DESCRIPTION: (PROPOSED ZONING: CS)

Lots 1 & 2 of Final Plat of Stonewood Subdivision, Fayetteville, Arkansas, as per the recorded plat in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas. Subject to restrictions, easements and right-of-ways of record.

**Approved and Draft Planning Commission
Meeting Minutes**

**Approved Meeting Minutes from the
3/27/2017 Planning Commission Meeting**

RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to CS, COMMUNITY SERVICES.

Jonathan Curth, Senior Planner: Gave the staff report.

Blake Jorgensen, Applicant's Representative, Jorgensen & Associates: Recognizes that there is a significant amount of public comment incoming, and will strive to be brief. Notes that there is a vacation of easements proposed along Crossover and Hearthstone to ensure compliance with the zoning district's build-to-zone. Also notes that a Bill of Assurance is being considered.

Kit Williams, City Attorney: States that a Bill of Assurance is not open for discussion without a property owner's signature.

Public Comment:

Bob Anderson, Stonewood POA, Neighbor: Has been conducting a poll of residents in the Stonewood Subdivision about support to the rezoning. The commercial lots are unanimously supporting the rezoning while the residential properties are almost unanimously opposed. While this may look like a case of "not-in-my-backyard" it is not. Everyone who bought their homes in the subdivision understood that the properties on Crossover could be developed as office, and not retail or residential. Contends that the commercial property owners will not be at a loss if the rezoning does not go through.

Peter Thomason, Neighbor: While not a resident of Stonewood, lives in an adjacent subdivision. Attended the open house where the developer stated that a pizzeria was being proposed and that it would be of a high quality. Notes that an eatery is allowed by conditional use under the current zoning district. Goes on to note that the proposed CS zoning will allow for outdoor music which will remove many of the resident's property protections. States that there is nothing commercial about this area, and that it is not a commercial corridor. It is currently just grass and is compatible with the Botanical Gardens. The existing zoning does not attract a lot of traffic and does not create a lot of noise. Comments that restaurants have a high failure rate, with pizza restaurants being particularly prone to failure. Shares an article to this effect.

Kyle Cook, Commissioner: Notes that this is not a discussion of pizza restaurants.

Thomasson: Insists that this is important as the developer told the neighbors that this is what is proposed. Addresses that the existing location of the proposed pizza restaurant is adjacent to a liquor store and behind gas station pumps. Comments that the applicant told residents there would be a Bill of Assurance and it was not presented.

Williams: Comments that a Bill of Assurance has not been officially offered, but may be.

Thomasson: Questions the circumstances that a conditional use permit could be granted, noting that this may allow compatibility.

Andrew Garner, Planning Director: Notes that the conditions of a conditional use permit can be tailored to the request.

Thomasson: Outlines the requirements he feels would be appropriate in a conditional use permit, including utilizing similar architecture and not adversely affecting traffic. Shares that the families in this neighborhood have clearly made a decision to locate where they are, and are not interested in an urban form. Contends that no business within 2 miles is built to the street or corner. States that it is inconsistent visually and architecturally to encourage this type of development.

Paul Johnson, Neighbor: Has a question about traffic. Notes that traffic was re-routed through this neighborhood during construction of Crossover. Multiple times during this period there were safety concerns with children playing in the street. Knows that with this rezoning there will be a times when people utilize the neighborhood to travel through quickly and dangerously.

Heather Hutchins, Neighbor: Lives immediately adjacent to the subject property and has significant amounts of litter to deal with. States that she is also concerned about odor, noise, and light. Provides some examples of traffic issues, particularly when the Botanical Gardens has events and parking overflows on to Hearthstone.

Rosanna Zamora, Neighbor: Has serious concerns with litter on her property and there is only a fence between her land and the subject property, rather than a wall as is in place for some other adjacent properties.

Robert Stevens, Neighbor: Traffic is a concern as it is difficult to get on to Hearthstone sometimes. Notes that there are already sufficient amounts of commercial spaces on Joyce and in Springdale. The dynamics of the entire site will be changed despite what the developer told the neighbors. Is certain that property values will be harmed and does not understand why the developer cannot go elsewhere.

Jeff Canton, Neighbor: Wants to echo some of the same comments about noise, traffic, and congestion concerns. Notes that the existing signal at Hearthstone and Crossover is not highly visible and results in a lot of near accidents. Shares that he is allergic to garlic and would be negatively impacted by the smells of a restaurant. Repeats the previous residents' comments about why the developer does not go elsewhere. Suspects the developer is just looking to make money and it should not come at the loss of their property value. Property owners will not be compensated for their loss. Thinks property owners should have been consulted earlier.

Michael Brown, Neighbor: Is new to the neighborhood, and made much of their decision to buy in the subdivision on the existing uses.

Davis, Doris, Neighbor: Wants to draw the Commission's attention to the City's goals of creating an enduring green network, and that she feels this area ought to be protected along with the Botanical Gardens.

Joe Draper, Neighbor: Shares that in other cities where he lived this same thing happened, and it adversely impacted residents.

Carmen Tabor, Neighbor: Compares the displacement of families from the rezoning discussed earlier in the night to the current situation for neighbors. These residents may not have a lot of equity in their homes, and a loss of property value could be devastating.

Mike Parker, Owner: Owns several of the properties along Crossover along this subdivision, and is somewhat astonished that people are upset about this rezoning. Feels that adding services to this area would improve the community and the property values. Residents have to travel over a mile to reach any services. Feels that the quality of the proposal means it will be an improvement.

Zara Niederman, Resident: Although does not live in this neighborhood, he frequents the Botanical Gardens and feels that there is a value in offering services at this corner.

John Logan, Neighbor: Notes that placing a pizza restaurant across from the Botanical Gardens does not create continuity. It is his opinion that services are not needed in this neighborhood, and that people can go elsewhere for their needs.

Elizabeth Wilhelm, Botanical Gardens of the Ozarks representative: Appreciates the comments of residents. Notes that the Garden's events are large but do strive to end at a reasonable time. Her concerns with the proposed rezoning are with congestion. That said, guests and visitors often request coffee or restaurants and there are not a lot of options in this part of town. Moving forward, she sees a need for food in the area, but is not sure if the proposed rezoning will meet that need. In an effort to grow, they want to both serve visitors and be respectful of their neighbors to the east.

Clay Henry, Neighbor: Feels that the subject property may be appropriate for a smaller restaurant, but not one the size of what is proposed.

Max Parker, Owner: Notes that the property will eventually be developed, but as someone paying taxes on it, he would like to do something with it. Asks that the Commission consider this opportunity to rezone and develop the property in a way that accommodates City Plan 2030. At the same time, he wants to be conscientious of developing the property.

Ryan Parrish, Neighbor: Wants to note that a liquor store is located by the proposed pizza restaurant's other location. Also wants to know why staff says the R-O zoning district is "impractical."

Gary Huey, Neighbor: Has concerns with traffic and children playing in the street on Hearthstone.

Steve Val, Neighbor: Wants clarity where the access to the subject property will be. Although he is not adjacent to the subject property, he is concerned with utilizing the traffic signal at Hearthstone and Crossover. Developing the subject property will pull more vehicles on to this road, and if they cannot make their desired turns, they will travel in to the subdivision.

No More Public Comment was presented.

Leslie Belden, Commissioner: Notes that she lives in an urban setting, and chose to live there so she can walk to other locations. There is a part of her that assumes everyone wants that, and that makes this request difficult. While she feels that the subdivision would benefit from services and business, she also understands that people deliberately moved to this area to escape the

traffic of Crossover Road. Realizes that it's not appropriate to impose the Commission's values and preferences on the subdivision. Likes the CS zone but realizes that it is not appropriate in all locations. Is leaning more towards maintaining the R-O zoning, but wants to hear the comments of others. Supporting the CS would be turning the businesses back on the subdivision.

Ron Autry, Commissioner: Notes that any number of uses create odor, and all area have litter. Acknowledges traffic concerns, but this is a fact of being on a major route. The size of the property will limit the intensity of use. Any use is going to attract traffic. There are commercial uses all over town, and people contend with it everywhere. He cannot support this one community being protected from any development. Is not certain that development will result in the traffic concerns that residents fear. Will maintain an open mind in the meantime.

Matthew Hoffman, Commissioner: Expresses appreciation to the residents for coming. Feels that there are 2 outcomes for Highway 265, and neither will look like what it is. R-O will not protect the property from development under the enduring green network. The R-O district would place any buildings closer to the neighborhood, not further. One outcome can be that AHTD will see 265 as a highway, and not a City street, and will lead to a development pattern that will see a large sound wall built near their neighborhood. Alternatively, the CS zoning may prevent AHTD from widening 265 even more, and place a building at the corner, where it can be accessed by foot and by bike. The Lake Fayetteville trail is one of the most heavily trafficked in the City if not the area. Contends that placing the building at the corner will serve the Botanical Gardens, trail users, and even residents.

Tom Brown, Commissioner: Offers thanks to the residents who attended. Does support appropriately requested infill and form-based zoning requests. One tool to determine these is the neighborhood planning process. Residents can create a vision to help determine decisions like the current one. The Commission can take public comment like tonight's as a decision making tool. Contends that commercial areas are appropriate in certain nodes along major corridors. Offers a tutorial on the City's Future Land Use Map. Does not feel that CS zoning is appropriate in areas with residential neighborhood designations, but rather it should be NS, Neighborhood Services. Reiterates that he is supportive of the proper application of mixed-use zones, but perhaps not in this instance. Goes on to comment that this is the third rezoning case in this corridor that he has seen, and he is likely to vote against it too, rather than see another College Avenue.

Hoffman: Questions staff about other zoning options.

Garner: Responds that NS-G, Neighborhood Services-General, may be an option, but clarifies that it allows for only 8,000 square foot buildings for commercial business.

Kyle Cook, Commissioner: Asks if a Bill of Assurance is still being considered.

Jorgensen: It is, but was not finalized. The allowed uses under CS fit the goals of the developer. There are unfortunately not a lot of zoning districts that support the proposed uses at this location, including a pizza restaurant and a drive-thru coffee shop. They hope a Bill of Assurance can assuage concerns.

Tracy Hoskins, Commissioner: There is a lot that he agrees with and disagrees with. Notes that there is no assurance that services will devalue a property. It is often the exact opposite, with efforts to include residential and services in close to help neighborhoods along major

corridors. As far as having services on the corner, he sees that as a benefit, but there is a difference in the intensity. He would not however, support a drive-thru location. He has no problem with the uses, and thinks it would enhance the neighborhood. As far as the drive-thru, he would not support it. As far as music and noise, thinks he remembers that there is still a requirement for a conditional use permit.

Garner: Confirms that this is the case.

Brown: Follows up on his previous comments that the scale of allowed services be appropriate to the Future Land Use Plan. Reiterates his desire to see a neighborhood plan. Would support a neighborhood services zoning district typically, but after public comment, will likely not. Notes that the neighbors were told what they were buying in to, and the City should support that along with City Plan 2030.

Hoffman: Questions staff about the zoning requirements under R-O, and whether it could be an unlimited-size office.

Garner: Confirms that there are no building square footage requirements.

Hoffman: Also notes that it could be six stories. Expresses his support for a form-based zoning district and that it would lead to a much safer and attractive development.

Belden: Asks whether the item should be tabled.

Jorgensen: Is willing to be tabled to review other options.

Motion:

Commissioner Hoskins made a motion to **table RZN 17-5733** for two weeks. **Commissioner Selby** seconded the motion. **Upon roll call the motion passed with a vote of 8-0-0.**

Draft Meeting Minutes from the 4/10/2017 Planning Commission Meeting

RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

Jonathan Curth, Senior Planner: Gave the staff report.

Blake Jorgensen, Applicant's Representative, Jorgensen & Associates: Acknowledges the concerns with the request, and after meeting with staff, the revised request to the NS-G zoning district seem to be the most appropriate, and will not necessitate a Bill of Assurance.

Max Parker, Property Owner: Thanks the Commission for the consideration and notes that the proposed rezoning was not available at the time of the area's development, and may have been advisable. Notes his bias as the property owner. Comments on the traffic volumes and the area features and amenities and that the property deserves a zoning that is appropriate for all residents.

Public Comment:

Bob Anderson, Neighbor: Notes that those who will benefit from the rezoning and development will be visitors, and not residents. They will bear the burden of any adverse effects. Recalls Commissioner Hoffman's comments about one of two futures for Highway 265, and states that most residents will still prefer that the highway be widened than this rezoning to occur. Also notes that if this is approved, the Commission will be obligated to rezone other properties along this area, resulting in the possibility of another College Avenue. Describes the Residential Neighborhood Area designation in City Pan 2030 and that it notes that noncommercial development "should" be encouraged, but not required. Goes on to cite Kit William's memo to the Commissioners about compatibility and rezoning decisions. Shares communications he subsequently had with Kit Williams that the subdivision's approval ought to represent a reassurance of what will be there. Summarizes the Attorney's memo with "if it doesn't fit, listen to Kit."

Peter Tonnessen, Neighbor: Notes that he has worked with staff in gaining information, and has several items he would like to enter in to the record, including photographs, and a spreadsheet outlining the proposed uses and districts. Has spent approximately 200 hours of research on the property owner and their transactions. Mister Parker and his brother own eleven of the fourteen properties that are adjacent to Crossover. Goes in to details on transactions of specific lots, and also in to the property owner's interactions with Jorgensen and Associates. Does not feel that it is accurate to review these two properties as discrete properties separate of the others. Shares that a possible tenant of the subject property does not even own their business' name. Shares that a more appropriate zoning district would likely be NS-L given the requirement that a restaurant have a conditional use permit. Cites the City's long-range plans and that they were well-created by staff's predecessors. Notes the size of Lake Fayetteville, and compares it to Central Park and its associated land values. Argues that the development

patterns over the last decades have created a framework where the subject properties and those around them had their uses established. Continues on to discuss legal history and the expectation of residents that the city will continue to maintain the current zoning.

Mark Scalise, Neighbor: Shares that he has lived in eight states and lived in many neighborhoods. He was very aware of what was allowed on the subject property at that time. Feels that what is allowed on the subject property is reasonable, and he has no problem with development under the R-O requirements. Notes that the property owners bought the land understanding what was allowed, and while he respects their desire to make a profit, he does not agree with “changing the rules.”

Dena Young, Neighbor: Notes her status as a new resident in the Stonewood subdivision. Shares that she chose the subdivision because it is quiet and has ready access to the park and trails. Moved to Fayetteville from Little Rock and Rogers, Arkansas. Notes that she was shocked to hear that the Commission was approving the request. Appreciates comments by other residents and the City’s Attorney. Is convinced that the restaurant will lead to lower property values in addition to increased crime and bad odors. Does not feel that a Commission should vote in the interest of other residents, but for those living adjacent to the subject property. States that there will be a decrease in the number of professionals living in the area. Researched the case law shared by the City’s Attorney, and feels that they indicate why the Commission should support the neighbors.

Robert Stevens, Neighbor: Among the first homeowners in the subdivision, he is concerned with late hours of business operation and traffic. Is concerned that traffic pulling in and the neighbors trying to leave the subdivision will create a potentially dangerous traffic condition. With regards to City Plan 2030, he does not feel that the revised request will serve the needs of the neighborhood, despite the developer’s contention. Given the overwhelming opposition, this shows the rezoning will not meet the needs of the neighborhood.

Andy Taylor, Neighbor: Has all his money tied up in to this property, and any land value decrease will hurt him. Suspects that people will travel through his neighborhood in Copper Creek from the east to access any services on the subject property.

Adaly Malone, Neighbor: Agrees with all previous comments, and notes that the residents bought in good faith. Rezoning this property would not be “right” and she requests that the Commission should do what is “right.” Situations like this are not appropriate where the property values of many people suffer to benefit a few, just because certain people know the “right” people.

Susan White, Neighbor: Notes that her family was one of the first in the subdivision. Shares that her parents recently moved to this subdivision and are elderly. Points out that there are several other elderly families and families with children. In response to the comment about the possibility of there being a six-story building, she disagrees, saying there is not enough room for parking.

Jeff Cantu, Neighbor: Introduces himself as the POA president for the Stonewood subdivision. Disagrees that the proposed rezoning is compatible with the City Plan. Feels that the R-O zoning is what homeowners bought in to. States that the Planning Commission needs to vote in harmony with the City’s plan, and that there is no overriding need to change the zoning. Lives 200-feet from the subject property and will not like the odors.

Karen Stevens, Neighbor: Spoke with potential homebuyers about noise in the neighborhood and said at the time that it was not bad. Believes that developing the property will create a lot of noise and hurt property values.

No More Public Comment.

Leslie Belden, Commissioner: Requests that Mr. Tonnessen's spreadsheet be shared on the screens for the public. Reads the provided description of the NS-G zoning district, noting that the request is effectively a down-zoning. Notes that if the subject property was zoned NS-G, she can understand why people are upset if the request was for R-O. The request to go from R-O to NS-G is actually a downzoning. Feels that the NS-G is better for the residents and more compatible, and is in support of the request.

Matthew Hoffman, Commissioner: Appreciates everyone coming out and discusses how when it comes down to it, everyone wants what is best for Fayetteville. Agrees with Commissioner Belden's comments. In addressing Mrs. Stevens comments about noise, contends that the buildings being placed near the street is the most effective way to block noise. Cites his site design experience noting that dumpsters are typically located near buildings, and with a form-based zone this will be at the street. The parking will then be the buffer. Also contends that this request is a down-zoning, and is increasing compatibility. One of the best ways to look at compatibility is to look at the bulk, size, and area of a building. The worst case scenario in R-O is unlimited floor area, where as in NS-G it is 8,000. Addresses the City Attorney's memo, and its comment about spot zoning. Almost all of the commercial lots on Highway 265 is undeveloped. A decision tonight will have an impact on development in the future, and where buildings will be placed. Does not understand how something can be spot zoning in an undeveloped area. Recognizes fears about continued development up highway 265, but notes that it is valuable for it to develop in a traditional town form pattern.

Allison Thurmond Quinlan, Commissioner: Appreciated comments from neighbors and other Commissioners. Notes that development will occur in this area and that traffic will continue grow given Highway 265's high capacity and low volume. Shares background of the NS-G zoning district's creation. Agrees with other Commissioners that this constitutes a down-zoning. Speaks to how R-O resulted from the 1970s and that NS-G is an improvement. Appreciates Mr. Tonnessen's spreadsheet graphic and agrees that NS-G has more favorable uses than either CS or the R-O districts. Is supportive of the request.

Tom Brown, Commissioner: Expresses appreciation to the neighbors for speaking. Disagrees somewhat with the differences stated between R-O and NS-G. Feels that many of the uses allowed in NS-G would generate more traffic than the R-O district. States that a lot more traffic would go to a location with the uses allowed under NS-G, and the business hours would likely be wider. At the same time, he feels that at this location, an office would develop at a lower intensity. Conceptually, he agrees that the Neighborhood Services zoning designations may be applicable on this property, but only if it does not have a negative effect on the functioning of Highway 265, existing neighborhood plans, and existing neighborhoods. Notes that the City's Master Transportation Plan call for factoring in traffic impacts in decisions. Shares data he has collected on traffic, and what amount of traffic it would take to result in a traffic. Compares College Avenue and Highway 265, noting that the number of vehicle trips before an accident occurs is much lower on College due to its intensity and number of curb cuts. Supporting rezonings that increase intensity will increase the number of traffic incidents. Shares that this is the third rezoning that he has considered for a commercial land use outside of the city Neighborhood designation. Counted 44 intersections on the highway corridor and only 11 were

in the City Neighborhood Area. If three more rezonings are approved a year with a curb cut on Highway 265 for each rezoning, it will lead to a new College Avenue.

Zara Niederman, Commissioner: Thanks residents for coming to speak. In response to Commission Brown's comments, he notes that there are indeed preferred locations to concentrate the curb cuts and developments but not all non-residential development has to be in certain nodes, and it is acceptable to have smaller nodes. Agrees with other Commissioners that the request is a down-zoning. Outlines some of the uses that are allowed in the existing and proposed zoning districts. Feels that the location across from the Botanical Garden also makes this more appropriate than other properties to the north and south. Rezoning the subject property would not necessarily result in other similar rezonings in this area. Inquires from staff about buffer requirements.

Andrew Garner, Planning Director: Informs the Commission that there are screening requirements between residential and commercial development. This is a typical standard.

Niederman: Asks what the setback is.

Garner: The typical buffer can be 10-12 feet wide with a fence and vegetation.

Niederman: Inquires that with the buildings being closer to Crossover, is it possible to require an additional buffer or screening.

Kit Williams, City Attorney: Clarifies that conditions may not be placed on a rezoning.

Quinlan: Asks staff about what access would be permitted on to the subject property at the time of development.

Garner: Responds that the access management ordinance requires that access to a property be by way of a lower classification street, but accessing the higher classification street may be permitted by Planning Commission variance.

Quinlan: Asks what form of development submittal this item will go through.

Garner: Is not certain, but due to this zoning district being form-based, development may come through as a Large Site Improvement Plan which may be approved administratively.

Quinlan: Questions whether any development will have to comply with the City's commercial design standards.

Garner: Responds that development in build-to-zones are subject to a higher degree of design guidelines, including for architectural articulation and glazing.

Quinlan: Moves to forward the item to the City Council.

Williams: Interjects that he wants to clarify that this may or may not be a downzoning. The current R-O zoning would only allow a eating place of 2,000 square feet, while the proposed NS-G zoning district will allow a building of 8,000 square feet. In the R-O zoning a duplex is allowed, while in the NS-G zoning, residential housing is allowed up to tri- and quad-plexes. Also shares the height setback requirements under R-O, and that it would be difficult to develop to the maximum allowed height, while NS-G's setbacks allow more height near a property line.

Understands that this vote may move forward, but wants it to be clear that he does not feel that this is a downzoning. Lastly, the intensity is classified as medium rather than low.

Garner: Due to the proposed zoning district being new and unfamiliar to some, clarifies that the NS-G zoning district only allows for a restaurant to fill 2,000 square feet of the 8,000 square feet non-residential building size permitted.

Brown: States he will not support this rezoning request as it will lead to commercial development outside the designated areas. Requests that the Future Land Use Map of City Plan 2030 be pulled up for discussion, as it may be valuable for the newer Commissioners. Notes that the Plan deliberately designated certain areas along Highway 265 to be City Neighborhood Area with non-residential uses, but designated the subject property as Residential Neighborhood Area. Also, cannot support the request due to traffic concerns along with the City Attorney's comments that the subdivision's approval constitutes a neighborhood plan. Furthermore, he notes that the existing R-O zoning district allows for limited commercial development with a conditional use permit that requires a developer to work with neighbors and the Planning Commission.

Hoffman: Appreciates the Director's clarification and comments about the NS-G zoning district. With regards to the comparison of districts, he will support the one that promotes smaller buildings further from homes. In response to Commissioner Brown's comments about traffic, he contends that the problems with traffic on College are a result of zoning at the time, more than the uses themselves. The type of development that occurred on College is a result of sprawl-oriented zoning districts like the existing R-O on the subject property.

Motion:

Commissioner Quinlan made a motion to **forward RZN 17-5733**. **Commissioner Hoffman** seconded the motion. **Upon roll call the motion passed with a vote of 8-1-0. Commissioner Brown voted 'no'.**

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 X Representative

Applicant (person making request):

Name:

Max Parker
for CP Properties

Address:

1680 E. Shadowcreek Dr
Fayetteville Arkansas
72701

E-mail:

gm1x32@gmail.com

Phone:

(479) 799-6918

()

Fax:

()

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

Name: Blake Jorgensen

Jorgensen & Assoc.

Address: 124 W. Sunbridge Dr. Suite 5

Fayetteville, AR 72703

E-mail: blake@jorgensenassoc.com

Phone:

() 479-442-9127

()

Fax:

() 479-582-4807

Site Address / Location: SE corner of Crossover Rd. & Hearthstone Dr.

Current Zoning District: R-O & RSF-4

Requested Zoning District: CS

Assessor's Parcel Number(s) for subject property: Parcel: 765-22244-000 & 765-22245-000

FINANCIAL INTERESTS

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

CP Properties

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): MAX PARKER / C P Properties Date: 2-14-17
Signature: Max Parker

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): MAX PARKER Address: 1680 E. Shadowridge Dr
C P PROPERTIES, INC Fayetteville, AR 72701
Signature: Max Parker
Date: 2-14-17 Phone: (479) 799-6918

Name (printed): Philip Cameron Address: 1663 Viewpoint
Philip Cameron Fayetteville AR 72701
Signature: Philip Cameron
Date: 2-14-17 Phone: (479) 263-3815

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: April 10, 2017 (Updated with Planning Commission Results)

SUBJECT: **RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN 17-5733** to the City Council with a recommendation of approval, based on the findings herein.

BACKGROUND:

March 27, 2017 Planning Commission Meeting: The previous request by the applicant was to rezone the subject property to CS, Community Services, with an intention to develop the area with a restaurant and drive-thru coffee shop. This item was tabled at the March 27, 2017 Planning Commission meeting to give the applicant time to reconsider and possibly revise their request according to comments and concerns expressed by both area residents and the Planning Commission. In order to address these concerns, the applicant is now proposing to rezone the property to NS-G, Neighborhood Services, General. The NS-G zoning district limits the size of commercial buildings to a maximum of 8,000 square feet and does not allow drive through restaurants.

The proposed rezoning request is for two parcels, totaling approximately 1.79 acres to the south of Hearthstone Drive and east of Crossover Road/Highway 265. The properties are currently split-zoned, with the northern portion as R-O, Residential Office, and the southern portion as RSF-4, Residential Single-family, 4 Units per Acre. The subject property and approximately 500 acres of additional land largely paralleling Crossover Road were annexed in to the City of Fayetteville in November of 1977. Subsequently, the subject property was platted as part of the larger Stonewood Subdivision in 2001, which includes approximately 100 single-family lots and 14 lots intended for residential or office development. The subject property is among the latter, but remains undeveloped. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped; Property Management Offices	R-O, Residential Office
South	Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Lake Fayetteville Park/ Botanical Garden of the Ozarks	R-A, Residential Agricultural

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre, and R-O, Residential-Office, to NS-G, Neighborhood Services, General, in order prepare the parcel for development.

Public Comment from the March 27, 2017 Planning Commission: The Planning Commission received numerous comments regarding the proposed rezoning, with the significant majority stating firm opposition to a rezoning. Those that contacted staff before the meeting, as well as those that spoke at the meeting cited concerns with litter, odor, noise, and lighting, including the prospect that a dangerous traffic condition could result and that crime would increase. Numerous individuals insisted that the rezoning would decrease the property values of the adjacent neighborhood, while the existing zoning districts were part of their decision to purchase homes in this area, and are perceived to have been a promise of the subdivision's developer.

Public Comment: Staff has continued to receive a significant number of comments in opposition to the rezoning request, although, given the very recent nature of the change in proposed zoning district, none have been directly in opposition to NS-G, Neighborhood Services, General. Some commentary in support of rezoning the property has also been received, stating a preference for the availability of services in closer proximity to their residential neighborhood.

INFRASTRUCTURE:

Streets: Both subject parcels have direct access to Hearthstone Drive, a two-lane, partially-improved Local street, with curb and storm drain. Sidewalks would be required to be constructed at the time of development.

The western of the two parcels also has access to Crossover Road, which is a fully-improved principal arterial and a state highway that is signalized at Hearthstone Drive. City access management requirements mandate that properties shall access a lower classification street when present, as Hearthstone Drive does in this instance.

Water: Public water is available to the site. An 8-inch water main runs along the property frontage of Hearthstone Drive.

Sewer: Public sewer is available to the site. An 8-inch sewer main runs along the property frontage of Hearthstone Drive.

Drainage: Any additional improvements or requirements for drainage would be determined at time of development. No portion of these parcels lie within the FEMA designated 100-yr floodplain or the Hillside-Hilltop Overlay District (HHOD). A protected stream, Hilton Creek, runs south of these parcels. Hydric Soils have been identified on portions of these parcels and would require a wetlands determination to be provided at the time of development proposal.

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 Plan designates the properties within the proposed rezone 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 row-houses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. *It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.* This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

FINDINGS OF THE STAFF

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 include a mixture of suburban residential development to the east, office uses to the north, and a City park and botanical gardens to the west. The proposal of NS-G zoning on the corner of a largely-improved Local Street, and a high-volume, improved Principal Arterial can create a transitional area that may be developed in a commercial or mixed-use pattern that compliments both the existing adjacent uses and existing infrastructure. Furthermore, the NS-G zoning requirements allow a lower density, smaller building size and lower height than the existing R-O zoning district.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. This location is consistent with the guidelines of City Plan 2030 for higher intensity non-residential use in corner locations and along connecting corridors. This is a corner property with a traffic signal on a busy arterial highway. Among the goals in City Plan 2030, the proposed rezoning represents the potential for both infill development and development in a traditional urban form pattern. Although less than one mile from Fayetteville's northern city boundary with Springdale, and thereby not generally thought of as an infill site, commercial or mixed-use development on the subject property can take full advantage of City facilities at the adjacent City park and the existing utility and road infrastructure. Similarly, despite being on a state highway (Crossover Road), the subject property's proximity to both a significant City park and a single-family subdivision presents an opportunity to create a mix of uses where

residents can live, work, and play all in the same neighborhood. The NS-G zoning district encourages patterns of development that result in realizing this goal, including an expectation that buildings will be located at the corner, creating an environment appealing to pedestrians and reducing the visual impact of parking areas, while also limiting permitted uses to those that are complementary to adjacent neighborhoods. A mixture of residential and commercial uses, which is permitted by the NS-G zoning district, is typical in a traditional urban form, with buildings addressing the street.

Lastly, this area of the City has many residents, with approximately 300 single-family homes accessing Crossover Road by way of Hearthstone Drive, but lacks non-residential goods and services within walking distance. This development pattern has resulted in residents being required to drive to meet any daily needs. The FLUM designation of this area as Residential Neighborhood recognizes this issue in encouraging appropriate non-residential uses, and the applicant's proposal for NS-G at this corner location could help alleviate the lack of services in the area.

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

Finding: The applicant has requested the zoning change to develop the property in manner that can serve the surrounding community, which is generally not as feasible under the existing RSF-4 and R-O zoning districts. The proposed NS-G, Neighborhood Services, General zoning will encourage appropriate commercial or residential development on this corner parcel in an area that has seen limited, and largely-residential development over the last two decades. The NS-G zoning district is designed primarily to promote complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses.

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

Finding: A NS-G zoning allows a limited range of commercial activity and a residential density that is currently lower than that allowed under the R-O zoning district. Given the property's undeveloped state, any development would invariably create the potential for increased traffic in the area, but not necessarily greater than could result from the existing RSF-4 and R-O zoning districts. The property is located on the southeast corner of Crossover Road and Hearthstone Drive, a fully-improved Principal Arterial and partially-improved Local Street respectively. The intersection adjacent to the subject property is signalized, and includes pedestrian crosswalks. While there will be an appreciable increase in traffic with any development, Hearthstone Drive does not connect to any significant transportation routes to the east, and, as a result, any increase in vehicular movement will likely move westward through the existing traffic signal to Crossover Road. As such, traffic danger and congestion is not expected to increase appreciably.

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: Although the property is currently undeveloped, development under the current zoning or the proposed zoning will likely result in a comparable increase in the load on public services and may increase population density in the area. The NS-G zoning allows a range of commercial activity but a lower residential density than R-O. Despite this, the subject property has access to existing infrastructure, and is an area where development would not have significant adverse impacts on public services or facilities. Additionally, neither the Police nor Fire Departments have expressed objections to the proposal.

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

Finding: N/A

RECOMMENDATION: Staff recommends forwarding RZN 17-5733 to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>April 10, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Quinlan			
Second: Hoffman			
Vote: 8-1-0, Commissioner Brown voted 'no'.			
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>May 2, 2017 (planned)</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.03, RSF-4, Residential Single-family, 4 Units per Acre
 - o §161.18, R-O, Residential-Office
 - o §161.20, NS-G, Neighborhood Services – General
 - o §162.01, Unit 12b, General Business
- Revised Request letter
- Public Comment
 - o Public Comment leading up to the March 27, 2017 Planning Commission meeting
 - o Public Comment leading up to the April 10, 2017 Planning Commission meeting
- Memo and Spreadsheet from Commissioner Brown
- 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	Cluster Housing Development

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	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; Ord. No. [5921](#), §1, 11-1-16)

161.18 - District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 25	Offices, studios, and related services
Unit 44	Cluster Housing Development

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet

Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet

Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	60 feet
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Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional distance of 1 foot for each foot of height in excess of 20 feet.

(G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4726, 7-19-05; Ord. No. 4943, 11-07-06; Ord. No. 5079, 11-20-07; Ord. No. 5195, 11-6-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5735 1-20-15; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16)

161.19 - Neighborhood Services, General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Service, General 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) and four (4) family dwellings
Unit 12b	General Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cluster 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 16	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.* Eighteen (18) or less per acre.

(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

All Dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet per dwelling unit
All other uses	None

(E) *Setback Regulations.*

Front:	Side	Side-Zero Lot Line	Rear	Rear, when contiguous to a single-family residential district
A build-to-zone that is located between the front property line and a line 25 ft. from the front property line.	5 feet	A setback of less than five feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed. The remaining side setback shall be 10 feet.	None	15 feet

(F) *Building height Regulations.*

Building Height Maximum	45 feet
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

§162.01 – Establishment/Listing

(M) Unit 12b. General Business,

- (1) *Description.* Unit 12b consists of small-scale establishments offering commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale and appearance with the surrounding neighborhood. These uses shall be subject to the regulations in Chapter 164. All uses classified under Unit 12b must be within a building containing 8,000 square feet or less, excluding area dedicated to residential uses.

- (2) *Included Uses.*

Personal services	•Day Care
	• Dry cleaning
	• Salon/Barber shop
	• Tailoring
Retail	• Antique/home décor sales
	• Apparel
	• Art/Architectural supplies
	• Bakery/Pastry shops
	• Bicycle shop
	• Bookstore
	• Coffee shop
	• Delicatessen
	• Drugstore
	• Florists
	• Food specialty stores
	• Grocery
	• Hardware store
	• Health food store
	• Hobby/Craft shop
	• Ice cream
	• Meat market
	• Restaurant/Café
	• Small Appliance Repair

	• Stationary store
	• Toy store
	• Video rental
Professional Offices	• Accountant
	• Architect
	• Attorney
	• Broker
	• Business/Mgmt. Consultant
	• Doctor



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying
Landscape Architecture Services

CUP 17-5733
Request Letter

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

April 6, 2017

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701
Attn: Development Services

Re: Hearthstone Properties Rezoning

To Planning Commission/Planning Staff

Please accept this request to alter the previous rezoning from Community Services (CS) to Neighborhood Services-General (NS-G). After meeting with staff and the owners of the property, we feel that this zoning classification is the optimal zoning request and that it is a downzone in regards to both CS as well as RO. This zoning classification would eliminate any concerns that have been brought up associated with the CS request in regards to gasoline service stations as well as drive through restaurants. This zoning classification would also have reduced building heights, as well as limit the by-right foot print of the building(s).

We appreciate both the community's and the staff's time and input on this matter and look forward to discussing this rezoning with the Planning Commission.

Jorgensen + Associates

**Public Comment
for 3/27/2017 Planning
Commission Meeting**

We, the undersigned owner and residents of Stonewood, are strongly inclined to support the requested zoning change from Max Parker. For decades we have enjoyed the higher property values and enhanced city services provided by Fayetteville's adherence to a strict policy of planned development. Evidenced by Fayetteville's repeated listings as one of the top ten places to live in the US...a distinction not awarded to our neighbors.

The stringent signage, greenspace, parking, etc. codes, requirements and ordinances have continued to make Fayetteville a desirable place to live although other cities in our area may be more attractive from a property price point view only.

We trust the planning commission and other regulatory bodies to allow only a tasteful commercial establishment that would enhance the neighborhood. We believe that an attractive, unobtrusive restaurant/coffee shop between our neighborhood and the Botanical Gardens would be very desirable.

As for the future risks, any business would require design, elevation and building permit approval. History has proven that Fayetteville protects both its residential and commercial areas by a policy considering aesthetical, environmental and service support availability.

Thank you,

Janet Watkins, Elizabeth Blackburn, Barbara George

Public Comment for RZN 17-5733 (CP Properties)

3/25/2017

Mr. Curth,

I understand there is a question of rezoning property that is at the front entrance of Stonewood from office, and the like, to one that would allow for the building of restaurants. In particular, there is the building of a pizza shop being currently considered. I would like to let you know that I, and my family, are strongly against this change. When property is purchased, there is an expectation of maintaining value and a level of comfort. Nuisances like this restaurant destroy that value and comfort. It materially alters the initial purchase agreement. The restaurant will produce noise, smells and dangers that were not presented to the current owners when they first agreed to purchase the property. In addition, there is a safety issue when you place a business in with homes. Business often request and received liquor licenses. In addition to provided this to there customers there is parking and increased traffic or congestion. The two combined can be dangerous to not only the people living in the neighborhood but visitors to the Botanical Garden across the street. Many people walk, bike and move back and forth across that intersection. I think you all should be on notice of these danger and nuisance issues when you are considering these zoning changes. Any changes you make and the consequences that might occur should be carefully considered. Thank you for your consideration of this matter,

Monika Szakasits
Resident of Stonewood Subdivision

3/26/2017

Hello Mr. Curth:

I'm a new resident to the Stonewall community. My property directly abuts the R-O zoned properties along Crossover.

Recently it has come to my attention that there is the potential for the R-O zoned lots in front of Stonewall to be rezoned to allow an eatery of some type.

While I like the convenience of another great food joint nearby, I certainly wouldn't welcome the lights, sounds and smells that would come along with it, staring right into my backyard.

I have voiced my opposition to our POA President, but thought it wouldn't hurt to let you know how I feel as well.

I am against the proposed rezoning.

Thanks for listening!

Vic Kennett
Founder / CEO



Phone: 870-423-6242

Web Site: www.kerusso.com

"One Team - One Mission!"

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3/27/2017

Mr. Curth:

I write this email to register my objection to the proposed rezoning of Lots 1 & 2 of Stonewood from R/O to CS. I understand that the planning commission will consider this rezoning request at their meeting at 5:30 this afternoon. I plan to attend. Thank you.

Stevan E. Vowell

Taylor Law Partners, LLP

303 E. Millsap

P. O. Box 8310

Fayetteville, AR 72703

(479) 443-5222

(479) 443-7842

svowell@taylorlawpartners.com

Dear sir,

As I understand the present proposal for the property on Hearthstone and 265 across from the Botanical Gardens there are positive aspects to the proposal. My concern is as planned another pizza parlor will be there. Should the council not take into consideration multiple ones in close proximity? I would hope the council would consider what is best for the community. In addition, a major reason I chose to purchase a home in Copper Creek subdivision was the location of the Botanical Gardens and the hiking trail. Another fast food place is not in concert with those amenities. If it is at all possible to take into consideration this great local asset and what would enhance rather than detract from it, I would sincerely recommend the council doing so.

Margret Walker

3441 Peppermill Place

Fayetteville, AR

Sent from my iPhone

Hello Mr. Curth,

I'm a resident of the Copper Creek neighborhood and will attend this hearing to learn more about the rezoning request. Would you please provide a copy of the comprehensive plan for this area?



I look forward to seeing the comprehensive plan.

My thanks,

~Susan Holmes
3404 Jasper Lane Fayetteville AR 72764
479-225-6175 susanholmes95@gmail.com

Dear Mr. Curth,

My husband and I would like to voice our opinions *against* the proposed rezoning for Stonewood Lots 1 and 2 (RZN 17-5733). One of the benefits of this neighborhood is privacy. Bringing commercial property to the front entrance of the neighborhood will undoubtedly bring increased traffic to the area. There are other downfalls as well, which will be shared by Stonewood POA. Thank you for your consideration.

Sincerely,
Jennifer & Michael Moffitt
4652 Stonewall Xing
Fayetteville, AR 72764

Jonathan,

Attached is a spreadsheet showing the responses to the proposed rezoning of Lots 1 and 2 in the Stonewood subdivision. As you will readily see, there are clearly two sides to this proposal. The developers are all for it, and the homeowners are almost 100% against it. I don't need to repeat the

reasons the homeowners oppose the rezoning - you've seen multiple emails from them already. I trust that you will include this spreadsheet information in the package that you provide to the Planning Commission.

Bob Anderson
Treasurer
Stonewood P.O.A.

The subject spreadsheet is attached to this packet of public comment.

Mr. Curth:

I am opposed to the rezoning of the 1.79 acres east of Crossover and south of Hearthstone.

My plan to attend tonight's meeting has been foiled. Therefore, here is why I am opposed to the rezoning from "Residential Office" to "Community Service."

1. Crossover's median prevents easy access.
2. Gridlock at Crossover and Hearthstone would be inevitable.
3. The Botanical Garden's beauty and purpose would be in jeopardy.
4. CS zoning will likely impact the existing residential environment and property values.

Honestly any savvy commercial/retail developer (independent or franchise) would see these same concerns and would not pursue this land in question.

Thank you for including my concerns in tonight's meeting and subsequent decision. Also, we really appreciate the work that you and the Planning Commission do to make Fayetteville a great place to live!

Best regards,

Daniel Hocklander
Past President
Copper Creek Homeowners' Association

TO: Jonathan Curth
Fayetteville City Planning Department

I am opposed to the rezoning of Lots 1 and 2 in the Stonewood Division for the proposed development of the lots.

Current property owners have bought lots and built their residents with the knowledge of the current written commercial zone guidelines (residential office building). I am also concerned about the effect this might open up for the other commercial zoned property fronting the Highway.

I would appreciate the planning board taking my opinion into consideration.

Stonewood Division property owner

Jo Ann Woodward

Stonewood Subdivision Responses to a POA Survey

Stonewood Subdivision Rezoning Proposal for Lots 1 & 2

Commercial Lots

92.9% Percentage of lots voting
13 For the rezoning
0 Against the rezoning

Homeowner Lots

72.4% Percentage of lots voting
1 For the rezoning
75 Against the rezoning

Lot	Parcel	Name	Address
1	22244	C P Properties, LLC	Crossover Road (Vacant Commercial Lot)
2	22245	C P Properties, LLC	Crossover Road (Vacant Commercial Lot)
3	22246	Kjune LLC	Crossover Road (Vacant Commercial Lot)
4	22247	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
5	22248	Parker Investments, LLC	Castlewood Ln. (Commercial Lot)
6	22249	Parker Investments, LLC	Castlewood Ln. (Commercial Lot)
7	22250	Parker Investments, LLC	4790 Castlewood Ln. (Commercial Lot)
8	22251	Fochtman, Earl & Gayle	Crossover Road (Vacant Commercial Lot)
9	22252	Fochtman, Earl & Gayle	Crossover Road (Vacant Commercial Lot)
10	22253	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
11	22254	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
12	22255	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
13	22256	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
14	22257	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
15	22258	Ellison, Frances Anita	4843 Lavendon Pl.
16	22259	Ingram, Justin & Andrea	4857 Lavendon Pl.
17	22260	Watson, Gaye F.	4869 Lavendon Pl.
18	22261	Olive Trust Joshua Hicks	4881 Lavendon Pl.
19	22262	Stevens, Robert & Karen	3116 High Meadows Dr.
20	22263	Liu, Pu & Li-Chuan Chang	3140 High Meadows Dr.
21	22264	Oswald, Robert & Anne	3162 High Meadows Dr.
22	22265	Roberts, Barbara	3186 High Meadows Dr.
23	22266	Szakasits, Monika	3200 High Meadows Dr.
24	22267	Nielson, Bradley & Michelle Roberts	3224 High Meadows Dr.
25	22268	Murphy, Rong Yan	3246 High Meadows Dr.
26	22269	Hicklin, Michael & Lynda	4884 Trails End Ln.
27	22270	Vowell, Stevan & Peggy	4868 Trails End Ln.
28	22271	Hopkins, Wade & Sharon	4856 Trails End Ln.
29	22272	Aldridge, Bret & Barbara	4842 Trails End Ln.
30	22273	Hubbard, Thomas & Shareinea	4830 Trails End Ln.
31	22274	Zimmerman, Brent & Cassandra	3229 High Meadows Dr.
32	22275	Woodward, Billy Ray & Joann	High Meadows Dr. (Vacant Lot)
33	22276	Scarbrough, Troy & Amy	3191 High Meadows Dr.
34	22277	Cox, Winfred M. & Clarice W.	3163 High Meadows Dr.
35	22278	Caldwell, Nelson & Terrie	3141 High Meadows Dr.
36	22279	Augustine, Merlin & Beverly	4862 Lavendon Pl.
37	22280	Anderson, Bob	4844 Lavendon Pl.
38	22281	Parker, Terry & Ellen	3142 Greystone Dr.
39	22282	McLaughlin, Gary & Susan	3164 Greystone Dr.
40	22283	Mitzel, Marvin & Christel	3190 Greystone Dr.
41	22284	Welker, Juanita M.	3204 Greystone Dr.
42	22285	White, Bryan & Susan F.	3228 Greystone Dr.
43	22286	Davis, Jerry & Brenda	4808 Trails End Ln.
44	22287	Marley, Mark & Cheryl	4792 Trails End Ln.

Stonewood Subdivison

Rezoning Proposal for Lots 1 & 2

Commercial Lots

92.9%	Percentage of lots voting
13	For the rezoning
0	Against the rezoning

Homeowner Lots

72.4%	Percentage of lots voting
1	For the rezoning
75	Against the rezoning

Lot	Parcel	Name	Address
45	22288	Mize, Andrew M. & Page Ann	4774 Trails End Ln.
46	22289	Salsbury, Randy & Shana	4758 Trails End Ln.
47	22290	Ashley, Larry & Martha	4749 Trails End Ln.
48	22291	Bunn, Richard & Margaret Werner	4773 Trails End Ln.
49	22292	Bradbury, Michael & Sharon Etchinson	4791 Trails End Ln.
50	22293	Glenn, Ryan & Maranda	4807 Trails End Ln.
51	22294	Wynne, Thomas B. & Marley M.	3203 Greystone Dr.
52	22295	Rigo, Gilson & Vania	3189 Greystone Dr.
53	22296	Basnett, Erin	4790 Stonewall Crossing
54	22297	Crawford, John & Beverly	4772 Stonewall Crossing
55	22298	Davis, Doris & Kim	4754 Stonewall Crossing
56	22299	Hughey, Gary & Sandra	4738 Stonewall Crossing
57	22300	Gillihan, Betty Kaye	3202 Hearthstone Dr.
58	22301	Jezewski, Jeffery & Jennifer	3226 Hearthstone Dr.
59	22302	Matthews, Andy & Cheryl	3244 Hearthstone Dr.
60	22303	Scalise, Mark & Jacqueline	3268 Hearthstone Dr.
61	22304	Malone, Noel & Ada Lee	3077 Greystone Dr.
62	22305	Smith, Virginia	3103 Greystone Dr.
63	22306	Mueller, Phuong & Ellen Gebhart-Mueller	3119 Greystone Dr.
64	22307	Mosby, Keith & Katherine	4807 Stonewall Crossing
65	22308	Stephens, George L. III	3144 Ladelle Pl.
66	22309	Alisha Sutton	3120 Ladelle Pl.
67	22310	LaGrone, Dean	3102 Ladelle Pl.
68	22311	Kennett, Vic & Melody	3078 Ladelle Pl.
69	22312	Flynn, Mike & Courtney	3063 Ladelle Pl.
70	22313	Henry, Clay & Jean Ann	3079 Ladelle Pl.
71	22314	Wright, Warren & Linda	3101 Ladelle Pl.
72	22315	Draper, Joe & Nancy	3145 Ladelle Pl.
73	22316	Draper, Joe & Nancy	3145 Ladelle Pl.
74	22317	Draper, Joe & Nancy	3145 Ladelle Pl.
75	22318	Draper, Joe & Nancy	3145 Ladelle Pl.
76	22319	Davis, Rick & Shawna	3100 Hearthstone Dr.
77	22320	Pianalto, Nick	3080 Hearthstone Dr.
78	22321	Hudgens, Patricia	3081 Hearthstone Dr.
79	22322	Ashby, Charles & Debbie	3033 Waterstone Dr.
80	22323	Busken, Gerard & Tammy	3057 Waterstone Dr.
81	22323-001	Collins, Craig & Bethany	3089 Waterstone Dr.
82	22324	Cantu, Jeffrey	3123 Hearthstone Dr.
83	22325	MacDade Properties LLC	3044 Waterstone Dr.
84	22326	Watkins, Janet & Catherine Vantine	3072 Waterstone Dr.
85	22327	Head, Steven & Hillary	3104 Waterstone Dr.
86	22328	Stancil, Jim & Susan	3130 Waterstone Dr.
87	22329	Forge, Maxine	3152 Waterstone Dr.
88	22330	Mazili, Christine A.	3186 Waterstone Dr.

Stonewood Subdivison

Rezoning Proposal for Lots 1 & 2

Commercial Lots

92.9%	Percentage of lots voting
13	For the rezoning
0	Against the rezoning

Homeowner Lots

72.4%	Percentage of lots voting
1	For the rezoning
75	Against the rezoning

Lot	Parcel	Name	Address
89	22331	Andrade, Juan & Ana	3208 Waterstone Dr.
90	22332	Levy, Lynn Revocable Trust	3224 Waterstone Dr.
91	22333	Green, Cynthia K.	4657 Stonewall Crossing
92	22334	Moore, Jennifer Paige	4665 Stonewall Crossing
93	22336	Young, Dena	4673 Stonewall Crossing
94	22335	Young, Alex Alden	4687 Stonewall Crossing
95	22337	Wilson, Hugh E. & Audrey A.	4695 Stonewall Crossing
96	22338	Serrano, Jose & Maria	3147 Hearthstone Dr.
97	22339	Porter, Kenneth B. & Andrea	3267 Hearthstone Dr.
98	22340	Zavaleta, Julio Cesar	3243 Hearthstone Dr.
99	22341	Taylor, Lawrence & Brandy	3225 Hearthstone Dr.
100	22342	Moore, Samuel & Margaret	3201 Hearthstone Dr.
101	22343	Collins, Randall	3185 Hearthstone Dr.
102	22344	Hardcastle, Andrea	4692 Stonewall Crossing
103	22345	Kyle & Caitlin Pennington	4664 Stonewall Crossing
104	22346	Bowlin, Philip & Brenda	4658 Stonewall Crossing
105	22347	Moffitt, Jennifer & Michael	4652 Stonewall Crossing
106	22348	Brown, Michael & Ana	4646 Leiston Pl.
107	22349	Demarest, Chris & Alicia	4640 Leiston Pl.
108	22350	Antoine, Ronald & Zenarea	4632 Leiston Pl.
109	22351	Rhodes, Amy S.	4624 Leiston Pl.
110	22352	Chamberlain, Carol Jean	3267 Waterstone Dr.
111	22353	Locey, Ryan & Monica	3245 Waterstone Dr.
112	22354	McCarley, Timothy	3223 Waterstone Dr.
113	22355	Morris, Nicholas & Lydia	3209 Waterstone Dr.
114	22355	Sandlin, James & Renee	3187 Waterstone Dr.
115	22355	Carrasco-Quezada, Erika	3165 Waterstone Dr.
116	22356	Black, Nancy	Waterstone Dr. (Vacant Lot)
117	22357	Mathias, David & Ashley	3129 Waterstone Dr.
118	22357-001	Siebert, Eric & Katlyn	2111 Waterstone Dr.
119	22358	Zamora, Rosanna	3352 Waterstone Dr.

Public Comment for 4/10/2017 Planning Commission Meeting

3/28/2017

Thank you for your response. We attended the planning meeting last night and were so disappointed the issue of rezoning our neighborhood was tabled instead of being voted down. We retired four years ago and moved to this area from NE Arkansas. One of our prime reasons for choosing this subdivision was because of its beauty and cleanliness. My husband is in bad health, so we felt the neighborhood afforded us safety with proximity to doctors and the hospital. We knew it was zoned R/O but believed office type buildings would be built in the frontage area with day hours, not a lot of congestion, or loud noise. With so many of the homeowners in Stonewood voting not to change the zone to CS, my prayer is that the planning commission will vote the will of the people. The fact that the 2030 goals of the city have this area marked to remain residential impressed me that the city felt it important to protect some residential areas and not turn everything into commercial. Thank you for your work. If my husband is able, we will attend the next meeting.

Sandy Hughey
4738 Stonewall Crossing

3/30/2017

Jonathan,

As I did at the hearing Monday night, I would like to again voice my opposition to the rezoning of Lots 1 and 2 in the Stonewood subdivision from R-O to CS or any other zoning designation other than what they have always been. I am disappointed that the Planning Department would recommend approval when the rezoning clearly doesn't fit the City's own master plan, Plan 2030. When you drive the length of Crossover within the city limits, you can clearly see the commercial areas at the intersections identified by Thomas Brown at the hearing. What you don't see when you drive north of Zion is anything resembling a commercial area, just as Plan 2030 indicates. Doesn't the Planning Department look at Plan 2030 when they are deciding to recommend approval for a rezoning?

Bob Anderson
Treasurer
Stonewood P.O.A.

Dear Jonathan,

Please accept this correspondence as a vehement objection to the proposed rezoning of the 2 lots adjacent to the Hearthstone Drive entrance. It was accepted when we all elected to build our homes, and invest substantial monies to do so, that **there would eventually be office buildings at the entrance**. That was the accepted deal. Be assured it **was an arrangement we were all aware of and accepted**. Why is this relevant? Because we were also aware of what was NOT allowed to be built at the entrance, namely convenience stores or fast food or any number of high traffic / high-volume business of those type.

If the deal when we build houses and moved to the neighborhood was that there would be a convenience store or McDonald or etc. at the entrance, MOST if not **ALL** of the present tenants would have elected to forego building or moving into Stonewood or Copper Creek, and would have established our homes and neighborhoods elsewhere. Myself absolutely! It was a **CONSCIOUS** decision, not something that had

not been considered until now! That is a fact. A rezoning would be an unfair change of rules mid-game. Not fair. Not equitable. It completely fails the "Do Right" rule!

It was NEVER part of the deal that those lots would be allowed to be rezoned in a manner that would allow fast food or convenience stores or any number of high traffic / high-volume businesses or retailers to clog the intersection and attract persons of every ilk to our neighborhood!! It is simply not acceptable to the residents who have made this neighborhood their home to suddenly allow it.

Please respect this request to deny the rezoning and request the opinions of the residents. Consider for a minute and **take into account the extremely negative impact this rezoning would have on a population of citizens that more than pulls its weight paying the taxes** which fund the activities and salaries of the employees of this city.

We trust you will pass along these sentiments to the Commissioners hearing this request.?! Your, and their **consideration in this regard would be greatly appreciated!!**

Best,
Mark Scalise

Mark N. Scalise
3268 Hearthstone Drive
Fayetteville, AR 72764
(479) 466-7712

Dear Jonathan, the letter you received from Mark Scalise is exactly what I wish to convey regarding my feelings about the rezoning of Stonewood property. My husband and I relocated here 2 years ago and we were assured the rezoning was for RO and told that was for office buildings. My husband had complete faith that this was the case. He passed away last year after a sudden illness but he loved living in Fayetteville. Please do the right thing and do not disappoint us. Thank you. Anita Ellison 4843 Lavendon Place. 870 919 5965 Sent from my iPhone

Mr. Curth:

My husband and I live in the Stonewood Subdivision on Trails End Lane. We are opposed to rezoning the lots in the front of our neighborhood from RO to CS. We have several concerns, most of which were addressed by our neighbors at the meeting on March 27. However, I do have a few comments I would like to make.

First of all, I cannot understand how the Commission can say that the addition of the proposed restaurant (which would be allowed under the CS zoning) would not increase the traffic in our neighborhood. I think it is logical and commonsense that if this establishment is successful, traffic will increase in our neighborhood. Steve Vowell told the Commission about the heavy traffic in the mornings trying to exit our neighborhood. What I don't think the Commission appreciates is that between the hours of 7 a.m. to 9 a.m. at many times there is a line of between 7 to 9 cars waiting to turn left (South) at the light at Hearthstone and 265. If you add a coffee shop with a drive thru at the location with the only entrance and exit to that coffee shop being on Hearthstone, it will create a traffic issue. I believe the busiest hours for

the coffee shop would also be between the hours of 7 a.m. and 9 a.m. I have no doubt that many of the people exiting the coffee shop will see the line of cars waiting to turn and decide to take a right onto Hearthstone to try to find a different and quicker exit. Since they are not familiar with our neighborhood, they will not know that the Hearthstone exit is the only exit from the neighborhood which allows you to exit and travel South. Those people will end up driving through the side streets until they realize their only exit is on Hearthstone.

The comment that the rezoning is needed so the restaurant can build on the street as opposed to a setback as required to keep AHTD from widening 265 further is ridiculous. AHTD has no plans in the foreseeable future to widen 265 to more than the four lanes it already has. Further widening is not on any of AHTD plans.

A major concern is the safety of the crosswalk at Hearthstone and 265. If the Commission wants to put in restaurants/shops, etc. to encourage people from the trail system to cross the road to visit those establishments, the crosswalk will need to somehow be made safer. We utilize the trail system regularly. It is one of the reasons we like our neighborhood so much is that we have convenient access. However, the crosswalk is not safe. I cannot tell you the number of times someone traveling South has run the red light. If a pedestrian is unfamiliar with the safety issues and simply steps out into the crosswalk thinking they have the right of way, the likelihood of someone getting injured is very high. Also, the traffic coming out of the BGO cannot see traffic or pedestrians because of the slope of the hill as they exit. They do not see anything until they get to the top of the hill and have started to make their turn. There have been several times that bicyclists have almost been hit by cars turning out of the BGO. Also, vehicles that stop in the crosswalk or beyond the cross walk far outnumber the vehicles the stop before the crosswalk. Plain and simple – to be safe, pedestrians at that crosswalk have to wait to make sure the vehicles are going to stop at the light, and also that they are not going to stop in or beyond the crosswalk.

When the current owners of the RO lots purchased them, they knew that they were zoned RO. When the people in the neighborhood bought their houses, they knew that the zoning was RO. It is completely unfair at this point to change the zoning from RO to CS so that the owners of those lots can sell them. The rezoning benefits the owners of the 14 RO lots to the detriment of the 105 owners of the houses in the Stonewood Subdivision. If the lots are going to be rezoned, a far more appropriate and fair rezoning would be to Neighborhood Services.

Thank you for your time.

Sharon Hopkins
Cox, Cox & Estes, PLLC
3900 Front Street, Suite 203
P. O. Box 9630
Fayetteville, AR 72703
P: 479-251-7900
F: 479-251-7910

Dear Mr. Curth :

We are owners in Stonewood. We were in attendance @ the City Planning meeting on Monday, 3/27/17. It was encouraging to note the civility & good order , especially in these times. There were some most tender issues addressed in a very respectful manner by you & the commissioners. It was nice to see. Thanks.

However, the commissioners seem to be much disposed to approve the above cited proposal to rezone & know what is to follow .This is not good.

And that persuasion, despite cogent & honest testimony by a multitude of residents to indicate the predictable harm rezoning will bring.

This includes, & is not limited to, increased commercial traffic, pedestrian adults & kids struck / injured by vehicles, trash, vermin, food odors, noxious, mephitic smells, dumpster drawbacks, decreased home & property value, reduction in the solace, comfort, & peace of the Stonewood home environment, general discontent, excessive unneeded transients passing through with the probable chance for increased crime in Stonewood & the area .

Folks did not buy there to be degraded & marginalized in such a way. The effort seems invidious .Land owners & developers on Lots 1 & 2 will benefit mightily; the merchants & beaneries that establish there may do OK ; the city will surely benefit from the lucre of more tax income , and development will creep on up the road & down it soiling all in its path . The 14th Amendment says a lot indeed.

Respectfully, it is venal, selfish ,biased, & improper to do this without equal consideration of Stonewood and sentient consideration of its position. A sense of decency here is hard to spot presently . The spirit & intent of the rezoning effort is surely incompatible with good citizenry & consideration of the decent people of Stonewood. I hope the commissioners do not share that view of us. We pay our bills, keep your city alluring , and dignify yourselves and Springdale as a fine place to be. Please do consider us.

Sad to say, at this juncture we are meat for your grinder.

And it's for a purpose that defiles the common good of the area, the common weal, and even yourselves as advocates for something which, in the long view , is detrimental for the surround & us.

It was somewhat surprising to hear the nice Nature Center spokeswoman's comments last Monday. "Neutrality" noted in her stance.

There is solid irony in favoring some beaneries to be close by , feeding their patrons after a healthy heart ramble in the Center . And knowing that these food places are established on , & adjacent to , clean salubrious neighborhoods that are being soiled by the enabling rezoning & planned development. These are juxtaposed to the healthiness & good stuff of her nature unit. Ugh. Well, opinions are that way, and no hypocrisy is suggested.

I am hopeful that all of you will put your political & mercenary hats aside to consider what you are doing to some of your very own good ones in this fine multicultural neighborhood. It is improper , & tends to do real harm. I trust Homo sapiens would never eat its own. We should all have that confidence.

Thank you.

Sincerely,

Albert Mac Dade
Owner- Stonewood

3/31/2017

WE HAVE LIVED IN STONEWOOD FROM DEVELOPING FIRST BEGAN. WE BOUGHT LOTS 72,73,74,75. WE MOVED HERE FROM THE KANSAS CITY AREA AND PREVIOUSLY TO THAT LIVED IN HOUSTON WITHIN BOTH NICE BEGINNING SUB-DIVISIONS. AFTER BEING IN EACH AREA FOR 21 AND 16 YEARS RESPECTIVELY, THEY WENT THROUGH A REZONING PROCESS FROM RO. THEY BUILT A ALDI FOOD STORE IN KANSAS CITY AND A CONVENIENCE STORE IN HOUSTON. BOTH SUB-DIVISIONS STARTED GOING DOWN HILL AND DEFINITELY DE-VALUED THE PROPERTIES. BY THE TIME WE SOLD AND MOVED.

WE WERE ON OUR WAY FROM KANSAS CITY TO TEXAS TO RELOCATE FROM RETIREMENT IN 2001. WE STOPPED IN FAYETTEVILLE AND AFTER LOOKING OVER THE AREA, DECIDED TO SETTLE HERE. WE CHOSE STONEWOOD WITH ALL THE PROMISES FROM THE DEVELOPER, MARK FOSTER, WHICH HE FAILED TO CARRY OUT. WE'D LIKE TO REMAIN IN STONEWOOD, BUT IF HOME VALUES START GOING DOWN, WE WON'T STAY. WE'VE BEEN THERE AND DONE THAT. WE KNOW WHAT CAN HAPPEN. I FEEL THE ENTIRE SUB-DIVISION FEELS THE SAME WAY. IF THAT HAPPENS, I CAN SEE FAYETTEVILLE HAVING A LOW CLASS HOUSING AREA WHICH COULD ALSO HURT THIS ENTIRE SIDE OF FAYETTEVILLE INCLUDING THE BOTANICAL GARDENS.

WE OPPOSE THE REZONING. HOPE THIS WILL BE PASSED ONTO THE CITY COMMISSIONERS. THANK YOU.
JOE DRAPER

Hi Jonathan,

I own property in the Stonewood Subdivision. There is no reason for commercial work or business to be on Crossover across from the Botanical Gardens. The strip that Mike Parker owned was always meant to be R/O. Please work to make that the case moving forward.

Nobody wants the Pizza Place.

Please do whatever you can to stop this rezoning and keep the area Residential / Office.

Thanks and let me know how I can help you. We are counting on you to help.

Regards,

Mike Flynn
Central Garden and Pet
Walmart Business Development Team
mflynn@central.com
479-268-7202 (O)
479-616-0707 (M)

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Dear Jonathan,

Please accept this correspondence as a vehement objection to the proposed rezoning of the 2 lots adjacent to the Hearthstone Drive entrance. It was accepted when we all elected to build our homes, and invest substantial monies to do so, that **there would eventually be office buildings at the entrance**. That was the accepted deal. Be assured it **was an arrangement we were all aware of and accepted**. Why is this relevant? Because we were also aware of what was NOT allowed to be built at the entrance, namely convenience stores or fast food or any number of high traffic / high-volume business of those type.

If the deal when we build houses and moved to the neighborhood was that there would be a convenience store or McDonald or etc. at the entrance, MOST if not **ALL** of the present tenants would have elected to forego building or moving into Stonewood or Copper Creek, and would have established our homes and neighborhoods elsewhere. Myself absolutely! It was a **CONSCIOUS** decision, not something that had not been considered until now! That is a fact. A rezoning would be an unfair change of rules mid-game. Not fair. Not equitable. It completely fails the "Do Right" rule!

It was NEVER part of the deal that those lots would be allowed to be rezoned in a manner that would allow fast food or convenience stores or any number of high traffic / high-volume businesses or retailers to clog the intersection and attract persons of every ilk to our neighborhood!! It is simply not acceptable to the residents who have made this neighborhood their home to suddenly allow it.

Please respect this request to deny the rezoning and request the opinions of the residents. Consider for a minute and **take into account the extremely negative impact this rezoning would have on a population of citizens that more than pulls its weight paying the taxes** which fund the activities and salaries of the employees of this city.

We trust you will pass along these sentiments to the Commissioners hearing this request.?! Your, and their **consideration in this regard would be greatly appreciated!!**

Thanks,
Mike

Regards,

Mike Flynn
Central Garden and Pet
Walmart Business Development Team
mflynn@central.com
479-268-7202 (O)
479-616-0707 (M)

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4/3/2017

Mr. Curth,

I wish to comment on the meeting of 03/27/2017 concerning the rezoning of property and the intersection of Hearthstone and Crossover.

I will reiterate my opposition to permitting the rezoning of that property. Again, if the government decides to interfere with a contractual agreement between members of the public (who have not been under coercion or misinformation) there must be a substantial benefit to the citizen received from such interference. Even in takings of personal property, the public use benefit must be considerable.

The committee response did not assure anyone of a significant benefit from the zoning change. There is no benefit from rezoning as would be received from things like new roads to reduce traffic, signs for security, an easement for better infrastructure, or any other advantage. It will only help one person sell his property to the detriment of many homeowners.

It was repeatedly mentioned that a nice business or small shop would be permitted under current zoning for this property. This current zoning protects the owners of the property from nuisance. Smells, noise, order and other problems that might occur could be addressed under these ordinances. Changes would deprive owners of these protections from businesses that failed to keep up an amicable existence in the subdivision and negatively affect property values.

I understand the planning committee is a voice for business in Fayetteville. However, they are also a part of the city government and need to recognize and rights they would be compromising. I urge them to reconsider.

Monika
Resident of Stonewood Subdivision

I recently sent you an email stating that if certain assurances could not be met, my wife and I would be opposed to rezoning the front lots. In our opinion, those assurances can not be met. We want to go on record as specifically being opposed to the rezoning that is being proposed!

Samuel and Margaret Moore

4/5/2017

Mr. Curth,

Prior to your revised report that will be sent to the Planning Commission on 4/6, I wanted to reiterate my opposition to RZN 17-5733. Many concerns were well communicated and supported in the last planning meeting; however, I wanted to highlight only a few for continued consideration.

1. 74 of 75 Stonewood Residents are against rezoning according to a poll conducted by the Stonewood POA Treasurer. If Copper Creek and Embry Acre residents were polled, you would see the number of residents opposed increase significantly.
2. Both the developer and Stonewood homeowners bought property and adjacent properties with the understanding that the entrance to Stonewood would be zoned RO. I disagree with staff finding 5b in the original memo regarding this matter which states "It would be impractical to use the land for any of the uses permitted under its existing zoning classifications." The office park north of Hearthstone appears to be fully leased/owned, making this a practical development for RO zoning.
3. I fully support Commissioner Brown's comments that rezoning to CS does not support the 2030 Comprehensive Plan for this neighborhood.
4. I fully support Commissioner Hoskin's comment that the plan for an end use with a drive thru window application does not fit the adjacent properties and should not be considered.
5. I fully agree with the Commissioner's comments that in order to vote to rezone this property to CS the Commission would have to turn their backs on all the residents opposed to the rezoning.

Thank you for considering these points as to draft your revised report for the Planning Commission.

Best regards,
Ryan Parrish
Copper Creek Home Owner

My name is Joe Rocko, I am a resident of the Embry Acres/Stonewood/Copper Creek subdivision in Fayetteville, Arkansas. I think having local businesses in that area is a no brainer. It increases the value of the houses and can offer the neighborhood much needed restaurants. I can't begin to tell you how often our Facebook page shows people asking for more restaurants in the area. Personally that would be amazing. I also can't help but think that a pharmacy, restaurants, bike shop, or coffee shop would be amazing. A few of our neighbors seem to be upset by this possible rezoning. Honestly though what did they think would go there?

No one would buy that land to put a house on it. It's too close to 265 and it would be a bad spot for a small group of houses to be on. When thinking about this area I always thought about how great it would be to have local businesses within walking distances from the park and neighborhood.

Thank you for letting us speak out on this topic

Joe Rocko

Dear Mr. Curth,

My family and I live on Waterstone Drive in Copper Creek. We are **strongly opposed** to the rezoning of the SE Crossover Rd & Hearthstone Dr. We moved to this location to enjoy the lovely & quiet access to The Botanical Gardens as well as Lake Fayetteville, not to mention the feeling of "**Safety**" in our neighborhood. The proposed rezoning would create unwanted noise (live music into the late evenings @ MJ's Pizzeria) would you want to have to listen to this from your back yard or even inside your home when trying to relax after work or put your children/grandchildren to bed. I am actually wondering why would ANOTHER pizza place want to go in within such a small proximity to Jim's Razorback on corner of Joyce and Crossover, Marco's just down road at corner of Don Tyson and Crossover, then there is Papa Murphys a the next intersection of Hwy 412 and Crossover... seems like a possible front to me... once they get the rezoning they switch things up! This is not to mention the extra traffic and possible cut thrus

into the subdivision and create unwanted mischief. We are **ALL** (Copper Creek, Stonewood and Embry Acres) worried that this will cause many issues and unhappy residents. The current property's on Castlerwood Ln where Elder Management, Prime Real Estate & Development & the new office for financial planning are wonderful and welcome additions to the front of the neighborhoods! Please keep the areas zoned for businesses such as this in order to maintain the peaceful tranquility of the front of the subdivision as well as the lovely Botanical Gardens across the street.

Thank you for your time & consideration,

Renee Rogers
3373 Waterstone Drive
Fayetteville, AR 72764

Memo from Commissioner Brown

Fellow Commissioners

The Guiding Policies of the 2030 Master Transportation Plan encourage the Planning Commission to consider the impacts of land use decisions on the the transportation network.

Using 2011 to 2015 Average Daily Traffic Count Data supplied by the Arkansas State Highway and Transportation Department and 2011 to 2015 Traffic Accident data supplied by the Fayetteville Police Department through the City GIS, I have calculated the level of traffic volume needed to produce a traffic accident (see attached Traffic Volume and Accidents.xlsx) on the following two Principal Arterials:

- Crossover/Hwy265 - 39,815 vehicles.
- College Avenue/ 71B - 13,737 vehicles.

The lower Traffic Volume needed to produce an accident on College Avenue/71B compared to Crossover /Hwy265 is a result of land use, road design and the access management policy differences.

For example, College Avenue has more curb cuts, intersections and bordering retail commercial land uses than Crossover/Hwy265.

Therefore, reducing traffic accidents and insuring the effective functioning of this Principal Arterial should be a major reason why we need to avoid continually approving retail commercial land uses outside the designated City Neighborhood Areas within the Crossover/ Hwy265 Corridor and thereby setting precedence that may eventually result in another College Avenue along Crossover/Hwy265.

Tom Brown

Traffic Volume per Accident Calculation

Hwy71B/College Ave Corridor		Hwy71B/College Ave Corridor				
		Annual Ave Daily Traffic Est ¹				
Station		2011	2012	2013	2014	2015
304	283	18000	18000	18666	19332	20000
303	282	18000	18000	15000	17000	19000
302	281	16000	15000	13000	16000	18000
299	280	17000	17000	17000	19000	22000
298	279	18000	17000	17000	19000	22000
297	277	22000	22000	21000	24000	25000
296	276	19000	21000	21000	23000	22000
295	278	16000	17000	18000	16000	16000
294						
293						
292						
291						
290						
289						
234						
Average	Average	18000	18125	17583	19167	20500
		2011 thru 2015 Average				
		Annual Total Traffic Volume				
		18675				
		6816357				

Traffic Accidents ²		Traffic Accidents ²	
Total		2011 thru 2015 Total	Average Accidents/ Year
154	167	161	180
194	856	171	

Traffic Volume/Accident	Traffic Volume/Accident
13737	39815

- References:
- https://www.arkansashighways.com/System_Info_and_Research/traffic_info/traffic_map.aspx
 - Source: Fayetteville Police Department data reprocessed by GIS

Note: 27500 Missing data, used average of earlier year and later year.

Traffic Accident Variables	
Traffic Volume	Different per road
Weather Condition	Same for both roads
Vehicle Condition	Same for both roads
Driver Behavior	Same for both roads
Road Design	Different per road
Land Use	Different per road
Access Management Policy	Different per road

CUP 17-5733

Spreadsheet from
Commissioner Brown

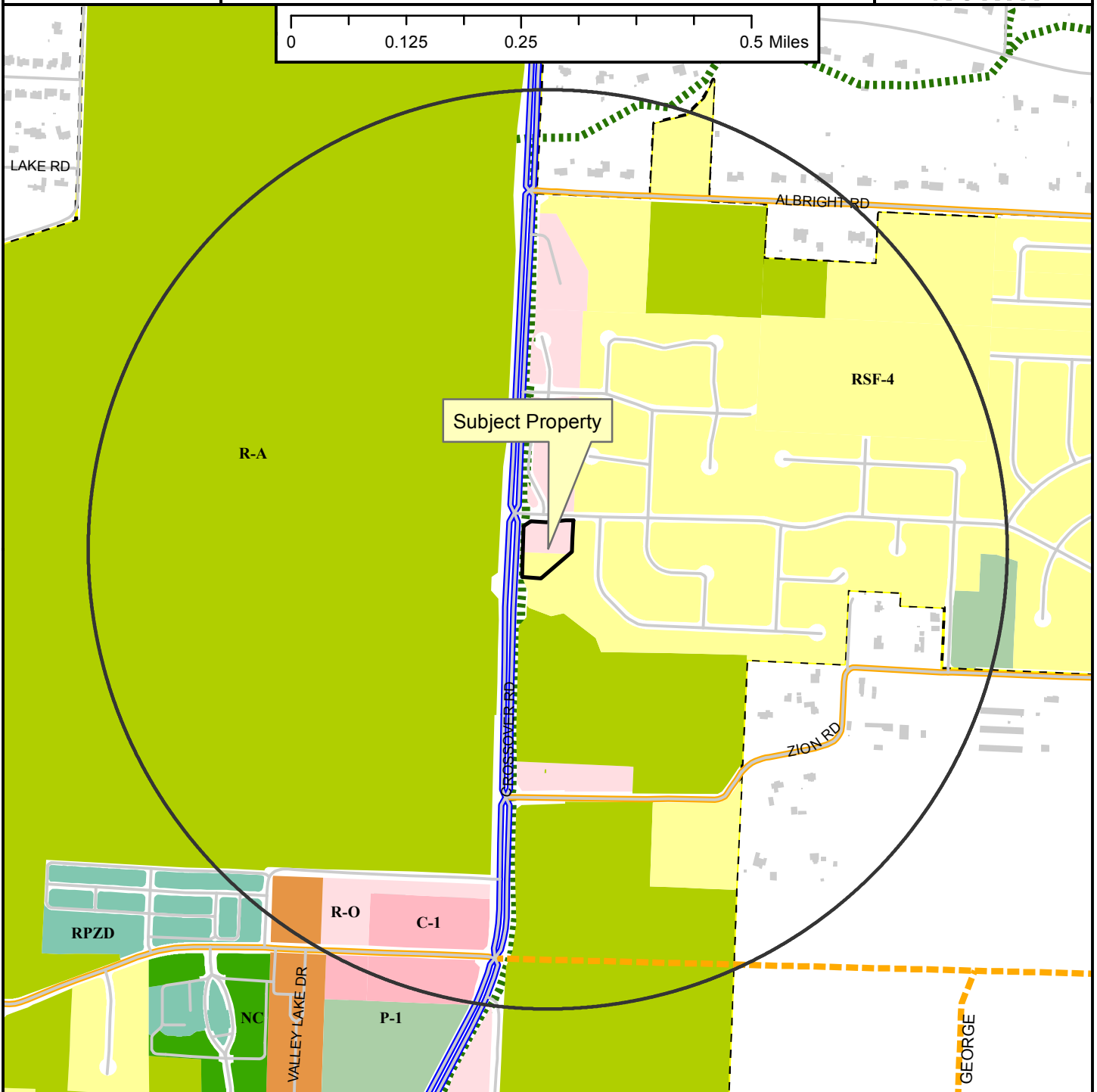
RZN 17-5733

One Mile View

CP PROPERTIES

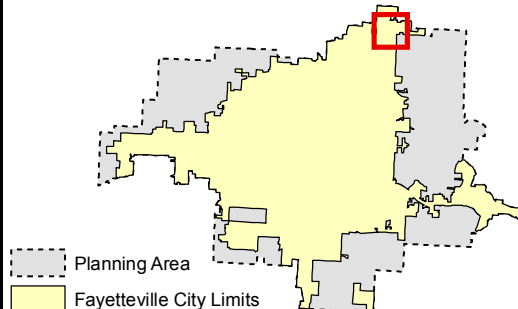


0 0.125 0.25 0.5 Miles



Legend

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

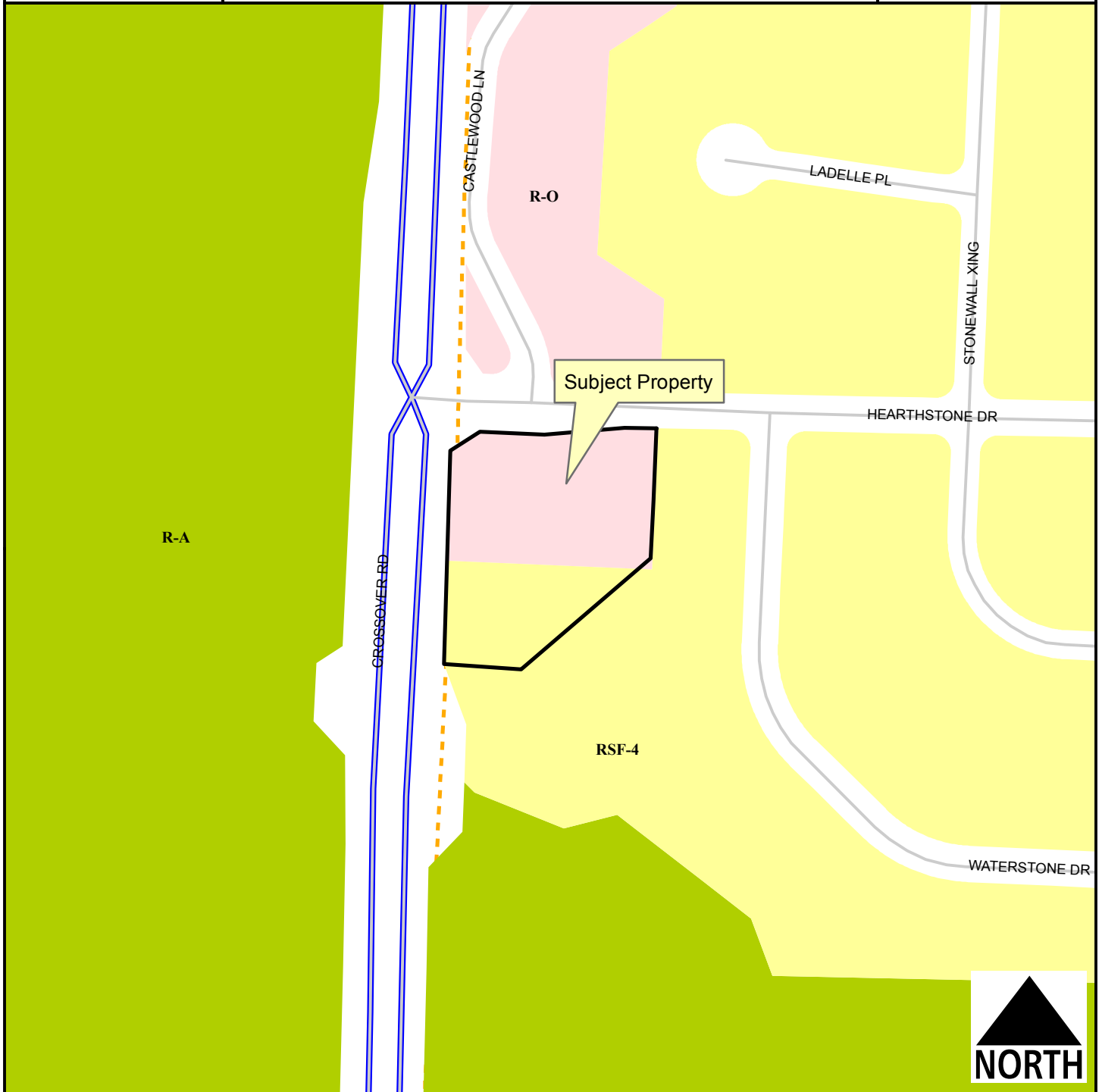


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RSF-A Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and 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

RZN 17-5733

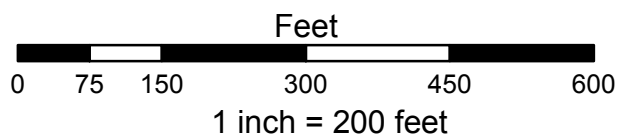
CP PROPERTIES

Close Up View



Legend

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

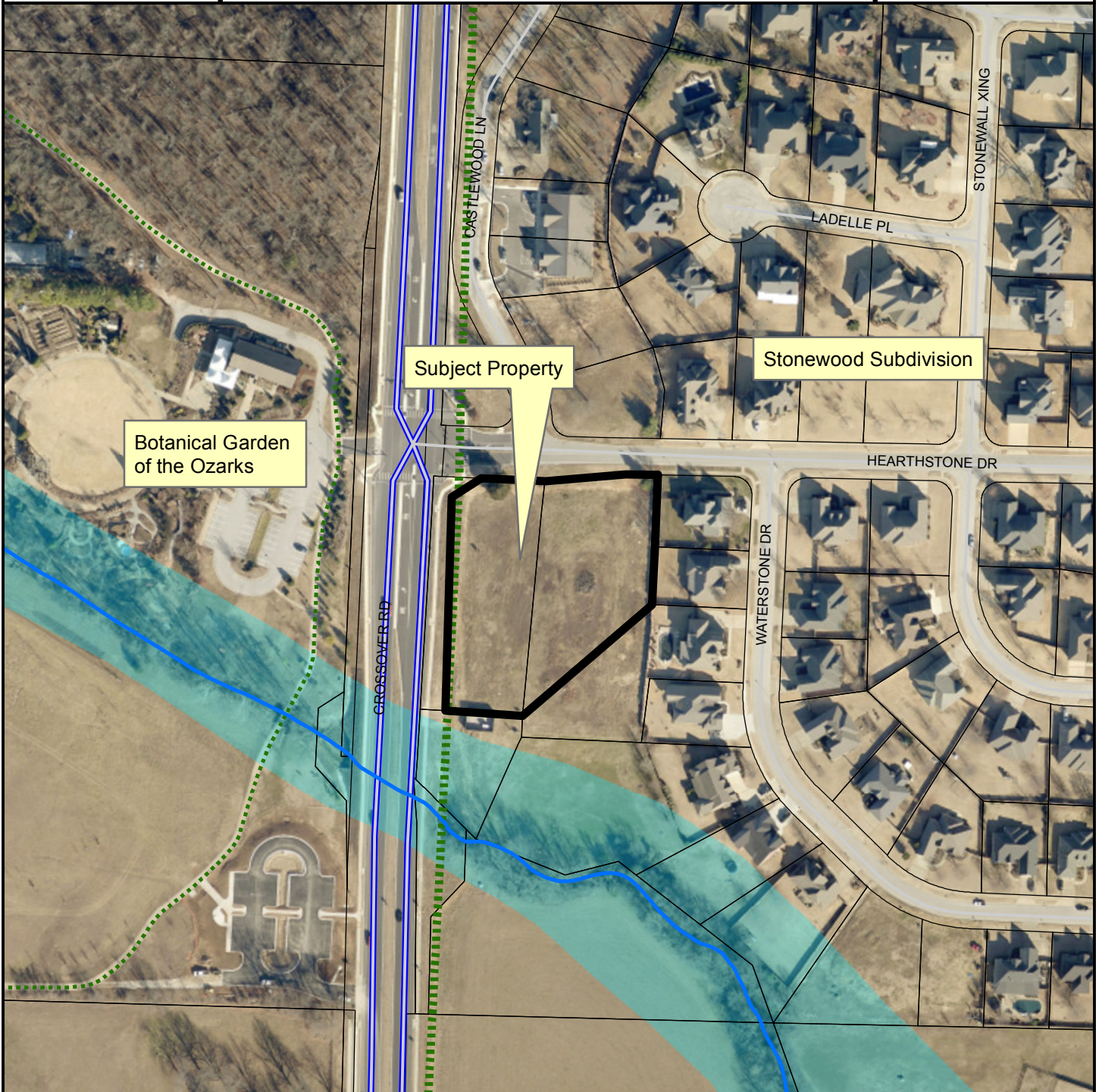


- Residential-Agricultural
- RSF-4
- Residential-Office

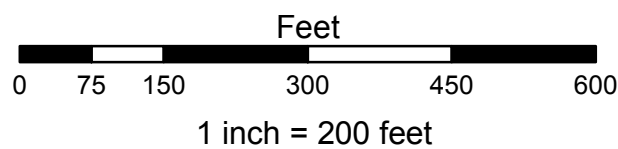
RZN 17-5733

Current Land Use

CP PROPERTIES



- RZN17-5733
- Streams
- Street
- PRIN ARTERIAL PKWY
- Shared Use Paved Trail
- Trail (Proposed)
- County Parcels
- Planning Area
- Fayetteville City Limits



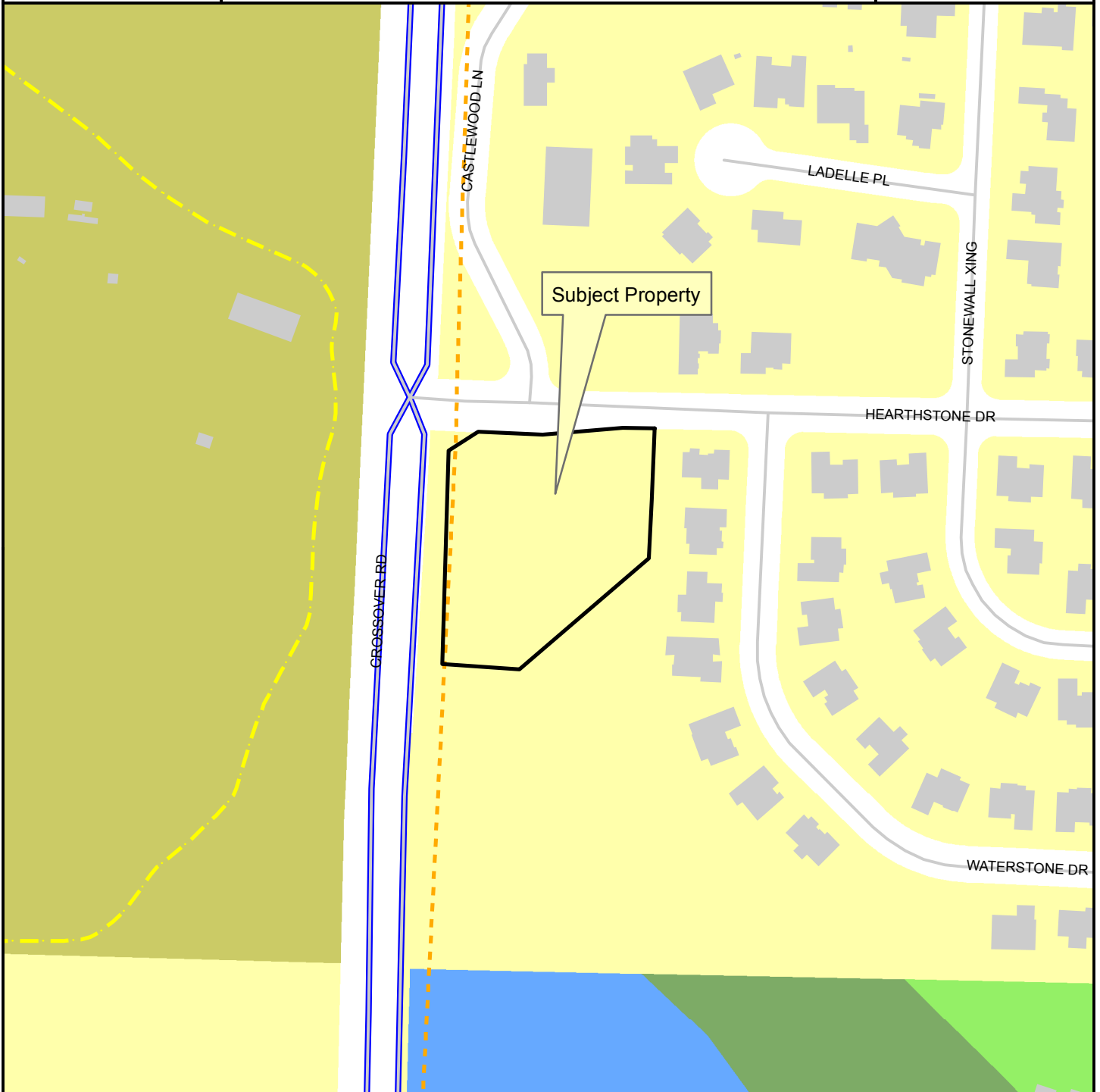
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN 17-5733

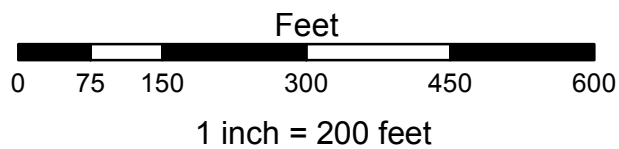
Future Land Use

CP PROPERTIES



Legend

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



FUTURE LAND USE 2030

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

CityClerk

From: Bob Anderson <anderhog@yahoo.com>
Sent: Monday, May 01, 2017 4:10 PM
To: CityClerk
Subject: City Council Meeting 5-2-17
Attachments: Rezoning Proposal.xls

Attached is a spreadsheet that shows the property owners' votes concerning RZN 17-5733. Would you please see that this is included in the package of materials provided to the council members prior to the hearing Tuesday night. Thank you.

Bob Anderson
Treasurer
Stonewood P.O.A.

Stonewood Subdivison

Rezoning Proposal for Lots 1 & 2

Commercial Lots

92.9%	Percentage of lots voting
13	For the rezoning
0	Against the rezoning
100.0%	Percentage for rezoning

Homeowner Lots

83.8%	Percentage of lots voting
2	For the rezoning
86	Against the rezoning
1	In between
96.6%	Percentage opposed

Lot	Parcel	Name	Address
1	22244	C P Properties, LLC	Crossover Road (Vacant Commercial Lot)
2	22245	C P Properties, LLC	Crossover Road (Vacant Commercial Lot)
3	22246	Kjune LLC	Crossover Road (Vacant Commercial Lot)
4	22247	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
5	22248	Parker Investments, LLC	Castlewood Ln. (Commercial Lot)
6	22249	Parker Investments, LLC	Castlewood Ln. (Commercial Lot)
7	22250	Parker Investments, LLC	4790 Castlewood Ln. (Commercial Lot)
8	22251	Fochtman, Earl & Gayle	Crossover Road (Vacant Commercial Lot)
9	22252	Fochtman, Earl & Gayle	Crossover Road (Vacant Commercial Lot)
10	22253	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
11	22254	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
12	22255	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
13	22256	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
14	22257	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
15	22258	Ellison, Frances Anita	4843 Lavendon Pl.
16	22259	Ingram, Justin & Andrea	4857 Lavendon Pl.
17	22260	Watson, Gaye F.	4869 Lavendon Pl.
18	22261	Olive Trust Joshua Hicks	4881 Lavendon Pl.
19	22262	Stevens, Robert & Karen	3116 High Meadows Dr.
20	22263	Liu, Pu & Li-Chuan Chang	3140 High Meadows Dr.
21	22264	Oswald, Robert & Anne	3162 High Meadows Dr.
22	22265	Roberts, Barbara	3186 High Meadows Dr.
23	22266	Szakasits, Monika	3200 High Meadows Dr.
24	22267	Nielson, Bradley & Michelle Roberts	3224 High Meadows Dr.
25	22268	Murphy, Rong Yan	3246 High Meadows Dr.
26	22269	Hicklin, Michael & Lynda	4884 Trails End Ln.
27	22270	Vowell, Stevan & Peggy	4868 Trails End Ln.
28	22271	Hopkins, Wade & Sharon	4856 Trails End Ln.
29	22272	Aldridge, Bret & Barbara	4842 Trails End Ln.
30	22273	Hubbard, Thomas & Shareinea	4830 Trails End Ln.
31	22274	Zimmerman, Brent & Cassandra	3229 High Meadows Dr.
32	22275	Woodward, Billy Ray & Joann	High Meadows Dr. (Vacant Lot)
33	22276	Scarbrough, Troy & Amy	3191 High Meadows Dr.
34	22277	Cox, Winfred M. & Clarice W.	3163 High Meadows Dr.
35	22278	Caldwell, Nelson & Terrie	3141 High Meadows Dr.
36	22279	Augustine, Merlin & Beverly	4862 Lavendon Pl.
37	22280	Anderson, Bob	4844 Lavendon Pl.
38	22281	Parker, Terry & Ellen	3142 Greystone Dr.
39	22282	McLaughlin, Gary & Susan	3164 Greystone Dr.
40	22283	Mitzel, Marvin & Christel	3190 Greystone Dr.
41	22284	Welker, Juanita M.	3204 Greystone Dr.
42	22285	White, Bryan & Susan F.	3228 Greystone Dr.

Stonewood Subdivison

Rezoning Proposal for Lots 1 & 2

Commercial Lots

92.9%	Percentage of lots voting
13	For the rezoning
0	Against the rezoning
100.0%	Percentage for rezoning

Homeowner Lots

83.8%	Percentage of lots voting
2	For the rezoning
86	Against the rezoning
1	In between
96.6%	Percentage opposed

Lot	Parcel	Name	Address
43	22286	Davis, Jerry & Brenda	4808 Trails End Ln.
44	22287	Marley, Mark & Cheryl	4792 Trails End Ln.
45	22288	Mize, Andrew M. & Page Ann	4774 Trails End Ln.
46	22289	Salsbury, Randy & Shana	4758 Trails End Ln.
47	22290	Ashley, Larry & Martha	4749 Trails End Ln.
48	22291	Bunn, Richard & Margaret Werner	4773 Trails End Ln.
49	22292	Bradbury, Michael & Sharon Etchinson	4791 Trails End Ln.
50	22293	Glenn, Ryan & Maranda	4807 Trails End Ln.
51	22294	Wynne, Thomas B. & Marley M.	3203 Greystone Dr.
52	22295	Rigo, Gilson & Vania	3189 Greystone Dr.
53	22296	Basnett, Erin	4790 Stonewall Crossing
54	22297	Crawford, John & Beverly	4772 Stonewall Crossing
55	22298	Davis, Doris & Kim	4754 Stonewall Crossing
56	22299	Hughey, Gary & Sandra	4738 Stonewall Crossing
57	22300	Gillihan, Betty Kaye	3202 Hearthstone Dr.
58	22301	Jezewski, Jeffery & Jennifer	3226 Hearthstone Dr.
59	22302	Matthews, Andy & Cheryl	3244 Hearthstone Dr.
60	22303	Scalise, Mark & Jacqueline	3268 Hearthstone Dr.
61	22304	Malone, Noel & Ada Lee	3077 Greystone Dr.
62	22305	Smith, Virginia	3103 Greystone Dr.
63	22306	Mueller, Phuong & Ellen Gebhart-Mueller	3119 Greystone Dr.
64	22307	Mosby, Keith & Katherine	4807 Stonewall Crossing
65	22308	Stephens, Trey III	3144 Ladelle Pl.
66	22309	Alisha Sutton	3120 Ladelle Pl.
67	22310	LaGrone, Dean	3102 Ladelle Pl.
68	22311	Kennett, Vic & Melody	3078 Ladelle Pl.
69	22312	Flynn, Mike & Courtney	3063 Ladelle Pl.
70	22313	Henry, Clay & Jean Ann	3079 Ladelle Pl.
71	22314	Wright, Warren & Linda	3101 Ladelle Pl.
72	22315	Draper, Joe & Nancy	3145 Ladelle Pl.
73	22316	Draper, Joe & Nancy	3145 Ladelle Pl.
74	22317	Draper, Joe & Nancy	3145 Ladelle Pl.
75	22318	Draper, Joe & Nancy	3145 Ladelle Pl.
76	22319	Davis, Rick & Shawna	3100 Hearthstone Dr.
77	22320	Pianalto, Nick	3080 Hearthstone Dr.
78	22321	Hudgens, Patricia	3081 Hearthstone Dr.
79	22322	Ashby, Charles & Debbie	3033 Waterstone Dr.
80	22323	Busken, Gerard & Tammy	3057 Waterstone Dr.
81	22323-001	Collins, Craig & Bethany	3089 Waterstone Dr.
82	22324	Cantu, Jeffrey	3123 Hearthstone Dr.
83	22325	MacDade Properties LLC	3044 Waterstone Dr.
84	22326	Watkins, Janet & Catherine Vantine	3072 Waterstone Dr.

Stonewood Subdivison

Rezoning Proposal for Lots 1 & 2

Commercial Lots

92.9%	Percentage of lots voting
13	For the rezoning
0	Against the rezoning
100.0%	Percentage for rezoning

Homeowner Lots

83.8%	Percentage of lots voting
2	For the rezoning
86	Against the rezoning
1	In between
96.6%	Percentage opposed

Lot	Parcel	Name	Address
85	22327	Head, Steven & Hillary	3104 Waterstone Dr.
86	22328	Stancil, Jim & Susan	3130 Waterstone Dr.
87	22329	Forga, Maxine	3152 Waterstone Dr.
88	22330	Mazili, Christine A.	3186 Waterstone Dr.
89	22331	Andrade, Juan & Ana	3208 Waterstone Dr.
90	22332	Levy, Lynn Revocable Trust	3224 Waterstone Dr.
91	22333	Green, Cynthia K.	4657 Stonewall Crossing
92	22334	Moore, Jennifer Paige	4665 Stonewall Crossing
93	22336	Young, Dena	4673 Stonewall Crossing
1	22335	Young, Alex Alden	4687 Stonewall Crossing
95	22337	Wilson, Hugh E. & Audrey A.	4695 Stonewall Crossing
96	22338	Serrano, Jose & Maria	3147 Hearthstone Dr.
97	22339	Porter, Kenneth B. & Andrea	3267 Hearthstone Dr.
98	22340	Zavaleta, Julio Cesar	3243 Hearthstone Dr.
99	22341	Taylor, Lawrence & Brandy	3225 Hearthstone Dr.
100	22342	Moore, Samuel & Margaret	3201 Hearthstone Dr.
101	22343	Collins, Randall	3185 Hearthstone Dr.
102	22344	Hardcastle, Andrea	4692 Stonewall Crossing
103	22345	Kyle & Caitlin Pennington	4664 Stonewall Crossing
104	22346	Bowlin, Philip & Brenda	4658 Stonewall Crossing
105	22347	Moffitt, Jennifer & Michael	4652 Stonewall Crossing
106	22348	Brown, Michael & Ana	4646 Leiston Pl.
107	22349	Demarest, Chris & Alicia	4640 Leiston Pl.
108	22350	Antoine, Ronald & Zenarea	4632 Leiston Pl.
109	22351	Rhodes, Amy S.	4624 Leiston Pl.
110	22352	Chamberlain, Carol Jean	3267 Waterstone Dr.
111	22353	Locey, Ryan & Monica	3245 Waterstone Dr.
112	22354	McCarley, Timothy	3223 Waterstone Dr.
113	22355	Morris, Nicholas & Lydia	3209 Waterstone Dr.
114	22355	Sandlin, James & Renee	3187 Waterstone Dr.
115	22355	Carrasco-Quezada, Erika	3165 Waterstone Dr.
116	22356	Black, Nancy	Waterstone Dr. (Vacant Lot)
117	22357	Mathias, David & Ashley	3129 Waterstone Dr.
118	22357-001	Siebert, Eric & Katlyn	2111 Waterstone Dr.
119	22358	Zamora, Rosanna	3352 Waterstone Dr.

CityClerk

From: PETER TONNESSEN <ptt@prodigy.net>
Sent: Monday, May 01, 2017 3:40 PM
To: Curth, Jonathan; CityClerk; City_Attorney
Cc: Bob Anderson; svowell@taylorlawpartners.com; Mark Scalise; pete012639@yahoo.com
Subject: Rev. 8 and Rev. 9 of the HANDOUT (Spreadsheet), plus redacted copies of each
Attachments: POWERPOINT - ZONING DISTRICTS COMPARED with Excel Chart.pptx

Mr. Curth:

I am attaching PowerPoint slides of two Revisions (Rev. 8 and Rev. 9) of the HANDOUT (Spreadsheet), plus redacted copies of each, for use at the City Council Meeting tomorrow night. Please let me know if you have any problems downloading them so they can be available.

Sincerely,
Pete Tonnessen
3500 Hearthstone Drive
719-338-7329

Sent from my iPad

RZN 17-5733 & VAC 17-5753

Zoning Districts Compared:

NS-L | NS-G | R-O | CS

NS-L | R-O | NS-G | CS

	A	B	C	D	E
1	(Rev. 8, 4/28/17)	Neighborhood Services - Limited	Neighborhood Services - General	R-O Residential Office	CS Community Services
2					
3	Fayetteville AR UDC (Zoning) as amended by ORDINANCE 5945 approved 1/17/2017	(A) Purpose. designed to serve as a mixed use area of <u>low</u> intensity. ... promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are <u>compatible in scale, aesthetics, and use with surrounding land uses</u> . For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a <u>residential</u> zone.	(A) Purpose. ... designed to serve as a mixed use area of <u>medium</u> intensity. ... promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business that are <u>compatible in scale, aesthetics, and use with surrounding land uses</u> . For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a <u>residential</u> zone.	(A) Purpose. ... designed primarily to provide area for offices <u>without limitation to the nature or size of the office</u> , together with community facilities, restaurants and compatible residential uses.	(A) Purpose. ... designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is <u>intended to provide for mixed use centers</u> located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a <u>traditional urban form</u> with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a <u>commercial zone</u> . The intent of this zoning district is to provide standards that enable development to be approved administratively.
4	(B) Uses.				
5	(1) PERMITTED Uses.		(1) PERMITTED Uses.		(1) PERMITTED Uses.
6	Unit 1 City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right
7	Unit 4 Cultural and recreational facilities				Cultural and recreational facilities
8	Unit 5 Government facilities			Government facilities	Government facilities
9	Unit 8 Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings
10	Unit 9 Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings
11	Unit 10 Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings		Three (3) and four (4) family dwellings
12	Unit 12a Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]		Limited Business [Eating <2000 sq ft]	
13	Unit 12b General Business [8000 square feet]		Unit 12b General Business [8000 square feet]		Eating places
14	Unit 13 Eating places				Neighborhood Shopping goods
15	Unit 15 Neighborhood shopping goods				Gasoline service stations and drive-in/drive-through restaurants
16	Unit 18 Gasoline service stations and drive-in/drive-through restaurants				Home occupations
17	Unit 24 Home occupations	Home occupations	Home occupations		Offices, studios and related services
18	Unit 25 Offices, studios and related services			Offices, studios and related services	Multi-family dwellings
19	Unit 26 Multi-family dwellings				
20	Unit 41 Accessory dwelling units	Accessory dwelling units	Accessory Dwelling Units		Cluster Housing Development
21	Unit 44 Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Small scale production
22	Unit 45 Small-scale production				
23	(2) Conditional Uses.		(2) Conditional Uses.		(2) Conditional Uses.
24	Unit 2 City-wide uses by conditional use permit	City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit	City-wide uses by conditional use permit
25	Unit 3 Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
26	Unit 4 Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
27	Unit 5 Government facilities	Government facilities	Government facilities		
28	Unit 11 Manufactured home parks*			Manufactured home park*	
29	Unit 13 Eating places	Eating places	Eating places	Eating places	
30	Unit 14 Retail, motel and amusement services				Retail, motel and amusement services
31	Unit 15 Neighborhood shopping goods	Neighborhood shopping goods		Neighborhood shopping goods	
32	Unit 16 Shopping goods		Shopping goods		Shopping goods
33	Unit 19 Commercial recreation, small sites	Commercial recreation, small sites	Commercial recreation, small sites		Restaurants, cafes and services
34	Unit 24 Home occupations			Home occupations	Commercial recreation, small sites
35	Unit 25 Offices, studios and related services	Offices, studios and related services	Offices, Studios and Related Services		
36	Unit 26 Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	
37	Unit 28 Center for collecting recyclable materials				Center for collecting recyclable materials
38	Unit 34 Liquor stores				Liquor stores
39	Unit 35 Outdoor music establishments				Outdoor music establishments
40	Unit 36 Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
41	Unit 40 Sidewalk cafes	Sidewalk cafes	Sidewalk cafes		Sidewalk cafes
42	Unit 42 Clean technologies		Clean technologies	Clean technologies	Clean technologies
43	Unit 45 Small scale production	Small-scale production	Small scale production	Small scale production	
44					

Zoning Districts in order per the City Code

	A	B	C	D	E
1	(Rev. 8, 4/28/17)	Neighborhood Services - Limited	Neighborhood Services - General	R-O Residential Office	CS Community Services
2	Fayetteville AR UDC (Zoning) as amended by ORDINANCE 5945 approved 1/17/2017	(A) Purpose. designed to serve as a mixed use area of low intensity. 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.	(A) Purpose. designed to serve as a mixed use area of medium intensity. promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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.	(A) Purpose. designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses .	(A) Purpose. designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for 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 .
3					
4	(B) Uses.				
5	(1) PERMITTED Uses.		(1) PERMITTED Uses.		(1) PERMITTED Uses.
6	Unit 1 City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right
7	Unit 4 Cultural and recreational facilities			Government facilities	Cultural and recreational facilities
8	Unit 5 Government facilities			Single-family dwellings	Government facilities
9	Unit 8 Single-family dwellings	Single-family dwellings	Single-family dwellings	Two (2) family dwellings	Single-family dwellings
10	Unit 9 Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Three (3) and four (4) family dwellings	Two (2) family dwellings
11	Unit 10 Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings		Three (3) and four (4) family dwellings
12	Unit 12a Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]	Limited Business [Eating <2000 sq ft]	
13	Unit 12b General Business [8000 square feet]				Eating places
14	Unit 13 Eating places				Neighborhood Shopping goods
15	Unit 15 Neighborhood shopping goods				Gasoline service stations and drive-in/drive-through restaurants
16	Unit 18 Gasoline service stations and drive-in/drive-through restaurants				Home occupations
17	Unit 24 Home occupations	Home occupations	Home occupations	Offices, studios and related services	Offices, studios and related services
18	Unit 25 Offices, studios and related services			Cluster Housing Development	Multi-family dwellings
19	Unit 26 Multi-family dwellings				Cluster Housing Development
20	Unit 41 Accessory dwelling units	Accessory dwelling units	Accessory Dwelling Units		Small scale production
21	Unit 44 Cluster Housing Development	Cluster Housing Development	Cluster Housing Development		
22	Unit 45 Small-scale production				
23	(2) Conditional Uses.		(2) Conditional Uses.		(2) Conditional Uses.
24	Unit 2 City-wide uses by conditional use permit	City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit	City-wide uses by conditional use permit
25	Unit 3 Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
26	Unit 4 Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
27	Unit 5 Government Facilities	Government Facilities	Government facilities		
28	Unit 11 Manufactured home parks*			Manufactured home park*	
29	Unit 13 Eating places	Eating places	Eating places	Eating places	
30	Unit 14 Hotel, motel and amusement services				Hotel, motel and amusement services
31	Unit 15 Neighborhood shopping goods	Neighborhood shopping goods		Neighborhood shopping goods	
32	Unit 16 Shopping goods		Shopping goods		Shopping goods
33	Unit 17 Transportation, trades and services				Transportation, trades and services
34	Unit 19 Commercial recreation, small sites	Commercial recreation, small sites	Commercial recreation, small sites		Commercial recreation, small sites
35	Unit 24 Home occupations			Home occupations	
36	Unit 25 Offices, studios and related services	Offices, studios and related services	Offices, Studios and Related Services		
37	Unit 26 Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	
38	Unit 28 Center for collecting recyclable materials				Center for collecting recyclable materials
39	Unit 34 Liquor stores				Liquor stores
40	Unit 35 Outdoor music establishments				Outdoor music establishments
41	Unit 36 Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
42	Unit 40 Sidewalk cafes	Sidewalk cafes	Sidewalk cafes		Sidewalk cafes
43	Unit 42 Clean technologies		Clean technologies	Clean technologies	Clean technologies
44	Unit 45 Small scale production	Small-scale production	Small scale production	Small scale production	

Zoning Districts by PERMITTED SQUARE FEET

A	B	C	D	E
(Rev. 9, 4/29/17)	Neighborhood Services - Limited	R-O Residential Office	Neighborhood Services - General	CS Community Services
Fayetteville AR UDC (Zoning) as amended by ORDINANCE 5945 approved 1/17/2017	(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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.	(A) Purpose. designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.	(A) Purpose. designed to serve as a mixed use area of medium intensity. ... 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.	(A) Purpose. ... designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for 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.			(1) PERMITTED Uses.	(1) PERMITTED Uses.
Unit 1 City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right
Unit 4 Cultural and recreational facilities				Cultural and recreational facilities
Unit 5 Government facilities		Government facilities		Government facilities
Unit 8 Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings
Unit 9 Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings
Unit 10 Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings		Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings
Unit 12a Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]	
Unit 12b General Business [8000 square feet]				Eating places
Unit 13 Eating places				Neighborhood Shopping goods
Unit 15 Neighborhood shopping goods				Gasoline service stations and drive-in/drive-through restaurants
Unit 18 Gasoline service stations and drive-in/drive-through restaurants				Home occupations
Unit 24 Home occupations	Home occupations		Home occupations	Offices, studios and related services
Unit 25 Offices, studios and related services		Offices, studios and related services		Multi-family dwellings
Unit 26 Multi-family dwellings				
Unit 41 Accessory dwelling units	Accessory dwelling units		Accessory Dwelling Units	Cluster Housing Development
Unit 44 Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Small scale production
Unit 45 Small-scale production				
(2) Conditional Uses.			(2) Conditional Uses.	(2) Conditional Uses.
Unit 2 City-wide uses by conditional use permit	City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit	City-wide uses by conditional use permit
Unit 3 Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
Unit 4 Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
Unit 5 Government facilities	Government Facilities		Government facilities	
Unit 11 Manufactured home parks*		Manufactured home parks*		
Unit 13 Eating places	Eating places	Eating places	Eating places	
Unit 14 Hotel, motel and amusement services				Hotel, motel and amusement services
Unit 15 Neighborhood shopping goods	Neighborhood shopping goods	Neighborhood shopping goods		Shopping goods
Unit 16 Shopping goods			Shopping goods	Gasoline service stations and drive-in/drive-through restaurants
Unit 17 Drive-in/drive-through restaurants				Commercial recreation, small sites
Unit 19 Commercial recreation, small sites	Commercial recreation, small sites		Commercial recreation, small sites	
Unit 24 Home occupations		Home occupations		
Unit 25 Offices, studios and related services	Offices, studios and related services		Offices, Studios and Related Services	
Unit 26 Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	
Unit 28 Center for collecting recyclable materials				Center for collecting recyclable materials
Unit 34 Liquor stores				Liquor stores
Unit 35 Outdoor music establishments				Outdoor music establishments
Unit 36 Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
Unit 40 Sidewalk cafes	Sidewalk cafes		Sidewalk cafes	Sidewalk cafes
Unit 42 Clean technologies		Clean technologies	Clean technologies	Clean technologies
Unit 45 Small scale production	Small-scale production	Small scale production	Small scale production	

Neighborhood Services - Limited	Neighborhood Services - General	R-O Residential Office
(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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 .	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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 .	(A) Purpose. ... designed primarily to provide area for offices <i>without limitation to the nature or size of the office</i> , together with community facilities, restaurants and compatible residential uses .
(1) PERMITTED Uses.		
City-wide uses by right	City-wide uses by right	City-wide uses by right
Single-family dwellings	Single-family dwellings	Government facilities
Two (2) family dwellings	Two (2) family dwellings	Single-family dwellings
Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings	Two (2) family dwellings
Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]	Limited Business [Eating <2000 sq ft]
Home occupations	Home occupations	
Accessory dwelling units	Accessory Dwelling Units	Offices, studios and related services
Cluster Housing Development	Cluster Housing Development	Cluster Housing Development
(2) Conditional Uses.		
City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit
Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
Government Facilities	Government facilities	Manufactured home park*
Eating places	Eating places	Eating places
Neighborhood shopping goods		Neighborhood shopping goods
	Shopping goods	
Commercial recreation, small sites	Commercial recreation, small sites	
		Home occupations
Offices, studios and related services	Offices, Studios and Related Services	
Multi-family dwellings	Multi-family dwellings	Multi-family dwellings
Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
Sidewalk cafes	Sidewalk cafes	
	Clean technologies	Clean technologies
Small-scale production	Small scale production	Small scale production

Neighborhood Services - Limited	R-O Residential Office	Neighborhood Services - General
(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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 .	(A) Purpose. designed primarily to provide area for offices <i>without limitation to the nature or size of the office</i> , together with community facilities, restaurants and compatible residential uses .	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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 .
(1) PERMITTED Uses.		
City-wide uses by right	City-wide uses by right	City-wide uses by right
	Government facilities	
Single-family dwellings	Single-family dwellings	Single-family dwellings
Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings
Three (3) and four (4) family dwellings		Three (3) and four (4) family dwellings
Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]
Home occupations		Home occupations
	Offices, studios and related services	
Accessory dwelling units		Accessory Dwelling Units
Cluster Housing Development	Cluster Housing Development	Cluster Housing Development
(2) Conditional Uses.		
City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit
Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
Government Facilities		Government facilities
	Manufactured home park*	
Eating places	Eating places	Eating places
Neighborhood shopping goods	Neighborhood shopping goods	
		Shopping goods
Commercial recreation, small sites		Commercial recreation, small sites
	Home occupations	
Offices, studios and related services		Offices, Studios and Related Services
Multi-family dwellings	Multi-family dwellings	Multi-family dwellings
Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
Sidewalk cafes		Sidewalk cafes
	Clean technologies	Clean technologies
Small-scale production	Small scale production	Small scale production

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Monday, May 01, 2017 3:46 PM
To: Curth, Jonathan; CityClerk; City_Attorney
Cc: Bob Anderson; Stevan Vowell; Mark Scalise; pete012639@yahoo.com
Subject: FAYAR ZONING CODE 14 inch (Rev. 8, 4-28-17).xlsx
Attachments: FAYAR ZONING CODE 14 inch (Rev. 8, 4-28-17).xlsx

Mr. Curth:

Attached is the Excel version of the FAYAR ZONING CODE (Rev. 8) for tomorrow night. Again, please let me know if you have any problem downloading this.

Pete Tonnessen
3500 Hearthstone Drive
719-338-7329

Sent from my iPad

(Rev. 8, 4/28/17)

Fayetteville AR UDC
(Zoning) as amended
by ORDINANCE 5945
approved 1/17/2017

(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) and four (4) family dwellings
Unit 12a Limited Business [Eating <2000 sq ft]
Unit 12b General Business [8000 square feet]
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 41 Accessory dwelling units
Unit 44 Cluster Housing Development
Unit 45 Small-scale production

City-wide uses by right
Single-family dwellings
Two (2) family dwellings
Three (3) and four (4) family dwellings
Limited Business [Eating <2000 sq ft]
Home occupations
Accessory dwelling units
Cluster 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 parks*
Unit 13 Eating places
Unit 14 Hotel, motel and amusement services
Unit 15 Neighborhood shopping goods
Unit 16 Shopping goods
Unit 17 Transportation, trades and services
Unit 19 Commercial recreation, small sites
Unit 24 Home occupations
Unit 25 Offices, studios and related services
Unit 26 Multi-family dwellings
Unit 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
Unit 45 Small scale production

City-wide uses by conditional use [permit]
Public protection and utility facilities
Cultural and recreational facilities
Government Facilities
Eating places
Neighborhood shopping goods
Commercial recreation, small sites
Offices, studios and related services
Multi-family dwellings
Wireless communication facilities*
Sidewalk cafes
Small-scale production

Neighborhood Services -
Limited

(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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.

Neighborhood Services -
General

(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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.

R-O
Residential Office

(A) Purpose. ... designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses .

(1) PERMITTED Uses.

City-wide uses by right
Single-family dwellings
Two (2) family dwellings
Three (3) and four (4) family dwellings
Unit 12b General Business [8000 square feet]
Home occupations
Accessory Dwelling Units
Cluster Housing Development

(2) Conditional Uses.

City-wide uses by conditional use permit
Public protection and utility facilities
Cultural and recreational facilities
Government facilities
Eating places
Shopping goods
Commercial recreation, small sites
Offices, Studios and Related Services
Multi-family dwellings
Wireless communication facilities*
Sidewalk cafes
Clean technologies
Small scale production

CS
Community Services

(A) Purpose. ... designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for 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.

(1) PERMITTED Uses.

City-wide uses by right
Cultural and recreational facilities
Government facilities
Single-family dwellings
Two (2) family dwellings
Three (3) and four (4) family dwellings
Limited Business [Eating <2000 sq ft]
Eating places
Neighborhood Shopping goods
Gasoline service stations and drive-in/drive-through restaurants
Home occupations
Offices, studios and related services
Multi-family dwellings
Cluster Housing Development
Small scale production

(2) Conditional Uses.

City-wide uses by conditional use permit
Public protection and utility facilities
Cultural and recreational facilities
Manufactured home park*
Eating places
Hotel, motel and amusement services
Neighborhood shopping goods
Shopping goods
Transportation, trades and services
Commercial recreation, small sites
Home occupations
Multi-family dwellings
Center for collecting recyclable materials
Liquor stores
Outdoor music establishments
Wireless communication facilities*
Sidewalk cafes
Clean technologies

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Monday, May 01, 2017 3:54 PM
To: Curth, Jonathan; CityClerk; City_Attorney
Cc: Bob Anderson; Stevan Vowell; Mark Scalise; pete012639@yahoo.com
Subject: FAYAR ZONING COE 14 inch (Rev. 8, 4-28-17) REDACTED.xlsx
Attachments: FAYAR ZONING CODE 14 inch (Rev. 8) REDACTED.xlsx

Mr. Curth:

Attached is the Excel version of the FAYAR ZONING CODE (Rev. 8 REDACTED) for [tomorrow night](#). Again, please let me know if you have any problem downloading this.

Pete Tonnessen
3500 Hearthstone Drive
[719-338-7329](tel:719-338-7329)

Sent from my iPad

Neighborhood Services - Limited	Neighborhood Services - General	R-O Residential Office
(A) Purpose. designed to serve as a mixed use area of low intensity. ... promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neiighborhood 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 .	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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 .	(A) Purpose. ... designed primarily to provide area for offices <i>without limitation to the nature or size of the office</i> , together with community facilities, restaurants and compatible residential uses .
(1) PERMITTED Uses.		
City-wide uses by right	City-wide uses by right	City-wide uses by right
Single-family dwellings	Single-family dwellings	Government facilities
Two (2) family dwellings	Two (2) family dwellings	Single-family dwellings
Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings	Two (2) family dwellings
Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]	Limited Business [Eating <2000 sq ft]
Home occupations		
Accessory dwelling units		Offices, studios and related services
Cluster Housing Development	Accessory Dwelling Units	
	Cluster Housing Development	Cluster Housing Development
(2) Conditional Uses.		
City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit
Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
Government Facilities	Government facilities	
Eating places	Eating places	Manufactured home park*
Neighborhood shopping goods		Eating places
	Shopping goods	Neighborhood shopping goods
Commercial recreation, small sites	Commercial recreation, small sites	
		Home occupations
Offices, studios and related services	Offices, Studios and Related Services	
Multi-family dwellings	Multi-family dwellings	Multi-family dwellings
Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
Sidewalk cafes	Sidewalk cafes	
	Clean technologies	Clean technologies
Small-scale production	Small scale production	Small scale production

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Monday, May 01, 2017 4:12 PM
To: Curth, Jonathan; CityClerk; City_Attorney
Cc: Bob Anderson; Stevan Vowell; Mark Scalise; pete012639@yahoo.com
Subject: FAYAR ZONING CODE 14 inch (Rev. 8, 4-29-17) PERMITTED sq ft.xlsx
Attachments: FAYAR ZONING CODE 14 inch (Rev. 9, 4-29-17) PERMITTED sq ft.xlsx

Mr. Curth:

Attached is the Excel version of the "FAYAR ZONING CODE (Rev. 9) PERMITTED sq ft" for [tomorrow night](#). Again, please let me know if you have any problem downloading this.

Pete Tonnessen
3500 Hearthstone Drive
[719-338-7329](tel:719-338-7329)

Sent from my iPad

(Rev. 9, 4/29/17)

Fayetteville AR UDC
(Zoning) as amended
by ORDINANCE 5945
approved 1/17/2017

(B) Uses.

(1) PERMITTED Uses.

Unit 1 City-wide uses by right	City-wide uses by right
Unit 4 Cultural and recreational facilities	
Unit 5 Government facilities	
Unit 8 Single-family dwellings	Single-family dwellings
Unit 9 Two (2) family dwellings	Two (2) family dwellings
Unit 10 Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings
Unit 12a Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]
Unit 12b General Business [8000 square feet]	
Unit 13 Eating places	
Unit 15 Neighborhood shopping goods	
Unit 18 Gasoline service stations and drive-in/drive through restaurants	
Unit 24 Home occupations	Home occupations
Unit 25 Offices, studios and related services	
Unit 26 Multi-family dwellings	
Unit 41 Accessory dwelling units	Accessory dwelling units
Unit 44 Cluster Housing Development	Cluster Housing Development
Unit 45 Small-scale production	

(2) Conditional Uses.

Unit 2 City-wide uses by conditional use permit	City-wide uses by conditional use [permit]
Unit 3 Public protection and utility facilities	Public protection and utility facilities
Unit 4 Cultural and recreational facilities	Cultural and recreational facilities
Unit 5 Government Facilities	Government Facilities
Unit 11 Manufactured home parks*	
Unit 13 Eating places	Eating places
Unit 14 Hotel, motel and amusement services	
Unit 15 Neighborhood shopping goods	Neighborhood shopping goods
Unit 16 Shopping goods	
Unit 17 Transportation, trades and services	
Unit 19 Commercial recreation, small sites	Commercial recreation, small sites
Unit 24 Home occupations	
Unit 25 Offices, studios and related services	Offices, studios and related services
Unit 26 Multi-family dwellings	Multi-family dwellings
Unit 28 Center for collecting recyclable materials	
Unit 34 Liquor stores	
Unit 35 Outdoor music establishments	
Unit 36 Wireless communication facilities*	Wireless communication facilities*
Unit 40 Sidewalk cafes	Sidewalk cafes
Unit 42 Clean technologies	
Unit 45 Small scale production	Small-scale production

Neighborhood Services -
Limited

(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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.

R-O
Residential Office

(A) Purpose. designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

Neighborhood Services -
General

(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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.

CS
Community Services

(A) Purpose. ... designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for 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.

(1) PERMITTED Uses.

City-wide uses by right	City-wide uses by right
	Cultural and recreational facilities
	Government facilities
Single-family dwellings	Single-family dwellings
Two (2) family dwellings	Two (2) family dwellings
Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings
Unit 12b General Business [8000 square feet]	
	Eating places
	Neighborhood Shopping goods
	Gasoline service stations and drive-in/drive-through restaurants
	Home occupations
	Offices, studios and related services
	Multi-family dwellings
	Cluster Housing Development
	Small scale production

(2) Conditional Uses.

City-wide uses by conditional use permit	City-wide uses by conditional use permit
Public protection and utility facilities	Public protection and utility facilities
Cultural and recreational facilities	Cultural and recreational facilities
Government facilities	
Eating places	
	Hotel, motel and amusement services
Shopping goods	Shopping goods
	Transportation, trades and services
Commercial recreation, small sites	Commercial recreation, small sites
Offices, Studios and Related Services	
Multi-family dwellings	
	Center for collecting recyclable materials
	Liquor stores
	Outdoor music establishments
Wireless communication facilities*	Wireless communication facilities*
Sidewalk cafes	Sidewalk cafes
Clean technologies	Clean technologies
Small scale production	

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Monday, May 01, 2017 4:18 PM
To: Curth, Jonathan; CityClerk; City_Attorney
Cc: Bob Anderson; Stevan Vowell; Mark Scalise; pete012639@yahoo.com
Subject: FAYAR ZONING CODE 14 inch (Rev. 9) PERMITTED sq ft REDACTED.xlsx
Attachments: FAYAR ZONING CODE 14 inch (Rev. 9) PERMITTED sq ft REDACTED.xlsx

Mr. Curth:

Attached is the Excel version of the FAYAR ZONING CODE (Rev. 9) PERMITTED sq ft REDACTED for [tomorrow night](#). Again, please let me know if you have any problem downloading this.

Pete Tonnessen
3500 Hearthstone Drive
[719-338-7329](tel:719-338-7329)

Sent from my iPad

Neighborhood Services - Limited	R-O Residential Office	Neighborhood Services - General
(A) Purpose. designed to serve as a mixed use area of low intensity. ... promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neiighborhood 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 .	(A) Purpose. ... designed primarily to provide area for offices <i>without limitation to the nature or size of the office</i> , together with community facilities, restaurants and compatible residential uses .	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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 .
(1) PERMITTED Uses.		
City-wide uses by right	City-wide uses by right	City-wide uses by right
Single-family dwellings	Government facilities	Single-family dwellings
Two (2) family dwellings	Single-family dwellings	Two (2) family dwellings
Three (3) and four (4) family dwellings	Two (2) family dwellings	Three (3) and four (4) family dwellings
Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]
Home occupations	Offices, studios and related services	Home occupations
Accessory dwelling units	Cluster Housing Development	Accessory Dwelling Units
Cluster Housing Development		Cluster Housing Development
(2) Conditional Uses.		
City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit
Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
Government Facilities	Manufactured home park*	Government facilities
Eating places	Eating places	Eating places
Neighborhood shopping goods	Neighborhood shopping goods	
		Shopping goods
Commercial recreation, small sites		Commercial recreation, small sites
	Home occupations	
Offices, studios and related services		Offices, Studios and Related Services
Multi-family dwellings	Multi-family dwellings	Multi-family dwellings
Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
Sidewalk cafes		Sidewalk cafes
	Clean technologies	Clean technologies
Small-scale production	Small scale production	Small scale production

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Tuesday, May 02, 2017 6:05 AM
To: CityClerk
Cc: City_Attorney; Bob Anderson; pete012639@yahoo.com
Subject: PHOTO EXHIBIT for RZN 17-5733 & VAC 17-5753

Categories: Forwarded

From: Peter Tonnesen
To: City Clerk
Cc: City Attorney; Bob Anderson; pete012629@yahoo.com
Subject: PHOTO EXHIBIT for RZN 17-5733 & VAC 17-5753
Date: Tuesday, May 02, 2017 6:04:53 AM

R-O Residential Office	Neighborhood Services - Limited	Neighborhood Services - General
(A) Purpose. ... designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.	(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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.	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. ... promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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.
(1) PERMITTED Uses.	(1) PERMITTED Uses.	(1) PERMITTED Uses.
City-wide uses by right Government facilities Single-family dwellings Two (2) family dwellings	City-wide uses by right Single-family dwellings Two (2) family dwellings Three (3) and four (4) family dwellings	City-wide uses by right Single-family dwellings Two (2) family dwellings Three (3) and four (4) family dwellings
Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]
Offices, studios and related services	Home occupations Accessory dwelling units Cluster Housing Development	Home occupations Accessory Dwelling Units Cluster Housing Development
(2) Conditional Uses.	(2) Conditional Uses.	(2) Conditional Uses.
City-wide uses by conditional use permit Public protection and utility facilities Cultural and recreational facilities	City-wide uses by conditional use [permit] Public protection and utility facilities Cultural and recreational facilities Government Facilities	City-wide uses by conditional use permit Public protection and utility facilities Cultural and recreational facilities Government facilities
Manufactured home park*	Eating places	Eating places
Eating places	Neighborhood shopping goods	Neighborhood shopping goods
Neighborhood shopping goods	Commercial recreation, small sites	Commercial recreation, small sites
Home occupations	Offices, studios and related services	Offices, Studios and Related Services
Multi-family dwellings	Multi-family dwellings	Multi-family dwellings
Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
Clean technologies	Sidewalk cafes	Sidewalk cafes
Small scale production	Small-scale production	Small scale production

Sent from my iPad

Sent from my iPad

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Tuesday, May 02, 2017 6:11 AM
To: CityClerk
Cc: City_Attorney; Bob Anderson; pete012639@yahoo.com
Subject: PowerPoint Slide FAYAR ZONING CODE Spreadsheet (R-O NS-L NS-G)
Attachments: FAYAR ZONING CODE (Rev. 10) R-O NS-L NS-G.xlsx

Categories: Forwarded

Sent from my iPad

R-O Residential Office	Neighborhood Services - Limited	Neighborhood Services - General
(A) Purpose. ... designed primarily to provide area for offices <u>without limitation to the nature or size of the office</u> , together with community facilities, restaurants and compatible residential uses .	(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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 .	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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 .
(1) PERMITTED Uses.	(1) PERMITTED Uses.	(1) PERMITTED Uses.
City-wide uses by right Government facilities Single-family dwellings Two (2) family dwellings	City-wide uses by right Single-family dwellings Two (2) family dwellings Three (3) and four (4) family dwellings	City-wide uses by right Single-family dwellings Two (2) family dwellings Three (3) and four (4) family dwellings
Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]
Offices, studios and related services Cluster Housing Development	Home occupations Accessory dwelling units Cluster Housing Development	Home occupations Accessory Dwelling Units Cluster Housing Development
(2) Conditional Uses.	(2) Conditional Uses.	(2) Conditional Uses.
City-wide uses by conditional use permit Public protection and utility facilities Cultural and recreational facilities	City-wide uses by conditional use [permit] Public protection and utility facilities Cultural and recreational facilities Government Facilities	City-wide uses by conditional use permit Public protection and utility facilities Cultural and recreational facilities Government facilities
Manufactured home park*		
Eating places	Eating places	Eating places
Neighborhood shopping goods	Neighborhood shopping goods	
	Commercial recreation, small sites	Shopping goods
Home occupations	Offices, studios and related services	Commercial recreation, small sites
Multi-family dwellings	Multi-family dwellings	Offices, Studios and Related Services
Wireless communication facilities*	Wireless communication facilities*	Multi-family dwellings
	Sidewalk cafes	Wireless communication facilities*
Clean technologies		Sidewalk cafes
Small scale production	Small-scale production	Clean technologies
		Small scale production

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Tuesday, May 02, 2017 6:45 AM
To: CityClerk
Cc: City_Attorney; Bob Anderson; pete012639@yahoo.com
Subject: RZN 17-3733 & VAC 17-5753 PHOTO EXHIBIT re FAYAR PLANNING CODE (Rev. 12)

Categories: Forwarded

From: [Peter Thompson](#)
To: [City Staff](#)
Cc: [City Attorney](#); [Rob Anderson](#); [peter12639@yahoo.com](#)
Subject: R2N 17-3728 & VAC 17-5753 PHOTO EXHIBIT re FAYAR PLANNING CODE (Rev. 12)
Date: Tuesday, May 02, 2017 6:44:43 AM

	A	B	C	D
1	(Rev. 12, 5/2/17)	R-O	Neighborhood Services -	Neighborhood Services -
2		Residential Office	Limited	General
	Fayetteville AR UDC (Zoning) as amended by ORDINANCE 5945 approved 1/17/2017	(A) Purpose. ... designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.	(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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.	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . 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.
3				
4	(B) Uses.			
5	(1) PERMITTED Uses.			(1) PERMITTED Uses.
6	Unit 1 City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right
7	Unit 5 Government facilities	Government facilities		
8	Unit 8 Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings
9	Unit 9 Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings
10	Unit 10 Three (3) and four (4) family dwellings		Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings
11	Unit 12a Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	
12	Unit 12b General Business [8000 square feet]			Unit 12b General Business [8000 square feet]
13	Unit 24 Home occupations		Home occupations	Home occupations
14	Unit 25 Offices, studios and related services	Offices, studios and related services		
15	Unit 41 Accessory dwelling units		Accessory dwelling units	Accessory Dwelling Units
16	Unit 44 Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Cluster Housing Development
17	(2) Conditional Uses.			(2) Conditional Uses.
18	Unit 2 City-wide uses by conditional use permit	City-wide uses by conditional use permit	City-wide uses by conditional use [permit]	City-wide uses by conditional use permit
19	Unit 3 Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
20	Unit 4 Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
21	Unit 5 Government Facilities		Government Facilities	Government facilities
22	Unit 11 Manufactured home parks*	Manufactured home park*		
23	Unit 13 Eating places	Eating places	Eating places	Eating places
24	Unit 15 Neighborhood shopping goods	Neighborhood shopping goods	Neighborhood shopping goods	
25	Unit 16 Shopping goods			Shopping goods
26	Unit 19 Commercial recreation, small sites		Commercial recreation, small sites	Commercial recreation, small sites
27	Unit 24 Home occupations	Home occupations		
28	Unit 25 Offices, studios and related services		Offices, studios and related services	Offices, Studios and Related Services
29	Unit 26 Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	Multi-family dwellings
30	Unit 36 Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
31	Unit 40 Sidewalk cafes		Sidewalk cafes	Sidewalk cafes
32	Unit 42 Clean technologies	Clean technologies		Clean technologies
33	Unit 45 Small scale production	Small scale production	Small-scale production	Small scale production

Sent from my iPad

Sent from my iPad

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Tuesday, May 02, 2017 6:49 AM
To: CityClerk
Cc: City_Attorney; Bob Anderson; pete012639@yahoo.com
Subject: RZN 17-5733 & VAC 17-5753 PowerPoint Slide FAYAR ZONING CODE 14-inch (Rev. 12, 5-2-17) R-O NSL-L NS-G
Attachments: FAYAR ZONING CODE 14-inch (Rev. 12, 5-2-17) R-O NS-L NS-G.xlsx
Categories: Forwarded

Sent from my iPad

(Rev. 12, 5/2/17)

Fayetteville AR UDC
(Zoning) as amended
by ORDINANCE 5945
approved 1/17/2017

(B) Uses.

(1) PERMITTED Uses.

Unit 1 City-wide uses by right
Unit 5 Government facilities
Unit 8 Single-family dwellings
Unit 9 Two (2) family dwellings
Unit 10 Three (3) and four (4) family dwellings

Unit 12a Limited Business [Eating <2000 sq ft]

Unit 12b General Business [8000 square feet]

Unit 24 Home occupations
Unit 25 Offices, studios and related services
Unit 41 Accessory dwelling units
Unit 44 Cluster 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 parks*

Unit 13 Eating places

Unit 15 Neighborhood shopping goods

Unit 16 Shopping goods

Unit 19 Commercial recreation, small sites
Unit 24 Home occupations
Unit 25 Offices, studios and related services
Unit 26 Multi-family dwellings
Unit 36 Wireless communication facilities*
Unit 40 Sidewalk cafes
Unit 42 Clean technologies
Unit 45 Small scale production

R-O
Residential Office

(A) Purpose. ... designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses .

City-wide uses by right
Government facilities
Single-family dwellings
Two (2) family dwellings

Limited Business [Eating <2000 sq ft]

Offices, studios and related services
Cluster Housing Development

City-wide uses by conditional use permit
Public protection and utility facilities
Cultural and recreational facilities
Manufactured home park*

Eating places

Neighborhood shopping goods

Home occupations
Multi-family dwellings
Wireless communication facilities*
Clean technologies
Small scale production

Neighborhood Services -
Limited

(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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.

City-wide uses by right
Single-family dwellings
Two (2) family dwellings
Three (3) and four (4) family dwellings

Limited Business [Eating <2000 sq ft]

Home occupations
Accessory dwelling units
Cluster Housing Development

City-wide uses by conditional use [permit]
Public protection and utility facilities
Cultural and recreational facilities
Government Facilities

Eating places

Neighborhood shopping goods

Commercial recreation, small sites
Offices, studios and related services
Multi-family dwellings
Wireless communication facilities*
Sidewalk cafes
Small-scale production

Neighborhood Services -
General

(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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.

(1) PERMITTED Uses.

City-wide uses by right
Single-family dwellings
Two (2) family dwellings
Three (3) and four (4) family dwellings

Unit 12b General Business [8000 square feet]

Home occupations
Accessory Dwelling Units
Cluster Housing Development

(2) Conditional Uses.

City-wide uses by conditional use permit
Public protection and utility facilities
Cultural and recreational facilities
Government facilities

Eating places

Shopping goods

Commercial recreation, small sites
Offices, Studios and Related Services
Multi-family dwellings
Wireless communication facilities*
Sidewalk cafes
Clean technologies
Small scale production

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Tuesday, May 02, 2017 6:52 AM
To: CityClerk
Subject: Fwd: CORR Subject: RZN 17-5733 & VAC 17-5753 PHOTO EXHIBIT re FAYAR ZONING CODE (Rev. 12, 5-2-17) R-O NS-L NS-G

Categories: Forwarded

Sent from my iPad

Begin forwarded message:

From: Peter Tonnessen <ptt@prodigy.net>
Date: May 2, 2017 at 6:44:31 AM CDT
To: cityclerk@fayetteville-ar.gov
Cc: city_attorney@fayetteville-ar.gov, Bob Anderson <anderhog@yahoo.com>, "pete012639@yahoo.com" <pete012639@yahoo.com>
Subject: RZN 17-3733 & VAC 17-5753 PHOTO EXHIBIT re FAYAR PLANNING CODE (Rev. 12)

From: [Peter Tonnessen](#)
To: [City Clerk](#)
Subject: RZN 17-5753 & VAC 17-5753 PHOTO EXHIBIT re FAYAR ZONING CODE (Rev. 12, 5-3-17) R/O NS-L NS-G
Date: Tuesday, May 02, 2017 8:51:43 AM

Sent from my iPad

Begin forwarded message:

From: Peter Tonnessen <ptt@prodigy.net>
Date: May 2, 2017 at 6:44:31 AM CDT
To: cityclerk@fayetteville-ar.gov
Cc: city_attorney@fayetteville-ar.gov, Bob Anderson <anderhogs@yahoo.com>, "peter012639@yahoo.com" <peter012639@yahoo.com>
Subject: RZN 17-3733 & VAC 17-5753 PHOTO EXHIBIT re FAYAR PLANNING CODE (Rev. 12)

	A	B	C	D
1	(Rev. 12, 5/2/17)	R-O	Neighborhood Services -	Neighborhood Services -
2		Residential Office	Limited	General
	Fayetteville AR UDC (Zoning) as amended by ORDINANCE 5945 approved 1/17/2017	(A) Purpose. ... designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.	(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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.	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. ... promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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.
3				
4	(B) Uses.			
5	(1) PERMITTED Uses.			(1) PERMITTED Uses.
6	Unit 1 City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right
7	Unit 5 Government facilities	Government facilities		
8	Unit 8 Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings
9	Unit 9 Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings
10	Unit 10 Three (3) and four (4) family dwellings		Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings
11	Unit 12a Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]
12	Unit 12b General Business [8000 square feet]			Home occupations
13	Unit 24 Home occupations		Home occupations	
14	Unit 25 Offices, studios and related services	Offices, studios and related services		
15	Unit 41 Accessory dwelling units		Accessory dwelling units	Accessory Dwelling Units
16	Unit 44 Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Cluster Housing Development
17	(2) Conditional Uses.			(2) Conditional Uses.
18	Unit 2 City-wide uses by conditional use permit	City-wide uses by conditional use permit	City-wide uses by conditional use [permit]	City-wide uses by conditional use permit
19	Unit 3 Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
20	Unit 4 Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
21	Unit 5 Government Facilities		Government Facilities	Government facilities
22	Unit 11 Manufactured home parks*	Manufactured home park*		
23	Unit 13 Eating places	Eating places	Eating places	Eating places
24	Unit 15 Neighborhood shopping goods	Neighborhood shopping goods	Neighborhood shopping goods	
25	Unit 16 Shopping goods			Shopping goods
26	Unit 19 Commercial recreation, small sites		Commercial recreation, small sites	Commercial recreation, small sites
27	Unit 24 Home occupations	Home occupations		
28	Unit 25 Offices, studios and related services		Offices, studios and related services	Offices, Studios and Related Services
29	Unit 26 Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	Multi-family dwellings
30	Unit 36 Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
31	Unit 40 Sidewalk cafes		Sidewalk cafes	Sidewalk cafes
32	Unit 42 Clean technologies	Clean technologies		Clean technologies
33	Unit 45 Small scale production	Small scale production	Small-scale production	Small scale production

Sent from my iPad

Sent from my iPad

Handed out at the 5-2-17
City Council meeting. C.6. RZN 17-5733 Heatherton

(Rev. 12, 5/2/17)

Fayetteville AR UDC (Zoning) as amended by ORDINANCE 5945 approved 1/17/2017

(B) Uses.

(1) PERMITTED Uses.

Unit 1 City-wide uses by right
Unit 5 Government facilities
Unit 8 Single-family dwellings
Unit 9 Two (2) family dwellings
Unit 10 Three (3) and four (4) family dwellings
Unit 12a Limited Business [Eating <2000 sq ft]
Unit 12b General Business [8000 square feet]
Unit 24 Home occupations
Unit 25 Offices, studios and related services
Unit 41 Accessory dwelling units
Unit 44 Cluster Housing Development

City-wide uses by right
Government facilities
Single-family dwellings
Two (2) family dwellings
Limited Business [Eating <2000 sq ft]

Offices, studios and related services
Cluster Housing Development

(A) Purpose. designed to serve as a mixed use area of **low** intensity. ... 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.

(A) Purpose. ... designed to serve as a mixed use area of **medium** intensity. . promotes a **walkable, pedestrian-oriented neighborhood** development form with **sustainable and complementary neighborhood business** 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.

(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 parks*

City-wide uses by conditional use permit
Public protection and utility facilities
Cultural and recreational facilities
Manufactured home park*

City-wide uses by conditional use [permit]
Public protection and utility facilities
Cultural and recreational facilities
Government Facilities

City-wide uses by conditional use permit
Public protection and utility facilities
Cultural and recreational facilities
Government facilities

Unit 13 Eating places
Unit 15 Neighborhood shopping goods
Unit 16 Shopping goods

Eating places
Neighborhood shopping goods

Eating places
Neighborhood shopping goods

Eating places

Unit 19 Commercial recreation, small sites
Unit 24 Home occupations
Unit 25 Offices, studios and related services
Unit 26 Multi-family dwellings
Unit 36 Wireless communication facilities*
Unit 40 Sidewalk cafes
Unit 42 Clean technologies
Unit 45 Small scale production

Home occupations

Multi-family dwellings
Wireless communication facilities*

Clean technologies
Small scale production

Commercial recreation, small sites

Offices, studios and related services
Multi-family dwellings
Wireless communication facilities*
Sidewalk cafes

Small-scale production

Commercial recreation, small sites

Offices, Studios and Related Services
Multi-family dwellings
Wireless communication facilities*
Sidewalk cafes
Clean technologies
Small scale production

Handed out at the
5/2/17 City Council meeting
C.B. RZN 17-5733 Hawthorne

LOTS 1 & 2 RESTAURANT COMPS

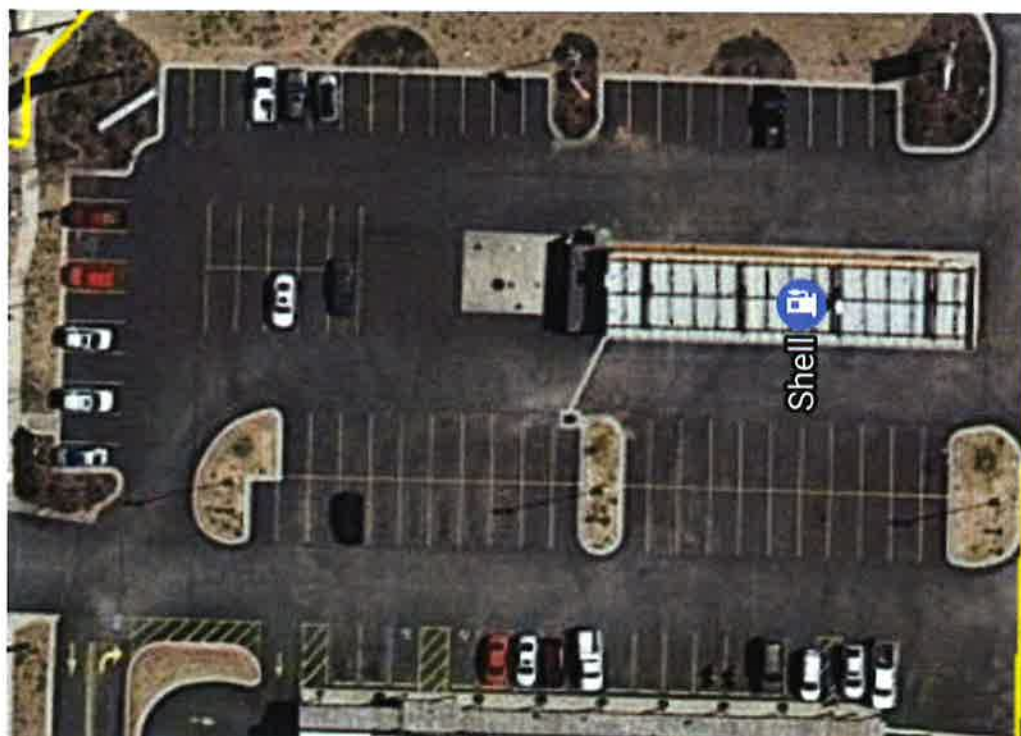
<u>Restaurant</u>	<u>Acreage</u>	<u>Building Area</u> <u>(sq. ft)</u>	<u>Designated</u> <u>Parking spaces</u>	<u>Paved Area</u> <u>(sq. ft)</u>
Lots 1 & 2 (MJ PIZZERIA ?) 89%	1.79	6,410	122	41,954
AVERAGE of Rows 9 : 19	1.99	7,202	137	47,140
Red Lobster	1.75	7,872	134	64,800
Colton's	1.95	7,274	152	44,879
Kobe Hibachi Grill & Sushi	1.82	7,202	107	39,840
Outback Steakhouse	1.47	6,985	121	38,000
Red Robin Gourmet Burgers	2.02	6,606	124	34,585
Chili's Grill & Bar	2.12	5,364	167	54,500
OG [Lot 1]	1.48		81	
OG [Lot 2]	<u>0.87</u>		<u>70</u>	
Olive Garden [TOTAL]	2.35	8,058	151	48,795
Logan's [Lot 1]	2.03			
Logan's [Lot 2]	<u>0.40</u>			
Logan's Roadhouse [TOTAL]	2.43	8,256	137	51,720

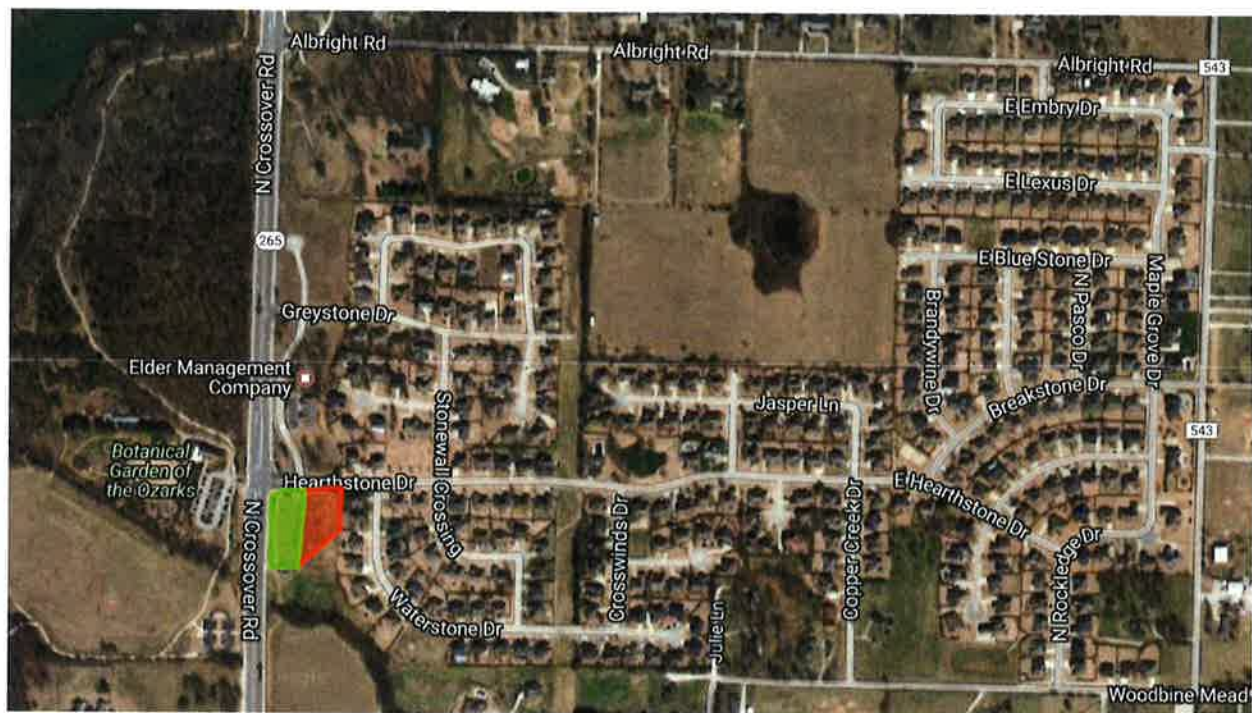
OFF-STREET PARKING COMPS

<u>PROPERTY</u>	<u>Designated Parking Spaces</u>	<u>Parking Location</u>	<u>Acreage</u>	<u>Paved Area (sq. ft)</u>
Lots 1 & 2	125	Rear	1.79	> min 34,500
Parking Spaces per Acre			70	
Paved Area per Acre				19,274
% Paved Area				44.25%
Copper Creek Pool & Park	6	Front (i.e., street-side)	1.80	2,520
Copper Creek Tennis Court	3	Front (i.e., street-side)	0.51	1,408
Lots 5/6 - Prime R/E & Dev, Inc.	14	Front (i.e., street-side)	0.58	6,633
Lot 7 - Elder Management Co.	6	Front (i.e., street-side)	0.46	3,230
	29		3.35	13,791
Community Average #	7		0.84	3,448
Parking Spaces per Acre			8.66	
Paved Area per Acre				4,117
% Paved Area				9.45%
Botanical Garden of the Ozarks	59	Front (i.e., street-side)	37.34	24,500
Fayetteville Park Public Parking	42	Front (i.e., street-side)	163.00	21,500
	101		200.34	46,000
Public Property Average #	51		100.17	
Parking Spaces per Acre			0.50	
Paved Area per Acre				230
% Paved Area				0.53%
Neighborhood Total	130		203.69	59,791
Neighborhood Average #				
Parking Spaces per Acre			0.64	
Paved Area per Acre				294
% Paved Area				0.67%









EXISTING STREETS



U of A Campus Master Plan



COLLECTOR



FREEWAY/EXPRESSWAY



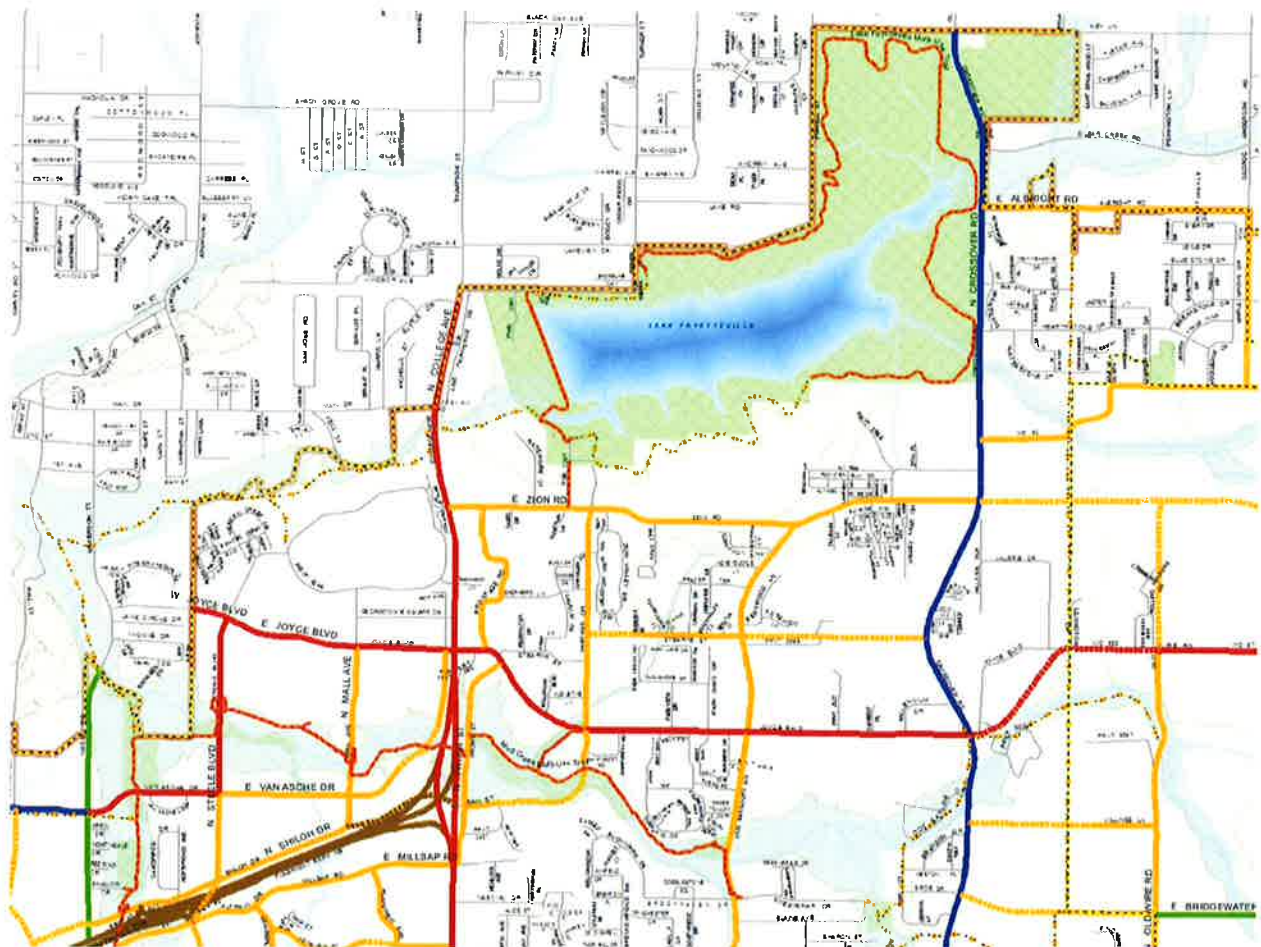
MINOR ARTERIAL



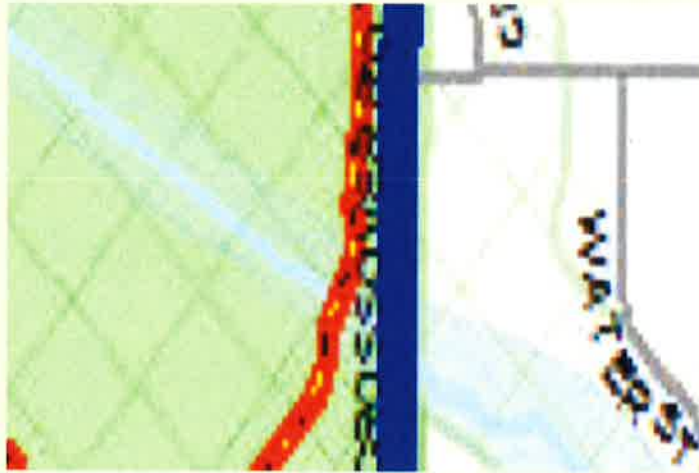
PRINCIPAL ARTERIAL



PRIN ARTERIAL PKWY



"PRINCIPAL ARTERIAL **PARKWAY**"



Crossover Road is a **PARKWAY**

- Crossover Road was planned, built and **landscaped** as a **PARKWAY**
- **TREES** are planted **every thirty (30) feet**
- 30 **trees** and 3 **shrubs** between Zion Road and Hilton Creek
- 39 **trees** and 3 **shrubs** from Hearthstone Drive to Albright Road
- 61 **trees** from Albright Road to **Ivey Lane**



**View across Crossover Road Parkway
towards the NE and Lots 1 & 2**



**View across Crossover Road Parkway
towards the SE and Hilton Creek**



**From Parkway median,
looking NNE towards Lots 1 & 2**





OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

**TO: Mayor Jordan
City Council**

**CC: Don Marr, Chief of Staff
Andrew Garner, Planning Director
Jonathon Curth, Senior Planner**

FROM: Kit Williams, City Attorney

DATE: May 2, 2017

RE: Proposed Rezoning of Lots in Stonewood Subdivision

Planning staff has been making a reasonable and good faith effort to help the developer with his proposed project. They have presented some worthwhile discussion and relevant factors in support of their initial recommendation to approve the applicant's requested Community Services rezoning and now the applicant's requested Neighborhood Services - General rezoning. Reasonable minds may differ on rezoning issues. In recognition of the residential neighborhood's substantial opposition, let me present further analysis.

HISTORY OF STONEWOOD AND COPPER CREEK

The neighborhood master plan for the Stonewood Subdivision and the Copper Creek Subdivision was approved when they were zoned completely single family residential except for a buffer of Residential - Office lots along Highway 265 near its intersection with Hearthstone Drive by the Fayetteville City Council. The precise subdivision layout with streets and lot boundaries for this residential neighborhood was approved when the Fayetteville Planning Commission in 2001 approved its Preliminary and Final Plat. These rezonings and the Final Plats approving the neighborhood layout constitute a detailed master plan for this area. The question for this rezoning

request is whether this long-established neighborhood plan relied upon by hundreds of home buyers through the years should now be changed to allow much larger restaurants and other commercial developments to replace the small restaurants and stores allowed in the Residential - Office buffer along Highway 265. This request would also rezone for a possible commercial use a significant triangle of Residential Single Family zoned land.

After their zoning and development approval, the single-family house lots in the Stonewood and Copper Creek Subdivisions have been almost completely built out pursuant to this neighborhood plan. These residential subdivisions have become some of the more desirable and attractive neighborhoods in Fayetteville. Some of the Residential - Office Lots along Highway 265 have been developed with no complaint by the neighbors. However, the owner of a couple of the remaining vacant R-O and RSF - 4 lots now wishes to change the approved neighborhood master plan by inserting **medium** density commercial urban "form-based" zoning near Fayetteville's northern city limits and several miles from Fayetteville's urban core. A rezoning to Neighborhood Services - General which allows large retailers, restaurants and fourplexes as of right would significantly change the Residential - Office and RSF - 4 buffer upon which the neighbors relied when deciding to build or buy their homes in Stonewood or Copper Creek.

INITIAL REZONING REQUEST

The applicant/developer stated he initially wanted to rezone to Commercial Services in order to build a drive-through coffee shop. Such drive-through establishments do not appear compatible with the adjoining residences. A drive-through restaurant or coffee shop is described in the Unified Development Code as being "**significantly objectionable to nearby uses....**" § 162.01 (R) *Unit 18*. This "significantly objectionable" use would adjoin the backyards of several residences. Much of this "significantly objectionable" designation is tied to the substantially increased traffic generation of a drive-in/drive-through restaurant, donut or coffee shop compared to a small, non-drive-through restaurant or coffee shop which is allowed in Residential - Office. These commercial uses are not allowed in the RSF - 4 land that the applicant wants to rezone for possible commercial or fourplex uses. Although, Community Services was recommended for approval by the Planning Department, the applicant backed off slightly to

Neighborhood Services - General in the face of strong and reasoned objections of almost all of the neighbors.

URBAN ZONING vs. RESIDENTIAL OFFICE

Urban "form-based" zoning is especially inappropriate at this location because the rear of the lots adjoin the backyards of several houses. Pushing the large restaurant or other commercial building to the front of the lot (as required in a "form-based" zone) to hide the parking lot behind the building might shield the view of the parking lot from highway drivers, but it puts the parking lot in the face of the home owners and invades their privacy. A standard form zoning district like Residential - Office does not force the building to the front of the lot. Most small commercial developments that are allowed in R-O parcels would likely locate their parking lot in the front so that the come-and-go of cars would be buffered from the residential neighborhood by the restaurant or other limited business building itself. The proposed urban zoned districts would force the parking lots and traffic to the back of the lots causing all day and late at night noise and light disturbances for adjoining residences.

Neighborhood Services - General has a lot width requirement of thirty-five (35) feet and a minimum lot area of 4,000 square feet for a single family house. The single family residential lots in Stonewood and Copper Creek require a minimum lot width of seventy (70) feet and a minimum lot area of 8,000 square feet. Thus, single family lots in Neighborhood Services - General are only half those minimum requirements for the neighborhood. The current Residential - Office zoning requires a single family lot width and area 50% larger than Neighborhood Services - General and thus is much more compatible with the existing neighborhoods and the adjoining single family zoned lots along Highway 265. These urban, "form based" zoning districts may be fine in the denser downtown area, but are far from compatible with standard residential neighborhoods like Stonewood and Copper Creek built on Fayetteville's outskirts. That appears to be the almost unanimous opinion of the many homeowners who attended the Planning Commission's meeting to voice their opposition to this rezoning.

THIS IS NOT A DOWNZONING

The Planning Commission thought that this rezoning could be considered a "downzoning" and thus more compatible with the surrounding neighborhoods of Stonebridge and Copper Creek. The neighbors almost unanimously disagree.

While the overall residential density limitation might be somewhat higher, 24 as opposed to 18 units per acre in R - O, this density could only be achieved by apartments, which are not allowed except by Conditional Use which provides some protection for the neighbors. It is also theoretically possible to build a large office building fifteen feet higher in R - O than in Neighborhood Services - General. This has been possible for 16 years, but has not occurred.

The current office buildings constructed on other R- O lots in this subdivision are very compatible with these residential neighborhoods. Most offices keep fairly normal 9:00 a.m. - 5:00 p.m. hours and are thus "good neighbors" and good buffers for nearby homes. Large restaurants and commercial stores usually operate long into the evening hours with much more come and go traffic than offices. Large restaurants especially can be "significantly objectionable to nearby" homes.

Residential density should be measure by what is allowed by right in a zoning district. The current residential zoning of R - O allows only single family houses and duplexes. The existing RSF - 4 only allows single family homes. Neighborhood Services - General allows triplexes and fourplexes by right and single family houses on much smaller lots. That is increased density by right.

Single Family Residential, four units per acre allows no real commercial uses by right. Residential - Office allows only Limited Business which limits restaurants and most other commercial retail to 2,000 square feet. Neighborhood Services - General allows restaurants and other commercial retail up to an 8,000 square foot building. Allowing restaurants and commercial buildings four times the size is an "upzoning", not a "downzoning."

While the 2030 plan's description of Residential Neighborhood areas which was assigned to Stonewood and Copper Creek encourages "low intensity non-residential uses intended to serve the surrounding neighborhood." Neighborhood Services - General is "designed to serve as a mixed-use area of **medium intensity**." § 161.19(A). A 2,000 square foot low intensity restaurant, bakery or coffee shop would certainly be enough to serve the surrounding neighborhood of Stonewood and Copper Creek. An 8,000 square foot "medium intensity" restaurant would need to serve primarily Highway 265 users to be economically feasible. This is the reason the applicant is requesting this higher commercial intensity rezoning with higher residential density by right.

Pushing a form based, mixed-use (allowing 8,000 square foot commercial buildings) zoned district into large area zoned in Fayetteville's most traditional residential single family four units per acre, RSF-4 district would be a classic example of "spot zoning" which has been criticized by the Arkansas Supreme Court and property law authorities. "The need to maintain consistent zoning area, and not to set a precedent of spot zoning (T)he property was entirely surrounded by a residential area, and that the residents objected" Thomas Petroleum v. West Helena, 310 Ark. 682, 839 S.W. 2d 523, 525 (1992).

"Spot zoning has been defined by several authorities. It has been said that: 'Spot zoning, by definition, is invalid because it amounts to an arbitrary, capricious and unreasonable treatment of a limited area within a particular district. As such, it departs from the comprehensive treatment or privileges not in harmony with the other use classifications in the area and without any apparent circumstances which call for different treatment. Spot zoning almost invariably involves a single parcel or at least a limited area.' R. Wright and S. Webber, *Land Use* (1978)." Riddell v. City of Brinkley, 612 S.W. 2d 116, 117 (1981).

Finally, a proponent of a rezoning will often argue that he or she is entitled to a rezoning in order to put the property to its "highest and best use" from a monetary viewpoint. The benefit to the owner of a proposed rezoning may certainly be considered, "(h)owever, we have held that rezoning is not justified solely on the ground that it is necessary to put a particular tract to its most remunerative use." Tanner v. City of Green Forest, 302 Ark. 170, 788 S.W. 2d 727, 729 (1990). (emphasis added).

CONCLUSION

During my 16 years as Fayetteville City Attorney, I have often reminded the Planning Commission and City Council: **"Probably the most important factor and the underlying reason to have zoning in the first place is to promote COMPATIBILITY among neighboring parcels."** (City Attorney Memos of November 15, 2012; October 13, 2014; January 12, 2016; emphasis in original).

I have also informed the City Council: **"Substantial evidence of compatibility or lack of compatibility is found in the reasonable concerns and opinions of neighbors. *City of Lowell v. M&N Mobile Home Park* (1996); *Thomas Petroleum v. West Helena* (1992); and *Tanner v. City of Green Forest* (1990).... I remain convinced COMPATIBILITY with neighboring parcels must remain the lodestar in every rezoning consideration."** (City Attorney Memo of February 17, 2016; emphasis in original memo).



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0204

Agenda Date: 5/16/2017

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 2

VAC 17-5753 (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES):

AN ORDINANCE TO APPROVE VAC 15-5753 FOR PROPERTY LOCATED AT SOUTHEAST CORNER OF CROSSOVER ROAD AND HEARTHSTONE DRIVE TO VACATE A PORTION OF A DRAINAGE EASEMENT AND A PORTION OF A UTILITY EASEMENT

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 portion of a drainage easement and a portion of a utility easement are not required for corporate purposes.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates a portion of a drainage easement and a portion of a utility easement as described in Exhibit B attached to the Planning Department's memo.

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

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

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

City of Fayetteville Staff Review Form

2017-0204

Legistar File ID

5/2/2017

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

Andrew Garner

4/14/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 17-5753: Vacation (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099): Submitted by JORGENSEN & ASSOCIATES, INC. for property located at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The property is zoned R-O, RESIDENTIAL OFFICE, and RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.96 acres. The request is to vacate a portion of a drainage easement and a portion of a utility easement.

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 MAY 2, 2017

TO: Mayor and City Council

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: April 14, 2017

SUBJECT: **VAC 17-5753: Vacation (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099):** Submitted by JORGENSEN & ASSOCIATES, INC. for property located at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The property is zoned R-O, RESIDENTIAL OFFICE, and RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.96 acres. The request is to vacate a portion of a drainage easement and a portion of a utility easement.

RECOMMENDATION:

Planning Division staff and the Planning Commission recommend approval of **VAC 17-5753** with the following condition:

Condition of Approval:

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

BACKGROUND:

The subject property contains two parcels totaling approximately 1.79 acres located at the southeast corner of Crossover Road and Hearthstone Drive. The property is currently undeveloped but is being considered for rezoning to a form-based district that requires structures be located near adjacent streets, which is currently unfeasible given the breadth of the existing easements.

Proposal: The applicant proposes vacation of a portion of utility easement and a drainage easement as depicted on the attached Exhibit 'A' and Exhibit 'B'.

DISCUSSION:

On April 10, 2017, the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 9-0-0.

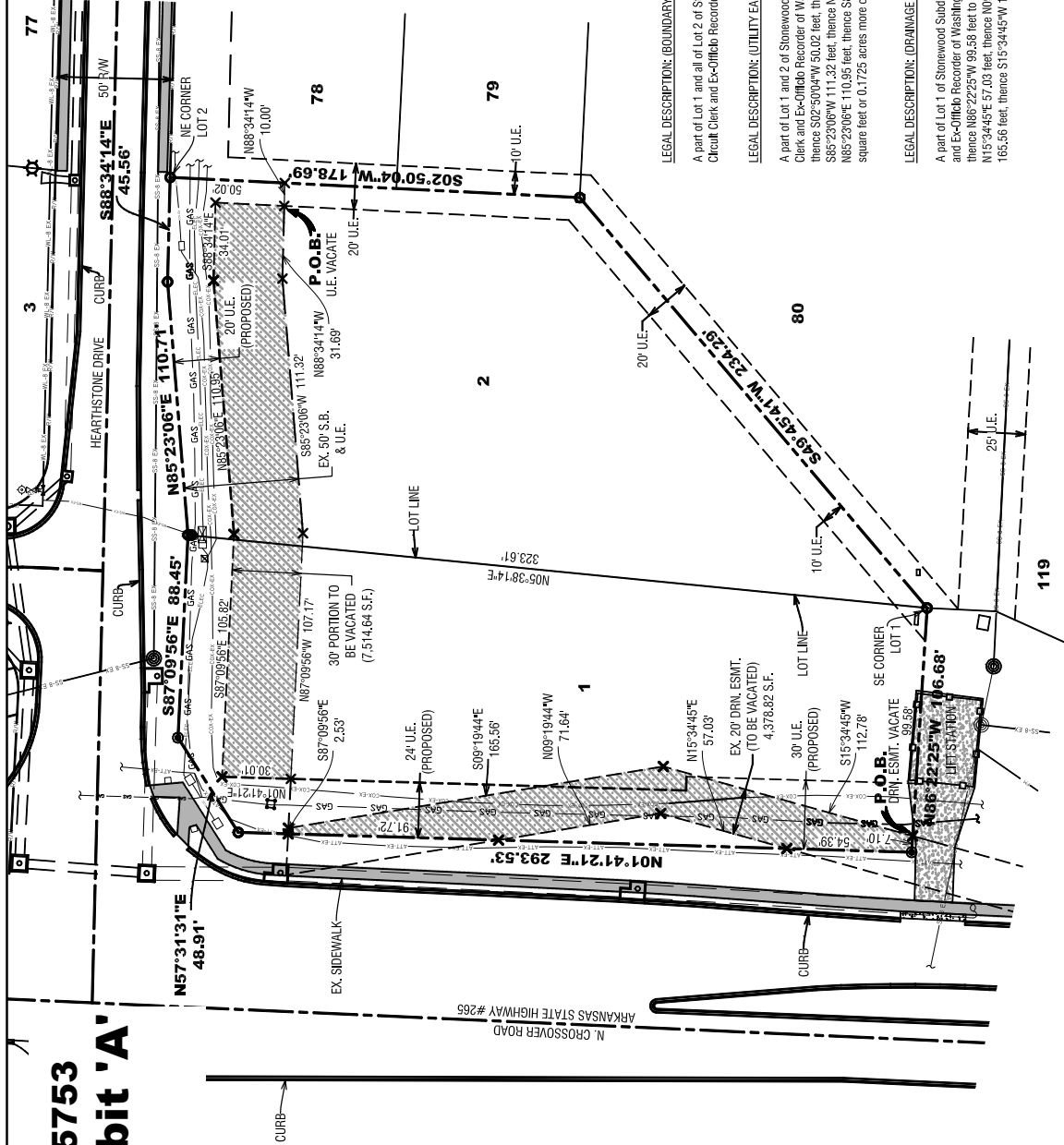
BUDGET/STAFF IMPACT:

N/A

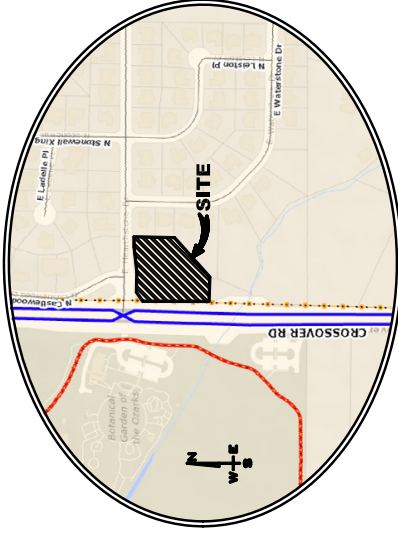
Attachments:

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

17-5753 Exhibit 'A'

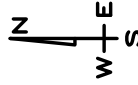


VICINITY MAP



FAYETTEVILLE, ARKANSAS

OWNER:
CP PROPERTIES LLC,
1663 MEADOWPOINT
FAYETTEVILLE, AR 72701



LEGAL DESCRIPTION: (BOUNDARY)

A part of Lot 1 and all of Lot 2 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

LEGAL DESCRIPTION: (UTILITY EASEMENT VACATION)

A part of Lot 1 and 2 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said Lot 2, thence S02°50'04\"/>

LEGAL DESCRIPTION: (DRAINAGE EASEMENT VACATION)

A part of Lot 1 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said Lot 1, thence N86°22'25\"/>

LEGEND		EXISTING AT&T LINE		UTILITY EASEMENT	
X	CALCULATED POINT	—	EXISTING 8" SEWER LINE	—	BUILDING SETBACK
○	FOUND ALUMINUM MONUMENT	—	EXISTING GAS LINE	—	CENTERLINE STREET
○	SET IRON PIN & CAP	—	EXISTING UNDERGROUND ELECTRIC	—	EXISTING STORM DRAIN
○	SEWER MANHOLE	—	EXISTING SEWER FORCE MAIN	—	
○	TELEPHONE PEDESTAL	—	EXISTING 8" WATERLINE	—	
○	GAS METER	—	EXISTING COX COMMUNICATION LINE	—	
○	WATER METER	—	STREET RIGHT OF WAY	—	



**JORGENSEN
+ ASSOCIATES**
Civil Engineering + Surveying
www.jorgensenassoc.com

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

PROJECT TITLE: M.J'S PIZZA
LOCATION: FAYETTEVILLE, ARKANSAS
SHEET TITLE: UTILITY EASEMENT VACATION
DRAWN BY: BJR
SHEET SCALE: 1\"/>

17-5753
EXHIBIT 'B'

LEGAL DESCRIPTION: (UTILITY EASEMENT VACATION)

A part of Lot 1 and 2 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said Lot 2, thence S02°50'04"W 50.02 feet, thence N88°34'14"W 10.00 feet to the POINT OF BEGINNING; thence N88°34'14"W 31.69 feet, thence S85°23'06"W 111.32 feet, thence N87°09'56"W 107.17 feet, thence N01°41'21"E 30.01 feet, thence S87°09'56"E 105.82 feet, thence N85°23'06"E 110.95 feet, thence S88°34'14"E 34.01 feet, thence S02°50'04"W 30.01 feet to the POINT OF BEGINNING: Containing 7,514.64 square feet or 0.1725 acres more or less.

LEGAL DESCRIPTION: (DRAINAGE EASEMENT VACATION)

A part of Lot 1 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said Lot 1, thence N86°22'25"W 99.58 feet to the POINT OF BEGINNING; thence N86°22'25"W 7.10 feet, thence N01°41'21"E 54.39 feet, thence N15°34'45"E 57.03 feet, thence N09°19'44"W 71.64 feet, thence N01°41'21"E 91.72 feet, thence S87°09'56"E 2.53 feet, thence S09°19'44"E 165.56 feet, thence S15°34'45"W 112.78 feet to the POINT OF BEGINNING: Containing 4,378.82 square feet or 0.1005 acres more or less.

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:

5153

FEE: \$200.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone: 099

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: Max Parker for CP Properties

Name: Blake Jorgensen

Jorgensen & Assoc.

Address: 1680 E. Shadowridge Dr.

Fayetteville, AR 72701

Address: 124 W. Sunbridge Dr. Suite 5

Fayetteville, AR 72703

Phone: (479) 799-6918

Email: gmax32@gmail.com

Phone: (479) 442-9127

Email: blake@jorgensenassoc.com

Fax: ()

Fax: (479) 442-9127

Site Address / Location: SE corner of Crossover Rd. & Hearthstone Dr.

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

Current Zoning District: R-O & RSF-4

Assessors Parcel Number(s) for subject property: Parcel: 765-22244-000 & 765-22245-000

FINANCIAL INTERESTS

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

CP Properties

- (9) Petition to vacate street right-of-way, alley, or easement (sample petition is attached).
- (10) For applications to vacate an access easement, alley or right-of-way only: Written consent is required from all adjacent property owners and is required to be submitted with the application (example form is attached).
- (11) Comments from all utility companies concerning the street right-of-way, alley, or easement to be vacated and its relationship to existing or planned utilities with recommendations as to what action should be taken (an example comment form is attached) is required at application submittal.
- (12) The applicant is responsible for meeting the public notification requirements for a Vacation listed on the Notification Requirements pages in this application.

Utility Representatives for a Vacation Request *

Name	Company	Telephone	Email
Jeff Hamilton	AT&T	442-1967	jh5430@att.com
Chad Hodge	Cox Communications	365-2402	Chad.Hodge@cox.com
John Le	AEP/SWEPCO	973-2426	ttle@aep.com
Scott Stokes	Source Gas	435-0229	Scott.Stokes@sourcegas.com
Wes Mahaffey Or Mike Phipps	Ozarks Electric	684-4649 684-4696	wmahaffey@ozarksecc.com mphipps@ozarksecc.com

City Divisions:

Mark Rogers	Water and Sewer	575-8392	mrogers@fayetteville-ar.gov
Maury Nelson	Solid Waste	575-8397	mnelson@fayetteville-ar.gov
Terry Gulley	Transportation	444-3491	tgulley@fayetteville-ar.gov

***Solid Waste & Transportation sign off is required only when a ROW, Alley, or Drainage Easement Vacation is being requested.**

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): MAX PARKER / CP PROPERTIES Date: 2-15-17

Signature: Max Parker

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):

CP PROPERTIES
Name (printed): Max Parker

Signature: Max Parker

Date: _____

Address: 1680 E. Shadowridge DR
Fayetteville, AR 72701

Phone: (479) 799-6918

Name (printed): Philip Camrond

Signature: Phy Camrond

Date: 2-15-17

Address: 1663 Viewpoint
Fayetteville, AR 72701

Phone: (479) 263-3815

- 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.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: April 10, 2017 (Updated with Planning Commission Results)

SUBJECT: **VAC 17-5753: Vacation (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. These properties are zoned R-O, RESIDENTIAL OFFICE, AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, and contain approximately 1.79 acres. The request is to vacate portions of a drainage easement and a general utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 17-5753** to City Council with a recommendation for approval with conditions.

BACKGROUND:

The subject property contains two parcels totaling approximately 1.79 acres located at the southeast corner of Crossover Road and Hearthstone Drive. The property is currently undeveloped but is being considered for rezoning to a form-based district that requires structures be located near adjacent streets, which is currently untenable given the breadth of the existing easements. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Undeveloped; Property Management Offices	R-O, Residential Office
South	Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Lake Fayetteville Park/ Botanical Garden of the Ozarks	R-A, Residential Agricultural

Proposal: The applicant proposes vacation of a portion of utility easement to allow for construction of structures closer to the street right-of-way in compliance with the build-to-zone requirements of a proposed rezoning to a form-based zoning district.

DISCUSSION:

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

Utility

Cox Communications

AEP/SWEPCO

BlackHills Energy AR

AT&T

Ozarks Electric

Response

No objections

No objections

No objections

No objections

No objections

City of FayettevilleResponse

Water/Sewer

No objections

Solid Waste & Recycling

No objections

Transportation

No objections

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding **VAC 17-5753** to the City Council with a recommendation for approval subject to 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.

Planning Commission Action:☐ Approved☒ Forwarded☐ Denied**Meeting Date:** April 10, 2017**Motion:** Hoffman**Second:** Belden**Vote:** 9-0-0

BUDGET/STAFF IMPACT:

None.

Attachments:

- Request Letter
- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit
- One Mile Map
- Close Up Map
- Current Land Use Map



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying
Landscape Architecture Services

CUP 17-5753
Request Letter

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

February 15, 2017

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

Attn: Planning Department
Re: Parcel 765-22244-000 & 765-22245-000 VAC

To Whom It May Concern:

Please find the attached Vacation request for the property located at the southeast corner of Crossover Rd. & Hearthstone Dr. The main objective of this application is to vacate existing easements located along the road right-of-ways to allow for proposed structures to be located along the front of the property with parking located in the rear. To the best of our knowledge, there are no known utilities lying within these easements. Any public utilities found within the site that are in conflict with the proposed development will be relocated and new easements will be dedicated.

Please contact us with any questions or comments. We look forward to your assistance.

Sincerely;

Blake E. Jorgensen, P.E.



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying
Landscape Architecture Services

CUP 17-5753

Petition to Vacate

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

PETITION TO VACATE EASEMENTS LOCATED IN LOTS 1 & 2 OF STONEWOOD SUBDIVISION, 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 easements hereinafter sought to be abandoned and vacated, lying in Lots 1 & 2 of Stonewood Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate easements which are described as follows:

UTILITY EASEMENT VACATION

A part of Lot 1 and 2 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said Lot 2, thence S02°50'04"W 50.02 feet, thence N88°34'14"W 10.00 feet to the POINT OF BEGINNING; thence N88°34'14"W 31.69 feet, thence S85°23'06"W 111.32 feet, thence N87°09'56"W 107.17 feet, thence N01°41'21"E 30.01 feet, thence S87°09'56"E 105.82 feet, thence N85°23'06"E 110.95 feet, thence S88°34'14"E 34.01 feet, thence S02°50'04"W 30.01 feet to the POINT OF BEGINNING: Containing 7,514.64 square feet or 0.1725 acres more or less.

DRAINAGE EASEMENT VACATION

A part of Lot 1 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said Lot 1, thence N86°22'25"W 99.58 feet to the POINT OF BEGINNING; thence N86°22'25"W 7.10 feet, thence N01°41'21"E 54.39 feet, thence N15°34'45"E 57.03 feet, thence N09°19'44"W 71.64 feet, thence N01°41'21"E 91.72 feet, thence S87°09'56"E 2.53 feet, thence S09°19'44"E 165.56 feet, thence S15°34'45"W 112.78 feet to the POINT OF BEGINNING: Containing 4,378.82 square feet or 0.1005 acres more or less.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 8th day of March, 2017.

Max Parker
Printed Name

Max Parker
Signature

Philip Cameron
Printed Name

Philip Cameron
Signature

CUP 17-5753

Utility Approval Forms

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

DATE: 3/1/2017

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

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

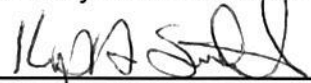
UTILITY COMPANY COMMENTS:

- ☐ 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:

Any damage or relocation to existing facilities will be at the owners/developers expense.

We may have lines that are within the vacated area. Relocate will require 90^{days} once invoice is paid.



Signature of Utility Company Representative

Construction & Planning Manager

Title

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

DATE: 3/1/2017

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

☒ (*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:

Truong Le
Signature of Utility Company Representative

Distribution Engineer
Title

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

DATE: 3/1/2017

UTILITY COMPANY: BlackHills Energy Ar

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

☒ (*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:

Brian A. Deppert
Signature of Utility Company Representative

Supervisor - Gas Operations
Title

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

DATE: 3/1/2017

UTILITY COMPANY: AT&T

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

☒ (**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 AT&T facilities are required to be relocated due to the Easement Vacate will
be the responsibility of the owner/ developer.**

Signature of Utility Company Representative

MGR OSP PLNG & ENGRG DESIGN

Title

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

DATE: 3/1/2017

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

☒ (**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: 3/1/2017

UTILITY COMPANY: Water & Sewer

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

☒ (*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

W&S OPERATIONS MANAGER
Title

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

DATE: 3/1/2017

UTILITY COMPANY: Solid Waste

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

☒ (*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

Commercial Services Rep

Title

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

DATE: 3/1/2017

UTILITY COMPANY: Transportation

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

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

UTILITY COMPANY COMMENTS:

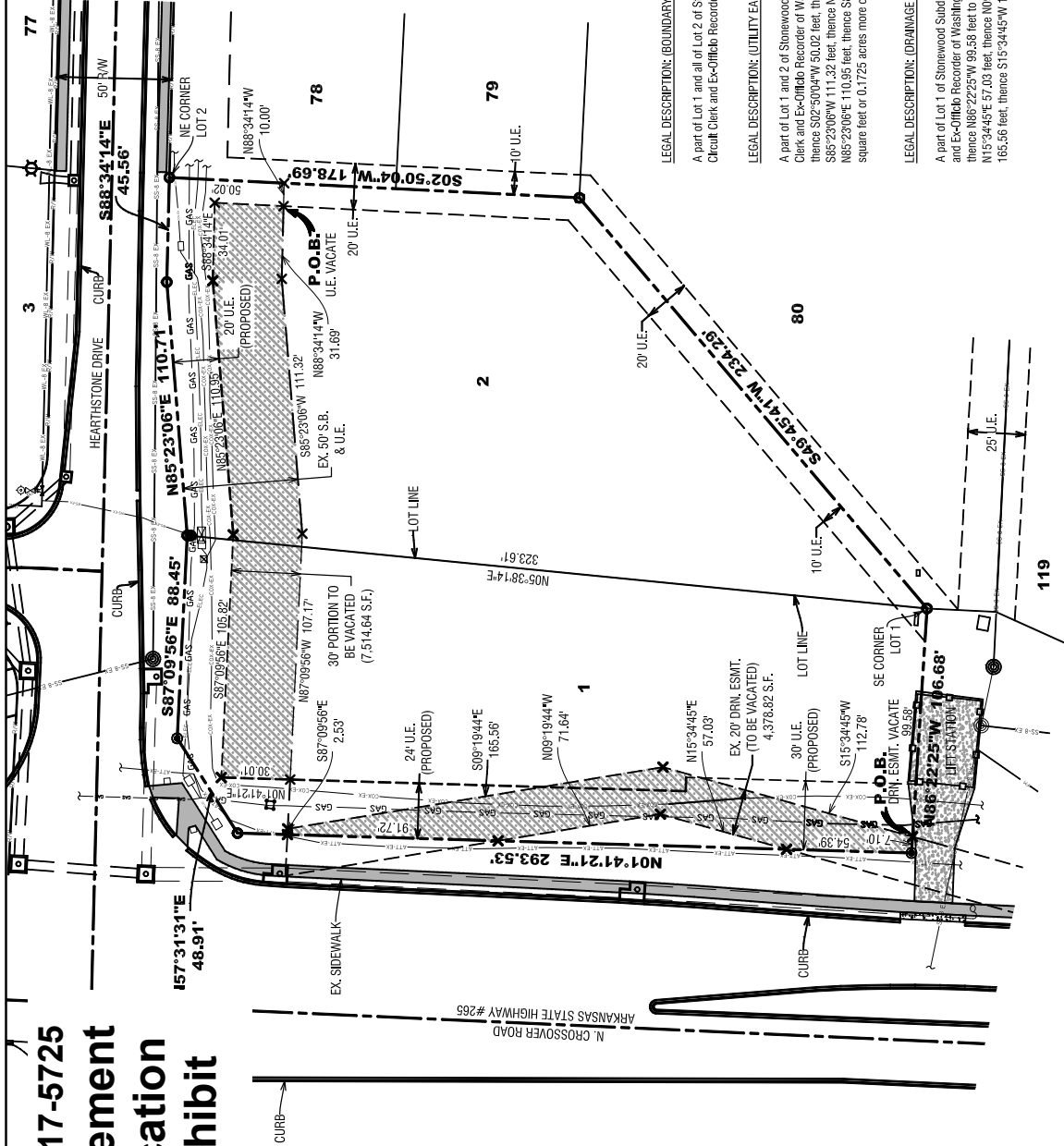
- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

No objections provided the following conditions are met:

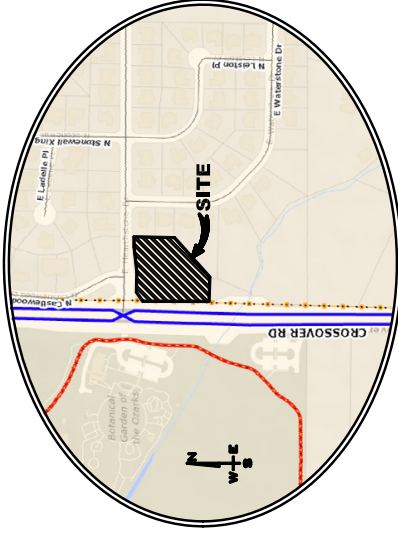
Joey Smith
Signature of Utility Company Representative

Asst. Transportation Manager
Title

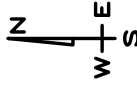
CUP 17-5725 Easement Vacation Exhibit



VICINITY MAP



FAYETTEVILLE, ARKANSAS



OWNER:
CP PROPERTIES LLC,
1663 MEADOWPOINT
FAYETTEVILLE, AR 72701

LEGAL DESCRIPTION: (BOUNDARY)

A part of Lot 1 and all of Lot 2 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

LEGAL DESCRIPTION: (UTILITY EASEMENT VACATION)

A part of Lot 1 and 2 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said Lot 2, thence S02°50'04"W 50.02 feet, thence N88°34'14"W 10.00 feet to the POINT OF BEGINNING; thence N88°34'14"W 31.69 feet, thence S85°23'06"W 111.32 feet, thence N87°09'56"W 107.17 feet, thence N01°41'21"E 30.01 feet, thence S87°09'56"E 105.82 feet, thence N85°23'06"E 110.35 feet, thence S85°34'14"E 34.01 feet, thence S02°50'04"W 30.01 feet to the POINT OF BEGINNING, Containing 7.514,64 square feet or 0.1725 acres more or less.

LEGAL DESCRIPTION: (DRAINAGE EASEMENT VACATION)

A part of Lot 1 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said Lot 1, thence N86°22'25"W 99.58 feet to the POINT OF BEGINNING; thence N86°22'25"W 7.10 feet, thence N01°41'21"E 54.38 feet, thence N15°34'45"E 57.03 feet, thence N09°19'44"W 71.64 feet, thence N01°41'21"E 91.72 feet, thence S87°09'56"E 2.53 feet, thence S09°19'44"E 165.56 feet, thence S15°34'45"W 112.78 feet to the POINT OF BEGINNING, Containing 4.378,82 square feet or 0.1005 acres more or less.

LEGEND	EXISTING 8" SEWER LINE	EXISTING AT&T LINE	UTILITY EASEMENT
- FOUND ALUMINUM MONUMENT - SET IRON PIN & CAP - SEWER MANHOLE - TELEPHONE PEDESTAL - GAS METER - WATER METER	- EXISTING GAS LINE - EXISTING 8" WATERLINE - EXISTING COX COMMUNICATION LINE	- EXISTING UNDERGROUND ELECTRIC - EXISTING SEWER FORCE MAIN - STREET RIGHT OF WAY	- UTILITY EASEMENT - BUILDING SETBACK - CENTERLINE STREET - EXISTING STORM DRAIN



JORGENSEN + ASSOCIATES
Civil Engineering + Surveying
www.jorgensenassociates.com

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

PROJECT TITLE: M.J'S PIZZA

LOCATION: FAYETTEVILLE, ARKANSAS
SHEET TITLE: UTILITY EASEMENT VACATION
DRAWN BY: BAR
SHEET SCALE: 1"=50'
DATE: FEBRUARY 28, 2017
PROJECT FILE: ZLS0701018UE VACATION

SHEET # 1

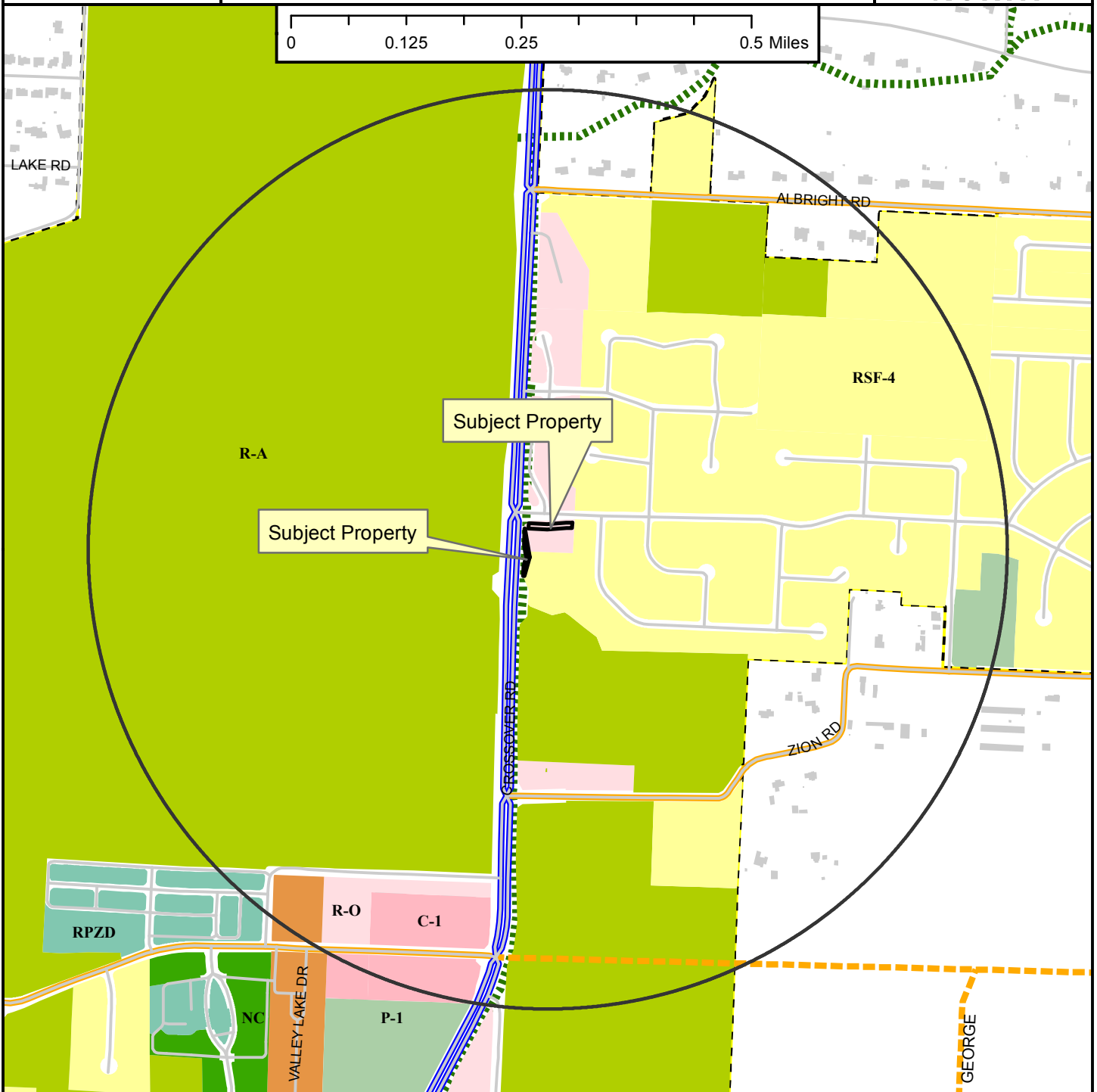
VAC 17-5753

One Mile View

CP PROPERTIES

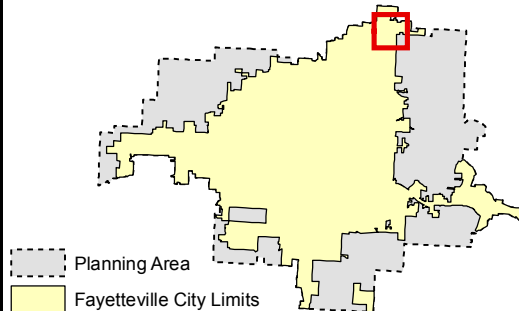


0 0.125 0.25 0.5 Miles



Legend

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

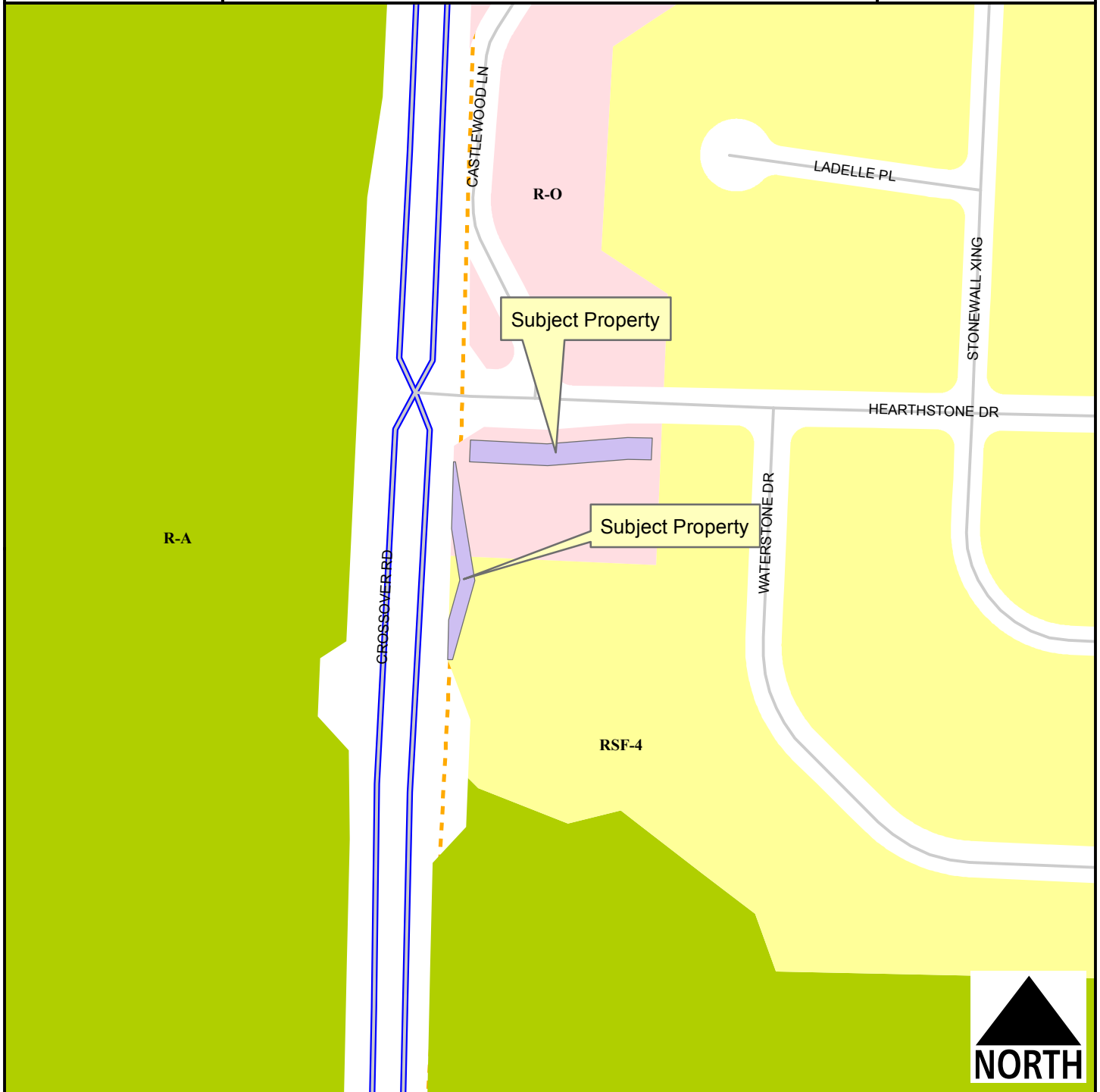


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- RSF-5 Residential-Agricultural
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - 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

VAC 17-5753

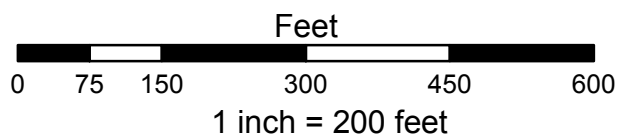
CP PROPERTIES

Close Up View



Legend

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



- Residential-Agricultural
- RSF-4
- Residential-Office

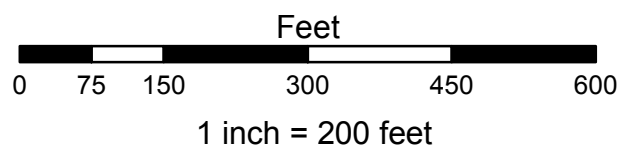
VAC 17-5753

Current Land Use

CP PROPERTIES



- Streams
- Street
- PRIN ARTERIAL PKWY
- Shared Use Paved Trail
- Trail (Proposed)
- VAC17-5751
- County Parcels
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0211

Agenda Date: 5/16/2017

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Resolution

Agenda Number: B. 3

FAYETTEVILLE COMMERCE PARK LAND SALE:

A RESOLUTION TO SELL ABOUT 5 ACRES OF LAND IN THE COMMERCE DISTRICT TO AR-CANNA, LLC FOR \$75,000.00 CONTINGENT ON AR-CANNA, LLC RECEIVING A MEDICAL MARIJUANA CULTIVATION FACILITY LICENSE FROM THE STATE OF ARKANSAS

WHEREAS, AR-Canna, LLC has offered to purchase approximately 5 acres in the Commerce District and plans to build a 30,000 square foot medical marijuana cultivation and processing facility and a 5,000 square foot office complex contingent upon receiving a license from the State of Arkansas; and

WHEREAS, the proposed project would lead to the hiring of workers with average wages above the state and national averages with a minimum annual payroll of \$1.2 million when fully operational, meets the Fayetteville First target sector of Entrepreneurship, and is supported by the Fayetteville Chamber of Commerce; and

WHEREAS, the City is selling this 5 acre parcel at a discount of about \$5,000.00 per acre from its normal selling price but the contract with AR-Canna, LLC includes a clawback provision that could allow the City to be paid back a portion of the discounted price in the event the property is sold within ten years.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Land Sale Agreement (attached to this Resolution and made a part hereof) for the sale of about 5 acres to AR-Canna, LLC for \$75,000.00, contingent upon AR-Canna, LLC receiving a medical marijuana cultivation facility license from the State of Arkansas, and authorizes Mayor Jordan to sign the Land Sale Agreement, Warranty Deed and any other documents necessary to convey this 5 acre parcel.

City of Fayetteville Staff Review Form

2017-0211

Legistar File ID

5/2/2017

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

Andrew Garner

4/14/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution to sell approximately 5 acres of land (part of parcel 765-16578-001) in the Fayetteville Commerce Park located east of 2435 S.Industrial Drive to Brian Faught, Executive Vice President of Adcomm for \$75,000.

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 # 143-13

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 2, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Andrew Garner, City Planning Director

DATE: May 2, 2017

SUBJECT: Sale of 5 acres of land in the Commerce District to Brian Faught, Executive Vice President of Adcomm

RECOMMENDATION:

City Staff recommends approval of a contract with Brian Faught, Executive Vice President of Adcomm for the sale of approximately 5 acres of land owned by the City of Fayetteville east of 2435 Industrial Drive in the Fayetteville Commerce Park, for a purchase price of \$75,000.

BACKGROUND:

The property (part of parcel 765-16578-001) is located on an undeveloped parcel east of the City's Water and Sewer Building at 2435 Industrial Drive. The City was recently approached by Brian Faught to purchase this property. Mr. Faught is the Executive Vice President of Adcomm and intends to develop the property under his new company, AR-Canna, with a medical marijuana cultivation facility. The company's plans include the following:

- Construction of a 30,000 sq. ft. medical marijuana cultivation and processing plant, using local construction labor.
- Construction of a 5,000 sq. ft. office complex, using local construction labor.
- Hiring the following employees:
 - o 35-40 hourly employees at a starting wage of \$15.00 per hour.
 - o 3-5 managerial employees with an annual salary in the \$50,000-\$75,000 range.
 - o 2 senior managerial positions with an annual salary in the \$75,000-\$125,000 range.
- AR-Canna is using a Fayetteville architecture firm for the plans and construction drawings for both facilities.
- AR-Canna will hire a local contractor to oversee all aspects of the construction.
- Phase 1 is to build these two facilities now, and with the 5 acres there is room to build a second and third cultivation facility as the industry matures.

DISCUSSION:

The attached land sale agreement has been reached through negotiations between the City and Brian Faught, representing the entity purchasing the property. The proposal is to sell the property for approximately \$15,000 per acre, at a total price of \$75,000. This price represents a reduced rate from the currently advertised \$20,000 per acre of land in the Commerce District, but reflects the purchase price that the City Council approved for a nearby parcel in 2013 to Pacific Vet Group

when that company was looking to locate on the property. The Mayor's office is excited to welcome a new, clean industry to Fayetteville, meeting the goals of our Fayetteville First economic development plan, particularly in the Specialized Technologies sector offering competitive wages. The staff believes a development of this type on the property will increase property value, contribute to our tax base and overall have a positive economic impact for Fayetteville as the Commerce District continues to develop over time.

City Code §34.27 establishes requirements regarding public notice and procedure for the sale of real property owned by the City of Fayetteville. City staff has performed all necessary public notification procedures in compliance with this city ordinance (documentation attached). Additionally, the City Council must establish that this land is no longer needed for municipal purposes. As a purpose of the Commerce District is to encourage economic development that generates revenue for the City by providing new and expanded services, and finding that there is no identified use for the subject property for municipal purposes, this land is no longer needed for municipal purposes.

BUDGET/STAFF IMPACT:

\$75,000 in sale revenue will be paid to the fund that maintains ownership of the land.

Attachments:

- Land Sale Agreement
- Offer Letter
- Proof of Public Notice (sign, letter, and newspaper notice)
- Location Map(s)

LAND SALE AGREEMENT

This Land Sale Agreement is made and entered into by and between the City of Fayetteville, Arkansas, a municipal corporation of the State of Arkansas (hereinafter "City" or "Fayetteville") and AR-Canna LLC.

The City of Fayetteville agrees to sell a parcel of about 5 acres in the Fayetteville Commerce District to AR-Canna LLC for SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) and AR-Canna LLC's performance of all of the terms, conditions and promises set forth in this Agreement.

AR-Canna LLC agrees to pay to the City of Fayetteville SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) for this 5 acre parcel and to perform all of the terms, conditions and promises set forth later in this Agreement.

TERMS AND CONDITIONS

1. *Sale*

Subject to existing easements and rights of way and subject to the terms and conditions, mutual promises and covenants of this Agreement, the City of Fayetteville agrees to sell a parcel of about 5 acres (hereinafter the "**Development Site**") located in the Fayetteville Commerce District by warranty deed to AR-Canna LLC for the amount of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00). This Development Site is shown on the map attached as Exhibit A and shall be more particularly described in a survey obtained by AR-Canna LLC prior to closing.

The Development Site shall be located immediately the east of an 80 foot right of way to be reserved by the City that shall extend from the end of the existing South Industrial Drive to the southwest as shown in Exhibit A.

2. *Purchase*

Subject to the terms and conditions, mutual promises and covenants of this Agreement, AR-Canna LLC agrees to buy the Development Site for SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) to be paid to the City of Fayetteville on or before the Closing Date as follows:

A. Earnest money deposit: An earnest money deposit in the amount of TWO THOUSAND FIVE-HUNDRED DOLLARS (\$2,500.00) shall be paid by AR-Canna LLC to the City of Fayetteville at the time this Agreement, signed by AR-Canna LLC, is submitted to the City for approval. If the purchase and sale is consummated, this earnest money deposit shall be applied to the purchase price at closing. If the City or AR-Canna LLC exercises its option to terminate the Agreement pursuant to paragraphs 8, 9 or 10, this earnest money deposit shall be refunded in full. If the transaction is not consummated for any other reason, the earnest money deposit shall be refunded less the City's actual incurred costs, if any, of obtaining the owner's title policy and title commitment.

B. Balance: The remaining balance of the purchase price in the amount of SEVENTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$72,500.00) shall be paid to the City of Fayetteville on or before the Closing Date.

3. *Closing Date and Place*

Closing shall occur within 60 days following the date this Agreement has been executed by both parties unless extended by mutual agreement of the parties in writing. The Closing shall occur at 113 West Mountain Street, Fayetteville, Arkansas in a room supplied by the City of Fayetteville.

4. *Date of Possession*

Possession of the Development Site shall be delivered to AR-Canna LLC on the Closing date free of any tenancies or other third party possessory rights.

5. *Title Insurance*

The City of Fayetteville shall order a title commitment on the Development Site, as soon as practicable following the full execution of this Agreement, through a title insurance company selected by the City and acceptable to AR-Canna LLC. If the report on title, binder or commitment discloses any defects in title (other than liens or encumbrances of a definite or ascertainable amount which may be paid at closing), the City shall have thirty (30) days from the date of AR-Canna LLC's notice of such defects to make a good faith effort to cure such defects and to furnish a report showing the defects cured or removed. If such defects are not cured within thirty (30) days, AR-Canna LLC may terminate this agreement or may, at its election, take title subject to any such defects. The cost of the title commitment and the cost of the owner's title policy shall be borne by the City of Fayetteville. The cost of any lender's title policy and extended owner's title insurance coverage shall be borne by AR-Canna LLC.

6. *Deed and Other Documents*

At least seven days before the Closing date, AR-Canna shall obtain a survey at its sole cost containing a legal description of the Development Site as well as the legal description of future right of way 80 feet wide extending from the northwest corner of the Development Site southwest to the boundary of Parcel # 765-16578-001 as shown in the map attached as Exhibit A.

On the Closing date, the City of Fayetteville shall convey marketable and insurable title to the Development Site by general warranty deed, free and clear of all liens, restrictions, and encumbrances except as provided in this Agreement, subject only to current real estate taxes, if any (to be apportioned between the parties) and existing easements. AR-Canna LLC and the City of Fayetteville shall equally share the cost a reasonable closing fee imposed by the closing agent employed by parties provided however that AR-Canna LLC shall be responsible for any revenue

stamps resulting from this transaction and all recordings fees for the deed and other documents that need to be filed.

7. *Risk of Loss*

Risk of loss as to the Development Site shall remain with the City of Fayetteville until the Closing date.

8. *AR-Canna LLC's Due Diligence*

AR-Canna LLC may enter upon the Development Site to conduct any surveying, testing or inspection it deems necessary to ensure the Development Site will be appropriate for the construction and use for its facility. If AR-Canna LLC discovers any problems that would adversely impact its development and use of the Development Site for its facility, AR-Canna LLC shall notify the City which is granted sixty (60) days to remediate any problem. The City may also terminate this Agreement without penalty rather than remediating any problem or issue discovered by AR-Canna LLC. Likewise, if the City does not remediate the problem, AR-Canna LLC may terminate this Agreement without penalty, being entitled to a return of its earnest money, or proceed under this Agreement to accept the property without resolution of the problem.

9. *Large Scale Development Approval*

AR-Canna LLC shall, at its sole cost and expense, prepare a Large Scale Development plat of the Development Site and obtain any and all approvals necessary for AR-Canna LLC's intended use of the Development Site for its facility. The City shall reasonably cooperate with AR-Canna LLC in AR-Canna LLC's request for development approval of its facility. AR-Canna LLC must present its development proposal through the normal City process and follow the Unified Development Code requirements. AR-Canna LLC may defer Closing hereunder during such time as its Development plat and approvals are pending review by the City, and if such are not approved, AR-Canna LLC may terminate this Agreement without penalty, being entitled to a return of its earnest money, or proceed under this Agreement to accept the property without development plans approved by the City.

AR-Canna, LLC agrees to construct a road to the City's specifications from the cul-de-sac at the end of South Industrial Drive to a stub-out at the southwest corner of the Development Site. Construction of the road (including approval by the City) shall be completed prior to the issuance of a final certificate of occupancy. Any future road extension shall be the responsibility of the City or the future developer of the remaining property to the south.

10. *Cultivation Facility License Approval*

AR-Canna LLC may defer Closing hereunder during such time as cultivation facility license application is pending review by the State of Arkansas, and if such is not approved, AR-Canna LLC may terminate this Agreement without penalty, being entitled to a return of its earnest money, or proceed under this Agreement to accept the property without being approved by the

State.

11. *Compensation to City of Fayetteville if Development Site is Sold Within 10 Years*

AR-Canna LLC is aware that the Development Site is being sold by the City at a discount of approximately \$5,000.00 per acre below its normal selling price. If any portion of the land conveyed by this contract is sold by AR-Canna LLC within the first five years of the date of closing, an independent appraisal of the land's value shall be performed to segregate the actual sales price between that allocable to the raw land as acquired by AR-Canna LLC, and that allocable to the improvements subsequently added by AR-Canna LLC. AR-Canna LLC shall pay 75% of the increase in appraised value of the raw land (with prorated sales cost deducted) to the City of Fayetteville. AR-Canna LLC shall pay the City of Fayetteville 40% of the increase in appraised value of the land (with prorated sales costs deducted) for any sales after 5 years until 10 years from the closing date.

12. *Notices*

Notices required by this Agreement shall be in writing and shall be delivered to:

AR-Canna LLC
ATTN: Brian Faught
7B Tara Mount Drive
Jacksonville, AR 72706

City of Fayetteville
ATTN: Mayor's Office
113 W. Mountain Street
Fayetteville, AR 72701 72701-6083

13. *Authority*

Each of the undersigned individuals represent and warrant that they are authorized to enter into this Agreement on behalf of their respective entities and that execution hereof will bind the entities to this Agreement.

14. *Counterparts*

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

15. *Facsimile*

For purposes of executing this Agreement, a facsimile signature shall be as effective as an actual signature.

16. *Applicable Law*

This Agreement shall be construed and enforced in accordance with the laws and public policies of the State of Arkansas.

17. *Survival*

The representations, warranties, and agreements of the parties contained herein shall survive the closing date.

18. *No Waivers*

The waiver by either party hereto of any condition or the breach of any term, covenant or conditions herein contained shall not be deemed to be a waiver of any other condition or of any subsequent breach of the same or of any other term, covenant or condition herein contained.

19. *Time of Essence*

Time is of the essence in this Agreement.

20. *Invalidity*

If for any reason any term or provision of this Agreement shall be declared void and unenforceable by any court of law or equity, it shall only affect such particular term or provision of this Agreement and the balance of this Agreement shall remain in full force and effect and shall be binding upon the parties hereto.

21. *Complete Agreement*

All understandings and agreements heretofore existing between the parties are merged into this Agreement that alone fully and completely expresses their agreement. This Agreement may be changed only in writing signed by both of the parties hereto and shall apply to and bind the successors and assigns of each of the parties hereto and shall not merge with the deed delivered to AR-Canna LLC at closing.

Date: 4-18-17

Date: _____

AR-CANNA LLC

CITY OF FAYETTEVILLE,

By: 

BRIAN FAUGHT, President

By: _____

LIONELD JORDAN, Mayor

and Chief Executive Officer

WITNESS:

By: Deborah Cabanis
Deborah Cabaniss

ATTEST:

By: _____
Sondra E. Smith, City Clerk



Future Right of Way

@ 5 Ac.

765-16578-001

765-16578-000

Area of Interest

Parcels

0 125 250 500 Feet



Exhibit A

To: Fayetteville, AR City Council

4-4-17

From: Brian Faught, Executive VP, Adcomm

RE: Fayetteville Industrial Park Parcel 765 16578 001, 5 acres

Ladies and Gentlemen,

Adcomm and Brian Faught are planning on applying for a “Medical Marijuana Cultivation License” with the state of Arkansas, and upon receiving said license, plans to construct its facility in the Fayetteville Industrial Park. As you may know, “Medical Marijuana” was approved by the people of Arkansas in the most recent election, and our new company, AR-Canna, is committed to launching this new product in a safe and legal manner in NWA. Please note the attached land plot (5 acres) as the desired piece of property for this endeavor. AR-Canna’s plans include:

- Construction of a 30,000 sq ft cultivation and processing plant, using local construction labor.
- Construction of a 5000 sq ft office complex, also using local construction labor.
- Hiring 35-40 employees to run the facility.
- Starting wage of \$15.00 per hour.
- 3-5 Managerial Positions with pay in the \$50,000 - \$75,000 pay range.
- 2 Senior Managerial Positions in the \$75,000 - \$125,000 pay range.
- AR-Canna is using a Fayetteville architecture firm for the plans and construction drawings of both facilities.
- AR-Canna will also hire a local contractor to oversee all facets of the buildout.

- The plan is to build these two facilities now, and with the 5 acres, have room to build a second and third cultivation facility as the industry matures.

Adcomm and Brian Faught are prepared to offer \$75,000 for the attached 5 acre plot, with a \$2500.00 earnest money deposit, contingent upon AR-Canna being awarded the cultivation and processing license from the state of Arkansas. If AR-Canna is not awarded a license, the earnest money will be returned.

We truly believe that AR-Canna will be a welcome and productive member to the Fayetteville business community, and would like our offer to be considered by the city council in the upcoming April meeting.

Thanking you in advance for your time and consideration,

Sincerely,

Brian Faught, Executive VP Adcomm
501-993-0476



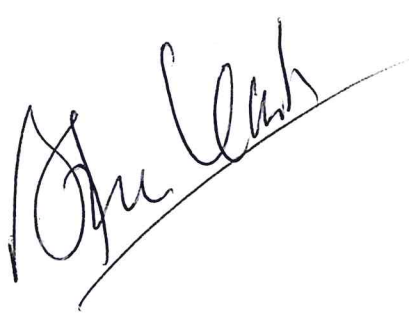
To: Mayor Lioneld Jordan
City of Fayetteville

CC: Don Marr, Chief of Staff

From: Steve Clark, CEO & President

Date: April 17, 2017

Subject: Recommendation to approve the sale of city-owned land, Parcel # 765-16578-001 to AR- Canna, LLC



AR-Canna, LLC is a new business set up by Brian Faught of Little Rock, Arkansas. The company is in the process of applying for a “Medical Marijuana Cultivation License” and the purchase of this piece of land helps in the said application. “Medical Marijuana” was approved by the people of Arkansas in the most recent election (2016) and AR-Canna is committed to launching this new product in a safe and legal manner in northwest Arkansas.

AR-Canna, LLC had looked at a few sites within the Fayetteville Commerce District with the assistance of the Fayetteville Chamber. After holding discussions and communications with the Chamber and the City, AR-Canna, LLC is now ready to offer to buy 5 acres of land owned by the city in the Fayetteville Commerce District. The 5 acres is a portion of the 24 acres, Parcel # 765-16578-000. Attached is the letter of offer from AR-Canna, LLC and a map of the property.

AR-Canna plans to construct a 30,000 SF cultivation and processing plant using local construction labor. There will also be a 5,000 SF office complex. When fully operational, AR-Canna is expected to hire 35-40 employees with starting wage of \$15 per hour for operational workers. Management positions fall within the range of \$50,000 to \$125,000 and the company plans to hire 5-7 managers. AR-Canna has retained a Fayetteville architecture firm to design the property and a local construction company is expected to be retained to help with the construction.

We recommend that the City leadership supports this project by approving the sale of the land to AR-Canna, LLC.

This project:

- 1) Meets the City's and State's goal of creating new jobs for Fayetteville and so the state of Arkansas
- 2) Contributes a minimum of annual payroll of \$1.2 million when fully operational
- 3) Meets the Fayetteville First's target sectors—Entrepreneurship

CERTIFICATE OF SIGN POSTING



I, Andrew Harrison,
attest that the above sign was posted on April 11, 2017 at the corner of Industrial &
Pump Station Rd. and a second sign was posted on the subject parcel east of 2435
Industrial Drive on April 11, 2017.

A handwritten signature in blue ink, appearing to read 'Andrew Harrison', written over a horizontal line.

(signature of person completing the sign posting)

City File No./Name: ADM 17-5787

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this 11th day of April, 2017, and

addressed as follows:

*Name: Matrix Investments, LLC
Street: 1197 Happy Hollow Rd.
City, State, Zip: Fayetteville, AR 72701*

*Name: Marshalltown Co.
Street: 2200 S. Industrial DR
City, State, Zip: Fayetteville AR 72701*

*Name: HFNWA, Inc.
Street: 1601 E. Pump Station Rd.
City, State, Zip: Fayetteville, AR 72701*

*Name: Bright Investments, LLC
Street: 2501 S. Armstrong Ave.
City, State, Zip: Fayetteville, AR 72701*

Andrew Harrison

(name of person completing the mailing)

Andrew Harrison

(signature of person completing the mailing)

City File No. /Name: _17-5787



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

CITY PLANNING DIVISION

125 West Mountain

Fayetteville, AR 72701

Phone (479) 444-3443

April 11, 2017

Name

Address

City, State, Zip

Re: Public Notice – Sale of municipally owned real property

Dear Property Owner:

Please be aware that the Fayetteville City Council will consider a Resolution and Contract to sell to Adcomm, Inc. about 5.0 acres (a portion of parcel 765-16578-001) it owns on S. Industrial Dr. for \$75,000. The property currently contains no structures. It is zoned I-2, General Industrial. Should the sale be approved, planned improvements include the development of a medical marijuana cultivation facility.

This possible sale will be considered by the City Council during its 5:30 p.m. meeting held on May 2, 2017 in Room 219 of City Hall, located 113 W. Mountain Street.

If you wish to learn more about this proposed sale, please contact Andrew Garner, Planning Director at 479-575-8262. You may also attend the May 2, 2017 City Council meeting and ask questions or make comments when this resolution is presented for City Council consideration.

Sincerely,

Andrew Garner
Planning Director
City of Fayetteville, Arkansas

NORTHWEST ARKANSAS Democrat Gazette

P.O. BOX 1607, FAYETTEVILLE, AR. 72702 • 479-442-1700 • FAX: 479-695-1118 • WWW.NWADG.COM

AFFIDAVIT OF PUBLICATION

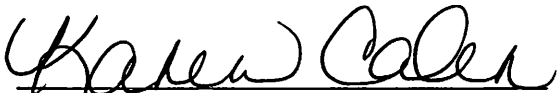
I Karen Caler, do solemnly swear that I am the Legal Clerk of the Northwest Arkansas Democrat-Gazette, printed and published in Washington County and Benton County, Arkansas, and of bona fide circulation, that from my own personal knowledge and reference to the files of said publication, the advertisement of:

CITY OF FAYETTEVILLE
City council meeting

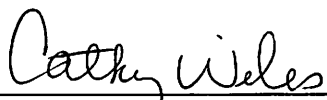
Was inserted in the Regular Edition on:

April 12, 2017

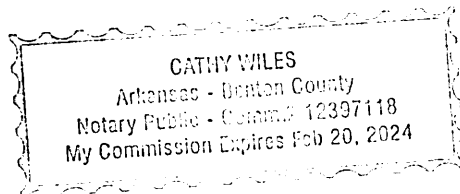
Publication Charges: \$ 54.60


Karen Caler

Subscribed and sworn to before me
This 13 day of Apr, 2017.



Notary Public
My Commission Expires:

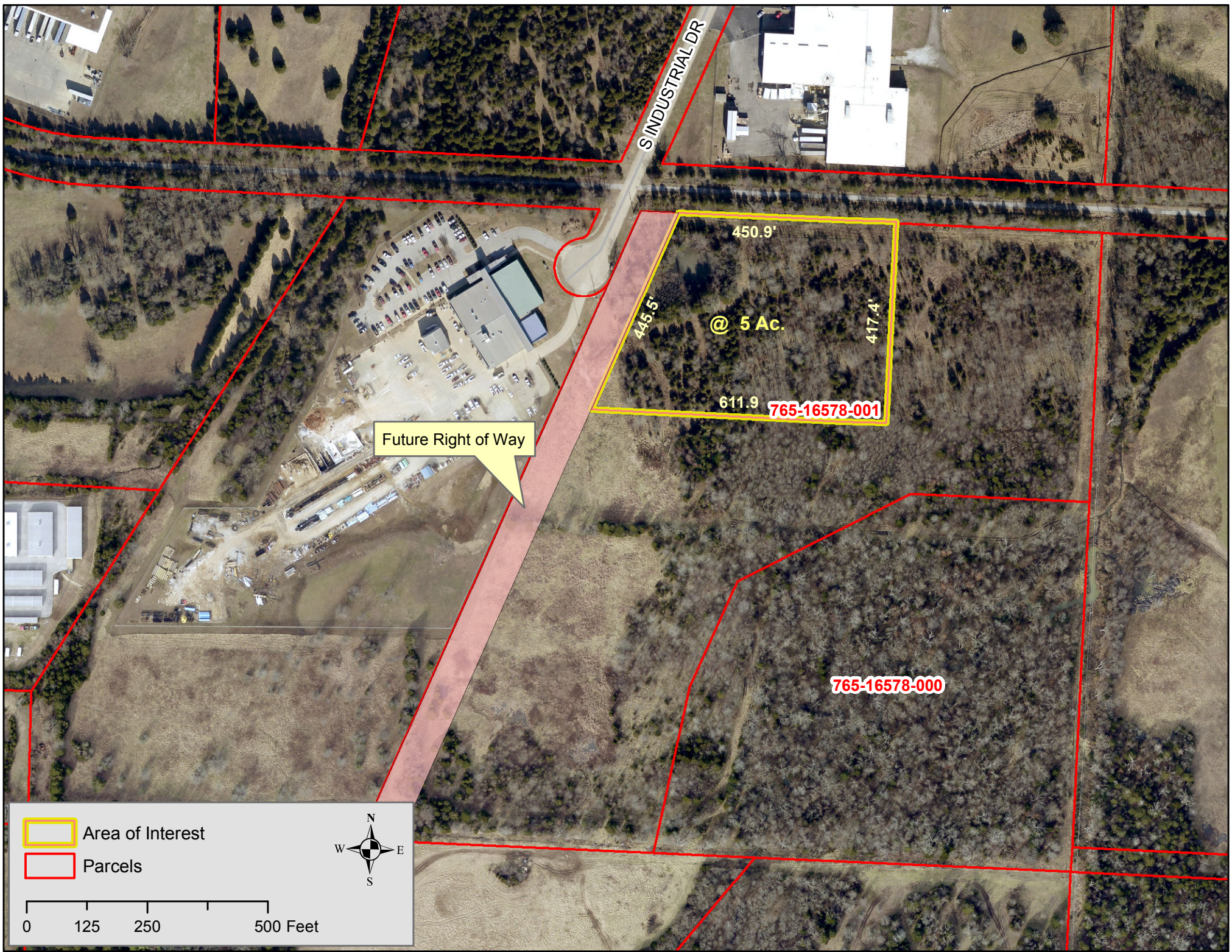


****NOTE****

Please do not pay from Affidavit.
Invoice will be sent.

NOTICE OF PUBLIC HEARING

A meeting of the City of Fayetteville City Council will be held on May 2, 2017 at 5:30 p.m., in room 219, Fayetteville Administration Building at 113 W. Mountain Street, Fayetteville, Arkansas, 72701. The following item is required to be published in the local newspaper pursuant to the Code of Ordinances of the City of Fayetteville and will be heard at the May 2, 2017 Fayetteville City Council meeting. 17-5787: SALE OF MUNICIPALLY OWNED REAL PROPERTY, 642): Submitted by CITY STAFF for property located EAST OF 2435 INDUSTRIAL DRIVE. The Fayetteville City Council is considering the sale of about 5 acres it owns EAST OF 2435 INDUSTRIAL DRIVE to Brian Faught, Executive Vice President of Adcomm, for \$75,000.00. The proposed use of the property is for a medical marijuana cultivation facility. This possible sale will be considered by the City Council during its May 2, 2017 meeting at 113 W. Mountain Street, Room 219.
74096442 April 12, 2017



S INDUSTRIAL DR

450.9'

@ 5 Ac.

417.4'

445.5'

611.9'

765-16578-001

765-16578-000

Future Right of Way

Area of Interest

Parcels



0 125 250 500 Feet

ADM 17-5787

Current Land Use

CITY OWNED PROPERTY SALE



- Streams
- Street

Streets Planned

MSP Class

- MINOR ARTERIAL
- MINOR ARTERIAL
- Shared Use Paved Trail
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 180 360 720 1,080 1,440

1 inch = 500 feet

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0237

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 1

RAZE AND REMOVAL 265 WEST NONNAMAKER DRIVE:

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY HAROLD AND ROSETTA HARMON LOCATED AT 265 WEST NONNAMAKER DRIVE IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, Harold and Rosetta Harmon are the record owners of real property located at 265 West Nonnamaker Drive, City of Fayetteville, Washington County, Arkansas, legally described as follows:

A part of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section 21, in Township 16 North, Range 30 West of the 5th P.M., and being more particularly described as beginning 1.80 chains North of the Southeast corner of the said SW1/4 of the SE1/4, Section 21, Township 16 North, Range 30, and running thence North five and ninety-four hundredths chains, thence West eleven and thirty hundredths chains to the East side of U.S. Highway No. 71 twenty feet East of the center of Highway Slab, thence southerly with the East side of Highway No. 71 six chains to a point twelve and thirty hundredths chains West of the beginning point, thence East twelve and thirty hundredths (12.30) chains to the place of beginning, containing seven (7) acres, more or less; and

WHEREAS, the City Council has determined that a structure located on said property with the address 265 West Nonnamaker Drive is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and

WHEREAS, Harold and Rosetta Harmon, having been properly served with Violation Notices via Certified Mail, Return Receipt Requested, and given thirty (30) days to correct said violations, have refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1: That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Section 173.09 of the Fayetteville Code of Ordinances, Harold and Rosetta Harmon are hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2: That, if Harold and Rosetta Harmon do not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

Section 3: 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

2017-0237

Legistar File ID

5/16/2017

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

Yolanda Fields

4/27/2017

Community Resources /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution ordering the Razing and Removal of a dilapidated and unsafe structure located at 265 W Nonnamaker Ave. and approving a budget adjustment in the amount of \$1,251.

Budget Impact:

1010.642.6420-5315.04

1010 - General

Account Number

Fund

50033.1701

Raze and Removal

Project Number

Project Title

Budgeted Item? No

Current Budget \$ 6,149.00

Funds Obligated \$ -

Current Balance \$ 6,149.00

Does item have a cost? Yes

Item Cost \$ 7,400.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 1,251.00

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 16, 2017

TO: Mayor and City Council
THRU: Yolanda Fields, Community Resources Director
FROM: David Carver, Code Compliance Administrator
DATE: April 25th, 2017
SUBJECT: **Raze and Removal of Structure at 265 W Nonnamaker.**

RECOMMENDATION:

Staff recommends approval of the Resolution ordering the Raze and Removal of a dilapidated and unsafe structure located at 265 W Nonnamaker and to approve a budget adjustment in the amount of \$1,251.00.00 for the balance of the project.

BACKGROUND:

Service Request #1168550 Case #22902: Code Compliance responded to a request concerning the structure located at 265 W Nonnamaker. The structure appeared to be in violation of Subsection 173.09(A), Unsafe Buildings, of the City Code of Ordinances. On February 16, 2017, a Notice of Violation was sent to the owner of record. On March 3, 2017, the same Notice of Violation was posted on the property. By Ordinance, the property owner was given until April 3, 2017 to acquire a building permit or to Raze and Remove the structure. On April 25, 2017 a Notice of Public Hearing was sent to the property owner informing them of the May 16, 2017 Public Hearing.

DISCUSSION:

This address consists of a single story 1,500 square foot single family dwelling. The property owner had tenants move out & contact Code Compliance about the conditions of the structure. On April 10, 2017 Matthew Cabe had contact with the property owner and noted the following;

04/10/2017 MC, Spoke to Property owner regarding BD assessment regarding issuance of Raze & Removal order for the building, such as: numerous missing windows, sagging and dilapidated roof, large holes in exterior rock veneer, and substantial settlement. Also told owner upgrades to electrical system, plumbing, and HVAC would likely be required. He claimed that he had recently replaced the windows and put new shingles on the structure. He stated his desire to obtain a building permit to correct the issues. No building permits have been issued for work completed to date. MC

No building permits have been issued or applied for to date.

BUDGET/STAFF IMPACT:

If the property owner does not comply with the Raze and Removal order, Raze and Removal costs will be expensed at the current budget. A lien will be placed on the property for the incurred costs. The current budget balance is \$6,149.00, therefore, we are requesting a budget adjustment of \$1,251.00.

Attachments:

Attachments include the Process Summary, the Receipt of Bids, a Budget Adjustment, and a packet including notifications, property records, and photos.



RECEIPT OF BIDS

OWNER(S): City of Fayetteville – Community Resources Division

ADDRESS: 265 Nonnamaker.

PROJECT No: Bid#17-22902

PROJECT TITLE: Raze and Removal – Code Compliance Program

BID CLOSING DAY/DATE/TIME: April 17th, 2017 at 4:00 pm

CONTRACTOR: M+M EXCAVATION

BID AMOUNT: 7,400-

CONTRACTOR: DECLINED TO BID

BID AMOUNT: _____

CONTRACTOR: _____

BID AMOUNT: _____

CONTRACTOR: _____

BID AMOUNT: _____

CONTRACTOR: _____

BID AMOUNT: _____

Certified by: [Signature]

Date: 4.17.17

Witness: [Signature]

Date: 4.17.17



RAZE & REMOVAL PROJECT

BID#17-22902

ADMINISTRATOR: David Carver (email: dcarver@fayetteville-ar.gov)

PHONE # 479.444.3451 or 479.575.8260 **FAX #** 479.444.3445

PROJECT LOCATION: 265 W Nonnamaker Dr, Fayetteville, AR 72701
WC Parcel # 765-15010-000

CONTRACTOR'S SCOPE OF WORK

- **RAZE&REMOVAL**

1. Completely tear down the entire dwelling.
2. Haul all contents inside the structure(s), debris from the structure(s), and other debris from the parcel to a legal landfill. All concrete associated with the structure(s) shall be removed from the lot (footings and slabs).
3. Mow and clean up parcel.

- **CLEANUP & DISPOSAL**

1. Provide proof, such as receipts, that the debris was hauled to a legal landfill.
2. The city encourages the bidder to consider all waste diversion methods for materials collected. Any methods of disposal, excluding a legal landfill, must be deemed acceptable by the city prior to bid submittal.
3. The yard shall be semi-level and mow-able when the demo work is completed and before payment will be made.
4. Contractor shall be responsible for capping wells, utilities and/or any other requirements pertaining to the demolition permit.

- **MISCELLANEOUS**

1. A Demolition Permit from the City of Fayetteville must be obtained before work begins. Demolition Permits are obtained through the Building Safety Division, 479-575-8233.
2. Proof of no less than \$250,000 liability insurance shall be provided by the contractor before work begins.
3. State Contractor License is required. A City Business License is required if your business is located in the city limits of Fayetteville.
4. If the situation is resolved by the property owner during the 30 day notice & comment period bids may be considered null & void.

CITY OF



BID PROPOSAL FORM

BID 17-22902

DATE ISSUED: April 5th, 2017

ADMINISTRATOR'S NAME: David Carver

PROJECT ADDRESS: 265 W Nonnamaker Dr., Fayetteville, AR 72701

DATE OF OPENING: Monday, April 17th 2017 at 4:00pm

My total bid price for the Raze & Removal Project is: \$ 7,400.00
(Bid will be valid for 120 days from Date of Opening)

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Date: 4.17.17

Complete Business Address:

Name of Firm: M: M Excavating LLC Phone # 479-841-9285

Street address or P O Box # 377 Sulphur City Rd.

City / State / Zip Code Fayetteville, AR 72701

Printed Name: Marcus Barker

Signature: [Signature] Title: Owner

Federal Tax ID # 26-0611207 or Social Security # _____

State Contractor # 0191780616 City Business License # _____



April 25th, 2017

Harold & Rosetta Harmon
2050 S School Ave
Fayetteville, AR 72701

RE: Enforcement of Fayetteville Code 173.09
Arkansas Code Ann. 14-56-203

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A 14-56-203 as 173.09 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at **265 W Nonnamaker (parcel #765-15010-000)** should be Razed and Removed.

You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 575-0860.

The hearing will be part of a regular City Council meeting on **May 16th, 2017** beginning at 5:30pm at the City Administration Building, 113 W. Mountain St., Fayetteville, AR 72701. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (479-575-8323) for information confirming the date of the public hearing.

Sincerely,

David Carver
Code Compliance Administrator

Cc: file

7016 3010 0000 9612 4534

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ _____
☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

4.25.17

Postmark
Here



Postage

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4[®]

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



**PROCESS SUMMARY
RAZE & REMOVAL**

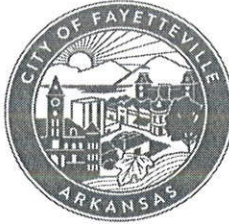
Property Address: 265 W Nonnamaker

WC Parcel # 765-15010-000

Hansen Case # 22902

City Code: 173.09

- On 2/3/2017 Code Compliance received a Request for Service regarding the structure located at 265 W Nonnamaker
- A Notice of Violation was sent to the Owner of Record on 2/2/2017
- The property was posted on 3/3/2017
- On 4/3/2017 the property was re-inspected and was found to still be in violation of City Code 173.09.



**Code Compliance Program
Unsafe Building Determination
UDC 173.09**

Address / Location: 265 W NONNAMAKER DR

WC Parcel # 765-15010-000

UDC 173.09



I recommend the raze and removal of the structure.



I recommend securing the structure.



I have determined that the structure above is NOT in violation of Subsection 173.09 (A) of the City of Fayetteville's Unified Development Code

[Signature]

02/16/2017

Chief Building Official

Observations:



Building Safety has issued a Warning letter for a potential Property Nuisance, City Code 173.09(B)



Building Safety will pursue a Property Nuisance, City Code 173.09(B) (Complete CCFORM603)

PLEASE RETURN THIS FORM TO CODE COMPLIANCE

Date Sent: 2.8.17

SR# 168550

Date Received: 2/16/17

Case# 22902

[Signature]

Community Resources Division Director



RESEARCH CENTER BLVD

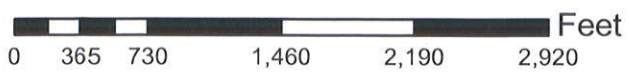
SCHOOL AVE

NONNAMAKER DR

SCHOOL AVE

PRIVATE 299

22ND ST















City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701



Posted 3-3-17

Office of Code Compliance
Phone 479-575-8260
Fax 479-444-3445

VIOLATION NOTICE

March 03, 2017

Owner HAROLD & ROSETTA HARMON
2050 S SCHOOL AVE

FAYETTEVILLE, AR 72701

RE: Property @ 265 W NONNAMAKER DR, Fayetteville, AR

WC Parcel # 765-15010-000

Case # 22902

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. **If you need clarification of this notice or advice on how to correct the problem, please call our office at (479)575-8240 or (479)575-8260.**

Suspected Violation That Needs Correction:

§173.09 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

How This Violation Can Be Voluntarily Corrected:

By making repairs as needed or razing the structure and remove all debris from the lot. A building permit may be required, based on review of the Building Safety Director.

Potential Penalties:

If this violation is not corrected within thirty (30) days from the service of this notice, you can be issued a Criminal Citation for the above violation and be summoned to appear in court. Our office can also suggest the structure be razed and removed. The costs shall be charged to the owner(s) of the property and the city shall have a lien against such property for such costs. If you disagree with our conclusion that your property contains a violation of our ordinances, you have the right to appeal to the appropriate City Board, Commission or City Council. Please see Chapter 155 of the Unified Development Code.

Sincerely,

CE OFFICER REDEVELOPMENT
Code Compliance Officer
code_compliance@fayetteville-ar.gov

Cc: file

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701



Office of Code Compliance
Phone 479-575-8260
Fax 479-444-3445

VIOLATION NOTICE

February 16, 2017

Owner HAROLD & ROSETTA HARMON
2050 S SCHOOL AVE

FAYETTEVILLE, AR 72701

RE: Property @ 265 W NONNAMAKER DR, Fayetteville, AR

WC Parcel # 765-15010-000

Case # 22902

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. **If you need clarification of this notice or advice on how to correct the problem, please call our office at (479)575-8240 or (479)575-8260.**

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Sincerely,

CE OFFICER REDEVELOPMENT
Code Compliance Officer
code_compliance@fayetteville-ar.gov

Cc: file

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HAROLD & ROSETTA HARMON
2050 S SCHOOL AVE
FAYETTEVILLE, AR 72701

9590 9402 1747 6074 1851 61

7015 3010 0000 0814 6136

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

☐ Agent
☐ Addressee

B. Received by (Printed Name) *[Signature]* Co. Date of Delivery

[Signature]

If the delivery address is different from item 1? ☐ Yes
 If delivery address below: ☐ No

- Service type
- ☐ Adult Signature Restricted Delivery
 - ☒ Certified Mail®
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Priority Mail Express®
 - ☐ Registered Mail™
 - ☐ Registered Mail Restricted Delivery
 - ☐ Return Receipt for Merchandise
 - ☐ Signature Confirmation™
 - ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 CC 22902, 22903, 22905 Domestic Return Receipt

CITY OF
Fayetteville
ARKANSAS
113 W. Mountain Street
Fayetteville, AR 72701-6083

CODE COMPLIANCE

RECEIVED

MAR 29 2017

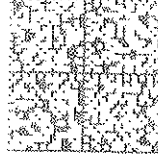
CR DIVISION

CERTIFIED MAIL®



7015 3010 0000 0814 6136

HAROLD & ROSETTA HARMON
2050 S SCHOOL AVE
FAYETTEVILLE, AR 72701



US POSTAGE
ZIP 72701 \$006.56
01.18
000137535455

LN 3-14

3-20

NKXLE

142 DE 1

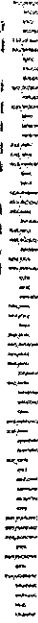
0003/4/17

RETURN TO SENDER
NO SUCH STREET
UNABLE TO FORWARD

NSS
727015274536083

EC: 72701508399

*2755-02620-15-28



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Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4[®]

2-16-17

Postmark

Here

CC

22902

22903

22905

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

9579 4180 0000 0103 5102

Parcel: 765-15010-000
Prev. Parcel: 148086-000-00
As of: 4/20/2017

Washington County Report

ID: 51730

Property Owner

Name: HARMON, HAROLD & ROSETTA

Property Information

Physical Address: 241 W NONNAMAKER DR, 247 W
NONNAMAKER DR, 265 W
NONNAMAKER DR, 279 W
NONNAMAKER DR, 289 W
NONNAMAKER DR, 300 W
NONNAMAKER DR, 304 W
NONNAMAKER DR, 308 W
NONNAMAKER DR, 312 W
NONNAMAKER DR, 318 W
NONNAMAKER DR, 2050 S SCHOOL
AVE, 2050 S SCHOOL AVE

Mailing Address: 2050 S SCHOOL AVE
FAYETTEVILLE, AR 72701-7153

Subdivision: 21-16-30 FAYETTEVILLE OUTLOTS

Type: (RI) - Res. Improv.

Block / Lot:

Tax Dist: (011) - FAYETTEVILLE SCH, FAY

S-T-R: 21-16-30

Millage Rate: 57.45

Size (in Acres): 0.000

Extended Legal: A part of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section 21, in Township 16 North, Range 30 West of the 5th P.M., and being more particularly described as beginning 1.80 chains North of the Southeast corner of the said SW1/4 of the SE1/4, Section 21, Township 16 North, Range 30, and running thence North five and ninety-four hundredths chains, thence West eleven and thirty hundredths chains to the East side of U.S. Highway No. 71 twenty feet East of the center of Highway Slab, thence southerly with the East side of Highway No. 71 six chains to a point twelve and thirty hundredths chains West of the beginning point, thence East twelve and thirty hundredths (12.30) chains to the place of beginning, containing seven. (7) acres, more or less, LESS AND EXCEPT a permanent easement to the City of Fayetteville, Arkansas, of 15 feet of equal and uniform width off of the entire West side of the above described real estate.

Market and Assessed Values:

	Estimated Market Value:	Full Assessed (20% Market Value):	Taxable Value:
Land:	\$135,000	\$27,000	\$21,160
Building:	\$260,650	\$52,130	\$51,650
Total:	\$395,650	\$79,130	\$72,810

Homestead Credit: \$350.00

Note: Tax amounts are estimates only. Contact the
county/parish tax collector for exact amounts.

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-15010-000
Prev. Parcel: 148086-000-00
As of: 4/20/2017

Washington County Report

ID: 51730

Land:

Land Use	Size	Units
	1.000	House Lot
	1.000	House Lot
	1.000	House Lot
	4.000	House Lot

Deed Transfers:

Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
10/29/2013	2013	37069	Redem Deed			HARMON, HAROLD T & ROSETTA		
12/27/2001	2002	2473	Redem Deed	0.00	\$0	HARMON, HAROLD T & ROSETTA		
6/30/1989	1325	407	Warr. Deed	275.00	\$125,000	HARMON, HAROLD T & ROSETTA	Unval.	
1/1/1985	1072	970		0.00	\$0	HILL, BETTY		

Details for Residential Card 1:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1712	0	1712	4	1901	114	Average	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Carpet & Tile

Insulation: Ceilings Walls

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1 Half: 1

Fireplace: Type: 1s Sgl.

Heat / Cool: None

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

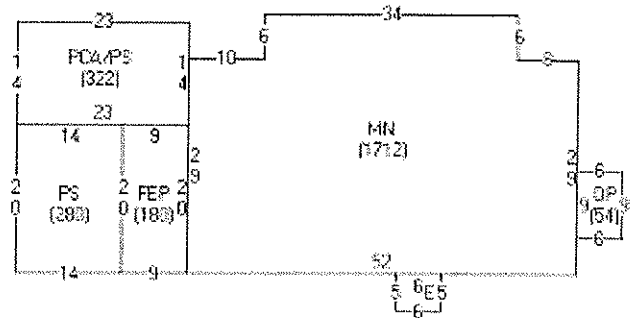
Style: N/A

Not a Legal Document.

Subject to terms and conditions.

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DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1712
B	FEP	Frame enclosed porch	180
C	PS	Patio slab	280
D	PCA/PS	Patio cover, aluminum over sla	322
E	OP	Porch, open	30
F	OP	Porch, open	54

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Driveway, concrete		16x59	1		
Driveway, concrete		10x50	1		
Outbuilding, metal		8x16			
Garage - frame unfinished, detach		16x20			
Outbuilding, metal		8x10	5		
Mobile Home		12x50			
Mobile Home		12x40			
Mobile Home		12x48			
Storage/utility bldg. metal		20x30			2006

Parcel: 765-15010-000
Prev. Parcel: 148086-000-00
As of: 4/20/2017

Washington County Report

ID: 51730

Details for Residential Card 2:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1144	0	1144	5	1926	89	Average	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: None

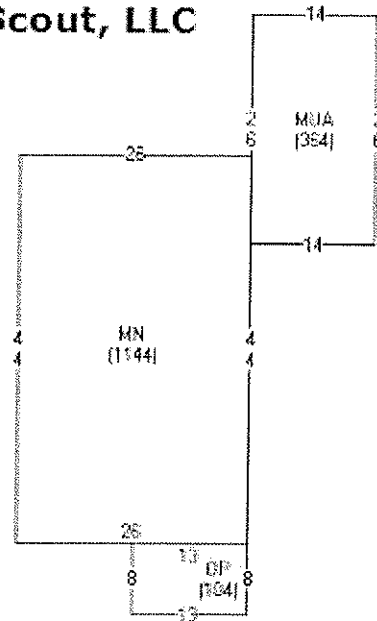
Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	OP	Porch, open	104
C	MUA	Garage - masonry unfinished, attached	364

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Subject to terms and conditions.

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Parcel: 765-15010-000
 Prev. Parcel: 148086-000-00
 As of: 4/20/2017

Washington County Report

ID: 51730

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Garage - masonry unfinished, d		15x26	1		
Wood deck		8x15	1		

Other Adjustments:

Code	Type	Quantity
FLOORC	C	237

Details for Residential Card 3:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1097	0	1097	5	1926	89	Average	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

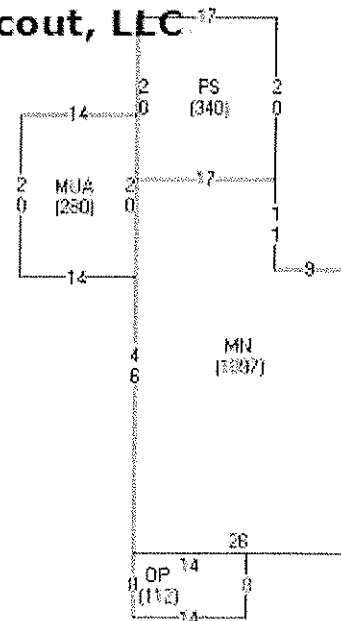
Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

DataScout, LLC



Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1097
B	PS	Patio slab	340
C	OP	Porch, open	112
D	MUA	Garage - masonry unfinished, attached	280

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Outbuilding, frame		12x20	1		
Wood deck		8x15	1		

Other Adjustments:

Code	Type	Quantity
FLOORC	C	219

Details for Residential Card 4:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1213	0	1213	5	1926	89	Fair	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

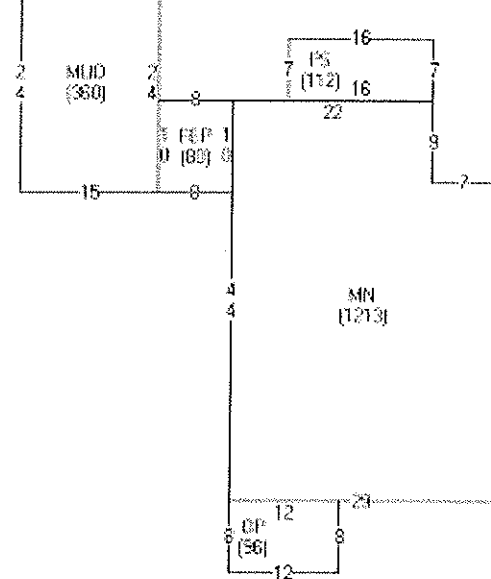
Style: N/A

Not a Legal Document.

Subject to terms and conditions.

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DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1213
B	MUD	Garage - masonry unfinished, d	360
C	FEP	Frame enclosed porch	80
D	PS	Patio slab	112
E	OP	Porch, open	96

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Wood deck		8x15	1		
Driveway, concrete					

Other Adjustments:

Code	Type	Quantity
FLOORC	C	242

Details for Residential Card 5:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1144	0	1144	5	1926	89	Fair	N/A

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Parcel: 765-15010-000
Prev. Parcel: 148086-000-00
As of: 4/20/2017

Washington County Report

ID: 51730

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

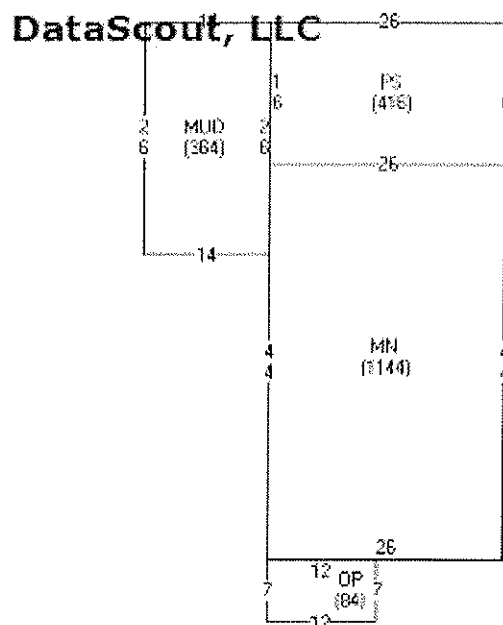
Heat / Cool: F/W/Furn

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	MUD	Garage - masonry unfinished, d	364
C	OP	Porch, open	84
D	PS	Patio slab	416

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Wood deck		8x15	1		

Not a Legal Document.

Subject to terms and conditions.

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Other Adjustments:

Code	Type	Quantity
FLOORC	C	246

Details for Residential Card 6:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1064	0	1064	5	1926	89	Fair	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

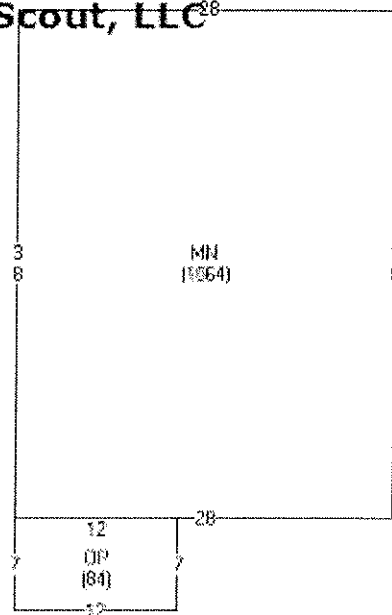
Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1064
B	OP	Porch, open	84

Parcel: 765-15010-000
 Prev. Parcel: 148086-000-00
 As of: 4/20/2017

Washington County Report

ID: 51730

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Garage - frame unfinished, detach					

Other Adjustments:

Code	Type	Quantity
FLOORC	C	212

Details for Residential Card 7:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1144	0	1144	5	1926	89	Fair	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

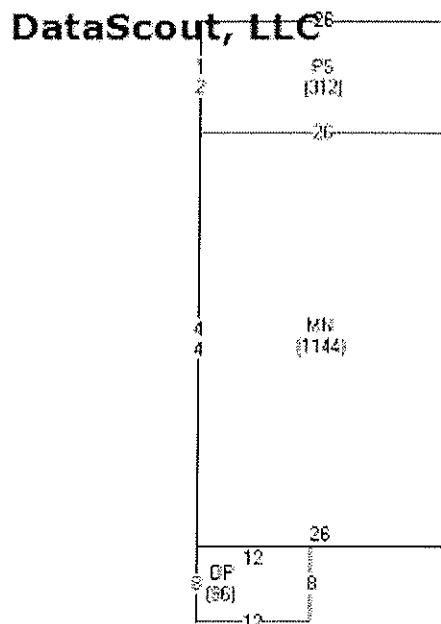
Heat / Cool: F/W/Furn

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A



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Parcel: 765-15010-000
Prev. Parcel: 148086-000-00
As of: 4/20/2017

Washington County Report

ID: 51730

Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	OP	Porch, open	96
C	PS	Patio slab	312

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Outbuilding, metal		16x38	1		

Other Adjustments:

Code	Type	Quantity
FLOORC	C	240

Details for Residential Card 8:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1144	0	1144	5	1961	54	Average	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gambrel

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

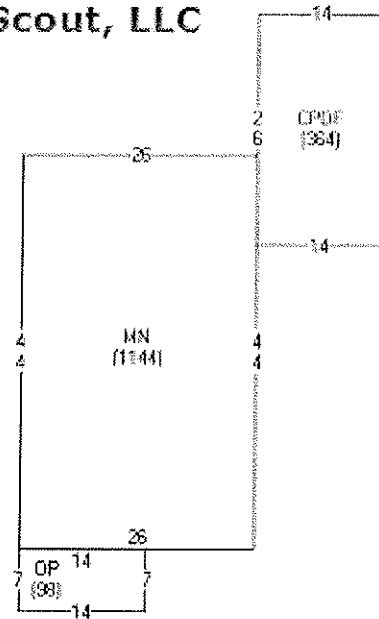
Style: N/A

Not a Legal Document.

Subject to terms and conditions.

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DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	OP	Porch, open	98
C	CPDF	Carport, Dirt Floor	364

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Carport, Dirt Floor		15x26			

Details for Residential Card 9:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1144	0	1144	5	1926	89	Fair	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

Not a Legal Document.

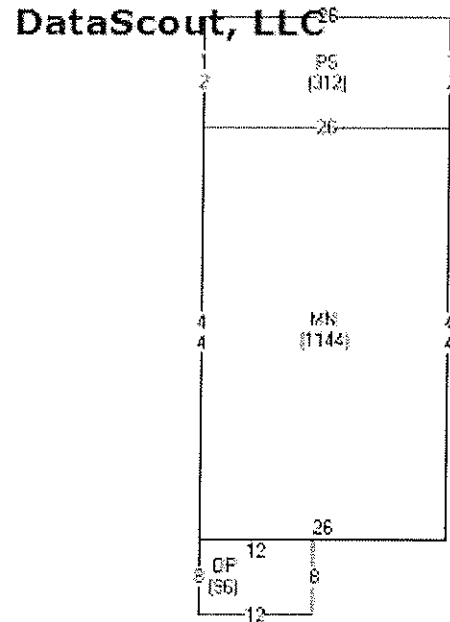
Subject to terms and conditions.

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Parcel: 765-15010-000
 Prev. Parcel: 148086-000-00
 As of: 4/20/2017

Washington County Report

ID: 51730



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	PS	Patio slab	312
C	OP	Porch, open	96

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Garage - masonry unfinished, d		16x24	1		

Other Adjustments:

Code	Type	Quantity
FLOORC	C	220

Details for Residential Card 10:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1144	0	1144	5	1926	89	Fair	N/A

Exterior Wall: STONE VEN
 Foundation: Closed Piers

Plumbing: Full: 1
 Fireplace: N/A

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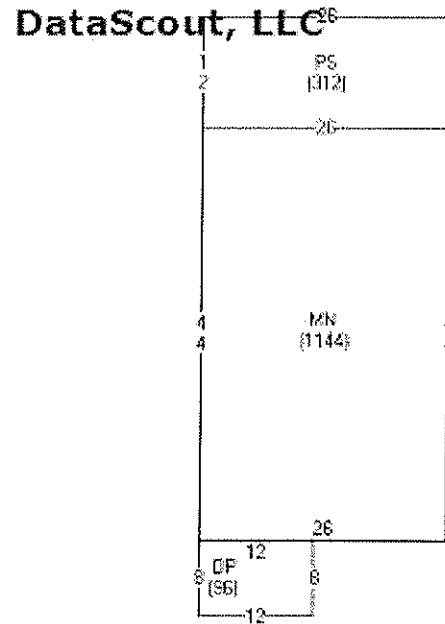
Parcel: 765-15010-000
 Prev. Parcel: 148086-000-00
 As of: 4/20/2017

Washington County Report

ID: 51730

Floor Struct: Wood with subfloor
Floor Cover: Hardwood Sheathing
Insulation: N/A
Roof Cover: Asphalt Shingle
Roof Type: Gable

Heat / Cool: None
Basement: N/A
Basement Area: N/A
Year Remodeled: N/A
Style: N/A



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	PS	Patio slab	312
C	OP	Porch, open	96

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Garage - frame unfinished, detach		20x20	1		

Other Adjustments:

Code	Type	Quantity
FLOORC	C	243

Details for Residential Card 11:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
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Parcel: 765-15010-000
 Prev. Parcel: 148086-000-00
 As of: 4/20/2017

Washington County Report

ID: 51730

Single Family ONE Masonry Veneer 1144 0 1144 5 1926 89 Fair N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

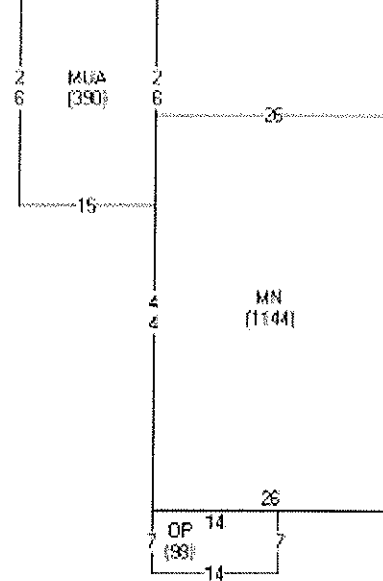
Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	OP	Porch, open	98
C	MUA	Garage - masonry unfinished, attached	390
D	WD	Wood deck	120

Other Adjustments:

Code	Type	Quantity
FLOORC	C	228

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Parcel: 765-15010-000
Prev. Parcel: 148086-000-00
As of: 4/20/2017

Washington County Report

ID: 51730

Map:



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Subject to terms and conditions.
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Budget Year	Division	Adjustment Number
2017	COMMUNITY RESOURCES (642)	
	/Org2	
	Requestor: Lisa Darden	

Moving funds for the Raze and Removal request at 265 W Nonnamaker Ave.

	COUNCIL DATE:	5/16/2017
	LEGISTAR FILE ID#:	2017-0237
	<i>Barbara Fell</i> 5/3/2017 8:42 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: 2017-0230

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 1

SOUTH BLOCK PARTNERS, LLC COST SHARE AGREEMENT:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH SOUTH BLOCK PARTNERS, LLC FOR THE INSTALLATION OF A SEWER MAIN ALONG A PORTION OF SOUTH BLOCK AVENUE BETWEEN WEST 4TH STREET AND WEST 5TH STREET, WITH THE ESTIMATED AMOUNT TO BE PAID BY THE CITY OF FAYETTEVILLE NOT TO EXCEED \$16,375.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,347.00

WHEREAS, South Block Partners, LLC will be developing property located at the northeast corner of West 5th Street and South Block Avenue and has requested that the City share in the cost of constructing an 8-inch sewer main along a portion of South Block Avenue between West 5th Street and West 4th Street, a distance of approximately 110 feet; and

WHEREAS, the City of Fayetteville would benefit from the cost share as it will extend sewer service to an area in the core of the City that has never been served before and provide for ample future capacity which the City recognizes will be necessary for the area that is served by this sewer main; and

WHEREAS, § 51.113 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 sewerage system”; and

WHEREAS, waiving formal competitive bidding will save time and cost by utilizing the developer’s contractor who will be on-site installing the line for the developer’s project.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a cost share agreement with South Block Partners, LLC for the installation of an 8-inch sewer main along a portion of South Block Avenue between West 4th Street and West 5th Street with the estimated amount to be paid by the City of Fayetteville not to exceed \$16,735.00, and further approves a project contingency in the amount of \$3,347.00.

City of Fayetteville Staff Review Form

2017-0230

Legistar File ID

5/16/2017

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

Tim Nyander

4/25/2017

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND TO APPROVE A COST SHARE AGREEMENT WITH SOUTH BLOCK PARTNERS, LLC FOR THE INSTALLATION OF A SEWER MAIN ALONG A PORTION OF SOUTH BLOCK AVENUE BETWEEN WEST 4TH STREET AND WEST 5TH STREET WITH THE ESTIMATED AMOUNT TO BE PAID BY THE CITY OF FAYETTEVILLE NOT TO EXCEED \$16,735.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,347.00 FOR A TOTAL OF \$20,082.00

Budget Impact:

5400.720.5700-5815.00

Water/Sewer

Account Number

Fund

04039.1

Water/Sewer Impact Fee Cost Sharing

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 1,230,231.00

Funds Obligated \$ 67,928.00

Current Balance \$ 1,162,303.00

Does item have a cost? Yes

Item Cost \$ 20,082.00

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 1,142,221.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

TO: Mayor and City Council

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

FROM: Tim Nyander, Utilities Director

DATE: April 24, 2017

SUBJECT: **Cost Share Agreement with South Block Partners, LLC**

RECOMMENDATION:

Staff recommends approval of a cost-share agreement between the City of Fayetteville and South Block Partners, LLC, to share the costs of installing a sewer main in South Block Avenue between West 4th and West 5th Streets. The estimated total cost of the project is \$35,270.00. The City's portion of the cost share is approximately 50% of the estimated project cost, in the amount of \$16,735.00, with a 20% contingency of \$3,347.00.

BACKGROUND:

South Block Partners, LLC has requested that the City share in the cost of installing an 8-inch sewer line along a portion of South Block Avenue between West 4th and West 5th Streets, approximately 110 feet, so that South Block Partners, LLC may develop the property located at the NE corner of West 5th Street and South Block Avenue.

DISCUSSION:

Constructing this segment of 8-inch main will allow development of these properties and will also provide for ample future capacity which the City recognizes will be necessary for the area that is served by this sewer main.

BUDGET/STAFF IMPACT:

Funds for the City portion of work are available in the Water/Sewer Impact Fee Cost Sharing Project.

Attachments:

Staff Review Form
Cost-Share Agreement
Map of Area
Bid Estimates

CONTRACTUAL AGREEMENT FOR COST SHARE OF SEWER MAIN INSTALLATION COSTS

This Agreement, made and entered into on this _____ day of May, 2017, by and between the City of Fayetteville, Arkansas ("City") and South Block Partners, LLC ("South Block"), witnesseth:

WHEREAS, South Block has requested that the City share in the cost of constructing an 8-inch sewer main along a portion of South Block Avenue between West 4th Street and West 5th Street, a distance of approximately 110 feet, so that South Block may develop the property located at the northeast corner of West 5th Street and South Block Avenue; and

WHEREAS, constructing this segment of 8-inch sewer main will allow development of this property, will extend sewer service to an area in the core of the City that has never been served before, and will also provide for ample future capacity which the City recognizes will be necessary for the area that is served by this sewer main; and

WHEREAS, § 51.113 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 sewerage system."

NOW, THEREFORE, the City of Fayetteville, Arkansas and South Block Partners, LLC agree as follows:

1. The City of Fayetteville, Arkansas agrees to:
 - A. Reimburse South Block Partners, LLC for 50% of the cost to install approximately 110 linear feet of 8-inch sewer main in the area identified in Exhibit "A" up to a maximum-not-to-exceed amount of **\$16,735** with a contingency fund not-to-exceed \$3,347.00, as was estimated by the builder's representative and shown on Exhibit "B", attached.
 - B. Payments due to South Block Partners, LLC, shall be remitted within sixty (60) days after receipt of valid invoices.
2. South Block Partners, LLC agrees to:
 - A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable sewer main installation, including submittal of plans and specifications to the City's Engineering Department, per their standard procedures.
 - B. Provide a copy of the invoices from the Contractor upon City approval of the water main upgrade.

- C. Pay for the sewer main installation (with reimbursement of 50% of the cost by the City of Fayetteville in a not-to-exceed amount of \$16,735.00 with a contingency fund not-to-exceed \$3,347.

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

SOUTH BLOCK PARTNERS, LLC

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: *Tommy Kilbride*
TOMMY KILBRIDE, Partner

By: _____
LIONELD JORDAN, Mayor

ATTEST:

ATTEST:

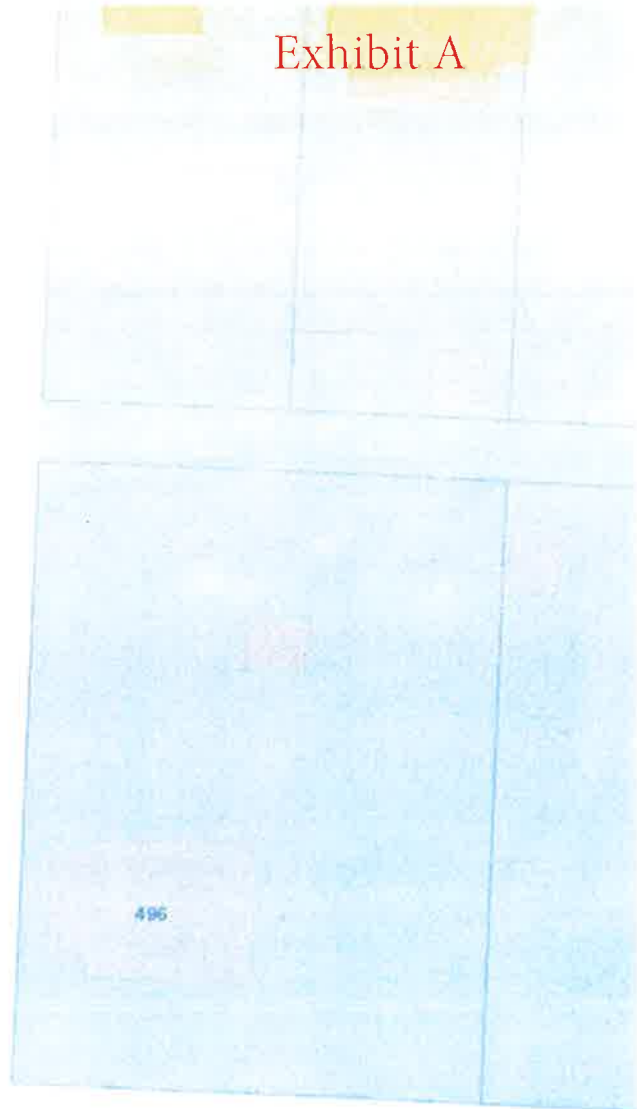
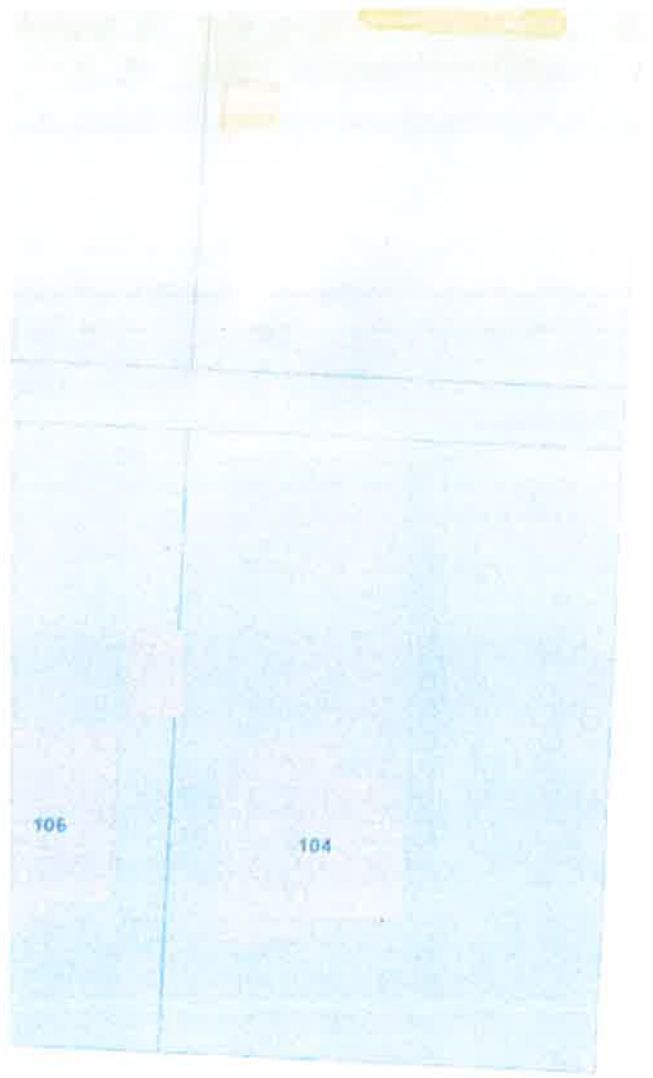
By: *Lauren Battista*

By: _____
SONDRA SMITH, City Clerk



Exhibit A

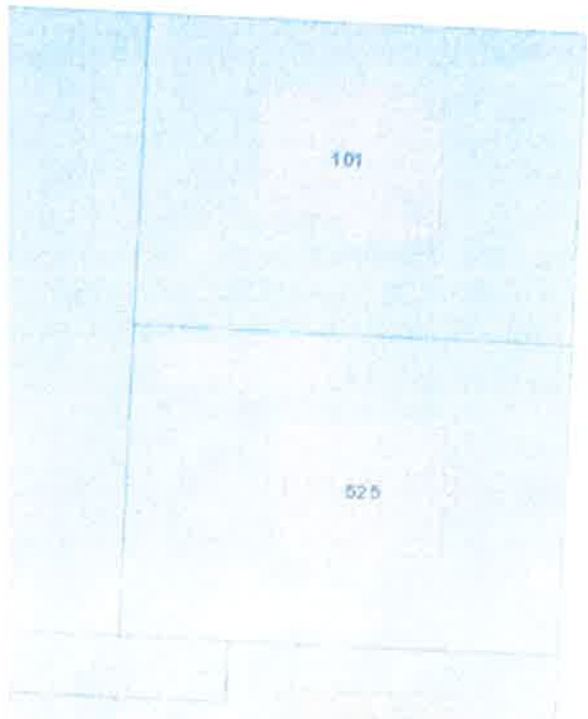
S Block



W-8 256

W-(02)007

W 5th St



lock Ave





SWEETSER CONSTRUCTION, INC.
GENERAL CONTRACTORS • LICENSED • INSURED

590 WEST POPLAR • FAYETTEVILLE, AR 72703
TELEPHONE (479) 443-3026 • FAX (479) 442-0119



March 20, 2016

**SEWER EXTENSION
For SHADDOX
UNIT PRICE SCHEDULE**

Item #	Description	Quantity	Unit	Unit Price	Amount
1	Manhole	2	EA	\$ 3,800.00	\$ 7,600.00
2	8" Sanitary Sewer	107	LF	\$ 38.00	\$ 4,180.00
3	4"X8" Sanitary Sewer Wye	2	EA	\$ 300.00	\$ 600.00
4	4" Sewer Service	60	LF	\$ 30.00	\$ 1,800.00
5	Class 7 Base	170	Ton	\$ 32.00	\$ 5,440.00
6	Repair Street	50	SY	\$ 135.00	\$ 6,750.00
7	16" Steel Encasement	1	LS	\$ 2,400.00	\$ 2,400.00
8	Traffic Control	1	LS	\$ 2,800.00	\$ 2,800.00
9	Sawcut Existing Asphalt	1	LS	\$ 1,700.00	\$ 1,700.00
10	Bond & Mob	1	EA	\$ 2,000.00	\$ 2,000.00
				Bid Total	\$ 35,270.00

Notes: 1) SB-2 Backfill is for full depth backfill for water and sewer mains only (not services). Full depth backfill for services shall be included in the price of the service crossing.

2) Price for water and sewer mains shall include bedding, detection tape, and tracer wire.

Charles W. Miller
Sweetser Construction, Inc.
charlie@sweetserconstruction.com
Phone: (479) 443-3026
Fax: (479) 442-0119



General Construction Solutions, Inc.

1951 Electric Avenue, Springdale, Ar 72764

Phone: 479.751.8868

FAX: 479.751.7650



Date: 1/17/2017

Project Name: **Shaddox Sewer Extension**

Owner Name: **Jim Shaddox 479-957-1367**

Engineer: **Jorgenson**

GCS Estimator: **SBM**

Page: 1

Job #:

City Specs: **Fayetteville, AR**

Phone #:

Phone #:

Construction: **Jim Shaddox Extension 1/17/17**

Item	ITEM DESCRIPTION	QTY.	UNIT	UNIT PRICE
1	Manhole	2	EA	\$ 5,630.00
2	8" Sanitary Sewer	111	LF	\$ 87.87
3	4"x8" Sanitary Sewer Wye	2	EA	\$ 109.00
4	4" Sewer Service	60	LF	\$ 73.98
5	Clean & Test Sewer	1	LS	\$ 805.40
6	Rock Excavation	1	CY	\$ 389.00
7	Class 7 Base	67	TN	\$ 37.25
8	Repair Street	129	SY	\$ 101.37
9	Encasement	1	LS	\$ 2,849.00
10	Bond	1	LS	\$ 1,300.00
11	2' Curb & Gutter (Remove & Replace)	12	LF	\$ 24.00
12	Traffic Control Barricades	1	LS	\$ 2,076.00
13	Field Locate and Verify Lot C (Report To Engineer)	1	LS	\$ 325.00
14	Concrete Washout	1	LS	\$ 552.00
15	Trench Safety	1	LS	\$ 1.00

TOTAL PRICE
\$ 11,260.00
\$ 9,753.57
\$ 218.00
\$ 4,438.80
\$ 805.40
\$ 389.00
\$ 2,495.75
\$ 13,076.73
\$ 2,849.00
\$ 1,300.00
\$ 288.00
\$ 2,076.00
\$ 325.00
\$ 552.00
\$ 1.00

Total Site Cost

\$49,828.25

*****Bid is based on the road being closed.**

Exclusions:

Fees, Permits, Camera Testing

Materials Testing

Staking

Respectfully Submitted,

Wes Taylor

wtaylor@gsgnwa.com

479-530-3577

**SEWER EXTENSION
For SHADDOX
UNIT PRICE SCHEDULE**

Item #	Description	Quantity	Unit	Unit Price	Amount
1	Manhole	2	EA	\$ 5050.00	\$ 10,100.00
2	8" Sanitary Sewer	111	LF	\$ 96.30	\$ 10,689.30
3	4"x8" Sanitary Sewer Wye	2	EA	\$ 200.00	\$ 400.00
4	4" Sewer Service	60	LF	\$ 76.50	\$ 4,590.00
5	Clean & Test Sewer	1	LS	\$ 1,000.00	\$ 1,000.00
6	Rock Excavation	1	LS	\$ 500.00	\$ 500.00
7	Class 7 Base	90	Ton	\$ 28.00	\$ 2,520.00
8	Repair Street	55	SY	\$ 159.00	\$ 8,745.00
9	8" Gate Valve Encasement	1	EA LS	\$ 1,300.00	\$ 1,300.00
10	Bond	1	EA	\$ 717.12	\$ 717.12
				TOTAL	40,561.42

Notes: 1) SB-2 Backfill is for full depth backfill for water and sewer mains only (not services). Full depth backfill for services shall be included in the price of the service crossing.

2) Price for water and sewer mains shall include bedding, detection tape and tracer wire.

*Jayette Tree & Branch, Inc
PO Box 471
Jayetteville, Ar 72702*



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0229

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 2

MILLSAP DRAINAGE COST SHARE:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH SOUTHERN STAR ENTERPRISES, LLC FOR THE INSTALLATION OF DRAINAGE IMPROVEMENTS ALONG A PORTION OF EAST MILLSAP ROAD WITH THE CITY OF FAYETTEVILLE'S SHARE OF THE COSTS NOT TO EXCEED \$49,070.40, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,000.00

WHEREAS, Southern Star Enterprises, LLC receives offsite storm water runoff from adjacent developments that appears to be damaging its parking area located at 509 N. Millsap Road and desires to install an underground drainage collection system to connect the new improvements to the City's downstream collection system; and

WHEREAS, Southern Star Enterprises, LLC has requested that the City share in the cost of constructing drainage improvements along East Millsap Road as part of Southern Star's commitment to improve its parking area; and

WHEREAS, § 170.05 of the Fayetteville Unified Development Code allows for cost sharing and states "If it is determined that offsite drainage improvements are required, and that such specific off-site drainage improvements are consistent with the city's current and established priorities, then cost sharing will be in accordance with *"Required Off-site Improvements;"* and

WHEREAS, City engineers explored various options to alleviate the drainage problems in this area and have determined that the proposed offsite drainage improvements in the City's right of way are required and, further, that these improvements are consistent with the City's priorities; and

WHEREAS, the City's Transportation Division is unable to work this project into its 2017 program year and waiving formal competitive bidding will save time and cost by utilizing the developer's contractor who will be on-site installing the privately-owned drainage improvements.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives

the requirements of formal competitive bidding and approves a cost share agreement with Southern Star Enterprises, LLC for the installation of drainage improvements along a portion of East Millsap Road, with the City of Fayetteville providing the 30-inch corrugated plastic pipe necessary for the project at a cost of \$7,200.00 and paying the portion of the construction costs for the improvements within the City's right of way in an amount not to exceed \$41,870.40, and further approves a project contingency in the amount of \$5,000.00.

City of Fayetteville Staff Review Form

2017-0229

Legistar File ID

5/16/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

3/17/2017

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of cost share for drainage improvements along E Millsap Rd in the amount of \$41,870.40 (City's share) as well as an additional \$7,200 to purchase pipe material to help alleviate drainage issues along the street and at 509 E Millsap Rd and approve a \$5,000 contingency.

Budget Impact:

4470.621.8810.5817.00

4470-Sales Tax Capital Improvements

Account Number

Fund

02108.1

Bridge and Drainage Improvements

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 271,431.00

Funds Obligated \$ -

Current Balance \$ 271,431.00

Does item have a cost? Yes

Item Cost \$ 49,070.40

Budget Adjustment Attached? No

Budget Adjustment

#

Remaining Budget \$ 222,360.60

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 16, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Chris Brown, City Engineer

FROM: Alan Pugh, Staff Engineer

DATE: April 24, 2017

SUBJECT: Approval of cost share for drainage improvements along E Millsap Rd in the amount of \$41,870.40 (City's share) as well as an additional \$7,200 to purchase pipe material to help alleviate drainage issues along the street and at 509 E Millsap Rd and approve a \$5,000 contingency.

RECOMMENDATION:

Approval of cost share for drainage improvements along E Millsap Rd in the amount of \$41,870.40 (City's share) as well as an additional \$6,500 to purchase pipe material to help alleviate drainage issues along the street and at 509 E Millsap Rd and approve a \$5,000 contingency.

BACKGROUND:

In 2015 the City of Fayetteville was approached by the property owner of 509 E Millsap to discuss drainage issues across their parking area. The drainage from the development and surrounding areas is routed through an asphalt swale in the parking area. This swale has experienced water damage and been repaired several times of the last few years. There are also concerns with the patrons of the building having to walk through the swale that is damaged and full of water during rain events. This runoff also currently drains into Millsap from the driveway into the property. This drainage then runs down Millsap and to an inlet downstream. During heavy rain events, this can create a large spread of water into Millsap.

After discussion with the property owner, staff performed a drainage analysis for the area. The drainage area, although not extremely large, does include portions of the surrounding developed area. Given the current situation, several options were explored. While the owner desired an underground system, staff also investigated the option of a drainage swale such that the drainage would continue to be overland flow. However, this did not address the property owners concern that the patrons would continue to walk through several inches of water to access the building. This option would also do nothing to address the water running into Millsap from the parking area.

An option to try and pipe the water from the parking area and drain it into the flume on the NW portion of the property was also explored. However, there was not enough elevation difference in order to daylight a piping system into the flume and again this did not address the water flowing into Millsap. It would only divert that water slightly closer to the existing inlet system.

Lastly, a piping system was developed along Millsap that would pick up the drainage improvements in the parking area and divert this runoff downstream. This would help to address the runoff draining into Millsap as well as provide an opportunity for the owner to tie into this system with a private drainage system within their parking area. This system is represented on the attached exhibit.

DISCUSSION:

Due to current workload, it does not appear the transportation division could work this into the 2017 program year. Therefore, the property owner has requested that the City participate in the cost of the improvements within the City right-of-way. The attached agreement represents the scenario in which the City would reimburse the owner for expenses incurred to install the system within City right-of-way. As a part of the agreement, the City would also purchase the pipe materials to be used within the right-of-way utilizing our annual bid prices and suppliers as well as replace the sidewalk at a later date with our own forces. Although the City did request additional quotes from contractors, all declined due to the size of the project and their current workload. Therefore, the cost share appears to be the most efficient way to complete this project in a timely fashion.

BUDGET/STAFF/IMPACT:

As stated the total cost of the City's portion of the project would be \$49,070.40 with the property owner's portion within their parking area exceeding that figure. This would be proposed to be funded from the Engineering Divisions sales tax capital improvement budget for drainage improvements.

Attachments:

Proposed Agreement with Owner
Drainage Improvement Exhibit
City/Owner Cost Breakdown

CONTRACTUAL AGREEMENT FOR
COST SHARE OF DRAINAGE IMPROVEMENT COSTS

This Agreement, made and entered into on this ____ day of April, 2017, by and between the City of Fayetteville, Arkansas ("City") and Southern Star Enterprises, LLC ("Southern Star"), witnesseth:

WHEREAS, Southern Star receives offsite storm water runoff from adjacent developments that appears to be damaging their parking area located at 509 N Millsap Road; and

WHEREAS, if Southern Star desires to install an underground drainage collection system said storm drain is necessary in order to connect the new improvements to the downstream collection system; and

WHEREAS, Southern Star has committed to improving their parking area located at 509 N Millsap Road and requested that the City share in the cost of constructing drainage improvements adjacent to N Millsap Road, west of Plainview Avenue, a distance of approximately 190 feet, so that Southern Star may can complete those improvements; and

WHEREAS, § 170.05 of the Fayetteville Unified Development Code allows for cost sharing and states "If it is determined that offsite drainage improvements are required, and that such specific off-site drainage improvements are consistent with the city's current and established priorities, then cost sharing will be in accordance with *"Required Off-site Improvements."*

NOW, THEREFORE, the City of Fayetteville, Arkansas and Southern Star Enterprises, LLC agree as follows:

1. The City of Fayetteville, Arkansas agrees to:
 - A. Reimburse Southern Star Enterprises, LLC for \$41,870.40 which represents the cost to install approximately 328 linear feet of 30-inch storm drain along with the installation of four inlet boxes in the area identified in Exhibit "A", attached.
 - B. Payments due to Southern Star Enterprises, LLC, shall be remitted within sixty (60) days after receipt of valid invoices.
 - C. Expose the utilities at strategic locations chosen by a contractor engaged by Southern Star and the City. However, after the exposure of the utilities by the City, Southern Star and/or the contractor engaged by Southern Star would be responsible for any damage to existing lines.
 - D. Provide 30-inch corrugated plastic pipe to be installed by Southern Star or the contractor engaged by Southern Star.

2. Southern Star Enterprises, LLC agrees to:

- A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable storm drain installation per the City of Fayetteville Standard Specifications for Street and Drainage Construction.
 - B. Provide a copy of the invoices from the Contractor upon City approval of the storm drainage installation.
 - C. Pay for the storm drainage installation (with reimbursement of \$41,870.40 of the cost by the City of Fayetteville).
3. It is further understood that the contract for construction is between Southern Star and his Contractor and that the City has no contractual obligation with either the Contractor or any agent for Southern Star. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of \$41,870.40 for the drainage improvements.

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

**SOUTHERN STAR
ENTERPRISES, LLC**

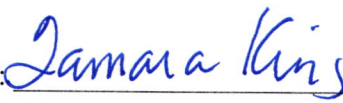
**CITY OF FAYETTEVILLE,
ARKANSAS**

By: 
Lloyd Trichell, Reg. Agent

By: _____
LIONELD JORDAN, Mayor

ATTEST:

ATTEST:

By: 
Tamara King

By: _____
SONDRA SMITH, City Clerk

TOMLINSON ASPHALT CO., INC.

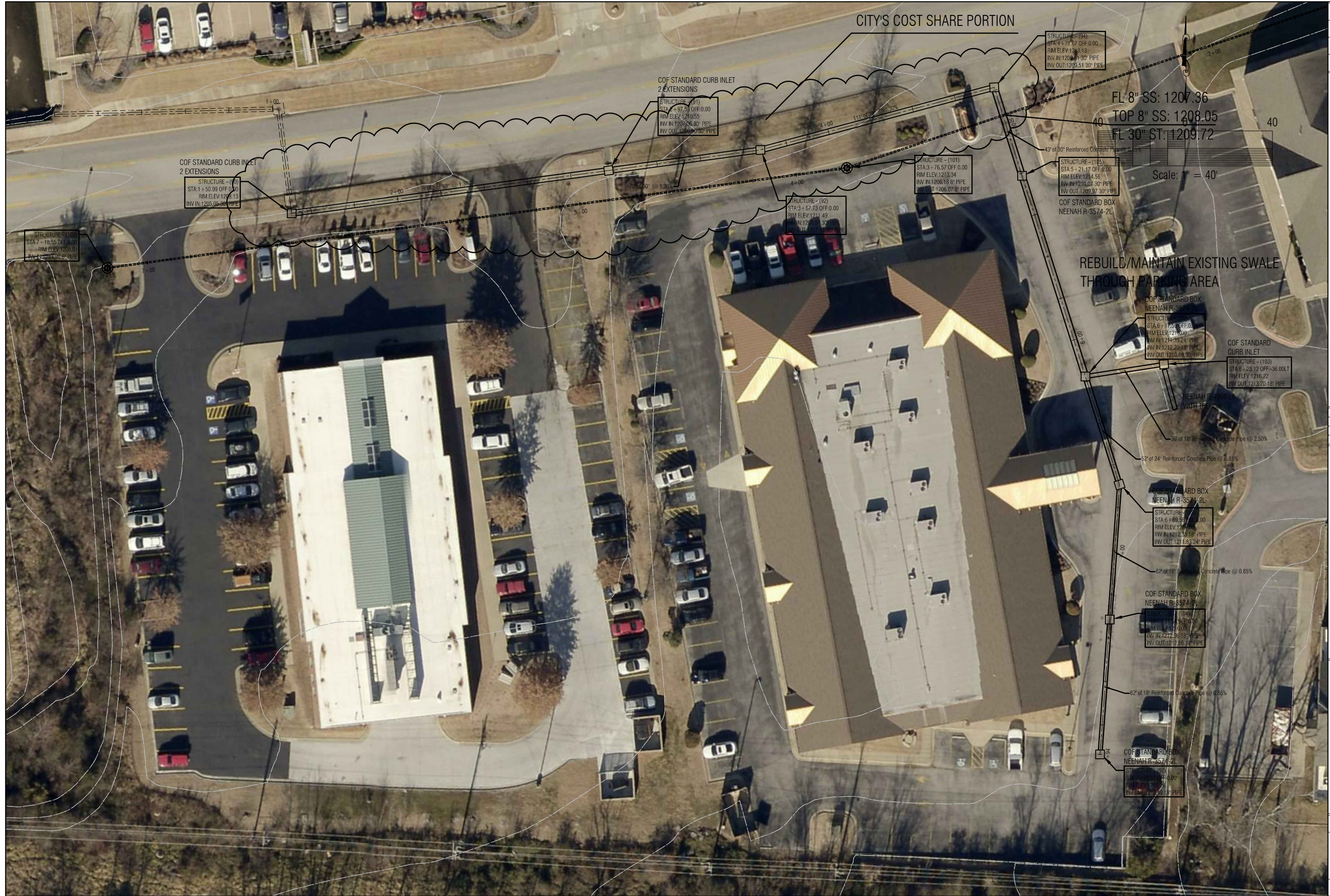
PROPOSAL

Rev #5.

Job Name: Millsap Medical Office
SUBMITTED TO: Dr. Trichell/ City of Fayetteville

4/25/17

ITEM #	DESCRIPTION	QTY	UNIT	UNIT COST	AMOUNT
Storm drain Improvements Dr. Trichell Portion					
1	30" RCP with Full Depth Base Backfill	144	LF	\$ 122.18	\$ 17,593.92
2	24" RCP with Full Depth Base Backfill	52	LF	\$ 125.00	\$ 6,500.00
3	18" RCP with Full Depth Base Backfill	160	LF	\$ 112.50	\$ 18,000.00
4	Neenah 4999-L6 Trench Grate	20	LF	\$ 420.00	\$ 8,400.00
5	Curb Inlet: #92,103	2	EA	\$ 4,300.00	\$ 8,600.00
6	Area Drains: #97,104,95,99,105	5	EA	\$ 4,600.00	\$ 23,000.00
7	Concrete Drainage Swale: Includes 7" Class-7, 5" Concrete 3,500 psi Concrete	2,960	S.F.	\$ 7.46	\$ 22,081.60
8	General Expenses: Final Clean up, Traffic Control, Job Maint.	1	EA	\$ 3,000.00	\$ 3,000.00
	Total Cost for on-site portion of project			sub-total	\$ 107,175.52
1	30" CPP with Full Depth Base Backfill **CPP PROVIDED BY THE CITY**	328	LF	\$ 86.80	\$ 28,470.40
2	Junction Boxes: #94,92,91,90	4	EA	\$ 2,850.00	\$ 11,400.00
3	General Expenses: Final Clean up, Traffic Control, Job Maint.	1	EA	\$ 2,000.00	\$ 2,000.00
	Total Cost for Off-site portion of project			sub-total	\$ 41,870.40
PRICE SUMMARY					
				TOTAL	\$ 149,045.92



SURVEYED BY:	GIS
DRAWN BY:	AP
DESIGNED BY:	MC
FILE NAME:	577 Millsap Cost Share

PROJECT
MILLSAP DRAINAGE IMPROVEMENTS
577 MILLSAP DR, FAYETTEVILLE, AR.

title:

REVISÉ

ENGINEERING DIVISION

113 W. MOUNTAIN STREET

Fayetteville

DATE:
4/27/2017
SHEET:

1

PROJECT:
577 Millsap Cost St



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0236

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 3

RZN 17-5756 (2621 E. MISSION BLVD./ERC HOLDINGS, LLC):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5756 FOR APPROXIMATELY 2.62 ACRES LOCATED AT 2621 EAST MISSION BOULEVARD FROM C-1, NEIGHBORHOOD COMMERCIAL TO CS, COMMUNITY SERVICES

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

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

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

City of Fayetteville Staff Review Form

2017-0236

Legistar File ID

5/16/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Andrew Garner

4/28/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5756: Rezone (2621 E. MISSION BLVD./ERC HOLDINGS, LLC, 371): Submitted by ERC HOLDINGS, LLC. for property at 2621 E. MISSION BLVD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 2.62 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 16, 2017

TO: Mayor, Fayetteville City Council
THRU: Andrew Garner, Planning Director
FROM: Jonathan Curth, Senior Planner
DATE: April 28, 2017

SUBJECT: RZN 17-5756: Rezone (2621 E. MISSION BLVD./ERC HOLDINGS, LLC, 371):
Submitted by ERC HOLDINGS, LLC. for property at 2621 E. MISSION BLVD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 2.62 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to CS, Community Services, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property contains one parcel totaling 2.32 acres located on the south side of Mission Boulevard, just west of Crossover Road/Highway 265. The property is currently zoned C-1, Neighborhood Commercial, and is developed with a single-family dwelling built in 1955. A commercial driveway is built across the subject property's frontage, serving First National Bank on the property to the east, and giving access to Mission, a Principal Arterial-classified street. Although Flynn Creek runs through the parcel to the southeast, the subject property is not encumbered by FEMA-identified floodplain.

Request: The request is to rezone the property from C-1, Neighborhood Commercial, to CS, Community Services to allow greater possibility for future mixed-use development.

Land Use Compatibility: The proposed zoning is generally compatible with the surrounding mixture of existing non-residential and single-family residential uses. The immediate area contains a range of development types. Further west along Mission Boulevard are single-family, two-family, townhome, office, and restaurant uses that act as a transitional area from the large areas of single-family housing to the busy intersection at Mission and Crossover. The proposal of CS zoning would allow increased density and potential for commercial and mixed use that could serve the neighborhood, encouraging a pattern of development that staff finds compatible with existing properties. Furthermore, the existing C-1 zoning allows an identical maximum building height to that permitted under CS, but whereas the CS zoning district requires development in a build-to-zone adjacent to City streets, the C-1 zoning utilizes suburban building setbacks.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) which designates the subject and surrounding properties as City Neighborhood Area.

One of the primary goals of City Plan 2030 is for zoning decisions to be made that help create complete neighborhoods and make traditional town form the standard. A complete neighborhood should provide a mix of uses and housing types where residents can live, work, and play all in the same neighborhood. This policy is embedded in the description of City Neighborhood Areas by supporting a wide variety of uses and densities, particularly along connecting corridors, like Mission Boulevard. The proposed rezoning to CS on the subject property addresses this goal by permitting a wide spectrum of residential and non-residential uses. The CS zoning district creates the potential for mixed-use developments that encourage walkability and less dependence on vehicles for transportation.

The proposed rezoning also addresses City Plan 2030's prioritization of appropriate infill and the discouragement of suburban sprawl. While development under either the existing or proposed zoning districts may reduce the need to extend water and sewer service, or stretch existing fire and police department resources, the CS zoning district and its wide variety of allowed uses can reduce the firm separation of land uses that result in sprawling development.

Staff finds that the proposed zoning is justified and needed to accommodate development of the property in accordance with the goals outlined in the city's comprehensive plan. Also, the proposed zoning district can beneficially increase residential densities along a major corridor and provide convenience goods and personal services for persons living on the subject property or in the surrounding residential areas.

DISCUSSION:

On April 24, 2017 the Planning Commission forwarded the proposal to City Council with a recommendation for approval passed by a vote of 7-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

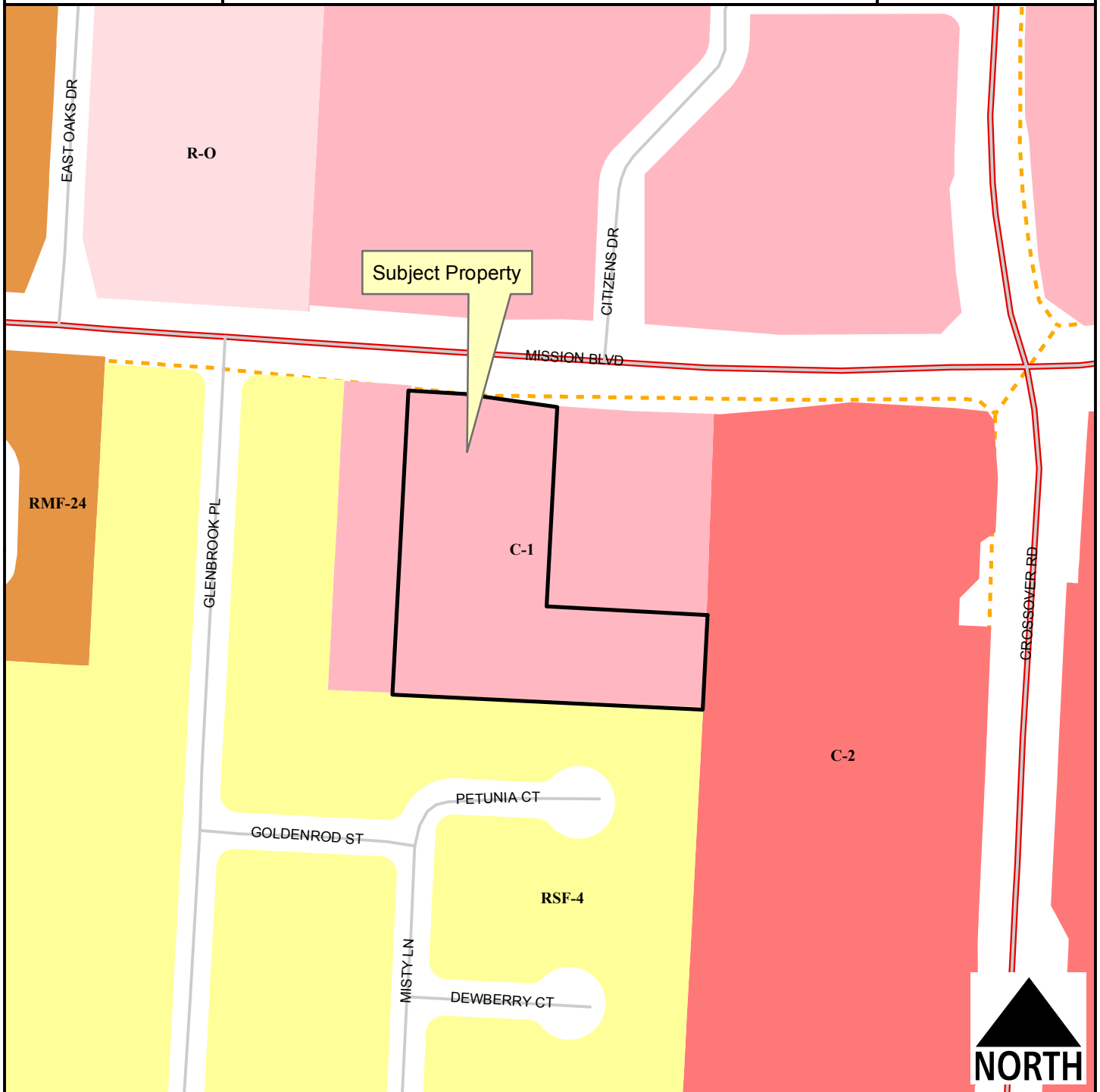
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

RZN 17-5756

ERC HOLDINGS, LLC

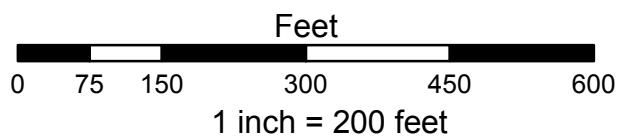
17-5756
EXHIBIT 'A'

Close Up View



Legend

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



- RSF-4
- RMF-24
- Residential-Office
- C-1
- C-2

17-5756
EXHIBIT 'B'

SURVEY DESCRIPTION:

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

COMMENCING AT THE NORTHEAST CORNER OF SAID SE/4 OF THE SE/4; THENCE N87°00'11"W 417.50 FEET; THENCE S02°59'49"W 89.15 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 45 (R/W VARIES); THENCE S03°03'27"W 274.72 FEET TO AN EXISTING 1/2" REBAR (RLS1380) AND THE POINT OF BEGINNING; THENCE S03°03'27"W 130.39 FEET TO THE NORTHEAST CORNER OF LOT 30 OF THE GLENBROOK SUBDIVISION, PHASE II AS RECORDED IN PLAT BOOK 13 AT PAGE 51; THENCE ALONG THE NORTH LINE OF SAID GLENBROOK SUBDIVISION, PHASE II N87°16'24"W 427.00 FEET TO AN EXISTING REBAR (RLS852); THENCE N03°00'54"E 418.79 FEET TO AN EXISTING REBAR (RLS1642) ON THE SOUTH RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 45 AS RECORDED IN DOCUMENT 2007-26189; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S86°28'55"E 77.50 FEET TO AN EXISTING CHISELED "X" IN CONCRETE; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE S82°00'50"E 128.37 FEET TO AN EXISTING REBAR; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE, S03°03'27"W 274.29 FEET; THENCE S86°56'33"E 221.91 FEET TO THE POINT OF BEGINNING, CONTAINING 2.619 ACRES, MORE OR LESS, BEING SUBJECT TO PUBLIC ROAD RIGHTS-OF-WAY AND ANY EASEMENTS OF RECORD, ACCORDING TO A SURVEY BY ANDERSON SURVEYING, INC. R.L.S. # 1272, JOB #16-11-10.

BEING THE SAME AS TRACT B, 2.62 ACRES, OF METROPOLITAN NATIONAL BANK MISSION BOULEVARD TRACT SPLIT, BY RLS 1380, JOB # 07034_SPLIT, DATED 08-06-2007; FILED 08-30-2007 AS FILE # 2007-00033370.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

Rd .6

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

5756

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

371

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: ERC Holdings, LLC

Name: Mary McGetrick, Pre Construction

Manager

Address: ERC, 5102 S. Pinnacle Hills
Parkway, Rogers, AR 72758

Address: ERC, 5102 S. Pinnacle Pkwy, Rogers,
AR 72758

E-mail: nswanson@erc.com

E-mail: mmcgetrick@erc.com

Phone:

(479) 478-5103

Phone:

(479) 650-0523

Fax:

Fax:

Site Address / Location: 2621 E Mission Blvd., Fayetteville, AR 72701

Current Zoning District: Neighborhood Commercial

Requested Zoning District: Community Services District

Assessor's Parcel Number(s) for subject property: 765-13339-000

FINANCIAL INTERESTS

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

Simmons Bank

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): Mary McGetrick

Date: 3/10/17

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): R. Grant Leake, VP AG Simmons Bank

Address: 4033 N. Shiloh Dr
Fayetteville, AR 72704

Signature:



Date: 3/9/17

Phone:

(479) 695-3973

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: April 24, 2017 (Updated with Planning Commission Results)

SUBJECT: **RZN 17-5756: Rezone (2621 E. MISSION BLVD./ERC HOLDINGS, LLC, 371):** Submitted by ERC HOLDINGS, LLC. for property at 2621 E. MISSION BLVD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 2.62 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN 17-5756** with a recommendation for approval based on the findings herein.

BACKGROUND:

The subject property contains one parcel totaling 2.32 acres located on the south side of Mission Boulevard, just west of Crossover Road/Highway 265. The property is currently zoned C-1, Neighborhood Commercial, and is developed with a single-family dwelling built in 1955. A commercial driveway is built across the subject property's frontage, serving First National Bank on the property to the east, and giving access to Mission, a Principal Arterial-classified street. Although Flynn Creek runs through the parcel to the southeast, the subject property is not encumbered by FEMA-identified floodplain. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Kantz Center Strip Commercial Development	C-1, Neighborhood Commercial
South	Glenbrook Single-family Subdivision	RSF-4, Residential Single-family, 4 Units per Acre
East	1 st National Bank; Carwash	C-1, Neighborhood Commercial; C-2, Thoroughfare Commercial
West	Glenbrook Single-family Subdivision	RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the property from C-1, Neighborhood Commercial, to CS, Community Services to allow greater possibility for future mixed-use development.

Public Comment: Staff has received concerns from a neighbor in the subdivision to the south that a multi-family or non-residential development may utilize the existing right-of-way on the southern line of the subject property to connect through the existing single-family neighborhood.

INFRASTRUCTURE:

- Streets:** The subject property has direct access to Mission Boulevard/Highway 45. Although designated a Principal Arterial by the Master Street Plan, Mission is not improved as such, with some open ditch remaining on the western end of the subject property. Additional access is possible by way undeveloped right-of-way to Petunia Court to the south. Any development improvements required in these areas would be determined at the time of development.
- Water:** Public water is available to the site. There is an existing 8-inch water main along the Mission Boulevard right-of-way and stubbed across the street to the property's frontage.
- Sewer:** Public sewer is available to the site. There is an existing 8-inch sewer main along the Mission Boulevard right-of-way and stubbed across the street to the property's frontage.
- Drainage:** Any additional improvements or requirements for drainage would be determined at time of development. No portion of this property lies within the FEMA-designated 100-yr floodplain or the Hillside-Hilltop Overlay District (HHOD). A protected stream, Flynn Creek, runs southeast of this parcel, but no hydric soils have been identified on-site.
- Fire:** The Fire Department did not express any concerns with the request.
- Police:** The Police Department did not express any concerns with this request.

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

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.

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 generally compatible with the surrounding mixture of existing non-residential and single-family residential uses. The immediate area contains a range of development types. Further west along Mission Boulevard are single-family, two-family, townhome, office, and restaurant uses that act as a transitional area from the large areas of single-family housing to the busy intersection off Mission and Crossover. The proposal of CS zoning would allow increased density and potential for commercial and mixed use that could serve the neighborhood, encouraging a pattern of development that staff finds compatible with existing properties. Furthermore, the existing C-1 zoning allows an identical maximum building height to that permitted under CS, but where as the CS

zoning district requires development in a build-to-zone adjacent to City streets, the C-1 zoning utilizes suburban building setbacks that can lead to development being placed further from Mission Boulevard, and nearer the single-family subdivision to the south.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) which designates the subject and surrounding properties as City Neighborhood Area. One of the primary goals of City Plan 2030 is for zoning decisions to be made that help create complete neighborhoods and make traditional town form the standard. A complete neighborhood should provide a mix of uses and housing types where residents can live, work, and play all in the same neighborhood. This policy is embedded in the description of City Neighborhood Areas by supporting a wide variety of uses and densities, particularly along connecting corridors, like Mission Boulevard. The proposed rezoning to CS on the subject property addresses this goal by permitting a wide spectrum of residential and non-residential uses. The CS zoning district creates the potential for mixed-use developments that encourage walkability and less dependence on vehicles for transportation.

The proposed rezoning also addresses City Plan 2030's prioritization of appropriate infill and the discouragement of suburban sprawl. While development under either the existing or proposed zoning districts may reduce the need to extend water and sewer service, or stretch existing fire and police department resources, the CS zoning district and its wide variety of allowed uses can reduce the firm separation of land uses that result in sprawling development.

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 the property in accordance with the goals outlined in the city's comprehensive plan. Also, the proposed zoning district can beneficially increase residential densities along a major corridor and provide convenience goods and personal services for persons living in the surrounding residential areas, or even in mixed-use development on the subject property itself.

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

Finding: The site has access to Mission Boulevard, a partially improved Principal Arterial street, and undeveloped right-of-way to Petunia Court, a partially improved Local street. The proposed rezoning would likely increase traffic over the existing C-1, zoning, which allows no residential uses as a principal use, but not likely to a degree that creates or exacerbates a dangerous traffic condition. Any proposed development would be required to comply with the City's access management ordinance, including its provisions to design safe vehicular and pedestrian interactions.

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 C-1 to CS may increase the future population density, particularly given the allowance of residential uses under the CS zoning district. That said, the subject property is in an area where increased density is appropriate and desired. Additionally, this is a relatively small infill site with access to public infrastructure, with any development having limited to no adverse impact on public infrastructure. The Police and Fire Departments have expressed no objections to the proposal.**

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

Finding: N/A

RECOMMENDATION: Staff recommends forwarding RZN 17-5756 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>April 24, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Belden			
Second: Johnson			
Vote: 7-0-0, Commissioner Quinlan recused			
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>May 16, 2017 (Tentative)</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.19, C-1, Neighborhood Commercial
 - o §161.20, CS, Community Services
- Request letter
- Rezone Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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	Cluster 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*
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*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; Ord. No. [5921](#), §1, 11-1-16)

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	Cluster 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; Ord. No. [5921](#), §1, 11-1-16)



5102 S. Pinnacle Hills Parkway,
Rogers, AR 72758
www.erc.com

RZN 17-5756

Request Letter

March 10, 2017
City of Fayetteville
Development Services
ATTN: Andrew Garner

RE: 2621 E. Mission Blvd

ERC Holdings, LLC is requesting a rezoning at 2621 E. Mission Blvd. The property is adjacent to a quickly developing commercial corridor uniquely placing the property in a position to provide transitional uses developed on with the tenants of a more fluid form based code fully meeting the vision of the 2030 plan. The current zoning classification of Neighborhood Commercial does not allow for true mixed use developments. The residential allowances in a C1 zoning district do not allow for true urban neighborhood development. A rezoning to Community Services would allow for a wider array of true mixed commercial and residential uses and ultimately for a more dense and interesting urban walkable transitional development providing services for the surrounding community and allowing people to live where they work and play.

The proposed rezoning does not significantly alter the impact on the surrounding community from the existing zoning classification. Land use in the **Community Services District (CSD)** is designed primarily to provide convenience goods and personal services for persons living in surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. Land use in the existing zoning category is identical in terms of density and allowed uses. While a CSD classification does allow for greater density and uses ERC would propose that the most intense use categories of gasoline service stations and drive-in/drive through restaurants and liquor stores be excluded in perpetuity from the allowed uses on the property. In terms of appearance buildings height is identical for both the existing and proposed zoning classifications. In terms of traffic congestion neither classification has density requirements thus traffic patterns should be similar whichever zoning is applied to the property.

The water and sewer lines that serve the property are both eight inch lines. The current capacity of the utility lines can serve any use associated with the proposed zoning classification of CSD.

The 2030 Plan envisions the property and surrounding properties in the vicinity of the intersection of Mission and Crossover as a City Neighborhood Area. This designation supports the widest spectrum of uses while still encouraging density. Rezoning the property to a CSD classification aligns with stated the goals of the 2030 plan in that it allows for a wider array of uses with higher densities which helps create a transitional buffer zone for surrounding residential properties. There are a number of transitional zones in the area which either provide small neighborhood commercial uses or multifamily uses indicating that there is a need for the CSD zoning classification in a quickly developing commercial node.

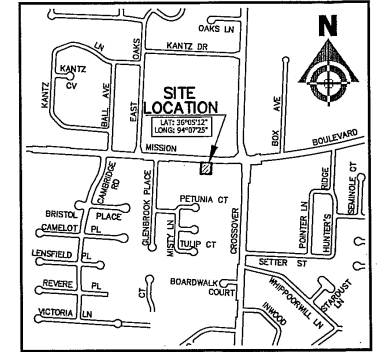
The property is on a busy and quickly developing corner. Rezoning to a classification that allows for a less traditional fusion of housing and local neighborhood commercial uses expands the possibility for future redevelopment towards true mixed use. A classification change allows the property and any future development to act as a transitional buffer for the single family residential properties to the north and east and encourages a higher level of connectivity between the existing commercial and residential uses. The proposed reasoning to a CSD classification will not greatly increase traffic or congestion nor will it cause additional stress on the public services or utilities in the area.

Thank you,

Mary McGetrick, Pre-Construction Manager, ERC

RZN 17-5756 Rezone Exhibit

NOTE:
ANY BUILDING THAT EXCEEDS THE HEIGHT OF 10' SHALL BE SET BACK FROM ANY BOUNDARY LINE OF ANY RESIDENTIAL DISTRICT A DISTANCE OF ONE FOOT FOR EACH FOOT OF HEIGHT IN EXCESS OF 10'.



VICINITY MAP
NOT TO SCALE

Doc ID: 011519030001 Type: REL
Recorded: 08/30/2007 at 09:56:02 AM
Fee Amt: \$18.00 Page 1 of 1
Washington County, AR
Bertie Skoppe, Circuit Clerk
File # 2007-00033370

GENERAL NOTES:

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR PRESENT.
THIS SURVEY MEETS CURRENT "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" IN THE STATE OF ARKANSAS.
SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES, RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

ALL BUILDING, SURFACE AND SUBSURFACE, IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN.
THIS PROPERTY IS CURRENTLY ZONED C-1 (NEIGHBORHOOD COMMERCIAL).
BUILDING SETBACKS ARE AS FOLLOWS:
FRONT: 20 FEET
REAR: 20 FEET
SIDE: 0 FEET
SIDE: 10 FEET (WHEN CONTIGUOUS TO A RESIDENTIAL DISTRICT).
BASIS OF BEARINGS: ARKANSAS STATE PLANE SYSTEM, NAD83 NORTH ZONE.

SURVEY DESCRIPTION TRACT A (THIS PLAT):

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

COMMENCING AT THE NORTHEAST CORNER OF SAID SE1/4 OF THE SE1/4; THENCE N87°00'11"W 417.50 FEET; THENCE S02°59'49"W 89.15 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 45 (R/W VARIES) AND THE POINT OF BEGINNING; AN IRON PIN FOUND BEARS N02°59'49"E 12.91 FEET; THENCE S03°03'27"W 274.72 FEET; THENCE N87°16'24"W 427.00 FEET TO AN IRON PIN FOUND AT THE NORTHEAST CORNER OF LOT 30 OF THE GLENBROOK SUBDIVISION, PHASE II AS RECORDED IN PLAT BOOK 13 AT PAGE 51; THENCE ALONG THE NORTH LINE OF SAID GLENBROOK SUBDIVISION, PHASE II N87°16'24"W 427.00 FEET TO AN IRON PIN FOUND; THENCE N03°00'54"E 418.79 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 45 AS RECORDED IN DOCUMENT 2007-26389, A FOUND IRON PIN BEARS N03°00'54"E 6.06 FEET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S88°28'53" 77.50 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE S82°00'50"E 128.37 FEET TO AN IRON PIN FOUND; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE S03°03'27"W 274.29 FEET; THENCE S86°56'33"E 221.91 FEET TO THE POINT OF BEGINNING, CONTAINING 1.40 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

SURVEY DESCRIPTION TRACT B (THIS PLAT):

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

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APPROVED FOR RECORDATION
FAYETTEVILLE PLANNING
ADMINISTRATION
By: *[Signature]* Date: 8-29-07

CITY PLAT PAGE # 371

ARKANSAS STATE PLAT CODING: 500-16N-30W-02-220-72-1380



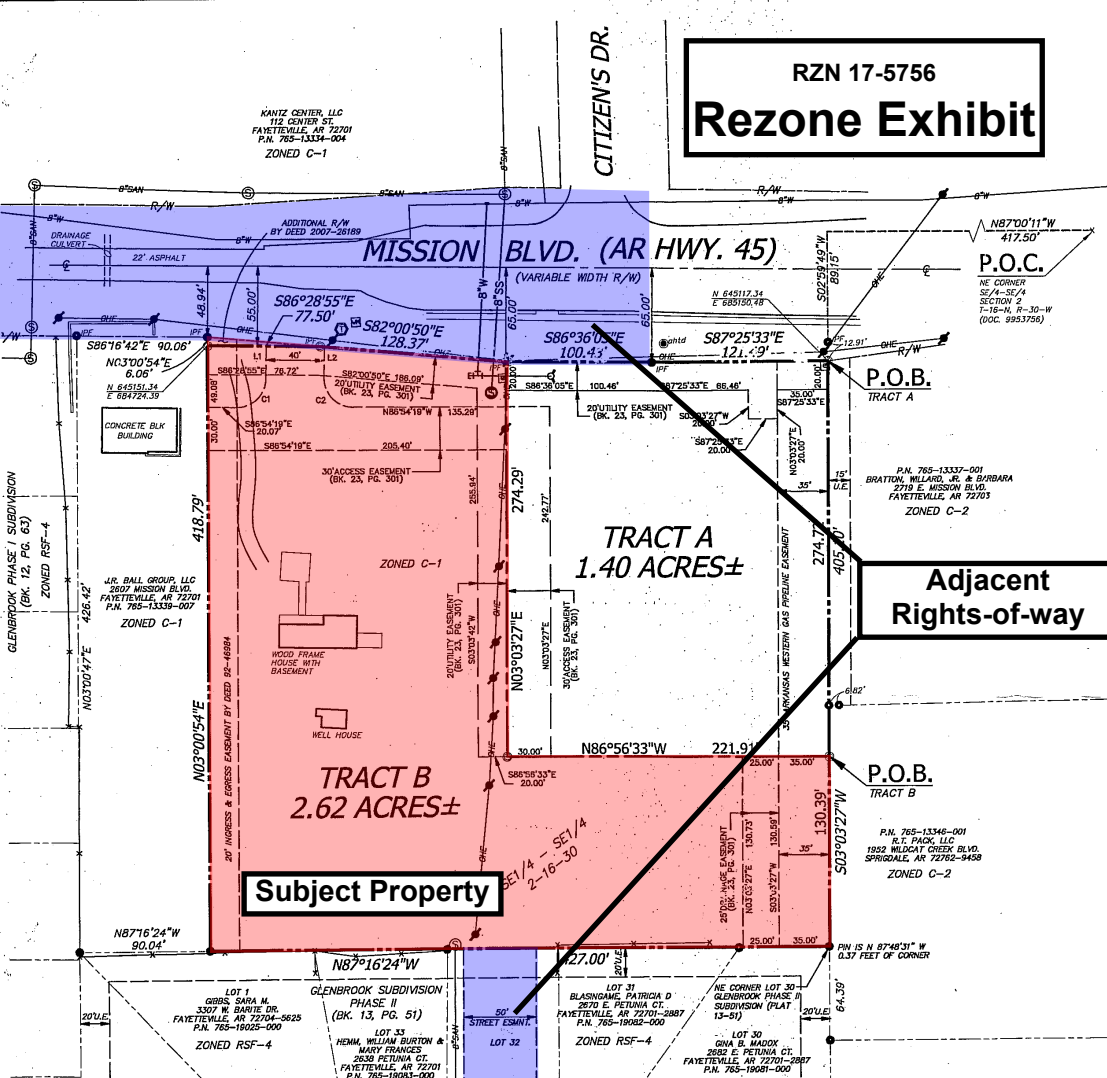
PAYA LAND SURVEYING, INC.
www.paya-inc.com
TEL: (479) 696-9138 FAX: (866) 263-7006
email: mail@paya-inc.com

259 BRIGHT ROAD - CAVE SPRINGS, AR - 72718

METROPOLITAN NATIONAL BANK MISSION BLVD. TRACT SPLIT

A PART OF THE SE1/4 OF THE SE1/4 OF SECTION 2
TOWNSHIP 16 NORTH, RANGE 30 WEST
FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

PREPARED FOR: METROPOLITAN NATIONAL BANK
DRAWN BY: LP SCALE: 1" = 60' DATE: August 6, 2007
REVISED: LP DWG: 07034_SPLIT SHEET: 1 OF: 1



Adjacent
Rights-of-way

Subject Property

P.O.B.
TRACT B

P.O.B.
TRACT A

P.O.C.



Representative:
Mike Morgan
McCliff Consulting Engineers, Inc.
1810 North College Ave.
Fayetteville, AR 72702
(479) 443-2377

Owner:
Metropolitan National Bank
425 W. Capitol
Little Rock, AR 72201

SURVEYOR'S DECLARATION:

I HEREBY DECLARE THAT I HAVE THIS DAY COMPLETED A SURVEY OF THE HEREIN DESCRIBED PROPERTY, SITUATED IN WASHINGTON COUNTY, ARKANSAS. THE PROPERTY LINES AND CORNER MONUMENTS ARE, TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED.

[Signature]
LAZARO G. PAYA ARK. PLS #1380

08/23/2007
DATE

LINE	BEARING	DISTANCE
L1	N87°16'24"W	22.86
L2	S86°56'33"E	21.99

CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	89°18'44"	20.00'	31.18'	N48°26'18"E 28.11'
C2	90°41'19"	20.00'	31.69'	S41°53'42"E 28.40'

CERTIFICATE OF OWNERSHIP AND DEDICATION:

I, THE UNDERSIGNED OWNER, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE FOR PUBLIC OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNER ALSO DEDICATE TO THE CITY OF FAYETTEVILLE AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY THE CITY OF FAYETTEVILLE) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES, ALSO ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENT, THE RIGHT TO PROHIBIT ERECTION OF BUILDINGS, STRUCTURES OR FENCES WITHIN SAID EASEMENT, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

8/27/07
DATE

[Signature]
METROPOLITAN NATIONAL BANK

P.N. 765-13339-000

PARENT TRACT DESCRIPTION:
AS SHOWN ON A SURVEY BY GENE E. BUESCHER AND DATED JUNE 02, 2005.

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

COMMENCING AT THE NE CORNER OF SAID SE1/4 OF THE SE1/4; THENCE N87°00'11"W 417.50 FEET; THENCE S02°59'49"W 89.15 FEET TO THE POINT OF BEGINNING; THENCE S03°03'27"W 405.10 FEET; THENCE ALONG THE NORTH LINE OF GLENBROOK PHASE II SUBDIVISION N87°16'24"W 427.00 FEET; THENCE N03°00'54"E 424.85 FEET; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF ARKANSAS HIGHWAY 45 AS FOLLOWS: S03°03'27"E 208.18 FEET; S88°28'53" 100.43 FEET AND S87°25'33"E 121.49 FEET TO THE POINT OF BEGINNING, CONTAINING 4.02 ACRES, AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

FLOOD CERTIFICATION:

THIS PROPERTY IS NOT LOCATED WITHIN ANY PRESENTLY ESTABLISHED 100-YEAR FLOOD PLAIN, AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS AND INCORPORATED HEREIN.

MAP NUMBER: 0515030103 D
REVISED DATE: JULY 21, 1999

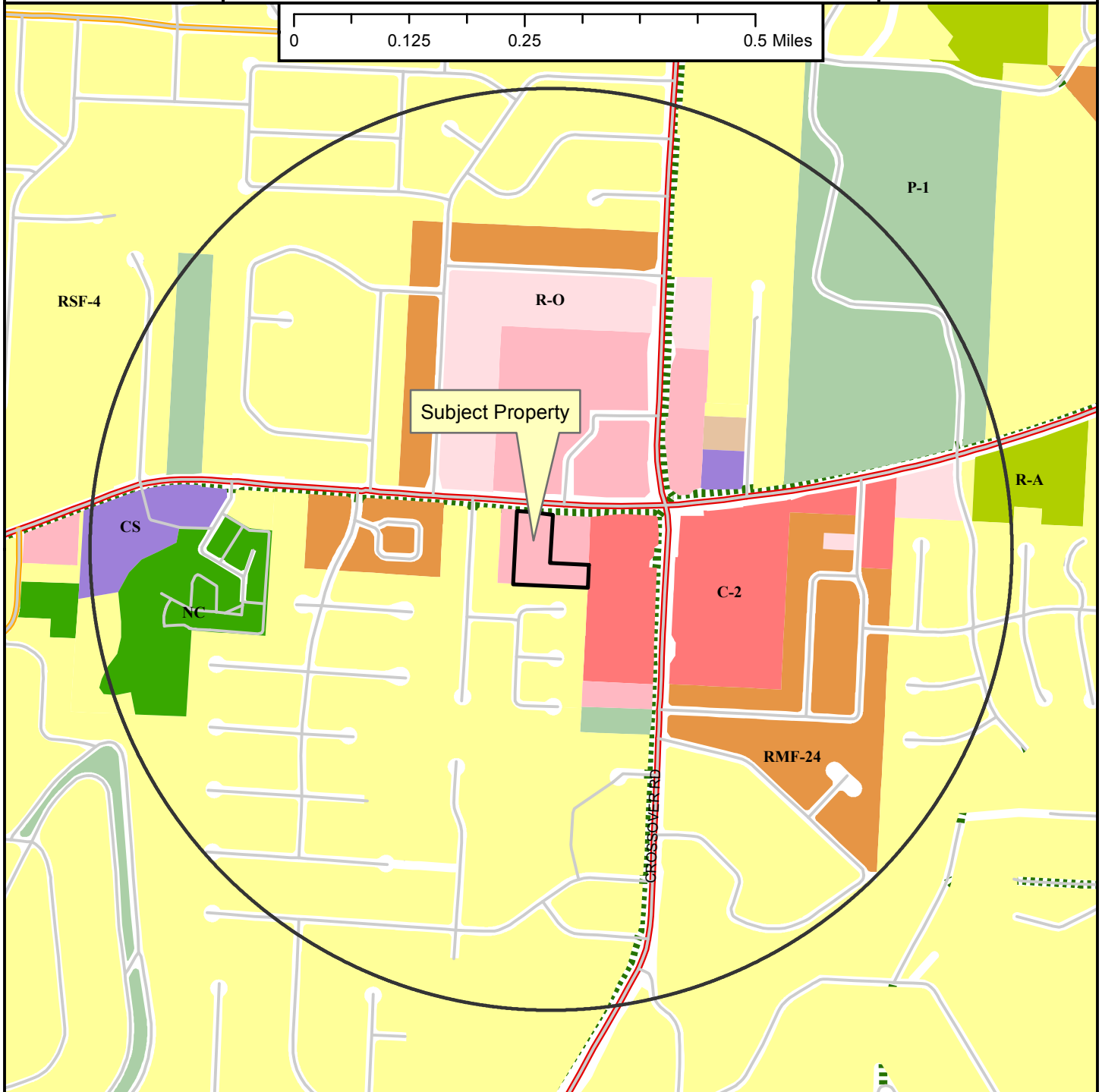
RZN 17-5756

One Mile View

ERC HOLDINGS, LLC

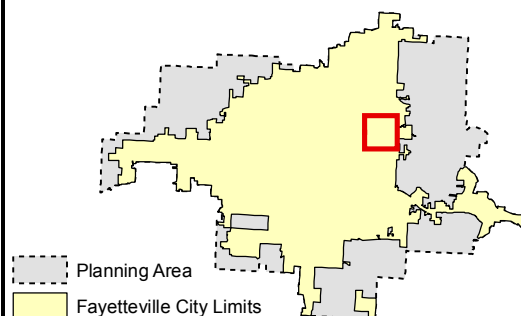


0 0.125 0.25 0.5 Miles



Legend

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

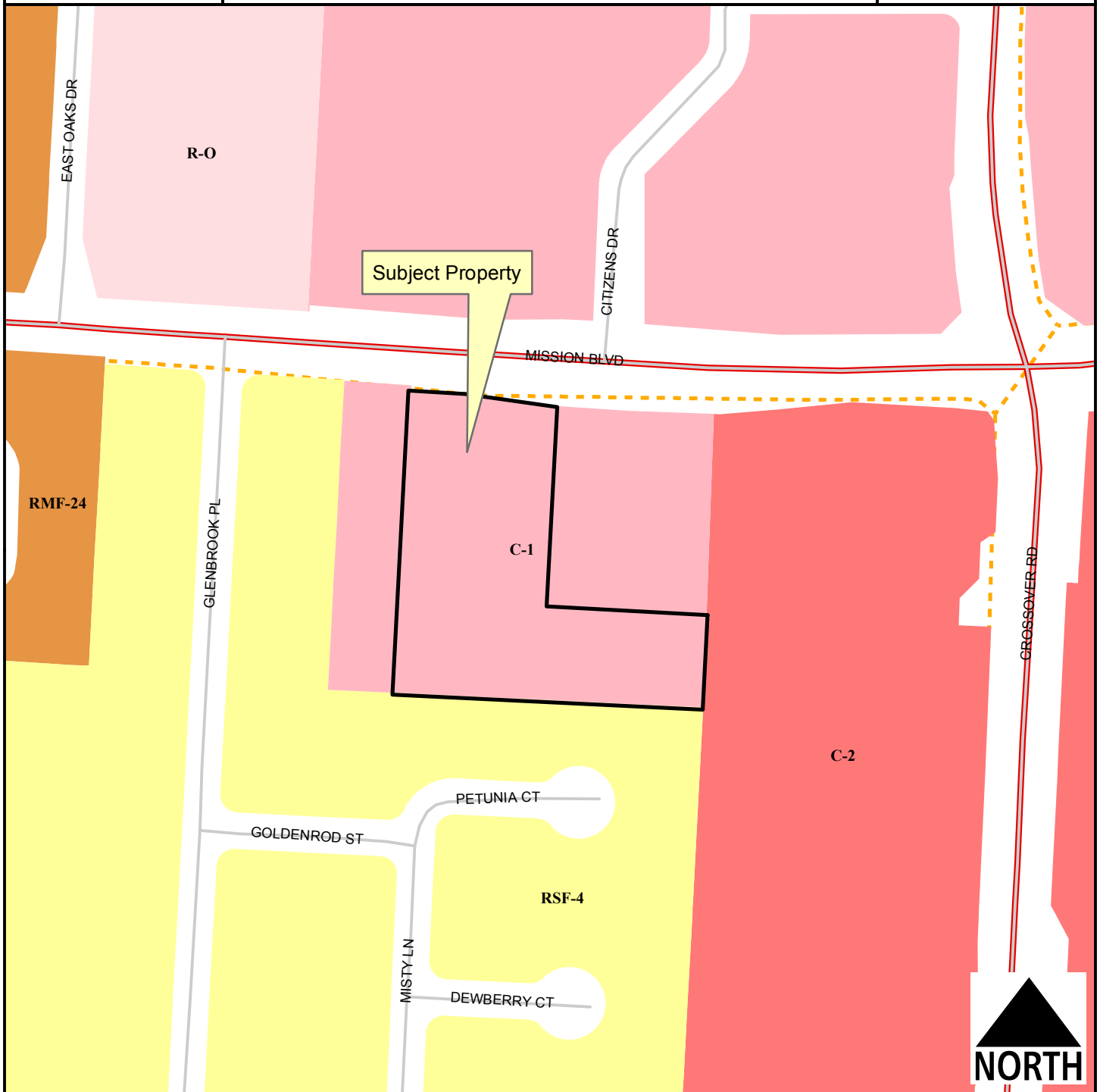


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General 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

RZN 17-5756

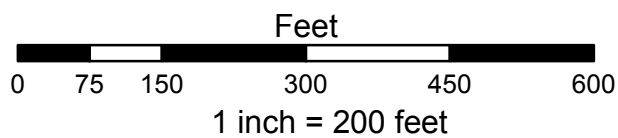
ERC HOLDINGS, LLC

Close Up View



Legend

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



- RSF-4
- RMF-24
- Residential-Office
- C-1
- C-2

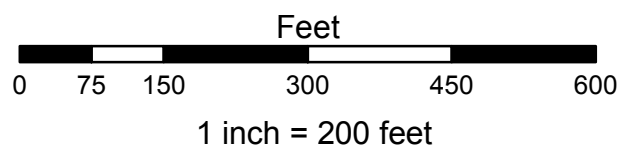
RZN 17-5756

Current Land Use

ERC HOLDINGS, LLC



- RZN17-5756
- Streams
- Street
- PRINCIPAL ARTERIAL
- Trail (Proposed)
- County Parcels
- Planning Area
- Fayetteville City Limits



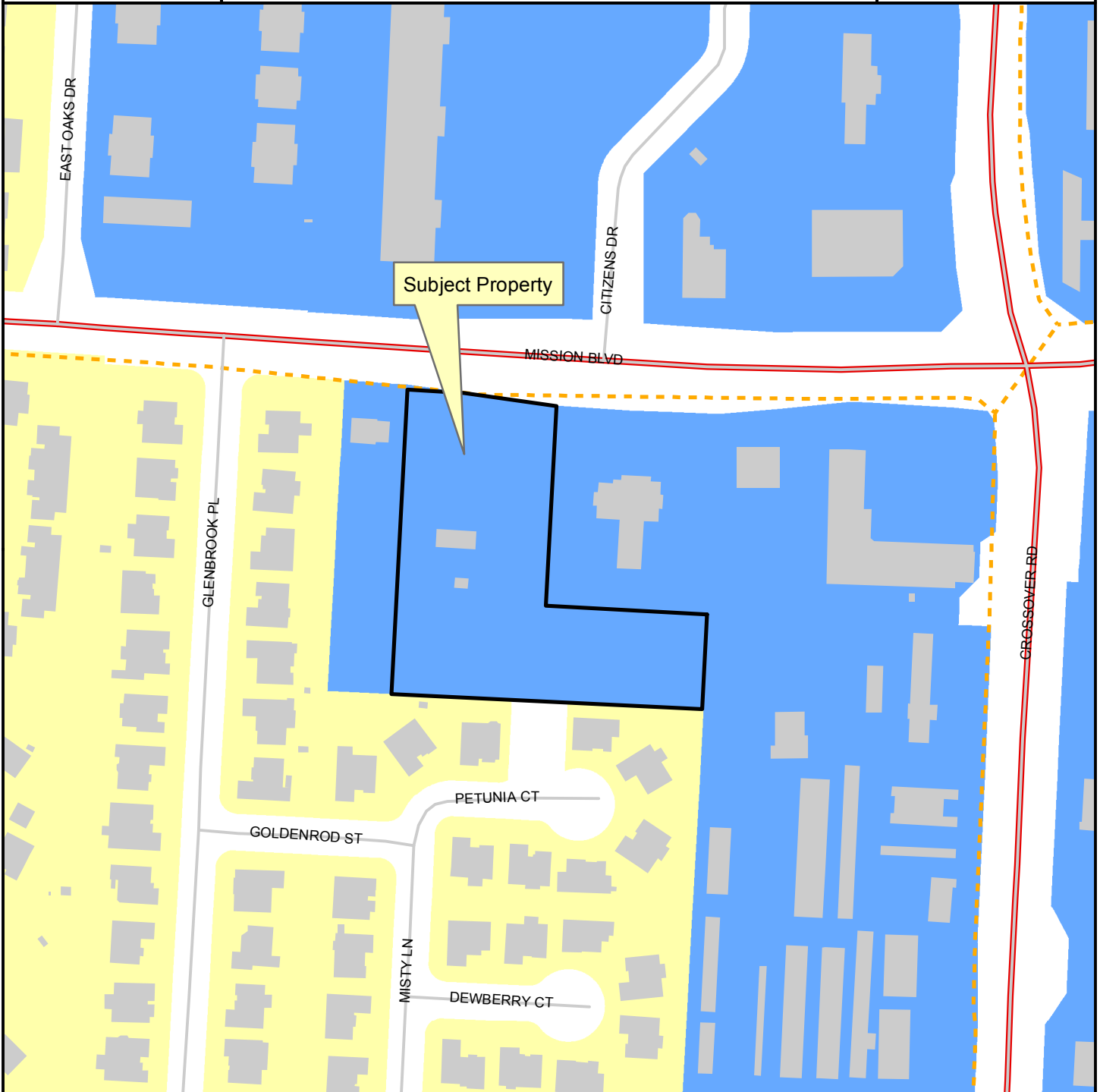
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN 17-5756

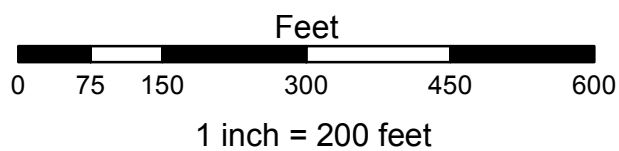
ERC HOLDINGS, LLC

Future Land Use



Legend

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



FUTURE LAND USE 2030

- Residential Neighborhood Area
- City Neighborhood Area



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0245

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 4

RZN 17-5781 (1622 E. MISSION BLVD./LAMB-MORRIS):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5781 FOR APPROXIMATELY 0.54 ACRES LOCATED AT 1622 EAST MISSION BOULEVARD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

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

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

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

City of Fayetteville Staff Review Form

2017-0245

Legistar File ID

5/16/2017

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

Andrew Garner

4/28/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5781: Rezone (1622 E. MISSION BLVD./LAMB-MORRIS, 409): Submitted by RICHIE LAMB for property at 1622 E. MISSION BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.54 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 16, 2017

TO: Mayor, Fayetteville City Council
THRU: Andrew Garner, Planning Director
FROM: Harry Davis, Current Planner
DATE: April 28, 2017

SUBJECT: RZN 17-5781: Rezone (1622 E. MISSION BLVD./LAMB-MORRIS, 409):
Submitted by RICHIE LAMB for property at 1622 E. MISSION BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.54 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

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

BACKGROUND:

The subject property totaling 0.54 acres is located on the north side of Mission Boulevard near Root Elementary and adjacent to Spring Creek Subdivision. The parcel is zoned RSF-4 and is currently developed with one single-family home.

Request: The request is to rezone the parcel from RSF-4, Residential Single-family, 4 Units Per Acre to NC, Neighborhood Conservation. The applicant stated the rezoning is needed to allow this lot to be split and developed for appropriate infill.

Land Use Compatibility: The proposed zoning is compatible with the RSF-4 districts surrounding the property both adjacent to and across Mission Boulevard. The subject and all surrounding properties would remain zoned for single-family residences. A rezoning to NC would allow the subject property to be developed with a few additional single-family homes close to the street. Although the minimum lot sizes of NC would be less than half of the existing lots surrounding the subject property, the size and area limit what could happen on this property and make it viable for only two or three more homes.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map's designation of this site as Residential Neighborhood Area. Residential Neighborhood Areas generally call for traditional development patterns and buildings placed closer to the property line. NC has a build-to zone to meet this criteria. The NC zoning district encourages patterns of development to meet some of the goals of City Plan 2030, including appropriate infill development.

The proposal appears to be justified. While it is reasonable for this 0.54-acre property to remain in RSF-4, the proposed NC district allows for more homes to be built in an infill location, consistent with Goal #1 of City Plan 2030. This proposal is not expected to increase traffic danger or congestion to even a noticeable level. Future development would have to share access and curbs cuts in order to access property off Mission Boulevard, which would be managed and dedicated at the same time the lot is split.

DISCUSSION:

On April 24, 2017 the Planning Commission forwarded the proposal to City Council with a recommendation for approval passed by a vote of 8-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

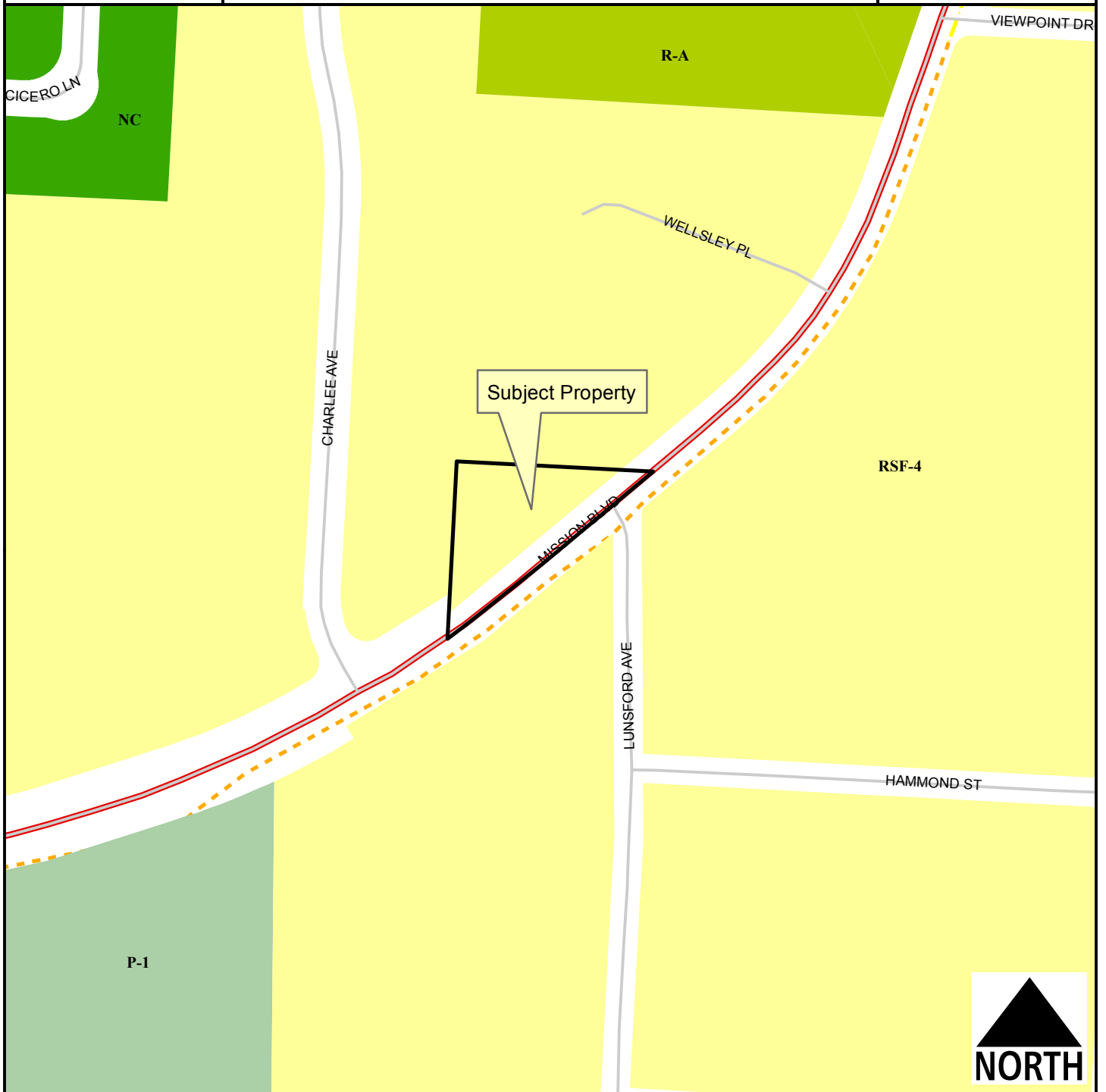
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

RZN 17-5781

LAMB

17-5781
EXHIBIT 'A'

Close Up View



Legend

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

Feet
0 75 150 300 450 600
1 inch = 200 feet

- Residential-Agricultural
- RSF-4
- Neighborhood Conservation
- P-1

17-5781

EXHIBIT 'B'

SURVEY DESCRIPTION:

PART OF LOT NUMBERED TEN (10) IN HARTER'S FAIRVIEW SUBDIVISION TO THE CITY FAYETTEVILLE, AS DESIGNATED UPON THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S00°09'49"E 135.00' FROM THE NORTHWEST CORNER OF SAID LOT 10 AND RUNNING THENCE N89°52'38"E 270.41' TO THE CENTERLINE OF ARKANSAS HIGHWAY #45, THENCE ALONG SAID CENTERLINE THE FOLLOWING: S46°44'29"W 63.45', S47°06'53"W 135.24', S48°16'17"W 123.10', S49°09'46"W 43.01', THENCE LEAVING SAID CENTERLINE N00°09'49"W 245.00' TO THE POINT OF BEGINNING, CONTAINING 0.77 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN ARKANSAS HIGHWAY #45 RIGHT-OF-WAY ON THE SOUTH AND EAST SIDES OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: April 24, 2017 **UPDATED W RESULTS**

SUBJECT: **RZN 17-5781: Rezone (1622 E. MISSION BLVD./LAMB-MORRIS, 409):**
 Submitted by RICHIE LAMB for property at 1622 E. MISSION BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.54 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff recommends forwarding **RZN 17-5781** to City Council with a recommendation for approval.

BACKGROUND:

The subject property totaling 0.54 acres is located on the north side of Mission Boulevard near Root Elementary and adjacent to Spring Creek Subdivision. The parcel is zoned RSF-4 and is currently developed with one single-family home.

Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction Site	from	Land Use	Zoning
North		Residential	RSF-4, Residential Single-family, 4 Units per Acre
South		Residential	RSF-4, Residential Single-family, 4 Units per Acre
East		Residential	RSF-4, Residential Single-family, 4 Units per Acre
West		Residential	RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the parcel from RSF-4, Residential Single-family, 4 Units Per Acre to NC, Neighborhood Conservation. The applicant stated the rezoning is needed to allow this lot to be split and developed for appropriate infill.

Public Comment: No comment as of writing this report.

INFRASTRUCTURE:

Streets: The subject parcel has access to Mission Boulevard, a Principal Arterial, and state highway. Mission Boulevard is an unimproved 2-lane highway in this location. 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 main along the Mission Boulevard right of way.

Sewer: Public sewer is available to the site. There is an existing 8-inch main along the Mission Boulevard right of way.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. No portion of this property is identified as FEMA regulated floodplains. No protected streams are onsite. No portion of this parcel lies within the Hillside-Hilltop Overlay District.

Fire: The Fire Department expressed no concerns with this request.

Police: The Police Department expressed no 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 **Residential Neighborhood Area**.* These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.

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 RSF-4 districts surrounding the property both adjacent to and across Mission Boulevard. The subject and all surrounding properties would remain zoned for single-family residences. A rezoning to NC would allow the subject property to be developed with a few additional single-family homes close to the street. Although the minimum lot sizes of NC would be less than half of the existing lots surrounding the subject property, the size and area limit what could happen on this property and make it viable for only two or three more homes.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map's designation of this site as Residential Neighborhood Area. Residential Neighborhood Areas generally call for traditional development patterns and buildings placed closer to the property line. NC has a build-to zone to meet this criteria. The NC zoning district encourages patterns of development to meet some of the goals of City Plan 2030, including appropriate infill development.

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

Finding: The proposal appears to be justified. While it is reasonable for this 0.54-acre property to remain in RSF-4, the proposed NC district allows for more homes to be built in an infill location, consistent with Goal #1 of City Plan 2030.

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

Finding: This proposal is not expected to increase traffic danger or congestion to even a noticeable level. Future development would have to share access and curb-cuts in order to access property off Mission Boulevard, which would be managed and dedicated at the same time the lot is split.

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: This proposal is not expected to increase the load on public services any more than the existing district.

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 17-5781** 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>April 24, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Quinlan	Motion to forward with recommendation for approval		
Second: Hoffman			
Vote: 8-0-0	Unanimous approval		

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.07, 161.27
- Request letter
- Rezone exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

PLANNING COMMISSION MEMO

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

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

(B) *Uses.*

(1) *Permitted Uses .*

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

(2) *Conditional Uses .*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations .*

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

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

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

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

- **161.27 - Neighborhood Conservation**

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

Unit 44	Cottage Housing Development
---------	-----------------------------

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

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

(E) *Setback Regulations.*

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

(F) *Building Height Regulations.*

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

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



April 18, 2017

Mr. Ron Autry, Chair
City of Fayetteville Planning Commission
113 W Mountain Street
Fayetteville, AR 72701

Re: 1622 E Mission Blvd. – Rezoning Request

Roger & Jennifer Morris (owner) and Fayetteville Land Company (purchaser) are hereby requesting rezoning of the subject property from RSF-4 to NC to allow for development of single-family homes.

The proposed zoning is needed to facilitate appropriate infill development, which will revitalize an underutilized site and help to maintain this neighborhood as a vibrant, safe and inviting place to live.

The proposed zoning will not exigently alter the population density or undesirably increase the load on public services and will conform to the surrounding properties in terms of land use, traffic, appearance and signage.

It would be impractical to use the land for any of the uses permitted under its existing zoning classification as this would deviate from traditional town form, encourage suburban sprawl and limit opportunities for attainable housing.

Sincerely,

Richie Lamb

PO Box 4763 FAYETTEVILLE, AR 72702
479.790.7902

WWW.FAYETTEVILLELANDCOMPANY.COM

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:

5781

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: RICHIE LAMB

Address: PO Box 4763

FAY, AR 72702

E-mail: richie@FayettevilleMcLandscompany.com

Phone:

(479) 790-7902

()

Fax:

()

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

Name:

Address:

E-mail:

Phone:

()

()

Fax:

()

Site Address / Location: 1622 E. MISSION BLVD

Current Zoning District: RSF-4

Requested Zoning District: RE-12

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

FINANCIAL INTERESTS

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

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

Name (printed): RICHIE LAMB

Date: March 29, 2017

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): _____

Address: _____

Signature: _____

Date: _____

Phone: _____
()

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.

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): _____

Address: _____

Signature: _____

Phone: _____

Date: _____

()

Name (printed): _____

Address: _____

Signature: _____

Phone: _____

Date: _____

()

Rezoning Checklist:

Attach the following items to this application:

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

PLAT OF SURVEY

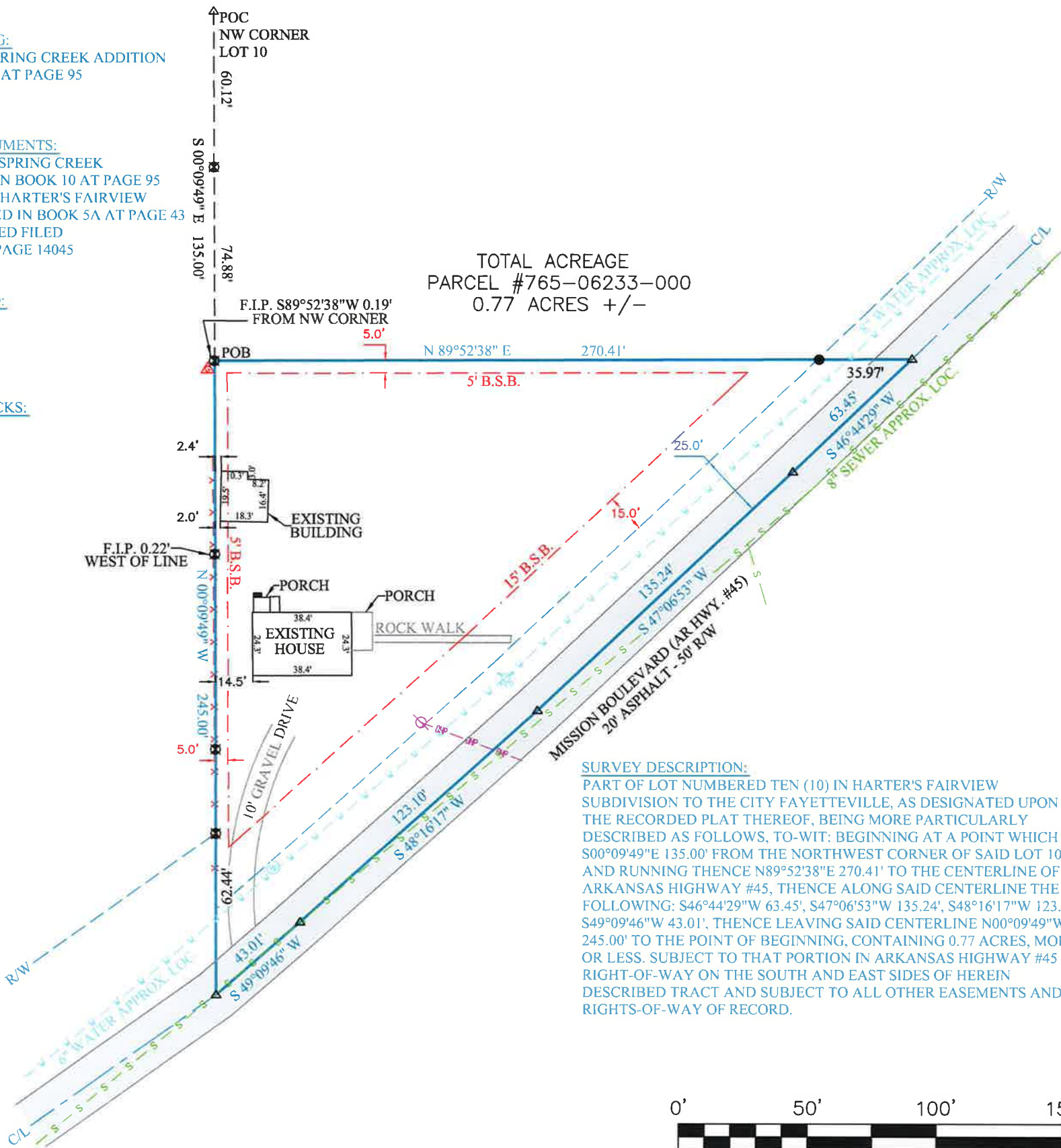
FIELD WORK:
OCTOBER 28, 2016

BASIS OF BEARING:
FINAL PLAT OF SPRING CREEK ADDITION
FILED IN BOOK 10 AT PAGE 95

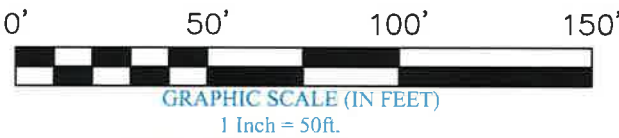
REFERENCE DOCUMENTS:
1) FINAL PLAT OF SPRING CREEK
ADDITION FILED IN BOOK 10 AT PAGE 95
2) FINAL PLAT OF HARTER'S FAIRVIEW
SUBDIVISION FILED IN BOOK 5A AT PAGE 43
3) WARRANTY DEED FILED
IN BOOK 2013 AT PAGE 14045

PROPERTY ZONED:
RSF-4

BUILDING SETBACKS:
FRONT 15ft
SIDE 05ft
REAR 15ft

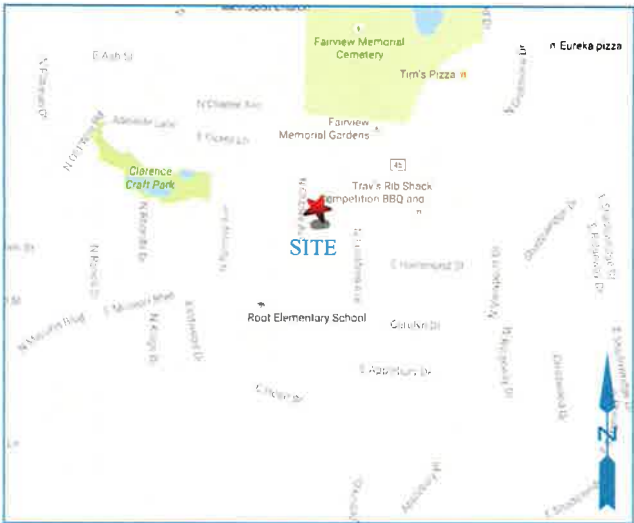


SURVEY DESCRIPTION:
PART OF LOT NUMBERED TEN (10) IN HARTER'S FAIRVIEW
SUBDIVISION TO THE CITY FAYETTEVILLE, AS DESIGNATED UPON
THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS
S00°09'49"E 135.00' FROM THE NORTHWEST CORNER OF SAID LOT 10
AND RUNNING THENCE N89°52'38"E 270.41' TO THE CENTERLINE OF
ARKANSAS HIGHWAY #45, THENCE ALONG SAID CENTERLINE THE
FOLLOWING: S46°44'29"W 63.45', S47°06'53"W 135.24', S48°16'17"W 123.10',
S49°09'46"W 43.01', THENCE LEAVING SAID CENTERLINE N00°09'49"W
245.00' TO THE POINT OF BEGINNING, CONTAINING 0.77 ACRES, MORE
OR LESS. SUBJECT TO THAT PORTION IN ARKANSAS HIGHWAY #45
DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND
RIGHTS-OF-WAY OF RECORD.



I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF
ON THIS THE 28TH DAY OF OCTOBER, 2016.

VICINITY MAP



VICINITY MAP NOT TO SCALE

NOTE:
THE LOCATION OF UTILITIES SHOWN HEREON
ARE FROM OBSERVED EVIDENCE OF ABOVE
GROUND APPURTENANCES. ALL UTILITY LINES
APPEARING ON THIS PLAT, AS WELL AS THOSE
THAT MAY EXIST UNDERGROUND NEED TO BE
VERIFIED PRIOR TO DOING ANY TYPE OF
EXCAVATION OR DESIGN. SOME UTILITY LINES
MAY ALSO EXIST THAT WERE NOT SHOWN ON
THIS PLAT.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED
WITHIN FLOOD ZONE "A" OR "AE" AS
DETERMINED BY THE NATIONAL FLOOD
INSURANCE PROGRAM FLOOD INSURANCE RATE
MAP FOR WASHINGTON COUNTY, ARKANSAS.
(FIRM PANEL #05143C0210F. DATED 05/ 16/ 2008)



IF THE SIGNATURE ON THIS SEAL IS NOT AN
ORIGINAL AND NOT BLUE IN COLOR
THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY
HAVE BEEN ALTERED. THE ABOVE CERTIFICATION
SHALL NOT APPLY TO ANY COPY THAT DOES NOT
BEAR AN ORIGINAL SEAL AND SIGNATURE.

FOR USE AND BENEFIT OF:
LINDSEY & ASSOCIATES

ADDRESS:
**1622 E. MISSION BLVD
FAYETTEVILLE, ARKANSAS**

DATE: 11/02/16 SCALE: 1"=50'

LOCATION:
PT. OF LOT 10
HARTER'S FAIRVIEW
ADDITION

SURVEYED: DRAFTED:
JRIOS AH
REVIEWED: DT
COA #1335



**Bates &
Associates, Inc.**

Engineers · Surveyors · Landscape Architects

7230 S. Pleasant Ridge Dr., Fayetteville, Arkansas 72704 479.442.9350 Fax 479.521.9350
BATES & ASSOCIATES, INC. Copyright 2016
This survey was conducted for the person or persons whose name(s) appear on this plat. This plat is
protected by copyright. No one including the person(s) named may reproduce this plat without the
express written consent of Bates & Associates, Inc. Surveyor has made no independent
investigation for easements of record, encumbrances, restrictive covenants, ownership title
evidence, or any other fact which a complete and accurate title search may disclose. Any flood
statement provided on this plat is for information only and Bates & Associates, Inc. assumes no
liability for the correctness of the hereon cited maps, furthermore the above statement does not
represent the opinion of Bates & Associates, Inc. of the probability of flooding.

LEGEND:

- THESE STANDARD SYMBOLS WILL
BE FOUND IN THE DRAWING.
- FOUND 5/8" REBAR/CAP
 - △ COMPUTED POINT
 - △ GAS METER
 - POWER POLE
 - FOUND 1/2" REBAR
 - WATER METER
 - FIRE HYDRANT
 - BOUNDARY LINE
 - FORTY LINE/TIE LINE
 - CENTERLINE OF ROAD
 - RIGHT-OF-WAY
 - BUILDING SETBACK
 - FENCE
 - WATER LINE
 - OVERHEAD POWER LINE
 - SEWER LINE

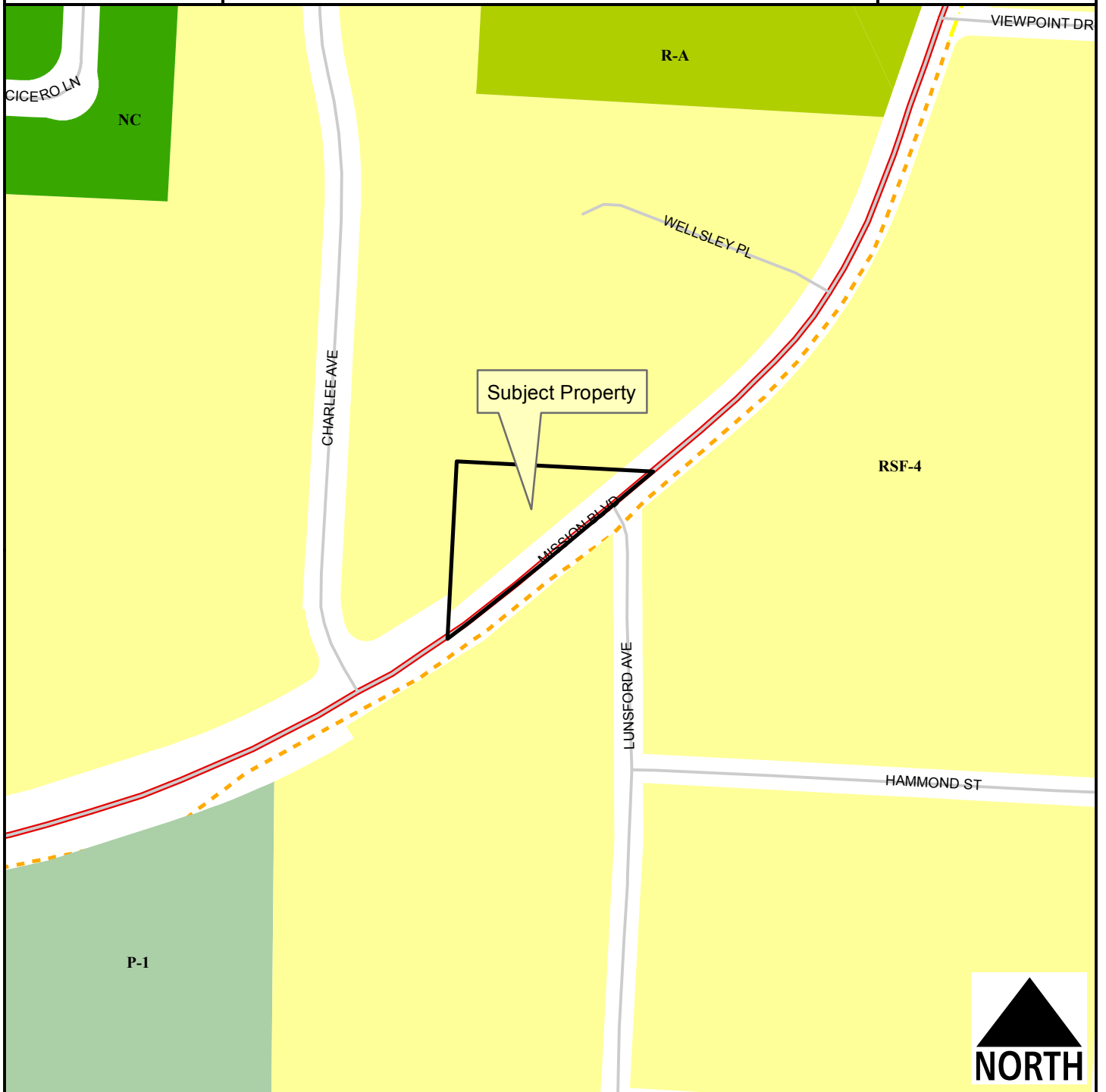


DRAWING # 16-367

RZN 17-5781

LAMB

Close Up View



Legend

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

Feet

0 75 150 300 450 600

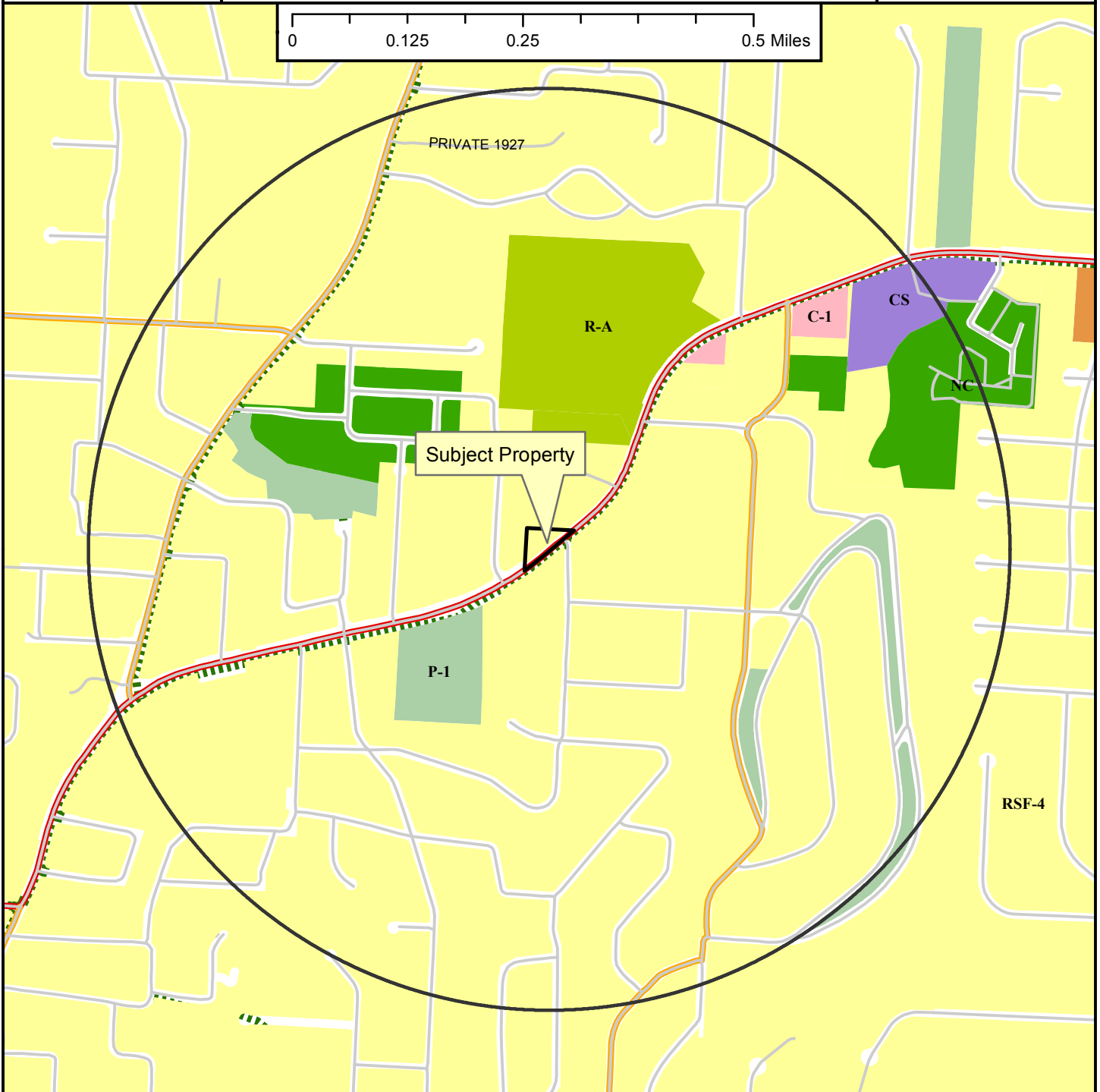
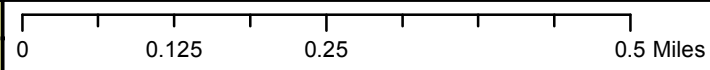
1 inch = 200 feet

- Residential-Agricultural
- RSF-4
- Neighborhood Conservation
- P-1

RZN 17-5781

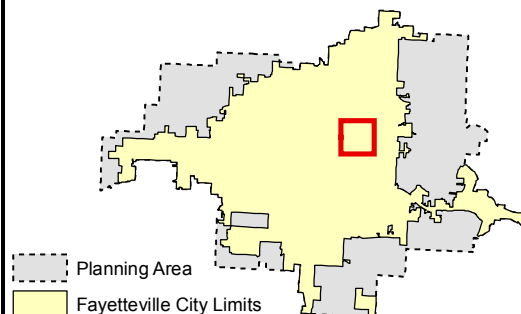
One Mile View

LAMB



Legend

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

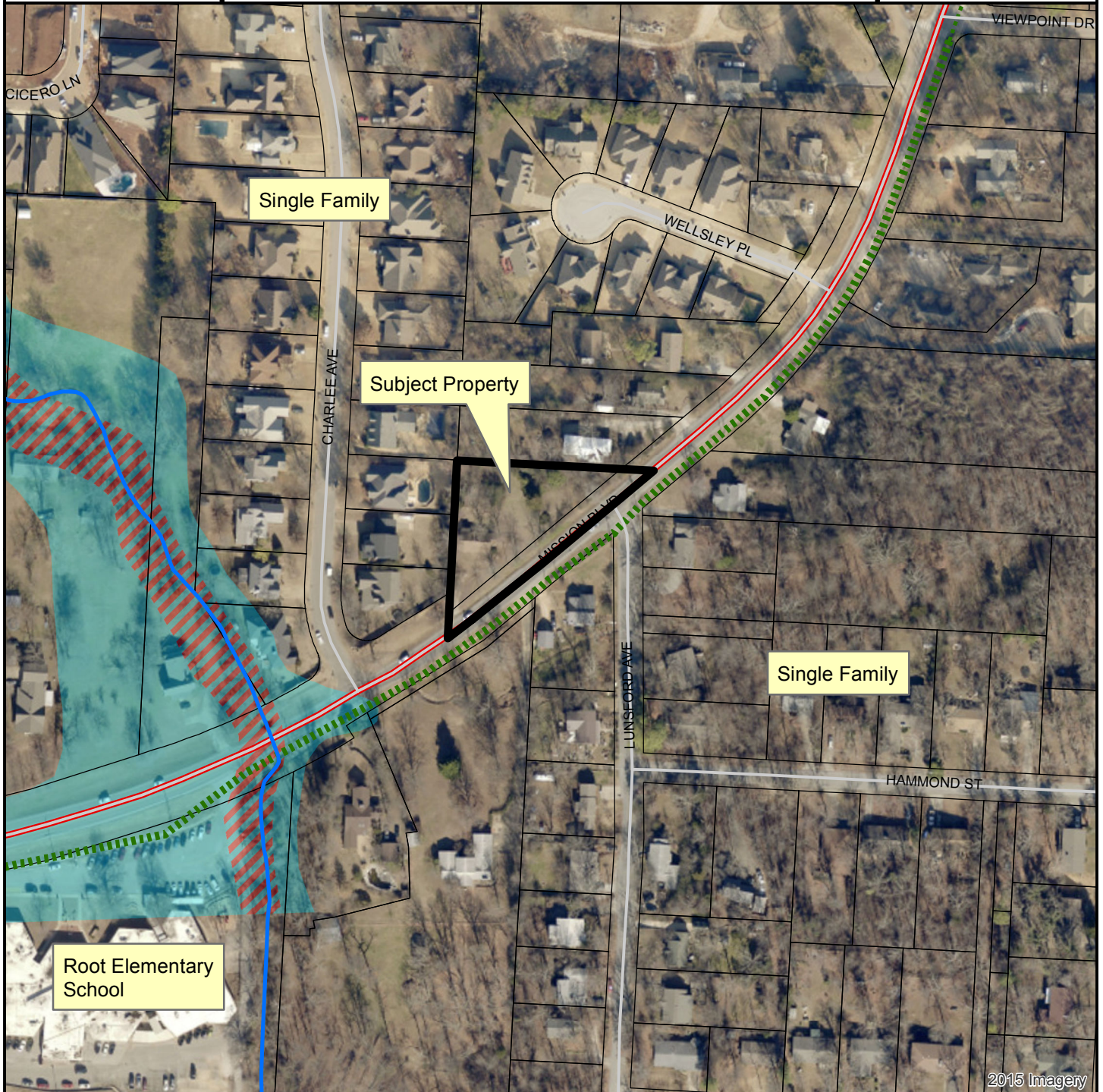


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light 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

RZN 17-5781

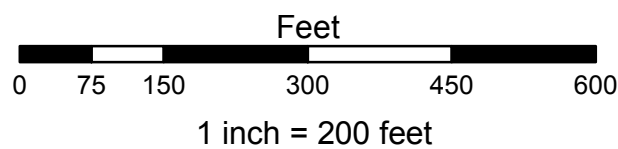
Current Land Use

LAMB



2015 Imagery

- RZN17-5781
- Streams
- Street
- PRINCIPAL ARTERIAL
- Shared Use Paved Trail
- Trail (Proposed)
- County Parcels
- Planning Area
- Fayetteville City Limits



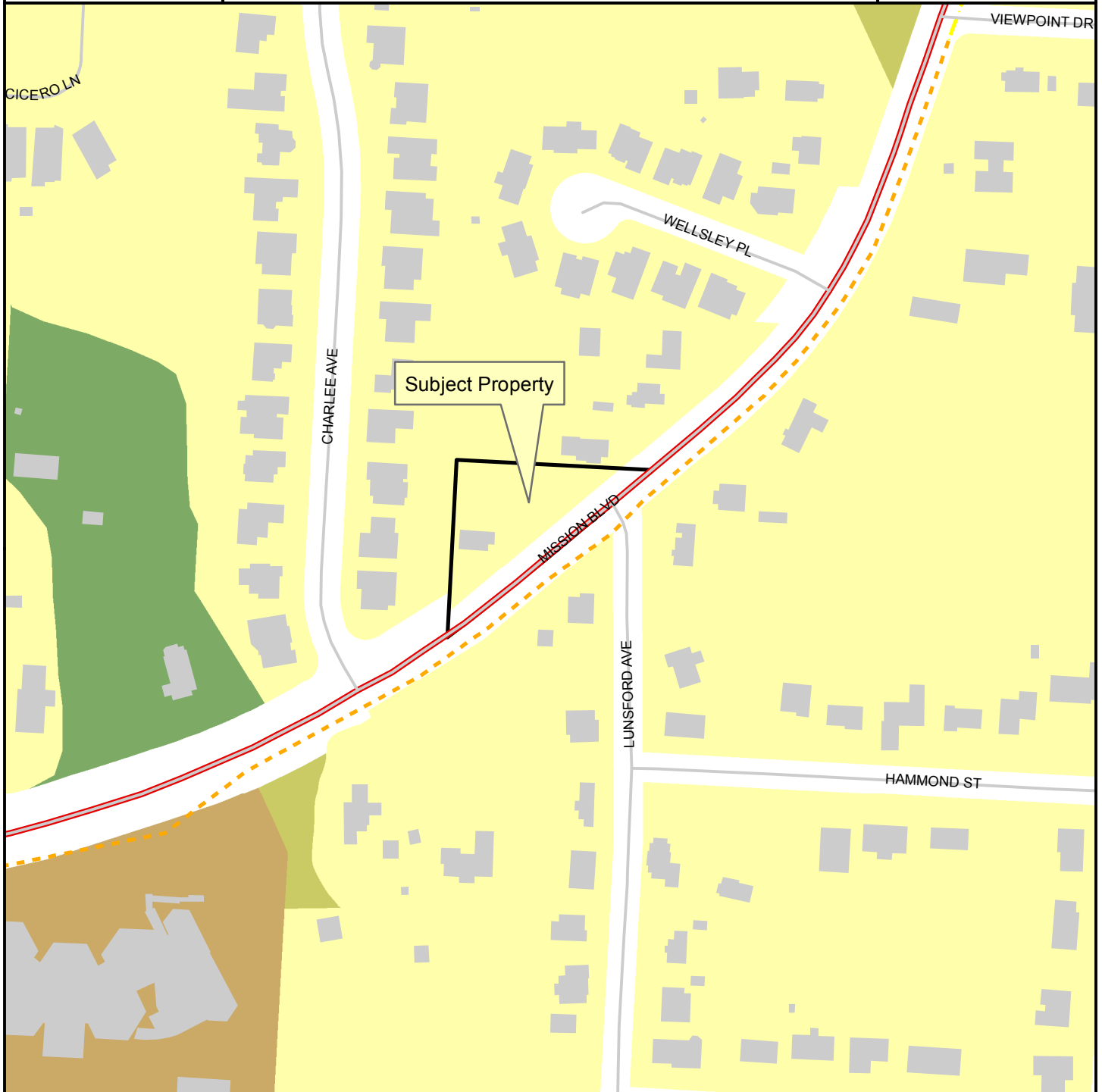
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN 17-5781

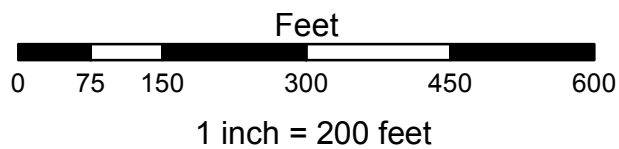
Future Land Use

LAMB



Legend

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



FUTURE LAND USE 2030

- Natural Area
- Residential 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: 2017-0238

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 5

VAC 17-5751 (1541 W. MLK BLVD./ MONROE EATON, LLC):

AN ORDINANCE TO APPROVE VAC 17-5751 FOR PROPERTY LOCATED AT 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD TO VACATE A PORTION OF A STREET RIGHT OF WAY

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 right-of-way is not required for corporate purposes.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates a portion of unbuilt street right-of-way as described in Exhibit B attached to the Planning Department's memo.

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

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

1. Any relocation or damage to utilities of existing facilities shall be at the owner/developer's expense.
2. An easement shall be provided around down guy wire and anchor on the west side and along the east property lien to cover existing service.

City of Fayetteville Staff Review Form

2017-0238

Legistar File ID

5/16/2017

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

Andrew Garner

4/28/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 17-5751: Vacation (1541 W. MLK BLVD./MONROE EATON, LLC., 521): Submitted by BLEW & ASSOCIATES, INC. for property located at 1541 W. MLK BLVD. The property is zoned CS, COMMUNITY SERVICES and contains approximately 1.80 acres. The request is to vacate a portion of a street right of way.

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 MAY 16, 2017

TO: Mayor and City Council

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

DATE: April 28, 2017

SUBJECT: **VAC 17-5751: Vacation (1541 W. MLK BLVD./MONROE EATON, LLC., 521):** Submitted by BLEW & ASSOCIATES, INC. for property located at 1541 W. MLK BLVD. The property is zoned CS, COMMUNITY SERVICES and contains approximately 1.80 acres. The request is to vacate a portion of a street right of way.

RECOMMENDATION:

Staff and Planning Commission recommend approval of **VAC 17-5751** with the following condition of approval:

1. Any relocation or damage to utilities of existing facilities shall be at the owner/developer's expense

BACKGROUND:

The property is located on Martin Luther King Boulevard between Eastern Avenue and Arbuckle Lane. The property is currently zoned as CS, Community Services, and contains approximately 1.8 acres. The property was the former site of Seven Hills Shelter and a car wash which have both been demolished in recent months.

Proposal: The applicant proposes vacation of a portion of unbuilt street right-of-way as depicted in Exhibit 'A' and described in Exhibit 'B' (comprising 13,030 square feet). The applicant is preparing the site for redevelopment.

DISCUSSION:

On April 24, 2017 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

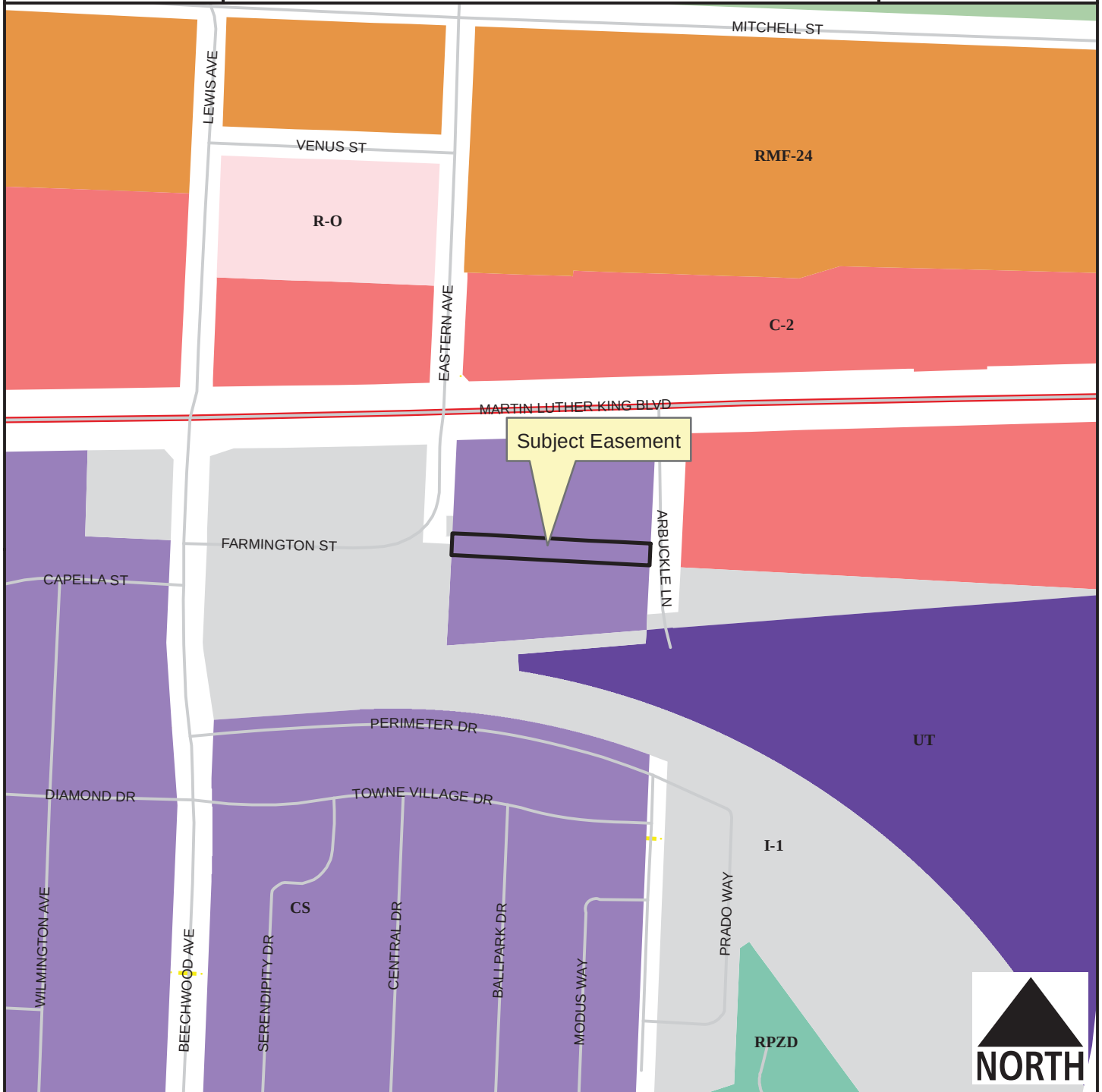
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

VAC 17-5751

MONROE EATON, LLC

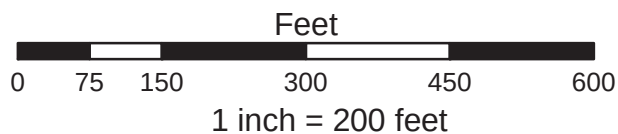
17-5751
EXHIBIT 'A'

Close Up View



Legend

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



- RMF-24
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-2
- Urban Thoroughfare
- Community Services
- Commercial, Industrial, Residential
- P-1

17-5751
EXHIBIT 'B'

March 1, 2017

RIGHT-OF-WAY VACATION

A TRACT OF LAND BEING LOCATED IN A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4) OF SECTION 17, BEING LOCATED IN TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, ALSO BEING A PART OF SUNSET ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS RECORDED IN FILE NUMBER 4-00000046 OF THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SW1/4 SE1/4 AND RUNNING THENCE S02°20'26"W FOR A DISTANCE OF 36.53 FEET; THENCE RUN S85°43'38"W FOR A DISTANCE OF 899.56 FEET; THENCE RUN N04°16'22"W FOR A DISTANCE OF 23.06 FEET; THENCE RUN S85°42'45"W 100.17 FEET; THENCE N02°25'39"E 143.89 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT, SAID POINT BEING ON THE SOUTH LINE OF SAID SECTION, RUNNING THENCE N02°25'39"E 30.00'; THENCE S86°47'27"E 278.41'; THENCE S00°12'40"W 30.04'; THENCE N86°47'27"W 279.57' TO THE POINT OF BEGINNING.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Planner

MEETING DATE: ~~April 24, 2017~~ **UPDATED 4/26/2017**

SUBJECT: **VAC 17-5751: Vacation (1541 W. MLK BLVD./MONROE EATON, LLC., 521):** Submitted by BLEW & ASSOCIATES, INC. for property located at 1541 W. MLK BLVD. The property is zoned CS, COMMUNITY SERVICES and contains approximately 1.80 acres. The request is to vacate a portion of a street right of way.

RECOMMENDATION:

Staff recommends forwarding **VAC 17-5751** with conditions of approval.

BACKGROUND:

The property is located on Martin Luther King Boulevard between Eastern Avenue and Arbuckle Lane. The property is currently zoned as CS, Community Services, and contains approximately 1.8 acres. The property was the former site of Seven Hills Shelter and a car wash which have both been demolished in recent months. 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	Commercial Retail/Restaurant	C2, Thoroughfare Commercial
South	Undeveloped/Railroad ROW	UT, Urban Thoroughfare
East	Commercial Retail/Restaurant	C2, Thoroughfare Commercial
West	Industrial	I-1, Heavy Commercial/Light Industrial

Proposal: The applicant proposes vacation of a portion of unbuilt street right-of-way depicted in an exhibit provided by the applicant (comprising 13,030 square feet). The applicant is preparing the site for redevelopment.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments, with the following responses:

City of Fayetteville

Response

Cox Cable

Relocation or damage of equipment will be at the developer's expense.

AT&T	Relocation or damage of equipment will be at the developer's expense.
Black Hills Energy	No objections
AEP/SWEPCO	Provide easement around down guy wire and anchor on the west side. Provide easement along the east property line to cover existing service.
Ozarks Electric	No objections
Recycling & Solid Waste	No objections
Water/Sewer	No objections
Transportation	No objections

Adjacent Property Owner (West)

Angela Stevens	No objections
----------------	---------------

Public Comment: No public comment has been received.

RECOMMENDATION: Staff recommends forwarding VAC 17-5751 with the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities of existing facilities shall be at the owner/developer's expense.
2. Easement shall be provided around down guy wire and anchor on the west side and along the east property line to cover existing service.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>April 24, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: BROWN			
Second: HOFFMAN			
Vote: 8-0-0			

BUDGET/STAFF IMPACT:

None.

Attachments:

- Request Letter

- Petition to Vacate
- Adjacent Property Owner Approval
- Utility Approvals
- Vacation Exhibit
- One Mile Map
- Close Up Map

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

March 1, 2017

PETITION TO VACATE A right-of-way LOCATED IN Sunset Addition, CITY OF FAYETTEVILLE, ARKANSAS

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

Our client, Monroe Eaton LLC, being the sole owner of all the real estate abutting the unused, platted right-of-way hereinafter sought to be abandoned and vacated, lying in Sunset Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a right-of-way which is described as follows:

Right-of-way vacation

A tract of land being located in a part of the southwest quarter of the southeast quarter (sw1/4 se1/4) of section 17, being located in township 16 north, range 30 west, Washington county, Arkansas, also being a part of sunset addition to the city of Fayetteville, Arkansas, as recorded in file number 4-00000046 of the records of Washington county, Arkansas, and being more particularly described as follows, to-wit:

Commencing at the southeast corner of said sw1/4 se1/4 and running thence s02°20'26"W for a distance of 36.53 feet; thence run s85°43'38"W for a distance of 899.56 feet; thence run N04°16'22"W for a distance of 23.06 feet; thence run S85°42'45"W 100.17 feet; thence n02°25'39"E 143.89 feet to the point of beginning of the herein described tract, said point being on the south line of said section, running thence N02°25'39"E 30.00'; thence S86°47'27"E 278.41'; thence S00°12'40"W 30.04'; thence n86°47'27"W 279.57' to the point of beginning.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owner's as provided by law.

Dated this 1st day of March, 2017.

Monroe Eaton LLC
John Davidson

Signature

524 W. SYCAMORE ST, SUITE 4 • FAYETTEVILLE / ARKANSAS • 72703
P H O N E : 4 7 9 - 4 4 3 - 4 5 0 6 • F A X : 4 7 9 - 5 8 2 - 1 8 8 3

ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM

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

Date: 3-3-17

Address / location of vacation: 1541 W. MARTIN LUTHER KING BLVD

Adjacent property address: 1629 W. FARMINGTON ST

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:

the east part of proposed W Farmington
Street to ARBuckle.

Project Name Monroe Eaton

Name of Adjacent Property Owner (*printed*)

Signature of Adjacent Property Owner

MONROE EATON, LLC
Applicant Name

UTILITY APPROVAL FORM

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

DATE: 2/28/17

UTILITY COMPANY: COX COMMUNICATIONS

APPLICANT NAME: MONROE EATON, LLC APPLICANT PHONE: 479-841-4296

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 1541 W. MARTIN LUTHER KING BLVD

- ☐ (*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.)

customer will be charged to move
our plant if it conflicts with the *easement vacate*

- ☐ No objections provided the following conditions are met:

Steve Thompson
Signature of Utility Company Representative

Construction Planner
Title

UTILITY APPROVAL FORM

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

DATE: 1-23-2017

UTILITY COMPANY: AT&T

APPLICANT NAME: MONROE EATON, LLC APPLICANT PHONE: 479-841-4296

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 1541 W. MARTIN LUTHER KING BLVD

- ☐ (*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.)

If any AT&T Facilities are required to be Relocated
or are Damaged will be the responsibility of the
Developer/Owner.

- ☐ No objections provided the following conditions are met:

[Signature]
Signature of Utility Company Representative

MGR OSP Plug + Energy Design
Title

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

DATE: 2/28/2017

UTILITY COMPANY: WATER & SEWER

APPLICANT NAME: MONROE EATON LLC APPLICANT PHONE: 479-841-4296

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 1541 W. MARTIN LUTHER KING BLVD

- ☐ (*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:

Mark Lynn
Signature of Utility Company Representative

WES OPERATIONS MANAGER
Title

December 2014
Page 5

UTILITY APPROVAL FORM

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

DATE: 2-28-17

UTILITY COMPANY: TRANSPORTATION

APPLICANT NAME: MONROE EATON LLC APPLICANT PHONE: 479-841-4296

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 1541 W MARTIN LUTHER KING BLVD

- ☐ (*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:

Grey Smith
Signature of Utility Company Representative

Assistant Transportation Manager
Title

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

DATE: 2/27/2017

UTILITY COMPANY: SOLID WASTE

APPLICANT NAME: MONROE EATON LLC

APPLICANT PHONE: 479-841-4296

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

- ☐ Utility Basement
- ☐ 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 1541 W. MARTIN LUTHER KING BLVD

- ☐ (*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

Commercial Services Rep.
Title

December 2014
Page 5

UTILITY APPROVAL FORM

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

DATE: _____

UTILITY COMPANY: BLACK HILLS ENERGY

APPLICANT NAME: MONROE EATON LLC APPLICANT PHONE: 479-841-4296

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 1541 W MARTIN LUTHER KING BLVD

- ☐ (*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]

Signature of Utility Company Representative

Supervisor Gas Operations

Title

UTILITY APPROVAL FORM

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

DATE: 2-28-17

UTILITY COMPANY: AEP/SWEPCCO

APPLICANT NAME: MONROE EATON LLC APPLICANT PHONE: 479-841-4296

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 1541 W. MARTIN LUTHER KING BLVD

- ☐ (*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.)

EASEMENT AROUND DOWN GUY AND ANCHOR ON WEST SIDE.
EASEMENT DOWN EAST PROPERTY LINE TO COVER EXISTING LINE.

- ☐ No objections provided the following conditions are met:

Tyong Le
Signature of Utility Company Representative

DISTRIBUTION ENGINEER
Title

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

DATE: 03-02-2017

UTILITY COMPANY: OZARKS ELECTRIC

APPLICANT NAME: MONROE EATON LLC APPLICANT PHONE: 479-841-4296

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 1541 W MARTIN LUTHER KING BLVD

- ☐ (*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

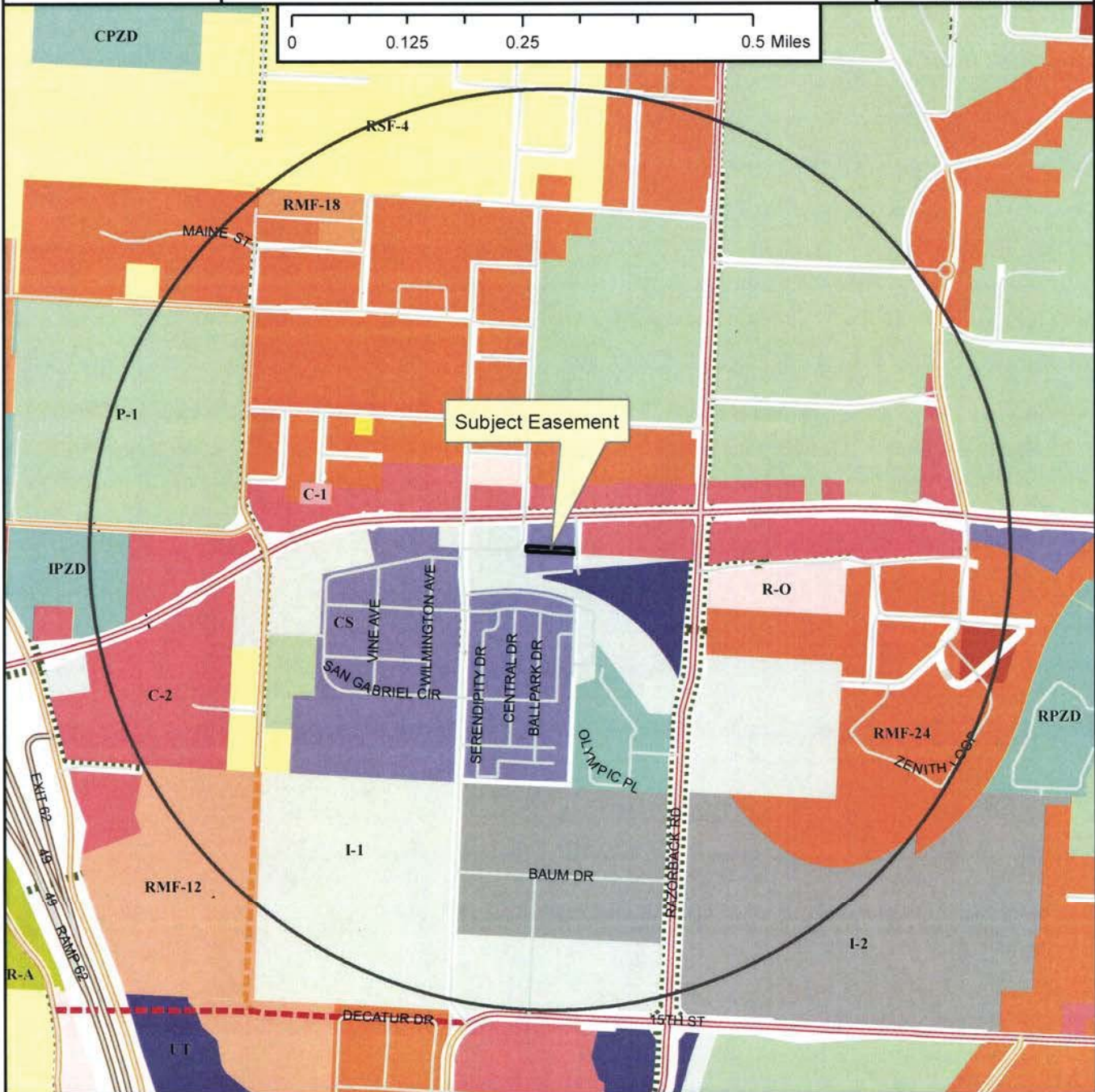
VAC 17-5751

One Mile View

MONROE EATON, LLC



0 0.125 0.25 0.5 Miles



Legend

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



Zoning

RESIDENTIAL SINGLE-FAMILY

- RSF-5 Residential-Agricultural
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY

- 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

COMMERCIAL

- C-1 Residential Office
- C-2
- C-3

FORM BASED DISTRICTS

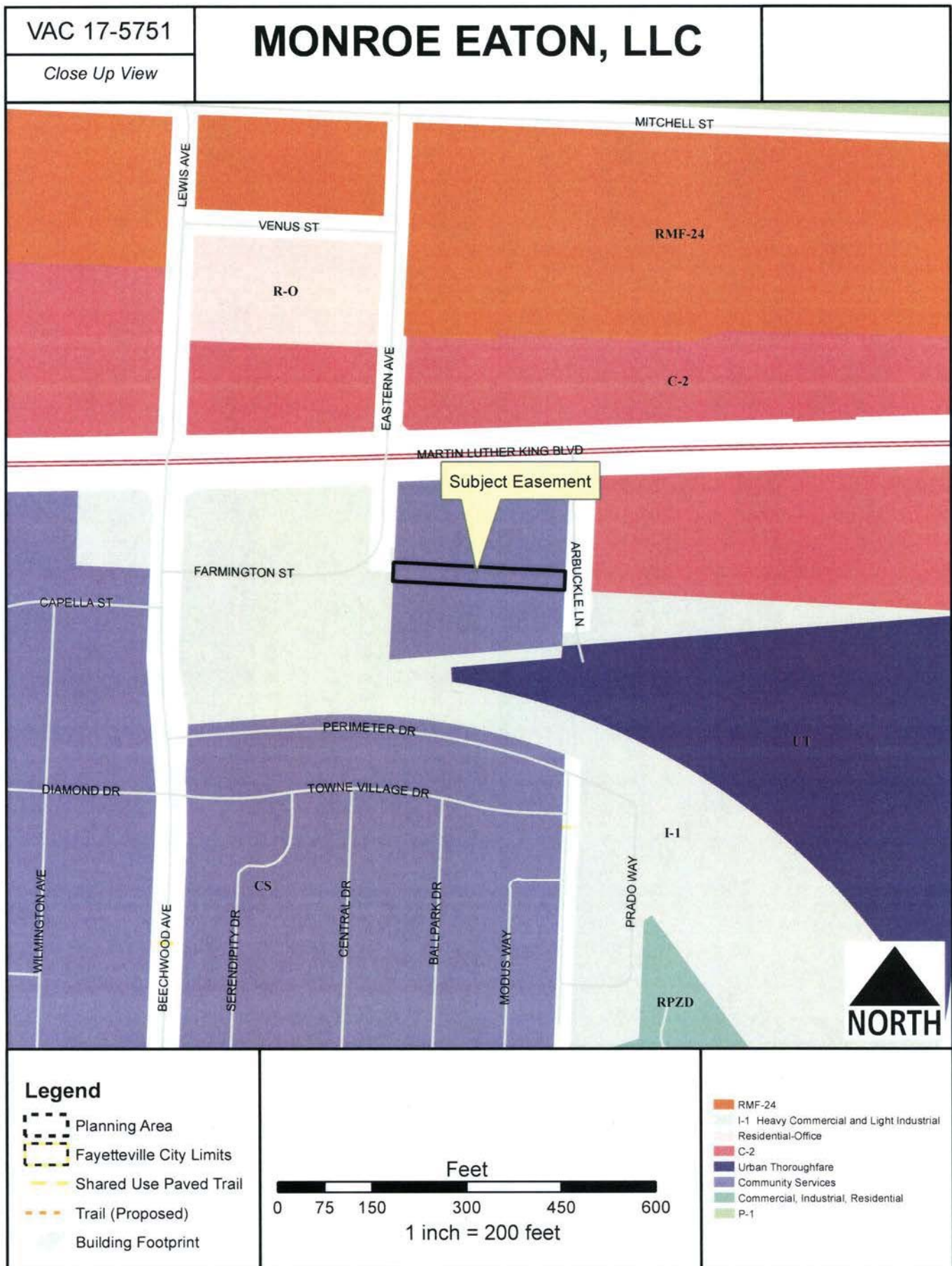
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

PLANNED ZONING DISTRICTS

- Commercial, Industrial, Residential

INSTITUTIONAL

- I-1



VAC 17-5751

Current Land Use

MONROE EATON, LLC



2015 Imagery

- Street
- PRINCIPAL ARTERIAL
- Shared Use Paved Trail
- Trail (Proposed)
- VAC17-5751
- County Parcels
- Planning Area
- Fayetteville City Limits

Feet
0 75 150 300 450 600
1 inch = 200 feet

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

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):

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

Name: MONROE EATON LLC
JOHN DAVIDSON

Name: TEREK SIGMON

Address: PO BOX 10647
FAYETTEVILLE, AR 72703

Address: 524 W. SYCAMORE ST, SUITE 4
FAYETTEVILLE, AR 72703

Phone: ()

Phone: (479) 443-4506

Email:

Email:

Fax: ()

Fax: (479) 582-1883

Site Address / Location: 1541

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

SEE ATTACHED SHEET

Current Zoning District: CS

Assessors Parcel Number(s) for subject property: 765-11237-000, 765-11238-000, 765-14551-010,
765-14842-010, 765-14836-000

FINANCIAL INTERESTS

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

MONROE EATON LLC

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): TEREK SIGMON

Date: 03/01/2017

Signature: Terek Sigmon

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): John Davidson

Address: PO Box 10073

Signature: [Signature]

Fayetteville AR 72703

Date: 3/1/17

Phone: (479) 841 4296

Name (printed): _____

Address: _____

Signature: _____

Date: _____

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.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0192

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 6

ADM 17-5705 (UDC CHAPTER 178 OUTDOOR MOBILE VENDORS):

AN ORDINANCE TO AMEND CHAPTER 178 **OUTDOOR VENDORS** OF THE UNIFIED DEVELOPMENT CODE TO END THE PERMIT LOTTERY FOR MOBILE VENDORS UTILIZING PUBLIC PARKING AREAS, TO ALLOW ADMINISTRATIVE APPROVAL OF PERMITS FOR MOBILE VENDOR COURTS AND SIDEWALK CAFÉS, TO ALLOW MOBILE VENDORS TO ADMINISTRATIVELY RENEW PERMITS ANNUALLY, AND TO MAKE TECHNICAL REVISIONS

WHEREAS, the City has not experienced any problems since allowing mobile vendors to park in parallel spaces or public parking lots and ending the permit lottery will remove an unnecessary requirement for those businesses; and

WHEREAS, allowing staff to administratively approve mobile vendor courts, sidewalk cafés, and annual mobile vendor permits will streamline the process for applicants.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 178.01 by replacing “retail” with “commercial.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 178.02(B) by repealing the introductory paragraph and enacting a new introductory paragraph as follows:

“The City Planning Division may issue a permit allowing a sidewalk café on part of a specified sidewalk after the applicant has notified adjoining property owners. The City Planning Division shall ensure that no permit is granted, unless:”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 178.03(B) by repealing the introductory paragraph and enacting a new introductory paragraph as follows:

“The City Planning Division may issue a permit for a sidewalk vendor to use a specific sidewalk or plaza location for specified hours to sell specified goods for up to a one year period. The City Planning Division shall ensure that no permit is granted, unless:”

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends §§ 178.03(C)(1) and 178.03(I) by replacing “Zoning and Development Administrator” with “City Planning Division” and § 178.03(F)(1) by replacing “Planning Commission” with “City Planning Division.”

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends § 178.04 **Outdoor Mobile Vendors Located on Private Property** by striking “Located on Private Property” from the title and by striking “on private property” from § 178.04(A) *Purpose*.

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby repeals §§ 178.04(B) through 178.04(E) and adopts new §§ 178.04(B) through 178.04(E) as shown in Exhibit A attached hereto and made a part hereof.

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 178.05 **Food Truck and Food Trailer Limited Time Permits**.

City of Fayetteville Staff Review Form

2017-0192

Legistar File ID

4/18/2017

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

Andrew Garner

3/31/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 17-5705: Administrative Item (UDC Chapter 178/UDC Amendment Outdoor Mobile Vendors): Submitted by CITY PLANNING STAFF and ALDERMAN MATTHEW PETTY for revisions to UDC Chapter 178 to modify the requirements for mobile vendors.

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 APRIL 18, 2017

TO: Fayetteville City Council

FROM: Andrew Garner, City Planning Director
Matthew Petty, Alderman

DATE: March 31, 2017

SUBJECT: **ADM 17-5705: Administrative Item (UDC Chapter 178/UDC Amendment Outdoor Mobile Vendors):** Submitted by CITY PLANNING STAFF and ALDERMAN MATTHEW PETTY for revisions to UDC Chapter 178 to modify the requirements for mobile vendors.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to amend UDC Chapter 178 to modify the requirements for mobile vendors.

The Outdoor Mobile Vendor code (UDC Chapter 178) was amended in 2014 to allow vending on public property such as streets and parks. At the time of the proposed code change, concerns were expressed that there would be a large number of vendors that might have a negative impact on the availability of public parking. To offset that potential issue, permits for mobile vendors on public property were to be issued by a lottery drawing for a maximum of three permits annually. The total number of permits could be increased slightly depending on the number of applications. Although there were a few applications for the first lottery, to staff's knowledge there have not been any mobile vendors that have operated on public property such as in the parallel parking spaces on Dickson Street or in parking lots in parks since the code's change. *Because mobile vending on public property has not proven to be a problem and a lottery drawing seems unnecessary, staff proposes to remove the lottery drawing requirement from the code.*

A conditional use permit process is required for mobile vendor courts and sidewalk cafes. There has only been one conditional use permit application for a mobile vendor court. The permit was for the Shulertown Food Court on Dickson Street which was in May of 2014. There have been no applications for sidewalk cafes. *Staff proposes to modify the requirements for mobile vendor courts and sidewalk cafes, and allow them to be approved administratively by staff.*

Section 178.04 allows two types of mobile vending permits: a six month permit that is approved by staff and a one-year (annual) permit that may be approved by the Planning Commission. There have been 19 annual permits submitted to the Planning Commission over the past three years and all have been approved, usually on the consent agenda. *Because the Planning Commission and City Council have been supportive of these types of permits and no complaints have been received by staff, staff proposes to remove the time limitation for mobile vendors. Instead, staff proposes that mobile vendors simply renew their permit on an annual basis similar to a business license.*

These changes are an effort to encourage more vacant property to be utilized for mobile vending, provide economic opportunities for start-up businesses, and create a more lively streetscape and increased urban amenities for citizens.

Proposal: Staff proposes the following code changes as outlined below and shown in the attached document in **highlight and strikeout**:

- 178.01 Purpose. Change the word “retail” to “commercial”.
- 178.02 Sidewalk Cafes. Change the requirement for sidewalk cafes to be able to be approved by staff instead of a conditional use permit.
- 178.04 Outdoor Mobile Vendors
 - o B. Added definitions for various types of vendors for clarification.
 - o C. Combined the “Mobile Vendor Six Month Permit” and “Mobile Vendor Annual Permit” into one permit that is approved by staff and applicants are required to renew their permits on an annual basis like a business license.
 - o D. Allow “Mobile Vendor Courts” to be approved administratively by staff instead of as a conditional use permit. Modified the requirements for mobile vendor courts to clarify site improvements especially in a greenfield site.
 - o E. Change “Limited Time Permits” for all vendors to automatically be allowed “Limited Time Permits”. This allows all permitted vendors to operate on public property such as Dickson Street and in city parks; also expanded the timeframe to 12 hours.
- 178.05 Food Truck and Food Trailer Limited Time Permits. Removed this section as it was condensed and combined into subsection “E”.

DISCUSSION:

This code change was discussed at the March 13, 2017 Planning Commission meeting where it was tabled to address comments related to the amount of time mobile vendors may park on public property during a 24-hour period, and to evaluate public improvements for mobile vendor courts. The code change was discussed again at the March 27, 2017 Planning Commission meeting where staff and the commission made further minor changes, and the proposal was forwarded with a recommendation for approval by a vote of 8-0-0 (Commissioner Quinlan was absent).

BUDGET/STAFF IMPACT:

None

Attachments:

- Proposed code changes shown in **highlight and strikeout**
- Proposed code changes (full clean version of UDC 178)
- Planning Commission packet

CHAPTER 178: OUTDOOR VENDORS

178.01 Purpose

It is the purpose of this chapter to promote and encourage open air ~~retail commercial~~ environments, while preserving and protecting the health, safety and welfare of citizens by promoting opportunities and regulations for the creation of said exceptions within the City.

(Ord. 5185, 10-7-08)

178.02 Sidewalk Cafes

(A) Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain developed and developing areas in a traditional town form are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to encourage pedestrian activity and make the urban environment more attractive.

(B) Sidewalk Café Authorization. ~~The Planning Commission~~ City Planning Division may issue a ~~conditional use~~ permit allowing a sidewalk café on part of a specified sidewalk after the applicant has notified adjoining property owners. ~~In addition to the general conditional use requirements, the Planning Commission~~ The City Planning Division shall ensure that no ~~conditional use~~ permit is granted, unless:

- (1) The proposed sidewalk café will not unduly impact or impede the public's ability to travel upon or use the sidewalk and any other affected public right-of-way, including public utility easements.
- (2) Any necessary costs to relocate a utility or widen the existing sidewalk to accommodate the proposed sidewalk café must be paid by the sidewalk café applicant.
- (3) The sidewalk café applicant may be required to post a surety bond or letter of credit sufficient to cover the cost of removing the sidewalk café if necessary for the city or utility company to access pipes, lines, or other facilities.
- (4) The sidewalk café applicant must consent that the city or utility company may remove, without liability or compensation, part or all of the sidewalk café, if necessary, to get access to a utility facility or improvement.

(C) Requirements: Sidewalk cafés shall meet the following requirements in order to be approved:

- (1) Applicants requesting a license must provide a detailed site plan and written description illustrating the type, location and dimensions of all furniture to be placed in the public right-of-way. Sidewalk cafes may not be enclosed by fixed walls or other permanent structures.
- (2) Sidewalk cafes must be open to the air, except that an awning or canopy conforming to requirements established by the Unified Development Code and Building Code may be constructed over the sidewalk café. In order to provide sufficient pedestrian clearance, umbrellas must have 7 feet of free and clear space from the sidewalk surface to the lower edge of the umbrella.
- (3) Property shall be kept clean and free of refuse with no permanent trash containers placed on the premises.
- (4) All furnishings and fixtures must be of a temporary nature and shall be removed from the public right-of-way and stored inside during non-operational times.
- (5) For sidewalk cafes using City right-of-way for operation, there shall be a minimum of five feet or 50% of the total sidewalk width for clearance, whichever is greater, to provide adequate and unobstructed pedestrian movement.
- (6) If at any time the sidewalk café is determined to impede travel or interfere with the public safety, as determined by the Planning Division, the sidewalk cafe shall be removed.
- (7) One A-frame sandwich/menu board is permitted within the sidewalk cafes' border during hours of operation, subject to the applicable regulations in Ch. 174: Signs for the same.

(Ord. 5185, 10-7-08)

178.03 Sidewalk Vendors

(A) *Purpose.* Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain development patterns with wide sidewalks are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to regulate open air vending of goods on public rights-of-way.

Fayetteville Code of Ordinances

(B) *Sidewalk Vendor Authorization.* The City Planning Division may issue a permit for a sidewalk vendor to use a specific sidewalk or plaza location for specified hours to sell specified goods for up to a one year period. ~~In addition to the general use requirements, the~~ The City Planning Division shall ensure that no permit is granted unless:

- (1) The applicant has obtained all necessary permits from State or County authorities, including any Transient Merchant permit requirements.
- (2) The applicant has submitted a sales and use tax number, sales tax remittance forms and an affidavit that the applicant has fully paid all sales and use taxes during the previous twelve months, if applicable.
- (3) The applicant has filed a HMR tax remittance form with the City of Fayetteville, when applicable.
- (4) The applicant has notified all adjacent property owners, by certified mail, of the application.

(C) *Permit Application.* Each application for a permit to conduct business on a sidewalk shall be accompanied by a \$100 application and permit fee. Permits issued after July 1st shall be accompanied by a \$50 application and permit fee. Each permit will expire at 3 a.m. on January 1st following the year issued. The permit fee shall be collected prior to issuance of the permit

(1) Application for a sidewalk vendor permit shall include the following items in a format acceptable to the City Planning Division:

- (a) Name, address and contact information.
- (b) Type of items sold or services rendered.
- (c) A valid copy of all necessary permits required by State and County health authorities.
- (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
- (e) Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.
- (f) A site plan indicating the location and dimensions of the proposed use and device or pushcart.

(g) A detailed scale drawing, picture or diagram and material specifications of the device or pushcart to be used.

- (2) The permit issued shall not be transferable in any manner.
- (3) The permit is valid for one sidewalk vending location only.

(D) *Permitted Vending Products and Goods.*

(1) The City of Fayetteville permits the following types of goods for street vending in approved locations:

- (a) Cut Flowers
- (b) Food and Beverage
- (c) Arts and Crafts: Only objects of art or craft produced and sold by a local artist or craft person may be sold by street vendors.

(2) All goods being sold from sidewalk vendors shall:

- (a) Be located within the permitted area and be attended at all times. Sidewalk vendors shall not conduct transactions with vehicular traffic located in the right-of-way.
- (b) Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk.
- (c) Involve a short transaction period to complete the sale or render the service.
- (d) Not cause undue noise or offensive odors.
- (e) Be easily carried by pedestrians.

(E) *Pre-Approved Locations.* Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the Planning Division. The locations where street vending is allowed as a permitted use are:

TITLE XV UNIFIED DEVELOPMENT CODE

Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

(F) *Alternative Locations.* If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a permit must be obtained. Upon receipt of a permit application, the Planning Division shall review the proposed permit operating area to determine if the said area is suitable for street vending in accordance with this chapter. In making this determination, the Planning Division shall consider the following criteria:

- (1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the City Planning Division Planning Commission as a variance. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).
- (2) The number of permits issued for the street vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way, with a minimum 48" pedestrian access route that is free and clear of obstructions. The Planning Division shall consider the width of sidewalk, the proximity and location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, other sidewalk vendors or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

(G) *Requirements.* Sidewalk vendors conducting business on the sidewalks of the City of Fayetteville with a valid permit issued under this Chapter may transport and/or display approved goods upon the approved mobile device or pushcart, under or subject to the following conditions:

- (1) The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the mobile device, operator and

trash receptacle. The Planning Division will provide a map of approved vendor locations.

- (2) The length of the mobile device or cart shall not exceed 7 feet, including the cart's trailer tongue or hitch that is not removed or collapsible, and any propane tanks or other attachments to the mobile device. The width shall not exceed 4 feet, including the carts wheel wells or tires, and any accessory components of the cart such as retractable or collapsible sinks or shelves.
- (3) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.
- (4) No permanent hardware shall be affixed to the sidewalk or adjacent buildings.
- (5) Mobile generators are prohibited.
- (6) No sidewalk vendor may conduct business on a sidewalk in any of the following places:
 - (a) Within 10 feet of the intersection of the sidewalk with any other sidewalk. Sidewalk intersections shall be kept clear for pedestrian safety.
 - (b) Within 10 feet of any handicapped parking space, or access ramp.
 - (c) Within 15 feet of a fire hydrant.
 - (d) Within 15 ft. of an entrance to a building.
- (7) Street vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 a.m. and 3 a.m. All carts shall be removed from the public right-of-way during non-operational hours.
- (8) Prior to final approval, Planning Staff shall inspect the sidewalk vendor set up in the proposed location. The applicant shall make an appointment between the hours of 8 a.m. to 5 p.m. in which Planning Staff will inspect the cart and all proposed accessories such as coolers, trash receptacle, chairs, etc. that the applicant is proposing for the site. Upon approval, sidewalk vendors shall display in a prominent and visible manner the permit issued by the Planning Division.
- (9) The Fire Marshal shall inspect and approve any food and beverage pushcart to assure the conformance of all cooking or heating

apparatus with the provisions of the City Fire Code.

appealing streetscape and does not create a dangerous traffic condition.

(10) Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval, through the Arkansas Department of Health and Human Services for food related establishments. A copy of the permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied to the Planning Division prior to Planning Division approval.

(11) Sidewalk vendors are required to provide a trash receptacle for public use located within their permitted operating space. All sidewalk vendors must pick up and properly dispose of all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within thirty minutes of the end of daily operations. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval.

(12) No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the purpose of advertising or attracting attention to his wares. No audible amplified music shall be permitted.

(H) *Signage.* Sidewalk vendors shall obtain a sign permit from the Planning Division prior to the issuance of a permit to operate. Sidewalk vendors are permitted a total of one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these types of signs. The menu board shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed.

(I) *Revocation of the Sidewalk Vendor Permit.* The City Planning Division is authorized to revoke a sidewalk vendor's permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.

(Ord. 5185, 10-7-08; Ord. 5321, 5-18-10; Ord. 5459, 11-15-11; Ord. 5768, 5-5-15)

178.04 Outdoor Mobile Vendors Located On Private Property

(A) *Purpose.* The purpose of this section is to facilitate and control the ability of mobile vendors and mobile vendor courts to operate on private property while ensuring such use is compatible with nearby properties, fosters an aesthetically

(B) Definitions.

(1) Food trucks. A type of mobile vendor which is a motorized and operationally self-contained single vehicle equipped with facilities for cooking and selling food.

(2) Food trailers. A type of mobile vendor which is designed to be towed on public roads and having an enclosed area for storage, handling or preparation of food.

(3) Other vendors. Mobile vendors are not limited to operating out of a food truck or trailer.

(4) Mobile Vendor Court. An outdoor commercial center with 5 or more mobile vendors in a shared location.

(C) Mobile Vendor Permit Requirements. All mobile vendors shall meet the following requirements and submittals prior to approval:

(1) Each application for a permit to conduct a mobile vendor business shall be accompanied by a \$100.00 permit review and processing fee. Mobile vendor permits shall be issued to the owner of the mobile vendor vehicle. This application will also serve as the vendor's business license that will be processed as such.

(2) Application for a permit to conduct a mobile vendor business shall include the following items in a format acceptable to the Planning Division:

(a) Name, address, contact information and signature of both the property owner and the mobile vendor requesting to locate on private property.

(b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.

(c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.

(d) For each location other than those permitted as part of a Mobile Vendor Court, a detailed site plan roughly drawn to scale showing the location of the property lines, each mobile vendor location, building setback lines, vehicle

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parking spaces, the sidewalk location and any proposed dining or sitting areas.

(e) Written authorization, signed by the property owner or legal representative of record, stating that the mobile vendor is permitted to operate on the subject property for a specified period of time.

(3) The mobile vendor has the responsibility to dispose of all wastes in accordance with all applicable laws. Mobile vendors are not permitted to dispose of their trash in public trash receptacles.

(4) The mobile vendor permit issued shall not be transferable in any manner.

(5) The mobile vendor permit issued shall be conspicuously displayed at all times during the operation of the mobile vending business.

(6) The proposed use must be a permitted use-by-right within the underlying zoning district.

(7) Mobile vendors shall comply with the Federal Americans with Disabilities Act (ADA) requirements if the public has access to the interior of any mobile vending unit.

(8) Mobile vendors shall be required to renew their permit on an annual basis following the same timeframe as a standard business license renewal. As part of the renewal process, vendors shall submit an updated copy of the health department permit, HMR tax forms, and a re-inspection by the City Fire Department where applicable. Failure to renew a permit will be cause for revocation by the City Planning Division.

~~(B) *Mobile Vendor Six Month Permit.* Mobile vendors are allowed to operate on a temporary basis for a maximum of six months in one location during a calendar year with administrative approval of the Planning Division. Mobile vendors utilizing a six month permit may request to relocate to a different site at least one quarter mile (1,320 feet) from the original location after this six month period has expired. However, a new mobile vendor application shall be reviewed and approved by the Planning Division for every new location. This permit will expire six months from the date issued and the mobile vending unit shall be removed from the property. The mobile vendor owner also has the option of requesting an annual permit from the Planning Commission at or before the end of their initial six month permit time period.~~

~~(1) A six month permit for a mobile vendor business shall be approved and issued administratively by the Planning Division after making the following determinations:~~

~~(a) All of the requirements of 178.04(D) have been met.~~

~~(b) The applicant has established that the operation of the mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.~~

~~(c) The mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed mobile vendor, unless the mobile vendor predates the aforementioned permanent businesses.~~

~~(C) *Mobile Vendor Annual Permit.* Mobile vendors are allowed to locate for one year in the same location with approval of the Planning Commission as an administrative item. After the one year period has expired the mobile vendor may move to another location or may request a one year renewal from the Planning Commission.~~

~~(1) An annual mobile vendor permit may be issued by the Planning Commission after making the following determinations:~~

~~(a) All of the requirements of 178.04(D) have been met.~~

~~(b) The applicant has established that the operation of the mobile vendor will foster an aesthetically appealing streetscape and will not create a dangerous traffic condition.~~

~~(c) The mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed mobile vendor, unless the mobile vendor predates the aforementioned permanent businesses.~~

~~(D) *Mobile Vendor Permit Requirements.* All mobile vendors located on private property with Six Month or Annual Mobile Vendor Permits shall meet the following requirements and submittals prior to approval:~~

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(1) Each application for a permit to conduct a mobile vendor business on private property shall be accompanied by a \$100 permit review and processing fee. Mobile vendor permits shall be issued to the owner of the mobile vendor vehicle.

(2) Application for a permit to conduct a mobile vendor business shall include the following items in a format acceptable to the Planning Division:

(a) Name, address, contact information and signature of both the property owner and the mobile vendor requesting to locate on private property.

(b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.

(c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.

(d) A detailed site plan roughly drawn to scale showing the location of the property lines, each mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed dining or sitting areas.

(e) Written authorization, signed by the property owner or legal representative of record, stating that the mobile vendor is permitted to operate on the subject property for a specified period of time.

(3) The mobile vendor has the responsibility to dispose of all wastes in accordance with all applicable laws. Mobile vendors are not permitted to dispose of their trash in public trash receptacles.

(4) The mobile vendor permit issued shall not be transferable in any manner.

(5) The mobile vendor permit issued shall be conspicuously displayed at all times during the operation of the mobile vending business.

(6) The proposed use must be a permitted use-by-right within the underlying zoning district.

(7) Mobile vendors shall maintain compliance with parking lot requirements for the existing business and the proposed mobile vendor business. The number of required parking spaces is determined by the use and size of

the proposed mobile vendor business and by the use and size of the existing business. The use of parking for a mobile vendor may not reduce the number of spaces below the minimum required for other uses occurring on the property. The location of the mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.

(8) Mobile vendors shall comply with the Federal Americans with Disabilities Act (ADA) requirements if the public has access to the interior of any mobile vending unit.

(E)(D) *Mobile Vendor Courts.* Mobile vendor courts may be permitted through a conditional use permit administratively in appropriate zoning districts. A property owner may request a conditional use permit from the Planning Division Commission to develop a mobile vendor court subject to the following standards:

(1) The property owner has provided the Planning Division with a detailed site plan of the mobile vendor court showing the location and dimensional relationships of the property lines, all proposed mobile vendors locations, building setbacks, vehicle parking, sidewalk location and proposed dining or sitting areas.

(2) Site Improvement Requirements.

(a) *Site Design.* Sites shall be improved with a barrier between vehicular and customer service areas, including ordering and dining areas. The barrier may be implied or physical and constructed with landscaping elements; gated fencing; changes in ground surface texture, material or color; or similar treatments. Sites which are not already paved with gravel or another hard surface shall improve their parking areas with gravel or other pavement designed in accordance with the Parking Lot Design Standards. With respect to landscaping requirements, the entire Mobile Vendor Court shall be considered a parking lot and perimeter landscaping will be required in accordance with Parking Lot Landscape Standards.

(b) *Sanitation.* Adequate restroom facilities shall be provided either on-site or through a shared use agreement with a neighboring business. Portable toilets, if used, must be screened from view of the public.

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- (c) Utilities. Above ground utility connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking areas.
 - (d) Mobile vendor courts shall not have continuous curb cuts or exacerbate a dangerous pedestrian condition. New courts may close continuous curb cuts or improve pedestrian conditions with temporary materials subject to approval of the City Planning Division. Acceptable materials include planters, plinths, benches, pavers, and other furniture. Temporary improvements installed by mobile vendor courts shall not reduce access for pedestrians with disabilities.
- (2) The property owner proposing a mobile vendor court may be required to make any of the following improvements to the property in order to meet City development codes and be approved for this semi-permanent use. Required improvements may include:
- (a) Improvements necessary to provide permanent utility connections for each mobile vending unit location in the mobile vendor court. This may include permanent water, sanitary sewer and electricity connections.
 - (b) Improvements necessary to ensure safe pedestrian and vehicular access to the site.
 - (c) Providing adequate restroom facilities on site or through the provision of a shared use agreement with a neighboring business for access to restroom facilities.
- (3) Mobile vendors operating in a mobile vendor court are not required to obtain an individual permit but shall provide the Planning Division with the following information:
- (a) Name, address, contact information and signature of both the property owner and the mobile vendor operator locating in the mobile vendor court.
 - (b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the vending business.
 - (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
- (d) Written description of any additional structures to be used in conducting business, including but not limited to stairs, decks, tents or enclosures.
 - (e) A detailed site plan of the mobile vendor court showing the location of the applicant's proposed mobile vendor unit location within the mobile vendor court.
 - (f) Written authorization, signed by the property owner or legal representative of record, stating that the mobile vendor business is permitted to operate on the subject property.
- (E) Limited Time Permits. Permitted food trucks and trailers may operate in the following locations for up to twelve hours each day, after which they must move to a new location which is out-of-view of the original location.
- (1) Marked parallel parking spaces, which are not reserved for residential use and provided the parking space is not in front of a business selling similar food. Service to customers shall be only on the sidewalk side of the vehicle to maintain public safety. Vendors are not exempt from paying the standard rate for the parking space.
 - (2) Marked parking spaces within parks pursuant to City Code §97.086.
 - (3) Private property zoned for food and beverage sales and with the owner's permission.
- (F) Exemptions. The provisions of the Mobile Vendor ordinance do not apply to:
- (1) The placing and maintenance of unattended stands or sales devices for the sale or display of newspapers, magazines, periodicals and paperback books.
 - (2) The distribution of free samples of goods, wares and merchandise by any individual from his person.
 - (3) Special events authorized by a Special Event Permit from the City of Fayetteville Parking Management Division.
 - (4) Fireworks sales.
 - (5) Children's lemonade stands.
 - (6) Temporary tent sales that operate for less than 3 days. A tent permit from the Planning

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Division and Fire Marshal inspection is required.

- (7) Temporary sales for non-profit entities that operate for less than 5 consecutive days.
 - (8) Non-profit organizations that prepare and donate or give away food for free.
- (G) *Prohibited Conduct.* The following conduct is prohibited for mobile vendors:
- (1) Obstruct pedestrian or vehicular traffic flow.
 - (2) Obstruct traffic signals or regulatory signs.
 - (3) Use of any device that produces a loud and raucous noise or operate any loudspeaker, light or light system, public address system, radio, sound amplifier, or similar device to attract public attention.
 - (4) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
 - (5) Use or display any signage that is not in compliance with the Unified Development Code Chapter 174: Signs.
- (H) *Suspension and Revocation of Permit.* Any permit issued under these regulations may be suspended or revoked by the Development Services Director for any of the following reasons:
- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.
 - (2) Conducting the business of mobile vending in a manner contrary to the conditions of the permit.
 - (3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or interfere with the rights of abutting property owners.
 - (4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;

- (I) *Notification of Suspension or Revocation.* The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor or the property owner of his/her right to appeal to the Planning Commission. Such notice shall be personally delivered, posted upon the mobile vendors' premises or mailed to both the address of the property owner and the address of the mobile vendor shown on the permit holder's application by certified mail, return receipt requested.

(Ord. 5185, 10-7-08; Ord. 5425, 8-2-11; Ord. 5498 05-01-12; Ord. 5666, 3-18-14)

178.05 Food Truck and Food Trailer Limited Time Permits

~~(A) Purpose. This section's purpose is to create a process that allows food trucks and food trailers to locate for a limited time on public and private property. Food trucks are defined as a motorized and operationally self-contained single vehicle equipped with facilities for cooking and selling food. Food trailers are defined as a mobile food unit designed to be towed on public roads and having an enclosed area for storage, handling or preparation of food.~~

~~(B) Limited Time Permit for Parallel Parking Spaces. Food trucks may apply for a permit determined through a lottery drawing by the Planning Division to locate for a limited time in a marked or delineated parallel public parking space.~~

~~(1) The Planning Division will conduct a lottery in November each year for a total of three (3) Limited Time Permits for locating in parallel parking spaces on public roads. If more than nine (9) lottery applications are made Planning Staff may increase the number of permits issued not to exceed one third (1/3) of the total number of applications. Instances in which 1/3 the total number of applications results in a fraction of 0.5 or higher, the number of permits available shall be rounded up to the next whole number. These permits shall be issued on January 1st and will extend until December 31st. Food trucks may apply and participate in this lottery every year.~~

~~(2) A Limited Time Permit for Parallel Parking Spaces may be approved administratively by the Planning Division after making the following determinations:~~

~~(a) The applicant has paid an annual \$100 permit fee. Food trucks shall pay the appropriate fee for the time they are~~

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located in public parking spaces. The food truck shall fit entirely within one marked parallel on-street parking space.

(b) The applicant has provided a valid copy of the County Health Department permit and proof of remittance of HMR tax to the City of Fayetteville.

(c) The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Food trucks are not permitted to dispose of their trash in public trash receptacles.

(d) The applicant agrees to move to a different location after a four (4) hour time period. This time period includes onsite set-up and break-down time. The applicant agrees to move at least 325 feet away or out of sight/view of their previous location once their initial 4 hour time period has expired.

(e) The applicant agrees to not locate on the same side of the street directly in front of an existing restaurant.

(f) The applicant agrees to only vend towards the sidewalk side of the street and to keep the sidewalk unobstructed to allow for free flow pedestrian movement along the street.

(g) The applicant agrees to locate on public property such that they will not cause an unsafe traffic or pedestrian situation.

(h) The applicant agrees not to set up in a parking space adjacent to a parking pay station kiosk.

(i) Food trucks are prohibited from parking or vending from angled on-street parking spaces and from public parking lots in the Entertainment District or the Downtown Business District. Food trucks are prohibited from parking in marked parallel parking spaces that are posted reserved for residential use.

(j) The City reserves the right to limit food trucks from utilizing public parking spaces during special events such as; parades, Bikes, Blues and BBQ, etc. Special event permits may be available to food trucks for certain events. Contact the City's Parking Division for special event permits.

(C) *Limited Time Permit on Public Property.* Food trucks and food trailers may apply for a permit

determined through a lottery drawing by the Planning Division to locate for a limited time on public property excluding on-street marked parallel or angled parking spaces. Food trucks and food trailers with this permit may also vend in City Parks with approval by the Parks and Recreation Director.

(1) The Planning Division will conduct a lottery in November each year for a total of three (3) Limited Time Permits for locating on public property. If more than nine (9) lottery applications are made Planning Staff may increase the number of permits issued not to exceed one third (1/3) of the total number of applications. Instances in which 1/3 the total number of applications results in a fraction of 0.5 or higher, the number of permits available shall be rounded up to the next whole number. These permits shall be issued on January 1st and will extend until December 31st. Food trucks and food trailers may apply and participate in this lottery every year.

(2) A Limited Time Permit on Public Property may be approved administratively by the Planning Division after making the following determinations:

(a) The applicant has paid an annual \$100 permit fee. Food trucks and food trailers shall fit entirely within no more than two parking spaces on public property or in a City Park and shall pay the appropriate fee for the time they are located in public parking spaces.

(b) The applicant has provided a valid copy of the County Health Department permit and proof of remittance of HMR tax to the City of Fayetteville.

(c) The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Food trucks and food trailers are not permitted to dispose of their trash in public trash receptacles.

(d) The applicant agrees to move to a different location after a four (4) hour time period. This time period includes onsite set-up and break-down time. The applicant agrees to move at least 325 feet away or out of sight/view of their previous location once their initial 4 hour time period has expired.

(e) The applicant agrees to locate on public property such that they will not cause an unsafe traffic or pedestrian situation.

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(f) The applicant agrees not to set up in a parking space adjacent to a parking pay station kiosk.

(g) Food trucks and food trailers are prohibited from parking or vending from on-street marked parallel or angled parking spaces and from gated public parking lots in the Entertainment District or the Downtown Business District. Food trucks and food trailers are also prohibited from parking in marked parking spaces that are posted reserved for residential use.

(h) The City reserves the right to limit food trucks and food trailers from utilizing public parking spaces during special events such as; parades, Bikes, Blues and BBQ, etc. Special event permits may be available to food trailers for certain events. Contact the City's Parking Division for special event permits.

~~(D) Limited Time Permit on Private Property.~~ Food trucks and food trailers may be approved administratively by the Planning Division for a Limited Time Permit to locate on private property after meeting the following conditions:

(1) The applicant has paid an annual \$100 permit fee, unless they are also the holder of a public property lottery permit and they have already paid a \$100 permit fee. Permits expire December 31st.

(2) The applicant has provided a valid copy of the County Health Department permit and proof of remittance of HMR tax to the City of Fayetteville.

(3) The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Food trucks and food trailers are not permitted to dispose of their trash in public trash receptacles.

(4) The applicant has agreed to move to a different property after a four (4) hour time period. This time period includes any onsite set-up or break-down time.

(5) The property is zoned to allow for food and beverage uses and the location meets all applicable zoning requirements of the underlying zoning district. The property owner for each location must provide a written statement giving the food truck or food trailer operator permission to operate on the property. A site plan shall be provided by the applicant or property owner for each

proposed site upon which the food truck or food trailer would like to temporarily locate. The vendor shall keep these records up to date with the Planning Division.

(6) The applicant agrees to locate on private property such that they will not cause an unsafe traffic or pedestrian situation.

CHAPTER 178: OUTDOOR VENDORS

178.01 Purpose

It is the purpose of this chapter to promote and encourage open air commercial environments, while preserving and protecting the health, safety and welfare of citizens by promoting opportunities and regulations for the creation of said exceptions within the City.

(Ord. 5185, 10-7-08)

178.02 Sidewalk Cafes

(A) Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain developed and developing areas in a traditional town form are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to encourage pedestrian activity and make the urban environment more attractive.

(B) Sidewalk Café Authorization. The City Planning Division may issue permit allowing a sidewalk café on part of a specified sidewalk after the applicant has notified adjoining property owners. The City Planning Division shall ensure that no permit is granted, unless:

- (1) The proposed sidewalk café will not unduly impact or impede the public's ability to travel upon or use the sidewalk and any other affected public right-of-way, including public utility easements.
- (2) Any necessary costs to relocate a utility or widen the existing sidewalk to accommodate the proposed sidewalk café must be paid by the sidewalk café applicant.
- (3) The sidewalk café applicant may be required to post a surety bond or letter of credit sufficient to cover the cost of removing the sidewalk café if necessary for the city or utility company to access pipes, lines, or other facilities.
- (4) The sidewalk café applicant must consent that the city or utility company may remove, without liability or compensation, part or all of the sidewalk café, if necessary, to get access to a utility facility or improvement.

(C) Requirements: Sidewalk cafés shall meet the following requirements in order to be approved:

- (1) Applicants requesting a license must provide a detailed site plan and written description

illustrating the type, location and dimensions of all furniture to be placed in the public right-of-way. Sidewalk cafes may not be enclosed by fixed walls or other permanent structures.

- (2) Sidewalk cafes must be open to the air, except that an awning or canopy conforming to requirements established by the Unified Development Code and Building Code may be constructed over the sidewalk café. In order to provide sufficient pedestrian clearance, umbrellas must have 7 feet of free and clear space from the sidewalk surface to the lower edge of the umbrella.
- (3) Property shall be kept clean and free of refuse with no permanent trash containers placed on the premises.
- (4) All furnishings and fixtures must be of a temporary nature and shall be removed from the public right-of-way and stored inside during non-operational times.
- (5) For sidewalk cafes using City right-of-way for operation, there shall be a minimum of five feet or 50% of the total sidewalk width for clearance, whichever is greater, to provide adequate and unobstructed pedestrian movement.
- (6) If at any time the sidewalk café is determined to impede travel or interfere with the public safety, as determined by the Planning Division, the sidewalk cafe shall be removed.
- (7) One A-frame sandwich/menu board is permitted within the sidewalk cafes' border during hours of operation, subject to the applicable regulations in Ch. 174: Signs for the same.

(Ord. 5185, 10-7-08)

178.03 Sidewalk Vendors

(A) *Purpose.* Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain development patterns with wide sidewalks are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to regulate open air vending of goods on public rights-of-way.

(B) *Sidewalk Vendor Authorization.* The City Planning Division may issue a permit for a sidewalk vendor to use a specific sidewalk or

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plaza location for specified hours to sell specified goods for up to a one year period. The City Planning Division shall ensure that no permit is granted unless:

- (1) The applicant has obtained all necessary permits from State or County authorities, including any Transient Merchant permit requirements.
- (2) The applicant has submitted a sales and use tax number, sales tax remittance forms and an affidavit that the applicant has fully paid all sales and use taxes during the previous twelve months, if applicable.
- (3) The applicant has filed a HMR tax remittance form with the City of Fayetteville, when applicable.
- (4) The applicant has notified all adjacent property owners, by certified mail, of the application.

(C) *Permit Application.* Each application for a permit to conduct business on a sidewalk shall be accompanied by a \$100 application and permit fee. Permits issued after July 1st shall be accompanied by a \$50 application and permit fee. Each permit will expire at 3 a.m. on January 1st following the year issued. The permit fee shall be collected prior to issuance of the permit

(1) Application for a sidewalk vendor permit shall include the following items in a format acceptable to the City Planning Division:

- (a) Name, address and contact information.
- (b) Type of items sold or services rendered.
- (c) A valid copy of all necessary permits required by State and County health authorities.
- (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
- (e) Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.
- (f) A site plan indicating the location and dimensions of the proposed use and device or pushcart.
- (g) A detailed scale drawing, picture or diagram and material specifications of the device or pushcart to be used.

(2) The permit issued shall not be transferable in any manner.

(3) The permit is valid for one sidewalk vending location only.

(D) *Permitted Vending Products and Goods.*

(1) The City of Fayetteville permits the following types of goods for street vending in approved locations:

- (a) Cut Flowers
- (b) Food and Beverage
- (c) Arts and Crafts: Only objects of art or craft produced and sold by a local artist or craft person may be sold by street vendors.

(2) All goods being sold from sidewalk vendors shall:

- (a) Be located within the permitted area and be attended at all times. Sidewalk vendors shall not conduct transactions with vehicular traffic located in the right-of-way.
- (b) Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk.
- (c) Involve a short transaction period to complete the sale or render the service.
- (d) Not cause undue noise or offensive odors.
- (e) Be easily carried by pedestrians.

(E) *Pre-Approved Locations.* Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the Planning Division. The locations where street vending is allowed as a permitted use are:

Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events

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operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

(F) *Alternative Locations.* If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a permit must be obtained. Upon receipt of a permit application, the Planning Division shall review the proposed permit operating area to determine if the said area is suitable for street vending in accordance with this chapter. In making this determination, the Planning Division shall consider the following criteria:

- (1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the City Planning Division as a variance. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).
- (2) The number of permits issued for the street vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way, with a minimum 48" pedestrian access route that is free and clear of obstructions. The Planning Division shall consider the width of sidewalk, the proximity and location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, other sidewalk vendors or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

(G) *Requirements.* Sidewalk vendors conducting business on the sidewalks of the City of Fayetteville with a valid permit issued under this Chapter may transport and/or display approved goods upon the approved mobile device or pushcart, under or subject to the following conditions:

- (1) The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the mobile device, operator and trash receptacle. The Planning Division will provide a map of approved vendor locations.
- (2) The length of the mobile device or cart shall not exceed 7 feet, including the cart's trailer tongue or hitch that is not removed or

collapsible, and any propane tanks or other attachments to the mobile device. The width shall not exceed 4 feet, including the carts wheel wells or tires, and any accessory components of the cart such as retractable or collapsible sinks or shelves.

- (3) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.
- (4) No permanent hardware shall be affixed to the sidewalk or adjacent buildings.
- (5) Mobile generators are prohibited.
- (6) No sidewalk vendor may conduct business on a sidewalk in any of the following places:
 - (a) Within 10 feet of the intersection of the sidewalk with any other sidewalk. Sidewalk intersections shall be kept clear for pedestrian safety.
 - (b) Within 10 feet of any handicapped parking space, or access ramp.
 - (c) Within 15 feet of a fire hydrant.
 - (d) Within 15 ft. of an entrance to a building.
- (7) Street vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 a.m. and 3 a.m. All carts shall be removed from the public right-of-way during non-operational hours.
- (8) Prior to final approval, Planning Staff shall inspect the sidewalk vendor set up in the proposed location. The applicant shall make an appointment between the hours of 8 a.m. to 5 p.m. in which Planning Staff will inspect the cart and all proposed accessories such as coolers, trash receptacle, chairs, etc. that the applicant is proposing for the site. Upon approval, sidewalk vendors shall display in a prominent and visible manner the permit issued by the Planning Division.
- (9) The Fire Marshal shall inspect and approve any food and beverage pushcart to assure the conformance of all cooking or heating apparatus with the provisions of the City Fire Code.
- (10) Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval, through the Arkansas Department of Health and Human Services

for food related establishments. A copy of the permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied to the Planning Division prior to Planning Division approval.

(11) Sidewalk vendors are required to provide a trash receptacle for public use located within their permitted operating space. All sidewalk vendors must pick up and properly dispose of all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within thirty minutes of the end of daily operations. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval.

(12) No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the purpose of advertising or attracting attention to his wares. No audible amplified music shall be permitted.

(H) *Signage.* Sidewalk vendors shall obtain a sign permit from the Planning Division prior to the issuance of a permit to operate. Sidewalk vendors are permitted a total of one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these types of signs. The menu board shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed.

(I) *Revocation of the Sidewalk Vendor Permit.* The City Planning Division is authorized to revoke a sidewalk vendor's permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.

(Ord. 5185, 10-7-08; Ord. 5321, 5-18-10; Ord. 5459, 11-15-11; Ord. 5768, 5-5-15)

178.04 Outdoor Mobile Vendors

(A) *Purpose.* The purpose of this section is to facilitate and control the ability of mobile vendors and mobile vendor courts to operate on private property while ensuring such use is compatible with nearby properties, fosters an aesthetically appealing streetscape and does not create a dangerous traffic condition.

(B) *Definitions.*

(1) Food trucks. A type of mobile vendor which is a motorized and operationally self-contained single vehicle equipped with facilities for cooking and selling food.

(2) Food trailers. A type of mobile vendor which is designed to be towed on public roads and having an enclosed area for storage, handling or preparation of food.

(3) Other vendors. Mobile vendors are not limited to operating out of a food truck or trailer.

(4) Mobile Vendor Court. An outdoor commercial center with 5 or more mobile vendors in a shared location.

(C) Mobile Vendor Permit Requirements. All mobile vendors shall meet the following requirements and submittals prior to approval:

(1) Each application for a permit to conduct a mobile vendor business shall be accompanied by a \$100.00 permit review and processing fee. Mobile vendor permits shall be issued to the owner of the mobile vendor vehicle. This application will also serve as the vendor's business license that will be processed as such.

(2) Application for a permit to conduct a mobile vendor business shall include the following items in a format acceptable to the Planning Division:

(a) Name, address, contact information and signature of both the property owner and the mobile vendor requesting to locate on private property.

(b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.

(c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.

(d) For each location other than those permitted as part of a Mobile Vendor Court, a detailed site plan roughly drawn to scale showing the location of the property lines, each mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed dining or sitting areas.

(e) Written authorization, signed by the property owner or legal representative of record, stating that the mobile vendor is permitted to operate on the subject property for a specified period of time.

TITLE XV UNIFIED DEVELOPMENT CODE

- (3) The mobile vendor has the responsibility to dispose of all wastes in accordance with all applicable laws. Mobile vendors are not permitted to dispose of their trash in public trash receptacles.
 - (4) The mobile vendor permit issued shall not be transferable in any manner.
 - (5) The mobile vendor permit issued shall be conspicuously displayed at all times during the operation of the mobile vending business.
 - (6) The proposed use must be a permitted use-by-right within the underlying zoning district.
 - (7) Mobile vendors shall comply with the Federal Americans with Disabilities Act (ADA) requirements if the public has access to the interior of any mobile vending unit.
 - (8) Mobile vendors shall be required to renew their permit on an annual basis following the same timeframe as a standard business license renewal. As part of the renewal process, vendors shall submit an updated copy of the health department permit, HMR tax forms, and a re-inspection by the City Fire Department where applicable. Failure to renew a permit will be cause for revocation by the City Planning Division.
- (D) *Mobile Vendor Courts.* Mobile vendor courts may be permitted administratively in appropriate zoning districts. A property owner may request a permit from the Planning Division to develop a mobile vendor court subject to the following standards:
- (1) The property owner has provided the Planning Division with a detailed site plan of the mobile vendor court showing the location and dimensional relationships of the property lines, all proposed mobile vendors locations, building setbacks, vehicle parking, sidewalk location and proposed dining or sitting areas.
 - (2) Site Improvement Requirements.
 - (a) Site Design. Sites shall be improved with a barrier between vehicular and customer service areas, including ordering and dining areas. The barrier may be implied or physical and constructed with landscaping elements; gated fencing; changes in ground surface texture, material or color; or similar treatments. Sites which are not already paved with gravel or another hard surface shall improve their parking areas with gravel or other pavement designed in accordance with the Parking Lot Design Standards. With respect to landscaping requirements, the entire Mobile Vendor Court shall be considered a parking lot and perimeter landscaping will be required in accordance with Parking Lot Landscape Standards.
- (b) Sanitation. Adequate restroom facilities shall be provided either on-site or through a shared use agreement with a neighboring business. Portable toilets, if used, must be screened from view of the public.
 - (c) Utilities. Above ground utility connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking areas.
 - (d) Mobile vendor courts shall not have continuous curb cuts or exacerbate a dangerous pedestrian condition. New courts may close continuous curb cuts or improve pedestrian conditions with temporary materials subject to approval of the City Planning Division. Acceptable materials include planters, plinths, benches, pavers, and other furniture. Temporary improvements installed by mobile vendor courts shall not reduce access for pedestrians with disabilities.
- (E) *Limited Time Permits.* Permitted food trucks and trailers may operate in the following locations for up to twelve hours each day, after which they must move to a new location which is out-of-view of the original location.
- (1) Marked parallel parking spaces, which are not reserved for residential use and provided the parking space is not in front of a business selling similar food. Service to customers shall be only on the sidewalk side of the vehicle to maintain public safety. Vendors are not exempt from paying the standard rate for the parking space.
 - (2) Marked parking spaces within parks pursuant to City Code §97.086.
 - (3) Private property zoned for food and beverage sales and with the owner's permission.
- (F) *Exemptions.* The provisions of the Mobile Vendor ordinance do not apply to:

Fayetteville Code of Ordinances

- (1) The placing and maintenance of unattended stands or sales devices for the sale or display of newspapers, magazines, periodicals and paperbound books.
 - (2) The distribution of free samples of goods, wares and merchandise by any individual from his person.
 - (3) Special events authorized by a Special Event Permit from the City of Fayetteville Parking Management Division.
 - (4) Fireworks sales.
 - (5) Children's lemonade stands.
 - (6) Temporary tent sales that operate for less than 3 days. A tent permit from the Planning Division and Fire Marshal inspection is required.
 - (7) Temporary sales for non-profit entities that operate for less than 5 consecutive days.
 - (8) Non-profit organizations that prepare and donate or give away food for free.
- (G) *Prohibited Conduct.* The following conduct is prohibited for mobile vendors:
- (1) Obstruct pedestrian or vehicular traffic flow.
 - (2) Obstruct traffic signals or regulatory signs.
 - (3) Use of any device that produces a loud and raucous noise or operate any loudspeaker, light or light system, public address system, radio, sound amplifier, or similar device to attract public attention.
 - (4) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
 - (5) Use or display any signage that is not in compliance with the Unified Development Code Chapter 174: Signs.
- (H) *Suspension and Revocation of Permit.* Any permit issued under these regulations may be suspended or revoked by the Development Services Director for any of the following reasons:
- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.
 - (2) Conducting the business of mobile vending in a manner contrary to the conditions of the permit.
 - (3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or interfere with the rights of abutting property owners.
 - (4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;
- (I) *Notification of Suspension or Revocation.* The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor or the property owner of his/her right to appeal to the Planning Commission. Such notice shall be personally delivered, posted upon the mobile vendors' premises or mailed to both the address of the property owner and the address of the mobile vendor shown on the permit holder's application by certified mail, return receipt requested.

(Ord. 5185, 10-7-08; Ord. 5425, 8-2-11; Ord. 5498 05-01-12; Ord. 5666, 3-18-14)

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director
Matthew Petty, Alderman

MEETING DATE: March 27, 2017 (Updated with Planning Commission results)

SUBJECT: **ADM 17-5705: Administrative Item (UDC Chapter 178/UDC Amendment Outdoor Mobile Vendors):** Submitted by CITY PLANNING STAFF and ALDERMAN MATTHEW PETTY for revisions to UDC Chapter 178 to modify the requirements for mobile vendors.

RECOMMENDATION:

Staff recommends that the Planning Commission forward **ADM 17-5705** to the City Council with a recommendation for approval.

DISCUSSION:

March 13, 2017 Planning Commission: This item was discussed and tabled at the March 13, 2017 Planning Commission meeting. The primary reason for tabling the item was for continued evaluation of improvements to public safety that may be required with mobile vendor courts. Based on the commission's input, a new subsection has been proposed to require any continuous curb cuts be closed and pedestrian safety maintained. Due to the small size of new impact and semi-permanent nature of this use, the safety improvements may be completed with temporary measures. This new subsection is 178.04 (D)(2)(d) as indicated on the attachments to this report. Additionally, the limited time permits have been expanded to 12 hours as requested by the commission.

The Outdoor Mobile Vendor code (UDC Chapter 178) was amended in 2014 to allow vending on public property such as streets and parks. At the time of the proposed code change, concerns were expressed that there would be a large number of vendors that might have a negative impact on the availability of public parking. To offset that potential issue, permits for mobile vendors on public property were to be issued by a lottery drawing for a maximum of three permits annually. The total number of permits could be increased slightly depending on the number of applications. Although there were a few application for the first lottery, to staff's knowledge there have not been any mobile vendors that have operated on public property such as in the parallel parking spaces on Dickson Street or in parking lots in parks since the code's change. *Because mobile vending on public property has not proven to be a problem and a lottery drawing seems unnecessary, staff proposes to remove the lottery drawing requirement from the code.*

A conditional use permit process is required for mobile vendor courts and sidewalk cafes. There has only been one conditional use permit application for a mobile vendor court. The permit was for the Shulertown Food Court on Dickson Street which was in May of 2014. There have been no

applications for sidewalk cafes. *Staff proposes to modify the requirements for mobile vendor courts and sidewalk cafes, and allow them to be approved administratively by staff.*

Section 178.04 allows two types of mobile vending permits: a six month permit that is approved by staff and a one-year (annual) permit that may be approved by the Planning Commission. There have been 19 annual permits submitted to the Planning Commission over the past three years and all have been approved, usually on the consent agenda. *Because the Planning Commission and City Council have been supportive of these types of permits and no complaints have been received by staff, staff proposes to remove the time limitation for mobile vendors. Instead, staff proposes that mobile vendors simply renew their permit on an annual basis similar to a business license.*

These changes are an effort to encourage more vacant property to be utilized for mobile vending, provide economic opportunities for start-up businesses, and create a more lively streetscape and increased urban amenities for citizens.

Proposal: Staff proposes the following code changes as outlined below and shown in the attached document in highlight and ~~strikeout~~:

- 178.01 Purpose. Change the word “retail” to “commercial”.
- 178.02 Sidewalk Cafes. Change the requirement for sidewalk cafes to be able to be approved by staff instead of a conditional use permit.
- 178.04 Outdoor Mobile Vendors
 - B. Added definitions for various types of vendors for clarification.
 - C. Combined the “Mobile Vendor Six Month Permit” and “Mobile Vendor Annual Permit” into one permit that is approved by staff and applicants are required to renew their permits on an annual basis like a business license.
 - D. Allow “Mobile Vendor Courts” to be approved administratively by staff instead of as a conditional use permit. Modified the requirements for mobile vendor courts to clarify site improvements especially in a greenfield site.
 - E. Change “Limited Time Permits” for all vendors to automatically be allowed “Limited Time Permits”. This allows all permitted vendors to operate on public property such as Dickson Street and in city parks; also expanded the timeframe to 12 hours.
- 178.05 Food Truck and Food Trailer Limited Time Permits. Removed this section as it was condensed and combined into subsection “E”.

BUDGET/STAFF IMPACT:

None

Attachments:

- Proposed code changes shown in highlight and ~~strikeout~~

PLANNING COMMISSION ACTION

March 13, 2017 ☒ Tabled (until next PC meeting)

Motion: Hoffman

Second: Hoskins

Vote: 6-3-0 (Commissioners Quinlan, Autry, Belden voted 'no' as they were ready to forward the item)

March 23, 2017 ☒ Forwarded (recommend approval)

Motion: Selby

Second: Autry

Vote: 8-0-0

Note: Recommend approval, including the change discussed on the wording for mobile vendor courts to be able to make pedestrian improvements using temporary public space improvements, as stated by staff.

Planning Commission
March 27, 2017
Agenda Item 5

Exhibit A

178.04 Outdoor Mobile Vendors

(B) Definitions.

- (1) Food trucks. A type of mobile vendor which is a motorized and operationally self-contained single vehicle equipped with facilities for cooking and selling food.
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 - (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
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- (1) The property owner has provided the Planning Division with a detailed site plan of the mobile vendor court showing the location and dimensional relationships of the property lines, all proposed mobile vendor locations, building setbacks, vehicle parking, sidewalk location and proposed dining or sitting areas.
 - (2) Site Improvement requirements.
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City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0227

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Agenda Session

File Type: Presentation

Agenda Number: E. 1

AGENDA SESSION PRESENTATION - FPTV (PUBLIC ACCESS) OPERATIONS UPDATE,
PRESENTED BY DAN ROBINSON, EXECUTIVE DIRECTOR OF YOUR MEDIA

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 Sarah Bunch
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
May 2, 2017**

A meeting of the Fayetteville City Council was held on May 2, 2017 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Mark Kinion, Justin Tennant, Sarah Bunch, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Sarah Marsh and Matthew Petty were absent.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

CH2M Hill Engineers, Inc.: Ten (10) Years Accumulative Safety Award

Alderman Kinion: We were pleased to be notified that CH2M Hill was given an award for 10 years of no time out for accidents. This is incredible considering the amount of operations they manage for the City of Fayetteville.

Don Marr, Chief of Staff: They received the Governor's Safety Award for safe work place of 10 years with no loss time accident.

Alderman Kinion: We appreciate the way you run our operations. It says a lot for the integrity you bring to the operations for our Wastewater Treatment plants. Thank you.

Mayor Jordan: You have been great partners of this city. You have done a fantastic job over the many years that you have run the Wastewater Treatment plants. You have made our jobs a whole lot easier. Thank you all very much.

Duyen Tran, CH2M Sustainability Director stated she appreciated the Mayor, Council, and everyone for acknowledging their success in safety. She stated if it wasn't for a few accidents that were not their fault, they would have been over 30 years without any incidents. She recognized individuals at CH2M for the great work.

Agenda Additions:

Consent:

Approval of the April 18, 2017 City Council Meeting Minutes.

Approved

South Delta Aviation, Inc. Three Year Lease Agreement: A resolution to approve a three year lease agreement with South Delta Aviation, Inc. for the airport hangar at 4568 South School Avenue and office space in the Airport Terminal Building at 4500 South School Avenue for rent in the amount of \$4,200.00 per month.

Resolution 97-17 as recorded in the office of the City Clerk

T-N-T, Inc. Change Order No. 3: A resolution to approve Change Order No. 3 to the contract with T-N-T, Inc. of Van Buren, Arkansas in the amount of \$21,096.00 for road and parking improvements at Wilson Park, and to approve a budget adjustment.

Resolution 98-17 as recorded in the office of the City Clerk

Fayetteville District Court Access Control and Video Surveillance Systems: A resolution to approve a budget adjustment in the amount of \$30,000.00 recognizing revenue from the court automation fund for upgrades to the access control and video surveillance systems used by the Fayetteville District Court.

Resolution 99-17 as recorded in the office of the City Clerk

Hawkins-Weir Engineers, Inc.: A resolution to approve a professional engineering services agreement with Hawkins-Weir Engineers, Inc. in an amount not to exceed \$71,820.00 for engineering services related to the elimination of the Masters Sewer Lift Station, and to approve a project contingency in the amount of \$7,182.00.

Resolution 100-17 as recorded in the office of the City Clerk

Washington Regional Medical Center: A resolution to waive and release all rights of first refusal within paragraph 5.(c) of the Real Estate Conveyance Agreement of October 4, 2011 and the October 13, 2011 Quit Claim Deed conveying the property to Washington Regional Medical Center.

Resolution 101-17 as recorded in the office of the City Clerk

University of Arkansas - Razorback Transit: A resolution to approve a one year contract with the University of Arkansas - Razorback Transit with automatic renewals for up to four additional one year terms in an annual amount of \$250,000.00 for the provision of public transit services within the City of Fayetteville.

Resolution 102-17 as recorded in the office of the City Clerk

Condemnation Litigation Settlement Agreement: A resolution to authorize a settlement agreement with Drake Street Property, LLC; 1155 Properties, LLC; and RPM1 Properties-Fayetteville, LLC a/k/a RPM1 properties, LLC concerning condemnation litigation filed for the water and sewer relocations associated with Arkansas Highway and Transportation Department Project BB0414 - Interstate 49 and Highway 112 Interchange.

Resolution 103-17 as recorded in the office of the City Clerk

Alderman Kinion moved to accept the Consent Agenda as read. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Bunch, La Tour, Long, Gray Kinion, and Tennant voting yes. Alderman Marsh and Petty were absent.

Unfinished Business: None

New Business:

Bill of Assurance Amendment (354 N. Double Springs Rd./Pinnacle Bank): An ordinance to replace a Bill of Assurance to allow the development of the 9.7 acre parcel at 354 Double Springs Road with up to 9 attached dwellings units and 35 single-family detached houses.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Senior Planner gave a brief description of the ordinance. Staff recommends approval.

Tom Hennelly, Crafton Hull: I appreciate staff working with us to expedite in getting this on the agenda. We hope you will make a favorable decision on this.

Alderman Long: I have heard no input from constituents on this.

Alderman Long moved to suspend the rules and go to the second reading. Alderman Kinion seconded the motion. Upon roll call the motion passed 6-0. Alderman Bunch, La Tour, Long, Gray Kinion, and Tennant voting yes. Alderman Marsh and Petty were absent.

City Attorney Kit Williams read the ordinance.

Alderman Kinion moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Bunch, La Tour, Long, Gray, Kinion, and Tennant voting yes. Alderman Marsh and Petty were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Bunch, La Tour, Long, Gray, Kinion, and Tennant voting yes. Alderman Marsh and Petty were absent.

Ordinance 5969 as Recorded in the office of the City Clerk

Cullers Sewer Extension: A resolution to approve an extension of the city's sewerage system beyond the city limits to a proposed development near Hughmount Road and Lierly Lane.

Tim Nyander, Utilities Director gave a brief description of the resolution. He stated the Water & Sewer Committee voted 3-1 to forward the item to the City Council for consideration with the recommendation of approval.

Alderman Kinion: Alderman Marsh was the dissenting voice on this proposal. She isn't able to be here this evening. I would like to request this to be tabled until the June 6, 2017 meeting to allow a more complete discussion on the issues.

Alderman Kinion moved to table the resolution to the June 6, 2017 City Council meeting. Alderman Bunch seconded the motion. Upon roll call the motion to table passed 6-0. Alderman Bunch, La Tour, Long, Gray, Kinion, and Tennant voting yes. Alderman Marsh and Petty were absent.

This resolution was tabled to the June 6, 2017 City Council meeting.

University of Arkansas SEFOR Sewer Agreement: A resolution to approve an agreement with the University of Arkansas to accept wastewater from the university's Southwest Experimental Fast Oxide Reactor facility into the city's sanitary sewer system for treatment.

Tim Nyander, Utilities Director gave a brief description of the resolution. The Water & Sewer Committee voted 4-0 to forward this item to the City Council with no recommendation.

Alderman Kinion: At the Water & Sewer Committee there was discussion on the item with no recommendation because we need full discussion on contaminants that may be in the water.

Alderman La Tour: What type of facility is the University of Arkansas dismantling?

Tim Nyander: It's an old nuclear reactor they purchased. It never did generate electricity. It was an experimental research and they are dismantling it. It was closed down several years ago.

Alderman La Tour: It is a nuclear reactor we are talking about?

Tim Nyander: Correct.

Alderman La Tour: This is wastewater from that reactor?

Tim Nyander: It is ground water that's filled the basement. It is not wastewater from a process.

Alderman La Tour: If the university is allowed to discharge this wastewater in our sanitary sewer system on campus, would it go to our west or east sewer plant?

Tim Nyander: East sewer plant.

Alderman La Tour: After we have gone through the process, the water that is left over goes into which reservoir?

Tim Nyander: It goes into the White River and into Beaver Lake.

Alderman La Tour: Where does our drinking water come from?

Tim Nyander: Same place.

Alderman La Tour: We are dumping nuclear wastewater into our drinking supply. The state says that is okay?

Tim Nyander: Yes, they do.

Alderman La Tour: I'm not a chemist, but I feel uneasy about putting anything nuclear into what I'm going to drink. I feel some of our citizens feel the same way.

Alderman Long: I have received correspondence from people in the City of Fayetteville. What about all the testing that has been done with radioactive material throughout the years, that at the time they didn't understand the consequences? Our drinking water source is one of those things we can't do without as a city. What happens if we find out something years down the road that we don't know at this point in time? I would hate to be one of the people that voted to support

discharging that into our drinking water system, especially into Beaver Lake. I've read the data and I understand the State of Arkansas is saying it is safe. The constituents I have heard from don't feel that in the long range we know enough information. I won't be supporting this tonight.

Alderman Kinion: I would like to get more information from CH2M Hill who gave us the initial information. I'd like them to point out that this is not from a nuclear reactor, but it is from an adjacent building. I need clarification on that. Can you give us a comparative on the level of contaminant and what that means based on any other standard of water that is released into our system?

Denise Georgiou, CH2M Hill: This water is considered under the regulations exempt. This is why it was considered unrestricted for proper release or disposal. It is about a thousand times less than the regulated amount for going to sewers. We are talking lots of zeroes. It is really low amounts. I don't want to scare people about radiation, but there is radiation we get through the sewer system in a lot of other ways that are allowed on a regular basis. Most hospitals have a nuclear medicine department. You are going to get radioactive waste from them that is more of a source than what this is. This is contaminated ground and rain water. It's a very small amount of radioactive water.

Alderman Kinion: This is not from the nuclear reactor, but it is from a building adjacent to the nuclear reactor?

Denise Georgiou: That is correct.

Alderman Kinion: This is ground water that has come in due to the rain and seepage. There was no radioactive material in these buildings at the time of the operation?

Denise Georgiou: As far as I understand. There may be somebody from the University of Arkansas who knows more than I do about that.

Mike Johnson, University of Arkansas Associate Vice Chancellor for Facilities stated the State of Arkansas is an agreement state. He stated the Arkansas Department of Health enforces the regulations put forth by the Nuclear Regulatory Commission in the State of Arkansas. He stated it is not just the State of Arkansas testing and making a determination. It is a determination that is made across the entire country by the Nuclear Regulatory Commission. He stated that a number of states are agreement states and they enforce those rules. He gave a brief description of the reactor and facilities. He stated in 2011 they had some water that had some slight Tritium contamination and a little bit asbestos contamination, well below threshold for disposal and municipal sanitary waste treatment plants or disposal to the ground. He spoke about working with the city and CH2M Hill in 2011. He stated that the levels are well below threshold for disposal. He spoke about people receiving radiation every day, naturally occurring. He stated Tritium is naturally occurring in very small amounts in the ground and around us. He stated it is transportable in water. He stated there will be no asbestos in the water. He stated they would not do anything that exposed or put anyone at risk. He stated it will go to the White River through the Nolan Plant and a manhole at Baum Stadium. It will be done under the watchful eyes of CH2M and City Water & Sewer Department. He recommended and requested for the agreement to be approved.

Alderman Gray: What are our alternatives? I know the university will dispose of it in some other way if we do not allow them to do this. Where would the university dispose of it and what would it cost?

Mike Johnson: Technically, we could pump it out on the ground and move on. We did not do that in 2011. We want to be very transparent. We want to do the same thing in 2017. We chose the Municipal Wastewater Treatment Plant. It is set up to handle those type of things through their process. This is why they set the threshold levels across this country for different levels of chemicals, drugs, and radiological material that come through our wastewater. It is about \$20,000 for us to haul back and forth from SEFOR to the manhole. Other than pumping it to the ground using it for dust control, we could put it on a hayfield or haul it somewhere. We would be hauling water around to dispose of water.

Alderman Long: We have heard about different forms of radiation that people are exposed too. There have been documented cases around the world of people being born with birth defects from exposure to radiation. We haven't heard any examples of Tritium being put into wastewater systems for cities in these levels. Do you have any specific examples of Tritium?

Mike Johnson: People have been hurt and disfigured from massive amounts of radiation, not the .0001 that we are talking about with this current Tritium. I have not looked up to see what somebody that has had massive amounts of Tritium exposure. Tritium occurs naturally in our daily lives.

A discussion followed about Tritium levels.

Alderman La Tour: You mentioned an option would be to pump it out onto the ground. If you chose to do that, which water shed would it go into?

Mike Johnson: I think it is where we are in Strickler. It would probably be Lee Creek, which is Fort Smith. I would have to go back and look at the charts. The quantities we are talking about would normally be released by irrigation. Irrigation does not run off and it goes into the ground.

Alderman La Tour: You are saying the water is safe. If it goes into Lee Creek and then to the Fort Smith water supply, no big deal. Right?

Mike Johnson: Wherever it goes, it's a big deal until we have tested, met thresholds, and convinced it is safe. It's always a big deal until we prove it is safe based on known scientific evidence.

Alderman La Tour: You are misinterpreting my term, big deal. What I am referring to is, you are saying it is safe. So, it's not going to cause a lot of trouble is what I mean, because we have such low levels.

Mike Johnson: I am saying it is safe and it will not expose human beings to adverse consequences.

Alderman La Tour: I am gratified to hear that. Just the same, I would rather put it in somebody else's water supply than our city water supply. You say it is safe wherever it goes, but just the same, why take the risk. Put it somewhere else so it filters through the ground system and be safe when it goes to their filtration system.

Mike Johnson: I would never say, let's not do it here, let's do it somewhere else. That is putting your head in the sand. We aren't going to do anything, anywhere that is unsafe.

Alderman La Tour: Glad to hear that. There are some people in our city that are not convinced it's unsafe. According to your test and ADEQ's test, with the technology they have available to them today, yes it is safe. Maybe in 50 to 100 years, we don't know.

Mike Johnson: I don't want to get into speculation like that. Who knows what's going to happen in 100 years from now.

Alderman La Tour: I agree. Why take the risk?

Mike Johnson: We aren't taking a risk with the science as we know it today.

Tom Brown, 2031 West Main Street stated he is a Navy veteran and worked with nuclear weapons. He is opposed to the idea of discharging anything radioactive into the drinking water supply. He spoke in opposition of the resolution.

Ed Brocksmith, Tahlequah, OK stated that this was an irresponsible proposal. He believes the University of Arkansas has put the City of Fayetteville in an awkward position. He spoke in opposition of the resolution.

Gary Kahanak, South Washington stated science is one thing that makes the nation great. He believes fears should be calmed and data looked at. He gave a brief overview of Tritium. He spoke in favor of the resolution.

Jessie Green, White River Waterkeeper for the Waterkeeper Alliance stated her concerns about contamination levels.

Alderman La Tour spoke about the nuclear power plant in New York called, Three Mile Island. He stated it was reported in the press that it was the worst nuclear disaster in United States history, but many times the press does not put things in perspective. He spoke about radiation levels from the incident. He stated even though it may have been the worst nuclear accident, it was a nominal thing and the media made it larger than it was. He stated in this situation maybe the amounts of contaminants are small and meaningless, but why put it into our drinking water. He believes there are alternatives. He spoke about transporting to Little Rock as a better alternative of disposal.

Alderman Tennant: I believe we are overreacting a bit. I've looked at studies that have shown if you drank multiple times Tritium in 2 liters of water for a day for 75 years straight, you had a one in a million chance of developing cancer. I don't see this as something flowing and glowing through an active reactor into the White River. I do question everything when it comes to my

children. If I thought this was going to harm them, I would not do it. I appreciate the concern, but I believe it's not going to be that harmful. I wouldn't be opposed to doing this.

Alderman Kinion: I have a background in science. When I looked at this I was pleased with the data we received to support this. It is more responsible to release this in a system so we can monitor it. This way we will know where the water is going, what the radioactive levels are, and have a scientific understanding of the basis of the release. The public outcry and alarm is based on semantics. Anytime you hear radioactive, there is a semantic reaction of alarm. I'm looking at the science methodology. It is with great concern and care that I looked at the data presented to the Water & Sewer Committee. Based on the real science, I do not see that we are putting any undue risk on the watershed. There is power in the knowledge. I will support this.

Alderman Long: People swim in the White River and Beaver Lake. I want to be 100% sure the decision we make here tonight won't have a negative impact in the future. I can't say that for sure at this point. There is uncertainty of the exact levels in all of the water because there's only been two samples taken recently and that causes concern. The ecosystems could be impacted. As a city we have been concerned about trace elements of minerals that our wastewater facility discharges into the Illinois River. Trace elements of radioactive material should be something we are concerned about. I haven't heard a good reason of this not being taken to another controlled environment. I don't see a good reason not to transport this to a controlled environment outside Fayetteville and not discharge this into our drinking water systems. I will be supporting my constituents who have been concerned about this as well.

Mayor Jordan: Tim, in 2011 we treated water that came from the very same SEFOR?

Tim Nyander: Yes, sir. We treated 36,000 gallons.

Mayor Jordan: It was at higher levels than this one?

Tim Nyander: Yes.

Mayor Jordan: It was still under the safe levels?

Tim Nyander: Yes, sir.

Mayor Jordan: This time it is safer than that was?

Tim Nyander: That is correct.

Mayor Jordan: I want it on the record that this is not the first time that we have taken SEFOR water. In 2011, it was deemed as safe at that point in time. Right?

Tim Nyander: Yes, sir.

Mayor Jordan: How exactly is this distributed?

Tim Nyander stated it would be discharged into the parking lot manhole as it was in 2011. He gave a brief description of the process.

Mayor Jordan: It's going to go through treatment?

Tim Nyander: Yes, sir.

Mayor Jordan: The scientific data aligns up with what the university has said?

Tim Nyander: Correct.

Alderman Kinion moved to approve the resolution. Alderman Bunch seconded the motion. Upon roll call the resolution passed 5-2. Alderman Bunch, Gray, Kinion, and Tennant voting yes. Mayor Jordan voting yes. Alderman La Tour and Long voting no. Alderman Marsh and Petty were absent.

Resolution 104-17 as recorded in the office of the City Clerk

Amend §51.146 Backflow Prevention: An ordinance to amend §51.146 **Backflow Prevention** of the Fayetteville Code to more closely conform to the latest American Water Works Association and Arkansas State Plumbing Code.

City Attorney Kit Williams read the ordinance.

Tim Nyander, Utilities Director gave a brief description of the ordinance. The Water & Sewer Committee voted 3-1 to forward the item to the City Council for consideration with a recommendation for approval.

Alderman Kinion stated this would bring the City of Fayetteville in line with the State Plumbing Code and requested for it to be considered.

Alderman La Tour: How many instances of contamination do you know of that has resulted in the lack of backflow preventers?

Tim Nyander: I can't tell you of any from the lack of a backflow preventer. I can give you three instances where a backflow preventer did cause to remain safe. On March 31, 2008 City Hall experienced a contamination when a pump malfunctioned causing brown water throughout the hot water system. It was contained only in City Hall because the backflow preventer didn't get into the public system. In April 28, 2008 a city employee discovered a propane tank connected to a water hose which was connected to the water supply at a residence. The hose bib had a vacuum breaker which is a backflow preventer and the water supply was protected. On August 29, 2015 a local industry discovered an amber colored soapy water. Cooling tower chemicals were getting into the factory's drinking water due to a drop in water pressure. The public water supply was protected by parallel backflow preventers. It is important that the backflow preventers are in place.

It is important they get tested because a backflow preventer is a mechanical object and should be checked on an annual basis.

Alderman La Tour: The examples you gave us were city and industry. You didn't give us any homeowner examples.

Tim Nyander: When you get a problem in a resident system, then it is probably already too late.

Alderman La Tour: Probably is, but since 1828 when we founded our city we don't have any examples of consumers causing problems.

Alderman Kinion: In looking at national data, there are examples of death and illness due to backflow failure into the public water system. This is a measure to prevent that type of danger, especially with water sprinkler systems and pool systems where chemicals or a biological contaminant might be used. We don't have to wait for a death or illness to be reported to understand there is a real issue looming if there is contaminant put directly into a public water line that's going from house to house.

Alderman Kinion moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-1. Alderman Bunch, Long, Gray, Kinion, and Tennant voting yes. Mayor Jordan voting yes. Alderman La Tour voting no. Alderman Marsh and Petty were absent.

City Attorney Kit Williams read the ordinance.

Alderman Kinion moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-1. Alderman Bunch, Long, Gray, Kinion, and Tennant voting yes. Mayor Jordan voting yes. Alderman La Tour voting no. Alderman Marsh and Petty were absent.

City Attorney Kit Williams read the ordinance.

Alderman Long: It says that the records of the backflow preventers shall be kept by the Water & Sewer Department. Does this mean every time the backflow preventer is inspected by a board certified person that the City of Fayetteville has to receive a copy of the report?

Tim Nyander: That is correct.

Alderman Long: How will we determine where we need to review this or who needs to submit those reports to us?

Tim Nyander: The certified backflow tester who already gives reports to us on the backflow preventers that are being tested, we are doing a program where it's simplified where they can electronically send us the test results.

Alderman Long: What about the people who are not currently having their backflow preventers tested? How do we know they need one?

Tim Nyander: We will get letters out to the customers letting them know. We will find out if they have a backflow preventer or what their system is. This is the first place we will have to start because this has never happened before.

Alderman Long: What if they don't respond?

Tim Nyander: Then we will try again.

Alderman Long: I'm just assuming in the City of Fayetteville there will probably be backflow preventers we don't know about.

Tim Nyander: We know that we have 6,300.

Alderman Long: Do we think there is a gap between what is in existence in Fayetteville and what we know and what we don't know?

Don Marr, Chief of Staff: If they have followed the correct permitting process of the city when putting in a pool or having their irrigation system approved as part of their single family home, then we have a record of those who have had backflow preventers installed.

Alderman Long: Right, but maybe before that city process was installed and codified, there could be homes that have or don't have backflow preventers. What is the enforcement mechanism to identify all of those or are we just hoping they will respond to the survey?

Tim Nyander: Are you asking what the enforcement is if they don't get them inspected?

Alderman Long: No. The enforcement of making sure they report that they have one of the scenarios that would require them to have a backflow preventer.

Mayor Jordan: I believe what Alderman Long is asking, is if they haven't admitted they have a backflow preventer, how do you track them?

Don Marr: We read meters of every single water and sewer account of the city on a monthly basis through nine billing cycles. We have the opportunity through our meter readers to evaluate households to do an inventory of those that might have backflow preventers.

Alderman Long: Even if they aren't at the site of the meter?

Tim Nyander: A backflow preventer has to be above grade so it will be noticeable. It's either going to be close to the meter or it's going to have its own meter.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman Bunch, Long, Gray, Kinion, and Tennant voting yes. Alderman La Tour voting no. Alderman Marsh and Petty were absent.

Ordinance 5970 as Recorded in the office of the City Clerk

RZN 17-5728 (1640 S. Hanshew Rd./Wm. Lindsey): An ordinance to rezone that property described in Rezoning Petition RZN 17-5728 for approximately 1.25 acres located at 1640 S. Hanshew Road from RSF-4, Residential Single-Family, 4 units per acre to C-2, Thoroughfare Commercial.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Senior Planner gave a brief description of the ordinance. The Planning Commission voted 9-0 in favor of the request. Staff recommends approval.

Alderman Long: On the application for rezoning it says the parties that have a financial interest in this rezoning request are the applicant and the City of Fayetteville. How does the City of Fayetteville, other than future tax revenue, have a financial interest?

Jonathan Curth: I did not note that when we were processing the application. I don't know other than the property owner himself having any financial interest in that. That may be an error.

A discussion followed about zonings for the area.

Billy Lindsey, Applicant requested for the two adjacent parcels for his business to be rezoned to C-2. He believes it would benefit the community. He stated the use of the parcels for a parking lot would make it safer for all who drive on Hanshew Road. He stated it would enable service vehicles to enter the property to deliver vehicles and supplies instead of backing in off the street which is dangerous and unimproved.

Alderman Long requested to know how the City of Fayetteville would have a financial interest.

Billy Lindsey stated for future tax revenue.

Justin Hoover, 1859 Hoot Owl Lane spoke in favor of the rezoning.

Alderman Tennant moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Bunch, La Tour, Long, Gray, Kinion, and Tennant voting yes. Alderman Marsh and Petty were absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman La Tour seconded the motion. Upon roll call the motion passed 6-0. Alderman Bunch, La Tour, Long, Gray, Kinion, and Tennant voting yes. Alderman Marsh and Petty were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Bunch, La Tour, Long, Gray, Kinion, and Tennant voting yes. Alderman Marsh and Petty were absent.

Ordinance 5971 as Recorded in the office of the City Clerk

RZN 17-5733 (SE of Crossover Rd. & Hearthstone Dr.): An ordinance to rezone that property described in Rezoning Petition RZN 17-5733 for approximately 1.79 acres located at southeast corner of Crossover Road and Hearthstone Drive from R-O, Residential Office, and RSF-4, Residential Single Family, 4 units per acre to NS-G, Neighborhood Services, General.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Senior Planner gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission voted 8-1 in favor of the request.

Alderman Tennant: There are several reasons to hold this here tonight and not vote on it. We don't have a full Council tonight. I have talked to multiple people in that area, both for and against. We owe it to the decision and the rezoning itself to take our time on this. Pushing it through would be a mistake. I ask that we hold it here. Under the zoning as it is now, someone could build an office building or an office complex, at what height?

Jonathan Curth: Up to 60 feet. There is a requirement however when you are adjacent to single family districts that you be limited to a 20 foot cap. You can increase that one foot for every foot further away you move from the single family district. There is not a similar requirement for the NS-G zoning district.

Alderman Tennant: I am mostly concerned with the houses behind the brick wall that are right behind this land. Blocks away from this I think will be minimal. If I was going to build an office complex there and you say that setback rule from the neighborhood or from that brick façade? I would need to go closer to the road to go up any more than that?

Jonathan Curth: Correct. One foot away for each one foot in additional height up to 60 feet maximum height.

Alderman Tennant: This zoning as it currently sits doesn't necessarily require closer to the road or behind the road, whereas the other one encourages building closer to the road with parking in the back? Is that correct?

Jonathan Curth: The residential office zoning district does allow for 15 foot setback if the parking lot is not in between the building and the street. If the parking lot is located between the building and the street the setback is increased to 50 feet.

Alderman Tennant: You couldn't build as high if you set it back because of the brick fence that separates this land from the development?

Jonathan Curth: Potentially. It depends how the site was laid out.

Alderman Tennant: It is important to remember what could go there if we leave it alone. Some people think the best idea is to replicate what is across from Hearthstone, which is a small one story office complex. Residential development there is going to be difficult because of the marketability.

Alderman La Tour stated he would like to give the public the opportunity to speak. He stated he's pro-development and pro-growth in Fayetteville, but more than that he is pro-free markets and choice for citizens. He believes variety in the marketplace serves people the best.

Blake Jorgensen, Jorgensen & Associates stated this zoning is a down zoning and feels it is appropriate for the area. He stated he has tried to meet with neighbors to discuss their concerns. He stated he was okay with it being left on the first reading.

Bob Anderson, 4844 Lavendon Place spoke about compatibility issues. He spoke in opposition of the rezoning.

Craig Collins, 3089 Waterstone Drive stated he lives alongside the brick wall that separates the subdivision from the proposed rezoning change. He is concerned because it will be in his back yard. He spoke in opposition of the rezoning.

Alderman Tennant thanked Mr. Collins for his statements.

Stevan Vowell, 4868 Trails End Lane spoke about the peaceful neighborhood he lives in. He spoke in opposition of the rezoning. He requested to present a Powerpoint presentation.

Alderman Long moved to approve a citizen presentation. Alderman La Tour seconded the motion. Upon roll call the motion to approve the citizen presentation passed 6-0. Alderman Bunch, La Tour, Long, Gray, Kinion, and Tennant voting yes. Alderman Marsh and Petty were absent.

Stevan Vowell presented a Powerpoint presentation.

Peter Tonnessen, 3500 Hearthstone Drive spoke about the quiet neighborhood he lives in. He passed out packets he prepared. He spoke in opposition of the rezoning.

Alderman Long: On Mission Boulevard there is a Tim's Pizza and Eureka Pizza just off the main highway and nestled in the neighborhoods. Can you make any comments on how this would be different?

Peter Tonnessen: That is a winding road and a little bit hillier. I encourage Council to take a tour of the area. It is a wide open area. If anything is built there it is going to affect the whole experience of people visiting the Botanical Garden. There isn't a Botanical Garden across the street from Mission.

Alderman Long: There is a very large cemetery.

Alderman Tennant thanked Mr. Tonnessen for his presentation. He stated he wanted to go look at a 60 foot office building and the parking spaces it might have. He spoke about the types of businesses that could possibly be in the area.

Peter Tonnessen spoke about the high turnover rate of restaurants.

Mark Scalise, 3268 Hearthstone stated he knew when he built his home in the neighborhood there would be office buildings at the entrance. He stated the current R-O zoning is acceptable and changing the rules in the middle of the game isn't fair or right. He spoke in opposition of the rezoning.

Heather Hudgens, 3081 Hearthstone Drive spoke about traffic noise and accidents. She spoke in opposition of the rezoning.

Suzanne Zamora, 3103 Waterstone spoke about flooding. She spoke in opposition of the rezoning.

Max Parker, Owner gave a historical overview of the land. He stated there is no financial gain for him if it is rezoned. He stated the neighborhood could buy it and keep it as green space. He spoke about the misconceptions that people have with rezoning it from R-O to NS-G. He believes it will be a nice development and be compatible. He stated restaurants are allowed in R-O. He spoke in favor of the rezoning.

Alderman Gray: Could we have a listing of what all can be built in R-O?

Mayor Jordan: You sure can.

Jonathan Curth: R-O permitted uses includes city wide uses by right which includes things you would find in a right-of-way, government facilities, single family dwellings, and two family dwellings. Limited business allows non-residential retail, restaurants up to about 3,000 square foot depending on the exact use. Most of them are capped at 2,000 square feet. It allows offices and cluster housing developments. Conditional uses under R-O are city wide uses by condition use permit. These are utility facilities, cultural and recreational facilities, manufactured home parks, eating places which are restaurants with no size limitations, neighborhood shopping goods, home

occupations, multi-family dwellings, wireless facility, clean technology facility, and small scale production. There are no agriculture uses allowed in the R-O zoning district.

Alderman Gray: Restaurants up to any size?

Jonathan Curth: Up to 2,000 square feet. By conditional use you can request a restaurant with no building size limitation. It would be conditional use. It's not allowed by right.

A brief discussion followed about the type of building that could be built there.

Tammy Cagle, Jasper Lane spoke about family atmosphere of her neighborhood. She spoke in opposition of the rezoning.

A discussion followed about leaving it on the first reading.

This ordinance was left on the First Reading

VAC 17-5753 (SE Corner of Crossover Rd. & Hearthstone Dr./CP Properties): An ordinance to approve VAC 15-5753 for property located at southeast corner of Crossover Road and Hearthstone Drive to vacate a portion of a drainage easement and a portion of a utility easement.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Senior Planner gave a brief description of the ordinance. Staff is recommending approval.

Alderman Long: Due to the drainage issue they were having, would it be wise to keep the drainage easement on the frontage to Crossover or do you think it was from the major flooding we had?

Jonathan Curth: I can't speak to that. The City of Fayetteville Transportation Department signed off. They are the ones who maintain our drainage easements. Any development in the city is subject to our water detention and water quality standards. Any impervious surfaces that are created on a property must be captured on that property and gradually released.

City Attorney Kit Williams: After this major flooding event we had, it might not be bad to let the engineers take another look at it.

A discussion followed about allowing a review by engineers.

Don Marr, Chief of Staff: We are fielding and investigating hundreds of issues from our recent 100 year rain event. It wouldn't hurt us to wait and have our flood engineer look at this as one of his review topics.

Alderman Tennant: That is a good reason to wait for a little while longer. When you get the sign off on a piece of property for a development and it's a parking lot, is that taken into the decision to vacate? You said you don't think it would aggravate it, but is it taking into consideration a parking lot might be there?

Jonathan Curth: I don't know if that consideration goes into the vacation sign off itself. That does get factored into any development that would come through.

This ordinance was left on the First Reading

Fayetteville Commerce Park Land Sale: A resolution to sell about 5 acres of land in the Commerce District to AR-Canna, LLC for \$75,000.00 contingent on AR-Canna, LLC receiving a medical marijuana cultivation facility license from the State of Arkansas.

Chung Tan, Chamber of Commerce Director of Economic Development gave a brief description of the resolution. She stated the applicant requested for the item to be tabled to the next City Council meeting. She stated revisions need to be made.

Don Marr, Chief of Staff: As a part of those changes, we also identified a high pressure gas line that runs on the perimeter of this parcel that we are dealing with as a part of this transaction. It is important for this to wait for two weeks.

Alderman Long moved to table the resolution to the May 16, 2017 City Council meeting. Alderman Gray seconded the motion. Upon roll call the motion to table passed 6-0. Alderman Bunch, La Tour, Long, Gray, Kinion, and Tennant voting yes. Alderman Marsh and Petty were absent.

This resolution was tabled to the May 16, 2017 City Council meeting.

Announcements:

Don Marr, Chief of Staff stated the last Spring Ward cleanup will be May 6, 2017 from 7:00 a.m. to 2:00 p.m. It will be at the Recycling & Trash Facility on Happy Hollow Road and at the Church of Christ at 310 West Center Street. He spoke about items that could be disposed of. He spoke about disposal of E-Waste items.

The City of Fayetteville is seeking entries for the 2017 Sustainable Landscape competition.

Fayetteville is celebrating International Compost Awareness Week. We are having a tour of our compost facility on May 6, 2017 at 10:00 a.m.

Mayor Jordan: We turned on the new light on Ruppel Road and MLK today. Tomorrow, I will be leaving for the Congress for New Urbanism in Seattle. I will be there until Saturday. If any of you have had flooding problems, staff will be here to answer questions.

Don Marr: Anytime we have a significant natural disaster event, we collect information about the cost that the city incurred in case we hit the minimum thresholds for FEMA reimbursement. While the city doesn't anticipate our operations will hit that, we are trying to gather information from private property owners who had water in their structures. We can provide that information to the county for their total consideration.

City Council Agenda Session Presentations:

Agenda Session Presentation - Fayetteville Urban Forestry Advisory Board Annual Report.

City Council Tour: None

Adjournment: 8:50 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

*New Ordinance
Handed out at the 5-16-17 Council meeting*

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE VAC 17-5751 FOR PROPERTY LOCATED AT 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD TO VACATE A PORTION OF A STREET RIGHT OF WAY

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 right-of-way is not required for corporate purposes.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates a portion of unbuilt street right-of-way as described in Exhibit B attached to the Planning Department's memo.

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

Section 3. This vacation approval is subject to the condition that any relocation or damage to existing utilities shall be at the owner/developer's expense.

PASSED and APPROVED this 16th day of May, 2017.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Branson, Lisa

From: Smith, Sondra
Sent: Tuesday, May 16, 2017 11:00 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Jordan, Lioneld; Lynch, Rhonda; Norton, Susan; Osborne, Donnie; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Bunch, Sarah; La Tour, John; Long, Alan
Cc: Thompson, Quin
Subject: City Council Meeting item change - FW: Down guy and anchor relocation on W Farmington St

Please read the email below from Quinn in Planning and SWEPCO.

Sondra

From: Thompson, Quin
Sent: Tuesday, May 16, 2017 10:55 AM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Cc: Garner, Andrew <agarner@fayetteville-ar.gov>
Subject: FW: Down guy and anchor relocation on W Farmington St

Sondra, I received this email regarding an item on tonight's Council agenda. The e-mail removes the necessity of a condition of approval that had been requested by SWEPCO on the Vacation 2107-0238. Can this be distributed to the council?

Regards, Quin

Quin Thompson
Planner
Development Services
125 W Mountain St
City of Fayetteville, Arkansas 72701
Tel 479.575.8327 | **Fx** 479.575.8202
E qthompson@fayetteville-ar.gov
[Website](#) | [Facebook](#) | [YouTube](#)



From: Trong T Le [<mailto:ttle@aep.com>]
Sent: Tuesday, May 16, 2017 10:20 AM
To: John Davidson <johnhouston77@hotmail.com>; Thompson, Quin <qthompson@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>; Garner, Andrew <agarner@fayetteville-ar.gov>
Subject: RE: Down guy and anchor relocation on W Farmington St

Hello Mr. Davidson,

I show that you have paid in full for the relocation of our pole and down guy located at the intersection of Eastern and Farmington. Swepco will no longer require an easement for existing pole and down guy located on the west side of the property as a condition for the ROW vacation. If you have any questions, feel free to contact me.

Regards,

Trong (John) Le

Distribution Engineer



www.swepco.com

101 W. Township St.

Fayetteville AR, 72703

P: 479.973.2426

F: 479.973.2326

ttle@aep.com

From: John Davidson [<mailto:johnhouston77@hotmail.com>]

Sent: Tuesday, May 16, 2017 10:02 AM

To: Trong T Le; Thompson, Quin; kwilliams@fayetteville-ar.gov; Garner, Andrew

Subject: [EXTERNAL] Re: Down guy and anchor relocation on W Farmington St

This is an EXTERNAL email. STOP. THINK before you CLICK links or OPEN attachments.

John Le

Thanks for the help. Attached is a screenshot for the vacation 17-5751. As you can see, it is being forward to City Council for approval tonight but with the condition that we grant an easement around the pole and down guy wire on the west side. Since both AEP and the landowner have agreed to remove those and paid in-full for the removal, there is no longer the need for the condition for an easement on the west side as shown below. There will only be the condition requiring an easement along the east property line for the existing service. Can you please confirm the same to Andrew, Quinn, and Kit with the City of Fayetteville (all cc'd to this email), so that condition can be removed from the approved vacation? Thank you.

John Davidson

AEP/SWEPCO

Provide easement around down guy and anchor on the west side. Provide easement along the east property line to cover existing service.

Ozarks Electric

No objections

Recycling & Solid Waste

No objections

Water/Sewer

No objections

Transportation

No objections

Adjacent Property Owner (West)

Angela Stevens

No objections

Public Comment: No public comment has been received.

RECOMMENDATION: Staff recommends forwarding VAC 17-5751 with the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities of existing facilities shall be at the owner/developer's expense.
2. Easement shall be provided around down guy wire and anchor on the west side and along the east property line to cover existing service.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>April 24, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: BROWN			
Second: HOFFMAN			
Vote: 8-0-0			

BUDGET/STAFF IMPACT:

None.

Attachments:

- Request Letter

From: Trong T Le <ttle@aep.com>
Sent: Monday, May 15, 2017 2:52 PM
To: John H Davidson (johnhouston77@hotmail.com)
Subject: FW: Down guy and anchor relocation on W Farmington St

Hello Mr. Davidson,

Attached is the invoice for the relocation. If you can attach this along with the payment, that should be all we need to process it.

Regards,

Trong (John) Le

Distribution Engineer



www.swepco.com

SWEPCO - Southwestern Electric Power Company

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101 W. Township St.

Fayetteville AR, 72703

P: 479.973.2426

F: 479.973.2326

ttele@aep.com

From: Trong T Le
Sent: Friday, April 28, 2017 2:23 PM
To: 'John Davidson'
Subject: RE: Down guy and anchor relocation on W Farmington St

Hello Mr. Davidson,

We will need payment prior to construction. I can turn the job over to construction as soon as that requirement is completed.

Regards,

Trong (John) Le

Distribution Engineer



www.swepco.com

101 W. Township St.

Fayetteville AR, 72703

P: 479.973.2426

F: 479.973.2326

ttele@aep.com

From: John Davidson [<mailto:johnhouston77@hotmail.com>]
Sent: Monday, April 24, 2017 10:37 AM
To: Trong T Le
Subject: [EXTERNAL] Re: Down guy and anchor relocation on W Farmington St

This is an EXTERNAL email. STOP. THINK before you CLICK links or OPEN attachments.

Understood. How soon can you move the poles?

Thanks

John

From: Trong T Le <ttle@aep.com>
Sent: Wednesday, April 19, 2017 8:14 PM
To: John H Davidson (johnhouston77@hotmail.com)
Subject: Down guy and anchor relocation on W Farmington St

Hello Mr. Davidson,

The relocation of the down guy and anchor and relocation of overhead cable to refeed a light pole comes to \$647.88. This price is for the preliminary design and is subject to change as the design changes.

If you have any questions, let me know.

Regards,

Trong (John) Le

Distribution Engineer



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Fayetteville AR, 72703

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ttele@aep.com

RZN 17-5733 & VAC 17-5753

**SPOT RE-ZONING of Lots 1 & 2
LEGAL POINTS & AUTHORITIES**

Spot Zoning

- “Spot zoning” --
- the application of zoning
- to a specific parcel or parcels of land
- within a larger zoned area
- when the rezoning is
 - at odds with a city’s master plan, and
 - at odds with current zoning restrictions.

Spot Zoning

- The defining characteristic is
 - the narrowness and unjustified nature of the benefit
 - to the particular property owner,
 - to the detriment of ... a general land use plan
 - or public goals.
- Spot rezoning may provide
 - unjustified special treatment that
 - benefits a particular owner, while
 - undermining the pre-existing rights and uses
 - of adjacent property owners.

“Spot zoning, by definition, is invalid....”

- **“Spot zoning, by definition, is invalid because it amounts to an arbitrary, capricious and unreasonable treatment of a limited area within a particular district. As such it departs from the comprehensive treatment or privileges not in harmony with other use classifications in the area and without any apparent circumstances which call for different treatment. Spot zoning almost invariably involves a single parcel or at least a limited area.” R. Wright and S. Webber, Land Uses (1978).” Cited with approval in *Riddell v. City of Brinkley*, 272 Ark. 84, 87, 612 S.W.2d 116, 117 (1981).**

Spot Zoning

- Spot zoning may be ruled invalid as an "arbitrary, capricious and unreasonable treatment" of a limited parcel of land by a local zoning ordinance. *City of Little Rock v. Pfeifer*, 318 Ark. 679, 887 S.W.2d 296 (1994)
- Zoning regulates the land use in whole districts.
- Spot zoning makes unjustified exceptions for a parcel or parcels within a district.

SPOT ZONING is UNLAWFUL in Arkansas

”[Z]oning is by districts and not by individual parcels of land.”

***City of Lowell v. M N Mobile Home Park,*
323 Ark. 332, 341 (Ark. 1996)**

SPOT ZONING Acreage Comparisons

(Rev. 5-4-17)

Lake Fayetteville - land	458			
Lake Fayetteville - water	<u>194</u>			
LAKE FAYETTEVILLE PARK		652 acres		
Stonewood/CopperCrk/Embry		<u>180</u> acres		
TOTAL ZONED R-A/RSF-4/R-O		832 acres		
Lot 7	0.46			
Lots 1 & 2	1.79		1.0%	of 180 acres
Lot 3	0.37		0.2%	of 832 acres
Lot 4	0.38			
Lots 5 & 6	0.59			
Lots 10-14	<u>2.21</u>			
TOTAL of LOTS 1-7 & 10-14		5.80 acres	3.2%	of 180 acres
			0.7%	of 832 acres
Lot 9	0.37			
Lot 8	0.37			
		0.74 acres		
TOTAL ACREAGE LOTS 1-14		6.54 acres	3.6%	of 180 acres
			0.8%	of 832 acres

SPOT ZONING

Acreage Comparisons

Factors that support denial of UP-rezoning:

Thomas Petroleum, Inc. v. City of West Helena

- Property zoned residential when purchased by applicant
- Increased risk of traffic accidents
- **Potential** for criminal activity with a business open at night
- Increased litter
- Possibility for sale of alcoholic beverages
 - ***Continued***
- ***Thomas Petroleum, Inc. v. City of West Helena***, 320 Ark. 682, 685, 839 S.W.2d 523 (1992)

Factors that identify unlawful spot rezoning:

Thomas Petroleum, Inc. v. City of West Helena

- Opposition by a large majority of the citizens in the neighborhood -- forty-four (44) signed a petition opposing the request for rezoning
- “The need to maintain consistent zoning area, and not to set a precedent of **spot zoning**. The property is in the middle of Zone R-A (all of the surrounding property is zoned R-A for single family dwellings).”
- ***Thomas Petroleum, Inc. v. City of West Helena***, 320 Ark. 682, 685, 839 S.W.2d 523 (1992)

Factors that support refusal to UP-rezone:

Tanner v. City of Green Forest (Slide 1 of 4)

- “[O]nce a planning commission .. has exercised its authority in drafting regulations pertaining to subdivision development,
 - it is bound by those regulations
 - and shall administer them guided by standards that can be uniformly applied
- ***Tanner v. City of Green Forest***, 302 Ark. 170, 788 S.W.2d 727, 728-29 (1990)

Factors that support refusal to UP-rezone:

Tanner v. City of Green Forest (Slide 2 of 4)

- “As a result, we held that a planning commission may not disregard the regulations set forth in a subdivision ordinance and substitute its own discretion in lieu of fixed standards applying to all cases similarly situated.”
- ***Tanner v. City of Green Forest***, 302 Ark. 170, 788 S.W.2d 727, 729 (1990)

Factors that support refusal to UP-rezone:

***Tanner v. City of Green Forest* (Slide 3 of 4)**

- “[R]ezoning is not justified solely on the ground that it is necessary to put a particular tract to its most remunerative use. *City of Little Rock v. Breeding*, [273 Ark. 437, 619 S.W.2d 664 (1981)].”
- “1) the hearing ... was well attended by residents of the area and ... some of the residents objected ...”
- “2) ... concerns recited over increased traffic ...”
- *Tanner v. City of Green Forest*, 302 Ark. 170, 788 S.W.2d 727, 729 (1990)

Factors that support refusal to UP-rezone:

Tanner v. City of Green Forest (Slide 4 of 4)

- **“3) Tanner’s land was wholly within an area zoned residential, ... “**
- **“4) Tanner was personally aware of the current zoning classification of the property at the time of its purchase,**
- **“5) Tanner was aware of the restrictions of use”**
- ***Tanner v. City of Green Forest*, 302 Ark. 170, 788 S.W.2d 727, 729 (1990)**

“arbitrary” and “capricious” defined

- **“Arbitrary is ‘decisive but unreasoned action,**
- **and**
- **capricious is ‘not guided by steady judgment or purpose.’”**
- ***City of Lowell v. M N Mobile Home Park*, 323 Ark. 332, 339 (Ark. 1996), citing *City of Little Rock v. Pfeifer*, 318 Ark. 679, 887 S.W.2d 296 (1994).**

The foundation of ZONING is PLANNING

”The fundamental concept of zoning is sound city planning.”

***City of Lowell v. M N Mobile Home Park,*
323 Ark. 332, 341 (Ark. 1996)**

The Statutory Design

“the statutory design ... allows municipalities to prepare plans, make studies on future development, prepare ordinances, make comprehensive studies, make planning area maps, design streets, and make various other plans ‘for the coordinated, adjusted, and harmonious development of the municipality and its environs.’ Ark. Code Ann. Sec. 14-56-402 (1987).”

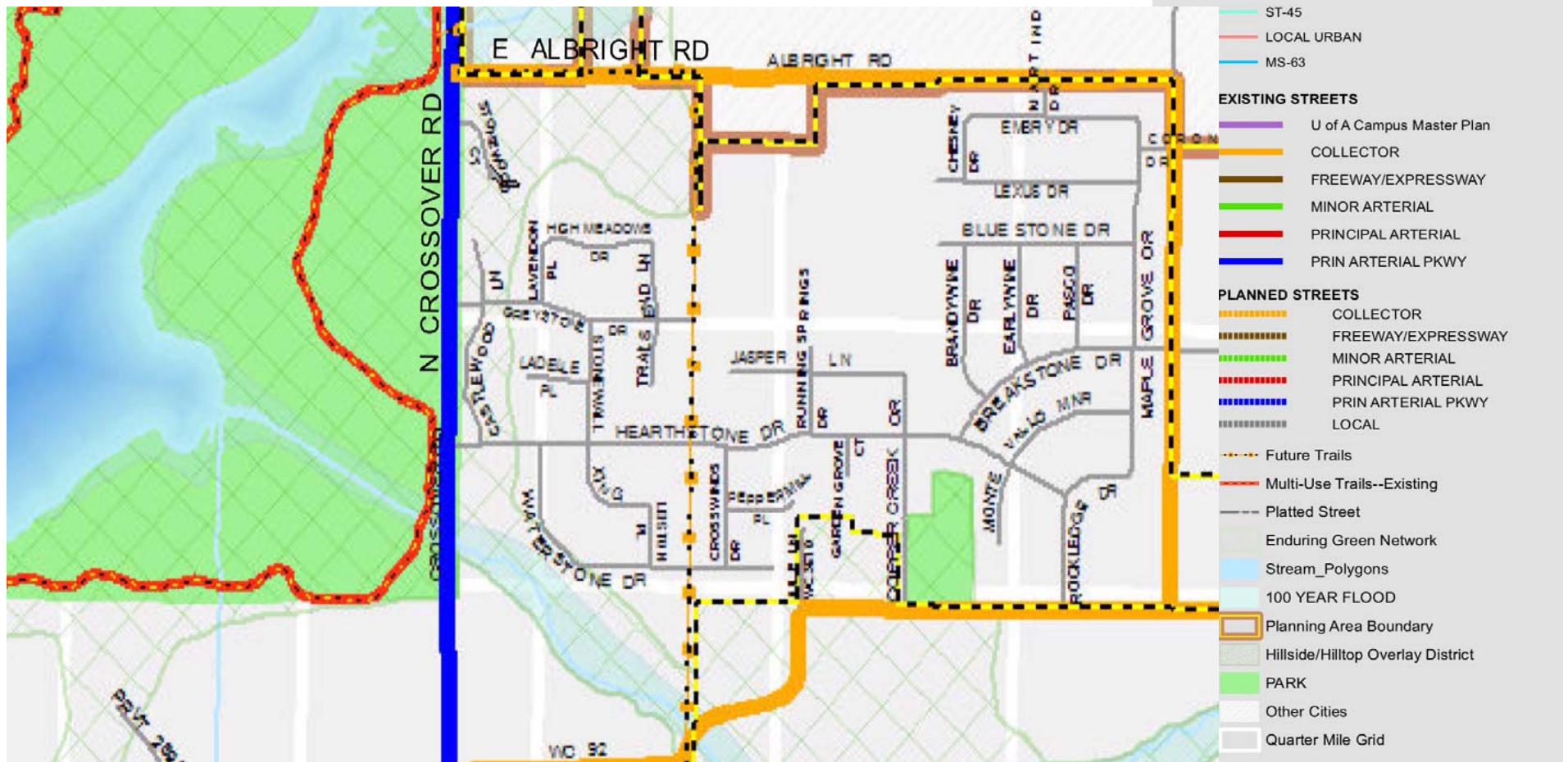
City of Lowell v. M N Mobile Home Park, 323 Ark. 332, 341 (Ark. 1996)

The sources of power to zone are plans:

- The statute itself makes the statutory design even clearer:
 - Municipal Building And Zoning Regulations -- Planning
 - **14-56-402. Authority generally.**
Cities ... shall have the power to **adopt and enforce plans** for the coordinated, adjusted, and harmonious development of the municipality and its environs.

**RZN 17-5733
& VAC 17-5753
PARKWAY**

City Plan 2030 Master Street Plan (8-16-2011)



PRINCIPAL ARTERIAL PARKWAY



Crossover Road is a PARKWAY

- Crossover Road was planned, built and landscaped as a PARKWAY
- TREES are planted every thirty (30) feet
- 30 trees and 3 shrubs between Zion Road and Hilton Creek
- 39 trees and 3 shrubs from Hearthstone Drive to Albright Road
- 61 trees from Albright Road to Ivey Lane



View across Crossover Road Parkway towards the SE and Hilton Creek



View across Crossover Road Parkway towards the NE and Lots 1 & 2



From Parkway median,
looking NNE towards Lots 1 & 2



RZN 17-5733 & VAC 17-5753

**Off-street Parking:
REVISED ANALYSIS**

Off-street Parking: REVISED ANALYSIS

- The previous analysis “Restaurant Comps” was factually and mathematically correct -- but based on a false premise.
- Those restaurants were built when the City Code required *MINIMUM* off-street parking spaces per square foot of building area.
- In October 2015 the City Code was amended by Ordinance 5801:
 - To ELIMINATE the requirement for a minimum number of spaces for non-residential (i.e., commercial) use; and
 - Instead -- reversing the prior rule -- to impose a **MAXIMUM limit** on the number of off-street parking spaces according to formulas (most based on building area) which vary according to use.

PARKING RATIOS

172.05 - Standards For The Number Of Spaces By Use

(A) Required Parking.

Non-Residential Use. There shall be no minimum number of spaces required for non-residential use.

The maximum number of spaces shall be limited based on the ratios in Table 3 and the allowable increases over the baseline ratio as described in subsection 172.05.

TABLE 3 -- PARKING RATIOS
(Use / Required Spaces)

The applicant shall provide a statement or parking analysis indicating how they [sic] will provide adequate parking for the proposed non-residential use to succeed without negatively impacting adjacent properties or creating or compounding a dangerous traffic condition.

MAXIMUM spaces for
8,000 sq. ft of GFA

"Gross floor area (GFA) in real estate is the total floor area inside the building envelope, including the external walls, and excluding the roof." Wikipedia

Residential

Single-family, duplex, triplex

2 per dwelling unit

Multi-family or townhouse

1 per bedroom

Commercial

Auditorium

1 per 4 seats

Ex. Walton Arts Center - 1201 seats

300

[Cf. 50,799 sq. ft Total Floor Area]

[508]

Restaurants

1 per 100 sq. ft. GFA plus 4 stacking spaces per drive-thru window.

80

Office

Medical/Dental office

1 per 250 sq. ft. of GFA

32

Professional office

1 per 300 sq. ft. of GFA

27

Sales office

1 per 200 sq. ft. of GFA

40

Public and Institutional Uses / Nonprofit Commercial

Auditorium

1 per 4 seats, provided only auditorium space is counted in determining parking

Church/religious institution

1 per 4 seats in the main auditorium or 1 per 40 sq. ft. of assembly area, whichever provides more spaces

Recreational Uses

Bowling alley

6 per lane

Dance hall, bar or tavern

1 per 50 sq. ft. of GFA, excluding kitchen

160

Golf course

3 per hole

Golf driving range

1 per tee box

Private club or lodge

1 per 500 sq. ft. of GFA or 1 per 3 occupants based on the current adopted Standard Building Code whichever is greater

Tennis court

2 per court

From: [Pete Tommessen](#)
To: [City Clerk](#)
Cc: [City Attorney](#); [Rob Anderson](#); [pete@12345@yahoo.com](#)
Subject: RZN 17-5733 & VAC 17-5753 - New pizzerias not making enough dough
Date: Thursday, May 11, 2017 6:17:51 PM

Dear Lisa and Ms. Smith:

Please distribute this item from the Business Section of the March 25, 2017, Democrat-Gazette to the City Council and the Mayor, and include it in the archived Agenda materials.

Sincerely,
Pete Tommessen
3500 Hearthstone Drive

Restaurant slowdown hits pizza upstarts

A push by upstart restaurant chains to challenge the dominance of Domino's Pizza Inc. and Pizza Hut isn't going well.

Pie Five, a business that's attempting to bring a fast-casual approach to pizza, is closing locations in Colorado, Illinois and Minnesota. The Wisconsin-based Toppers Pizza chain, meanwhile, is closing four locations in the Chicago area.

"It's just tough," said Michael Halen, an analyst at Bloomberg Intelligence. "They could be opening in bad locations, or bumping up against mom-and-pop places that have a strong customer base."

Domino's has used technology such as mobile ordering to solidify its market share. And a broader restaurant slump has made it hard for upstarts to find their footing.

Texas-based Pie Five is closing 14 locations. Its same-store sales — a key indicator — tumbled 17 percent in the most recent quarter. The company blamed the broader industry slowdown, as well as more competition.

Pie Five, owned by Rave Restaurant Group Inc., said in February that rivals are taking a bite out of sales. "Increased competition within the fast-casual segment and general industry softness contributed to weakened trends," the company said at the time.

— Bloomberg News

Smith, Lorinda

From: CityClerk
Sent: Thursday, May 11, 2017 8:31 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Jordan, Lioneld; Lynch, Rhonda; Norton, Susan; Osborne, Donnie; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Bunch, Sarah; La Tour, John; Long, Alan
Subject: FW: Additional Documentation for Legistar Item 2017-0218 Cullers Sewer Extension
Attachments: 2017-0218 CountyDenialLetter.pdf

The attached is also included in the final agenda packet.

I believe that Alderman Kinion will be walking the subject item back on the agenda for the May 16th council meeting. I received a letter from Washington County today that I think the council will want to review before the meeting. Would it be possible for your office to send the attached letter to the council, and/or include it in the packet?

Thanks,
Andrew

Andrew Garner, AICP
City Planning Director
City of Fayetteville, Arkansas
agarner@fayetteville-ar.gov
479.575.8262

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

JOSEPH WOOD
County Judge



JIM KIMBROUGH
Planning Director

WASHINGTON COUNTY, ARKANSAS
Planning Office

May 10, 2017

To whom it may concern:

The Washington County Planning Board heard a Variance request at the May 4, 2017 Planning Board meeting. The Variance was requesting to allow lot sizes less than the county's 10,000 sq ft. minimum subdivision lot size, and to allow lot frontages less than the county's 75 ft minimum subdivision lot frontage on a property adjacent to Fayetteville's City Limits, inside Fayetteville's Planning Area.

It is my understanding the applicant, Justin Cullers, was requesting Variance approval for the small lot sizes/frontages with the hope that receiving county approval would help his chances in getting Fayetteville's approval to connect the proposed subdivision's sewer infrastructure to Fayetteville's existing municipal sewer system, as well as annexation into Fayetteville's City Limits.

The Variance request was denied by the Washington County Planning Board and the Conditional Use Permit request (to allow lot sizes less than one-acre in an area zoned for one residential unit/acre) was not heard. Had the Variance been approved, the conditions of approval were such that Fayetteville would have to approve the sewer connection or the Variance would have been voided. The Conditional Use Permit, had it been heard and approved, would have required approval of the Variance beforehand.

Current zoning for the subject property is Agricultural/Single Family Residential at 1 unit/acre. Additional Dwelling Units are allowed, with review, for up to a total of 3 residential units per parcel. ADUs require an approved soil analysis before a 911 address will be issued. So any residential land development will require 1 acre for each residence. Land developments requesting lots less than 1 acre requires Conditional Use Permit approval from the Planning Board. And a development of 5 or more lots requires Subdivision approval from the Planning Board. With CUP and Subdivision approval, 10,000 sq ft. lots are allowed.

Official minutes of the May 4, 2017 meeting will not be available until they are reviewed and approved by the Planning Board at the next scheduled meeting, June 1, 2017. Once they are approved they will be available on the Planning Dept's website.

Please feel free to call with any questions.
Sincerely,

A handwritten signature in cursive script that reads "Nathan Crouch".

Nathan Crouch, Washington County Senior Planner

2615 Brink Drive • Fayetteville, Arkansas 72701
Telephone: (479) 444-1724 • Fax: (479) 444-1786

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, May 9, 2017

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
Sarah Bunch 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. [2017-0244](#)

OZARK REGIONAL TRANSIT PERIODIC REPORT

2. [2017-0246](#)

2017 FIRST QUARTER FINANCIAL REPORT

Agenda Additions

A. Consent:

A. 1 [2016-0575](#)

APPROVAL OF THE MAY 2, 2017 CITY COUNCIL MEETING MINUTES.

A. 2 [2017-0221](#)

NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING SCHOLARSHIP:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING A SCHOLARSHIP RECEIVED BY THE PURCHASING DIVISION FROM THE NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING IN THE AMOUNT OF \$2,500.00

Attachments: [NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING SCHOLARSHIP:](#)
[BA_NIGP Scholarship](#)

A. 3 [2017-0226](#)**BID #17-28 DFI TECHNOLOGIES, INC.:**

A RESOLUTION TO AWARD BID #17-28 AND APPROVE A CONTRACT WITH DFI TECHNOLOGIES, INC. FOR ONE YEAR'S MAILING SERVICES AT AN APPROXIMATE COST OF \$279,369.00 WITH AUTOMATIC RENEWALS FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS

Attachments: [BID NO. 17-28 DFI TECHNOLOGIES, INC.:](#)

A. 4 [2017-0223](#)**BID #17-31 FOUNDATION SPECIALTIES, INC.:**

A RESOLUTION TO AWARD BID #17-31 AND AUTHORIZE A CONTRACT WITH FOUNDATION SPECIALTIES, INC. IN THE AMOUNT OF \$34,918.00 FOR THE INSTALLATION OF MICROPILE FOUNDATIONS FOR THE CATO SPRINGS TRAIL BRIDGE NO. 3, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,491.80

Attachments: [BID #17-31 FOUNDATION SPECIALTIES, INC.:](#)

A. 5 [2017-0243](#)**RFP #17-11 CHALLENGER TEAMWEAR:**

A RESOLUTION TO AWARD RFP #17-11 AND AUTHORIZE A CONTRACT WITH CHALLENGER TEAMWEAR FOR THE PURCHASE OF YOUTH SOCCER UNIFORMS IN THE AMOUNT OF \$14.96 PLUS APPLICABLE TAXES PER UNIFORM FOR THE FALL 217 AND SPRING 2018 SEASONS, WITH AN AUTOMATIC RENEWAL AT THE SAME PRICE FOR THE FALL 2018 AND SPRING 2019 SEASONS

Attachments: [RFP #17-11 CHALLENGER TEAMWEAR:](#)

A. 6 [2017-0224](#)**CITY OF JOHNSON MEMORANDUM OF UNDERSTANDING:**

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FAYETTEVILLE AND THE CITY OF JOHNSON TO TRANSFER CONTROL, OPERATION, OWNERSHIP AND MAINTENANCE OF THE TRAFFIC SIGNAL AT THE JOYCE BOULEVARD AND WILKERSON STREET INTERSECTION IN JOHNSON

Attachments: [CITY OF JOHNSON MEMORANDUM OF UNDERSTANDING:](#)

A. 7 [2017-0240](#)**CISCO SYSTEMS, INC.:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF CISCO SYSTEMS, INC. DATA COMMUNICATIONS PRODUCTS AND SERVICES THROUGH AUTHORIZED RESELLERS, PURSUANT TO A STATE OF ARKANSAS AND WESTERN STATES CONTRACTING ALLIANCE - NATIONAL ASSOCIATION OF PROCUREMENT OFFICIALS CONTRACT

Attachments: [CISCO SYSTEMS, INC.:](#)

B. Unfinished Business:**B. 1** [2017-0207](#)**RZN 17-5733 (SE OF CROSSOVER RD. & HEARTHSTONE DR.):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5733 FOR APPROXIMATELY 1.79 ACRES LOCATED AT SOUTHEAST CORNER OF CROSSOVER ROAD AND HEARTHSTONE DRIVE FROM R-O, RESIDENTIAL OFFICE, AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS-G, NEIGHBORHOOD SERVICES, GENERAL

Attachments: [RZN 17-5733 \(SE OF CROSSOVER RD. & HEARTHSTONE DR.\)](#)

At the May 2, 2017 City Council Meeting this ordinance was left on first reading.

B. 2 [2017-0204](#)**VAC 17-5753 (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES):**

AN ORDINANCE TO APPROVE VAC 15-5753 FOR PROPERTY LOCATED AT SOUTHEAST CORNER OF CROSSOVER ROAD AND HEARTHSTONE DRIVE TO VACATE A PORTION OF A DRAINAGE EASEMENT AND A PORTION OF A UTILITY EASEMENT

Attachments: [VAC 17-5753 \(SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES\)](#)

At the May 2, 2017 City Council Meeting this ordinance was left on first reading.

B. 3 [2017-0211](#)**FAYETTEVILLE COMMERCE PARK LAND SALE:**

A RESOLUTION TO SELL ABOUT 5 ACRES OF LAND IN THE COMMERCE DISTRICT TO AR-CANNA, LLC FOR \$75,000.00 CONTINGENT ON AR-CANNA, LLC RECEIVING A MEDICAL MARIJUANA CULTIVATION FACILITY LICENSE FROM THE STATE OF ARKANSAS

Attachments: [FAYETTEVILLE COMMERCE PARK LAND SALE - AR-CANNA, LLC](#)

At the May 2, 2017 City Council Meeting this resolution was tabled to the May 16, 2017 City Council Meeting.

C. Public Hearing:**C. 1** [2017-0237](#)**RAZE AND REMOVAL 265 WEST NONNAMAKER DRIVE:**

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY HAROLD AND ROSETTA HARMON LOCATED AT 265 WEST NONNAMAKER DRIVE IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [RAZE AND REMOVAL 265 W NONNAMAKER AVENUE:](#)

[BA_RAZE AND REMOVAL 265 W NONNAMAKER AVENUE:](#)

D. New Business:

D. 1 [2017-0230](#)**SOUTH BLOCK PARTNERS, LLC COST SHARE AGREEMENT:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH SOUTH BLOCK PARTNERS, LLC FOR THE INSTALLATION OF A SEWER MAIN ALONG A PORTION OF SOUTH BLOCK AVENUE BETWEEN WEST 4TH STREET AND WEST 5TH STREET, WITH THE ESTIMATED AMOUNT TO BE PAID BY THE CITY OF FAYETTEVILLE NOT TO EXCEED \$16,375.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,347.00

Attachments: [SOUTH BLOCK PARTNERS, LLC COST SHARE AGREEMENT:](#)

D. 2 [2017-0229](#)**MILLSAP DRAINAGE COST SHARE:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH SOUTHERN STAR ENTERPRISES, LLC FOR THE INSTALLATION OF DRAINAGE IMPROVEMENTS ALONG A PORTION OF EAST MILLSAP ROAD WITH THE CITY OF FAYETTEVILLE'S SHARE OF THE COSTS NOT TO EXCEED \$49,070.40, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,000.00

Attachments: [MILLSAP DRAINAGE COST SHARE:](#)

D. 3 [2017-0236](#)**RZN 17-5756 (2621 E. MISSION BLVD./ERC HOLDINGS, LLC):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5756 FOR APPROXIMATELY 2.62 ACRES LOCATED AT 2621 EAST MISSION BOULEVARD FROM C-1, NEIGHBORHOOD COMMERCIAL TO CS, COMMUNITY SERVICES

Attachments: [RZN 17-5756 \(2621 E. MISSION BLVD./ERC HOLDINGS, LLC\):](#)

D. 4 [2017-0245](#)**RZN 17-5781 (1622 E. MISSION BLVD./LAMB-MORRIS):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5781 FOR APPROXIMATELY 0.54 ACRES LOCATED AT 1622 EAST MISSION BOULEVARD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

Attachments: [RZN 17-5781 \(1622 E. MISSION BLVD./LAMB-MORRIS\):](#)

D. 5 [2017-0238](#)**VAC 17-5751 (1541 W. MLK BLVD./ MONROE EATON, LLC):**

AN ORDINANCE TO APPROVE VAC 17-5751 FOR PROPERTY LOCATED AT 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD TO VACATE A PORTION OF A STREET RIGHT OF WAY

Attachments: [VAC 17-5751 \(1541 W. MLK BLVD./ MONROE EATON, LLC\):](#)

D. 6 [2017-0192](#)**ADM 17-5705 (UDC CHAPTER 178 OUTDOOR MOBILE VENDORS):**

AN ORDINANCE TO AMEND CHAPTER 178 **OUTDOOR VENDORS** OF THE UNIFIED DEVELOPMENT CODE TO END THE PERMIT LOTTERY FOR MOBILE VENDORS UTILIZING PUBLIC PARKING AREAS, TO ALLOW ADMINISTRATIVE APPROVAL OF PERMITS FOR MOBILE VENDOR COURTS AND SIDEWALK CAFÉS, TO ALLOW MOBILE VENDORS TO ADMINISTRATIVELY RENEW PERMITS ANNUALLY, AND TO MAKE TECHNICAL REVISIONS

Attachments: [ADM 17-5705 \(UDC CHAPTER 178 OUTDOOR MOBILE VENDORS\)](#)
 [EXHIBIT A \(UDC CHAPTER 178 OUTDOOR MOBILE VENDORS\)](#)

E. City Council Agenda Session Presentations:**E. 1** [2017-0227](#)

AGENDA SESSION PRESENTATION - FPTV (PUBLIC ACCESS) OPERATIONS UPDATE, PRESENTED BY DAN ROBINSON, EXECUTIVE DIRECTOR OF YOUR MEDIA

F. City Council Tour:**G. Announcements:****H. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

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

Consent Agenda: 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. City staff, City Council members, and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item.

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. A simple majority of the City Council members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the ordinance or resolution to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed; however, 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's 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.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0244

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

Agenda Number: 1.

OZARK REGIONAL TRANSIT PERIODIC REPORT



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0246

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Report

Agenda Number: 2.

2017 FIRST QUARTER FINANCIAL REPORT



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0575

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE MAY 2, 2017 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0221

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING SCHOLARSHIP:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING A SCHOLARSHIP RECEIVED BY THE PURCHASING DIVISION FROM THE NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING IN THE AMOUNT OF \$2,500.00

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

Section 1: That the City Council for the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, recognizing a scholarship received by the Purchasing Division from the National Institute of Governmental Purchasing ("NIGP") in the amount of \$2,500.00 that will allow Les McGaugh, the City's Purchasing Agent, to attend the 2017 NIGP National Forum in Salt Lake City.

City of Fayetteville Staff Review Form

2017-0221

Legistar File ID

5/16/2017

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

Andrea Rennie

4/18/2017

Purchasing /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Resolution to accept a \$2,500 scholarship from the National Institute of Governmental Purchasing (NIGP) and approve a budget adjustment.

Budget Impact:

1010.160.1610-5304.00

General

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? No

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? Yes

Item Cost

\$ 2,500.00

Budget Adjustment Attached? Yes

Budget Adjustment

\$ 2,500.00

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 16, 2017

TO: Mayor Lioneld Jordan and Fayetteville City Council

THRU: Paul A. Becker, Chief Financial Officer

FROM: Andrea Rennie, CPPO, Purchasing Manager

DATE: Tuesday, April 18, 2017

SUBJECT: Resolution to accept a \$2,500 scholarship from the National Institute of Governmental Purchasing (NIGP) and approve a budget adjustment.

RECOMMENDATION:

Resolution to accept a \$2,500 scholarship from the National Institute of Governmental Purchasing (NIGP) and approve a budget adjustment.

BACKGROUND:

The NIGP Forum is the largest North American conference exclusively for public procurement professionals. The Forum is NIGP's showcase educational event, providing an ideal environment for networking with colleagues and suppliers, attending educational workshops led by subject matter experts, and being motivated and inspired by professional speakers during general sessions.

Attendees have the opportunity to visit with nearly 200 suppliers during the products exposition, which provides an environment for one-on-one interaction and networking. Procurement professionals receive real hands-on experience with the latest and greatest products and services available to governments during dedicated expo hours.

More than 60 specialized educational workshops and formal networking opportunities will be available to help improve skills, learn best practices, and provide a platform where professionals can gain support from colleagues on issues faced daily in the procurement profession. The NIGP Forum is exclusive to the public procurement profession; therefore, educational sessions will relate specifically to public procurement needs. Professionals from all facets of the government will highly benefit from attending this event. Attending the NIGP Forum enhances competencies and allows staff to bring additional value to the City and the taxpayers we serve with the knowledge gained.

DISCUSSION:

The 2017 NIGP Forum Scholarship Program for Young and/or New Public Procurement Professionals was developed in 2015 by the NIGP Forum and Products Exposition Committee to provide assistance to public procurement professionals for people new to the public procurement profession. An overwhelming amount of applications were received and twelve scholarships were granted.

Les McGaugh, the City's Purchasing Agent, applied for and was awarded one of twelve scholarships from NIGP to fund attendance at the 2017 NIGP National Forum.

Acceptance of this \$2,500 scholarship will enable Les McGaugh to attend the 2017 National Forum in Salt Lake City, UT in August 2017 and also pursue other educational opportunities in 2017.

BUDGET/STAFF IMPACT:

Approving the scholarship will have a positive impact on the Purchasing Division as it will enable Les McGaugh to attend additional educational opportunities.

Attachments:

Staff Review Form

Staff Review Memo

NIGP 2017 Scholarship Recipients

NIGP FORUM

Connecting Procurement Communities



-happy

Congrats to these Forum Scholarship Winners!

Caleb Adams - State of Illinois Procurement

Katie Branham Kerr - Blount County, TN

Erin Buch - Sound Transit, WA

Denise Chessie - Province of New Brunswick

Sherry Cochran-Schmees - Oklahoma City, OK

Janet Haney - York County, VA

Matt Kleinschmidt - Loudon County, TN

Julie Maxwell - City of Knoxville, TN

Les McGaugh - City of Fayetteville, AR

Petra Payne - Sound Transit, WA

Starla Takara - City and County of Honolulu

Juli Tuson - Port of Tacoma, WA

Looking forward to seeing you in Salt Lake City...

nigp.org/forum | #NIGPForum2017

Budget Year	Division	Adjustment Number
2017	PURCHASING (160)	
	/Org2	
	Requestor: Andrea Rennie	

Request for approval to receive and recongize a scholarship from NIGP (Les McGaugh) in the amount of \$2,500 to attend the NIGP 2017 National Forum. The scholarship funds will be used for Les to attend forum and enable him to pursue additional educational opportunities in 2017.

	COUNCIL DATE:	5/16/2017
	LEGISTAR FILE ID#:	2017-0221
	<i>Barbara Fell</i>	
	<i>4/19/2017 11:27 AM</i>	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0226

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

BID #17-28 DFI TECHNOLOGIES, INC.:

A RESOLUTION TO AWARD BID #17-28 AND APPROVE A CONTRACT WITH DFI TECHNOLOGIES, INC. FOR ONE YEAR'S MAILING SERVICES AT AN APPROXIMATE COST OF \$279,369.00 WITH AUTOMATIC RENEWALS FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #17-28 and approves a contract with DFI Technologies, Inc. for one year's mailing services at an approximate cost of \$279,369.00, depending upon the volume of mailings, with automatic renewals for up to four additional one year terms.

City of Fayetteville Staff Review Form

2017-0226

Legistar File ID

5/16/2017

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

Cheryl Partain

4/25/2017

Utilities Financial Services /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Awarding Bid 17-28, Mailing Services to DFI Technologies, Inc. for a period of one (1) year with an option for four (4) automatic annual renewals for a total possible contract term of five (5) years. Prices detailed in Bid.

Budget Impact:

5400.710.1810-5305.00 & 5500.750.5000-
5305.00

Water/Sewer and Recycling & Trash Collections

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 331,050.00

Funds Obligated \$ -

Current Balance \$ 331,050.00

Does item have a cost? Yes

Item Cost \$ 279,369.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 51,681.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 16, 2017

TO: Mayor and City Council

THRU: Paul Becker, Chief Financial Officer

FROM: Cheryl Partain, Utilities Financial Services Manager

DATE: April 27, 2017

SUBJECT: Approval of a service contract with DFI Technologies, Inc. for Mailing Services for the City of Fayetteville – Prices detailed Per Bid 17-28

RECOMMENDATION:

City Administration recommends approval of the resolution and contract awarding to DFI Technologies, Inc. for mail processing for the City of Fayetteville for a period of one (1) year with an option for four (4) automatic annual renewals for a total possible contract term of five (5) years based on the prices detailed in Bid 17-28.

BACKGROUND:

The City of Fayetteville has had a mailing service for over 25 years. Utilizing a mailing service is a cost savings to the City. The mailing service picks up the City's mail from the US Post Office and has the mail delivered before 9:00 am every morning Monday through Friday. The mailing service picks up City mail twice a day to mail. They pick up utility bills, final utility bills, and delinquency notices and fold and stuffs bills/notices with return envelopes when needed in envelopes and mails for the City.

DISCUSSION:

Contract costs for mailing services include: Pickup and delivery of mail, folding and putting into envelopes utility bills, final bills, utility delinquency notices, employee retirement & savings statements, arrest warrants, parking management statements along with return envelopes, sorting, barcoding on envelopes and postage. DFI Technologies, Inc. was the lowest bidder for the mailing services.

The bids came in as follows:

DFI Technologies, Inc.	\$279,369.00
Mailco, Inc.	\$281,533.60
Stafford & Assoc., Inc.	\$416,259.00

BUDGET/STAFF IMPACT:

Budgeted funds are available in the Water & Sewer – Utilities Financial Services Division operational budget. At this time, it is anticipated that costs will not exceed budgeted amounts for 2017.

Attachments:

Staff Review Form

Signed Agreement

Bid Tabulation

Bid Submittal – DFI Technologies, Inc.

This contract executed this ____ day of _____, 2017, between the City of Fayetteville, Arkansas, and DFI Technologies, Inc. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. DFI Technologies, Inc. at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 17-28 as stated in DFI Technologies, Inc. bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 17-28, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay DFI Technologies, Inc. based on their bid proposal in an amount not to exceed prices presented in Bid 17-28 with the exception of postage rates. Increase in postage rates will be allowed in the event rates are increased by the United States Postal Service (USPS). Increase in postage rates allowed shall be equal to the increase by the USPS. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and DFI Technologies, Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 17-28 with the specifications and conditions typed thereon.
 - B. DFI Technologies, Inc. bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville DFI Technologies, Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and DFI Technologies, Inc.
5. DFI Technologies, Inc. shall not assign its duties under the terms of this agreement.
6. DFI Technologies, Inc. agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from DFI Technologies, Inc. performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. DFI Technologies, Inc. shall furnish a certificate of insurance addressed to the City of Fayetteville, showing

that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, DFI Technologies, Inc. shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected. The premiums for all insurance and the bond required herein shall be paid by DFI Technologies, Inc.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

Bodily Injury Liability

\$500,000 for each person injured.

\$1,000,000 for each accident.

Property Damage Liability

\$1,000,000 aggregate.

8. DFI Technologies, Inc. shall furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or DFI Technologies, Inc. with 30 calendar days written notice.
10. This contract shall be effective from one year of the date of signed contract. The City reserves the right to automatically renew the contract for four (4) additional one (1) year terms. Renewals shall be automatic unless either DFI Technologies, Inc. or the City notifies the other of its intent to terminate the contract at the end of the contract period.
11. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo copying costs pursuant to the FOIA may be assessed for this compliance.
12. Changes in scope or price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the Fayetteville City Council **in advance** of the change in scope, cost or fees.
13. Jurisdiction: Legal jurisdiction to resolve any disputes shall be **Washington County, Arkansas** with **Arkansas law** applying to the case.
14. Arbitration/Mediation: The City will not agree to be forced to mediate or arbitrate any dispute.
15. Interest charges for late payments by the City: The City of Fayetteville does NOT agree to any interest or penalty for "untimely" payments. The City will pay all invoices within 30 calendar days of accepted invoice.

WITNESS OUR HANDS THIS 6 DAY OF APRIL, 2017.

VENDOR NAME: DFI Technologies, Inc.

CITY OF FAYETTEVILLE, ARKANSAS

By: [Signature]
Signature

By: _____
LIONELD JORDAN, Mayor

Jay Hayward President
Printed Contractor Name & Title

[Signature]
ATTEST (Signature)

JOHN HAYWARD
Company Secretary (Printed Name)

Business Address
947 N. Main
Fayetteville, AR 72701
City, State & Zip Code

Date Signed: 4/6/17

ATTEST: (Signature)

Sondra E. Smith, City Clerk, Treasurer

Date Signed: _____



Bid: 17-28
Date: 03.08.2017
Time: 2:00 PM
CITY OF FAYETTEVILLE

Bid 17-28, Mailing Services

Official Bid Tabulation

ITEM	DESCRIPTION	Estimated Yearly Quantity	DFI Technologies, Inc		MailCo USA Inc.		Stafford & Associates Inc.	
			Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1	Monthly Bill	375,000	\$0.395	\$ 148,125.00	\$0.397	\$ 148,875.00	\$0.590	\$ 221,250.00
2	Shut Off Notice/Past Due	85,000	\$0.385	\$ 32,725.00	\$0.388	\$ 32,980.00	\$0.570	\$ 48,450.00
3	Bank Draft	125,000	\$0.385	\$ 48,125.00	\$0.388	\$ 48,500.00	\$0.570	\$ 71,250.00
4	Final Bill	15,000	\$0.385	\$ 5,775.00	\$0.397	\$ 5,955.00	\$0.590	\$ 8,850.00
5	Collection Letter	7,500	\$0.385	\$ 2,887.50	\$0.388	\$ 2,910.00	\$0.570	\$ 4,275.00
Total Bid, Section A Items (1-5)				\$ 237,637.50		\$ 239,220.00		\$ 354,075.00
ITEM	DESCRIPTION	Estimated Yearly Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total
6	Employee Retirement & Savings Statements	2,500	\$0.415	\$ 1,037.50	\$0.406	\$ 1,015.00	0.590	\$ 1,475.00
7	Arrest Warrants	6,000	\$0.395	\$ 2,370.00	\$0.388	\$ 2,328.00	0.570	\$ 3,420.00
8	Parking Management	6,000	\$0.395	\$ 2,370.00	\$0.388	\$ 2,328.00	0.570	\$ 3,420.00
9	Sex Offender Mailouts	2,500	\$0.395	\$ 987.50	\$0.496	\$ 1,240.00	0.950	\$ 2,375.00
10	Accounts Receivable Statements	2,700	\$0.395	\$ 1,066.50	\$0.388	\$ 1,047.60	0.570	\$ 1,539.00
Total Bid, Section B Items (6-9)				\$ 7,831.50		\$ 7,958.60		\$ 12,229.00
ITEM	DESCRIPTION	Estimated Yearly Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total
11	0-2 oz. letter (price per each)	75,000	\$0.395	\$ 29,625.00	\$0.403	\$ 30,225.00	0.500	\$ 37,500.00
12	Inserts	85,000	\$0.010	\$ 850.00	\$0.010	\$ 850.00	0.025	\$ 2,125.00
13	0-2 oz. certified with return receipt letter	500	\$6.850	\$ 3,425.00	\$6.560	\$ 3,280.00	0.500	\$ 250.00
14	Courier fee - price per day	252	\$0.000	\$ -	\$0.000	\$ -	40.000	\$ 10,080.00
Total Bid, Section C (Items 10-13)				\$ 33,900.00		\$ 34,355.00		\$ 49,955.00
Total Base Bid: Section A-C (Items 1-13)				\$ 279,369.00		\$ 281,533.60		\$ 416,259.00

*Notes correction in calculation error

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

CERTIFIED:

A. Rennie, Purchasing Manager

Witness

Date

3/9/17



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 BID

INVITATION TO BID: Bid 17-28, Mailing Services

DEADLINE: Wednesday March 08, 2017 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: Thursday February 09, 2017

INVITATION TO BID Bid 17-28, Mailing Services

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: DFI Technologies, Inc.
Contact Person: Mike Emis Title: V-PRESIDENT
E-Mail: memis@dfimail.com Phone: 479-685-8250
Business Address: 947. N. Main
City: Fayetteville State: AR Zip: 72701
Signature: [Signature] Date: 3/7/17

City of Fayetteville, AR
Invitation to Bid
Bids 17-28, Mailing Services

The City of Fayetteville is accepting bids for the City of Fayetteville's mail processing services. The contract period will be for one year from award of contract, with the option of four one year annual renewals.

Sealed bids shall be received by the City of Fayetteville, AR Wednesday March 8, 2017 before 2:00:00 PM (local time). Bids shall be submitted in a sealed envelope or sealed package labeled Bid 17-28. Bids received after this time will not be accepted. Bids will be opened and publicly read aloud immediately after specified closing time. All interested parties are invited to attend. Bids shall be received at 113 West Mountain St. Fayetteville, Arkansas 72701.

Copies of the Bid Documents may be obtained electronically for bidding purposes from the City of Fayetteville Purchasing Division by e-mailing Les McGaugh, City of Fayetteville Purchasing Agent, lmcgaugh@fayetteville-ar.gov or by calling 479-575-8220. Any questions concerning the bidding process should be addressed to Les McGaugh, Purchasing Agent.

Bidders shall be qualified to do business and licensed in accordance with all applicable laws of the State of Arkansas and the City of Fayetteville for this Work.

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.

The City reserves the right to reject any or all Bids and to waive irregularities therein, and all Bidders shall agree that such rejection shall be without liability on the part of the City for any damage or claim brought by any Bidder because of such rejections, nor shall the Bidders seek any recourse of any kind against the City because of such rejections. The filing of any Bid in response to this invitation shall constitute an agreement of the Bidder to these conditions.

City of Fayetteville, AR
By: Les, McGaugh
City of Fayetteville, Purchasing Agent
Advertisement Dates: 02/09/17

City of Fayetteville
 Bid 17-28, Mailing Services
 Bid Form

Bid 17-28, Mailing Services Estimated Quantities

SECTION A: Utility Bills

ITEM	DESCRIPTION	Estimated Yearly Quantity		Unit Price		Total
1	Monthly Bill	375,000	x	.395	= \$	148,125
2	Shut Off Notice/Past Due	85,000	x	.385	= \$	32,725
3	Bank Draft	125,000	x	.385	= \$	48,125
4	Final Bill	15,000	x	.385	= \$	5,775
5	Collection Letter	7,500	x	.385	= \$	2,888
Total Bid, Section A (Item 1-5):						\$ 277,678

Section B: Standard Monthly Services

ITEM	DESCRIPTION	Estimated Yearly Quantity		Unit Price		Total
6	Employee Retirement & Savings Statements	2,500	x	.415	= \$	1038
7	Arrest Warrants	6,000	x	.395	= \$	2,370
8	Parking Management	6,000	x	.395	= \$	2,370
9	Sex Offender Mail outs	2,500	x	.395	= \$	988
10	Accounts Receivable Statements	2,700	x	.395	= \$	1,067
Total Bid, Section B (Items 6-9):						\$ 7,832

Section C: Daily Mail & Other Services

ITEM	DESCRIPTION	Estimated Yearly Quantity		Unit Price		Total
11	0-2 oz. letter (price per each)	75,000	x	.395	= \$	29,625
12	Inserts	85,000	x	.01	= \$	850
13	0-2 oz. certified with return receipt letter	500	x	6.85	= \$	3,425
14	Courier fee - price per day	252	x	0	= \$	0
Total Bid, Section C (Items 10-13):						\$ 33,900

Total Base Bid

Section A + Section B + Section C (Sum of Items 1-14):

\$ 279,369

NAME OF FIRM

DFI Technologies, Inc.

THIS BID FORM CONTINUES ON THE NEXT PAGE. . .

***Bidders shall bid and provide pricing on all line items of all sections in the bid form. Failure to bid on all line items shall result in rejection of bid. The City intends to award this bid to the lowest responsive responsible bidder.**

Upon signing this Bid, the bidder certifies that:

- 1.) NO KNOWN RELATIONSHIP EXISTS

City of Fayetteville, AR
Bid 17-28, Mailing Services
Page 4 of 20

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

*NAME OF FIRM: DFI Technologies, Inc.

Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name _____

*BUSINESS ADDRESS: 947 N. Main

*CITY: Fayetteville *STATE: AR *ZIP: 72701

*PHONE: 479-443-0099 FAX: 479-443-1418

*E-MAIL: memis@dfimail.com - sales
brardin@dfimail.com - billing

*BY: (PRINTED NAME) Mike Emis

*AUTHORIZED SIGNATURE: [Signature]

*TITLE: V. President

DUNS NUMBER: _____

CAGE NUMBER: _____

*TAX ID NUMBER: 71-0817512

Acknowledge Addendums:

Addendum No. 1 Dated: 3/1/17 Acknowledged by: [Signature]

Addendum No. 2 Dated: 7/1/17 Acknowledged by: [Signature]

Addendum No. _____ Dated: _____ Acknowledged by: _____

City of Fayetteville
Bid 17-28, Mailing Services
References

The following information is required from all Bidders so all bids may be reviewed and properly evaluated.

COMPANY NAME: DFI Technologies, Inc

BUSINESS ADDRESS: 947 N. Main Pkwy, AR 72701

NUMBER OF YEARS IN BUSINESS: 20 yrs HOW LONG IN PRESENT LOCATION: 14 yrs

TOTAL NUMBER OF CURRENT EMPLOYEES: 10 FULL TIME 5 PART TIME

NUMBER OF EMPLOYEES YOU PLAN TO USE TO SERVICE THIS CONTRACT: 4 FULL TIME 3 PART TIME

PLEASE LIST FOUR (4) LOCAL COMMERCIAL AND/OR GOVERNMENTAL REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed). Bidders shall have valid experience.

1. City of Springdale
COMPANY NAME

Springdale, AR 727
CITY, STATE, ZIP

Jackie Casson
CONTACT PERSON

479-751-5751
TELEPHONE

Continuing
DATE COMPLETED

jcasson@springdalewater.com
E-MAIL ADDRESS

3. City of Ft. Smith
COMPANY NAME

Ft. Smith, AR 72901
CITY, STATE, ZIP

Bill Hawn
CONTACT PERSON

479-788-2265
TELEPHONE

Continuing
DATE COMPLETED

bhawn@fsark.com
E-MAIL ADDRESS

2. City of Rogers
COMPANY NAME

Rogers, AR 727
CITY, STATE, ZIP

Joyce Johnson
CONTACT PERSON

479-936-5408
TELEPHONE

Continuing
DATE COMPLETED

joyce.johnson@rwa.org
E-MAIL ADDRESS

4. Conway Corporation
COMPANY NAME

Conway, AR 72033
CITY, STATE, ZIP

Edie Turner
CONTACT PERSON

501-450-6048
TELEPHONE

Continuing
DATE COMPLETED

edie.turner@conwaycorp.com
E-MAIL ADDRESS

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 shall 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. Failure to provide services or products bid will subject bidder to disqualification for the remainder of the calendar year. Failure to deliver poor or inadequate services, on a consistent basis or more than three (3) times in a calendar year will subject bidder to disqualification for the remainder of the calendar year.
- 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 will award bids in their entirety.
- i. This agreement shall be effective from one year of the date of signed contract. The City reserves the right to extend the contract by mutual agreement for a period of four (4) additional, one (1) year periods automatically unless either the Contractor or the City notifies the other of its intent to terminate the contract at the end of the contract period.
- j. Bid pricing shall remain firm for five years.

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 (Contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
- c. Legal jurisdiction to resolve any disputes shall be in Washington County, Arkansas with Arkansas law applying to the case.

13. 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:

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.

The City will pay the awarded bidder based on unit prices provided on invoicing. Progress payments will be made after approval and acceptance of work and submission of invoice. Payments will be made within 30 days of accepted invoice.

18. CANCELLATION:

- a. The City reserves the right to cancel this contract without cause by giving thirty (30) days prior notice to the Contractor in writing of the intention to cancel or with cause if at any time the Contractor fails to fulfill or abide by any of the terms or conditions specified.
- b. Failure of the contractor to comply with any of the provisions of the contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.
- c. In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source, any items and/or services which have not been delivered within the period of time from the date of order as determined by the City of Fayetteville.

- d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the 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 Contractor shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a bidder intends to subcontract a portion of this work, the bidder shall disclose such intent in the bid submitted as a result of this bid.
- b. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the City within thirty (30) calendar days of Contractor's notice of such action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a 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 Contractor 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 Contractor(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. CERTIFICATE OF INSURANCE:

The successful bidder shall provide a Certificate of Insurance in accordance with specifications listed in this request for proposal, prior to commencement of any work. Such certificate shall list the City of Fayetteville as an additional insured. Insurance shall remain valid during each contract term and shall be provided at each renewal period.

For single projects exceeding \$20,000 contractor shall submit certificates of insurance within 10 days of notice of notice to proceed, after City Council approval. Certificates of insurance are to be addressed to the City of Fayetteville, showing that the contractor carries the following insurance which shall be maintained throughout the term of the bid. Any work sublet, the contractor shall require the subcontractor similarly to provide the same insurance coverage. In case any employee engaged in work on the project is not protected under Workers' Compensation, the Contractor shall provide, and shall cause each subcontractor to provide, adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workers' Compensation:	Statutory Amount
Comprehensive General & Automotive Liability:	\$1,00,000 for each accident
Bodily Injury Liability:	\$500,000 for each accident
Property Damage Liability:	\$500,000 aggregate.

26. PRICING:

- a. Prices shall include all labor, supervision, materials, equipment, transportation, and services necessary to do a superior quality job.
- b. Bidder shall state any discounts to apply. Discounts shall be shown for individual items unless all items have the same percentage of discounts.
- c. Any projects in excess of \$20,000 will require additional approval from the Fayetteville City Council prior to authorization of work. Projects exceeding \$20,000 will require a 100% performance and payment bond after Council approval at no additional cost to the City.

- i. The City shall reimburse the actual cost of the 100% performance and payment bond for projects over \$20,000 to the awarded contractor. Reimbursement cost shall be equal to actual cost of bonds paid by the contractor
- d. Any projects in excess of \$75,000 shall be subject to prevailing wage rates as determined by the Arkansas Department of Labor. Additional hourly fees shall not be charged to the City for projects requiring prevailing wage rates.

27. 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. Prices shall include all labor, materials, overhead, profit, insurance, shipping, freight, etc., to cover the products and services presented. *Sales tax shall not to be included in the bid price; however, applicable Arkansas sales tax laws will apply when necessary but will not be considered in award of this project.*
- b. 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.
- c. 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.
- d. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
- e. 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.
- f. 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.
- g. 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.
- h. 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.

- i. 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.
 - j. 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.
 - k. 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. 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.
28. **INVOICING:** All invoices shall be presented to the City with the minimum information listed below.
- a. City Department that ordered the materials or services
 - b. Delivery date or the date of services
 - c. Name of the City Employee that requested service
 - d. Bid Number that applies to the purchase and invoices. Amounts in the bid shall match invoicing.
29. Invoicing shall be itemized based upon line item pricing provided with bid.
30. **ATTACHMENTS TO BID DOCUMENTS:** See included detailed specifications.

City of Fayetteville
Bid 17-28, Mailing Services
Detailed Specifications

Bidders shall bid and provide pricing on all line items of all sections in the bid form. Failure to bid on all line items shall result in rejection of bid. The City intends to award this bid to the lowest responsive responsible bidder.

1. SERVICE REQUIREMENTS:

- a. Mail shall have a Fayetteville, Arkansas postmark.
- b. Incoming mail shall be picked up from United States Postal Service and delivered no later than 9:00 am daily.
- c. Mail, UPS, and FedEx items shall be picked up at least twice daily with the last pick up no earlier than 3:30 PM, Monday through Friday.
- d. Mail marked "Same Day" shall be metered, sorted, and mailed on the same day collected.
- e. Mail marked "Next Day" shall be metered, sorted and mailed on the first business day after collection.
- f. Utility bills shall be processed and mailed no later than the following business day after pick up.
- g. When utility bills or past due notices are not available for pick up due to equipment problems but are available to be picked up by 10:00 a.m. the following day, they shall be collected and processed for mailing on the same day collected.
- h. Monthly reports shall be provided detailing total number of pieces, as categorized on the bid form and show processing counts on a daily basis. Sample reporting should be submitted with bid.
- i. Provide daily pickup for all mail packages or UPS packages without additional charge, unless a special trip is made to pick up the package.

2. REQUIRED BIDDER QUALIFICATIONS:

- a. All bidders shall be legally qualified in all respects to do business in the State of Arkansas for the services requested in this bid.
- b. Bidder shall prepare an Equipment Schedule. The bidder shall have equipment available and adequate experience which, in the opinion of the City, is adequate to complete the work under these specifications in the time allowed for completion.
- c. It shall be understood that the rates presented by the Bidder shall be for the furnishing of all materials, labor, etc. as required.
- d. Bidder shall include mileage and travel time as part of this agreement. The City will not assume mileage or travel time costs.
- e. Bidder shall include a log of the previous month's volume by quantity and type.
- f. Bidder shall have and maintain all licensing necessary from federal, state, and local agencies.

3. ITEM DESCRIPTIONS AND REQUIREMENTS:

- a. All pricing shall reflect one total all-inclusive cost, including postage, sorting fees, etc. Prices shall not include printing costs unless stated. Pick up fees, if applicable, shall be provided in with the "Courier fee – per day" item of the bid form.
- b. In the event of a postage cost increase, the price per item will only be allowed to reflect the actual postage increase cost.
- c. Detailed item description – Section A, Utility Bills: Services provided in this contract are detailed below. Pricing shall be inclusive of all costs (including postage) unless otherwise stated.

- i. **Item 1 – Monthly Bill:** Fold statement, insert statement and return envelope, meter, sort, and postage. Statement, mailing envelope, and return envelope will be provided by the City.
 - ii. **Item 2 – Shut Off Notice / Past Due Notices:** Fold statement; insert statement, meter, sort, and postage. Statement and mailing envelope will be provided by the City.
 - iii. **Item 3 – Bank Draft Notices:** Fold statement; insert statement, meter, sort, and postage. Statement and mailing envelope will be provided by the City.
 - iv. **Item 4 – Final Bill Notices:** Fold statement, insert statement and return envelope, meter, sort and postage. Statement, mailing envelope, and return envelope will be provided by the City.
 - v. **Item 5 – Collection Letter:** Fold letter, insert letter, meter, sort, and postage. Letter and mailing envelope will be provided by the City.
- d. **Detailed item description – Section B, Standard Monthly Services:** Services provided in this contract are detailed below. Pricing shall be inclusive of all costs (including postage) unless otherwise stated.
- i. **Item 6 – Employee Retirement & Savings Statements:** Fold up to 4 sheets, insert up to 4 sheets, meter, barcode, and sort. Statement and mailing envelope will be provided by the City.
 - ii. **Item 7 – Arrest Warrants:** Fold warrant, insert warrant, meter, barcode, & sort. Warrant and mailing envelope will be provided by the City.
 - iii. **Item 8 – Parking Management:** Fold statement; insert statement, meter, barcode, & sort. Statement and mailing envelope will be provided by the City.
 - iv. **Item 9 – Sex Offender Mail Outs:** THIS ITEM INCLUDES PRINTING SERVICES. Price includes printing of the mail out (as described below), fold printed items, insert printed items into envelope, and affix first class postage. Price shall be inclusive of all printing, processing, and postage. Mailing envelope will be provided by the City. Volume is expected at 250 per month.
 - 1. Printing services consist of printing the two following items: one (1) 8.5 x 11 black and white mail merge 20lb. letter AND one (1) full color 8.5 x 11 20lb. description notification.
 - v. **Item 10 – Accounts Receivable Statements -** Fold statement; insert statement, meter, sort, and postage. Statement and mailing envelope will be provided by the City.
- e. **Detailed item description – Section C, Daily Mail & Other Services:**
- i. **Item 11 – Zero (0) – two (2) ounce letter:** Meter, barcode, and sort pieces picked up as needed. City provides all materials, no inserting, and no folding.
 - ii. **Item 12 – Inserts ,** Inserts will be provided periodically to be included in the utility bill mail out processing. Some inserts will need to be folded.
 - iii. **Item 13 – Zero (0) – two (2) ounce certified with return receipt letter:** Meter, barcode, sort, and deliver return receipt; picked up as needed. City provides all materials, no inserting, and no folding.

iv. **Item 14 – Courier Fee, price per day:** Price per day for courier services includes the following:

1. Each trip, twice daily shall include pick up of mail from the US Post Office located on Dickson St. and delivery of that mail to City Hall. Also shall include mail picked up from the City to be processed as specified depending on the item type.
2. Services shall be ran a MINIMUM of two (2) times per day with the last pick up no earlier than 3:30 PM, local time. First pick up & delivery should be before 9:00 AM but no later than 10:00 AM.
3. This courier services excludes weekends and designated City holidays.
4. Courier services shall not be charged on days the City is closed due to inclement weather.
5. Pick up shall include all mail, UPS, and FedEx.
6. See other requirements listed above and under "Service Requirements".

This contract executed this ____ day of _____, 2017, between the City of Fayetteville, Arkansas, and _____. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. _____ at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 17-28 as stated in _____ bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 17-28, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay _____ based on their bid proposal in an amount not to exceed \$_____. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and _____ consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 17-28 with the specifications and conditions typed thereon.
 - B. _____ bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville _____ and may be modified only by a duly executed written instrument signed by the City of Fayetteville and _____.
5. _____ shall not assign its duties under the terms of this agreement.
6. _____ agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from _____ performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. _____ shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, _____ shall provide and shall cause

each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected. The premiums for all insurance and the bond required herein shall be paid by _____.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

Bodily Injury Liability

\$500,000 for each person injured.

\$1,000,000 for each accident.

Property Damage Liability

\$1,000,000 aggregate.

8. _____ shall furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or _____ with 30 calendar days written notice.
10. This contract shall be effective from one year of the date of signed contract. The City reserves the right to automatically renew the contract for four (4) additional one (1) year terms. Renewals shall be automatic unless either _____ or the City notifies the other of its intent to terminate the contract at the end of the contract period.
 - a. Projects exceeding \$20,000 will require additional approval from the Fayetteville City Council.
11. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo coping costs pursuant to the FOIA may be assessed for this compliance.
12. Changes in scope or price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the Fayetteville City Council in advance of the change in scope, cost or fees.
13. Jurisdiction: Legal jurisdiction to resolve any disputes shall be Washington County, Arkansas with Arkansas law applying to the case.
14. Arbitration/Mediation: The City will not agree to be forced to mediate or arbitrate any dispute.
15. Interest charges for late payments by the City: The City of Fayetteville does NOT agree to any interest or penalty for "untimely" payments. The City will pay all invoices within 30 calendar days of accepted invoice.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2017.

CONTRACTOR NAME

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Signature

By: _____
LIONELD JORDAN, Mayor

Printed Contractor Name & Title

ATTEST (*Signature*)

ATTEST: (*Signature*)

Company Secretary (*Printed Name*)

Sondra E. Smith, City Clerk, Treasurer

Business Address

City, State & Zip Code

Date Signed: _____

Date Signed: _____



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0223

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

BID #17-31 FOUNDATION SPECIALTIES, INC.:

A RESOLUTION TO AWARD BID #17-31 AND AUTHORIZE A CONTRACT WITH FOUNDATION SPECIALTIES, INC. IN THE AMOUNT OF \$34,918.00 FOR THE INSTALLATION OF MICROPILE FOUNDATIONS FOR THE CATO SPRINGS TRAIL BRIDGE NO. 3, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,491.80

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 #17-31 and authorizes Mayor Jordan to sign a contract with Foundation Specialties, Inc. in the amount of \$34,918.00 for the installation of micropile foundations for the Cato Springs Trail Bridge No. 3, and further approves a project contingency in the amount of \$3,491.80.

City of Fayetteville Staff Review Form

2017-0223

Legistar File ID

May 16th, 2017

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

Matt Mihalevich

4/25/2017

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Award of Bid 17-31 and authorization of a contract with Foundation Specialties, Inc. in the amount of \$34,918 for the installation of micropile foundations for the Cato Springs Trail Bridge No. 3 and approval of a 10% contingency in the amount of \$3,491.80.

Budget Impact:

4470.800.8830-5814.05

Sales Tax Cap Imp

Account Number

Fund

02016.1405

Cato Springs Trail

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 3,169,570.00

Funds Obligated \$ 3,002,186.37

Current Balance \$ 167,383.63

Does item have a cost? Yes

Item Cost \$ 34,918.00

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 132,465.63

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 16, 2017

TO: Mayor and City Council

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

FROM: Matt Mihalevich, Trails Coordinator

DATE: April 25th, 2017

SUBJECT: 2017-0233 Cato Springs Trail – Micropiles

RECOMMENDATION:

Award of Bid 17-31 and authorization of a contract with Foundation Specialties, Inc. in the amount of \$34,918 for the installation of micropile foundations for the Cato Springs Trail Bridge No. 3 and approval of a 10% contingency in the amount of \$3,491.80.

BACKGROUND:

The 2.9 mile Cato Springs Trail will extend the Razorback Regional Greenway to the Kessler Mountain Regional Park and provide an active transportation route for all the residents of Northwest Arkansas to visit and enjoy the cultural and recreation amenities and beautiful natural areas in Fayetteville. Due to the large scale of the trail, the project has been divided into 2.3 miles being constructed by the City in-house trail construction crew and 0.6 miles to be built by Boulder Construction who was the low bidder of bid 16-53 and approved by resolution 183-16.

The 2.3-mile in-house section includes a 130-foot long bridge which has been designed with a micropile foundation system. The micropiles will be drilled into the solid rock below to support the bridge abutments. The installation of micropiles requires special equipment so the City has solicited formal bids through bid 17-31.

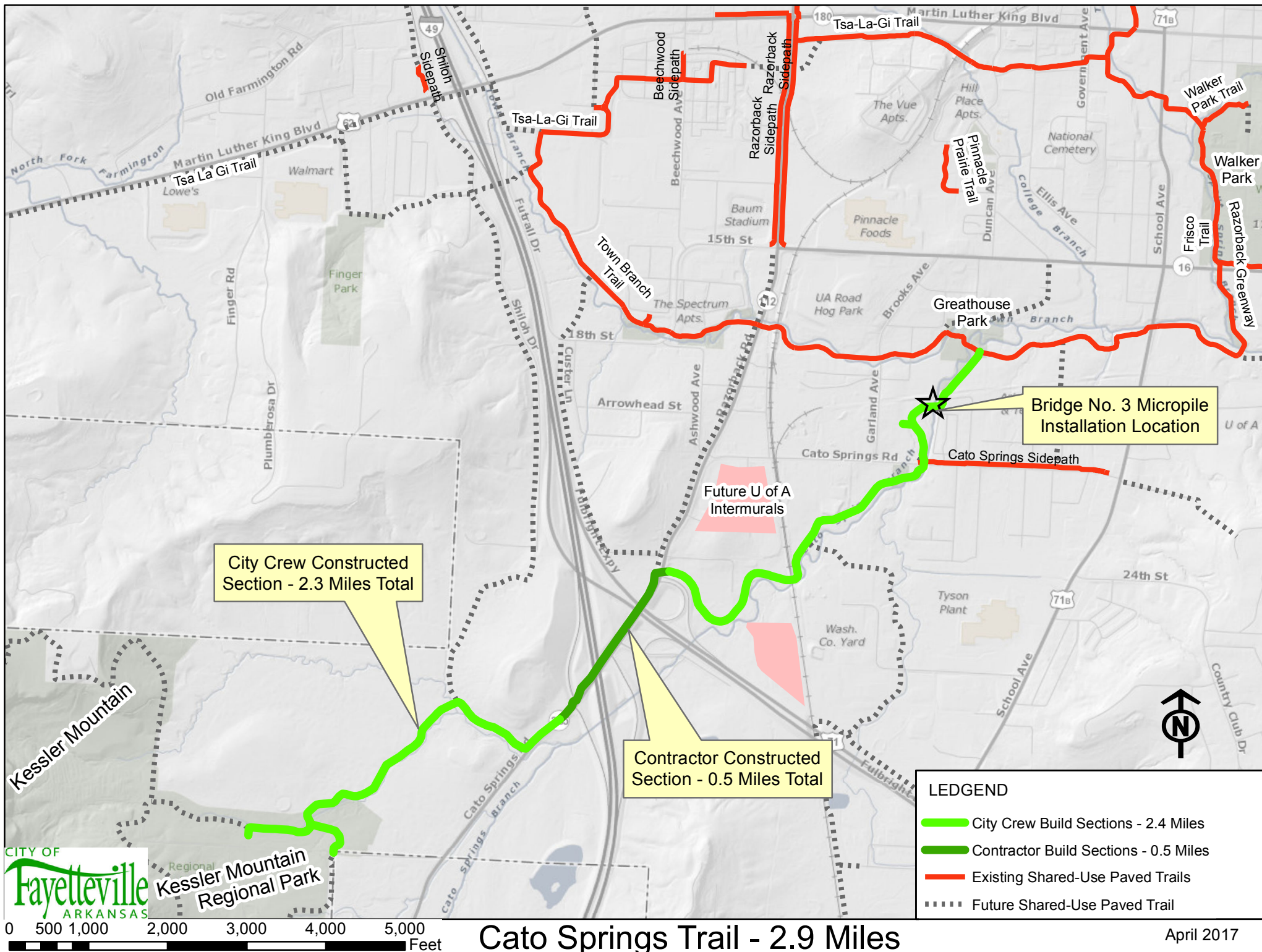
DISCUSSION:

Foundation Specialties, Inc. was the only bidder who responded to the request for formal bids on April 19th 2017. The City has had a successful working relationship with Foundation Specialties, Inc. as they have installed many of the micropile bridge foundations along the trail system.

BUDGET/STAFF IMPACT:

The City was awarded a matching grant of \$2,000,000 for the Cato Springs Trail from the Walton Family Foundation recognized through Resolution 73-16. Funding for the micropiles has been budgeted through the Cato Springs Trail Project.

Attachments: Cato Springs Trail Map
Bid 17-31 Bid Submittal and Tabulation
Contract – Foundation Specialties Inc.





Bid: 17-31
DATE: 4.19.2017
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 17-31, Construction - Micropiles

Official Bid Tabulation

Bidder	Total Lump Sum Bid
Foundation Specialties, Inc.	\$34,918.00

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

CERTIFIED:

A handwritten signature in cursive script, appearing to read "A. Rennie".

A. Rennie, Purchasing Manager

A handwritten signature in cursive script, appearing to be a stylized "W".

Witness

4/21/17

Date:

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

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

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

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

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

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

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

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

K.) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over City.

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

M.) No Bid shall be based upon aggregate of Subcontractors performing more than 60 percent of the total Work.

N.) The experience, past performance, and ability of each proposed Subcontractor will be considered in the evaluation of Bids. Any Subcontractor so requested shall be required to furnish experience statements prior to the Notice of Awards.

O.) 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.

1. Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
2. 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.

Section 4 – Price:

Total Lump Sum Bid in the amount of \$ **34,918.00, Thirty Four Thousand Nine Hundred Eighteen Dollars**

Section 5 – Listing of Subcontractors:

I, the signed General Contractor, certify that proposals from the following subcontractors were used in the preparation of my proposal. I agree that if I am the successful bidder, and if the following subcontractors are approved by the City, I will not enter into contracts with others for these divisions of the Work without written approval from the City.

Type of Work: **No Subcontractors**

Subcontractor's Name: _____

Arkansas License No: _____

Address: _____

Date Firm Established: _____

Percentage of Work: _____

Type of Work: **No Subcontractors**

Subcontractor's Name: _____

Arkansas License No: _____

Address: _____

Date Firm Established: _____

Percentage of Work: _____

Type of Work: **No Subcontractors**

Subcontractor's Name: _____

Arkansas License No: _____

City of Fayetteville, AR

Bid 17-31, Construction – Micropiles

Page 24 of 44

Address: _____

Date Firm Established: _____

Percentage of Work: _____

Section 6 – Contract Times:

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

B.) Bidder accepts the provisions of the Agreement referring to liquidated damages in the event of failure to complete the Work with the times specified in the Agreement.

Section 7 – Communications:

A.) Communications concerning this Bid shall be addressed to the Bidder as follows:

Foundation Specialties, Inc.

PO Box 505

Lowell, AR 72745-0505

Phone No. **479-756-2930**

FAX No. **479-756-2931**

A.) This bid is being submitted in good faith, according to the entire bid package presented:

SUBMITTED on this **19th** Date of **April**, 20 **17**.

Arkansas State Contractor License No. **0039030318**

DUNS #: **062154208** CAGE CODE: **57HE2**

If Bidder is:

OPTION 1: An Individual

Name (type or printed): _____

By: _____ (SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

OPTION 2: A Partnership

Partnership Name: _____ (SEAL)

By: _____

(Signature of general partner – attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

Phone No.: _____ FAX No.: _____

OPTION 3: A Corporation or LLC

Corporation Name: Foundation Specialties, Inc. (SEAL)

Date of Incorporation: September 15, 1989

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

By: _____

(Signature – attach evidence of authority to sign)

Name (type or printed): Paul Gintonio

Title: President


R. GLEN CARTE SECRETARY-TREASURER

(CORPORATE SEAL)

Business address: 881 Hatcher Rd., Bethel Heights, AR 72764-8465

Phone No.: 479-756-2930 FAX No.: 479-756-2931

City of Fayetteville
Bid 17-31, Construction – Micropiles
Vendor References

The following information is required from all Bidders so all bids may be reviewed and properly evaluated.

COMPANY NAME: Foundation Specialties, Inc.

BUSINESS ADDRESS: 881 Hatcher Rd, Bethel Heights, AR 72764-8465

NUMBER OF YEARS IN BUSINESS: 28 HOW LONG IN PRESENT LOCATION: 28 years in NWA

TOTAL NUMBER OF CURRENT EMPLOYEES: 21 FULL TIME 0 PART TIME

NUMBER OF EMPLOYEES YOU PLAN TO USE TO SERVICE THIS CONTRACT: 4 FULL TIME 0 PART TIME

PLEASE LIST FOUR (4) LOCAL COMMERCIAL AND/OR GOVERNMENTAL REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed). Contractors shall have valid experience.

1. City of Fayetteville - Trails Coordinator

COMPANY NAME

Fayetteville, AR 72702

CITY, STATE, ZIP

Matthew Mihalevich

CONTACT PERSON

479-444-3416

TELEPHONE

02-13-2015

DATE COMPLETED

mmihalevich@fayetteville.ar.gov

E-MAIL ADDRESS

3. Crossland Heavy Contractors

COMPANY NAME

Rogers, AR 72758

CITY, STATE, ZIP

Dan Thompson

CONTACT PERSON

479-366-1637

TELEPHONE

06-23-2016

DATE COMPLETED

dthompson@heavycontractors.com

E-MAIL ADDRESS

2. Boulder Construction

COMPANY NAME

Fayetteville, AR 72701

CITY, STATE, ZIP

Ron Troutman

CONTACT PERSON

479-521-8881

TELEPHONE

10-22-2013

DATE COMPLETED

ron@boulderconst.com

E-MAIL ADDRESS

4. Arco Excavation & Paving

COMPANY NAME

Bentonville, AR 72712

CITY, STATE, ZIP

Matt Cravey

CONTACT PERSON

479-451-8000

TELEPHONE

05-22-2014

DATE COMPLETED

matt@arocexc.com

E-MAIL ADDRESS

This contract executed this ____ day of _____, 2017, between the City of Fayetteville, Arkansas, and Foundation Specialties, Inc. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Foundation Specialties, Inc. at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 17-31 as stated in Foundation Specialties, Inc. bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 17-31, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay Foundation Specialties, Inc. based on their bid proposal in an amount not to exceed \$34,918.00 for the initial scope of work. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after acceptance of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and Foundation Specialties, Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 17-31 with the specifications and conditions typed thereon.
 - B. Foundation Specialties, Inc. bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and Foundation Specialties, Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Foundation Specialties, Inc..
5. Foundation Specialties, Inc. shall not assign its duties under the terms of this agreement.
6. Foundation Specialties, Inc. agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from Foundation Specialties, Inc. performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. Foundation Specialties, Inc. shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, Foundation Specialties, Inc. shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

Bodily Injury Liability	\$500,000 for each person injured. \$1,000,000 for each accident.
Property Damage Liability	\$1,000,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by Foundation Specialties, Inc.

8. Foundation Specialties, Inc. to furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or Foundation Specialties, Inc. with 30 days written notice.
10. This project shall be completed within **30 calendar days** from issue date of Notice to Proceed.
11. Liquidated Damages: N/A
12. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo copying costs pursuant to the FOIA may be assessed for this compliance.
13. Changes in Scope or Price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2017.

Foundation Specialties, Inc.

CITY OF FAYETTEVILLE, ARKANSAS

By: 

Signature

By: _____

LIONELD JORDAN, Mayor

Paul Gintonio its President

Printed Contractor Name & Title



ATTEST (Signature)

ATTEST: (Signature)

R. Glen Carte

Company Secretary (Printed Name)

Sondra Smith, City Clerk

Business Address

Bethel Heights, AR 72764-8465

City, State & Zip Code

Date Signed: April 20, 2017

Date Signed: _____



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0243

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

RFP #17-11 CHALLENGER TEAMWEAR:

A RESOLUTION TO AWARD RFP #17-11 AND AUTHORIZE A CONTRACT WITH CHALLENGER TEAMWEAR FOR THE PURCHASE OF YOUTH SOCCER UNIFORMS IN THE AMOUNT OF \$14.96 PLUS APPLICABLE TAXES PER UNIFORM FOR THE FALL 217 AND SPRING 2018 SEASONS, WITH AN AUTOMATIC RENEWAL AT THE SAME PRICE FOR THE FALL 2018 AND SPRING 2019 SEASONS

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 RFP #17-11 and authorizes a contract with Challenger Teamwear for the purchase of youth soccer uniforms in the amount of \$14.96 plus applicable taxes per uniform for the Fall 2017 and Spring 2018 seasons, with an automatic renewal at the same price for the Fall 2018 and Spring 2019 seasons.

City of Fayetteville Staff Review Form

2017-0243

Legistar File ID

5/16/2017

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

John Crow

4/28/2017

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Parks and Recreation Staff recommends City Council award RFP 17-11 to Challenger Teamwear for approximately \$26,000 for the purchase of soccer uniforms for the Fall 2017 and Spring 2018 seasons at a cost of \$14.96 per uniform. The price includes a pair of socks, shorts, and jersey with a two digit number and the screen printed team logo/sponsor. The resolution includes an automatic renewal for the Fall 2018 and Spring 2019 seasons.

Budget Impact:

1010.5220.5200.05

Tournament Supplies/Awards

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 72,861.00

Funds Obligated \$ 9,898.06

Current Balance \$ 62,962.94

Does item have a cost? Yes

Item Cost \$ 26,000.00

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ 36,962.94

V20140710

Previous Ordinance or Resolution # 109-15

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 16, 2017

TO: Mayor and City Council

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

FROM: John Crow, Recreation Superintendent

DATE: April 28, 2017

SUBJECT: Resolution to approve the purchase of youth soccer uniforms from Challenger Teamwear for the approximate amount of \$26,000 for the Fall 2017 and Spring 2018 seasons.

RECOMMENDATION:

Parks and Recreation Staff recommend City Council award RFP 17-11 to Challenger Teamwear for approximately \$26,000 for the purchase of soccer uniforms for the Fall 2017 and Spring 2018 seasons. Amount of purchase will depend on the number of registered participants in the soccer program. The resolution includes an automatic renewal for the Fall 2018 and Spring 2019 seasons.

BACKGROUND:

Fayetteville Parks and Recreation operates one of the largest recreational soccer programs in the state with over 1,600 participants. It is important to get a quality uniform at a reasonable price with a turnaround time that is compatible with the program's timeline.

DISCUSSION:

Fayetteville Parks and Recreation currently charges between \$60 and \$75 to participate in the soccer program. The fees cover the various expenses associated with running the program, including ref fees, insurance, equipment and uniforms. Parks and Recreation budgets between \$15 and \$20 per child for uniforms. This includes a pair of shorts, socks, and a jersey with the numbers and logos screen printed.

An RFP was advertised, soliciting prices and samples from companies wanting to provide uniforms for the soccer program. The Selection Committee unanimously chose Challenger Teamwear.

Two companies submitted a proposal to provide uniforms. Challenger Teamwear submitted a price of \$14.95 while Score Sports submitted \$15.85 per set. The committee chose Challenger based on the quality of the uniforms, lower price, and quicker turnaround times for initial and secondary orders. They met all the qualifications as specified in the RFP. Challenger has historically provided good service to Fayetteville Parks and Recreation in previous years.

BUDGET/STAFF IMPACT:

The 2017 Operations Budget includes \$26,240 for the purchase of soccer uniforms. The purchase amount will be approximately \$26,000 and will depend on the number of participants who register for the program. The resolution includes an automatic renewal for the Fall 2018 and Spring 2019 seasons.

Attachments:

Challenger RFP Submittal
Submittal Analysis



City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8220
TDD (Telecommunication Device for the Deaf): 479.521.1316

RFP (REQUEST FOR PROPOSAL)

REQUEST FOR PROPOSAL: RFP 17-11, Soccer Uniforms

DEADLINE: Thursday, April 06, 2017 before 2:00:00 PM, local time

RFP DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701

PURCHASING AGENT: Les McGaugh, lmcgaugh@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: Friday March 17, 2017

REQUEST FOR PROPOSAL RFP 17-11, Soccer Uniforms

No late proposals shall be accepted. RFP's shall be submitted in sealed envelopes labeled with the project number and name as well as the name and address of the firm.

All proposals shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each Proposer is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection. Any bid, proposal, or statements of qualification will be rejected that violates or conflicts with state, local, or federal laws, ordinances, or policies.

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 submitting, 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 Agent.

Name of Firm: Challenger Teamwear

Contact Person: Greg Knight Title: Central USA Sales Director

E-Mail: gknight@challengerbeamwear.com Phone: 866 243 5862

Business Address: 8263 Flint

City: Lenexa State: KS Zip: 66214

Signature: Greg Knight Date: 3/31/17



March 31, 2017

Dear City of Fayetteville,

Listed below are a few uniform options available to you from Challenger Teamwear. I have given you prices on a number of uniform styles. The price includes jersey, number, shorts & socks.

Uniform Set

Apache Set	\$14.95 Youth	\$14.95 Adult	Page 20	Sizes – YXXS-AXXL – 16 colors
Ranger Set	\$14.95 Youth	\$14.95 Adult	Page 19	Sizes – YXS-AXL – 16 colors
Tomahawk Set	\$14.95 Youth	\$14.95 Adult	Page 14	Sizes – YXS-AXXL – 21 colors
Mayan Set	\$14.95 Youth	\$14.95 Adult	Page 13	Sizes – YXXS-AXL – 16 colors
Seminole Set	\$14.95 Youth	\$14.95 Adult	Page 11	Sizes – YXS-AXXL – 18 colors

*Uniform Set includes – Jersey, One-Color number, Patriot or Dakota Short, Premiere sock.

Upgrade Short

Frisco FREE UPGRADE

Additional Information

- Numbers - Uniform Set includes 8 inch number on back of jersey.
- Dakota Short – available in 11 colors
- Premiere Sock – available in 15 colors
- Shipping – all uniforms will be shipped UPS. We are 2 day ground UPS from you – we ship from Kansas.
- Turnaround time Main order – 14-15 days from date of order. Can be less - We can work with you if dates are provided.
- Turnaround time on additional orders – 6 business days with ground shipping.

Qualifications

- Experience – Challenger has over 15 years of experience of providing Soccer uniforms direct to City soccer leagues.
- Challenger provides uniforms to over 1000 soccer leagues in the United States.
- Challenger provides uniforms to soccer leagues with 100-4000 soccer players.
- All Challenger uniforms are housed, separated, printed, packed and shipped from one central location.
- All uniforms will be separated and labeled by team for easy distribution.

Experience, Competence, and Capacity

- Jersey Quality – Each of our fabrics are knit with quality yarns and finished to have a rich soft feel for maximum comfort, ultimate moisture-wicking and breathability. Our jerseys are known for their bright colors – we use the most expensive reactive dyes to retain their bright color and prevent bleeding or fading. Each seam is double-stitched with extra strong threads which prevent seam splitting. A soft heavy-weight trim is used for the neckbands on Challenger Teamwear's jerseys to retain the jerseys shape.
- Short Quality – we pre-shrink the elastic band before sewing into our shorts. Polyester fabric does not shrink. If the elastic band has not been pre-shrunk before being sewn into a waist band, the fabric will bunch with the first wash. A heavy duty, more expensive polyester drawstring is used in all our shorts, again to prevent shrinkage and bunching.
- Sock Quality – The 'Premiere' sock is made of elasticized acrylic-nylon fabric and nylon true rib legs, with turndown cuffs to hold full-length shin-guards in place. This sock also has a cushioned insole.

Past Performance

- See Reference sheet

League Gifts

Challenger would also like to offer the league Gifts:

- **Challenger - N.S.C.A.A 'Parent Coach' coaching Certificate course** - \$35.00 Value – FREE to your club. Challenger has partnered with the largest coaching organization in the U.S.A. the N.S.C.A.A. and will come and put on a complementary coaching course for your Recreational parent coaches for FREE.
- **The Challenger Way** - Access to our new on-line training tool – with a comprehensive collection of coaching drills, Team practices, small sided games and much more to support all your youth coaches – Check out the FREE demo at www.thechallengerway.com . Retail price \$79.00 – your price \$5.95 per coach!
- **League Store** – Challenger can create a league store for parents to purchase club customized items. This can be used as a fundraiser for the league and also an avenue for parents to show their club support.

In addition to the great prices, quality uniforms and gifts I want to list additional advantages of working with Challenger:

- Location – our uniforms are housed, printed, packed and shipped from Kansas – we are only a **2 day ship to you. Shorter shipping time.**
- Additional orders – if you can order by noon any day we can have the uniforms to in 6 business days with logo and numbers – with ground shipping!
- Team Packed – all uniforms can be team packed and labeled ready for distribution
- Sizing samples – Complementary sizing samples for registration.
- Comfort – all our uniforms are tag – less and with stitching hidden in neck line for additional comfort.

- On line ordering – we keep you in the loop all along the ordering process – with e-mail confirmation of the order, e-mail tracking of the order and you can order 24 hours a day!
- Access to Challenger Sports resources – British Soccer Camps, Tetra Brazil Camps, Year round coaching, Tours, Tournaments.

I look forward to speaking with you to discuss our proposal but should you have any immediate questions please do not hesitate to contact me at: Tel: 866-243-5862 or email: gknight@challengersports.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Knight', written in a cursive style.

Greg Knight
Regional Director
Challenger Teamwear

City of Fayetteville
RFP 17-11, Soccer Uniforms
SECTION C: Vendor References

The following information is required from all firms so all statements of qualification may be reviewed and properly evaluated:

COMPANY NAME: Challenger Teamwear

NUMBER OF YEARS IN BUSINESS: 15 HOW LONG IN PRESENT LOCATION: 10

TOTAL NUMBER OF CURRENT EMPLOYEES: 75 FULL TIME 95 PART TIME

NUMBER OF EMPLOYEES PLANNED FOR THIS CONTRACT: 3 FULL TIME 4 PART TIME

PLEASE LIST FOUR (4) REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed):

1. City of Tallahassee

COMPANY NAME

Tallahassee FL 32301

CITY, STATE, ZIP

Lucas Williams

CONTACT PERSON

850 891 3825

TELEPHONE

850 891 3850

FAX NUMBER

lucas.williams@talgov.com

E-MAIL ADDRESS

2. City of Batesville

COMPANY NAME

Batesville AR 72501

CITY, STATE, ZIP

Lowen Lermite

CONTACT PERSON

870 698 2427

TELEPHONE

870 698 2527

FAX NUMBER

YouthSports@cityofbatesville.com

E-MAIL ADDRESS

3. City of Apopka

COMPANY NAME

Apopka FL 32703

CITY, STATE, ZIP

Darko Bocevski

CONTACT PERSON

407 703 1784

TELEPHONE

407 703 1783

FAX NUMBER

darkobocevski@apopka.net

E-MAIL ADDRESS

4. Oxford Park Commission

COMPANY NAME

Oxford MS 38635

CITY, STATE, ZIP

Jared Barkley

CONTACT PERSON

662 232 2378

TELEPHONE

662 232 2380

FAX NUMBER

Jared@oxfordparkcommission.com

E-MAIL ADDRESS

1. DISCLOSURE INFORMATION

Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Proposer response must 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, to your knowledge, 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. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

✓ 1) NO KNOWN RELATIONSHIP EXISTS

_____ 2) RELATIONSHIP EXISTS (Please explain): _____

I certify that; as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and my organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

2. PRIMARY CONTACT INFORMATION

At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.**

Corporate Name of Firm: Challenger Teamwear

Primary Contact: Greg Knight Title of Primary Contact: Central USA Sales Director

Phone#1 (cell preferred): 813 346 7340 Phone#2: 866 243 5862

E-Mail Address: gknight @ challenger teamwear. com

3. ACKNOWLEDGEMENT OF ADDENDA

Acknowledge receipt of addenda for this invitation to bid, request for proposal, or request for qualification by signing and dating below. All addendums are hereby made a part of the bid or RFP documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED
RFP 17-11, #1	<i>Greg Knight</i> Greg Knight	3/24/17.

4. PRICING:

PROPOSALS SHALL NOT BE FAXED & SHALL BE SIGNED AND SEALED WHEN SUBMITTED

1.) Price Per Uniform (includes shirt, shorts, socks, & screen print): \$ 14.95 (NOT INCLUDING TAX)

Note: An estimate of 1,700 per fall/spring combined season for a total of approximately 3,400 uniforms if the City renews the purchase for the second term.

2.) Processing time from City order to shipment of items: 8-15 Calendar Days for each order

3.) **Do you want samples returned? YES (NO) (circle one)

**If yes, City will send via FedEx and charge Proposer's FedEx number: _____

4.) Price will increase 0 % per uniform for term 2 of this purchase (Fall 2018, Spring 2019)

5.) List the location of manufacturing for the uniform: Vietnam and USA

6.) List the fiber content and place of origin: 100 % Polyester, Vietnam and USA

7.) List any environmental, labor, or safety violations filed against your company: N/A

8.) Describe environmental best management practices: Please see next page.

Environmental Best Management Practices

Our company is an American company started by Ron Matsch who was raised in Rogers, Arkansas and graduated from Arkansas State University. His first job was working for Spaulding Racquetball Clubs nationwide. There, he noticed that, that while there were many options for physical activity for adults, at that time, there was no activity base for youth. So he created a national franchise called Discovery Zone, where children and their parents could get fun activity together. Once this was started, he began Challenger Sports, a soccer based company. He realized that soccer was a sport that all shapes and sizes could participate in and have fun while getting the much needed exercise they needed. In other words, physical fitness for youth has been Ron's top priority. This has led to the basic philosophy of the our company, 'to put smiles on kids faces'.

Challenger Sports and all of its divisions, including Challenger Teamwear is now the largest soccer company in the United States. It includes an in-house print and art department for the production and implementation of logos, sponsors, and numbers. This department also meets OSHA standards. Safety is priority, and in the 15 years of operation, no one has been hurt. It employs men and women equally at all skill levels as well as the disabled. We also employ work study students from the surrounding colleges to help them with job training. It is management's policy to help those who may not have had the best opportunities, to learn skills through on-the-job- training to get ahead within the company. Occasionally this has led to losing good employees as they progress in their careers based on what they have learned within the company. But this also allows for opportunities for others.

We use 100% nontoxic dyestuffs. They are 30% more costly than those made in by other companies but well worth the difference in cost since they offer no danger to children touching the surface of the garment and then putting their hand in their mouth.

All of our screen print ink is made in USA and is nontoxic.

Our polyester is made in high tech modern fabric mills using the latest in pollution control and safety standards. Under law, there is no child labor. The National government requires a high school diploma before a person can apply for a job.

Our cardboard uses projects that systematically replant trees to insure no permanent damage to the ecology.

Our factories are clean, modern, safe and high tech applying the latest equipment to insure that state of the art equipment and methods are used to produce quality merchandise.

5. DEBARMENT CERTIFICATION:

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

Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

Signature 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.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME OF COMPANY: Challenger Teamwear

PHYSICAL ADDRESS: Challenger Teamwear

MAILING ADDRESS: 8263 Flint, Lenexa KS 66214

PRINTED NAME: Greg Knight

PHONE: 813 346 7340 FAX: 913 599 2928

E-MAIL: gknight@challengerteamwear.com

SIGNATURE: 

TITLE: Central USA Sales Director DATE: 3/31/17



City of Fayetteville, Arkansas
RFP 17-11, Soccer Uniforms
Submittal Analysis

	American Soccer Co dba Score Sports	Challenger Teamwear
Price per Uniform (includes shirt, shorts, socks, & 2 digit number screen print)	12.10 + 1.00 (Team Name) + 2.75 (Team Logo) = 15.85 for black/white	14.95 (16 Color)
Processing Time	Within 16 business days	8-15 Calendar Days
Price increase for term 2	0%	0%
Fiber content	Polyester/nylon from various sources woven @ SCORE	100% Polyester, Vietnam and USA



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0224

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

CITY OF JOHNSON MEMORANDUM OF UNDERSTANDING:

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FAYETTEVILLE AND THE CITY OF JOHNSON TO TRANSFER CONTROL, OPERATION, OWNERSHIP AND MAINTENANCE OF THE TRAFFIC SIGNAL AT THE JOYCE BOULEVARD AND WILKERSON STREET INTERSECTION IN JOHNSON

WHEREAS, in the 1990's the City of Fayetteville sought a northwestern access to Gregg Street (known as Wilkerson when it enters Johnson) from the Northwest Arkansas Mall area; and

WHEREAS, the City of Johnson cooperated and worked with the City of Fayetteville to provide right-of-way through the City of Johnson from its border with Fayetteville to the intersection with Wilkerson to create this new east-west corridor; and

WHEREAS, the City of Fayetteville installed a traffic signal at this intersection and has operated and maintained it for the last two decades; and

WHEREAS, the City of Johnson desires to obtain ownership and control over this traffic signal within its corporate limits and plans to modify it to create protected pedestrian crossings and if Johnson extends Joyce Avenue toward the west; and

WHEREAS, the City of Fayetteville Transportation Department supports this transfer of ownership and maintenance responsibilities to the City of Johnson; and

WHEREAS, the City of Johnson has agreed to the proposed Memorandum of Understanding which places a duty upon the City of Johnson to "properly operate and maintain this traffic signal...so that it continues to operate efficiently and provide the same basic service as the motoring public has enjoyed for the last couple of decades."

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the attached Memorandum of Understanding with the City of Johnson and authorizes Mayor Jordan to sign this contract which transfers control, operation, ownership and maintenance of the traffic signal at the Joyce Boulevard and Wilkerson Street intersection to the City of Johnson.

City of Fayetteville Staff Review Form

2017-0224

Legistar File ID

5/16/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

4/20/2017

Transportation Services /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FAYETTEVILLE AND THE CITY OF JOHNSON TO TRANSFER CONTROL, OPERATION, OWNERSHIP AND MAINTENANCE OF THE TRAFFIC SIGNAL AT THE JOYCE BOULEVARD AND WILKERSON STREET INTERSECTION IN JOHNSON.

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: Transferring this traffic signal to the City of Johnson would reduce annual utility expense and general maintenance operating costs.



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 16, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Terry Gulley, Transportation Services Director

DATE: April 20, 2017

SUBJECT: Joyce Boulevard & Wilkerson Street Traffic Signal

RECOMMENDATION:

A resolution to approve a memorandum of understanding between the City of Fayetteville and the City of Johnson to transfer control, operation, ownership and maintenance of the traffic signal at the Joyce Boulevard and Wilkerson Street intersection in Johnson.

BACKGROUND:

In the 1990s the City of Johnson cooperated and worked with the City of Fayetteville to provide right-of-way access to Gregg Avenue from the Northwest Arkansas Mall area. The City of Fayetteville installed a traffic signal at the intersection of Joyce Boulevard and Wilkerson Street and has maintained it for the last two decades.

DISCUSSION:

The City of Johnson desires to obtain ownership and control over this traffic signal within its corporate limits and plans to modify it to create protected pedestrian crossings and may replace with a four way signal if Joyce Boulevard is extended to the west.

BUDGET/STAFF IMPACT:

Transferring this traffic signal would reduce annual utility and general maintenance operating costs.

Attachments:

City of Johnson Resolution 2017-03
Memorandum of Understanding

RESOLUTION 2017- 03

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITIES OF JOHNSON AND FAYETTEVILLE, ARKANSAS, CONCERNING THE TRAFFIC SIGNAL AT JOYCE AND WILKERSON

WHEREAS, the Cities of Johnson and Fayetteville previously entered into an interlocal agreement that the traffic signal at the intersection of Joyce Boulevard and Wilkerson Street within the city limits of Johnson would be owned and operated by the City of Fayetteville;

WHEREAS, discussions between the cities over the last several months centered on the City of Johnson assuming responsibility for the traffic signal and adding pedestrian crossing sections to tie in with the nearby trailhead;

WHEREAS, future development in the City of Johnson will necessitate that the traffic signal at that intersection be converted into four-way operation; and,

WHEREAS, the Cities of Fayetteville, Arkansas and Johnson Arkansas have reached a Memorandum of Understanding regarding the transfer of ownership and responsibility for the operation of the traffic signal at that intersection;

BE IT RESOLVED BY THE CITY COUNCIL OF JOHNSON, ARKANSAS, that:

Section 1: The Memorandum of Understanding regarding the transfer of the traffic signal located at the intersection of Joyce Boulevard and Wilkerson Street, as attached to this resolution, is hereby approved by the Council.

Section 2: The Mayor and Recorder-Treasurer are hereby authorized to sign and execute the attached Memorandum of Understanding with the Mayor and Clerk of the City of Fayetteville.

Section 3: Regarding the transfer of the traffic signal at Wilkerson and Joyce, that the Mayor and Recorder-Treasurer are hereby authorized and directed to take such further steps as are necessary to maintain and operate such traffic signal so as to provide the same basic service as the motoring public has enjoyed for the last couple of decades and to provide for safe crossings of Wilkerson Street by pedestrians at that location.

PASSED AND APPROVED this 11th day of April, 2017.

APPROVED:



CHRIS KEENEY, Mayor

ATTEST:



JENNIFER ALLEN, Recorder-Treasurer

MEMORANDUM OF UNDERSTANDING

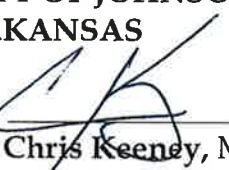
The City of Johnson and the City of Fayetteville hereby enter into this Memorandum of Understanding concerning the control, operation, ownership and maintenance of the traffic signal located at the intersection of Joyce Avenue and Wilkerson Street in Johnson, Arkansas.

The City of Fayetteville agrees to transfer its control, operation, ownership and maintenance of this traffic signal at the intersection of Joyce and Wilkerson to the City of Johnson under the following terms and conditions:

1. The City of Johnson will properly operate and maintain this traffic signal or its authorized replacement so that it continues to operate efficiently and provide the same basic service as the motoring public has enjoyed for the last couple of decades.
2. The City of Johnson may install traffic signal protected crosswalks to encourage and assist pedestrian use of sidewalks and/or trails.
3. The City of Johnson may replace the existing traffic signal with a four way signal of the same quality and capabilities if Joyce is extended to the West.
4. Reasonable vehicular access through this intersection to and from Joyce Avenue toward the East shall be maintained.

In agreement with all the terms, conditions and duties listed above, the Mayors of the City of Johnson and City of Fayetteville have properly signed below.

**CITY OF JOHNSON,
ARKANSAS**

By: 
Chris Keeney, Mayor

ATTEST:

By: 
Jennifer Allen, Recorder

Date: 4/11/17

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: _____
Lioneld Jordan, Mayor

ATTEST:

By: _____
Sondra E. Smith, City Clerk

Date: _____



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0240

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

CISCO SYSTEMS, INC.:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF CISCO SYSTEMS, INC. DATA COMMUNICATIONS PRODUCTS AND SERVICES THROUGH AUTHORIZED RESELLERS, PURSUANT TO A STATE OF ARKANSAS AND WESTERN STATES CONTRACTING ALLIANCE - NATIONAL ASSOCIATION OF PROCUREMENT OFFICIALS CONTRACT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of Cisco Systems, Inc. data communications products and services through authorized resellers, pursuant to a State of Arkansas and Western States Contracting Alliance - National Association of Procurement Officials contract, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2017-0240

Legistar File ID

5/16/2017

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

Keith Macedo

4/26/2017

Information Technology /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Authorization to utilize State contract SP-16-0027 through Western States Contracting Alliance (WSCA) National Association of Procurement Officials (NASPO) ValuePoint Cooperative Contract #AR233, and purchase from authorized resellers of Cisco Systems, Inc. on an as needed basis for data communications products and services through May 31, 2019.

Budget Impact:

Vairous

Various

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached?

Budget Adjustment

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 16, 2017

TO: Mayor Lioneld Jordan and City Council

THRU: Don Marr, Chief of Staff
Keith Macedo, Information Technology Director

FROM: Brad Fulmer, Infrastructure Manager

DATE: April 24, 2017

SUBJECT: **Authorization to utilize State contract SP-16-0027, through agreement #4600036986, for the purchase of data communications products and services.**

RECOMMENDATION:

Authorization to utilize State contract SP-16-0027 through Western States Contracting Alliance (WSCA) National Association of Procurement Officials (NASPO) ValuePoint Cooperative Contract #AR233, and purchase from authorized resellers of Cisco Systems, Inc. on an as needed basis for data communications products and services through May 31, 2019.

BACKGROUND:

Data communications products and services were bid through a reputable national cooperative known as WSCA or NASPO Value Point. The State of Arkansas signed participating contract SP-16-0027, through agreement #4600036986, to acknowledge NASPO ValuePoint #AR233 for data communications products and services which can be utilized by all Arkansas state agencies and cooperative participants including cities, counties, schools (K-12), colleges and universities. The NASPO ValuePoint purchasing cooperative program is led by State Procurement Officers from member States elected by their peers. Every NASPO ValuePoint contract is the result of a formal competitive solicitation conducted by trained, professional procurement officials of a lead state's central procurement office under direction of a lead state's State Procurement Official in accordance with that state's procurement statutes, regulations, and policies.

Contract SP-16-0027 was awarded to multiple vendors and is valid through May 31, 2019. All purchases and invoices resulting from these contracts will be made through an authorized dealer.

DISCUSSION:

Purchasing data communications products and services from the State of Arkansas contract gives the City an opportunity to have competitive pricing which is based off a high-volume discount. If the City were to bid such products and services itself, it would not benefit from the shared purchasing power that the NASPO ValuePoint cooperative contract provides. There is no fee to the City to purchase from the state contract.

BUDGET/STAFF IMPACT:

Data communications products are budgeted within each division and various capital improvement projects and operating budgets across the City.

Attachments:

Staff Review Form

WSCA / NASPO ValuePoint Participating Addendum with State of Arkansas

State of Arkansas Contract SP-16-0027 and Agreement #4600036986

State of Arkansas Cisco Authorized Dealers list

Cisco Cost Schedule JP14001

PARTICIPATING ADDENDUM
NASPO ValuePoint COOPERATIVE PURCHASING ORGANIZATION
Data Communications Products And Services
Administered by the State of Utah
(hereinafter "Lead State")
MASTER AGREEMENT
Master Agreement No: AR233
Cisco Systems, Inc.
(hereinafter "Contractor")
and
State of Arkansas
Contract No: 4600036986

1. Scope:

Cisco Systems, Inc. ("Contractor" or "Cisco") and WSCA-NASPO Cooperative Purchasing Organization have executed Master Agreement No. AR 233 for Data Communications Products and Services 14-20 ("WSCA-NASPO Master Price Agreement" or "Master Agreement"). The Master Agreement is incorporated into this addendum ("Participating Addendum") as if set forth at length. This Participating Addendum covers the Data Communications Products and Services AR233 contract led by the State of Utah for use by Arkansas state agencies and other entities authorized by the Arkansas Department of Finance and Administration Office of State Procurement (Office of State Procurement) to utilize State contracts. The general purpose of this contract is to authorize Cisco Systems Inc. to provide data communications equipment and services in the following categories: Data Center Applications, Networking Software, Network Optimization & Acceleration, Optical Networking, Routers, Security, Storage Networking, Switches, Wireless, and Unified Communications. Capitalized terms not defined in this Participating Addendum shall have the meaning set forth in the Master Agreement. To the extent of a conflict of terms between the Master Agreement and this Participating Addendum, the order of precedence set forth in Section 1 of Attachment A of the Master Agreement shall apply.

2. Participation:

All eligible purchasers within the State of Arkansas are authorized to purchase Products and Services under the terms and conditions of this agreement. State agencies **shall** be those defined by Ark. Code Ann. § 19-11-203(30)(A). Political subdivisions **shall** be those defined by Ark. Code Ann. § 19-11-203(19).

3. Participating State Modifications or Additions to Master Agreement:

These modifications or additions **shall** apply only to actions and relationships within Arkansas.

A. Payment for completion of an order under the Participating Addendum is NET thirty (30) days following the date of invoice. After 60 days the Contractor may assess overdue account charges up to a maximum rate of one half (1/2) of one (1) percent per month on the outstanding balance. Payments may be remitted by mail. Payments may be made via a State or political subdivision "Purchasing Card" with no additional charges. Payments may be made via purchasing card if purchasing card is presented at time of order. Contract vendor **shall** not process the purchasing card for payment until after the product has been shipped.

B. Payment and shipment records relevant to State of Arkansas transactions **shall** be subject to examination by appropriate Arkansas government authorities for a period of five (5) years from the invoice date of the transaction under this Participating Addendum provided, however, that such government authorities **shall** provide thirty (30) days written notice to the Contractor of its intent to conduct such examination contemplated by this section. Access to contractor's records **shall** take place during normal business hours and **shall not** unduly interrupt or interfere with the Contractor's normal business operations. In the even such examination is conducted by a third party, such third party **shall**, prior to conducting such examination, execute a confidentiality agreement for the benefit of the Contractor in a form reasonably satisfactory to the Contractor.

C. The contractor **must** provide sales/utilization reports in accordance with the following requirements:

The contractor shall provide annual sales/utilization reports electronically to the Office of State Procurement via email to OSP.ITContracts@dfa.arkansas.gov for the fiscal period of July 1 through June 30. The annual report **shall** be due no later than September 1st of each year. The Contract Activity Report format **must** be in Microsoft Excel format. The State **shall** have the right to request such sales/utilization reports to be produced for other timeframes as deemed necessary. The reports **shall** include at a minimum:

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- | | |
|---|--------------------------------|
| 1) Vendor Contract Number | 7) Order Date |
| 2) State | 8) Product/Service Description |
| 3) Customer Type (State, Education, Local Government) | 9) Retail Price |
| 4) Bill To Name | 10) Discount Applied |
| 5) Customer PO Number | 11) Discounted Unit Price |
| 6) Customer Number | 12) Quantity |
| | 13) Total Price |

- D. The laws of the State of Arkansas **shall** govern this agreement. Nothing under this agreement or the Master Agreement **shall** be deemed or construed as a waiver of the State's right of sovereign immunity.
- E. In the event the State no longer needs the service or commodity specified in the contract due to program changes, changes in laws, rules, regulations, lack of funds appropriated for this purpose, or relocation of offices, the State may cancel the contract by giving the contractor written notice of such cancellation 30 days prior to the date of cancellation. Any cancellation under this provision shall not effect the rights and obligations attending purchase orders received and accepted by Authorized Reseller prior to the time of cancellation, including any right of a Purchasing Entity to indemnification by the Contractor, rights of payment for goods/services delivered and accepted, and rights attending any warranty or default in performance in association with any order. After cancellation of the contract, no new purchase orders will be accepted by Contractor or Authorized Resellers.
- F. Expenses for travel **shall not** be reimbursed unless specifically permitted under the duties of the contractor. All travel **must** be approved in advance by the State. Expenditures made by the contractor for travel will be reimbursed at the current rate paid by the State in accordance with the State's written travel procedures and guidelines as previously provided to Contractor. <http://www.dfa.arkansas.gov/travel/Pages/policy.aspx>
- G. CONFIDENTIAL INFORMATION **shall** only be considered confidential by Arkansas State law (Reference the Arkansas Freedom of Information Act, Ark Code Ann. § 25-19-105). In the event the State or political subdivision are disclosing any documents marked "Confidential" related to Contractor pursuant to the Arkansas Freedom of Information Act, the State or political subdivision shall take reasonable steps to notify Contractor prior to disclosure.
- H. The following Indemnification clause replaces in its entirety the Indemnification clause specified in the Master Agreement AR233. The contractor **shall** defend indemnify and hold harmless the other party along with their officers, agencies, and employees as well as any person or entity for which they may be liable from and against employees as well as any person or entity for which they may be liable from and against third-party claims, damages or causes of action including reasonable attorney's fees and related costs for any death, injury, or damage to tangible property to the extent arising from gross negligence or willful misconduct of the indemnifying party, its employees, subcontractors, or volunteers, at any tier, relating to the performance of its obligations under the Master Agreement. This section is not subject to any limitations of liability in the Master Agreement or in any other document executed in conjunction with the Master Agreement. The foregoing indemnification obligations are conditioned upon the indemnified party promptly notifying the indemnifying party in writing of the claim, suit, or proceeding for which the indemnifying party is obligated under this Subsection, cooperating with, assisting, and providing information to, the indemnifying party as reasonably required, and granting the indemnifying party the exclusive right to defend or settle such claim, suit, or proceeding; provided that any such settlement or compromise includes a release of the indemnified party from all liability arising out of such claim, suit or proceeding.

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4. Services:

The contractor **shall not** propose or provide value-added services unless they meet one (1) or more of the following criteria:

- The value-added service is of no cost to the purchasing entity
- The value-added service is linked to items the entity has purchased through a current or past transaction, such as maintenance services related to Cisco Products provided hereunder, partner services for the installation and configuration of Cisco Products purchased hereunder.

5. Lease Agreements:

Leasing **shall not** be permissible under this contract.

6. Subcontractors:

The Contractor may use Fulfillment Partners, as defined in the Master Agreement; however, the Contractor **shall** be responsible for any agreements between Contractor and such Fulfillment Partners. The State of Arkansas **shall not** agree to and **shall not** be responsible for any terms and conditions between Contractor and Fulfillment Partners.

Fulfillment Partners, authorized in the State of Arkansas, as shown on the dedicated Contractor's (cooperative contract) website, are approved to provide sales and service support to participants in the WSCA-NASPO Master Price Agreement, e.g. for direct order taking, processing, fulfillment or provisioning. The Fulfillment Partners participation will be in accordance with the terms and conditions set forth in this Participating Addendum and the aforementioned Master Agreement and which participation shall be approved at the sole discretion of the State of Arkansas, approval of which **shall not** be unreasonably withheld, conditioned or delayed.

Subject to approval of the State of Arkansas, Contractor may add Fulfillment Partners at any time during the term of this Participating Addendum. Contractor may designate a minimum of two Fulfillment Partners and no set maximum number of Fulfillment Partners to provide sales and services support. Contractor, in its sole discretion, is not required to add, and may delete upon thirty (30) days written notice, any Fulfillment Partner who does not meet Contractor's established qualifying criteria, or where the addition of the entity would violate any state or federal law or regulation.

7. Orders:

Any Order placed by an entity ordering under this Participating Addendum for hardware, software or services **shall** be deemed to be a sale under (and governed by the prices and other terms and conditions) the Master Agreement.

Purchasers may place orders directly only through Contractor's approved Fulfillment Partners or through Cisco on products or services only provided through Cisco. Only those Fulfillment Partners approved by the State and listed during the term of Participating Addendum at Contractor's website are authorized to directly provide quotes, receive purchase orders, invoice customers, and receive payment from purchasers on Contractor's behalf.

Except as otherwise set forth in the qualifying criteria, Contractor will not, directly or indirectly, restrict any Fulfillment Partner's participation or ability to quote pricing for a Customer. The approved Fulfillment Partners will not offer less favorable pricing discounts than the contract discounts established by Cisco under the Master Agreement. However, the Fulfillment Partner may offer any additional incremental discounts to WSCA purchasers, and such additional discounts if offered, may be provided in the discretion and as the sole legal obligation of the approved Fulfillment Partner to the Participating State/Entity.

The Master Agreement number and the State Contract Number must appear on every Purchase Order placed under this Participating Addendum.

8. Individual Customer:

Each State agency and political subdivision, as a Participating Entity, that purchases products/services **shall** be treated as if they were Individual Customers. Except to the extent modified by a Participating Addendum, each agency and political subdivision **shall** be responsible to follow the terms and conditions of the Master Agreement; and they **shall** have the same rights and responsibilities for their purchases as the Lead State has in the Master Agreement. Each agency and political subdivision **shall** be responsible for their own charges, fees, and liabilities. Each agency and political subdivision **shall** have the same rights to any indemnity or to recover any costs allowed in the contract for their purchases. The Contractor **shall** apply the charges to each Participating Entity individually.

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NASPO ValuePoint COOPERATIVE PURCHASING ORGANIZATION
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9. Primary Contacts:

The primary contact individuals for this Participating Addendum are as follows (or their named successors):

Contractor	Name	Mimi Nguyen-Farr
	Address	2375 E. Camelback Road, Suite 450, 4 th Floor Phoenix, AZ 85016
	Telephone	408-527-2627
	E-mail	mimnguye@cisco.com
State PA/Contract Level Notifications		Agreement-notice@cisco.com
State of Arkansas	Name	Jaime Motley
	Address	1509 W 7th St 3rd Floor, Little Rock, AR 72201
	Telephone	501-371-6070
	E-mail	Jaime.Motley@dfa.arkansas.gov
NASPO ValuePoint	Name	Tim Hay
	Address	201 East Main St, Suite 1405, Lexington, KY 40607
	Telephone	503-428-5705
	E-mail	THay@NASPOValuePoint.org

The contacts listed above can be changed by the parties from time to time in writing. Such updates do not require an amendment to this Addendum.

10. Product & Services Offering:

The full suite of product and service offerings available under the Master Agreement may be procured under this Participating Addendum.

11. Term:

The term of this Participating Addendum shall begin on the date of last signature below. The term shall continue for a period ending on the Termination Date of the Master Agreement or when this Participating Addendum is terminated in accordance with the Master Agreement, whichever shall occur first.

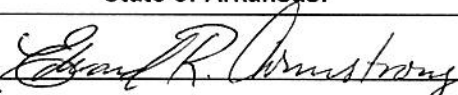
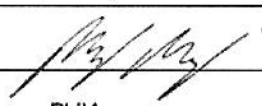
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and
State of Arkansas
Contract No: 4600036986

12. Authority:

Each Party hereby warrants and represents it is legally authorized to enter into this Participating Addendum for the purposes and upon the terms set forth herein.

This Participating Addendum and the Master Agreement AR233, together with its exhibits, set forth the entire agreement between the parties with respect to the subject matter of all previous communications, representations or agreements, whether oral or written, with respect to the subject matter hereof. There are no conditions, understandings, agreements, representations or warranties, expressed or implied, that are not specified herein. Terms and conditions inconsistent with, contrary to or in addition to the terms and conditions of this Addendum and the Master Agreement AR233, together with its exhibits, will not be added to or incorporated into this Addendum or the Master Service Contract and its exhibits, by any subsequent purchase order or otherwise, and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this Addendum and the Master Agreement AR233 and its exhibits will prevail and govern in the case of any such inconsistent or additional terms within the Participating Entity. This Participating Addendum may be modified only by a written document executed by the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by both parties below.

State of Arkansas:	Cisco Systems, Inc. ("Cisco" or "Contractor"):
By: 	By: 
Name: <i>Edward R. Armstrong</i>	Name: Phil Lozano
Title: <i>Director, Office of State Procurement</i>	Title: Director, Finance
Date: <i>April 18, 2016</i>	Date: April 12, 2016

APPROVED BY LEGAL

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Expiration Date	Contract Tracking #	Outline Agreement #	Vendor
5/31/2019	SP-16-0027	Multiple	Multiple

Buyer	Co-Op	Mandatory	Minority	Green
Stephanie Cellers	NASPO ValuePoint	No	No	No

Title	Posted
AASIS Multiple Vendor OA Instructions	11/05/2015
Contact Information	04/24/2017

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Brocade			
Contract Number: 4600033423		Vendor Number: 100209568	
	Contact Name	Phone	Email
	Tania Craythorne	(408) 333-6226	

Cisco Systems			
Contract Number: 4600036986		Vendor Number: 100078550	
	Contact Name	Phone	Email
	Mimi Nguyen-Farr	(408) 527-2627	mimnguye@cisco.com

PARTNER NO.

100178887
100138866
100093992
100137000
100220162
100178430
100220002
100203587
OA 100118473
PI 100158073
100000362
OA 100112277
PI 100208321

PARTNER	Contact Name	Phone	Email
AOS	Haley Thompson	(800) 473-1110	haley.thompson@aos5.com
BCI	Dan Yarbrough	(501) 537-7914	dyarbrough@bcianswers.com
CDW-G	Ashley DiCiurcio	(312) 705-4678	ashleyd@cdw.com
CenturyLink Communications	Randy Hardy	(479) 968-0129	randy.hardy@centrulylink.com
General Datatech	Owen Grove	(214) 857-6745	owen.grove@gdt.com
GKR dba Venture Technologies	Todd Via	(901) 255-1619	todd.via@ventech.com
MSN Communicaitons	Paul Maier	(651) 393-3902	pmaier@convergeone.com
NWN Corporation	Mathew S. Nieman	(916) 637-2135	mniemann@nwnit.com
Presidio Corporation	Rick Marendt	(501) 218-8297	rmarendt@presidio.com
SHI International Corporation	Nick Grappone	(732) 564-8189	nick_grappone@SHI.com
World Wide Technology	Carol Harting	(314) 995-6103	carol.harting@wwt.com

Extreme Networks			
Contract Number: 4600033952		Vendor Number: 100140011	
	Contact Name	Phone	Email
Extreme Networks	Mike Swierk, Contract Analyst	(603)952-5221	mswierk@extremenetworks.com
Extreme Networks	Greg Blum	(504)234-9121	gblum@extremenetworks.com
PARTNER	Contact Name	Phone	Email
Howard Technologies	Melissa Reeves	(601) 399-5681	mreeves@howard.com
IK Electric	Mike Seitz	(501) 376-2081	mseitz@IKELECTRIC.com
SignalShare	Deborah Costanzo	(919) 424-6066	dcostanzo@signalshare.com

PARTNER NO.

100167131
100001870
100213449

PARTNER NO.

100093992
100206250
100060859
100084080
OA 100001471
PI 100182156
100001870
100204739
100155462
100171554
100178087

Hewlett Packard Enterprise			
Contract Number: 4600036167		Vendor Number: 10021557	
	Contact Name	Phone	Email
HP Enterprise	Chad Price	(832) 502-9135	chad.price@hpe.com
HP Enterprise	Stacey Kearns	(501) 205-6277	stacey.lyn.kearns@hpe.com
PARTNER	Contact Name	Phone	Email
CDW-G	Jumana Dihi	(312) 547-2495	jumdihi@cdw.com
Cima Solutions Group	Kevin Grace	(501) 773-0411	kgrace@cimasg.com
Complete Computing Inc	Dan Harpool	(501) 372-3379	dan.harpool@complete.com
Connection Public Sector	John Giordano	(800) 986-2294	jgiordano@govconnection.com
Howard Technology Solutions	Yareasia D. Ellis	(601) 399-5633	yellis@howard.com
IK Electric	Mike Seitz	(501) 376-2081	mseitz@ik-ns.com
Next Step Innovation	Lanny Edgar	(601) 631-8100	lanny_edgar@nextstepinnovation.com
TeleComp	Roger Thomas	(479) 721-8000	roger@telecomp.com
White River Services	Tracy McMahan	(501) 944-5971	tracy@whiteriverservices.com
United Data Tech	Steven Johnson	(501) 773-0132	sjohnson@udtonline.com

PARTNER NO.

100160815
100137000
100224104
100018599
OA 100118473
PI 100158073
OA 100112277
PI 100208321

Juniper			
Contract Number: 4600032329		Vendor Number: 100171802	
	Contact Name	Phone	Email
Juniper	Roxanne Bieniek	(978) 589-0636	rbieniek@juniper.net
PARTNER	Contact Name	Phone	Email
BCI	Dan Yarbrough	(501) 366-4144	dyarbrough@bcianswers.com
CenturyLink	Randy Hardy	(479) 698-0129	Randy.Hardy@centurylink.com
enfoPoint Solutions	Sales: Tom Spear	(615) 414-4721	tom@efopoint.com
	Reports: Judy Spear	(615) 645-0303	judy@enfopoint.com
OPTIV	Sales: Jeep Keyser	(816) 701-2034	jeep.keyser@optiv.com
	Reports: Brenda Milam	(816) 701-2034	PubSecReports@optiv.com
Presidio Corporation	Todd Smithson	(501) 765-1550	Tsmithson@PRESIDIO.com
World Wide Technology, Inc.	Sales: Doug Reeves	(479) 856-1441	doug.reeves@wwt.com
	Reports: Carol Harting	(314) 995-6103	carol.harting@wwt.com

PARTNER NO.

100093992
100018599

Palo Alto			
Contract Number: 4600036782		Vendor Number: 100218534	
	Contact Name	Phone	Email
Palo Alto	Ryan Carter	(669) 444-6154	rcarter@paloaltonetworks.com
PARTNER	Contact Name	Phone	Email
CDW-G	Matt Felvey	(312) 705-6220	matfelv@cdwg.com
Optiv	Terry Morrison	(501) 804-1805	terry.morrison@optiv.com

PARTNER NO.
100001870

Shoretel			
Contract Number: 4600033977		Vendor Number: 100180247	
	Contact Name	Phone	Email
Shoretel	Jim McGarry	(408) 962-2517	JMcGarry@shoretel.com
PARTNER	Contact Name	Phone	Email
IK Electric	Mike Seitz	(501) 320-0431	Mseitz@ik-ns.com

EXHIBIT 1 to Attachment C – Cost Schedule
Solicitation Number JP14001
WSCA-NASPO Data Communications RFP

RFP Product Categories: *Minimum Discount Percentage Clarification

- 1) Additional Incremental Discounts: Cisco may solicit on behalf of WSCA Utah and the Participating States additional discounts from the Authorized Resellers (as defined in the bid response) under each Participating Addendum. Such effort will be consistent with the current practice today under the Cisco WSCA Data Communications AR-233 Agreement. The Authorized Resellers, at their sole discretion, may provide additional incremental discounts.
- 2) Hosting Services: Per the Q&A dated July 22, 2013, Cisco, through applicable Authorized Resellers but at Cisco's discretion and approval, wishes to also provide hosted service offerings for certain technology categories in the bid (Attachment C). These hosted offerings provide WSCA-NASPO customers with an alternate way to consume the technology to best meet their needs and provide flexible payment models. These models may be well suited for WSCA-NASPO customers that have limited technical staff for technology deployment and ongoing administration.

The hosted service offerings are based on Cisco validated architectures and delivered through carefully vetted and approved Authorized Resellers. Due to the unique requirements of each customer, Cisco and the approved Authorized Resellers can work with the customer to understand their unique requirements and deploy hosted offerings to best meet their needs. Additional contractual terms and conditions specific to the hosted solutions may be required.

Maintenance Services: *Clarification on Cisco's Offerings

Cisco is pleased to offer customized maintenance services through our Authorized Resellers, subject to Cisco's discretion and approval. While each Authorized Reseller that is assigned to the contract for a Participating State may be able to offer a lower hourly rate, Cisco is providing Not-to-Exceed (NTE) hourly rates on behalf of our Authorized Resellers. Once the Authorized Resellers have been selected for each executed Participating Addendum, Cisco will solicit specific NTE rates from such Authorized Resellers, if they are interested in offering such services and subject to Cisco's discretion and approval.

In addition to customized maintenance offerings, Cisco is pleased to offer its own OEM-branded SMARTnet Services and other technical/maintenance services and Advanced Services. Cisco's SMARTnet operates like an insurance plan for the hardware a customer purchases. For each Cisco hardware SKU, there are several SMARTnet service level options that a customer can choose from. Accordingly, the list price of SMARTnet will vary based on the service level that is selected by the customer for the associated hardware. For these reasons, Cisco is not able to offer this particular OEM-branded maintenance offering in an hourly rate format, only a percentage discount off of the then-current list price. Table 1 below is an illustration to show the different SMARTnet service levels and associated pricing.

Table 1. Examples of SMARTnet Maintenance Offering by Service Level

<i>Hardware SKU</i>	<i>Service Level</i>	<i>SMARTnet SKU</i>	<i>List Price</i>	<i>Discount % (Government) 1 Year</i>	<i>Discount % (Education) 1 Year</i>
WS-C6509-E	SMARTnet 8x5xNBD	CON-SNT-WS-C6509	\$6,825	10.00%	25.00%
WS-C6509-E	SMARTnet 8x5x4	CON-SNTE-WS-C6509	\$9,896	10.00%	25.00%

Hardware SKU	Service Level	SMARTnet SKU	List Price	Discount % (Government) 1 Year	Discount % (Education) 1 Year
WS-C6509-E	SMARTnet 24x7x4	CON-SNTP-WS-C6509	\$10,920	10.00%	25.00%
WS-C6509-E	SMARTnet 24x7x2	CON-S2P-WS-C6509	\$14,503	10.00%	25.00%

Regardless of the service level that is selected by the customer, Cisco agrees to offer the following discounts for its SMARTnet maintenance services.

Cisco SMARTnet Maintenance Services

Listed in **Table 2** below are the discounts for a SMARTnet service contract for a 1-, 3-, or 5-year term.

Table 2. Cisco SMARTnet Discounts

Cisco SMARTnet	Discount % (Government)	Discount % (Education)
1-Year Contract	10.00%	25.00%
3-Year Prepaid Contract*	17.00%	28.00%
5-Year Prepaid Contract*	21.00%	30.00%

** If a 3- or 5-year prepaid term is selected, full payment is made upfront at the beginning of the subscription term. The above discounts do not assume or factor in any applicable finance or interest charges for the prepaid terms. It is the responsibility of the customer to determine the mechanism for funding.*

Other Cisco Technical /Maintenance and Advanced Services

Cisco is pleased to also offer its portfolio of other technical/maintenance services for certain product categories that are not under our SMARTnet program. See **Table 3** below. For example, some Cisco technologies (i.e., Telepresence, UCS, UC, Optical, Remote Management, etc.) have maintenance services that are not under Cisco's SMARTnet Program. In addition, Cisco offers Advanced Services that are not SOW-based (i.e., Network Optimization Service, AS Fixed Priced, etc.).

Table 3. Other Cisco Technical/Maintenance and Advanced Services Discount

Other Cisco Services	Discount %
Technical/Maintenance Services (Not Under SMARTnet Program)	10.00%*
Advanced Services (Non-SOW Based)	0.00%*

**Multiple year terms are available and discounts may be provided once unique customer requirements are understood.*

Professional Services - Deployment Services, Consulting/Advisory Services, Architectural Design Services, and Statement of Work Services: *Clarification with respect to Cisco's Professional Services Offerings

For each of the professional services categories listed in Attachment C (Deployment Services, Consulting/Advisory Services, Architectural Design Services, and Statement of Work Services), Cisco presents Onsite and Remote hourly rates as Not-to-Exceed (NTE) rates. ***However, please be advised that individual hours, or blocks of hours, may not be purchased separately. Instead, Cisco will use the quoted hourly rates to determine the total fixed price of a customer-approved Statement of***

Work (SOW) with specific deliverables. The NTE hourly rates that Cisco is offering are valid for the 7-year term of the contract.

To calculate the total fixed price of the SOW, Cisco will evaluate, after consultation with the customer, which required grade level skill set(s), analytical tools, processes, and level of effort are necessary to complete the required deliverables for the customer. Once all the cost elements have been built up against the specific deliverables, a total cost of the SOW will be determined. This approach allows the customer to potentially save because the most efficient and cost-effective resources will be utilized for various project tasks instead of one labor rate resource for all project tasks. Because the SOW is offered at a fixed price and not billed as Time and Materials, Cisco does not keep time cards.

Partner Services: *Clarification on Cisco's Offerings

Based on existing rates that partners/resellers have provided under the current Cisco WSCA Data Communications AR-223 Agreement, Cisco is offering the NTE hourly rates for Partner Services, subject to Cisco's discretion and approval. These rates are valid for the 7-year term of the contract. As with the existing WSCA Data Communications AR-233 contract, once Cisco adds the specific Authorized Resellers to each executed Participating Addendum, we will solicit, in coordination with the WSCA Utah Contract Administrator, such Authorized Resellers for their specific onsite and remote hourly rates, if they wish to provide such services and subject to Cisco's discretion and approval.

Training Deployment Services: *Clarification on Cisco's Training and Learning Credits Offerings

In addition to the hourly rates for training, Cisco is pleased to offer WSCA-NASPO customers with Cisco Training SKUs and Learning Credits for purchase under the contract. Cisco Training SKUs include the following types of courses: e-learning and classroom. See Table 4 below for examples. As of the date of bid submission, Cisco Learning Credits are also available for purchase at \$100 per credit on the U.S. Global Price Lists and sold in packages of 10, 100, 500, and 1500. See Table 5 below for examples. They can be added to any Cisco hardware, software, or solution purchase and redeemed within 1 year from activation on the Cisco Learning Credits Management Tool (LCMT). Cisco Learning Credits can be redeemed for high-quality, authorized training from a Cisco Learning Partner or their affiliated organizations, or from Cisco Advanced Services Education.

Table 4. Examples of Cisco Training SKUs

<i>Part Number</i>	<i>Description</i>	<i>Price (USD)</i>	<i>Discount %</i>
CON-TRN-CTE-200UL (e-learning)	200 User License	\$178,000	0.00%
CON-TRN-CTE-1UL (e-learning)	Single User License	\$1,000	0.00%
TRN-ESMBU-15	VCO4K Advanced SS7 Class, 5 Days	\$2,100	0.00%
TRN-ESMBU-9	VCO4K-SS7 Class, 4 Days	\$1,900	0.00%

Table 5. Examples of Cisco Learning Credits

<i>Part Number</i>	<i>Credits</i>	<i>Price (USD)</i>	<i>Discount %</i>
TRN-CLC-000	10	\$1,000	0.00%
TRN-CLC-001	100	\$10,000	0.00%
TRN-CLC-002	500	\$50,000	0.00%
TRN-CLC-003	1500	\$150,000	0.00%



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0207

Agenda Date: 5/16/2017

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

RZN 17-5733 (SE OF CROSSOVER RD. & HEARTHSTONE DR.):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5733 FOR APPROXIMATELY 1.79 ACRES LOCATED AT SOUTHEAST CORNER OF CROSSOVER ROAD AND HEARTHSTONE DRIVE FROM R-O, RESIDENTIAL OFFICE, AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS-G, NEIGHBORHOOD SERVICES, GENERAL

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-O, Residential Office, and RSF-4, Residential Single Family to NS-G, Neighborhood Services, General.

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

2017-0207

Legistar File ID

5/2/2017

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

Andrew Garner

4/14/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

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 MAY 2, 2017

TO: Mayor, Fayetteville City Council
THRU: Andrew Garner, Planning Director
FROM: Jonathan Curth, Senior Planner
DATE: April 14, 2017

SUBJECT: RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to NS-G, Neighborhood Services, General, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The proposed rezoning request is for two parcels, totaling approximately 1.79 acres to the south of Hearthstone Drive and east of Crossover Road/Highway 265. The properties are currently split-zoned, with the northern portion as R-O, Residential Office, and the southern portion as RSF-4, Residential Single-family, 4 Units per Acre. The subject property and approximately 500 acres of additional land largely paralleling Crossover Road were annexed in to the City of Fayetteville in November of 1977. Subsequently, the subject property was platted as part of the larger Stonewood Subdivision in 2001, which includes approximately 100 single-family lots and 14 lots intended for residential or office development. The subject property is among the latter, but remains undeveloped.

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre, and R-O, Residential-Office, to NS-G, Neighborhood Services, General, in order prepare the parcel for development.

Land Use Compatibility: The proposed zoning is compatible with surrounding land use patterns in this area, which include a mixture of suburban residential development to the east, office uses to the north, and a City park and botanical gardens to the west. The proposal of NS-G zoning on the corner of a largely-improved Local Street, and a high-volume, improved Principal Arterial can create a transitional area that may be developed in a commercial or mixed-use pattern that compliments both the existing adjacent uses and existing infrastructure. Furthermore, the NS-G

zoning requirements allow a lower density, generally smaller building size, and lower allowed building height than the existing R-O zoning district.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. This location is consistent with the guidelines of City Plan 2030 for higher intensity non-residential use in corner locations and along connecting corridors. This is a corner property with a traffic signal on a busy arterial highway.

Among the goals in City Plan 2030, the proposed rezoning represents the potential for both infill development and development in a traditional urban form pattern. Although less than one mile from Fayetteville's northern city boundary with Springdale, and thereby not generally thought of as an infill site, commercial or mixed-use development on the subject property can take full advantage of City facilities at the adjacent City park and the existing utility and road infrastructure. Similarly, despite being on a state highway (Crossover Road), the subject property's proximity to both a significant City park and a single-family subdivision presents an opportunity to create a mix of uses where residents can live, work, and play all in the same neighborhood. The NS-G zoning district encourages patterns of development that result in realizing this goal, including an expectation that buildings will be located at the corner, creating an environment appealing to pedestrians and reducing the visual impact of parking areas, while also limiting permitted uses to those that are complementary to adjacent neighborhoods. A mixture of residential and commercial uses, which is permitted by the NS-G zoning district, is typical in a traditional urban form, with buildings addressing the street.

Lastly, this area of the City has many residents, with approximately 300 single-family homes accessing Crossover Road by way of Hearthstone Drive, but lacks non-residential goods and services within walking distance. This development pattern has resulted in residents being required to drive to meet any daily needs. The FLUM designation of this area as Residential Neighborhood recognizes this issue in encouraging appropriate non-residential uses, and the applicant's proposal for NS-G at this corner location could help alleviate the lack of services in the area.

The proposal appears to be well-justified from staff's point of view. The applicant has requested the zoning change to develop the property in manner that can serve the surrounding community, which is generally not as feasible under the existing RSF-4 and R-O zoning districts. The proposed NS-G, Neighborhood Services, General, zoning will encourage appropriate commercial or residential development on this corner parcel in an area that has seen limited, and largely-residential development over the last two decades. The NS-G zoning district is designed primarily to promote complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses.

DISCUSSION:

This item was discussed at the March 27, 2017 Planning Commission meeting, where the applicant had previously requested CS, Community Services. During the meeting a very large number of residents, predominantly from the adjacent Stonewood subdivision, spoke in opposition to the rezoning. Concern was expressed over the potential for noise, odor, and light intrusion on to their properties, in addition to the possibility of decreased property values along with increased crime and traffic through the subdivision. Others cited that home purchases were made under the guise of the existing zoning on the subject property, and what could be developed within its permitted residential, office, and small-scale retail uses. Following discussion about the public comment and opposition to some of the permitted uses under the CS zoning district, the Planning

Commission tabled the item in order to afford the applicant the opportunity to reconsider their request.

In response to Commission and resident feedback, the applicant revised the proposal on April 6, 2017 from CS, Community Services, to NS-G, Neighborhood Services, General. Large numbers of residents again spoke in opposition to the rezoning request, citing concerns similar to those shared at the March 27, 2017 meeting. The Planning Commission forwarded the applicant's request for NS-G to the City Council with a recommendation for approval by a vote of 8-1-0. Commissioner Brown voted 'no'.

BUDGET/STAFF IMPACT:

N/A

Attachments:

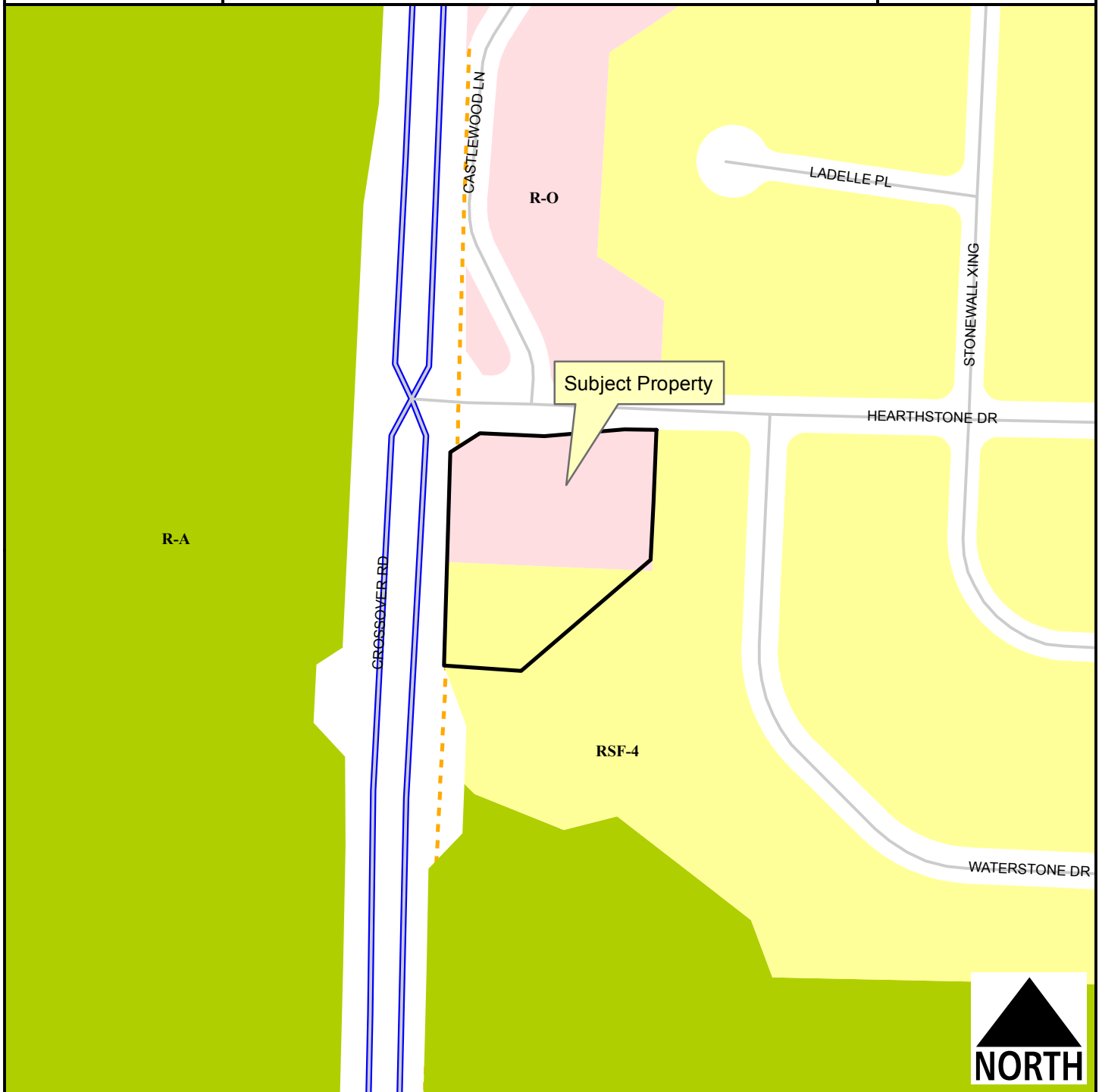
- Exhibit A
- Exhibit B
- Approved and Draft Planning Commission Meeting Minutes
 - o 3/27/2017 Planning Commission
 - o 4/10/2017 Planning Commission
- Application
- Planning Commission Staff Report

RZN 17-5733

Close Up View

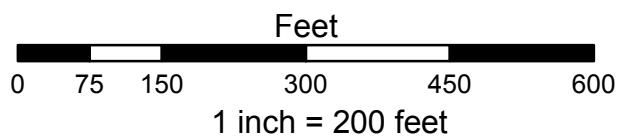
CP PROPERTIES

17-5733
EXHIBIT 'A'



Legend

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



- Residential-Agricultural
- RSF-4
- Residential-Office

17-5733
EXHIBIT 'B'

LEGAL DESCRIPTION: (PROPOSED ZONING: CS)

Lots 1 & 2 of Final Plat of Stonewood Subdivision, Fayetteville, Arkansas, as per the recorded plat in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas. Subject to restrictions, easements and right-of-ways of record.

**Approved and Draft Planning Commission
Meeting Minutes**

**Approved Meeting Minutes from the
3/27/2017 Planning Commission Meeting**

RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to CS, COMMUNITY SERVICES.

Jonathan Curth, Senior Planner: Gave the staff report.

Blake Jorgensen, Applicant's Representative, Jorgensen & Associates: Recognizes that there is a significant amount of public comment incoming, and will strive to be brief. Notes that there is a vacation of easements proposed along Crossover and Hearthstone to ensure compliance with the zoning district's build-to-zone. Also notes that a Bill of Assurance is being considered.

Kit Williams, City Attorney: States that a Bill of Assurance is not open for discussion without a property owner's signature.

Public Comment:

Bob Anderson, Stonewood POA, Neighbor: Has been conducting a poll of residents in the Stonewood Subdivision about support to the rezoning. The commercial lots are unanimously supporting the rezoning while the residential properties are almost unanimously opposed. While this may look like a case of "not-in-my-backyard" it is not. Everyone who bought their homes in the subdivision understood that the properties on Crossover could be developed as office, and not retail or residential. Contends that the commercial property owners will not be at a loss if the rezoning does not go through.

Peter Thomason, Neighbor: While not a resident of Stonewood, lives in an adjacent subdivision. Attended the open house where the developer stated that a pizzeria was being proposed and that it would be of a high quality. Notes that an eatery is allowed by conditional use under the current zoning district. Goes on to note that the proposed CS zoning will allow for outdoor music which will remove many of the resident's property protections. States that there is nothing commercial about this area, and that it is not a commercial corridor. It is currently just grass and is compatible with the Botanical Gardens. The existing zoning does not attract a lot of traffic and does not create a lot of noise. Comments that restaurants have a high failure rate, with pizza restaurants being particularly prone to failure. Shares an article to this effect.

Kyle Cook, Commissioner: Notes that this is not a discussion of pizza restaurants.

Thomasson: Insists that this is important as the developer told the neighbors that this is what is proposed. Addresses that the existing location of the proposed pizza restaurant is adjacent to a liquor store and behind gas station pumps. Comments that the applicant told residents there would be a Bill of Assurance and it was not presented.

Williams: Comments that a Bill of Assurance has not been officially offered, but may be.

Thomasson: Questions the circumstances that a conditional use permit could be granted, noting that this may allow compatibility.

Andrew Garner, Planning Director: Notes that the conditions of a conditional use permit can be tailored to the request.

Thomasson: Outlines the requirements he feels would be appropriate in a conditional use permit, including utilizing similar architecture and not adversely affecting traffic. Shares that the families in this neighborhood have clearly made a decision to locate where they are, and are not interested in an urban form. Contends that no business within 2 miles is built to the street or corner. States that it is inconsistent visually and architecturally to encourage this type of development.

Paul Johnson, Neighbor: Has a question about traffic. Notes that traffic was re-routed through this neighborhood during construction of Crossover. Multiple times during this period there were safety concerns with children playing in the street. Knows that with this rezoning there will be a times when people utilize the neighborhood to travel through quickly and dangerously.

Heather Hutchins, Neighbor: Lives immediately adjacent to the subject property and has significant amounts of litter to deal with. States that she is also concerned about odor, noise, and light. Provides some examples of traffic issues, particularly when the Botanical Gardens has events and parking overflows on to Hearthstone.

Rosanna Zamora, Neighbor: Has serious concerns with litter on her property and there is only a fence between her land and the subject property, rather than a wall as is in place for some other adjacent properties.

Robert Stevens, Neighbor: Traffic is a concern as it is difficult to get on to Hearthstone sometimes. Notes that there are already sufficient amounts of commercial spaces on Joyce and in Springdale. The dynamics of the entire site will be changed despite what the developer told the neighbors. Is certain that property values will be harmed and does not understand why the developer cannot go elsewhere.

Jeff Canton, Neighbor: Wants to echo some of the same comments about noise, traffic, and congestion concerns. Notes that the existing signal at Hearthstone and Crossover is not highly visible and results in a lot of near accidents. Shares that he is allergic to garlic and would be negatively impacted by the smells of a restaurant. Repeats the previous residents' comments about why the developer does not go elsewhere. Suspects the developer is just looking to make money and it should not come at the loss of their property value. Property owners will not be compensated for their loss. Thinks property owners should have been consulted earlier.

Michael Brown, Neighbor: Is new to the neighborhood, and made much of their decision to buy in the subdivision on the existing uses.

Davis, Doris, Neighbor: Wants to draw the Commission's attention to the City's goals of creating an enduring green network, and that she feels this area ought to be protected along with the Botanical Gardens.

Joe Draper, Neighbor: Shares that in other cities where he lived this same thing happened, and it adversely impacted residents.

Carmen Tabor, Neighbor: Compares the displacement of families from the rezoning discussed earlier in the night to the current situation for neighbors. These residents may not have a lot of equity in their homes, and a loss of property value could be devastating.

Mike Parker, Owner: Owns several of the properties along Crossover along this subdivision, and is somewhat astonished that people are upset about this rezoning. Feels that adding services to this area would improve the community and the property values. Residents have to travel over a mile to reach any services. Feels that the quality of the proposal means it will be an improvement.

Zara Niederman, Resident: Although does not live in this neighborhood, he frequents the Botanical Gardens and feels that there is a value in offering services at this corner.

John Logan, Neighbor: Notes that placing a pizza restaurant across from the Botanical Gardens does not create continuity. It is his opinion that services are not needed in this neighborhood, and that people can go elsewhere for their needs.

Elizabeth Wilhelm, Botanical Gardens of the Ozarks representative: Appreciates the comments of residents. Notes that the Garden's events are large but do strive to end at a reasonable time. Her concerns with the proposed rezoning are with congestion. That said, guests and visitors often request coffee or restaurants and there are not a lot of options in this part of town. Moving forward, she sees a need for food in the area, but is not sure if the proposed rezoning will meet that need. In an effort to grow, they want to both serve visitors and be respectful of their neighbors to the east.

Clay Henry, Neighbor: Feels that the subject property may be appropriate for a smaller restaurant, but not one the size of what is proposed.

Max Parker, Owner: Notes that the property will eventually be developed, but as someone paying taxes on it, he would like to do something with it. Asks that the Commission consider this opportunity to rezone and develop the property in a way that accommodates City Plan 2030. At the same time, he wants to be conscientious of developing the property.

Ryan Parrish, Neighbor: Wants to note that a liquor store is located by the proposed pizza restaurant's other location. Also wants to know why staff says the R-O zoning district is "impractical."

Gary Huey, Neighbor: Has concerns with traffic and children playing in the street on Hearthstone.

Steve Val, Neighbor: Wants clarity where the access to the subject property will be. Although he is not adjacent to the subject property, he is concerned with utilizing the traffic signal at Hearthstone and Crossover. Developing the subject property will pull more vehicles on to this road, and if they cannot make their desired turns, they will travel in to the subdivision.

No More Public Comment was presented.

Leslie Belden, Commissioner: Notes that she lives in an urban setting, and chose to live there so she can walk to other locations. There is a part of her that assumes everyone wants that, and that makes this request difficult. While she feels that the subdivision would benefit from services and business, she also understands that people deliberately moved to this area to escape the

traffic of Crossover Road. Realizes that it's not appropriate to impose the Commission's values and preferences on the subdivision. Likes the CS zone but realizes that it is not appropriate in all locations. Is leaning more towards maintaining the R-O zoning, but wants to hear the comments of others. Supporting the CS would be turning the businesses back on the subdivision.

Ron Autry, Commissioner: Notes that any number of uses create odor, and all area have litter. Acknowledges traffic concerns, but this is a fact of being on a major route. The size of the property will limit the intensity of use. Any use is going to attract traffic. There are commercial uses all over town, and people contend with it everywhere. He cannot support this one community being protected from any development. Is not certain that development will result in the traffic concerns that residents fear. Will maintain an open mind in the meantime.

Matthew Hoffman, Commissioner: Expresses appreciation to the residents for coming. Feels that there are 2 outcomes for Highway 265, and neither will look like what it is. R-O will not protect the property from development under the enduring green network. The R-O district would place any buildings closer to the neighborhood, not further. One outcome can be that AHTD will see 265 as a highway, and not a City street, and will lead to a development pattern that will see a large sound wall built near their neighborhood. Alternatively, the CS zoning may prevent AHTD from widening 265 even more, and place a building at the corner, where it can be accessed by foot and by bike. The Lake Fayetteville trail is one of the most heavily trafficked in the City if not the area. Contends that placing the building at the corner will serve the Botanical Gardens, trail users, and even residents.

Tom Brown, Commissioner: Offers thanks to the residents who attended. Does support appropriately requested infill and form-based zoning requests. One tool to determine these is the neighborhood planning process. Residents can create a vision to help determine decisions like the current one. The Commission can take public comment like tonight's as a decision making tool. Contends that commercial areas are appropriate in certain nodes along major corridors. Offers a tutorial on the City's Future Land Use Map. Does not feel that CS zoning is appropriate in areas with residential neighborhood designations, but rather it should be NS, Neighborhood Services. Reiterates that he is supportive of the proper application of mixed-use zones, but perhaps not in this instance. Goes on to comment that this is the third rezoning case in this corridor that he has seen, and he is likely to vote against it too, rather than see another College Avenue.

Hoffman: Questions staff about other zoning options.

Garner: Responds that NS-G, Neighborhood Services-General, may be an option, but clarifies that it allows for only 8,000 square foot buildings for commercial business.

Kyle Cook, Commissioner: Asks if a Bill of Assurance is still being considered.

Jorgensen: It is, but was not finalized. The allowed uses under CS fit the goals of the developer. There are unfortunately not a lot of zoning districts that support the proposed uses at this location, including a pizza restaurant and a drive-thru coffee shop. They hope a Bill of Assurance can assuage concerns.

Tracy Hoskins, Commissioner: There is a lot that he agrees with and disagrees with. Notes that there is no assurance that services will devalue a property. It is often the exact opposite, with efforts to include residential and services in close to help neighborhoods along major

corridors. As far as having services on the corner, he sees that as a benefit, but there is a difference in the intensity. He would not however, support a drive-thru location. He has no problem with the uses, and thinks it would enhance the neighborhood. As far as the drive-thru, he would not support it. As far as music and noise, thinks he remembers that there is still a requirement for a conditional use permit.

Garner: Confirms that this is the case.

Brown: Follows up on his previous comments that the scale of allowed services be appropriate to the Future Land Use Plan. Reiterates his desire to see a neighborhood plan. Would support a neighborhood services zoning district typically, but after public comment, will likely not. Notes that the neighbors were told what they were buying in to, and the City should support that along with City Plan 2030.

Hoffman: Questions staff about the zoning requirements under R-O, and whether it could be an unlimited-size office.

Garner: Confirms that there are no building square footage requirements.

Hoffman: Also notes that it could be six stories. Expresses his support for a form-based zoning district and that it would lead to a much safer and attractive development.

Belden: Asks whether the item should be tabled.

Jorgensen: Is willing to be tabled to review other options.

Motion:

Commissioner Hoskins made a motion to **table RZN 17-5733** for two weeks. **Commissioner Selby** seconded the motion. **Upon roll call the motion passed with a vote of 8-0-0.**

Draft Meeting Minutes from the 4/10/2017 Planning Commission Meeting

RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

Jonathan Curth, Senior Planner: Gave the staff report.

Blake Jorgensen, Applicant's Representative, Jorgensen & Associates: Acknowledges the concerns with the request, and after meeting with staff, the revised request to the NS-G zoning district seem to be the most appropriate, and will not necessitate a Bill of Assurance.

Max Parker, Property Owner: Thanks the Commission for the consideration and notes that the proposed rezoning was not available at the time of the area's development, and may have been advisable. Notes his bias as the property owner. Comments on the traffic volumes and the area features and amenities and that the property deserves a zoning that is appropriate for all residents.

Public Comment:

Bob Anderson, Neighbor: Notes that those who will benefit from the rezoning and development will be visitors, and not residents. They will bear the burden of any adverse effects. Recalls Commissioner Hoffman's comments about one of two futures for Highway 265, and states that most residents will still prefer that the highway be widened than this rezoning to occur. Also notes that if this is approved, the Commission will be obligated to rezone other properties along this area, resulting in the possibility of another College Avenue. Describes the Residential Neighborhood Area designation in City Pan 2030 and that it notes that noncommercial development "should" be encouraged, but not required. Goes on to cite Kit William's memo to the Commissioners about compatibility and rezoning decisions. Shares communications he subsequently had with Kit Williams that the subdivision's approval ought to represent a reassurance of what will be there. Summarizes the Attorney's memo with "if it doesn't fit, listen to Kit."

Peter Tonnessen, Neighbor: Notes that he has worked with staff in gaining information, and has several items he would like to enter in to the record, including photographs, and a spreadsheet outlining the proposed uses and districts. Has spent approximately 200 hours of research on the property owner and their transactions. Mister Parker and his brother own eleven of the fourteen properties that are adjacent to Crossover. Goes in to details on transactions of specific lots, and also in to the property owner's interactions with Jorgensen and Associates. Does not feel that it is accurate to review these two properties as discrete properties separate of the others. Shares that a possible tenant of the subject property does not even own their business' name. Shares that a more appropriate zoning district would likely be NS-L given the requirement that a restaurant have a conditional use permit. Cites the City's long-range plans and that they were well-created by staff's predecessors. Notes the size of Lake Fayetteville, and compares it to Central Park and its associated land values. Argues that the development

patterns over the last decades have created a framework where the subject properties and those around them had their uses established. Continues on to discuss legal history and the expectation of residents that the city will continue to maintain the current zoning.

Mark Scalise, Neighbor: Shares that he has lived in eight states and lived in many neighborhoods. He was very aware of what was allowed on the subject property at that time. Feels that what is allowed on the subject property is reasonable, and he has no problem with development under the R-O requirements. Notes that the property owners bought the land understanding what was allowed, and while he respects their desire to make a profit, he does not agree with “changing the rules.”

Dena Young, Neighbor: Notes her status as a new resident in the Stonewood subdivision. Shares that she chose the subdivision because it is quiet and has ready access to the park and trails. Moved to Fayetteville from Little Rock and Rogers, Arkansas. Notes that she was shocked to hear that the Commission was approving the request. Appreciates comments by other residents and the City’s Attorney. Is convinced that the restaurant will lead to lower property values in addition to increased crime and bad odors. Does not feel that a Commission should vote in the interest of other residents, but for those living adjacent to the subject property. States that there will be a decrease in the number of professionals living in the area. Researched the case law shared by the City’s Attorney, and feels that they indicate why the Commission should support the neighbors.

Robert Stevens, Neighbor: Among the first homeowners in the subdivision, he is concerned with late hours of business operation and traffic. Is concerned that traffic pulling in and the neighbors trying to leave the subdivision will create a potentially dangerous traffic condition. With regards to City Plan 2030, he does not feel that the revised request will serve the needs of the neighborhood, despite the developer’s contention. Given the overwhelming opposition, this shows the rezoning will not meet the needs of the neighborhood.

Andy Taylor, Neighbor: Has all his money tied up in to this property, and any land value decrease will hurt him. Suspects that people will travel through his neighborhood in Copper Creek from the east to access any services on the subject property.

Adaly Malone, Neighbor: Agrees with all previous comments, and notes that the residents bought in good faith. Rezoning this property would not be “right” and she requests that the Commission should do what is “right.” Situations like this are not appropriate where the property values of many people suffer to benefit a few, just because certain people know the “right” people.

Susan White, Neighbor: Notes that her family was one of the first in the subdivision. Shares that her parents recently moved to this subdivision and are elderly. Points out that there are several other elderly families and families with children. In response to the comment about the possibility of there being a six-story building, she disagrees, saying there is not enough room for parking.

Jeff Cantu, Neighbor: Introduces himself as the POA president for the Stonewood subdivision. Disagrees that the proposed rezoning is compatible with the City Plan. Feels that the R-O zoning is what homeowners bought in to. States that the Planning Commission needs to vote in harmony with the City’s plan, and that there is no overriding need to change the zoning. Lives 200-feet from the subject property and will not like the odors.

Karen Stevens, Neighbor: Spoke with potential homebuyers about noise in the neighborhood and said at the time that it was not bad. Believes that developing the property will create a lot of noise and hurt property values.

No More Public Comment.

Leslie Belden, Commissioner: Requests that Mr. Tonnessen's spreadsheet be shared on the screens for the public. Reads the provided description of the NS-G zoning district, noting that the request is effectively a down-zoning. Notes that if the subject property was zoned NS-G, she can understand why people are upset if the request was for R-O. The request to go from R-O to NS-G is actually a downzoning. Feels that the NS-G is better for the residents and more compatible, and is in support of the request.

Matthew Hoffman, Commissioner: Appreciates everyone coming out and discusses how when it comes down to it, everyone wants what is best for Fayetteville. Agrees with Commissioner Belden's comments. In addressing Mrs. Stevens comments about noise, contends that the buildings being placed near the street is the most effective way to block noise. Cites his site design experience noting that dumpsters are typically located near buildings, and with a form-based zone this will be at the street. The parking will then be the buffer. Also contends that this request is a down-zoning, and is increasing compatibility. One of the best ways to look at compatibility is to look at the bulk, size, and area of a building. The worst case scenario in R-O is unlimited floor area, where as in NS-G it is 8,000. Addresses the City Attorney's memo, and its comment about spot zoning. Almost all of the commercial lots on Highway 265 is undeveloped. A decision tonight will have an impact on development in the future, and where buildings will be placed. Does not understand how something can be spot zoning in an undeveloped area. Recognizes fears about continued development up highway 265, but notes that it is valuable for it to develop in a traditional town form pattern.

Allison Thurmond Quinlan, Commissioner: Appreciated comments from neighbors and other Commissioners. Notes that development will occur in this area and that traffic will continue grow given Highway 265's high capacity and low volume. Shares background of the NS-G zoning district's creation. Agrees with other Commissioners that this constitutes a down-zoning. Speaks to how R-O resulted from the 1970s and that NS-G is an improvement. Appreciates Mr. Tonnessen's spreadsheet graphic and agrees that NS-G has more favorable uses than either CS or the R-O districts. Is supportive of the request.

Tom Brown, Commissioner: Expresses appreciation to the neighbors for speaking. Disagrees somewhat with the differences stated between R-O and NS-G. Feels that many of the uses allowed in NS-G would generate more traffic than the R-O district. States that a lot more traffic would go to a location with the uses allowed under NS-G, and the business hours would likely be wider. At the same time, he feels that at this location, an office would develop at a lower intensity. Conceptually, he agrees that the Neighborhood Services zoning designations may be applicable on this property, but only if it does not have a negative effect on the functioning of Highway 265, existing neighborhood plans, and existing neighborhoods. Notes that the City's Master Transportation Plan call for factoring in traffic impacts in decisions. Shares data he has collected on traffic, and what amount of traffic it would take to result in a traffic. Compares College Avenue and Highway 265, noting that the number of vehicle trips before an accident occurs is much lower on College due to its intensity and number of curb cuts. Supporting rezonings that increase intensity will increase the number of traffic incidents. Shares that this is the third rezoning that he has considered for a commercial land use outside of the city Neighborhood designation. Counted 44 intersections on the highway corridor and only 11 were

in the City Neighborhood Area. If three more rezonings are approved a year with a curb cut on Highway 265 for each rezoning, it will lead to a new College Avenue.

Zara Niederman, Commissioner: Thanks residents for coming to speak. In response to Commission Brown's comments, he notes that there are indeed preferred locations to concentrate the curb cuts and developments but not all non-residential development has to be in certain nodes, and it is acceptable to have smaller nodes. Agrees with other Commissioners that the request is a down-zoning. Outlines some of the uses that are allowed in the existing and proposed zoning districts. Feels that the location across from the Botanical Garden also makes this more appropriate than other properties to the north and south. Rezoning the subject property would not necessarily result in other similar rezonings in this area. Inquires from staff about buffer requirements.

Andrew Garner, Planning Director: Informs the Commission that there are screening requirements between residential and commercial development. This is a typical standard.

Niederman: Asks what the setback is.

Garner: The typical buffer can be 10-12 feet wide with a fence and vegetation.

Niederman: Inquires that with the buildings being closer to Crossover, is it possible to require an additional buffer or screening.

Kit Williams, City Attorney: Clarifies that conditions may not be placed on a rezoning.

Quinlan: Asks staff about what access would be permitted on to the subject property at the time of development.

Garner: Responds that the access management ordinance requires that access to a property be by way of a lower classification street, but accessing the higher classification street may be permitted by Planning Commission variance.

Quinlan: Asks what form of development submittal this item will go through.

Garner: Is not certain, but due to this zoning district being form-based, development may come through as a Large Site Improvement Plan which may be approved administratively.

Quinlan: Questions whether any development will have to comply with the City's commercial design standards.

Garner: Responds that development in build-to-zones are subject to a higher degree of design guidelines, including for architectural articulation and glazing.

Quinlan: Moves to forward the item to the City Council.

Williams: Interjects that he wants to clarify that this may or may not be a downzoning. The current R-O zoning would only allow a eating place of 2,000 square feet, while the proposed NS-G zoning district will allow a building of 8,000 square feet. In the R-O zoning a duplex is allowed, while in the NS-G zoning, residential housing is allowed up to tri- and quad-plexes. Also shares the height setback requirements under R-O, and that it would be difficult to develop to the maximum allowed height, while NS-G's setbacks allow more height near a property line.

Understands that this vote may move forward, but wants it to be clear that he does not feel that this is a downzoning. Lastly, the intensity is classified as medium rather than low.

Garner: Due to the proposed zoning district being new and unfamiliar to some, clarifies that the NS-G zoning district only allows for a restaurant to fill 2,000 square feet of the 8,000 square feet non-residential building size permitted.

Brown: States he will not support this rezoning request as it will lead to commercial development outside the designated areas. Requests that the Future Land Use Map of City Plan 2030 be pulled up for discussion, as it may be valuable for the newer Commissioners. Notes that the Plan deliberately designated certain areas along Highway 265 to be City Neighborhood Area with non-residential uses, but designated the subject property as Residential Neighborhood Area. Also, cannot support the request due to traffic concerns along with the City Attorney's comments that the subdivision's approval constitutes a neighborhood plan. Furthermore, he notes that the existing R-O zoning district allows for limited commercial development with a conditional use permit that requires a developer to work with neighbors and the Planning Commission.

Hoffman: Appreciates the Director's clarification and comments about the NS-G zoning district. With regards to the comparison of districts, he will support the one that promotes smaller buildings further from homes. In response to Commissioner Brown's comments about traffic, he contends that the problems with traffic on College are a result of zoning at the time, more than the uses themselves. The type of development that occurred on College is a result of sprawl-oriented zoning districts like the existing R-O on the subject property.

Motion:

Commissioner Quinlan made a motion to **forward RZN 17-5733**. **Commissioner Hoffman** seconded the motion. **Upon roll call the motion passed with a vote of 8-1-0. Commissioner Brown voted 'no'.**

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 X Representative

Applicant (person making request):

Name:

Max Parker
for CP Properties

Address:

1680 E. Shadowcreek Dr
Fayetteville Arkansas
72701

E-mail:

gm1x32@gmail.com

Phone:

(479) 799-6918

()

Fax:

()

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

Name: Blake Jorgensen

Jorgensen & Assoc.

Address: 124 W. Sunbridge Dr. Suite 5

Fayetteville, AR 72703

E-mail: blake@jorgensenassoc.com

Phone:

() 479-442-9127

()

Fax:

() 479-582-4807

Site Address / Location: SE corner of Crossover Rd. & Hearthstone Dr.

Current Zoning District: R-O & RSF-4

Requested Zoning District: CS

Assessor's Parcel Number(s) for subject property: Parcel: 765-22244-000 & 765-22245-000

FINANCIAL INTERESTS

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

CP Properties

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): MAX PARKER / CP Properties Date: 2-14-17
Signature: Max Parker

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): MAX PARKER Address: 1680 E. Shadowridge Dr
CP PROPERTIES, INC Fayetteville, AR 72701
Signature: Max Parker
Date: 2-14-17 Phone: (479) 799-6918

Name (printed): Philip Cameron Address: 1663 Viewpoint
Philip Cameron Fayetteville AR 72701
Signature: Philip Cameron
Date: 2-14-17 Phone: (479) 263-3815

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: April 10, 2017 (Updated with Planning Commission Results)

SUBJECT: **RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN 17-5733** to the City Council with a recommendation of approval, based on the findings herein.

BACKGROUND:

March 27, 2017 Planning Commission Meeting: The previous request by the applicant was to rezone the subject property to CS, Community Services, with an intention to develop the area with a restaurant and drive-thru coffee shop. This item was tabled at the March 27, 2017 Planning Commission meeting to give the applicant time to reconsider and possibly revise their request according to comments and concerns expressed by both area residents and the Planning Commission. In order to address these concerns, the applicant is now proposing to rezone the property to NS-G, Neighborhood Services, General. The NS-G zoning district limits the size of commercial buildings to a maximum of 8,000 square feet and does not allow drive through restaurants.

The proposed rezoning request is for two parcels, totaling approximately 1.79 acres to the south of Hearthstone Drive and east of Crossover Road/Highway 265. The properties are currently split-zoned, with the northern portion as R-O, Residential Office, and the southern portion as RSF-4, Residential Single-family, 4 Units per Acre. The subject property and approximately 500 acres of additional land largely paralleling Crossover Road were annexed in to the City of Fayetteville in November of 1977. Subsequently, the subject property was platted as part of the larger Stonewood Subdivision in 2001, which includes approximately 100 single-family lots and 14 lots intended for residential or office development. The subject property is among the latter, but remains undeveloped. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped; Property Management Offices	R-O, Residential Office
South	Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Lake Fayetteville Park/ Botanical Garden of the Ozarks	R-A, Residential Agricultural

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre, and R-O, Residential-Office, to NS-G, Neighborhood Services, General, in order prepare the parcel for development.

Public Comment from the March 27, 2017 Planning Commission: The Planning Commission received numerous comments regarding the proposed rezoning, with the significant majority stating firm opposition to a rezoning. Those that contacted staff before the meeting, as well as those that spoke at the meeting cited concerns with litter, odor, noise, and lighting, including the prospect that a dangerous traffic condition could result and that crime would increase. Numerous individuals insisted that the rezoning would decrease the property values of the adjacent neighborhood, while the existing zoning districts were part of their decision to purchase homes in this area, and are perceived to have been a promise of the subdivision's developer.

Public Comment: Staff has continued to receive a significant number of comments in opposition to the rezoning request, although, given the very recent nature of the change in proposed zoning district, none have been directly in opposition to NS-G, Neighborhood Services, General. Some commentary in support of rezoning the property has also been received, stating a preference for the availability of services in closer proximity to their residential neighborhood.

INFRASTRUCTURE:

Streets: Both subject parcels have direct access to Hearthstone Drive, a two-lane, partially-improved Local street, with curb and storm drain. Sidewalks would be required to be constructed at the time of development.

The western of the two parcels also has access to Crossover Road, which is a fully-improved principal arterial and a state highway that is signalized at Hearthstone Drive. City access management requirements mandate that properties shall access a lower classification street when present, as Hearthstone Drive does in this instance.

Water: Public water is available to the site. An 8-inch water main runs along the property frontage of Hearthstone Drive.

Sewer: Public sewer is available to the site. An 8-inch sewer main runs along the property frontage of Hearthstone Drive.

Drainage: Any additional improvements or requirements for drainage would be determined at time of development. No portion of these parcels lie within the FEMA designated 100-yr floodplain or the Hillside-Hilltop Overlay District (HHOD). A protected stream, Hilton Creek, runs south of these parcels. Hydric Soils have been identified on portions of these parcels and would require a wetlands determination to be provided at the time of development proposal.

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 Plan designates the properties within the proposed rezone 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 row-houses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. *It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.* This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

FINDINGS OF THE STAFF

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 include a mixture of suburban residential development to the east, office uses to the north, and a City park and botanical gardens to the west. The proposal of NS-G zoning on the corner of a largely-improved Local Street, and a high-volume, improved Principal Arterial can create a transitional area that may be developed in a commercial or mixed-use pattern that compliments both the existing adjacent uses and existing infrastructure. Furthermore, the NS-G zoning requirements allow a lower density, smaller building size and lower height than the existing R-O zoning district.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. This location is consistent with the guidelines of City Plan 2030 for higher intensity non-residential use in corner locations and along connecting corridors. This is a corner property with a traffic signal on a busy arterial highway. Among the goals in City Plan 2030, the proposed rezoning represents the potential for both infill development and development in a traditional urban form pattern. Although less than one mile from Fayetteville's northern city boundary with Springdale, and thereby not generally thought of as an infill site, commercial or mixed-use development on the subject property can take full advantage of City facilities at the adjacent City park and the existing utility and road infrastructure. Similarly, despite being on a state highway (Crossover Road), the subject property's proximity to both a significant City park and a single-family subdivision presents an opportunity to create a mix of uses where

residents can live, work, and play all in the same neighborhood. The NS-G zoning district encourages patterns of development that result in realizing this goal, including an expectation that buildings will be located at the corner, creating an environment appealing to pedestrians and reducing the visual impact of parking areas, while also limiting permitted uses to those that are complementary to adjacent neighborhoods. A mixture of residential and commercial uses, which is permitted by the NS-G zoning district, is typical in a traditional urban form, with buildings addressing the street.

Lastly, this area of the City has many residents, with approximately 300 single-family homes accessing Crossover Road by way of Hearthstone Drive, but lacks non-residential goods and services within walking distance. This development pattern has resulted in residents being required to drive to meet any daily needs. The FLUM designation of this area as Residential Neighborhood recognizes this issue in encouraging appropriate non-residential uses, and the applicant's proposal for NS-G at this corner location could help alleviate the lack of services in the area.

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

Finding: The applicant has requested the zoning change to develop the property in manner that can serve the surrounding community, which is generally not as feasible under the existing RSF-4 and R-O zoning districts. The proposed NS-G, Neighborhood Services, General zoning will encourage appropriate commercial or residential development on this corner parcel in an area that has seen limited, and largely-residential development over the last two decades. The NS-G zoning district is designed primarily to promote complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses.

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

Finding: A NS-G zoning allows a limited range of commercial activity and a residential density that is currently lower than that allowed under the R-O zoning district. Given the property's undeveloped state, any development would invariably create the potential for increased traffic in the area, but not necessarily greater than could result from the existing RSF-4 and R-O zoning districts. The property is located on the southeast corner of Crossover Road and Hearthstone Drive, a fully-improved Principal Arterial and partially-improved Local Street respectively. The intersection adjacent to the subject property is signalized, and includes pedestrian crosswalks. While there will be an appreciable increase in traffic with any development, Hearthstone Drive does not connect to any significant transportation routes to the east, and, as a result, any increase in vehicular movement will likely move westward through the existing traffic signal to Crossover Road. As such, traffic danger and congestion is not expected to increase appreciably.

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: Although the property is currently undeveloped, development under the current zoning or the proposed zoning will likely result in a comparable increase in the load on public services and may increase population density in the area. The NS-G zoning allows a range of commercial activity but a lower residential density than R-O. Despite this, the subject property has access to existing infrastructure, and is an area where development would not have significant adverse impacts on public services or facilities. Additionally, neither the Police nor Fire Departments have expressed objections to the proposal.

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

Finding: N/A

RECOMMENDATION: Staff recommends forwarding RZN 17-5733 to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>April 10, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Quinlan			
Second: Hoffman			
Vote: 8-1-0, Commissioner Brown voted 'no'.			
CITY COUNCIL ACTION: Required <u>YES</u>			
Date: <u>May 2, 2017 (planned)</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.03, RSF-4, Residential Single-family, 4 Units per Acre
 - o §161.18, R-O, Residential-Office
 - o §161.20, NS-G, Neighborhood Services – General
 - o §162.01, Unit 12b, General Business
- Revised Request letter
- Public Comment
 - o Public Comment leading up to the March 27, 2017 Planning Commission meeting
 - o Public Comment leading up to the April 10, 2017 Planning Commission meeting
- Memo and Spreadsheet from Commissioner Brown
- 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	Cluster Housing Development

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	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; Ord. No. [5921](#), §1, 11-1-16)

161.18 - District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 25	Offices, studios, and related services
Unit 44	Cluster Housing Development

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet

Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet

Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	60 feet
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Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional distance of 1 foot for each foot of height in excess of 20 feet.

(G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4726, 7-19-05; Ord. No. 4943, 11-07-06; Ord. No. 5079, 11-20-07; Ord. No. 5195, 11-6-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5735 1-20-15; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16)

161.19 - Neighborhood Services, General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Service, General 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) and four (4) family dwellings
Unit 12b	General Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cluster 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 16	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.* Eighteen (18) or less per acre.

(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

All Dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet per dwelling unit
All other uses	None

(E) *Setback Regulations.*

Front:	Side	Side-Zero Lot Line	Rear	Rear, when contiguous to a single-family residential district
A build-to-zone that is located between the front property line and a line 25 ft. from the front property line.	5 feet	A setback of less than five feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed. The remaining side setback shall be 10 feet.	None	15 feet

(F) *Building height Regulations.*

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

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

§162.01 – Establishment/Listing

(M) Unit 12b. General Business,

- (1) *Description.* Unit 12b consists of small-scale establishments offering commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale and appearance with the surrounding neighborhood. These uses shall be subject to the regulations in Chapter 164. All uses classified under Unit 12b must be within a building containing 8,000 square feet or less, excluding area dedicated to residential uses.

- (2) *Included Uses.*

Personal services	•Day Care
	• Dry cleaning
	• Salon/Barber shop
	• Tailoring
Retail	• Antique/home décor sales
	• Apparel
	• Art/Architectural supplies
	• Bakery/Pastry shops
	• Bicycle shop
	• Bookstore
	• Coffee shop
	• Delicatessen
	• Drugstore
	• Florists
	• Food specialty stores
	• Grocery
	• Hardware store
	• Health food store
	• Hobby/Craft shop
	• Ice cream
	• Meat market
	• Restaurant/Café
	• Small Appliance Repair

	• Stationary store
	• Toy store
	• Video rental
Professional Offices	• Accountant
	• Architect
	• Attorney
	• Broker
	• Business/Mgmt. Consultant
	• Doctor



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying
Landscape Architecture Services

CUP 17-5733
Request Letter

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

April 6, 2017

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701
Attn: Development Services

Re: Hearthstone Properties Rezoning

To Planning Commission/Planning Staff

Please accept this request to alter the previous rezoning from Community Services (CS) to Neighborhood Services-General (NS-G). After meeting with staff and the owners of the property, we feel that this zoning classification is the optimal zoning request and that it is a downzone in regards to both CS as well as RO. This zoning classification would eliminate any concerns that have been brought up associated with the CS request in regards to gasoline service stations as well as drive through restaurants. This zoning classification would also have reduced building heights, as well as limit the by-right foot print of the building(s).

We appreciate both the community's and the staff's time and input on this matter and look forward to discussing this rezoning with the Planning Commission.

Jorgensen + Associates

**Public Comment
for 3/27/2017 Planning
Commission Meeting**

We, the undersigned owner and residents of Stonewood, are strongly inclined to support the requested zoning change from Max Parker. For decades we have enjoyed the higher property values and enhanced city services provided by Fayetteville's adherence to a strict policy of planned development. Evidenced by Fayetteville's repeated listings as one of the top ten places to live in the US...a distinction not awarded to our neighbors.

The stringent signage, greenspace, parking, etc. codes, requirements and ordinances have continued to make Fayetteville a desirable place to live although other cities in our area may be more attractive from a property price point view only.

We trust the planning commission and other regulatory bodies to allow only a tasteful commercial establishment that would enhance the neighborhood. We believe that an attractive, unobtrusive restaurant/coffee shop between our neighborhood and the Botanical Gardens would be very desirable.

As for the future risks, any business would require design, elevation and building permit approval. History has proven that Fayetteville protects both its residential and commercial areas by a policy considering aesthetical, environmental and service support availability.

Thank you,

Janet Watkins, Elizabeth Blackburn, Barbara George

Public Comment for RZN 17-5733 (CP Properties)

3/25/2017

Mr. Curth,

I understand there is a question of rezoning property that is at the front entrance of Stonewood from office, and the like, to one that would allow for the building of restaurants. In particular, there is the building of a pizza shop being currently considered. I would like to let you know that I, and my family, are strongly against this change. When property is purchased, there is an expectation of maintaining value and a level of comfort. Nuisances like this restaurant destroy that value and comfort. It materially alters the initial purchase agreement. The restaurant will produce noise, smells and dangers that were not presented to the current owners when they first agreed to purchase the property. In addition, there is a safety issue when you place a business in with homes. Business often request and received liquor licenses. In addition to provided this to there customers there is parking and increased traffic or congestion. The two combined can be dangerous to not only the people living in the neighborhood but visitors to the Botanical Garden across the street. Many people walk, bike and move back and forth across that intersection. I think you all should be on notice of these danger and nuisance issues when you are considering these zoning changes. Any changes you make and the consequences that might occur should be carefully considered. Thank you for your consideration of this matter,

Monika Szakasits
Resident of Stonewood Subdivision

3/26/2017

Hello Mr. Curth:

I'm a new resident to the Stonewall community. My property directly abuts the R-O zoned properties along Crossover.

Recently it has come to my attention that there is the potential for the R-O zoned lots in front of Stonewall to be rezoned to allow an eatery of some type.

While I like the convenience of another great food joint nearby, I certainly wouldn't welcome the lights, sounds and smells that would come along with it, staring right into my backyard.

I have voiced my opposition to our POA President, but thought it wouldn't hurt to let you know how I feel as well.

I am against the proposed rezoning.

Thanks for listening!

Vic Kennett
Founder / CEO



Phone: 870-423-6242

Web Site: www.kerusso.com

"One Team - One Mission!"

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3/27/2017

Mr. Curth:

I write this email to register my objection to the proposed rezoning of Lots 1 & 2 of Stonewood from R/O to CS. I understand that the planning commission will consider this rezoning request at their meeting at 5:30 this afternoon. I plan to attend. Thank you.

Stevan E. Vowell

Taylor Law Partners, LLP

303 E. Millsap

P. O. Box 8310

Fayetteville, AR 72703

(479) 443-5222

(479) 443-7842

svowell@taylorlawpartners.com

Dear sir,

As I understand the present proposal for the property on Hearthstone and 265 across from the Botanical Gardens there are positive aspects to the proposal. My concern is as planned another pizza parlor will be there. Should the council not take into consideration multiple ones in close proximity? I would hope the council would consider what is best for the community. In addition, a major reason I chose to purchase a home in Copper Creek subdivision was the location of the Botanical Gardens and the hiking trail. Another fast food place is not in concert with those amenities. If it is at all possible to take into consideration this great local asset and what would enhance rather than detract from it, I would sincerely recommend the council doing so.

Margret Walker

3441 Peppermill Place

Fayetteville, AR

Sent from my iPhone

Hello Mr. Curth,

I'm a resident of the Copper Creek neighborhood and will attend this hearing to learn more about the rezoning request. Would you please provide a copy of the comprehensive plan for this area?



I look forward to seeing the comprehensive plan.

My thanks,

~Susan Holmes

3404 Jasper Lane Fayetteville AR 72764

479-225-6175 susanholmes95@gmail.com

Dear Mr. Curth,

My husband and I would like to voice our opinions *against* the proposed rezoning for Stonewood Lots 1 and 2 (RZN 17-5733). One of the benefits of this neighborhood is privacy. Bringing commercial property to the front entrance of the neighborhood will undoubtedly bring increased traffic to the area. There are other downfalls as well, which will be shared by Stonewood POA. Thank you for your consideration.

Sincerely,

Jennifer & Michael Moffitt

4652 Stonewall Xing

Fayetteville, AR 72764

Jonathan,

Attached is a spreadsheet showing the responses to the proposed rezoning of Lots 1 and 2 in the Stonewood subdivision. As you will readily see, there are clearly two sides to this proposal. The developers are all for it, and the homeowners are almost 100% against it. I don't need to repeat the

reasons the homeowners oppose the rezoning - you've seen multiple emails from them already. I trust that you will include this spreadsheet information in the package that you provide to the Planning Commission.

Bob Anderson
Treasurer
Stonewood P.O.A.

The subject spreadsheet is attached to this packet of public comment.

Mr. Curth:

I am opposed to the rezoning of the 1.79 acres east of Crossover and south of Hearthstone.

My plan to attend tonight's meeting has been foiled. Therefore, here is why I am opposed to the rezoning from "Residential Office" to "Community Service."

1. Crossover's median prevents easy access.
2. Gridlock at Crossover and Hearthstone would be inevitable.
3. The Botanical Garden's beauty and purpose would be in jeopardy.
4. CS zoning will likely impact the existing residential environment and property values.

Honestly any savvy commercial/retail developer (independent or franchise) would see these same concerns and would not pursue this land in question.

Thank you for including my concerns in tonight's meeting and subsequent decision. Also, we really appreciate the work that you and the Planning Commission do to make Fayetteville a great place to live!

Best regards,

Daniel Hocklander
Past President
Copper Creek Homeowners' Association

TO: Jonathan Curth
Fayetteville City Planning Department

I am opposed to the rezoning of Lots 1 and 2 in the Stonewood Division for the proposed development of the lots.

Current property owners have bought lots and built their residents with the knowledge of the current written commercial zone guidelines (residential office building). I am also concerned about the effect this might open up for the other commercial zoned property fronting the Highway.

I would appreciate the planning board taking my opinion into consideration.

Stonewood Division property owner

Jo Ann Woodward

Stonewood Subdivision Responses to a POA Survey

Stonewood Subdivision Rezoning Proposal for Lots 1 & 2

Commercial Lots

92.9% Percentage of lots voting
13 For the rezoning
0 Against the rezoning

Homeowner Lots

72.4% Percentage of lots voting
1 For the rezoning
75 Against the rezoning

Lot	Parcel	Name	Address
1	22244	C P Properties, LLC	Crossover Road (Vacant Commercial Lot)
2	22245	C P Properties, LLC	Crossover Road (Vacant Commercial Lot)
3	22246	Kjune LLC	Crossover Road (Vacant Commercial Lot)
4	22247	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
5	22248	Parker Investments, LLC	Castlewood Ln. (Commercial Lot)
6	22249	Parker Investments, LLC	Castlewood Ln. (Commercial Lot)
7	22250	Parker Investments, LLC	4790 Castlewood Ln. (Commercial Lot)
8	22251	Fochtman, Earl & Gayle	Crossover Road (Vacant Commercial Lot)
9	22252	Fochtman, Earl & Gayle	Crossover Road (Vacant Commercial Lot)
10	22253	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
11	22254	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
12	22255	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
13	22256	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
14	22257	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
15	22258	Ellison, Frances Anita	4843 Lavendon Pl.
16	22259	Ingram, Justin & Andrea	4857 Lavendon Pl.
17	22260	Watson, Gaye F.	4869 Lavendon Pl.
18	22261	Olive Trust Joshua Hicks	4881 Lavendon Pl.
19	22262	Stevens, Robert & Karen	3116 High Meadows Dr.
20	22263	Liu, Pu & Li-Chuan Chang	3140 High Meadows Dr.
21	22264	Oswald, Robert & Anne	3162 High Meadows Dr.
22	22265	Roberts, Barbara	3186 High Meadows Dr.
23	22266	Szakasits, Monika	3200 High Meadows Dr.
24	22267	Nielson, Bradley & Michelle Roberts	3224 High Meadows Dr.
25	22268	Murphy, Rong Yan	3246 High Meadows Dr.
26	22269	Hicklin, Michael & Lynda	4884 Trails End Ln.
27	22270	Vowell, Stevan & Peggy	4868 Trails End Ln.
28	22271	Hopkins, Wade & Sharon	4856 Trails End Ln.
29	22272	Aldridge, Bret & Barbara	4842 Trails End Ln.
30	22273	Hubbard, Thomas & Shareinea	4830 Trails End Ln.
31	22274	Zimmerman, Brent & Cassandra	3229 High Meadows Dr.
32	22275	Woodward, Billy Ray & Joann	High Meadows Dr. (Vacant Lot)
33	22276	Scarbrough, Troy & Amy	3191 High Meadows Dr.
34	22277	Cox, Winfred M. & Clarice W.	3163 High Meadows Dr.
35	22278	Caldwell, Nelson & Terrie	3141 High Meadows Dr.
36	22279	Augustine, Merlin & Beverly	4862 Lavendon Pl.
37	22280	Anderson, Bob	4844 Lavendon Pl.
38	22281	Parker, Terry & Ellen	3142 Greystone Dr.
39	22282	McLaughlin, Gary & Susan	3164 Greystone Dr.
40	22283	Mitzel, Marvin & Christel	3190 Greystone Dr.
41	22284	Welker, Juanita M.	3204 Greystone Dr.
42	22285	White, Bryan & Susan F.	3228 Greystone Dr.
43	22286	Davis, Jerry & Brenda	4808 Trails End Ln.
44	22287	Marley, Mark & Cheryl	4792 Trails End Ln.

Stonewood Subdivison

Rezoning Proposal for Lots 1 & 2

Commercial Lots

92.9%	Percentage of lots voting
13	For the rezoning
0	Against the rezoning

Homeowner Lots

72.4%	Percentage of lots voting
1	For the rezoning
75	Against the rezoning

Lot	Parcel	Name	Address
45	22288	Mize, Andrew M. & Page Ann	4774 Trails End Ln.
46	22289	Salsbury, Randy & Shana	4758 Trails End Ln.
47	22290	Ashley, Larry & Martha	4749 Trails End Ln.
48	22291	Bunn, Richard & Margaret Werner	4773 Trails End Ln.
49	22292	Bradbury, Michael & Sharon Etchinson	4791 Trails End Ln.
50	22293	Glenn, Ryan & Maranda	4807 Trails End Ln.
51	22294	Wynne, Thomas B. & Marley M.	3203 Greystone Dr.
52	22295	Rigo, Gilson & Vania	3189 Greystone Dr.
53	22296	Basnett, Erin	4790 Stonewall Crossing
54	22297	Crawford, John & Beverly	4772 Stonewall Crossing
55	22298	Davis, Doris & Kim	4754 Stonewall Crossing
56	22299	Hughey, Gary & Sandra	4738 Stonewall Crossing
57	22300	Gillihan, Betty Kaye	3202 Hearthstone Dr.
58	22301	Jezewski, Jeffery & Jennifer	3226 Hearthstone Dr.
59	22302	Matthews, Andy & Cheryl	3244 Hearthstone Dr.
60	22303	Scalise, Mark & Jacqueline	3268 Hearthstone Dr.
61	22304	Malone, Noel & Ada Lee	3077 Greystone Dr.
62	22305	Smith, Virginia	3103 Greystone Dr.
63	22306	Mueller, Phuong & Ellen Gebhart-Mueller	3119 Greystone Dr.
64	22307	Mosby, Keith & Katherine	4807 Stonewall Crossing
65	22308	Stephens, George L. III	3144 Ladelle Pl.
66	22309	Alisha Sutton	3120 Ladelle Pl.
67	22310	LaGrone, Dean	3102 Ladelle Pl.
68	22311	Kennett, Vic & Melody	3078 Ladelle Pl.
69	22312	Flynn, Mike & Courtney	3063 Ladelle Pl.
70	22313	Henry, Clay & Jean Ann	3079 Ladelle Pl.
71	22314	Wright, Warren & Linda	3101 Ladelle Pl.
72	22315	Draper, Joe & Nancy	3145 Ladelle Pl.
73	22316	Draper, Joe & Nancy	3145 Ladelle Pl.
74	22317	Draper, Joe & Nancy	3145 Ladelle Pl.
75	22318	Draper, Joe & Nancy	3145 Ladelle Pl.
76	22319	Davis, Rick & Shawna	3100 Hearthstone Dr.
77	22320	Pianalto, Nick	3080 Hearthstone Dr.
78	22321	Hudgens, Patricia	3081 Hearthstone Dr.
79	22322	Ashby, Charles & Debbie	3033 Waterstone Dr.
80	22323	Busken, Gerard & Tammy	3057 Waterstone Dr.
81	22323-001	Collins, Craig & Bethany	3089 Waterstone Dr.
82	22324	Cantu, Jeffrey	3123 Hearthstone Dr.
83	22325	MacDade Properties LLC	3044 Waterstone Dr.
84	22326	Watkins, Janet & Catherine Vantine	3072 Waterstone Dr.
85	22327	Head, Steven & Hillary	3104 Waterstone Dr.
86	22328	Stancil, Jim & Susan	3130 Waterstone Dr.
87	22329	Forge, Maxine	3152 Waterstone Dr.
88	22330	Mazili, Christine A.	3186 Waterstone Dr.

Stonewood Subdivison

Rezoning Proposal for Lots 1 & 2

Commercial Lots

92.9%	Percentage of lots voting
13	For the rezoning
0	Against the rezoning

Homeowner Lots

72.4%	Percentage of lots voting
1	For the rezoning
75	Against the rezoning

Lot	Parcel	Name	Address
89	22331	Andrade, Juan & Ana	3208 Waterstone Dr.
90	22332	Levy, Lynn Revocable Trust	3224 Waterstone Dr.
91	22333	Green, Cynthia K.	4657 Stonewall Crossing
92	22334	Moore, Jennifer Paige	4665 Stonewall Crossing
93	22336	Young, Dena	4673 Stonewall Crossing
94	22335	Young, Alex Alden	4687 Stonewall Crossing
95	22337	Wilson, Hugh E. & Audrey A.	4695 Stonewall Crossing
96	22338	Serrano, Jose & Maria	3147 Hearthstone Dr.
97	22339	Porter, Kenneth B. & Andrea	3267 Hearthstone Dr.
98	22340	Zavaleta, Julio Cesar	3243 Hearthstone Dr.
99	22341	Taylor, Lawrence & Brandy	3225 Hearthstone Dr.
100	22342	Moore, Samuel & Margaret	3201 Hearthstone Dr.
101	22343	Collins, Randall	3185 Hearthstone Dr.
102	22344	Hardcastle, Andrea	4692 Stonewall Crossing
103	22345	Kyle & Caitlin Pennington	4664 Stonewall Crossing
104	22346	Bowlin, Philip & Brenda	4658 Stonewall Crossing
105	22347	Moffitt, Jennifer & Michael	4652 Stonewall Crossing
106	22348	Brown, Michael & Ana	4646 Leiston Pl.
107	22349	Demarest, Chris & Alicia	4640 Leiston Pl.
108	22350	Antoine, Ronald & Zenarea	4632 Leiston Pl.
109	22351	Rhodes, Amy S.	4624 Leiston Pl.
110	22352	Chamberlain, Carol Jean	3267 Waterstone Dr.
111	22353	Locey, Ryan & Monica	3245 Waterstone Dr.
112	22354	McCarley, Timothy	3223 Waterstone Dr.
113	22355	Morris, Nicholas & Lydia	3209 Waterstone Dr.
114	22355	Sandlin, James & Renee	3187 Waterstone Dr.
115	22355	Carrasco-Quezada, Erika	3165 Waterstone Dr.
116	22356	Black, Nancy	Waterstone Dr. (Vacant Lot)
117	22357	Mathias, David & Ashley	3129 Waterstone Dr.
118	22357-001	Siebert, Eric & Katlyn	2111 Waterstone Dr.
119	22358	Zamora, Rosanna	3352 Waterstone Dr.

Public Comment for 4/10/2017 Planning Commission Meeting

3/28/2017

Thank you for your response. We attended the planning meeting last night and were so disappointed the issue of rezoning our neighborhood was tabled instead of being voted down. We retired four years ago and moved to this area from NE Arkansas. One of our prime reasons for choosing this subdivision was because of its beauty and cleanliness. My husband is in bad health, so we felt the neighborhood afforded us safety with proximity to doctors and the hospital. We knew it was zoned R/O but believed office type buildings would be built in the frontage area with day hours, not a lot of congestion, or loud noise. With so many of the homeowners in Stonewood voting not to change the zone to CS, my prayer is that the planning commission will vote the will of the people. The fact that the 2030 goals of the city have this area marked to remain residential impressed me that the city felt it important to protect some residential areas and not turn everything into commercial. Thank you for your work. If my husband is able, we will attend the next meeting.

Sandy Hughey
4738 Stonewall Crossing

3/30/2017

Jonathan,

As I did at the hearing Monday night, I would like to again voice my opposition to the rezoning of Lots 1 and 2 in the Stonewood subdivision from R-O to CS or any other zoning designation other than what they have always been. I am disappointed that the Planning Department would recommend approval when the rezoning clearly doesn't fit the City's own master plan, Plan 2030. When you drive the length of Crossover within the city limits, you can clearly see the commercial areas at the intersections identified by Thomas Brown at the hearing. What you don't see when you drive north of Zion is anything resembling a commercial area, just as Plan 2030 indicates. Doesn't the Planning Department look at Plan 2030 when they are deciding to recommend approval for a rezoning?

Bob Anderson
Treasurer
Stonewood P.O.A.

Dear Jonathan,

Please accept this correspondence as a vehement objection to the proposed rezoning of the 2 lots adjacent to the Hearthstone Drive entrance. It was accepted when we all elected to build our homes, and invest substantial monies to do so, that **there would eventually be office buildings at the entrance**. That was the accepted deal. Be assured it **was an arrangement we were all aware of and accepted**. Why is this relevant? Because we were also aware of what was NOT allowed to be built at the entrance, namely convenience stores or fast food or any number of high traffic / high-volume business of those type.

If the deal when we build houses and moved to the neighborhood was that there would be a convenience store or McDonald or etc. at the entrance, MOST if not **ALL** of the present tenants would have elected to forego building or moving into Stonewood or Copper Creek, and would have established our homes and neighborhoods elsewhere. Myself absolutely! It was a **CONSCIOUS** decision, not something that had

not been considered until now! That is a fact. A rezoning would be an unfair change of rules mid-game. Not fair. Not equitable. It completely fails the "Do Right" rule!

It was NEVER part of the deal that those lots would be allowed to be rezoned in a manner that would allow fast food or convenience stores or any number of high traffic / high-volume businesses or retailers to clog the intersection and attract persons of every ilk to our neighborhood!! It is simply not acceptable to the residents who have made this neighborhood their home to suddenly allow it.

Please respect this request to deny the rezoning and request the opinions of the residents. Consider for a minute and **take into account the extremely negative impact this rezoning would have on a population of citizens that more than pulls its weight paying the taxes** which fund the activities and salaries of the employees of this city.

We trust you will pass along these sentiments to the Commissioners hearing this request.?! Your, and their **consideration in this regard would be greatly appreciated!!**

Best,
Mark Scalise

Mark N. Scalise
3268 Hearthstone Drive
Fayetteville, AR 72764
(479) 466-7712

Dear Jonathan, the letter you received from Mark Scalise is exactly what I wish to convey regarding my feelings about the rezoning of Stonewood property. My husband and I relocated here 2 years ago and we were assured the rezoning was for RO and told that was for office buildings. My husband had complete faith that this was the case. He passed away last year after a sudden illness but he loved living in Fayetteville. Please do the right thing and do not disappoint us. Thank you. Anita Ellison 4843 Lavendon Place. 870 919 5965 Sent from my iPhone

Mr. Curth:

My husband and I live in the Stonewood Subdivision on Trails End Lane. We are opposed to rezoning the lots in the front of our neighborhood from RO to CS. We have several concerns, most of which were addressed by our neighbors at the meeting on March 27. However, I do have a few comments I would like to make.

First of all, I cannot understand how the Commission can say that the addition of the proposed restaurant (which would be allowed under the CS zoning) would not increase the traffic in our neighborhood. I think it is logical and commonsense that if this establishment is successful, traffic will increase in our neighborhood. Steve Vowell told the Commission about the heavy traffic in the mornings trying to exit our neighborhood. What I don't think the Commission appreciates is that between the hours of 7 a.m. to 9 a.m. at many times there is a line of between 7 to 9 cars waiting to turn left (South) at the light at Hearthstone and 265. If you add a coffee shop with a drive thru at the location with the only entrance and exit to that coffee shop being on Hearthstone, it will create a traffic issue. I believe the busiest hours for

the coffee shop would also be between the hours of 7 a.m. and 9 a.m. I have no doubt that many of the people exiting the coffee shop will see the line of cars waiting to turn and decide to take a right onto Hearthstone to try to find a different and quicker exit. Since they are not familiar with our neighborhood, they will not know that the Hearthstone exit is the only exit from the neighborhood which allows you to exit and travel South. Those people will end up driving through the side streets until they realize their only exit is on Hearthstone.

The comment that the rezoning is needed so the restaurant can build on the street as opposed to a setback as required to keep AHTD from widening 265 further is ridiculous. AHTD has no plans in the foreseeable future to widen 265 to more than the four lanes it already has. Further widening is not on any of AHTD plans.

A major concern is the safety of the crosswalk at Hearthstone and 265. If the Commission wants to put in restaurants/shops, etc. to encourage people from the trail system to cross the road to visit those establishments, the crosswalk will need to somehow be made safer. We utilize the trail system regularly. It is one of the reasons we like our neighborhood so much is that we have convenient access. However, the crosswalk is not safe. I cannot tell you the number of times someone traveling South has run the red light. If a pedestrian is unfamiliar with the safety issues and simply steps out into the crosswalk thinking they have the right of way, the likelihood of someone getting injured is very high. Also, the traffic coming out of the BGO cannot see traffic or pedestrians because of the slope of the hill as they exit. They do not see anything until they get to the top of the hill and have started to make their turn. There have been several times that bicyclists have almost been hit by cars turning out of the BGO. Also, vehicles that stop in the crosswalk or beyond the cross walk far outnumber the vehicles the stop before the crosswalk. Plain and simple – to be safe, pedestrians at that crosswalk have to wait to make sure the vehicles are going to stop at the light, and also that they are not going to stop in or beyond the crosswalk.

When the current owners of the RO lots purchased them, they knew that they were zoned RO. When the people in the neighborhood bought their houses, they knew that the zoning was RO. It is completely unfair at this point to change the zoning from RO to CS so that the owners of those lots can sell them. The rezoning benefits the owners of the 14 RO lots to the detriment of the 105 owners of the houses in the Stonewood Subdivision. If the lots are going to be rezoned, a far more appropriate and fair rezoning would be to Neighborhood Services.

Thank you for your time.

Sharon Hopkins
Cox, Cox & Estes, PLLC
3900 Front Street, Suite 203
P. O. Box 9630
Fayetteville, AR 72703
P: 479-251-7900
F: 479-251-7910

Dear Mr. Curth :

We are owners in Stonewood. We were in attendance @ the City Planning meeting on Monday, 3/27/17. It was encouraging to note the civility & good order , especially in these times. There were some most tender issues addressed in a very respectful manner by you & the commissioners. It was nice to see. Thanks.

However, the commissioners seem to be much disposed to approve the above cited proposal to rezone & know what is to follow .This is not good.

And that persuasion, despite cogent & honest testimony by a multitude of residents to indicate the predictable harm rezoning will bring.

This includes, & is not limited to, increased commercial traffic, pedestrian adults & kids struck / injured by vehicles, trash, vermin, food odors, noxious, mephitic smells, dumpster drawbacks, decreased home & property value, reduction in the solace, comfort, & peace of the Stonewood home environment, general discontent, excessive unneeded transients passing through with the probable chance for increased crime in Stonewood & the area .

Folks did not buy there to be degraded & marginalized in such a way. The effort seems invidious .Land owners & developers on Lots 1 & 2 will benefit mightily; the merchants & beaneries that establish there may do OK ; the city will surely benefit from the lucre of more tax income , and development will creep on up the road & down it soiling all in its path . The 14th Amendment says a lot indeed.

Respectfully, it is venal, selfish ,biased, & improper to do this without equal consideration of Stonewood and sentient consideration of its position. A sense of decency here is hard to spot presently . The spirit & intent of the rezoning effort is surely incompatible with good citizenry & consideration of the decent people of Stonewood. I hope the commissioners do not share that view of us. We pay our bills, keep your city alluring , and dignify yourselves and Springdale as a fine place to be. Please do consider us.

Sad to say, at this juncture we are meat for your grinder.

And it's for a purpose that defiles the common good of the area, the common weal, and even yourselves as advocates for something which, in the long view , is detrimental for the surround & us.

It was somewhat surprising to hear the nice Nature Center spokeswoman's comments last Monday. "Neutrality" noted in her stance.

There is solid irony in favoring some beaneries to be close by , feeding their patrons after a healthy heart ramble in the Center . And knowing that these food places are established on , & adjacent to , clean salubrious neighborhoods that are being soiled by the enabling rezoning & planned development. These are juxtaposed to the healthiness & good stuff of her nature unit. Ugh. Well, opinions are that way, and no hypocrisy is suggested.

I am hopeful that all of you will put your political & mercenary hats aside to consider what you are doing to some of your very own good ones in this fine multicultural neighborhood. It is improper , & tends to do real harm. I trust Homo sapiens would never eat its own. We should all have that confidence.

Thank you.

Sincerely,

Albert Mac Dade
Owner- Stonewood

3/31/2017

WE HAVE LIVED IN STONEWOOD FROM DEVELOPING FIRST BEGAN. WE BOUGHT LOTS 72,73,74,75. WE MOVED HERE FROM THE KANSAS CITY AREA AND PREVIOUSLY TO THAT LIVED IN HOUSTON WITHIN BOTH NICE BEGINNING SUB-DIVISIONS. AFTER BEING IN EACH AREA FOR 21 AND 16 YEARS RESPECTIVELY, THEY WENT THROUGH A REZONING PROCESS FROM RO. THEY BUILT A ALDI FOOD STORE IN KANSAS CITY AND A CONVENIENCE STORE IN HOUSTON. BOTH SUB-DIVISIONS STARTED GOING DOWN HILL AND DEFINITELY DE-VALUED THE PROPERTIES. BY THE TIME WE SOLD AND MOVED.

WE WERE ON OUR WAY FROM KANSAS CITY TO TEXAS TO RELOCATE FROM RETIREMENT IN 2001. WE STOPPED IN FAYETTEVILLE AND AFTER LOOKING OVER THE AREA, DECIDED TO SETTLE HERE. WE CHOSE STONEWOOD WITH ALL THE PROMISES FROM THE DEVELOPER, MARK FOSTER, WHICH HE FAILED TO CARRY OUT. WE'D LIKE TO REMAIN IN STONEWOOD, BUT IF HOME VALUES START GOING DOWN, WE WON'T STAY. WE'VE BEEN THERE AND DONE THAT. WE KNOW WHAT CAN HAPPEN. I FEEL THE ENTIRE SUB-DIVISION FEELS THE SAME WAY. IF THAT HAPPENS, I CAN SEE FAYETTEVILLE HAVING A LOW CLASS HOUSING AREA WHICH COULD ALSO HURT THIS ENTIRE SIDE OF FAYETTEVILLE INCLUDING THE BOTANICAL GARDENS.

WE OPPOSE THE REZONING. HOPE THIS WILL BE PASSED ONTO THE CITY COMMISSIONERS. THANK YOU.
JOE DRAPER

Hi Jonathan,

I own property in the Stonewood Subdivision. There is no reason for commercial work or business to be on Crossover across from the Botanical Gardens. The strip that Mike Parker owned was always meant to be R/O. Please work to make that the case moving forward.

Nobody wants the Pizza Place.

Please do whatever you can to stop this rezoning and keep the area Residential / Office.

Thanks and let me know how I can help you. We are counting on you to help.

Regards,

Mike Flynn
Central Garden and Pet
Walmart Business Development Team
mflynn@central.com
479-268-7202 (O)
479-616-0707 (M)

Disclaimer: This communication and any attachments contain private, confidential, privileged and/or proprietary information intended solely for the Recipient(s) named above. If you are not the intended Recipient, any use, dissemination, distribution or copying of the communication is strictly prohibited. If received in error, we apologize and ask that you please notify the Sender by returning this e-mail and permanently deleting this communication from your computer, including destruction of any printed

copies. Any views expressed herein are not necessarily those of the Company represented by this e-mail source. No contracts, agreements or legally binding understandings may be entered into solely by an e-mail communication.

Dear Jonathan,

Please accept this correspondence as a vehement objection to the proposed rezoning of the 2 lots adjacent to the Hearthstone Drive entrance. It was accepted when we all elected to build our homes, and invest substantial monies to do so, that **there would eventually be office buildings at the entrance**. That was the accepted deal. Be assured it **was an arrangement we were all aware of and accepted**. Why is this relevant? Because we were also aware of what was NOT allowed to be built at the entrance, namely convenience stores or fast food or any number of high traffic / high-volume business of those type.

If the deal when we build houses and moved to the neighborhood was that there would be a convenience store or McDonald or etc. at the entrance, MOST if not **ALL** of the present tenants would have elected to forego building or moving into Stonewood or Copper Creek, and would have established our homes and neighborhoods elsewhere. Myself absolutely! It was a **CONSCIOUS** decision, not something that had not been considered until now! That is a fact. A rezoning would be an unfair change of rules mid-game. Not fair. Not equitable. It completely fails the "Do Right" rule!

It was NEVER part of the deal that those lots would be allowed to be rezoned in a manner that would allow fast food or convenience stores or any number of high traffic / high-volume businesses or retailers to clog the intersection and attract persons of every ilk to our neighborhood!! It is simply not acceptable to the residents who have made this neighborhood their home to suddenly allow it.

Please respect this request to deny the rezoning and request the opinions of the residents. Consider for a minute and **take into account the extremely negative impact this rezoning would have on a population of citizens that more than pulls its weight paying the taxes** which fund the activities and salaries of the employees of this city.

We trust you will pass along these sentiments to the Commissioners hearing this request.?! Your, and their **consideration in this regard would be greatly appreciated!!**

Thanks,
Mike

Regards,

Mike Flynn
Central Garden and Pet
Walmart Business Development Team
mflynn@central.com
479-268-7202 (O)
479-616-0707 (M)

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4/3/2017

Mr. Curth,

I wish to comment on the meeting of 03/27/2017 concerning the rezoning of property and the intersection of Hearthstone and Crossover.

I will reiterate my opposition to permitting the rezoning of that property. Again, if the government decides to interfere with a contractual agreement between members of the public (who have not been under coercion or misinformation) there must be a substantial benefit to the citizen received from such interference. Even in takings of personal property, the public use benefit must be considerable.

The committee response did not assure anyone of a significant benefit from the zoning change. There is no benefit from rezoning as would be received from things like new roads to reduce traffic, signs for security, an easement for better infrastructure, or any other advantage. It will only help one person sell his property to the detriment of many homeowners.

It was repeatedly mentioned that a nice business or small shop would be permitted under current zoning for this property. This current zoning protects the owners of the property from nuisance. Smells, noise, order and other problems that might occur could be addressed under these ordinances. Changes would deprive owners of these protections from businesses that failed to keep up an amicable existence in the subdivision and negatively affect property values.

I understand the planning committee is a voice for business in Fayetteville. However, they are also a part of the city government and need to recognize and rights they would be compromising. I urge them to reconsider.

Monika
Resident of Stonewood Subdivision

I recently sent you an email stating that if certain assurances could not be met, my wife and I would be opposed to rezoning the front lots. In our opinion, those assurances can not be met. We want to go on record as specifically being opposed to the rezoning that is being proposed!

Samuel and Margaret Moore

4/5/2017

Mr. Curth,

Prior to your revised report that will be sent to the Planning Commission on 4/6, I wanted to reiterate my opposition to RZN 17-5733. Many concerns were well communicated and supported in the last planning meeting; however, I wanted to highlight only a few for continued consideration.

1. 74 of 75 Stonewood Residents are against rezoning according to a poll conducted by the Stonewood POA Treasurer. If Copper Creek and Embry Acre residents were polled, you would see the number of residents opposed increase significantly.
2. Both the developer and Stonewood homeowners bought property and adjacent properties with the understanding that the entrance to Stonewood would be zoned RO. I disagree with staff finding 5b in the original memo regarding this matter which states "It would be impractical to use the land for any of the uses permitted under its existing zoning classifications." The office park north of Hearthstone appears to be fully leased/owned, making this a practical development for RO zoning.
3. I fully support Commissioner Brown's comments that rezoning to CS does not support the 2030 Comprehensive Plan for this neighborhood.
4. I fully support Commissioner Hoskin's comment that the plan for an end use with a drive thru window application does not fit the adjacent properties and should not be considered.
5. I fully agree with the Commissioner's comments that in order to vote to rezone this property to CS the Commission would have to turn their backs on all the residents opposed to the rezoning.

Thank you for considering these points as to draft your revised report for the Planning Commission.

Best regards,
Ryan Parrish
Copper Creek Home Owner

My name is Joe Rocko, I am a resident of the Embry Acres/Stonewood/Copper Creek subdivision in Fayetteville, Arkansas. I think having local businesses in that area is a no brainer. It increases the value of the houses and can offer the neighborhood much needed restaurants. I can't begin to tell you how often our Facebook page shows people asking for more restaurants in the area. Personally that would be amazing. I also can't help but think that a pharmacy, restaurants, bike shop, or coffee shop would be amazing. A few of our neighbors seem to be upset by this possible rezoning. Honestly though what did they think would go there?

No one would buy that land to put a house on it. It's too close to 265 and it would be a bad spot for a small group of houses to be on. When thinking about this area I always thought about how great it would be to have local businesses within walking distances from the park and neighborhood.

Thank you for letting us speak out on this topic

Joe Rocko

Dear Mr. Curth,

My family and I live on Waterstone Drive in Copper Creek. We are **strongly opposed** to the rezoning of the SE Crossover Rd & Hearthstone Dr. We moved to this location to enjoy the lovely & quiet access to The Botanical Gardens as well as Lake Fayetteville, not to mention the feeling of **"Safety"** in our neighborhood. The proposed rezoning would create unwanted noise (live music into the late evenings @ MJ's Pizzeria) would you want to have to listen to this from your back yard or even inside your home when trying to relax after work or put your children/grandchildren to bed. I am actually wondering why would ANOTHER pizza place want to go in within such a small proximity to Jim's Razorback on corner of Joyce and Crossover, Marco's just down road at corner of Don Tyson and Crossover, then there is Papa Murphys a the next intersection of Hwy 412 and Crossover... seems like a possible front to me... once they get the rezoning they switch things up! This is not to mention the extra traffic and possible cut thrus

into the subdivision and create unwanted mischief. We are **ALL** (Copper Creek, Stonewood and Embry Acres) worried that this will cause many issues and unhappy residents. The current property's on Castlerwood Ln where Elder Management, Prime Real Estate & Development & the new office for financial planning are wonderful and welcome additions to the front of the neighborhoods! Please keep the areas zoned for businesses such as this in order to maintain the peaceful tranquility of the front of the subdivision as well as the lovely Botanical Gardens across the street.

Thank you for your time & consideration,

Renee Rogers
3373 Waterstone Drive
Fayetteville, AR 72764

Memo from Commissioner Brown

Fellow Commissioners

The Guiding Policies of the 2030 Master Transportation Plan encourage the Planning Commission to consider the impacts of land use decisions on the the transportation network.

Using 2011 to 2015 Average Daily Traffic Count Data supplied by the Arkansas State Highway and Transportation Department and 2011 to 2015 Traffic Accident data supplied by the Fayetteville Police Department through the City GIS, I have calculated the level of traffic volume needed to produce a traffic accident (see attached Traffic Volume and Accidents.xlsx) on the following two Principal Arterials:

- Crossover/Hwy265 - 39,815 vehicles.
- College Avenue/ 71B - 13,737 vehicles.

The lower Traffic Volume needed to produce an accident on College Avenue/71B compared to Crossover /Hwy265 is a result of land use, road design and the access management policy differences.

For example, College Avenue has more curb cuts, intersections and bordering retail commercial land uses than Crossover/Hwy265.

Therefore, reducing traffic accidents and insuring the effective functioning of this Principal Arterial should be a major reason why we need to avoid continually approving retail commercial land uses outside the designated City Neighborhood Areas within the Crossover/ Hwy265 Corridor and thereby setting precedence that may eventually result in another College Avenue along Crossover/Hwy265.

Tom Brown

Traffic Volume per Accident Calculation

Hwy71B/College Ave Corridor		Annual Ave Daily Traffic Est ¹					Hwy71B/College Ave Corridor	
Station	2011	2012	2013	2014	2015		2011	2015
304	34000	33000	32000	36000	32000	283	18000	20000
303	37000	37000	38000	37000	37000	282	18000	19000
302	39000	39000	39000	37000	36000	281	16000	18000
299	32000	30000	30000	32000	31000	280	17000	22000
298	30000	28000	28000	28000	29000	279	18000	22000
297	28000	26000	27000	27500	28000	277	22000	25000
296	26000	26000	22000	24000	25000	276	19000	22000
295	26000	29000	23000	27000	28000	278	16000	16000
294	23000	24000	23000	25000	25000			
293	15000	15000	15000	16000	17000			
292	17000	19000	18000	18000	19000			
291	12000	13000	12000	12000	13000			
290	11000	12000	10000	11000	12000			
289	9000	9400	8500	9050	9600			
234	9400	9900	9600	9900	10000			
Average	23227	23353	22340	23297	23440	Average	18000	20500
Annual Total Traffic Volume					23131	Annual Total Traffic Volume		
					8442937			

Traffic Accidents ²		Traffic Accidents ²		Traffic Volume/Accident	
Total	509	582	631	596	13737
2011 thru 2015 Total		2011 thru 2015 Total		2011 thru 2015 Total	
Average Accidents/ Year		Average Accidents/ Year		Average Accidents/ Year	
171		171		171	

References:

1 https://www.arkansashighways.com/System_Info_and_Research/traffic_info/traffic_map.aspx

2 Source: Fayetteville Police Department data reprocessed by GIS

Note:

27500 Missing data, used average of earlier year and later year.

CUP 17-5733
Spreadsheet from
Commissioner Brown

Traffic Accident Variables	
Traffic Volume	Different per road
Weather Condition	Same for both roads
Vehicle Condition	Same for both roads
Driver Behavior	Same for both roads
Road Design	Different per road
Land Use	Different per road
Access Management Policy	Different per road

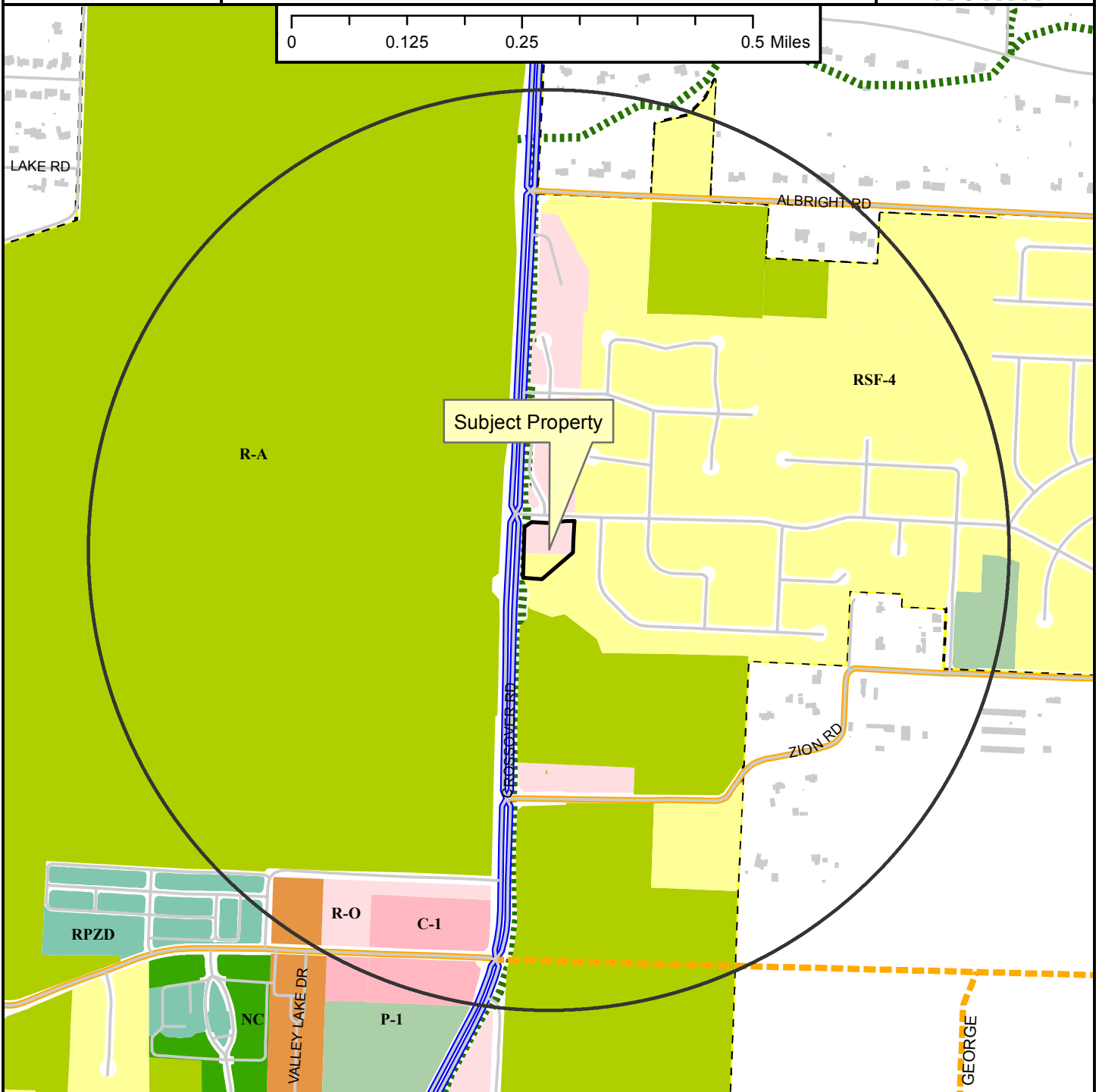
RZN 17-5733

One Mile View

CP PROPERTIES

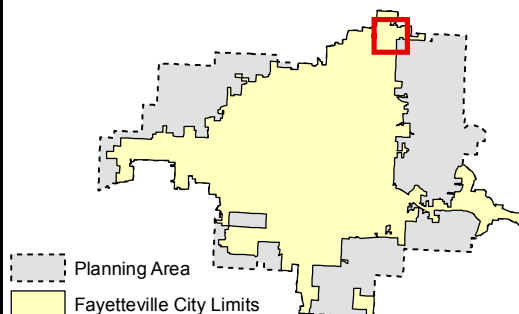


0 0.125 0.25 0.5 Miles



Legend

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

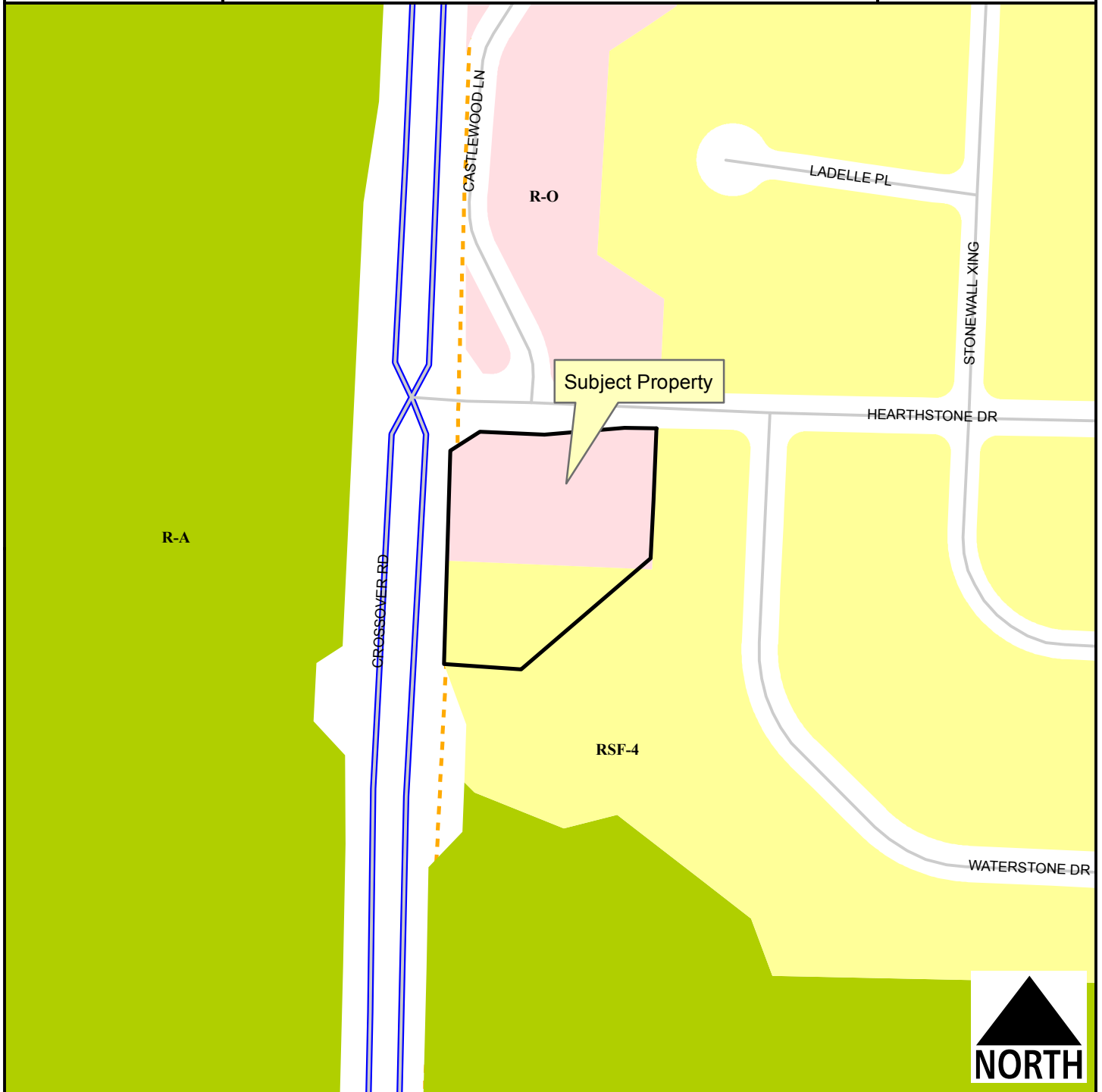


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General 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 17-5733

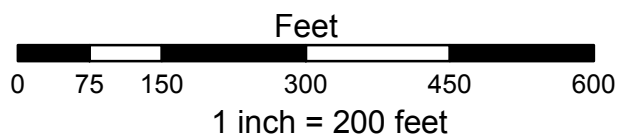
CP PROPERTIES

Close Up View



Legend

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

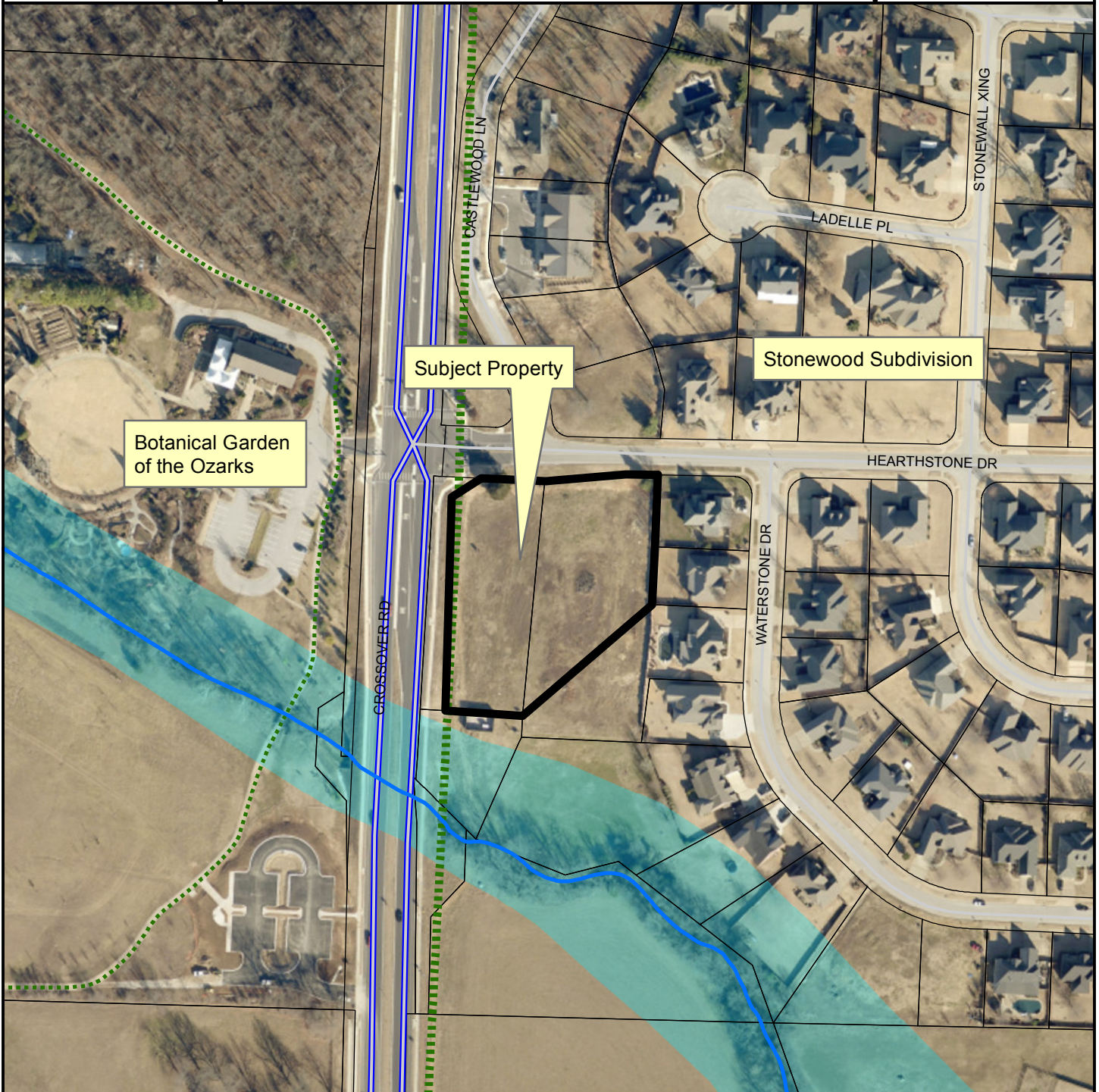


- Residential-Agricultural
- RSF-4
- Residential-Office

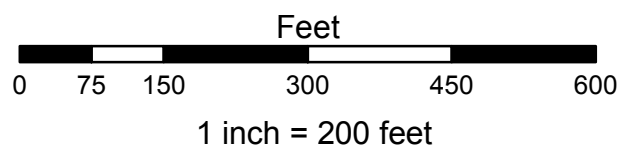
RZN 17-5733

Current Land Use

CP PROPERTIES



- RZN17-5733
- Streams
- Street
- PRIN ARTERIAL PKWY
- Shared Use Paved Trail
- Trail (Proposed)
- County Parcels
- Planning Area
- Fayetteville City Limits



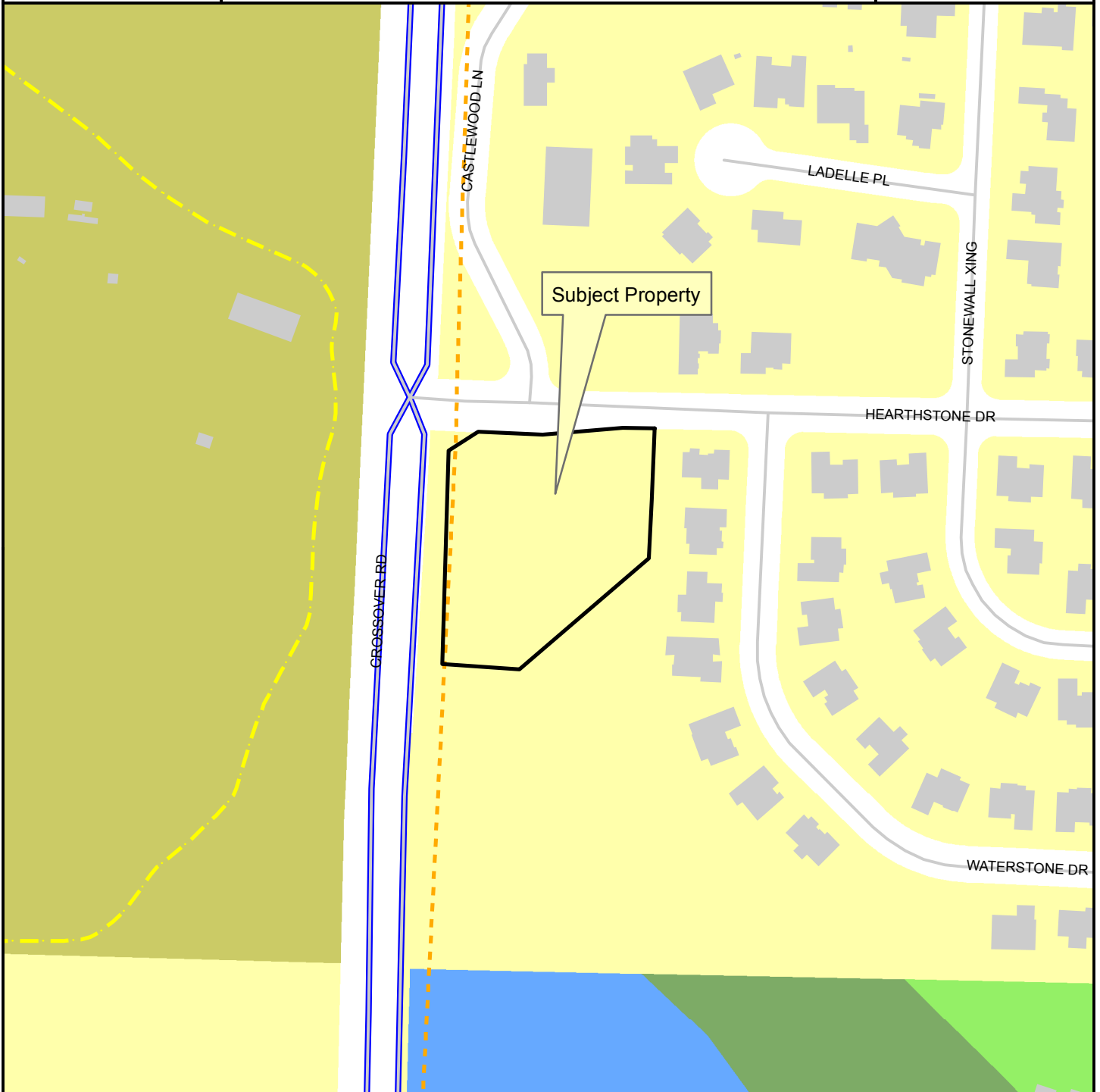
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN 17-5733

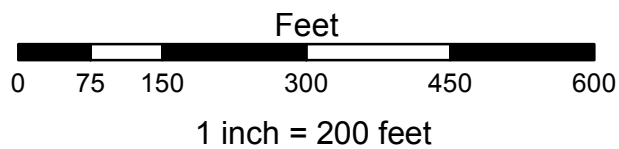
Future Land Use

CP PROPERTIES



Legend

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



FUTURE LAND USE 2030

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

CityClerk

From: Bob Anderson <anderhog@yahoo.com>
Sent: Monday, May 01, 2017 4:10 PM
To: CityClerk
Subject: City Council Meeting 5-2-17
Attachments: Rezoning Proposal.xls

Attached is a spreadsheet that shows the property owners' votes concerning RZN 17-5733. Would you please see that this is included in the package of materials provided to the council members prior to the hearing Tuesday night. Thank you.

Bob Anderson
Treasurer
Stonewood P.O.A.

Stonewood Subdivison

Rezoning Proposal for Lots 1 & 2

Commercial Lots

92.9%	Percentage of lots voting
13	For the rezoning
0	Against the rezoning
100.0%	Percentage for rezoning

Homeowner Lots

83.8%	Percentage of lots voting
2	For the rezoning
86	Against the rezoning
1	In between
96.6%	Percentage opposed

Lot	Parcel	Name	Address
1	22244	C P Properties, LLC	Crossover Road (Vacant Commercial Lot)
2	22245	C P Properties, LLC	Crossover Road (Vacant Commercial Lot)
3	22246	Kjune LLC	Crossover Road (Vacant Commercial Lot)
4	22247	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
5	22248	Parker Investments, LLC	Castlewood Ln. (Commercial Lot)
6	22249	Parker Investments, LLC	Castlewood Ln. (Commercial Lot)
7	22250	Parker Investments, LLC	4790 Castlewood Ln. (Commercial Lot)
8	22251	Fochtman, Earl & Gayle	Crossover Road (Vacant Commercial Lot)
9	22252	Fochtman, Earl & Gayle	Crossover Road (Vacant Commercial Lot)
10	22253	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
11	22254	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
12	22255	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
13	22256	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
14	22257	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
15	22258	Ellison, Frances Anita	4843 Lavendon Pl.
16	22259	Ingram, Justin & Andrea	4857 Lavendon Pl.
17	22260	Watson, Gaye F.	4869 Lavendon Pl.
18	22261	Olive Trust Joshua Hicks	4881 Lavendon Pl.
19	22262	Stevens, Robert & Karen	3116 High Meadows Dr.
20	22263	Liu, Pu & Li-Chuan Chang	3140 High Meadows Dr.
21	22264	Oswald, Robert & Anne	3162 High Meadows Dr.
22	22265	Roberts, Barbara	3186 High Meadows Dr.
23	22266	Szakasits, Monika	3200 High Meadows Dr.
24	22267	Nielson, Bradley & Michelle Roberts	3224 High Meadows Dr.
25	22268	Murphy, Rong Yan	3246 High Meadows Dr.
26	22269	Hicklin, Michael & Lynda	4884 Trails End Ln.
27	22270	Vowell, Stevan & Peggy	4868 Trails End Ln.
28	22271	Hopkins, Wade & Sharon	4856 Trails End Ln.
29	22272	Aldridge, Bret & Barbara	4842 Trails End Ln.
30	22273	Hubbard, Thomas & Shareinea	4830 Trails End Ln.
31	22274	Zimmerman, Brent & Cassandra	3229 High Meadows Dr.
32	22275	Woodward, Billy Ray & Joann	High Meadows Dr. (Vacant Lot)
33	22276	Scarbrough, Troy & Amy	3191 High Meadows Dr.
34	22277	Cox, Winfred M. & Clarice W.	3163 High Meadows Dr.
35	22278	Caldwell, Nelson & Terrie	3141 High Meadows Dr.
36	22279	Augustine, Merlin & Beverly	4862 Lavendon Pl.
37	22280	Anderson, Bob	4844 Lavendon Pl.
38	22281	Parker, Terry & Ellen	3142 Greystone Dr.
39	22282	McLaughlin, Gary & Susan	3164 Greystone Dr.
40	22283	Mitzel, Marvin & Christel	3190 Greystone Dr.
41	22284	Welker, Juanita M.	3204 Greystone Dr.
42	22285	White, Bryan & Susan F.	3228 Greystone Dr.

Stonewood Subdivison

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Homeowner Lots

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2	For the rezoning
86	Against the rezoning
1	In between
96.6%	Percentage opposed

Lot	Parcel	Name	Address
43	22286	Davis, Jerry & Brenda	4808 Trails End Ln.
44	22287	Marley, Mark & Cheryl	4792 Trails End Ln.
45	22288	Mize, Andrew M. & Page Ann	4774 Trails End Ln.
46	22289	Salsbury, Randy & Shana	4758 Trails End Ln.
47	22290	Ashley, Larry & Martha	4749 Trails End Ln.
48	22291	Bunn, Richard & Margaret Werner	4773 Trails End Ln.
49	22292	Bradbury, Michael & Sharon Etchinson	4791 Trails End Ln.
50	22293	Glenn, Ryan & Maranda	4807 Trails End Ln.
51	22294	Wynne, Thomas B. & Marley M.	3203 Greystone Dr.
52	22295	Rigo, Gilson & Vania	3189 Greystone Dr.
53	22296	Basnett, Erin	4790 Stonewall Crossing
54	22297	Crawford, John & Beverly	4772 Stonewall Crossing
55	22298	Davis, Doris & Kim	4754 Stonewall Crossing
56	22299	Hughey, Gary & Sandra	4738 Stonewall Crossing
57	22300	Gillihan, Betty Kaye	3202 Hearthstone Dr.
58	22301	Jezewski, Jeffery & Jennifer	3226 Hearthstone Dr.
59	22302	Matthews, Andy & Cheryl	3244 Hearthstone Dr.
60	22303	Scalise, Mark & Jacqueline	3268 Hearthstone Dr.
61	22304	Malone, Noel & Ada Lee	3077 Greystone Dr.
62	22305	Smith, Virginia	3103 Greystone Dr.
63	22306	Mueller, Phuong & Ellen Gebhart-Mueller	3119 Greystone Dr.
64	22307	Mosby, Keith & Katherine	4807 Stonewall Crossing
65	22308	Stephens, Trey III	3144 Ladelle Pl.
66	22309	Alisha Sutton	3120 Ladelle Pl.
67	22310	LaGrone, Dean	3102 Ladelle Pl.
68	22311	Kennett, Vic & Melody	3078 Ladelle Pl.
69	22312	Flynn, Mike & Courtney	3063 Ladelle Pl.
70	22313	Henry, Clay & Jean Ann	3079 Ladelle Pl.
71	22314	Wright, Warren & Linda	3101 Ladelle Pl.
72	22315	Draper, Joe & Nancy	3145 Ladelle Pl.
73	22316	Draper, Joe & Nancy	3145 Ladelle Pl.
74	22317	Draper, Joe & Nancy	3145 Ladelle Pl.
75	22318	Draper, Joe & Nancy	3145 Ladelle Pl.
76	22319	Davis, Rick & Shawna	3100 Hearthstone Dr.
77	22320	Pianalto, Nick	3080 Hearthstone Dr.
78	22321	Hudgens, Patricia	3081 Hearthstone Dr.
79	22322	Ashby, Charles & Debbie	3033 Waterstone Dr.
80	22323	Busken, Gerard & Tammy	3057 Waterstone Dr.
81	22323-001	Collins, Craig & Bethany	3089 Waterstone Dr.
82	22324	Cantu, Jeffrey	3123 Hearthstone Dr.
83	22325	MacDade Properties LLC	3044 Waterstone Dr.
84	22326	Watkins, Janet & Catherine Vantine	3072 Waterstone Dr.

Stonewood Subdivison

Rezoning Proposal for Lots 1 & 2

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Homeowner Lots

83.8%	Percentage of lots voting
2	For the rezoning
86	Against the rezoning
1	In between
96.6%	Percentage opposed

Lot	Parcel	Name	Address
85	22327	Head, Steven & Hillary	3104 Waterstone Dr.
86	22328	Stancil, Jim & Susan	3130 Waterstone Dr.
87	22329	Forga, Maxine	3152 Waterstone Dr.
88	22330	Mazili, Christine A.	3186 Waterstone Dr.
89	22331	Andrade, Juan & Ana	3208 Waterstone Dr.
90	22332	Levy, Lynn Revocable Trust	3224 Waterstone Dr.
91	22333	Green, Cynthia K.	4657 Stonewall Crossing
92	22334	Moore, Jennifer Paige	4665 Stonewall Crossing
93	22336	Young, Dena	4673 Stonewall Crossing
1	22335	Young, Alex Alden	4687 Stonewall Crossing
95	22337	Wilson, Hugh E. & Audrey A.	4695 Stonewall Crossing
96	22338	Serrano, Jose & Maria	3147 Hearthstone Dr.
97	22339	Porter, Kenneth B. & Andrea	3267 Hearthstone Dr.
98	22340	Zavaleta, Julio Cesar	3243 Hearthstone Dr.
99	22341	Taylor, Lawrence & Brandy	3225 Hearthstone Dr.
100	22342	Moore, Samuel & Margaret	3201 Hearthstone Dr.
101	22343	Collins, Randall	3185 Hearthstone Dr.
102	22344	Hardcastle, Andrea	4692 Stonewall Crossing
103	22345	Kyle & Caitlin Pennington	4664 Stonewall Crossing
104	22346	Bowlin, Philip & Brenda	4658 Stonewall Crossing
105	22347	Moffitt, Jennifer & Michael	4652 Stonewall Crossing
106	22348	Brown, Michael & Ana	4646 Leiston Pl.
107	22349	Demarest, Chris & Alicia	4640 Leiston Pl.
108	22350	Antoine, Ronald & Zenarea	4632 Leiston Pl.
109	22351	Rhodes, Amy S.	4624 Leiston Pl.
110	22352	Chamberlain, Carol Jean	3267 Waterstone Dr.
111	22353	Locey, Ryan & Monica	3245 Waterstone Dr.
112	22354	McCarley, Timothy	3223 Waterstone Dr.
113	22355	Morris, Nicholas & Lydia	3209 Waterstone Dr.
114	22355	Sandlin, James & Renee	3187 Waterstone Dr.
115	22355	Carrasco-Quezada, Erika	3165 Waterstone Dr.
116	22356	Black, Nancy	Waterstone Dr. (Vacant Lot)
117	22357	Mathias, David & Ashley	3129 Waterstone Dr.
118	22357-001	Siebert, Eric & Katlyn	2111 Waterstone Dr.
119	22358	Zamora, Rosanna	3352 Waterstone Dr.

CityClerk

From: PETER TONNESSEN <ptt@prodigy.net>
Sent: Monday, May 01, 2017 3:40 PM
To: Curth, Jonathan; CityClerk; City_Attorney
Cc: Bob Anderson; svowell@taylorlawpartners.com; Mark Scalise; pete012639@yahoo.com
Subject: Rev. 8 and Rev. 9 of the HANDOUT (Spreadsheet), plus redacted copies of each
Attachments: POWERPOINT - ZONING DISTRICTS COMPARED with Excel Chart.pptx

Mr. Curth:

I am attaching PowerPoint slides of two Revisions (Rev. 8 and Rev. 9) of the HANDOUT (Spreadsheet), plus redacted copies of each, for use at the City Council Meeting tomorrow night. Please let me know if you have any problems downloading them so they can be available.

Sincerely,
Pete Tonnessen
3500 Hearthstone Drive
719-338-7329

Sent from my iPad

RZN 17-5733 & VAC 17-5753

Zoning Districts Compared:

NS-L | NS-G | R-O | CS

NS-L | R-O | NS-G | CS

	A	B	C	D	E
1	(Rev. 8, 4/28/17)	Neighborhood Services - Limited	Neighborhood Services - General	R-O Residential Office	CS Community Services
2					
3	Fayetteville AR UDC (Zoning) as amended by ORDINANCE 5945 approved 1/17/2017	(A) Purpose. designed to serve as a mixed use area of <u>low</u> intensity. ... promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are <u>compatible in scale, aesthetics, and use with surrounding land uses</u> . For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a <u>residential</u> zone.	(A) Purpose. ... designed to serve as a mixed use area of <u>medium</u> intensity. ... promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business that are <u>compatible in scale, aesthetics, and use with surrounding land uses</u> . For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a <u>residential</u> zone.	(A) Purpose. ... designed primarily to provide area for offices <u>without limitation to the nature or size of the office</u> , together with community facilities, restaurants and compatible residential uses.	(A) Purpose. ... designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is <u>intended to provide for mixed use centers</u> located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a <u>traditional urban form</u> with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a <u>commercial zone</u> . The intent of this zoning district is to provide standards that enable development to be approved administratively.
4	(B) Uses.				
5	(1) PERMITTED Uses.		(1) PERMITTED Uses.		(1) PERMITTED Uses.
6	Unit 1 City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right
7	Unit 4 Cultural and recreational facilities				Cultural and recreational facilities
8	Unit 5 Government facilities			Government facilities	Government facilities
9	Unit 8 Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings
10	Unit 9 Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings
11	Unit 10 Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings		Three (3) and four (4) family dwellings
12	Unit 12a Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]		Limited Business [Eating <2000 sq ft]	
13	Unit 12b General Business [8000 square feet]		Unit 12b General Business [8000 square feet]		
14	Unit 13 Eating places				Eating places
15	Unit 15 Neighborhood shopping goods				Neighborhood Shopping goods
16	Unit 18 Gasoline service stations and drive-in/drive-through restaurants				Gasoline service stations and drive-in/drive-through restaurants
17	Unit 24 Home occupations	Home occupations	Home occupations		Home occupations
18	Unit 25 Offices, studios and related services			Offices, studios and related services	Offices, studios and related services
19	Unit 26 Multi-family dwellings				Multi-family dwellings
20	Unit 41 Accessory dwelling units	Accessory dwelling units	Accessory Dwelling Units		
21	Unit 44 Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Cluster Housing Development
22	Unit 45 Small-scale production				Small scale production
23	(2) Conditional Uses.		(2) Conditional Uses.		(2) Conditional Uses.
24	Unit 2 City-wide uses by conditional use permit	City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit	City-wide uses by conditional use permit
25	Unit 3 Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
26	Unit 4 Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
27	Unit 5 Government facilities	Government facilities	Government facilities		
28	Unit 11 Manufactured home parks*			Manufactured home park*	
29	Unit 13 Eating places	Eating places	Eating places	Eating places	
30	Unit 14 Retail, motel and amusement services				Retail, motel and amusement services
31	Unit 15 Neighborhood shopping goods	Neighborhood shopping goods		Neighborhood shopping goods	
32	Unit 16 Shopping goods		Shopping goods		Shopping goods
33	Unit 19 Commercial recreation, small sites	Commercial recreation, small sites	Commercial recreation, small sites		Commercial recreation, small sites
34	Unit 24 Home occupations			Home occupations	
35	Unit 25 Offices, studios and related services	Offices, studios and related services	Offices, Studios and Related Services		
36	Unit 26 Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	
37	Unit 28 Center for collecting recyclable materials				Center for collecting recyclable materials
38	Unit 34 Liquor stores				Liquor stores
39	Unit 35 Outdoor music establishments				Outdoor music establishments
40	Unit 36 Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
41	Unit 40 Sidewalk cafes	Sidewalk cafes	Sidewalk cafes		Sidewalk cafes
42	Unit 42 Clean technologies		Clean technologies	Clean technologies	Clean technologies
43	Unit 45 Small scale production	Small-scale production	Small scale production	Small scale production	
44					

Zoning Districts in order per the City Code

	A	B	C	D	E
1	(Rev. 8, 4/28/17)	Neighborhood Services - Limited	Neighborhood Services - General	R-O Residential Office	CS Community Services
2	Fayetteville AR UDC (Zoning) as amended by ORDINANCE 5945 approved 1/17/2017	(A) Purpose. designed to serve as a mixed use area of low intensity. 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.	(A) Purpose. designed to serve as a mixed use area of medium intensity. promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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.	(A) Purpose. designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses .	(A) Purpose. designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for 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 .
3					
4	(B) Uses.				
5	(1) PERMITTED Uses.		(1) PERMITTED Uses.		(1) PERMITTED Uses.
6	Unit 1 City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right
7	Unit 4 Cultural and recreational facilities				Cultural and recreational facilities
8	Unit 5 Government facilities			Government facilities	Government facilities
9	Unit 8 Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings
10	Unit 9 Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings
11	Unit 10 Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings		Three (3) and four (4) family dwellings
12	Unit 12a Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]		Limited Business [Eating <2000 sq ft]	
13	Unit 12b General Business [8000 square feet]		Unit 12b General Business [8000 square feet]		
14	Unit 13 Eating places				Eating places
15	Unit 15 Neighborhood shopping goods				Neighborhood Shopping goods
16	Unit 18 Gasoline service stations and drive in/drive through restaurants				Gasoline service stations and drive-in/drive-through restaurants
17	Unit 24 Home occupations	Home occupations	Home occupations		Home occupations
18	Unit 25 Offices, studios and related services			Offices, studios and related services	Offices, studios and related services
19	Unit 26 Multi-family dwellings				Multi-family dwellings
20	Unit 41 Accessory dwelling units	Accessory dwelling units	Accessory Dwelling Units		
21	Unit 44 Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Cluster Housing Development
22	Unit 45 Small-scale production				Small scale production
23	(2) Conditional Uses.		(2) Conditional Uses.		(2) Conditional Uses.
24	Unit 2 City-wide uses by conditional use permit	City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit	City-wide uses by conditional use permit
25	Unit 3 Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
26	Unit 4 Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
27	Unit 5 Government Facilities	Government Facilities	Government facilities		
28	Unit 11 Manufactured home parks*			Manufactured home park*	
29	Unit 13 Eating places	Eating places	Eating places	Eating places	
30	Unit 14 Hotel, motel and amusement services				Hotel, motel and amusement services
31	Unit 15 Neighborhood shopping goods	Neighborhood shopping goods		Neighborhood shopping goods	
32	Unit 16 Shopping goods		Shopping goods		Shopping goods
33	Unit 17 Transportation, trades and services				Transportation, trades and services
34	Unit 19 Commercial recreation, small sites	Commercial recreation, small sites	Commercial recreation, small sites		Commercial recreation, small sites
35	Unit 24 Home occupations			Home occupations	
36	Unit 25 Offices, studios and related services	Offices, studios and related services	Offices, Studios and Related Services		
37	Unit 26 Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	
38	Unit 28 Center for collecting recyclable materials				Center for collecting recyclable materials
39	Unit 34 Liquor stores				Liquor stores
40	Unit 35 Outdoor music establishments				Outdoor music establishments
41	Unit 36 Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
42	Unit 40 Sidewalk cafes	Sidewalk cafes	Sidewalk cafes		Sidewalk cafes
43	Unit 42 Clean technologies		Clean technologies	Clean technologies	Clean technologies
44	Unit 45 Small scale production	Small-scale production	Small scale production	Small scale production	

Zoning Districts by PERMITTED SQUARE FEET

	A	B	C	D	E
1	(Rev. 9, 4/29/17)	Neighborhood Services - Limited	R-O Residential Office	Neighborhood Services - General	CS Community Services
2	Fayetteville AR UDC (Zoning) as amended by ORDINANCE 5945 approved 1/17/2017	(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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 .	(A) Purpose. designed primarily to provide area for offices without limitation to the nature or size of the office , together with community facilities, restaurants and compatible residential uses.	(A) Purpose. designed to serve as a mixed use area of medium intensity. ... 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 .	(A) Purpose. ... designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for 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.
3					
4	(B) Uses.				
5	(1) PERMITTED Uses.			(1) PERMITTED Uses.	(1) PERMITTED Uses.
6	Unit 1 City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right
7	Unit 4 Cultural and recreational facilities				Cultural and recreational facilities
8	Unit 5 Government facilities		Government facilities		Government facilities
9	Unit 8 Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings
10	Unit 9 Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings
11	Unit 10 Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings		Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings
12	Unit 12a Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]	
13	Unit 12b General Business [8000 square feet]				Eating places
14	Unit 13 Eating places				Neighborhood Shopping goods
15	Unit 15 Neighborhood shopping goods				Gasoline service stations and drive-in/drive-through restaurants
16	Unit 18 Gasoline service stations and drive-in/drive-through restaurants				Home occupations
17	Unit 24 Home occupations	Home occupations		Home occupations	Offices, studios and related services
18	Unit 25 Offices, studios and related services		Offices, studios and related services		Multi-family dwellings
19	Unit 26 Multi-family dwellings				
20	Unit 41 Accessory dwelling units	Accessory dwelling units		Accessory Dwelling Units	Cluster Housing Development
21	Unit 44 Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Small scale production
22	Unit 45 Small-scale production				
23	(2) Conditional Uses.			(2) Conditional Uses.	(2) Conditional Uses.
24	Unit 2 City-wide uses by conditional use permit	City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit	City-wide uses by conditional use permit
25	Unit 3 Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
26	Unit 4 Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
27	Unit 5 Government facilities	Government facilities		Government facilities	
28	Unit 11 Manufactured home parks*		Manufactured home parks*		
29	Unit 13 Eating places	Eating places	Eating places	Eating places	
30	Unit 14 Hotel, motel and amusement services				Hotel, motel and amusement services
31	Unit 15 Neighborhood shopping goods	Neighborhood shopping goods	Neighborhood shopping goods		Shopping goods
32	Unit 16 Shopping goods			Shopping goods	Gasoline service stations and drive-in/drive-through restaurants
33	Unit 17 Drive-in/drive-through restaurants				Commercial recreation, small sites
34	Unit 19 Commercial recreation, small sites	Commercial recreation, small sites		Commercial recreation, small sites	
35	Unit 24 Home occupations		Home occupations		
36	Unit 25 Offices, studios and related services	Offices, studios and related services		Offices, Studios and Related Services	
37	Unit 26 Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	
38	Unit 28 Center for collecting recyclable materials				Center for collecting recyclable materials
39	Unit 34 Liquor stores				Liquor stores
40	Unit 35 Outdoor music establishments				Outdoor music establishments
41	Unit 36 Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
42	Unit 40 Sidewalk cafes	Sidewalk cafes		Sidewalk cafes	Sidewalk cafes
43	Unit 42 Clean technologies		Clean technologies	Clean technologies	Clean technologies
44	Unit 45 Small scale production	Small-scale production	Small scale production	Small scale production	

Neighborhood Services - Limited	Neighborhood Services - General	R-O Residential Office
(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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 .	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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 .	(A) Purpose. ... designed primarily to provide area for offices <i>without limitation to the nature or size of the office</i> , together with community facilities, restaurants and compatible residential uses .
(1) PERMITTED Uses.		
City-wide uses by right	City-wide uses by right	City-wide uses by right
Single-family dwellings	Single-family dwellings	Government facilities
Two (2) family dwellings	Two (2) family dwellings	Single-family dwellings
Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings	Two (2) family dwellings
Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]	Limited Business [Eating <2000 sq ft]
Home occupations	Home occupations	
Accessory dwelling units	Accessory Dwelling Units	Offices, studios and related services
Cluster Housing Development	Cluster Housing Development	Cluster Housing Development
(2) Conditional Uses.		
City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit
Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
Government Facilities	Government facilities	Manufactured home park*
Eating places	Eating places	Eating places
Neighborhood shopping goods		Neighborhood shopping goods
	Shopping goods	
Commercial recreation, small sites	Commercial recreation, small sites	
		Home occupations
Offices, studios and related services	Offices, Studios and Related Services	
Multi-family dwellings	Multi-family dwellings	Multi-family dwellings
Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
Sidewalk cafes	Sidewalk cafes	
	Clean technologies	Clean technologies
Small-scale production	Small scale production	Small scale production

Neighborhood Services - Limited	R-O Residential Office	Neighborhood Services - General
(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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 .	(A) Purpose. designed primarily to provide area for offices <i>without limitation to the nature or size of the office</i> , together with community facilities, restaurants and compatible residential uses .	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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 .
(1) PERMITTED Uses.		
City-wide uses by right	City-wide uses by right	City-wide uses by right
	Government facilities	
Single-family dwellings	Single-family dwellings	Single-family dwellings
Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings
Three (3) and four (4) family dwellings		Three (3) and four (4) family dwellings
Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]
Home occupations		Home occupations
	Offices, studios and related services	
Accessory dwelling units		Accessory Dwelling Units
Cluster Housing Development	Cluster Housing Development	Cluster Housing Development
(2) Conditional Uses.		
City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit
Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
Government Facilities		Government facilities
	Manufactured home park*	
Eating places	Eating places	Eating places
Neighborhood shopping goods	Neighborhood shopping goods	
		Shopping goods
Commercial recreation, small sites		Commercial recreation, small sites
	Home occupations	
Offices, studios and related services		Offices, Studios and Related Services
Multi-family dwellings	Multi-family dwellings	Multi-family dwellings
Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
Sidewalk cafes		Sidewalk cafes
	Clean technologies	Clean technologies
Small-scale production	Small scale production	Small scale production

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Monday, May 01, 2017 3:46 PM
To: Curth, Jonathan; CityClerk; City_Attorney
Cc: Bob Anderson; Stevan Vowell; Mark Scalise; pete012639@yahoo.com
Subject: FAYAR ZONING CODE 14 inch (Rev. 8, 4-28-17).xlsx
Attachments: FAYAR ZONING CODE 14 inch (Rev. 8, 4-28-17).xlsx

Mr. Curth:

Attached is the Excel version of the FAYAR ZONING CODE (Rev. 8) for tomorrow night. Again, please let me know if you have any problem downloading this.

Pete Tonnessen
3500 Hearthstone Drive
719-338-7329

Sent from my iPad

(Rev. 8, 4/28/17)

Fayetteville AR UDC
(Zoning) as amended
by ORDINANCE 5945
approved 1/17/2017

(B) Uses.

Neighborhood Services - Limited		Neighborhood Services - General	R-O Residential Office	CS Community Services
(A) Purpose. designed to serve as a mixed use area of <u>low intensity</u> promotes a <u>walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses</u> that are <u>compatible in scale, aesthetics, and use with surrounding land uses</u> . For the purpose of Chapter 96: <u>Noise Control</u> , the Neighborhood Services district is a <u>residential zone</u> .		(A) Purpose. . . . designed to serve as a <u>mixed use area of medium intensity</u> . . . promotes a <u>walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business that are compatible in scale, aesthetics, and use with surrounding land uses</u> . For the purpose of Chapter 96: <u>Noise Control</u> the Neighborhood Services district is a <u>residential zone</u> .	(A) Purpose. ... designed primarily to provide area for offices <u>without limitation to the nature or size of the office</u> , together with community facilities, restaurants and <u>compatible residential uses</u> .	(A) Purpose. ... designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for mixed use centers located along commercial corridors that connect denser development nodes. There is a <u>mixture</u> 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.
(1) PERMITTED Uses.		(1) PERMITTED Uses.		(1) PERMITTED Uses.
Unit 1 City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right
Unit 4 Cultural and recreational facilities				Cultural and recreational facilities
Unit 5 Government facilities			Government facilities	Government facilities
Unit 8 Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings
Unit 9 Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings
Unit 10 Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings		Three (3) and four (4) family dwellings
Unit 12a Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]		Limited Business [Eating <2000 sq ft]	
Unit 12b General Business [8000 square feet]		Unit 12b General Business [8000 square feet]		
Unit 13 Eating places				Eating places
Unit 15 Neighborhood shopping goods				Neighborhood Shopping goods
Unit 18 Gasoline service stations and drive-in/drive through restaurants				Gasoline service stations and drive-in/drive-through restaurants
Unit 24 Home occupations	Home occupations	Home occupations		Home occupations
Unit 25 Offices, studios and related services			Offices, studios and related services	Offices, studios and related services
Unit 26 Multi-family dwellings				Multi-family dwellings
Unit 41 Accessory dwelling units	Accessory dwelling units	Accessory Dwelling Units		
Unit 44 Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Cluster Housing Development
Unit 45 Small-scale production				Small scale production
(2) Conditional Uses.		(2) Conditional Uses.		(2) Conditional Uses.
Unit 2 City-wide uses by conditional use permit	City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit	City-wide uses by conditional use permit
Unit 3 Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
Unit 4 Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
Unit 5 Government Facilities	Government Facilities	Government facilities		
Unit 11 Manufactured home parks*			Manufactured home park*	
Unit 13 Eating places	Eating places	Eating places	Eating places	
Unit 14 Hotel, motel and amusement services				Hotel, motel and amusement services
Unit 15 Neighborhood shopping goods	Neighborhood shopping goods		Neighborhood shopping goods	
Unit 16 Shopping goods		Shopping goods		Shopping goods
Unit 17 Transportation, trades and services				Transportation, trades and services
Unit 19 Commercial recreation, small sites	Commercial recreation, small sites	Commercial recreation, small sites		Commercial recreation, small sites
Unit 24 Home occupations			Home occupations	
Unit 25 Offices, studios and related services	Offices, studios and related services	Offices, Studios and Related Services		
Unit 26 Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	
Unit 28 Center for collecting recyclable materials				Center for collecting recyclable materials
Unit 34 Liquor stores				Liquor stores
Unit 35 Outdoor music establishments				Outdoor music establishments
Unit 36 Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
Unit 40 Sidewalk cafes	Sidewalk cafes	Sidewalk cafes		Sidewalk cafes
Unit 42 Clean technologies		Clean technologies	Clean technologies	Clean technologies
Unit 45 Small scale production	Small-scale production	Small scale production	Small scale production	

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Monday, May 01, 2017 3:54 PM
To: Curth, Jonathan; CityClerk; City_Attorney
Cc: Bob Anderson; Stevan Vowell; Mark Scalise; pete012639@yahoo.com
Subject: FAYAR ZONING COE 14 inch (Rev. 8, 4-28-17) REDACTED.xlsx
Attachments: FAYAR ZONING CODE 14 inch (Rev. 8) REDACTED.xlsx

Mr. Curth:

Attached is the Excel version of the FAYAR ZONING CODE (Rev. 8 REDACTED) for [tomorrow night](#). Again, please let me know if you have any problem downloading this.

Pete Tonnessen
3500 Hearthstone Drive
[719-338-7329](tel:719-338-7329)

Sent from my iPad

Neighborhood Services - Limited	Neighborhood Services - General	R-O Residential Office
(A) Purpose. designed to serve as a mixed use area of low intensity. ... promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neiighborhood 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 .	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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 .	(A) Purpose. ... designed primarily to provide area for offices <i>without limitation to the nature or size of the office</i> , together with community facilities, restaurants and compatible residential uses .
(1) PERMITTED Uses.		
City-wide uses by right	City-wide uses by right	City-wide uses by right
Single-family dwellings	Single-family dwellings	Government facilities
Two (2) family dwellings	Two (2) family dwellings	Single-family dwellings
Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings	Two (2) family dwellings
Limited Business [Eating <2000 sq ft]		Limited Business [Eating <2000 sq ft]
Home occupations	Unit 12b General Business [8000 square feet]	
Accessory dwelling units	Home occupations	Offices, studios and related services
Cluster Housing Development	Accessory Dwelling Units	
	Cluster Housing Development	Cluster Housing Development
(2) Conditional Uses.		
City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit
Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
Government Facilities	Government facilities	
Eating places	Eating places	Manufactured home park*
Neighborhood shopping goods		Eating places
	Shopping goods	Neighborhood shopping goods
Commercial recreation, small sites	Commercial recreation, small sites	
Offices, studios and related services	Offices, Studios and Related Services	Home occupations
Multi-family dwellings	Multi-family dwellings	Multi-family dwellings
Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
Sidewalk cafes	Sidewalk cafes	
Small-scale production	Clean technologies	Clean technologies
	Small scale production	Small scale production

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Monday, May 01, 2017 4:12 PM
To: Curth, Jonathan; CityClerk; City_Attorney
Cc: Bob Anderson; Stevan Vowell; Mark Scalise; pete012639@yahoo.com
Subject: FAYAR ZONING CODE 14 inch (Rev. 8, 4-29-17) PERMITTED sq ft.xlsx
Attachments: FAYAR ZONING CODE 14 inch (Rev. 9, 4-29-17) PERMITTED sq ft.xlsx

Mr. Curth:

Attached is the Excel version of the "FAYAR ZONING CODE (Rev. 9) PERMITTED sq ft" for [tomorrow night](#). Again, please let me know if you have any problem downloading this.

Pete Tonnessen
3500 Hearthstone Drive
[719-338-7329](tel:719-338-7329)

Sent from my iPad

(Rev. 9, 4/29/17)

Fayetteville AR UDC
(Zoning) as amended
by ORDINANCE 5945
approved 1/17/2017

(B) Uses.

(1) PERMITTED Uses.

Unit 1 City-wide uses by right	City-wide uses by right
Unit 4 Cultural and recreational facilities	
Unit 5 Government facilities	
Unit 8 Single-family dwellings	Single-family dwellings
Unit 9 Two (2) family dwellings	Two (2) family dwellings
Unit 10 Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings
Unit 12a Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]
Unit 12b General Business [8000 square feet]	
Unit 13 Eating places	
Unit 15 Neighborhood shopping goods	
Unit 18 Gasoline service stations and drive-in/drive through restaurants	
Unit 24 Home occupations	Home occupations
Unit 25 Offices, studios and related services	
Unit 26 Multi-family dwellings	
Unit 41 Accessory dwelling units	Accessory dwelling units
Unit 44 Cluster Housing Development	Cluster Housing Development
Unit 45 Small-scale production	

(2) Conditional Uses.

Unit 2 City-wide uses by conditional use permit	City-wide uses by conditional use [permit]
Unit 3 Public protection and utility facilities	Public protection and utility facilities
Unit 4 Cultural and recreational facilities	Cultural and recreational facilities
Unit 5 Government Facilities	Government Facilities
Unit 11 Manufactured home parks*	
Unit 13 Eating places	Eating places
Unit 14 Hotel, motel and amusement services	
Unit 15 Neighborhood shopping goods	Neighborhood shopping goods
Unit 16 Shopping goods	
Unit 17 Transportation, trades and services	
Unit 19 Commercial recreation, small sites	Commercial recreation, small sites
Unit 24 Home occupations	
Unit 25 Offices, studios and related services	Offices, studios and related services
Unit 26 Multi-family dwellings	Multi-family dwellings
Unit 28 Center for collecting recyclable materials	
Unit 34 Liquor stores	
Unit 35 Outdoor music establishments	
Unit 36 Wireless communication facilities*	Wireless communication facilities*
Unit 40 Sidewalk cafes	Sidewalk cafes
Unit 42 Clean technologies	
Unit 45 Small scale production	Small-scale production

Neighborhood Services -
Limited

(A) Purpose. designed to serve as a mixed use area of **low intensity**. ... 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**.

R-O
Residential Office

(A) Purpose. designed primarily to provide area for offices *without limitation to the nature or size of the office*, together with community facilities, restaurants and **compatible residential uses**.

Neighborhood Services -
General

(A) Purpose. ... designed to serve as a **mixed use area of medium intensity**. . promotes a **walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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**.

CS
Community Services

(A) Purpose. ... designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is **intended to provide for 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.**

(1) PERMITTED Uses.

City-wide uses by right	City-wide uses by right
	Cultural and recreational facilities
	Government facilities
Single-family dwellings	Single-family dwellings
Two (2) family dwellings	Two (2) family dwellings
Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings
Unit 12b General Business [8000 square feet]	
	Eating places
	Neighborhood Shopping goods
	Gasoline service stations and drive-in/drive-through restaurants
	Home occupations
	Offices, studios and related services
	Multi-family dwellings
	Cluster Housing Development
	Small scale production

(2) Conditional Uses.

City-wide uses by conditional use permit	City-wide uses by conditional use permit
Public protection and utility facilities	Public protection and utility facilities
Cultural and recreational facilities	Cultural and recreational facilities
Government facilities	
Eating places	
	Hotel, motel and amusement services
Shopping goods	Shopping goods
	Transportation, trades and services
Commercial recreation, small sites	Commercial recreation, small sites
Offices, Studios and Related Services	
Multi-family dwellings	
	Center for collecting recyclable materials
	Liquor stores
	Outdoor music establishments
Wireless communication facilities*	Wireless communication facilities*
Sidewalk cafes	Sidewalk cafes
Clean technologies	Clean technologies
Small scale production	

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Monday, May 01, 2017 4:18 PM
To: Curth, Jonathan; CityClerk; City_Attorney
Cc: Bob Anderson; Stevan Vowell; Mark Scalise; pete012639@yahoo.com
Subject: FAYAR ZONING CODE 14 inch (Rev. 9) PERMITTED sq ft REDACTED.xlsx
Attachments: FAYAR ZONING CODE 14 inch (Rev. 9) PERMITTED sq ft REDACTED.xlsx

Mr. Curth:

Attached is the Excel version of the FAYAR ZONING CODE (Rev. 9) PERMITTED sq ft REDACTED for [tomorrow night](#). Again, please let me know if you have any problem downloading this.

Pete Tonnessen
3500 Hearthstone Drive
[719-338-7329](tel:719-338-7329)

Sent from my iPad

Neighborhood Services - Limited	R-O Residential Office	Neighborhood Services - General
(A) Purpose. designed to serve as a mixed use area of low intensity. ... promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neiighborhood 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 .	(A) Purpose. ... designed primarily to provide area for offices <i>without limitation to the nature or size of the office</i> , together with community facilities, restaurants and compatible residential uses .	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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 .
(1) PERMITTED Uses.		
City-wide uses by right	City-wide uses by right	City-wide uses by right
Single-family dwellings	Government facilities	Single-family dwellings
Two (2) family dwellings	Single-family dwellings	Two (2) family dwellings
Three (3) and four (4) family dwellings	Two (2) family dwellings	Three (3) and four (4) family dwellings
Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]
Home occupations	Offices, studios and related services	Home occupations
Accessory dwelling units	Cluster Housing Development	Accessory Dwelling Units
Cluster Housing Development		Cluster Housing Development
(2) Conditional Uses.		
City-wide uses by conditional use [permit]	City-wide uses by conditional use permit	City-wide uses by conditional use permit
Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
Government Facilities	Manufactured home park*	Government facilities
Eating places	Eating places	Eating places
Neighborhood shopping goods	Neighborhood shopping goods	
		Shopping goods
Commercial recreation, small sites		Commercial recreation, small sites
	Home occupations	
Offices, studios and related services		Offices, Studios and Related Services
Multi-family dwellings	Multi-family dwellings	Multi-family dwellings
Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
Sidewalk cafes		Sidewalk cafes
	Clean technologies	Clean technologies
Small-scale production	Small scale production	Small scale production

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Tuesday, May 02, 2017 6:05 AM
To: CityClerk
Cc: City_Attorney; Bob Anderson; pete012639@yahoo.com
Subject: PHOTO EXHIBIT for RZN 17-5733 & VAC 17-5753

Categories: Forwarded

From: Peter Tonnesen
To: City Clerk
Cc: City Attorney; Bob Anderson; pete012629@yahoo.com
Subject: PHOTO EXHIBIT for RZN 17-5733 & VAC 17-5753
Date: Tuesday, May 02, 2017 6:04:53 AM

R-O Residential Office	Neighborhood Services - Limited	Neighborhood Services - General
(A) Purpose. ... designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.	(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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.	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. ... promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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.
(1) PERMITTED Uses.	(1) PERMITTED Uses.	(1) PERMITTED Uses.
City-wide uses by right Government facilities Single-family dwellings Two (2) family dwellings	City-wide uses by right Single-family dwellings Two (2) family dwellings Three (3) and four (4) family dwellings	City-wide uses by right Single-family dwellings Two (2) family dwellings Three (3) and four (4) family dwellings
Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]
Offices, studios and related services	Home occupations Accessory dwelling units Cluster Housing Development	Home occupations Accessory Dwelling Units Cluster Housing Development
(2) Conditional Uses.	(2) Conditional Uses.	(2) Conditional Uses.
City-wide uses by conditional use permit Public protection and utility facilities Cultural and recreational facilities	City-wide uses by conditional use [permit] Public protection and utility facilities Cultural and recreational facilities Government Facilities	City-wide uses by conditional use permit Public protection and utility facilities Cultural and recreational facilities Government facilities
Manufactured home park*	Eating places	Eating places
Eating places	Neighborhood shopping goods	Neighborhood shopping goods
Neighborhood shopping goods	Commercial recreation, small sites	Commercial recreation, small sites
Home occupations	Offices, studios and related services	Offices, Studios and Related Services
Multi-family dwellings	Multi-family dwellings	Multi-family dwellings
Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
Clean technologies	Sidewalk cafes	Sidewalk cafes
Small scale production	Small-scale production	Small scale production

Sent from my iPad

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Tuesday, May 02, 2017 6:11 AM
To: CityClerk
Cc: City_Attorney; Bob Anderson; pete012639@yahoo.com
Subject: PowerPoint Slide FAYAR ZONING CODE Spreadsheet (R-O NS-L NS-G)
Attachments: FAYAR ZONING CODE (Rev. 10) R-O NS-L NS-G.xlsx

Categories: Forwarded

Sent from my iPad

R-O Residential Office	Neighborhood Services - Limited	Neighborhood Services - General
(A) Purpose. ... designed primarily to provide area for offices <u>without limitation to the nature or size of the office</u> , together with community facilities, restaurants and compatible residential uses .	(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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 .	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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 .
(1) PERMITTED Uses.	(1) PERMITTED Uses.	(1) PERMITTED Uses.
City-wide uses by right Government facilities Single-family dwellings Two (2) family dwellings	City-wide uses by right Single-family dwellings Two (2) family dwellings Three (3) and four (4) family dwellings	City-wide uses by right Single-family dwellings Two (2) family dwellings Three (3) and four (4) family dwellings
Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]
Offices, studios and related services Cluster Housing Development	Home occupations Accessory dwelling units Cluster Housing Development	Home occupations Accessory Dwelling Units Cluster Housing Development
(2) Conditional Uses.	(2) Conditional Uses.	(2) Conditional Uses.
City-wide uses by conditional use permit Public protection and utility facilities Cultural and recreational facilities	City-wide uses by conditional use [permit] Public protection and utility facilities Cultural and recreational facilities Government Facilities	City-wide uses by conditional use permit Public protection and utility facilities Cultural and recreational facilities Government facilities
Manufactured home park*	Eating places	Eating places
Eating places	Neighborhood shopping goods	Neighborhood shopping goods
Home occupations	Commercial recreation, small sites	Shopping goods
Multi-family dwellings	Offices, studios and related services	Commercial recreation, small sites
Wireless communication facilities*	Multi-family dwellings	Offices, Studios and Related Services
	Wireless communication facilities*	Multi-family dwellings
	Sidewalk cafes	Wireless communication facilities*
Clean technologies		Sidewalk cafes
Small scale production	Small-scale production	Clean technologies
		Small scale production

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Tuesday, May 02, 2017 6:45 AM
To: CityClerk
Cc: City_Attorney; Bob Anderson; pete012639@yahoo.com
Subject: RZN 17-3733 & VAC 17-5753 PHOTO EXHIBIT re FAYAR PLANNING CODE (Rev. 12)

Categories: Forwarded

From: [Peter Thompson](#)
 To: [City Staff](#)
 Cc: [City Attorney](#); [Rob Anderson](#); [peter12639@yahoo.com](#)
 Subject: R2N 17-3728 & VAC 17-5753 PHOTO EXHIBIT re FAYAR PLANNING CODE (Rev. 12)
 Date: Tuesday, May 02, 2017 6:44:43 AM

	A	B	C	D
1	(Rev. 12, 5/2/17)	R-O	Neighborhood Services -	Neighborhood Services -
2		Residential Office	Limited	General
	Fayetteville AR UDC (Zoning) as amended by ORDINANCE 5945 approved 1/17/2017	(A) Purpose. ... designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.	(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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.	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . 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.
3				
4	(B) Uses.			
5	(1) PERMITTED Uses.			(1) PERMITTED Uses.
6	Unit 1 City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right
7	Unit 5 Government facilities	Government facilities		
8	Unit 8 Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings
9	Unit 9 Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings
10	Unit 10 Three (3) and four (4) family dwellings		Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings
11	Unit 12a Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	
12	Unit 12b General Business [8000 square feet]			Unit 12b General Business [8000 square feet]
13	Unit 24 Home occupations		Home occupations	Home occupations
14	Unit 25 Offices, studios and related services	Offices, studios and related services		
15	Unit 41 Accessory dwelling units		Accessory dwelling units	Accessory Dwelling Units
16	Unit 44 Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Cluster Housing Development
17	(2) Conditional Uses.			(2) Conditional Uses.
18	Unit 2 City-wide uses by conditional use permit	City-wide uses by conditional use permit	City-wide uses by conditional use [permit]	City-wide uses by conditional use permit
19	Unit 3 Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
20	Unit 4 Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
21	Unit 5 Government Facilities		Government Facilities	Government facilities
22	Unit 11 Manufactured home parks*	Manufactured home park*		
23	Unit 13 Eating places	Eating places	Eating places	Eating places
24	Unit 15 Neighborhood shopping goods	Neighborhood shopping goods	Neighborhood shopping goods	
25	Unit 16 Shopping goods			Shopping goods
26	Unit 19 Commercial recreation, small sites		Commercial recreation, small sites	Commercial recreation, small sites
27	Unit 24 Home occupations	Home occupations		
28	Unit 25 Offices, studios and related services		Offices, studios and related services	Offices, Studios and Related Services
29	Unit 26 Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	Multi-family dwellings
30	Unit 36 Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
31	Unit 40 Sidewalk cafes		Sidewalk cafes	Sidewalk cafes
32	Unit 42 Clean technologies	Clean technologies		Clean technologies
33	Unit 45 Small scale production	Small scale production	Small-scale production	Small scale production

Sent from my iPad

Sent from my iPad

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Tuesday, May 02, 2017 6:49 AM
To: CityClerk
Cc: City_Attorney; Bob Anderson; pete012639@yahoo.com
Subject: RZN 17-5733 & VAC 17-5753 PowerPoint Slide FAYAR ZONING CODE 14-inch (Rev. 12, 5-2-17) R-O NSL-L NS-G
Attachments: FAYAR ZONING CODE 14-inch (Rev. 12, 5-2-17) R-O NS-L NS-G.xlsx
Categories: Forwarded

Sent from my iPad

(Rev. 12, 5/2/17)

Fayetteville AR UDC
(Zoning) as amended
by ORDINANCE 5945
approved 1/17/2017

(B) Uses.

(1) PERMITTED Uses.

Unit 1 City-wide uses by right
Unit 5 Government facilities
Unit 8 Single-family dwellings
Unit 9 Two (2) family dwellings
Unit 10 Three (3) and four (4) family dwellings

Unit 12a Limited Business [Eating <2000 sq ft]

Unit 12b General Business [8000 square feet]

Unit 24 Home occupations
Unit 25 Offices, studios and related services
Unit 41 Accessory dwelling units
Unit 44 Cluster 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 parks*

Unit 13 Eating places

Unit 15 Neighborhood shopping goods

Unit 16 Shopping goods

Unit 19 Commercial recreation, small sites
Unit 24 Home occupations
Unit 25 Offices, studios and related services
Unit 26 Multi-family dwellings
Unit 36 Wireless communication facilities*
Unit 40 Sidewalk cafes
Unit 42 Clean technologies
Unit 45 Small scale production

R-O Residential Office
<i>(A) Purpose. ... designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses .</i>

City-wide uses by right
Government facilities
Single-family dwellings
Two (2) family dwellings

Limited Business [Eating <2000 sq ft]

Offices, studios and related services
Cluster Housing Development

City-wide uses by conditional use permit
Public protection and utility facilities
Cultural and recreational facilities
Manufactured home park*

Eating places

Neighborhood shopping goods

Home occupations
Multi-family dwellings
Wireless communication facilities*
Clean technologies
Small scale production

Neighborhood Services - Limited
<i>(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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.</i> For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

City-wide uses by right
Single-family dwellings
Two (2) family dwellings
Three (3) and four (4) family dwellings

Limited Business [Eating <2000 sq ft]

Home occupations
Accessory dwelling units
Cluster Housing Development

City-wide uses by conditional use [permit]
Public protection and utility facilities
Cultural and recreational facilities
Government Facilities

Eating places

Neighborhood shopping goods

Commercial recreation, small sites
Offices, studios and related services
Multi-family dwellings
Wireless communication facilities*
Sidewalk cafes
Small-scale production

Neighborhood Services - General
<i>(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business that are compatible in scale, aesthetics, and use with surrounding land uses.</i> For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a residential zone.

(1) PERMITTED Uses.

City-wide uses by right
Single-family dwellings
Two (2) family dwellings
Three (3) and four (4) family dwellings

Unit 12b General Business [8000 square feet]

Home occupations
Accessory Dwelling Units
Cluster Housing Development

(2) Conditional Uses.

City-wide uses by conditional use permit
Public protection and utility facilities
Cultural and recreational facilities
Government facilities

Eating places

Shopping goods

Commercial recreation, small sites
Offices, Studios and Related Services
Multi-family dwellings
Wireless communication facilities*
Sidewalk cafes
Clean technologies
Small scale production

CityClerk

From: Peter Tonnessen <ptt@prodigy.net>
Sent: Tuesday, May 02, 2017 6:52 AM
To: CityClerk
Subject: Fwd: CORR Subject: RZN 17-5733 & VAC 17-5753 PHOTO EXHIBIT re FAYAR ZONING CODE (Rev. 12, 5-2-17) R-O NS-L NS-G

Categories: Forwarded

Sent from my iPad

Begin forwarded message:

From: Peter Tonnessen <ptt@prodigy.net>
Date: May 2, 2017 at 6:44:31 AM CDT
To: cityclerk@fayetteville-ar.gov
Cc: city_attorney@fayetteville-ar.gov, Bob Anderson <anderhog@yahoo.com>, "pete012639@yahoo.com" <pete012639@yahoo.com>
Subject: RZN 17-3733 & VAC 17-5753 PHOTO EXHIBIT re FAYAR PLANNING CODE (Rev. 12)

From: [Peter Tonnessen](#)
 To: [City Clerk](#)
 Subject: RZN 17-5753 & VAC 17-5753 PHOTO EXHIBIT re FAYAR ZONING CODE (Rev. 12, 5-3-17) R/O NS-L NS-G
 Date: Tuesday, May 02, 2017 8:51:43 AM

Sent from my iPad

Begin forwarded message:

From: Peter Tonnessen <pt@prodigy.net>
 Date: May 2, 2017 at 6:44:31 AM CDT
 To: cityclerk@fayetteville-ar.gov
 Cc: city_attorney@fayetteville-ar.gov, Bob Anderson <anderhogs@yahoo.com>, "peter012639@yahoo.com" <peter012639@yahoo.com>
 Subject: RZN 17-3733 & VAC 17-5753 PHOTO EXHIBIT re FAYAR PLANNING CODE (Rev. 12)

	A	B	C	D
1	(Rev. 12, 5/2/17)	R-O	Neighborhood Services -	Neighborhood Services -
2		Residential Office	Limited	General
	Fayetteville AR UDC (Zoning) as amended by ORDINANCE 5945 approved 1/17/2017	(A) Purpose. ... designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.	(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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 .	(A) Purpose. ... designed to serve as a mixed use area of medium intensity. ... promotes a walkable , pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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 .
3				
4	(B) Uses.			
5	(1) PERMITTED Uses.			(1) PERMITTED Uses.
6	Unit 1 City-wide uses by right	City-wide uses by right	City-wide uses by right	City-wide uses by right
7	Unit 5 Government facilities	Government facilities		
8	Unit 8 Single-family dwellings	Single-family dwellings	Single-family dwellings	Single-family dwellings
9	Unit 9 Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings	Two (2) family dwellings
10	Unit 10 Three (3) and four (4) family dwellings		Three (3) and four (4) family dwellings	Three (3) and four (4) family dwellings
11	Unit 12a Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Limited Business [Eating <2000 sq ft]	Unit 12b General Business [8000 square feet]
12	Unit 12b General Business [8000 square feet]			Home occupations
13	Unit 24 Home occupations		Home occupations	
14	Unit 25 Offices, studios and related services	Offices, studios and related services		
15	Unit 41 Accessory dwelling units		Accessory dwelling units	Accessory Dwelling Units
16	Unit 44 Cluster Housing Development	Cluster Housing Development	Cluster Housing Development	Cluster Housing Development
17	(2) Conditional Uses.			(2) Conditional Uses.
18	Unit 2 City-wide uses by conditional use permit	City-wide uses by conditional use permit	City-wide uses by conditional use [permit]	City-wide uses by conditional use permit
19	Unit 3 Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities	Public protection and utility facilities
20	Unit 4 Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities	Cultural and recreational facilities
21	Unit 5 Government Facilities		Government Facilities	Government facilities
22	Unit 11 Manufactured home parks*	Manufactured home park*		
23	Unit 13 Eating places	Eating places	Eating places	Eating places
24	Unit 15 Neighborhood shopping goods	Neighborhood shopping goods	Neighborhood shopping goods	Shopping goods
25	Unit 16 Shopping goods			Commercial recreation, small sites
26	Unit 19 Commercial recreation, small sites		Commercial recreation, small sites	
27	Unit 24 Home occupations	Home occupations		
28	Unit 25 Offices, studios and related services		Offices, studios and related services	Offices, Studios and Related Services
29	Unit 26 Multi-family dwellings	Multi-family dwellings	Multi-family dwellings	Multi-family dwellings
30	Unit 36 Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*	Wireless communication facilities*
31	Unit 40 Sidewalk cafes		Sidewalk cafes	Sidewalk cafes
32	Unit 42 Clean technologies	Clean technologies		Clean technologies
33	Unit 45 Small scale production	Small scale production	Small-scale production	Small scale production

Sent from my iPad

Sent from my iPad

Handed out at the 5-2-17
City Council meeting. C.6. RZN 17-5733 Heatherton

(Rev. 12, 5/2/17)

Fayetteville AR UDC (Zoning) as amended by ORDINANCE 5945 approved 1/17/2017

(B) Uses.

(1) PERMITTED Uses.

Unit 1 City-wide uses by right
Unit 5 Government facilities
Unit 8 Single-family dwellings
Unit 9 Two (2) family dwellings
Unit 10 Three (3) and four (4) family dwellings
Unit 12a Limited Business [Eating <2000 sq ft]
Unit 12b General Business [8000 square feet]
Unit 24 Home occupations
Unit 25 Offices, studios and related services
Unit 41 Accessory dwelling units
Unit 44 Cluster 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 parks*

Unit 13 Eating places
Unit 15 Neighborhood shopping goods
Unit 16 Shopping goods

Unit 19 Commercial recreation, small sites
Unit 24 Home occupations
Unit 25 Offices, studios and related services
Unit 26 Multi-family dwellings
Unit 36 Wireless communication facilities*
Unit 40 Sidewalk cafes
Unit 42 Clean technologies
Unit 45 Small scale production

R-O Residential Office

(A) Purpose. ... designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

City-wide uses by right
Government facilities
Single-family dwellings
Two (2) family dwellings
Limited Business [Eating <2000 sq ft]

Offices, studios and related services
Cluster Housing Development

City-wide uses by conditional use permit
Public protection and utility facilities
Cultural and recreational facilities
Manufactured home park*

Eating places
Neighborhood shopping goods

Home occupations
Multi-family dwellings
Wireless communication facilities*
Clean technologies
Small scale production

Neighborhood Services - Limited

(A) Purpose. designed to serve as a mixed use area of low intensity. ... 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.

City-wide uses by right

Single-family dwellings
Two (2) family dwellings
Three (3) and four (4) family dwellings
Limited Business [Eating <2000 sq ft]

Home occupations
Accessory dwelling units
Cluster Housing Development

City-wide uses by conditional use [permit]
Public protection and utility facilities
Cultural and recreational facilities
Government Facilities

Eating places
Neighborhood shopping goods

Commercial recreation, small sites
Offices, studios and related services
Multi-family dwellings
Wireless communication facilities*
Sidewalk cafes
Small-scale production

Neighborhood Services - General

(A) Purpose. ... designed to serve as a mixed use area of medium intensity. . promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood business 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.

(1) PERMITTED Uses.

City-wide uses by right

Single-family dwellings
Two (2) family dwellings
Three (3) and four (4) family dwellings
Unit 12b General Business [8000 square feet]
Home occupations
Accessory Dwelling Units
Cluster Housing Development

(2) Conditional Uses.

City-wide uses by conditional use permit
Public protection and utility facilities
Cultural and recreational facilities
Government facilities

Eating places
Shopping goods

Commercial recreation, small sites
Offices, Studios and Related Services
Multi-family dwellings
Wireless communication facilities*
Sidewalk cafes
Clean technologies
Small scale production

Handed out at the
5/2/17 City Council meeting
C.B. RZN 17-5733 Hawthorne

LOTS 1 & 2 RESTAURANT COMPS

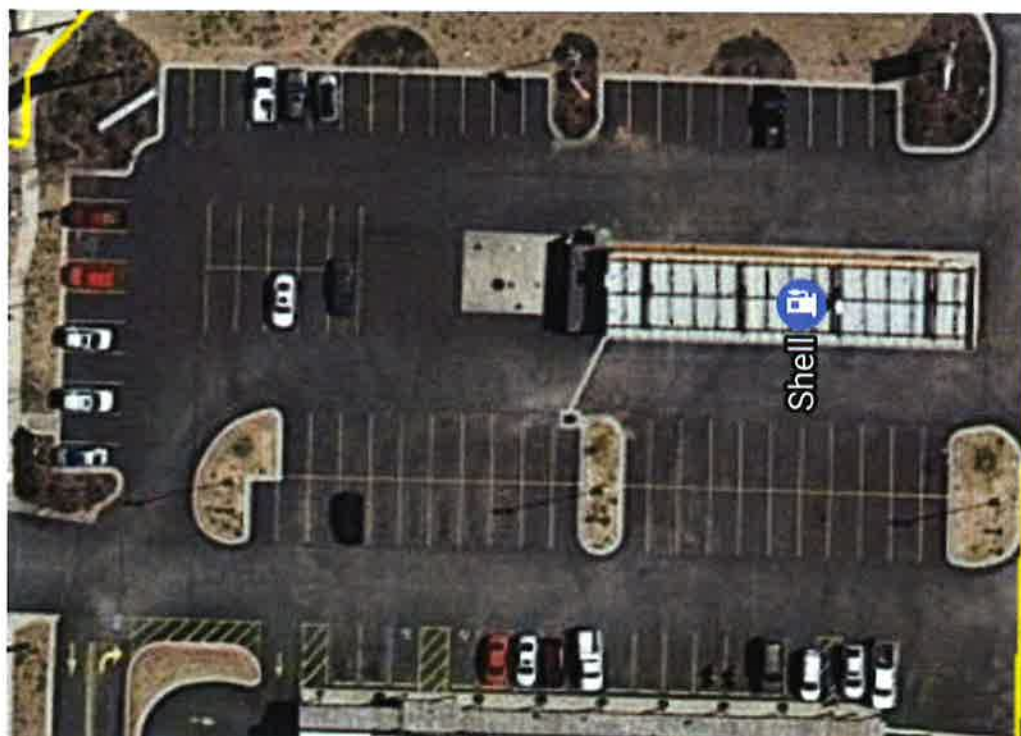
<u>Restaurant</u>	<u>Acreage</u>	<u>Building Area</u> <u>(sq. ft)</u>	<u>Designated</u> <u>Parking spaces</u>	<u>Paved Area</u> <u>(sq. ft)</u>
Lots 1 & 2 (MJ PIZZERIA ?) 89%	1.79	6,410	122	41,954
AVERAGE of Rows 9 : 19	1.99	7,202	137	47,140
Red Lobster	1.75	7,872	134	64,800
Colton's	1.95	7,274	152	44,879
Kobe Hibachi Grill & Sushi	1.82	7,202	107	39,840
Outback Steakhouse	1.47	6,985	121	38,000
Red Robin Gourmet Burgers	2.02	6,606	124	34,585
Chili's Grill & Bar	2.12	5,364	167	54,500
OG [Lot 1]	1.48		81	
OG [Lot 2]	<u>0.87</u>		<u>70</u>	
Olive Garden [TOTAL]	2.35	8,058	151	48,795
Logan's [Lot 1]	2.03			
Logan's [Lot 2]	<u>0.40</u>			
Logan's Roadhouse [TOTAL]	2.43	8,256	137	51,720

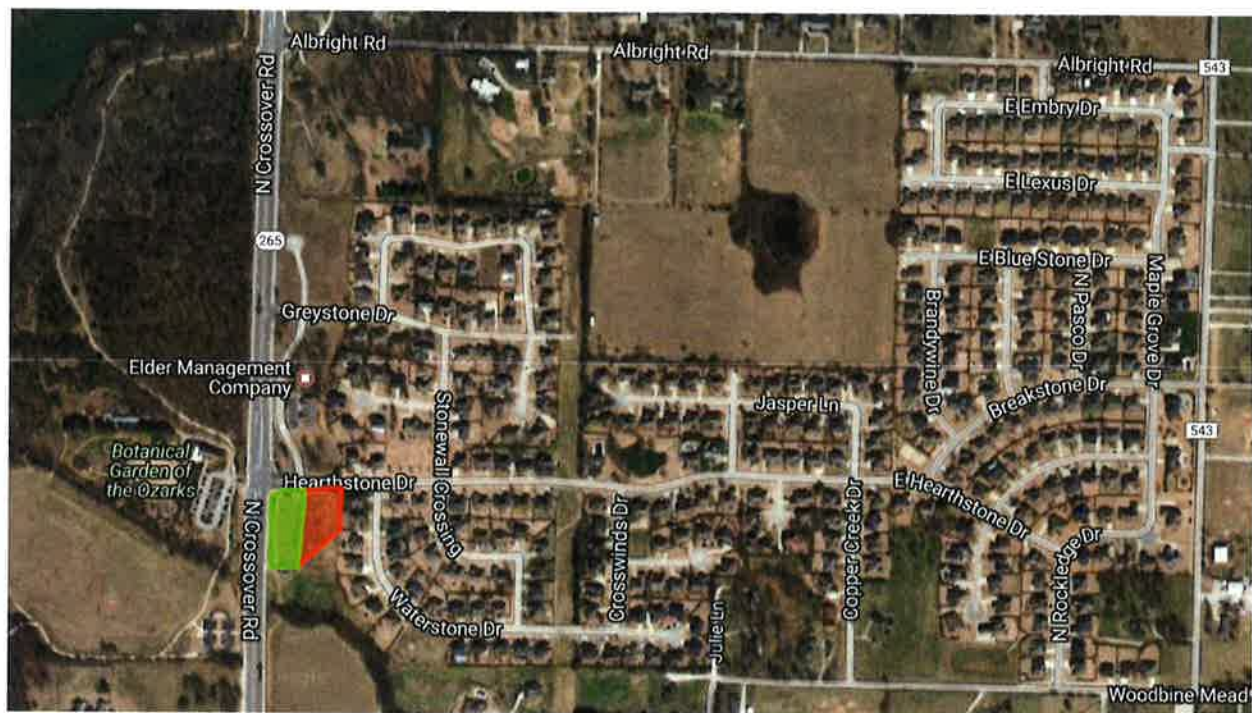
OFF-STREET PARKING COMPS

<u>PROPERTY</u>	<u>Designated Parking Spaces</u>	<u>Parking Location</u>	<u>Acreage</u>	<u>Paved Area (sq. ft)</u>
Lots 1 & 2	125	Rear	1.79	> min 34,500
Parking Spaces per Acre			70	
Paved Area per Acre				19,274
% Paved Area				44.25%
Copper Creek Pool & Park	6	Front (i.e., street-side)	1.80	2,520
Copper Creek Tennis Court	3	Front (i.e., street-side)	0.51	1,408
Lots 5/6 - Prime R/E & Dev, Inc.	14	Front (i.e., street-side)	0.58	6,633
Lot 7 - Elder Management Co.	6	Front (i.e., street-side)	0.46	3,230
Community Average #	7		0.84	3,448
Parking Spaces per Acre			8.66	
Paved Area per Acre				4,117
% Paved Area				9.45%
Botanical Garden of the Ozarks	59	Front (i.e., street-side)	37.34	24,500
Fayetteville Park Public Parking	42	Front (i.e., street-side)	163.00	21,500
Public Property Average #	51		100.17	200.34
Parking Spaces per Acre			0.50	
Paved Area per Acre				230
% Paved Area				0.53%
Neighborhood Total	130		203.69	59,791
Neighborhood Average #				
Parking Spaces per Acre			0.64	
Paved Area per Acre				294
% Paved Area				0.67%









U of A Campus Master Plan

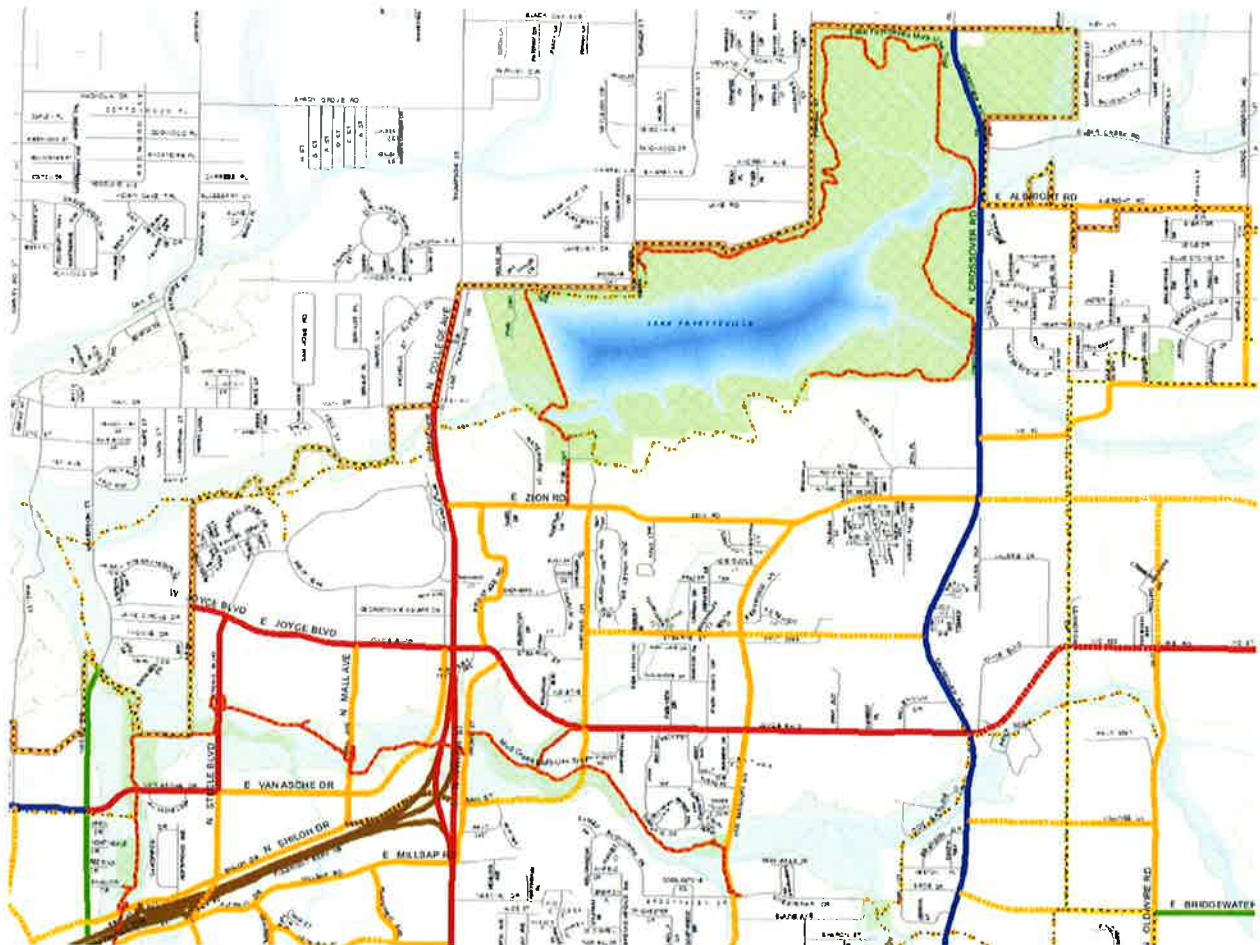
COLLECTOR

FREEWAY/EXPRESSWAY

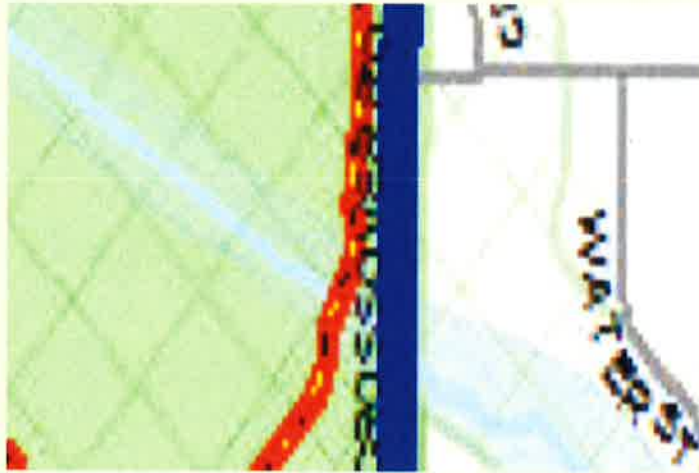
MINOR ARTERIAL

PRINCIPAL ARTERIAL

PRIN ARTERIAL PKWY



"PRINCIPAL ARTERIAL **PARKWAY**"



Crossover Road is a **PARKWAY**

- Crossover Road was planned, built and **landscaped** as a **PARKWAY**
- **TREES** are planted **every thirty (30) feet**
- 30 **trees** and 3 **shrubs** between Zion Road and Hilton Creek
- 39 **trees** and 3 **shrubs** from Hearthstone Drive to Albright Road
- 61 **trees** from Albright Road to **Ivey Lane**



**View across Crossover Road Parkway
towards the NE and Lots 1 & 2**



**View across Crossover Road Parkway
towards the SE and Hilton Creek**



**From Parkway median,
looking NNE towards Lots 1 & 2**





OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

**TO: Mayor Jordan
City Council**

**CC: Don Marr, Chief of Staff
Andrew Garner, Planning Director
Jonathon Curth, Senior Planner**

FROM: Kit Williams, City Attorney

DATE: May 2, 2017

RE: Proposed Rezoning of Lots in Stonewood Subdivision

Planning staff has been making a reasonable and good faith effort to help the developer with his proposed project. They have presented some worthwhile discussion and relevant factors in support of their initial recommendation to approve the applicant's requested Community Services rezoning and now the applicant's requested Neighborhood Services - General rezoning. Reasonable minds may differ on rezoning issues. In recognition of the residential neighborhood's substantial opposition, let me present further analysis.

HISTORY OF STONEWOOD AND COPPER CREEK

The neighborhood master plan for the Stonewood Subdivision and the Copper Creek Subdivision was approved when they were zoned completely single family residential except for a buffer of Residential - Office lots along Highway 265 near its intersection with Hearthstone Drive by the Fayetteville City Council. The precise subdivision layout with streets and lot boundaries for this residential neighborhood was approved when the Fayetteville Planning Commission in 2001 approved its Preliminary and Final Plat. These rezonings and the Final Plats approving the neighborhood layout constitute a detailed master plan for this area. The question for this rezoning

request is whether this long-established neighborhood plan relied upon by hundreds of home buyers through the years should now be changed to allow much larger restaurants and other commercial developments to replace the small restaurants and stores allowed in the Residential - Office buffer along Highway 265. This request would also rezone for a possible commercial use a significant triangle of Residential Single Family zoned land.

After their zoning and development approval, the single-family house lots in the Stonewood and Copper Creek Subdivisions have been almost completely built out pursuant to this neighborhood plan. These residential subdivisions have become some of the more desirable and attractive neighborhoods in Fayetteville. Some of the Residential - Office Lots along Highway 265 have been developed with no complaint by the neighbors. However, the owner of a couple of the remaining vacant R-O and RSF - 4 lots now wishes to change the approved neighborhood master plan by inserting **medium** density commercial urban "form-based" zoning near Fayetteville's northern city limits and several miles from Fayetteville's urban core. A rezoning to Neighborhood Services - General which allows large retailers, restaurants and fourplexes as of right would significantly change the Residential - Office and RSF - 4 buffer upon which the neighbors relied when deciding to build or buy their homes in Stonewood or Copper Creek.

INITIAL REZONING REQUEST

The applicant/developer stated he initially wanted to rezone to Commercial Services in order to build a drive-through coffee shop. Such drive-through establishments do not appear compatible with the adjoining residences. A drive-through restaurant or coffee shop is described in the Unified Development Code as being "**significantly objectionable to nearby uses....**" § 162.01 (R) *Unit 18*. This "significantly objectionable" use would adjoin the backyards of several residences. Much of this "significantly objectionable" designation is tied to the substantially increased traffic generation of a drive-in/drive-through restaurant, donut or coffee shop compared to a small, non-drive-through restaurant or coffee shop which is allowed in Residential - Office. These commercial uses are not allowed in the RSF - 4 land that the applicant wants to rezone for possible commercial or fourplex uses. Although, Community Services was recommended for approval by the Planning Department, the applicant backed off slightly to

Neighborhood Services - General in the face of strong and reasoned objections of almost all of the neighbors.

URBAN ZONING vs. RESIDENTIAL OFFICE

Urban "form-based" zoning is especially inappropriate at this location because the rear of the lots adjoin the backyards of several houses. Pushing the large restaurant or other commercial building to the front of the lot (as required in a "form-based" zone) to hide the parking lot behind the building might shield the view of the parking lot from highway drivers, but it puts the parking lot in the face of the home owners and invades their privacy. A standard form zoning district like Residential - Office does not force the building to the front of the lot. Most small commercial developments that are allowed in R-O parcels would likely locate their parking lot in the front so that the come-and-go of cars would be buffered from the residential neighborhood by the restaurant or other limited business building itself. The proposed urban zoned districts would force the parking lots and traffic to the back of the lots causing all day and late at night noise and light disturbances for adjoining residences.

Neighborhood Services - General has a lot width requirement of thirty-five (35) feet and a minimum lot area of 4,000 square feet for a single family house. The single family residential lots in Stonewood and Copper Creek require a minimum lot width of seventy (70) feet and a minimum lot area of 8,000 square feet. Thus, single family lots in Neighborhood Services - General are only half those minimum requirements for the neighborhood. The current Residential - Office zoning requires a single family lot width and area 50% larger than Neighborhood Services - General and thus is much more compatible with the existing neighborhoods and the adjoining single family zoned lots along Highway 265. These urban, "form based" zoning districts may be fine in the denser downtown area, but are far from compatible with standard residential neighborhoods like Stonewood and Copper Creek built on Fayetteville's outskirts. That appears to be the almost unanimous opinion of the many homeowners who attended the Planning Commission's meeting to voice their opposition to this rezoning.

THIS IS NOT A DOWNZONING

The Planning Commission thought that this rezoning could be considered a "downzoning" and thus more compatible with the surrounding neighborhoods of Stonebridge and Copper Creek. The neighbors almost unanimously disagree.

While the overall residential density limitation might be somewhat higher, 24 as opposed to 18 units per acre in R - O, this density could only be achieved by apartments, which are not allowed except by Conditional Use which provides some protection for the neighbors. It is also theoretically possible to build a large office building fifteen feet higher in R - O than in Neighborhood Services - General. This has been possible for 16 years, but has not occurred.

The current office buildings constructed on other R- O lots in this subdivision are very compatible with these residential neighborhoods. Most offices keep fairly normal 9:00 a.m. - 5:00 p.m. hours and are thus "good neighbors" and good buffers for nearby homes. Large restaurants and commercial stores usually operate long into the evening hours with much more come and go traffic than offices. Large restaurants especially can be "significantly objectionable to nearby" homes.

Residential density should be measure by what is allowed by right in a zoning district. The current residential zoning of R - O allows only single family houses and duplexes. The existing RSF - 4 only allows single family homes. Neighborhood Services - General allows triplexes and fourplexes by right and single family houses on much smaller lots. That is increased density by right.

Single Family Residential, four units per acre allows no real commercial uses by right. Residential - Office allows only Limited Business which limits restaurants and most other commercial retail to 2,000 square feet. Neighborhood Services - General allows restaurants and other commercial retail up to an 8,000 square foot building. Allowing restaurants and commercial buildings four times the size is an "upzoning", not a "downzoning."

While the 2030 plan's description of Residential Neighborhood areas which was assigned to Stonewood and Copper Creek encourages "low intensity non-residential uses intended to serve the surrounding neighborhood." Neighborhood Services - General is "designed to serve as a mixed-use area of **medium intensity**." § 161.19(A). A 2,000 square foot low intensity restaurant, bakery or coffee shop would certainly be enough to serve the surrounding neighborhood of Stonewood and Copper Creek. An 8,000 square foot "medium intensity" restaurant would need to serve primarily Highway 265 users to be economically feasible. This is the reason the applicant is requesting this higher commercial intensity rezoning with higher residential density by right.

Pushing a form based, mixed-use (allowing 8,000 square foot commercial buildings) zoned district into large area zoned in Fayetteville's most traditional residential single family four units per acre, RSF-4 district would be a classic example of "spot zoning" which has been criticized by the Arkansas Supreme Court and property law authorities. "The need to maintain consistent zoning area, and not to set a precedent of spot zoning (T)he property was entirely surrounded by a residential area, and that the residents objected" Thomas Petroleum v. West Helena, 310 Ark. 682, 839 S.W. 2d 523, 525 (1992).

"Spot zoning has been defined by several authorities. It has been said that: 'Spot zoning, by definition, is invalid because it amounts to an arbitrary, capricious and unreasonable treatment of a limited area within a particular district. As such, it departs from the comprehensive treatment or privileges not in harmony with the other use classifications in the area and without any apparent circumstances which call for different treatment. Spot zoning almost invariably involves a single parcel or at least a limited area.' R. Wright and S. Webber, *Land Use* (1978)." Riddell v. City of Brinkley, 612 S.W. 2d 116, 117 (1981).

Finally, a proponent of a rezoning will often argue that he or she is entitled to a rezoning in order to put the property to its "highest and best use" from a monetary viewpoint. The benefit to the owner of a proposed rezoning may certainly be considered, "(h)owever, we have held that rezoning is not justified solely on the ground that it is necessary to put a particular tract to its most remunerative use." Tanner v. City of Green Forest, 302 Ark. 170, 788 S.W. 2d 727, 729 (1990). (emphasis added).

CONCLUSION

During my 16 years as Fayetteville City Attorney, I have often reminded the Planning Commission and City Council: **"Probably the most important factor and the underlying reason to have zoning in the first place is to promote COMPATIBILITY among neighboring parcels."** (City Attorney Memos of November 15, 2012; October 13, 2014; January 12, 2016; emphasis in original).

I have also informed the City Council: **"Substantial evidence of compatibility or lack of compatibility is found in the reasonable concerns and opinions of neighbors. *City of Lowell v. M&N Mobile Home Park* (1996); *Thomas Petroleum v. West Helena* (1992); and *Tanner v. City of Green Forest* (1990).... I remain convinced COMPATIBILITY with neighboring parcels must remain the lodestar in every rezoning consideration."** (City Attorney Memo of February 17, 2016; emphasis in original memo).



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0204

Agenda Date: 5/16/2017

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 2

VAC 17-5753 (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES):

AN ORDINANCE TO APPROVE VAC 15-5753 FOR PROPERTY LOCATED AT SOUTHEAST CORNER OF CROSSOVER ROAD AND HEARTHSTONE DRIVE TO VACATE A PORTION OF A DRAINAGE EASEMENT AND A PORTION OF A UTILITY EASEMENT

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 portion of a drainage easement and a portion of a utility easement are not required for corporate purposes.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates a portion of a drainage easement and a portion of a utility easement as described in Exhibit B attached to the Planning Department's memo.

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

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

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

City of Fayetteville Staff Review Form

2017-0204

Legistar File ID

5/2/2017

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

Andrew Garner

4/14/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 17-5753: Vacation (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099): Submitted by JORGENSEN & ASSOCIATES, INC. for property located at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The property is zoned R-O, RESIDENTIAL OFFICE, and RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.96 acres. The request is to vacate a portion of a drainage easement and a portion of a utility easement.

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 MAY 2, 2017

TO: Mayor and City Council

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: April 14, 2017

SUBJECT: **VAC 17-5753: Vacation (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099):** Submitted by JORGENSEN & ASSOCIATES, INC. for property located at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The property is zoned R-O, RESIDENTIAL OFFICE, and RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.96 acres. The request is to vacate a portion of a drainage easement and a portion of a utility easement.

RECOMMENDATION:

Planning Division staff and the Planning Commission recommend approval of **VAC 17-5753** with the following condition:

Condition of Approval:

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

BACKGROUND:

The subject property contains two parcels totaling approximately 1.79 acres located at the southeast corner of Crossover Road and Hearthstone Drive. The property is currently undeveloped but is being considered for rezoning to a form-based district that requires structures be located near adjacent streets, which is currently unfeasible given the breadth of the existing easements.

Proposal: The applicant proposes vacation of a portion of utility easement and a drainage easement as depicted on the attached Exhibit 'A' and Exhibit 'B'.

DISCUSSION:

On April 10, 2017, the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 9-0-0.

BUDGET/STAFF IMPACT:

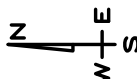
N/A

Attachments:

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

FAYETTEVILLE, ARKANSAS

OWNER:
CP PROPERTIES LLC.
1663 VIEWPOINT
FAYETTEVILLE, AR. 72701



LEGAL DESCRIPTION: (BOUNDARY)

A part of Lot 1 and all of Lot 2 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

LEGAL DESCRIPTION: (UTILITY EASEMENT VACATION)

A part of Lot 1 and 2 of Stonewood Subdivision In Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said Lot 2, thence S82°00'00"W 50.02 feet, thence N88°34'14"W 10.00 feet to the POINT OF BEGINNING; thence N88°34'14"W 31.69 feet, thence S88°22'00"W 111.32 feet, thence N87°09'56"W 107.17 feet, thence N07°44'21"E 30.01 feet, thence S87°09'56"E 105.82 feet, thence N88°22'00"E 110.93 feet, thence S88°34'14"E 34.01 feet, thence S02°00'00"W 30.01 feet to the POINT OF BEGINNING; Containing 7,514.64 square feet or 0.1725 acres more or less.

LEGAL DESCRIPTION: (DRAINAGE EASEMENT VACATION)

A part of Lot 1 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and an Ex-Orgin Record of Washington County, Arkansas, and being described as follows: Commencing at the SE corner of said lot 1, thence N86°22'25"N 95.38 feet to the POINT OF BEGINNING; thence N86°22'25"N 71.06 feet, thence N01°41'12"E 54.39 feet, thence S15°34'45"E 57.03 feet, thence S01°41'12"E 71.64 feet, thence N01°41'12"E 91.72 feet, thence S07°05'56"E 2.53 feet, thence S09°19'44"E 165.56 feet, thence S15°34'45"E 112.78 feet to the POINT OF BEGINNING; containing 3.878 acre, square feet of 0.1005 acres less.

LEGEND	
✕	CALCULATED POINT
⊙	FOUND ALUMINUM MONUMENT
⊙	SET IRON PIN & CAP
⊙	SEWER MANHOLE
⊙	TELEPHONE PEDESTAL
⊙	GAS METER
⊙	WATER METER
—	EXISTING 8" SEWER LINE
—	EXISTING GAS LINE
—	GAS
—	EXISTING 8" WATERLINE
—	EXISTING SEWER FORCE MAIN
—	STREET RIGHT OF WAY
—	EXISTING COX/COMMUNICATION LINE
—	EXISTING AT&T LINE
—	EXISTING UNDERGROUND ELECTRIC
—	BUILDING SETBACK
—	CENTERLINE STREET
—	EXISTING STORM DRAIN
—	UTILITY EASEMENT

PROJECT TITLE: MJS PIZZA

LOCATION: FAYETTEVILLE, ARKANSAS
SHEET TITLE: UTILITY EASEMENT VACATION
DRAWN BY: BJR
SHEET SCALE: 1"=50'
DATE: FEBRUARY 28, 2017
PROJECT FILE: ZALSD/20170148/UE VACATION

**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



17-5753
EXHIBIT 'B'

LEGAL DESCRIPTION: (UTILITY EASEMENT VACATION)

A part of Lot 1 and 2 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said Lot 2, thence S02°50'04"W 50.02 feet, thence N88°34'14"W 10.00 feet to the POINT OF BEGINNING; thence N88°34'14"W 31.69 feet, thence S85°23'06"W 111.32 feet, thence N87°09'56"W 107.17 feet, thence N01°41'21"E 30.01 feet, thence S87°09'56"E 105.82 feet, thence N85°23'06"E 110.95 feet, thence S88°34'14"E 34.01 feet, thence S02°50'04"W 30.01 feet to the POINT OF BEGINNING: Containing 7,514.64 square feet or 0.1725 acres more or less.

LEGAL DESCRIPTION: (DRAINAGE EASEMENT VACATION)

A part of Lot 1 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said Lot 1, thence N86°22'25"W 99.58 feet to the POINT OF BEGINNING; thence N86°22'25"W 7.10 feet, thence N01°41'21"E 54.39 feet, thence N15°34'45"E 57.03 feet, thence N09°19'44"W 71.64 feet, thence N01°41'21"E 91.72 feet, thence S87°09'56"E 2.53 feet, thence S09°19'44"E 165.56 feet, thence S15°34'45"W 112.78 feet to the POINT OF BEGINNING: Containing 4,378.82 square feet or 0.1005 acres more or less.

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:

5153

FEE: \$200.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone: 099

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: Max Parker for CP Properties

Name: Blake Jorgensen

Jorgensen & Assoc.

Address: 1680 E. Shadowridge Dr.

Fayetteville, AR 72701

Address: 124 W. Sunbridge Dr. Suite 5

Fayetteville, AR 72703

Phone: (479) 799-6918

Email: gmax32@gmail.com

Phone: (479) 442-9127

Email: blake@jorgensenassoc.com

Fax: ()

Fax: (479) 442-9127

Site Address / Location: SE corner of Crossover Rd. & Hearthstone Dr.

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

Current Zoning District: R-O & RSF-4

Assessors Parcel Number(s) for subject property: Parcel: 765-22244-000 & 765-22245-000

FINANCIAL INTERESTS

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

CP Properties

- (9) Petition to vacate street right-of-way, alley, or easement (sample petition is attached).
- (10) For applications to vacate an access easement, alley or right-of-way only: Written consent is required from all adjacent property owners and is required to be submitted with the application (example form is attached).
- (11) Comments from all utility companies concerning the street right-of-way, alley, or easement to be vacated and its relationship to existing or planned utilities with recommendations as to what action should be taken (an example comment form is attached) is required at application submittal.
- (12) The applicant is responsible for meeting the public notification requirements for a Vacation listed on the Notification Requirements pages in this application.

Utility Representatives for a Vacation Request *

Name	Company	Telephone	Email
Jeff Hamilton	AT&T	442-1967	jh5430@att.com
Chad Hodge	Cox Communications	365-2402	Chad.Hodge@cox.com
John Le	AEP/SWEPCO	973-2426	ttle@aep.com
Scott Stokes	Source Gas	435-0229	Scott.Stokes@sourcegas.com
Wes Mahaffey Or Mike Phipps	Ozarks Electric	684-4649 684-4696	wmahaffey@ozarksecc.com mphipps@ozarksecc.com

City Divisions:

Mark Rogers	Water and Sewer	575-8392	mrogers@fayetteville-ar.gov
Maury Nelson	Solid Waste	575-8397	mnelson@fayetteville-ar.gov
Terry Gulley	Transportation	444-3491	tgulley@fayetteville-ar.gov

***Solid Waste & Transportation sign off is required only when a ROW, Alley, or Drainage Easement Vacation is being requested.**

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): MAX PARKER / CP PROPERTIES Date: 2-15-17

Signature: Max Parker

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):

CP PROPERTIES
Name (printed): Max Parker

Signature: Max Parker

Date: _____

Address: 1680 E. Shadowridge DR
Fayetteville, AR 72701

Phone: (479) 799-6918

Name (printed): Philip Camrond

Signature: Phy Camrond

Date: 2-15-17

Address: 1663 Viewpoint
Fayetteville, AR 72701

Phone: (479) 263-3815

- 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.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: April 10, 2017 (Updated with Planning Commission Results)

SUBJECT: **VAC 17-5753: Vacation (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. These properties are zoned R-O, RESIDENTIAL OFFICE, AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, and contain approximately 1.79 acres. The request is to vacate portions of a drainage easement and a general utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 17-5753** to City Council with a recommendation for approval with conditions.

BACKGROUND:

The subject property contains two parcels totaling approximately 1.79 acres located at the southeast corner of Crossover Road and Hearthstone Drive. The property is currently undeveloped but is being considered for rezoning to a form-based district that requires structures be located near adjacent streets, which is currently untenable given the breadth of the existing easements. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Undeveloped; Property Management Offices	R-O, Residential Office
South	Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Lake Fayetteville Park/ Botanical Garden of the Ozarks	R-A, Residential Agricultural

Proposal: The applicant proposes vacation of a portion of utility easement to allow for construction of structures closer to the street right-of-way in compliance with the build-to-zone requirements of a proposed rezoning to a form-based zoning district.

DISCUSSION:

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

Utility

Cox Communications

AEP/SWEPCO

BlackHills Energy AR

AT&T

Ozarks Electric

Response

No objections

No objections

No objections

No objections

No objections

City of FayettevilleResponse

Water/Sewer

No objections

Solid Waste & Recycling

No objections

Transportation

No objections

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding **VAC 17-5753** to the City Council with a recommendation for approval subject to 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.

Planning Commission Action:☐ Approved☒ Forwarded☐ Denied**Meeting Date:** April 10, 2017**Motion:** Hoffman**Second:** Belden**Vote:** 9-0-0

BUDGET/STAFF IMPACT:

None.

Attachments:

- Request Letter
- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit
- One Mile Map
- Close Up Map
- Current Land Use Map



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying
Landscape Architecture Services

CUP 17-5753
Request Letter

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

February 15, 2017

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

Attn: Planning Department
Re: Parcel 765-22244-000 & 765-22245-000 VAC

To Whom It May Concern:

Please find the attached Vacation request for the property located at the southeast corner of Crossover Rd. & Hearthstone Dr. The main objective of this application is to vacate existing easements located along the road right-of-ways to allow for proposed structures to be located along the front of the property with parking located in the rear. To the best of our knowledge, there are no known utilities lying within these easements. Any public utilities found within the site that are in conflict with the proposed development will be relocated and new easements will be dedicated.

Please contact us with any questions or comments. We look forward to your assistance.

Sincerely;

Blake E. Jorgensen, P.E.



**JORGENSEN
+ASSOCIATES**
Civil Engineering · Surveying
Landscape Architecture Services

CUP 17-5753

Petition to Vacate

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

PETITION TO VACATE EASEMENTS LOCATED IN LOTS 1 & 2 OF STONEWOOD SUBDIVISION, 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 easements hereinafter sought to be abandoned and vacated, lying in Lots 1 & 2 of Stonewood Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate easements which are described as follows:

UTILITY EASEMENT VACATION

A part of Lot 1 and 2 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said Lot 2, thence S02°50'04"W 50.02 feet, thence N88°34'14"W 10.00 feet to the POINT OF BEGINNING; thence N88°34'14"W 31.69 feet, thence S85°23'06"W 111.32 feet, thence N87°09'56"W 107.17 feet, thence N01°41'21"E 30.01 feet, thence S87°09'56"E 105.82 feet, thence N85°23'06"E 110.95 feet, thence S88°34'14"E 34.01 feet, thence S02°50'04"W 30.01 feet to the POINT OF BEGINNING: Containing 7,514.64 square feet or 0.1725 acres more or less.

DRAINAGE EASEMENT VACATION

A part of Lot 1 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said Lot 1, thence N86°22'25"W 99.58 feet to the POINT OF BEGINNING; thence N86°22'25"W 7.10 feet, thence N01°41'21"E 54.39 feet, thence N15°34'45"E 57.03 feet, thence N09°19'44"W 71.64 feet, thence N01°41'21"E 91.72 feet, thence S87°09'56"E 2.53 feet, thence S09°19'44"E 165.56 feet, thence S15°34'45"W 112.78 feet to the POINT OF BEGINNING: Containing 4,378.82 square feet or 0.1005 acres more or less.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 8th day of March, 2017.

Max Parker
Printed Name

Max Parker
Signature

Philip Cameron
Printed Name

Philip Cameron
Signature

CUP 17-5753

Utility Approval Forms

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

DATE: 3/1/2017

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

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

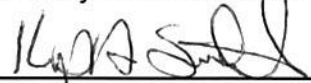
UTILITY COMPANY COMMENTS:

- ☐ 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:

Any damage or relocation to existing facilities will be at the owners/developers expense.

We may have lines that are within the vacated area. Relocate will require 90^{days} once invoice is paid.



Signature of Utility Company Representative

Construction & Planning Manager

Title

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

DATE: 3/1/2017

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

☒ (*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:

Truong Le
Signature of Utility Company Representative

Distribution Engineer
Title

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

DATE: 3/1/2017

UTILITY COMPANY: BlackHills Energy Ar

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

☒ (**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:

Brian A. Deppert
Signature of Utility Company Representative

Supervisor - Gas Operations
Title

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

DATE: 3/1/2017

UTILITY COMPANY: AT&T

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

☒ (**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 AT&T facilities are required to be relocated due to the Easement Vacate will
be the responsibility of the owner/ developer.**

Signature of Utility Company Representative

MGR OSP PLNG & ENGRG DESIGN

Title

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

DATE: 3/1/2017

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

☒ (**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: 3/1/2017

UTILITY COMPANY: Water & Sewer

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

☒ (*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

W&S OPERATIONS MANAGER
Title

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

DATE: 3/1/2017

UTILITY COMPANY: Solid Waste

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

☒ (**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

Commercial Services Rep

Title

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

DATE: 3/1/2017

UTILITY COMPANY: Transportation

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 479-443-9127

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 SE Corner of N. Crossover Rd. & Hearthstone Drive

☒ (*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

Asst. Transportation Manager
Title

[illegible]

LEGAL DESCRIPTION: (BOUNDARY)

A part of Lot 1 and all of Lot 2 of Stonewood Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

LEGAL DESCRIPTION: (UTILITY EASEMENT VACATION)

A part of Lot 1 and 2 of Stonewold Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Clerk Recorder of Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said Lot 2, thence S82°50'04"W 50.02 feet, thence N88°34'14"W 10.00 feet to the POINT OF BEGINNING; thence N88°34'14"W 31.69 feet, thence S88°22'06"W 111.32 feet, thence N87°09'56"W 107.17 feet, thence N01°44'21"E 30.01 feet, thence S87°09'56"E 105.82 feet, thence N88°22'06"E 110.93 feet, thence S88°34'14"E 34.01 feet, thence S02°50'04"W 30.01 feet to the POINT OF BEGINNING; Containing 7,514.64 square feet of or to 172.25 acres more or less.

LEGAL DESCRIPTION: (DRAINAGE EASEMENT VACATION)

[illegible][illegible]

PROJECT TITLE: MJ'S PIZZA

LOCATION: FAYETTEVILLE, ARKANSAS
SHEET TITLE: UTILITY EASEMENT VACATION
DRAWN BY: BJR
DATE: FEBRUARY 28, 2017
SHEET SCALE: 1"=50'
PROJECT #1: F-701 SD/2017018/LIF VACATION

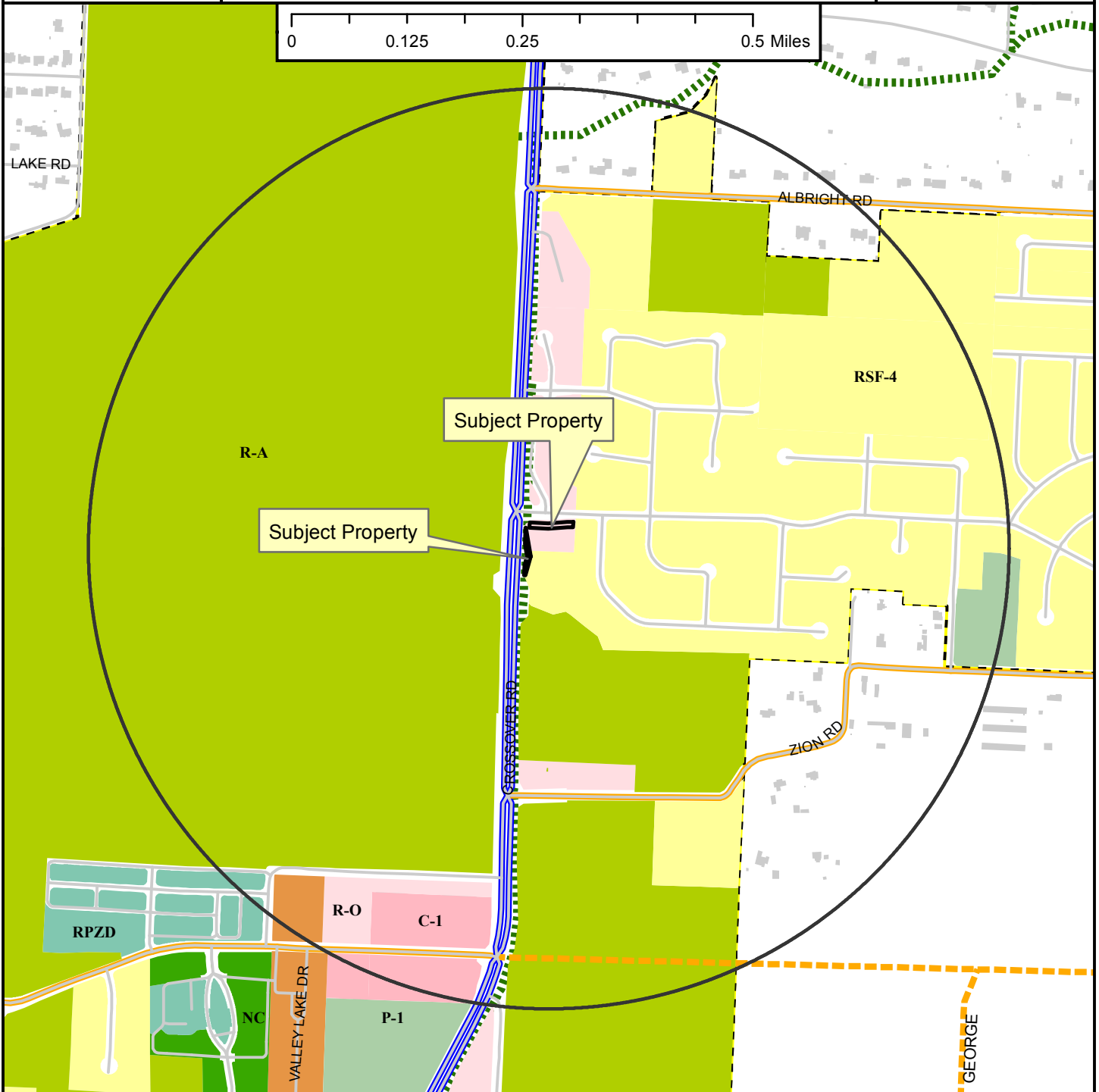
VAC 17-5753

One Mile View

CP PROPERTIES

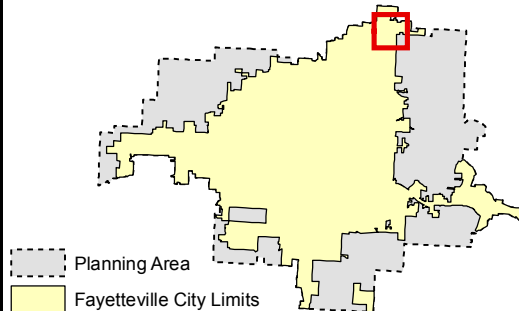


0 0.125 0.25 0.5 Miles



Legend

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

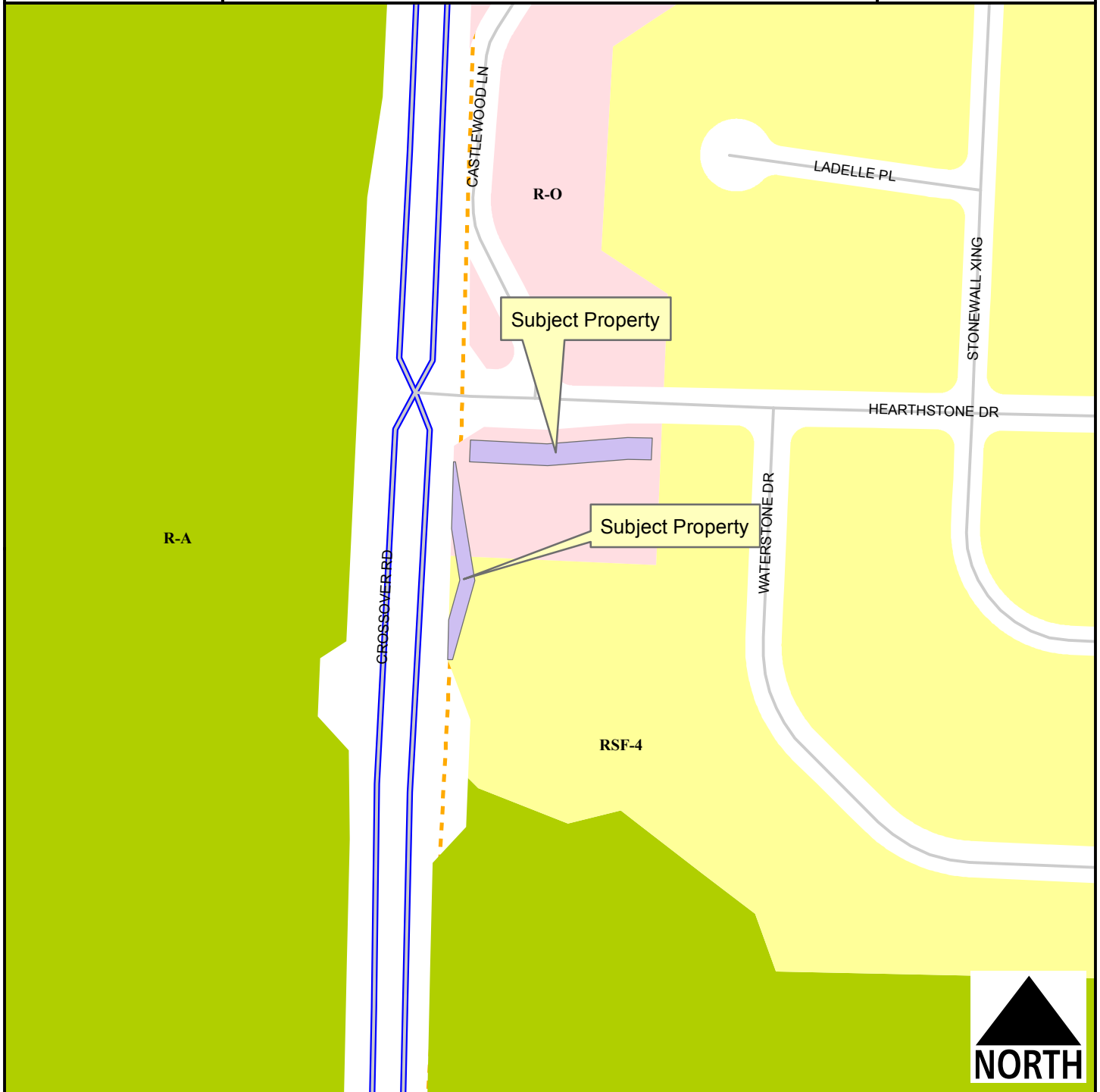


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- RSF-5 Residential-Agricultural
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - 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

VAC 17-5753

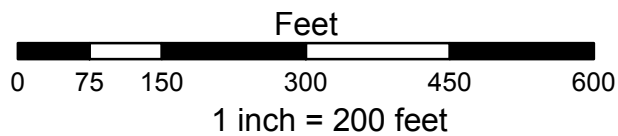
CP PROPERTIES

Close Up View



Legend

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



- Residential-Agricultural
- RSF-4
- Residential-Office

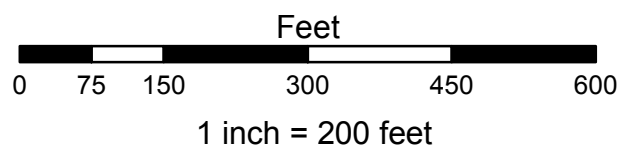
VAC 17-5753

Current Land Use

CP PROPERTIES



- Streams
- Street
- PRIN ARTERIAL PKWY
- Shared Use Paved Trail
- Trail (Proposed)
- VAC17-5751
- County Parcels
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0211

Agenda Date: 5/16/2017

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Resolution

Agenda Number: B. 3

FAYETTEVILLE COMMERCE PARK LAND SALE:

A RESOLUTION TO SELL ABOUT 5 ACRES OF LAND IN THE COMMERCE DISTRICT TO AR-CANNA, LLC FOR \$75,000.00 CONTINGENT ON AR-CANNA, LLC RECEIVING A MEDICAL MARIJUANA CULTIVATION FACILITY LICENSE FROM THE STATE OF ARKANSAS

WHEREAS, AR-Canna, LLC has offered to purchase approximately 5 acres in the Commerce District and plans to build a 30,000 square foot medical marijuana cultivation and processing facility and a 5,000 square foot office complex contingent upon receiving a license from the State of Arkansas; and

WHEREAS, the proposed project would lead to the hiring of workers with average wages above the state and national averages with a minimum annual payroll of \$1.2 million when fully operational, meets the Fayetteville First target sector of Entrepreneurship, and is supported by the Fayetteville Chamber of Commerce; and

WHEREAS, the City is selling this 5 acre parcel at a discount of about \$5,000.00 per acre from its normal selling price but the contract with AR-Canna, LLC includes a clawback provision that could allow the City to be paid back a portion of the discounted price in the event the property is sold within ten years.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Land Sale Agreement (attached to this Resolution and made a part hereof) for the sale of about 5 acres to AR-Canna, LLC for \$75,000.00, contingent upon AR-Canna, LLC receiving a medical marijuana cultivation facility license from the State of Arkansas, and authorizes Mayor Jordan to sign the Land Sale Agreement, Warranty Deed and any other documents necessary to convey this 5 acre parcel.

City of Fayetteville Staff Review Form

2017-0211

Legistar File ID

5/2/2017

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

Andrew Garner

4/14/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution to sell approximately 5 acres of land (part of parcel 765-16578-001) in the Fayetteville Commerce Park located east of 2435 S.Industrial Drive to Brian Faight, Executive Vice President of Adcomm for \$75,000.

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 # 143-13

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 2, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Andrew Garner, City Planning Director

DATE: May 2, 2017

SUBJECT: Sale of 5 acres of land in the Commerce District to Brian Faught, Executive Vice President of Adcomm

RECOMMENDATION:

City Staff recommends approval of a contract with Brian Faught, Executive Vice President of Adcomm for the sale of approximately 5 acres of land owned by the City of Fayetteville east of 2435 Industrial Drive in the Fayetteville Commerce Park, for a purchase price of \$75,000.

BACKGROUND:

The property (part of parcel 765-16578-001) is located on an undeveloped parcel east of the City's Water and Sewer Building at 2435 Industrial Drive. The City was recently approached by Brian Faught to purchase this property. Mr. Faught is the Executive Vice President of Adcomm and intends to develop the property under his new company, AR-Canna, with a medical marijuana cultivation facility. The company's plans include the following:

- Construction of a 30,000 sq. ft. medical marijuana cultivation and processing plant, using local construction labor.
- Construction of a 5,000 sq. ft. office complex, using local construction labor.
- Hiring the following employees:
 - o 35-40 hourly employees at a starting wage of \$15.00 per hour.
 - o 3-5 managerial employees with an annual salary in the \$50,000-\$75,000 range.
 - o 2 senior managerial positions with an annual salary in the \$75,000-\$125,000 range.
- AR-Canna is using a Fayetteville architecture firm for the plans and construction drawings for both facilities.
- AR-Canna will hire a local contractor to oversee all aspects of the construction.
- Phase 1 is to build these two facilities now, and with the 5 acres there is room to build a second and third cultivation facility as the industry matures.

DISCUSSION:

The attached land sale agreement has been reached through negotiations between the City and Brian Faught, representing the entity purchasing the property. The proposal is to sell the property for approximately \$15,000 per acre, at a total price of \$75,000. This price represents a reduced rate from the currently advertised \$20,000 per acre of land in the Commerce District, but reflects the purchase price that the City Council approved for a nearby parcel in 2013 to Pacific Vet Group

when that company was looking to locate on the property. The Mayor's office is excited to welcome a new, clean industry to Fayetteville, meeting the goals of our Fayetteville First economic development plan, particularly in the Specialized Technologies sector offering competitive wages. The staff believes a development of this type on the property will increase property value, contribute to our tax base and overall have a positive economic impact for Fayetteville as the Commerce District continues to develop over time.

City Code §34.27 establishes requirements regarding public notice and procedure for the sale of real property owned by the City of Fayetteville. City staff has performed all necessary public notification procedures in compliance with this city ordinance (documentation attached). Additionally, the City Council must establish that this land is no longer needed for municipal purposes. As a purpose of the Commerce District is to encourage economic development that generates revenue for the City by providing new and expanded services, and finding that there is no identified use for the subject property for municipal purposes, this land is no longer needed for municipal purposes.

BUDGET/STAFF IMPACT:

\$75,000 in sale revenue will be paid to the fund that maintains ownership of the land.

Attachments:

- Land Sale Agreement
- Offer Letter
- Proof of Public Notice (sign, letter, and newspaper notice)
- Location Map(s)

LAND SALE AGREEMENT

This Land Sale Agreement is made and entered into by and between the City of Fayetteville, Arkansas, a municipal corporation of the State of Arkansas (hereinafter "City" or "Fayetteville") and AR-Canna LLC.

The City of Fayetteville agrees to sell a parcel of about 5 acres in the Fayetteville Commerce District to AR-Canna LLC for SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) and AR-Canna LLC's performance of all of the terms, conditions and promises set forth in this Agreement.

AR-Canna LLC agrees to pay to the City of Fayetteville SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) for this 5 acre parcel and to perform all of the terms, conditions and promises set forth later in this Agreement.

TERMS AND CONDITIONS

1. *Sale*

Subject to existing easements and rights of way and subject to the terms and conditions, mutual promises and covenants of this Agreement, the City of Fayetteville agrees to sell a parcel of about 5 acres (hereinafter the "**Development Site**") located in the Fayetteville Commerce District by warranty deed to AR-Canna LLC for the amount of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00). This Development Site is shown on the map attached as Exhibit A and shall be more particularly described in a survey obtained by AR-Canna LLC prior to closing.

The Development Site shall be located immediately the east of an 80 foot right of way to be reserved by the City that shall extend from the end of the existing South Industrial Drive to the southwest as shown in Exhibit A.

2. *Purchase*

Subject to the terms and conditions, mutual promises and covenants of this Agreement, AR-Canna LLC agrees to buy the Development Site for SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) to be paid to the City of Fayetteville on or before the Closing Date as follows:

A. Earnest money deposit: An earnest money deposit in the amount of TWO THOUSAND FIVE-HUNDRED DOLLARS (\$2,500.00) shall be paid by AR-Canna LLC to the City of Fayetteville at the time this Agreement, signed by AR-Canna LLC, is submitted to the City for approval. If the purchase and sale is consummated, this earnest money deposit shall be applied to the purchase price at closing. If the City or AR-Canna LLC exercises its option to terminate the Agreement pursuant to paragraphs 8, 9 or 10, this earnest money deposit shall be refunded in full. If the transaction is not consummated for any other reason, the earnest money deposit shall be refunded less the City's actual incurred costs, if any, of obtaining the owner's title policy and title commitment.

B. Balance: The remaining balance of the purchase price in the amount of SEVENTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$72,500.00) shall be paid to the City of Fayetteville on or before the Closing Date.

3. *Closing Date and Place*

Closing shall occur within 60 days following the date this Agreement has been executed by both parties unless extended by mutual agreement of the parties in writing. The Closing shall occur at 113 West Mountain Street, Fayetteville, Arkansas in a room supplied by the City of Fayetteville.

4. *Date of Possession*

Possession of the Development Site shall be delivered to AR-Canna LLC on the Closing date free of any tenancies or other third party possessory rights.

5. *Title Insurance*

The City of Fayetteville shall order a title commitment on the Development Site, as soon as practicable following the full execution of this Agreement, through a title insurance company selected by the City and acceptable to AR-Canna LLC. If the report on title, binder or commitment discloses any defects in title (other than liens or encumbrances of a definite or ascertainable amount which may be paid at closing), the City shall have thirty (30) days from the date of AR-Canna LLC's notice of such defects to make a good faith effort to cure such defects and to furnish a report showing the defects cured or removed. If such defects are not cured within thirty (30) days, AR-Canna LLC may terminate this agreement or may, at its election, take title subject to any such defects. The cost of the title commitment and the cost of the owner's title policy shall be borne by the City of Fayetteville. The cost of any lender's title policy and extended owner's title insurance coverage shall be borne by AR-Canna LLC.

6. *Deed and Other Documents*

At least seven days before the Closing date, AR-Canna shall obtain a survey at its sole cost containing a legal description of the Development Site as well as the legal description of future right of way 80 feet wide extending from the northwest corner of the Development Site southwest to the boundary of Parcel # 765-16578-001 as shown in the map attached as Exhibit A.

On the Closing date, the City of Fayetteville shall convey marketable and insurable title to the Development Site by general warranty deed, free and clear of all liens, restrictions, and encumbrances except as provided in this Agreement, subject only to current real estate taxes, if any (to be apportioned between the parties) and existing easements. AR-Canna LLC and the City of Fayetteville shall equally share the cost a reasonable closing fee imposed by the closing agent employed by parties provided however that AR-Canna LLC shall be responsible for any revenue

stamps resulting from this transaction and all recordings fees for the deed and other documents that need to be filed.

7. *Risk of Loss*

Risk of loss as to the Development Site shall remain with the City of Fayetteville until the Closing date.

8. *AR-Canna LLC's Due Diligence*

AR-Canna LLC may enter upon the Development Site to conduct any surveying, testing or inspection it deems necessary to ensure the Development Site will be appropriate for the construction and use for its facility. If AR-Canna LLC discovers any problems that would adversely impact its development and use of the Development Site for its facility, AR-Canna LLC shall notify the City which is granted sixty (60) days to remediate any problem. The City may also terminate this Agreement without penalty rather than remediating any problem or issue discovered by AR-Canna LLC. Likewise, if the City does not remediate the problem, AR-Canna LLC may terminate this Agreement without penalty, being entitled to a return of its earnest money, or proceed under this Agreement to accept the property without resolution of the problem.

9. *Large Scale Development Approval*

AR-Canna LLC shall, at its sole cost and expense, prepare a Large Scale Development plat of the Development Site and obtain any and all approvals necessary for AR-Canna LLC's intended use of the Development Site for its facility. The City shall reasonably cooperate with AR-Canna LLC in AR-Canna LLC's request for development approval of its facility. AR-Canna LLC must present its development proposal through the normal City process and follow the Unified Development Code requirements. AR-Canna LLC may defer Closing hereunder during such time as its Development plat and approvals are pending review by the City, and if such are not approved, AR-Canna LLC may terminate this Agreement without penalty, being entitled to a return of its earnest money, or proceed under this Agreement to accept the property without development plans approved by the City.

AR-Canna, LLC agrees to construct a road to the City's specifications from the cul-de-sac at the end of South Industrial Drive to a stub-out at the southwest corner of the Development Site. Construction of the road (including approval by the City) shall be completed prior to the issuance of a final certificate of occupancy. Any future road extension shall be the responsibility of the City or the future developer of the remaining property to the south.

10. *Cultivation Facility License Approval*

AR-Canna LLC may defer Closing hereunder during such time as cultivation facility license application is pending review by the State of Arkansas, and if such is not approved, AR-Canna LLC may terminate this Agreement without penalty, being entitled to a return of its earnest money, or proceed under this Agreement to accept the property without being approved by the

State.

11. *Compensation to City of Fayetteville if Development Site is Sold Within 10 Years*

AR-Canna LLC is aware that the Development Site is being sold by the City at a discount of approximately \$5,000.00 per acre below its normal selling price. If any portion of the land conveyed by this contract is sold by AR-Canna LLC within the first five years of the date of closing, an independent appraisal of the land's value shall be performed to segregate the actual sales price between that allocable to the raw land as acquired by AR-Canna LLC, and that allocable to the improvements subsequently added by AR-Canna LLC. AR-Canna LLC shall pay 75% of the increase in appraised value of the raw land (with prorated sales cost deducted) to the City of Fayetteville. AR-Canna LLC shall pay the City of Fayetteville 40% of the increase in appraised value of the land (with prorated sales costs deducted) for any sales after 5 years until 10 years from the closing date.

12. *Notices*

Notices required by this Agreement shall be in writing and shall be delivered to:

AR-Canna LLC
ATTN: Brian Faught
7B Tara Mount Drive
Jacksonville, AR 72706

City of Fayetteville
ATTN: Mayor's Office
113 W. Mountain Street
Fayetteville, AR 72701 72701-6083

13. *Authority*

Each of the undersigned individuals represent and warrant that they are authorized to enter into this Agreement on behalf of their respective entities and that execution hereof will bind the entities to this Agreement.

14. *Counterparts*

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

15. *Facsimile*

For purposes of executing this Agreement, a facsimile signature shall be as effective as an actual signature.

16. *Applicable Law*

This Agreement shall be construed and enforced in accordance with the laws and public policies of the State of Arkansas.

17. *Survival*

The representations, warranties, and agreements of the parties contained herein shall survive the closing date.

18. *No Waivers*

The waiver by either party hereto of any condition or the breach of any term, covenant or conditions herein contained shall not be deemed to be a waiver of any other condition or of any subsequent breach of the same or of any other term, covenant or condition herein contained.

19. *Time of Essence*

Time is of the essence in this Agreement.

20. *Invalidity*

If for any reason any term or provision of this Agreement shall be declared void and unenforceable by any court of law or equity, it shall only affect such particular term or provision of this Agreement and the balance of this Agreement shall remain in full force and effect and shall be binding upon the parties hereto.

21. *Complete Agreement*

All understandings and agreements heretofore existing between the parties are merged into this Agreement that alone fully and completely expresses their agreement. This Agreement may be changed only in writing signed by both of the parties hereto and shall apply to and bind the successors and assigns of each of the parties hereto and shall not merge with the deed delivered to AR-Canna LLC at closing.

Date: 4-18-17

Date: _____

AR-CANNA LLC

CITY OF FAYETTEVILLE,

By: 

BRIAN FAUGHT, President

By: _____

LIONELD JORDAN, Mayor

and Chief Executive Officer

WITNESS:

By: Deborah Cabanis
Deborah Cabaniss

ATTEST:

By: _____
Sondra E. Smith, City Clerk



To: Fayetteville, AR City Council

4-4-17

From: Brian Faught, Executive VP, Adcomm

RE: Fayetteville Industrial Park Parcel 765 16578 001, 5 acres

Ladies and Gentlemen,

Adcomm and Brian Faught are planning on applying for a “Medical Marijuana Cultivation License” with the state of Arkansas, and upon receiving said license, plans to construct its facility in the Fayetteville Industrial Park. As you may know, “Medical Marijuana” was approved by the people of Arkansas in the most recent election, and our new company, AR-Canna, is committed to launching this new product in a safe and legal manner in NWA. Please note the attached land plot (5 acres) as the desired piece of property for this endeavor. AR-Canna’s plans include:

- Construction of a 30,000 sq ft cultivation and processing plant, using local construction labor.
- Construction of a 5000 sq ft office complex, also using local construction labor.
- Hiring 35-40 employees to run the facility.
- Starting wage of \$15.00 per hour.
- 3-5 Managerial Positions with pay in the \$50,000 - \$75,000 pay range.
- 2 Senior Managerial Positions in the \$75,000 - \$125,000 pay range.
- AR-Canna is using a Fayetteville architecture firm for the plans and construction drawings of both facilities.
- AR-Canna will also hire a local contractor to oversee all facets of the buildout.

- The plan is to build these two facilities now, and with the 5 acres, have room to build a second and third cultivation facility as the industry matures.

Adcomm and Brian Faught are prepared to offer \$75,000 for the attached 5 acre plot, with a \$2500.00 earnest money deposit, contingent upon AR-Canna being awarded the cultivation and processing license from the state of Arkansas. If AR-Canna is not awarded a license, the earnest money will be returned.

We truly believe that AR-Canna will be a welcome and productive member to the Fayetteville business community, and would like our offer to be considered by the city council in the upcoming April meeting.

Thanking you in advance for your time and consideration,

Sincerely,

Brian Faught, Executive VP Adcomm
501-993-0476



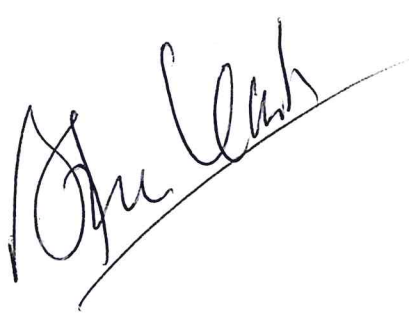
To: Mayor Lioneld Jordan
City of Fayetteville

CC: Don Marr, Chief of Staff

From: Steve Clark, CEO & President

Date: April 17, 2017

Subject: Recommendation to approve the sale of city-owned land, Parcel # 765-16578-001 to AR- Canna, LLC



AR-Canna, LLC is a new business set up by Brian Faught of Little Rock, Arkansas. The company is in the process of applying for a “Medical Marijuana Cultivation License” and the purchase of this piece of land helps in the said application. “Medical Marijuana” was approved by the people of Arkansas in the most recent election (2016) and AR-Canna is committed to launching this new product in a safe and legal manner in northwest Arkansas.

AR-Canna, LLC had looked at a few sites within the Fayetteville Commerce District with the assistance of the Fayetteville Chamber. After holding discussions and communications with the Chamber and the City, AR-Canna, LLC is now ready to offer to buy 5 acres of land owned by the city in the Fayetteville Commerce District. The 5 acres is a portion of the 24 acres, Parcel # 765-16578-000. Attached is the letter of offer from AR-Canna, LLC and a map of the property.

AR-Canna plans to construct a 30,000 SF cultivation and processing plant using local construction labor. There will also be a 5,000 SF office complex. When fully operational, AR-Canna is expected to hire 35-40 employees with starting wage of \$15 per hour for operational workers. Management positions fall within the range of \$50,000 to \$125,000 and the company plans to hire 5-7 managers. AR-Canna has retained a Fayetteville architecture firm to design the property and a local construction company is expected to be retained to help with the construction.

We recommend that the City leadership supports this project by approving the sale of the land to AR-Canna, LLC.

This project:

- 1) Meets the City's and State's goal of creating new jobs for Fayetteville and so the state of Arkansas
- 2) Contributes a minimum of annual payroll of \$1.2 million when fully operational
- 3) Meets the Fayetteville First's target sectors—Entrepreneurship

CERTIFICATE OF SIGN POSTING



I, Andrew Harrison,
attest that the above sign was posted on April 11, 2017 at the corner of Industrial &
Pump Station Rd. and a second sign was posted on the subject parcel east of 2435
Industrial Drive on April 11, 2017.

(signature of person completing the sign posting)

City File No./Name: ADM 17-5787

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this 11th day of April, 2017, and

addressed as follows:

Name: Matrix Investments, LLC
Street: 1197 Happy Hollow Rd.
City, State, Zip: Fayetteville, AR 72701

Name: Marshalltown Co.
Street: 2200 S. Industrial DR
City, State, Zip: Fayetteville AR 72701

Name: HFNWA, Inc.
Street: 1601 E. Pump Station Rd.
City, State, Zip: Fayetteville, AR 72701

Name: Bright Investments, LLC
Street: 2501 S. Armstrong Ave.
City, State, Zip: Fayetteville, AR 72701

Andrew Harrison

(name of person completing the mailing)

Andrew Harrison



(signature of person completing the mailing)

City File No. /Name: _17-5787



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

CITY PLANNING DIVISION

125 West Mountain

Fayetteville, AR 72701

Phone (479) 444-3443

April 11, 2017

Name

Address

City, State, Zip

Re: Public Notice – Sale of municipally owned real property

Dear Property Owner:

Please be aware that the Fayetteville City Council will consider a Resolution and Contract to sell to Adcomm, Inc. about 5.0 acres (a portion of parcel 765-16578-001) it owns on S. Industrial Dr. for \$75,000. The property currently contains no structures. It is zoned I-2, General Industrial. Should the sale be approved, planned improvements include the development of a medical marijuana cultivation facility.

This possible sale will be considered by the City Council during its 5:30 p.m. meeting held on May 2, 2017 in Room 219 of City Hall, located 113 W. Mountain Street.

If you wish to learn more about this proposed sale, please contact Andrew Garner, Planning Director at 479-575-8262. You may also attend the May 2, 2017 City Council meeting and ask questions or make comments when this resolution is presented for City Council consideration.

Sincerely,

Andrew Garner
Planning Director
City of Fayetteville, Arkansas

NORTHWEST ARKANSAS Democrat Gazette

P.O. BOX 1607, FAYETTEVILLE, AR. 72702 • 479-442-1700 • FAX: 479-695-1118 • WWW.NWADG.COM

AFFIDAVIT OF PUBLICATION

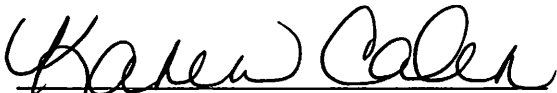
I Karen Caler, do solemnly swear that I am the Legal Clerk of the Northwest Arkansas Democrat-Gazette, printed and published in Washington County and Benton County, Arkansas, and of bona fide circulation, that from my own personal knowledge and reference to the files of said publication, the advertisement of:

CITY OF FAYETTEVILLE
City council meeting

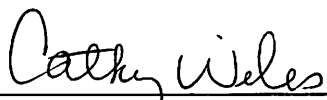
Was inserted in the Regular Edition on:

April 12, 2017

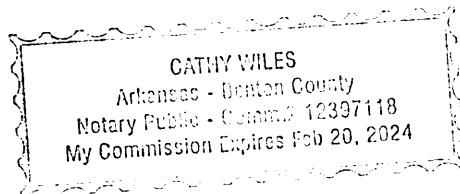
Publication Charges: \$ 54.60


Karen Caler

Subscribed and sworn to before me
This 13 day of Apr, 2017.



Notary Public
My Commission Expires:

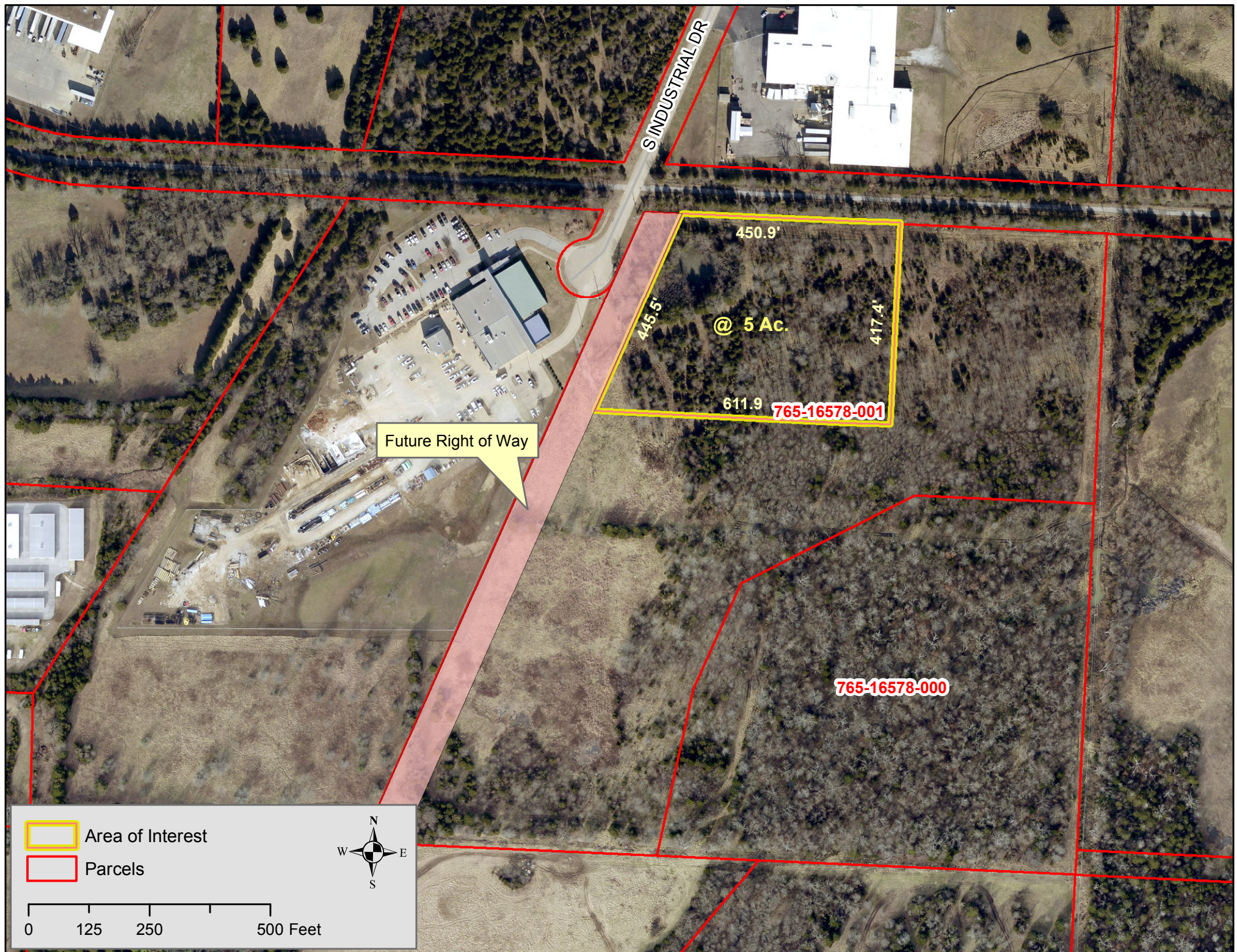


****NOTE****

Please do not pay from Affidavit.
Invoice will be sent.

NOTICE OF PUBLIC HEARING

A meeting of the City of Fayetteville City Council will be held on May 2, 2017 at 5:30 p.m., in room 219, Fayetteville Administration Building at 113 W. Mountain Street, Fayetteville, Arkansas, 72701. The following item is required to be published in the local newspaper pursuant to the Code of Ordinances of the City of Fayetteville and will be heard at the May 2, 2017 Fayetteville City Council meeting. 17-5787: SALE OF MUNICIPALLY OWNED REAL PROPERTY, 642): Submitted by CITY STAFF for property located EAST OF 2435 INDUSTRIAL DRIVE. The Fayetteville City Council is considering the sale of about 5 acres it owns EAST OF 2435 INDUSTRIAL DRIVE to Brian Faught, Executive Vice President of Adcomm, for \$75,000.00. The proposed use of the property is for a medical marijuana cultivation facility. This possible sale will be considered by the City Council during its May 2, 2017 meeting at 113 W. Mountain Street, Room 219.
74096442 April 12, 2017



ADM 17-5787

Current Land Use

CITY OWNED PROPERTY SALE



- Streams
- Street

Streets Planned

MSP Class

- MINOR ARTERIAL
- MINOR ARTERIAL
- Shared Use Paved Trail
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 180 360 720 1,080 1,440

1 inch = 500 feet

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0237

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 1

RAZE AND REMOVAL 265 WEST NONNAMAKER DRIVE:

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY HAROLD AND ROSETTA HARMON LOCATED AT 265 WEST NONNAMAKER DRIVE IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, Harold and Rosetta Harmon are the record owners of real property located at 265 West Nonnamaker Drive, City of Fayetteville, Washington County, Arkansas, legally described as follows:

A part of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section 21, in Township 16 North, Range 30 West of the 5th P.M., and being more particularly described as beginning 1.80 chains North of the Southeast corner of the said SW1/4 of the SE1/4, Section 21, Township 16 North, Range 30, and running thence North five and ninety-four hundredths chains, thence West eleven and thirty hundredths chains to the East side of U.S. Highway No. 71 twenty feet East of the center of Highway Slab, thence southerly with the East side of Highway No. 71 six chains to a point twelve and thirty hundredths chains West of the beginning point, thence East twelve and thirty hundredths (12.30) chains to the place of beginning, containing seven (7) acres, more or less; and

WHEREAS, the City Council has determined that a structure located on said property with the address 265 West Nonnamaker Drive is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and

WHEREAS, Harold and Rosetta Harmon, having been properly served with Violation Notices via Certified Mail, Return Receipt Requested, and given thirty (30) days to correct said violations, have refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1: That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Section 173.09 of the Fayetteville Code of Ordinances, Harold and Rosetta Harmon are hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2: That, if Harold and Rosetta Harmon do not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

Section 3: 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

2017-0237

Legistar File ID

5/16/2017

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

Yolanda Fields

4/27/2017

Community Resources /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution ordering the Razing and Removal of a dilapidated and unsafe structure located at 265 W Nonnamaker Ave. and approving a budget adjustment in the amount of \$1,251.

Budget Impact:

1010.642.6420-5315.04

1010 - General

Account Number

Fund

50033.1701

Raze and Removal

Project Number

Project Title

Budgeted Item? No

Current Budget \$ 6,149.00

Funds Obligated \$ -

Current Balance \$ 6,149.00

Does item have a cost? Yes

Item Cost \$ 7,400.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 1,251.00

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 16, 2017

TO: Mayor and City Council
THRU: Yolanda Fields, Community Resources Director
FROM: David Carver, Code Compliance Administrator
DATE: April 25th, 2017
SUBJECT: **Raze and Removal of Structure at 265 W Nonnamaker.**

RECOMMENDATION:

Staff recommends approval of the Resolution ordering the Raze and Removal of a dilapidated and unsafe structure located at 265 W Nonnamaker and to approve a budget adjustment in the amount of \$1,251.00.00 for the balance of the project.

BACKGROUND:

Service Request #1168550 Case #22902: Code Compliance responded to a request concerning the structure located at 265 W Nonnamaker. The structure appeared to be in violation of Subsection 173.09(A), Unsafe Buildings, of the City Code of Ordinances. On February 16, 2017, a Notice of Violation was sent to the owner of record. On March 3, 2017, the same Notice of Violation was posted on the property. By Ordinance, the property owner was given until April 3, 2017 to acquire a building permit or to Raze and Remove the structure. On April 25, 2017 a Notice of Public Hearing was sent to the property owner informing them of the May 16, 2017 Public Hearing.

DISCUSSION:

This address consists of a single story 1,500 square foot single family dwelling. The property owner had tenants move out & contact Code Compliance about the conditions of the structure. On April 10, 2017 Matthew Cabe had contact with the property owner and noted the following;

04/10/2017 MC, Spoke to Property owner regarding BD assessment regarding issuance of Raze & Removal order for the building, such as: numerous missing windows, sagging and dilapidated roof, large holes in exterior rock veneer, and substantial settlement. Also told owner upgrades to electrical system, plumbing, and HVAC would likely be required. He claimed that he had recently replaced the windows and put new shingles on the structure. He stated his desire to obtain a building permit to correct the issues. No building permits have been issued for work completed to date. MC

No building permits have been issued or applied for to date.

BUDGET/STAFF IMPACT:

If the property owner does not comply with the Raze and Removal order, Raze and Removal costs will be expensed at the current budget. A lien will be placed on the property for the incurred costs. The current budget balance is \$6,149.00, therefore, we are requesting a budget adjustment of \$1,251.00.

Attachments:

Attachments include the Process Summary, the Receipt of Bids, a Budget Adjustment, and a packet including notifications, property records, and photos.



RECEIPT OF BIDS

OWNER(S): City of Fayetteville – Community Resources Division

ADDRESS: 265 Nonnamaker.

PROJECT No: Bid#17-22902

PROJECT TITLE: Raze and Removal – Code Compliance Program

BID CLOSING DAY/DATE/TIME: April 17th, 2017 at 4:00 pm

CONTRACTOR: M+M EXCAVATION

BID AMOUNT: 7,400-

CONTRACTOR: DECLINED TO BID

BID AMOUNT: _____

CONTRACTOR: _____

BID AMOUNT: _____

CONTRACTOR: _____

BID AMOUNT: _____

CONTRACTOR: _____

BID AMOUNT: _____

Certified by: [Signature]

Date: 4.17.17

Witness: [Signature]

Date: 4.17.17



RAZE & REMOVAL PROJECT

BID#17-22902

ADMINISTRATOR: David Carver (email: dcarver@fayetteville-ar.gov)

PHONE # 479.444.3451 or 479.575.8260 **FAX #** 479.444.3445

PROJECT LOCATION: 265 W Nonnamaker Dr, Fayetteville, AR 72701
WC Parcel # 765-15010-000

CONTRACTOR'S SCOPE OF WORK

- **RAZE&REMOVAL**

1. Completely tear down the entire dwelling.
2. Haul all contents inside the structure(s), debris from the structure(s), and other debris from the parcel to a legal landfill. All concrete associated with the structure(s) shall be removed from the lot (footings and slabs).
3. Mow and clean up parcel.

- **CLEANUP & DISPOSAL**

1. Provide proof, such as receipts, that the debris was hauled to a legal landfill.
2. The city encourages the bidder to consider all waste diversion methods for materials collected. Any methods of disposal, excluding a legal landfill, must be deemed acceptable by the city prior to bid submittal.
3. The yard shall be semi-level and mow-able when the demo work is completed and before payment will be made.
4. Contractor shall be responsible for capping wells, utilities and/or any other requirements pertaining to the demolition permit.

- **MISCELLANEOUS**

1. A Demolition Permit from the City of Fayetteville must be obtained before work begins. Demolition Permits are obtained through the Building Safety Division, 479-575-8233.
2. Proof of no less than \$250,000 liability insurance shall be provided by the contractor before work begins.
3. State Contractor License is required. A City Business License is required if your business is located in the city limits of Fayetteville.
4. If the situation is resolved by the property owner during the 30 day notice & comment period bids may be considered null & void.

CITY OF



BID PROPOSAL FORM

BID 17-22902

DATE ISSUED: April 5th, 2017

ADMINISTRATOR'S NAME: David Carver

PROJECT ADDRESS: 265 W Nonnamaker Dr., Fayetteville, AR 72701

DATE OF OPENING: Monday, April 17th 2017 at 4:00pm

My total bid price for the Raze & Removal Project is: \$ 7,400.00
(Bid will be valid for 120 days from Date of Opening)

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Date: 4.17.17

Complete Business Address:

Name of Firm: M: M Excavating LLC Phone # 479-841-9285

Street address or P O Box # 377 Sulphur City Rd.

City / State / Zip Code Fayetteville, AR 72701

Printed Name: Marcus Barker

Signature: [Signature] Title: Owner

Federal Tax ID # 26-0611207 or Social Security # _____

State Contractor # 0191780616 City Business License # _____



April 25th, 2017

Harold & Rosetta Harmon
2050 S School Ave
Fayetteville, AR 72701

RE: Enforcement of Fayetteville Code 173.09
Arkansas Code Ann. 14-56-203

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A 14-56-203 as 173.09 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at **265 W Nonnamaker (parcel #765-15010-000)** should be Razed and Removed.

You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 575-0860.

The hearing will be part of a regular City Council meeting on **May 16th, 2017** beginning at 5:30pm at the City Administration Building, 113 W. Mountain St., Fayetteville, AR 72701. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (479-575-8323) for information confirming the date of the public hearing.

Sincerely,

David Carver
Code Compliance Administrator

Cc: file

7016 3010 0000 9612 4534

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com[®].

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ _____
☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

4.25.17

Postmark
Here



Postage

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4[®]

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



**PROCESS SUMMARY
RAZE & REMOVAL**

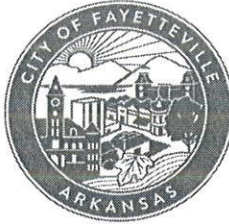
Property Address: 265 W Nonnamaker

WC Parcel # 765-15010-000

Hansen Case # 22902

City Code: 173.09

- On 2/3/2017 Code Compliance received a Request for Service regarding the structure located at 265 W Nonnamaker
- A Notice of Violation was sent to the Owner of Record on 2/2/2017
- The property was posted on 3/3/2017
- On 4/3/2017 the property was re-inspected and was found to still be in violation of City Code 173.09.



**Code Compliance Program
Unsafe Building Determination
UDC 173.09**

Address / Location: 265 W NONNAMAKER DR

WC Parcel # 765-15010-000

UDC 173.09



I recommend the raze and removal of the structure.



I recommend securing the structure.



I have determined that the structure above is NOT in violation of Subsection 173.09 (A) of the City of Fayetteville's Unified Development Code

[Signature]

02/16/2017

Chief Building Official

Observations:



Building Safety has issued a Warning letter for a potential Property Nuisance, City Code 173.09(B)



Building Safety will pursue a Property Nuisance, City Code 173.09(B) (Complete CCFORM603)

PLEASE RETURN THIS FORM TO CODE COMPLIANCE

Date Sent: 2.8.17

SR# 168550

Date Received: 2/16/17

Case# 22902

[Signature]

Community Resources Division Director



RESEARCH CENTER BLVD

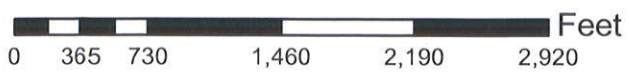
SCHOOL AVE

NONNAMAKER DR

SCHOOL AVE

PRIVATE 299

22ND ST















City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701



Posted 3-3-17

Office of Code Compliance
Phone 479-575-8260
Fax 479-444-3445

VIOLATION NOTICE

March 03, 2017

Owner HAROLD & ROSETTA HARMON
2050 S SCHOOL AVE

FAYETTEVILLE, AR 72701

RE: Property @ 265 W NONNAMAKER DR, Fayetteville, AR

WC Parcel # 765-15010-000

Case # 22902

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. **If you need clarification of this notice or advice on how to correct the problem, please call our office at (479)575-8240 or (479)575-8260.**

Suspected Violation That Needs Correction:

§173.09 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

How This Violation Can Be Voluntarily Corrected:

By making repairs as needed or razing the structure and remove all debris from the lot. A building permit may be required, based on review of the Building Safety Director.

Potential Penalties:

If this violation is not corrected within thirty (30) days from the service of this notice, you can be issued a Criminal Citation for the above violation and be summoned to appear in court. Our office can also suggest the structure be razed and removed. The costs shall be charged to the owner(s) of the property and the city shall have a lien against such property for such costs. If you disagree with our conclusion that your property contains a violation of our ordinances, you have the right to appeal to the appropriate City Board, Commission or City Council. Please see Chapter 155 of the Unified Development Code.

Sincerely,

CE OFFICER REDEVELOPMENT
Code Compliance Officer
code_compliance@fayetteville-ar.gov

Cc: file

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701



Office of Code Compliance
Phone 479-575-8260
Fax 479-444-3445

VIOLATION NOTICE

February 16, 2017

Owner HAROLD & ROSETTA HARMON
2050 S SCHOOL AVE

FAYETTEVILLE, AR 72701

RE: Property @ 265 W NONNAMAKER DR, Fayetteville, AR

WC Parcel # 765-15010-000

Case # 22902

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. **If you need clarification of this notice or advice on how to correct the problem, please call our office at (479)575-8240 or (479)575-8260.**

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Sincerely,

CE OFFICER REDEVELOPMENT
Code Compliance Officer
code_compliance@fayetteville-ar.gov

Cc: file

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HAROLD & ROSETTA HARMON
2050 S SCHOOL AVE
FAYETTEVILLE, AR 72701

9590 9402 1747 6074 1851 61

7015 3010 0000 0814 6136

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

☐ Agent
☐ Addressee

B. Received by (Printed Name) *[Signature]* Co. Date of Delivery

[Signature]

If the delivery address is different from item 1? ☐ Yes
 If delivery address below: ☐ No

- Service type
- ☐ Adult Signature Restricted Delivery
 - ☒ Certified Mail®
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Priority Mail Express®
 - ☐ Registered Mail™
 - ☐ Registered Mail Restricted Delivery
 - ☐ Return Receipt for Merchandise
 - ☐ Signature Confirmation™
 - ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 CC 22902, 22903, 22905 Domestic Return Receipt

CITY OF

Fayetteville
ARKANSAS

113 W. Mountain Street
Fayetteville, AR 72701-6083

CODE COMPLIANCE

RECEIVED

MAR 29 2017

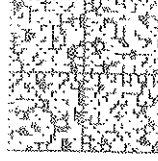
CR DIVISION

HAROLD & ROSETTA HARMON
2050 S SCHOOL AVE
FAYETTEVILLE, AR 72701

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7015 3010 0000 0814 6136



US POSTAGE & METS
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LN 3-14

3-20

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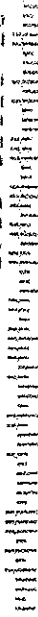
142 DE 1

0003/4/11

RETURN TO SENDER
NO SUCH STREET
UNABLE TO FORWARD

NSS
727015274536083

EC: 72701508399 *2755-02620-15-28



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☐ Certified Mail Restricted Delivery

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☐ Adult Signature Required

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☐ Adult Signature Restricted Delivery

\$

Postage

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Total Postage and Fees

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Street and Apt. No., or PO Box No.

City, State, ZIP+4[®]

2-16-17

Postmark
Here

CC

22902

22903

22905

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

9579 4180 0000 0103 5102

Parcel: 765-15010-000
Prev. Parcel: 148086-000-00
As of: 4/20/2017

Washington County Report

ID: 51730

Property Owner

Name: HARMON, HAROLD & ROSETTA

Property Information

Physical Address: 241 W NONNAMAKER DR, 247 W
NONNAMAKER DR, 265 W
NONNAMAKER DR, 279 W
NONNAMAKER DR, 289 W
NONNAMAKER DR, 300 W
NONNAMAKER DR, 304 W
NONNAMAKER DR, 308 W
NONNAMAKER DR, 312 W
NONNAMAKER DR, 318 W
NONNAMAKER DR, 2050 S SCHOOL
AVE, 2050 S SCHOOL AVE

Mailing Address: 2050 S SCHOOL AVE
FAYETTEVILLE, AR 72701-7153

Subdivision: 21-16-30 FAYETTEVILLE OUTLOTS

Type: (RI) - Res. Improv.

Block / Lot:

Tax Dist: (011) - FAYETTEVILLE SCH, FAY

S-T-R: 21-16-30

Millage Rate: 57.45

Size (in Acres): 0.000

Extended Legal: A part of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section 21, in Township 16 North, Range 30 West of the 5th P.M., and being more particularly described as beginning 1.80 chains North of the Southeast corner of the said SW1/4 of the SE1/4, Section 21, Township 16 North, Range 30, and running thence North five and ninety-four hundredths chains, thence West eleven and thirty hundredths chains to the East side of U.S. Highway No. 71 twenty feet East of the center of Highway Slab, thence southerly with the East side of Highway No. 71 six chains to a point twelve and thirty hundredths chains West of the beginning point, thence East twelve and thirty hundredths (12.30) chains to the place of beginning, containing seven. (7) acres, more or less, LESS AND EXCEPT a permanent easement to the City of Fayetteville, Arkansas, of 15 feet of equal and uniform width off of the entire West side of the above described real estate.

Market and Assessed Values:

	Estimated Market Value:	Full Assessed (20% Market Value):	Taxable Value:
Land:	\$135,000	\$27,000	\$21,160
Building:	\$260,650	\$52,130	\$51,650
Total:	\$395,650	\$79,130	\$72,810

Homestead Credit: \$350.00

Note: Tax amounts are estimates only. Contact the
county/parish tax collector for exact amounts.

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-15010-000
Prev. Parcel: 148086-000-00
As of: 4/20/2017

Washington County Report

ID: 51730

Land:

Land Use	Size	Units
	1.000	House Lot
	1.000	House Lot
	1.000	House Lot
	4.000	House Lot

Deed Transfers:

Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
10/29/2013	2013	37069	Redem Deed			HARMON, HAROLD T & ROSETTA		
12/27/2001	2002	2473	Redem Deed	0.00	\$0	HARMON, HAROLD T & ROSETTA		
6/30/1989	1325	407	Warr. Deed	275.00	\$125,000	HARMON, HAROLD T & ROSETTA	Unval.	
1/1/1985	1072	970		0.00	\$0	HILL, BETTY		

Details for Residential Card 1:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1712	0	1712	4	1901	114	Average	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Carpet & Tile

Insulation: Ceilings Walls

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1 Half: 1

Fireplace: Type: 1s Sgl.

Heat / Cool: None

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

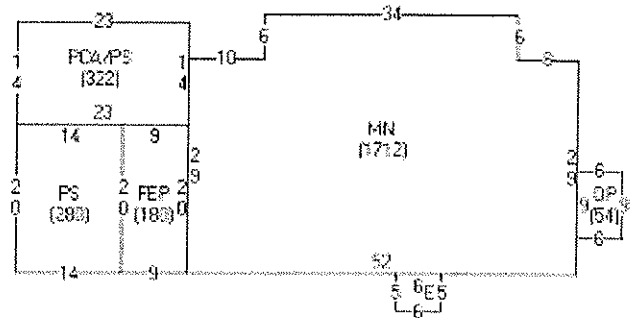
Style: N/A

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1712
B	FEP	Frame enclosed porch	180
C	PS	Patio slab	280
D	PCA/PS	Patio cover, aluminum over sla	322
E	OP	Porch, open	30
F	OP	Porch, open	54

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Driveway, concrete		16x59	1		
Driveway, concrete		10x50	1		
Outbuilding, metal		8x16			
Garage - frame unfinished, detach		16x20			
Outbuilding, metal		8x10	5		
Mobile Home		12x50			
Mobile Home		12x40			
Mobile Home		12x48			
Storage/utility bldg. metal		20x30			2006

Parcel: 765-15010-000
 Prev. Parcel: 148086-000-00
 As of: 4/20/2017

Washington County Report

ID: 51730

Details for Residential Card 2:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1144	0	1144	5	1926	89	Average	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: None

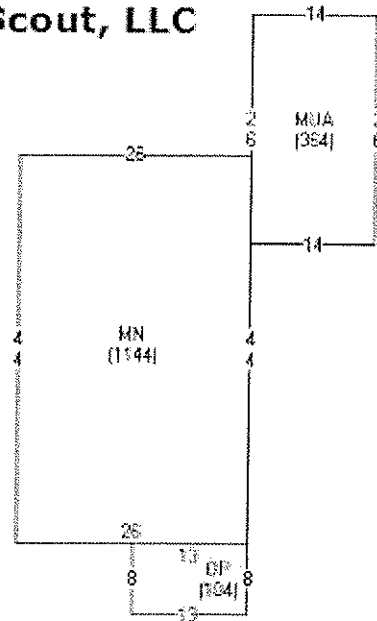
Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	OP	Porch, open	104
C	MUA	Garage - masonry unfinished, attached	364

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-15010-000
 Prev. Parcel: 148086-000-00
 As of: 4/20/2017

Washington County Report

ID: 51730

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Garage - masonry unfinished, d		15x26	1		
Wood deck		8x15	1		

Other Adjustments:

Code	Type	Quantity
FLOORC	C	237

Details for Residential Card 3:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1097	0	1097	5	1926	89	Average	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

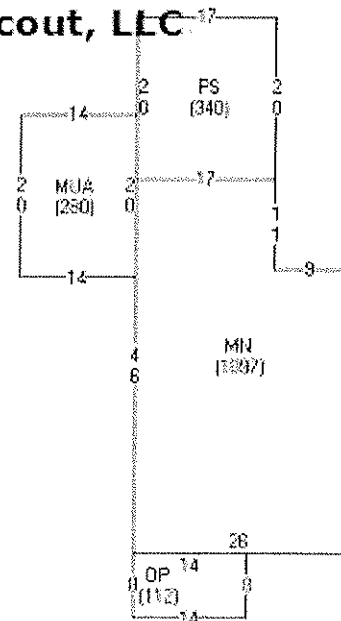
Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

DataScout, LLC



Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-15010-000
Prev. Parcel: 148086-000-00
As of: 4/20/2017

Washington County Report

ID: 51730

Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1097
B	PS	Patio slab	340
C	OP	Porch, open	112
D	MUA	Garage - masonry unfinished, attached	280

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Outbuilding, frame		12x20	1		
Wood deck		8x15	1		

Other Adjustments:

Code	Type	Quantity
FLOORC	C	219

Details for Residential Card 4:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1213	0	1213	5	1926	89	Fair	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

Not a Legal Document.

Subject to terms and conditions.

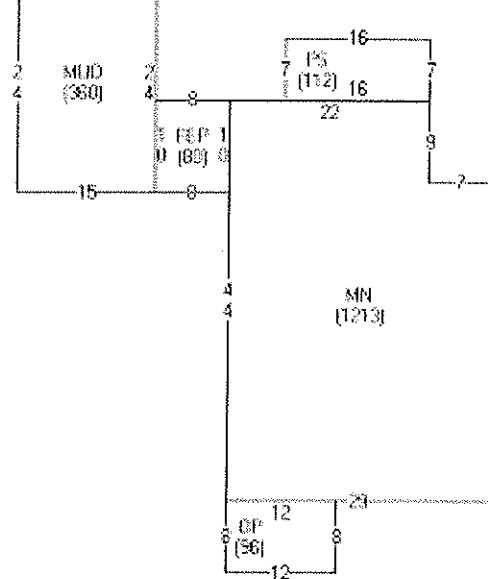
www.actDataScout.com

Parcel: 765-15010-000
 Prev. Parcel: 148086-000-00
 As of: 4/20/2017

Washington County Report

ID: 51730

DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1213
B	MUD	Garage - masonry unfinished, d	360
C	FEP	Frame enclosed porch	80
D	PS	Patio slab	112
E	OP	Porch, open	96

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Wood deck		8x15	1		
Driveway, concrete					

Other Adjustments:

Code	Type	Quantity
FLOORC	C	242

Details for Residential Card 5:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1144	0	1144	5	1926	89	Fair	N/A

Not a Legal Document.
 Subject to terms and conditions.
www.actDataScout.com

Parcel: 765-15010-000
Prev. Parcel: 148086-000-00
As of: 4/20/2017

Washington County Report

ID: 51730

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

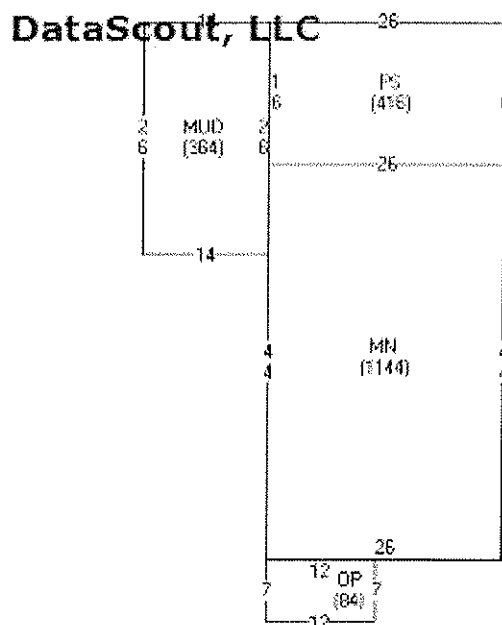
Heat / Cool: F/W/Furn

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	MUD	Garage - masonry unfinished, d	364
C	OP	Porch, open	84
D	PS	Patio slab	416

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Wood deck		8x15	1		

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-15010-000
Prev. Parcel: 148086-000-00
As of: 4/20/2017

Washington County Report

ID: 51730

Other Adjustments:

Code	Type	Quantity
FLOORC	C	246

Details for Residential Card 6:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1064	0	1064	5	1926	89	Fair	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

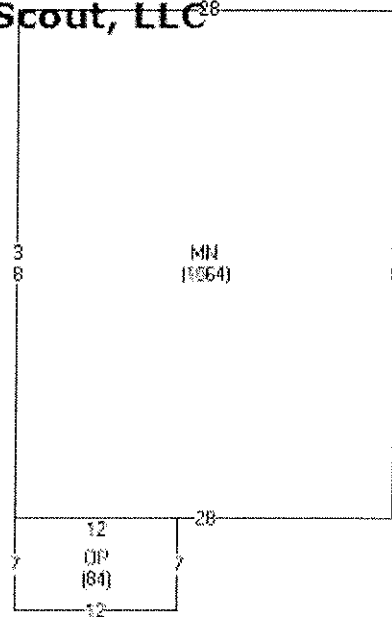
Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1064
B	OP	Porch, open	84

Not a Legal Document.
Subject to terms and conditions.
www.actDataScout.com

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Garage - frame unfinished, detach					

Other Adjustments:

Code	Type	Quantity
FLOORC	C	212

Details for Residential Card 7:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1144	0	1144	5	1926	89	Fair	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

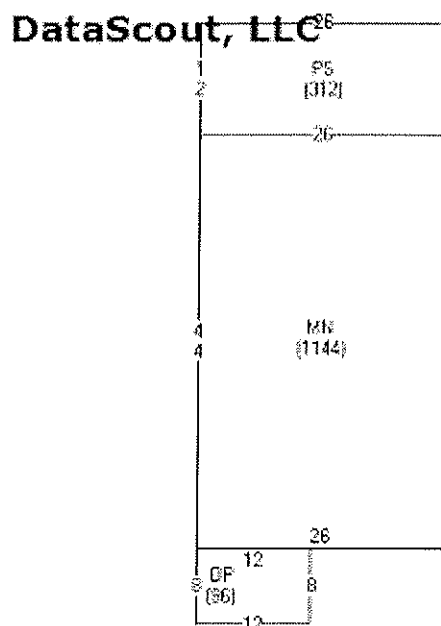
Heat / Cool: F/W/Furn

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A



Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-15010-000
Prev. Parcel: 148086-000-00
As of: 4/20/2017

Washington County Report

ID: 51730

Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	OP	Porch, open	96
C	PS	Patio slab	312

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Outbuilding, metal		16x38	1		

Other Adjustments:

Code	Type	Quantity
FLOORC	C	240

Details for Residential Card 8:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1144	0	1144	5	1961	54	Average	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gambrel

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

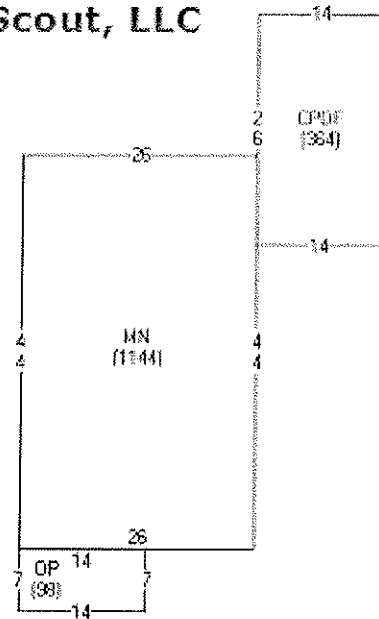
Style: N/A

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	OP	Porch, open	98
C	CPDF	Carport, Dirt Floor	364

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Carport, Dirt Floor		15x26			

Details for Residential Card 9:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1144	0	1144	5	1926	89	Fair	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

Not a Legal Document.

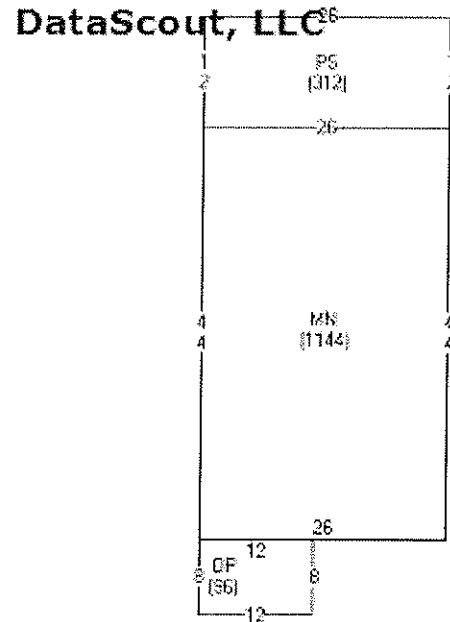
Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-15010-000
 Prev. Parcel: 148086-000-00
 As of: 4/20/2017

Washington County Report

ID: 51730



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	PS	Patio slab	312
C	OP	Porch, open	96

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Garage - masonry unfinished, d		16x24	1		

Other Adjustments:

Code	Type	Quantity
FLOORC	C	220

Details for Residential Card 10:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1144	0	1144	5	1926	89	Fair	N/A

Exterior Wall: STONE VEN
 Foundation: Closed Piers

Plumbing: Full: 1
 Fireplace: N/A

Not a Legal Document.
 Subject to terms and conditions.
www.actDataScout.com

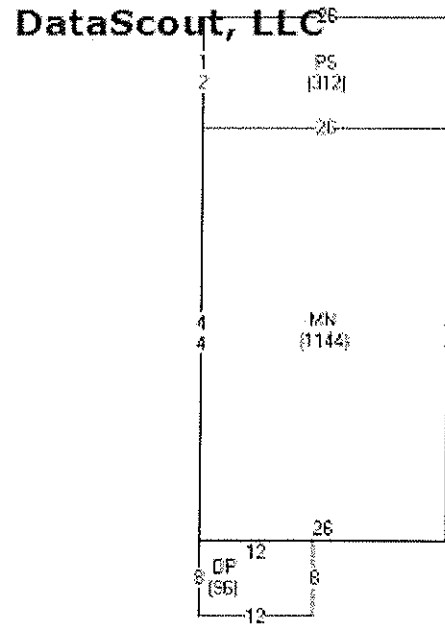
Parcel: 765-15010-000
 Prev. Parcel: 148086-000-00
 As of: 4/20/2017

Washington County Report

ID: 51730

Floor Struct: Wood with subfloor
Floor Cover: Hardwood Sheathing
Insulation: N/A
Roof Cover: Asphalt Shingle
Roof Type: Gable

Heat / Cool: None
Basement: N/A
Basement Area: N/A
Year Remodeled: N/A
Style: N/A



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	PS	Patio slab	312
C	OP	Porch, open	96

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Garage - frame unfinished, detach		20x20	1		

Other Adjustments:

Code	Type	Quantity
FLOORC	C	243

Details for Residential Card 11:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
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Not a Legal Document.
 Subject to terms and conditions.
www.actDataScout.com

Parcel: 765-15010-000
Prev. Parcel: 148086-000-00
As of: 4/20/2017

Washington County Report

ID: 51730

Single Family ONE Masonry Veneer 1144 0 1144 5 1926 89 Fair N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

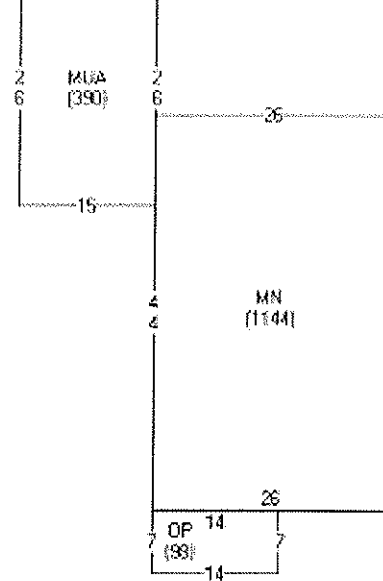
Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	OP	Porch, open	98
C	MUA	Garage - masonry unfinished, attached	390
D	WD	Wood deck	120

Other Adjustments:

Code	Type	Quantity
FLOORC	C	228

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-15010-000
Prev. Parcel: 148086-000-00
As of: 4/20/2017

Washington County Report

ID: 51730

Map:



Not a Legal Document.
Subject to terms and conditions.
www.actDataScout.com

Budget Year	Division	Adjustment Number
2017	COMMUNITY RESOURCES (642)	
	/Org2	
	Requestor: Lisa Darden	

Moving funds for the Raze and Removal request at 265 W Nonnamaker Ave.

	COUNCIL DATE:	5/16/2017
	LEGISTAR FILE ID#:	2017-0237
		<i>Barbara Fell</i>
		<i>5/3/2017 8:42 AM</i>
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	<i>/</i>
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0230

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 1

SOUTH BLOCK PARTNERS, LLC COST SHARE AGREEMENT:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH SOUTH BLOCK PARTNERS, LLC FOR THE INSTALLATION OF A SEWER MAIN ALONG A PORTION OF SOUTH BLOCK AVENUE BETWEEN WEST 4TH STREET AND WEST 5TH STREET, WITH THE ESTIMATED AMOUNT TO BE PAID BY THE CITY OF FAYETTEVILLE NOT TO EXCEED \$16,375.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,347.00

WHEREAS, South Block Partners, LLC will be developing property located at the northeast corner of West 5th Street and South Block Avenue and has requested that the City share in the cost of constructing an 8-inch sewer main along a portion of South Block Avenue between West 5th Street and West 4th Street, a distance of approximately 110 feet; and

WHEREAS, the City of Fayetteville would benefit from the cost share as it will extend sewer service to an area in the core of the City that has never been served before and provide for ample future capacity which the City recognizes will be necessary for the area that is served by this sewer main; and

WHEREAS, § 51.113 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 sewerage system”; and

WHEREAS, waiving formal competitive bidding will save time and cost by utilizing the developer’s contractor who will be on-site installing the line for the developer’s project.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a cost share agreement with South Block Partners, LLC for the installation of an 8-inch sewer main along a portion of South Block Avenue between West 4th Street and West 5th Street with the estimated amount to be paid by the City of Fayetteville not to exceed \$16,735.00, and further approves a project contingency in the amount of \$3,347.00.

City of Fayetteville Staff Review Form

2017-0230

Legistar File ID

5/16/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Tim Nyander

4/25/2017

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND TO APPROVE A COST SHARE AGREEMENT WITH SOUTH BLOCK PARTNERS, LLC FOR THE INSTALLATION OF A SEWER MAIN ALONG A PORTION OF SOUTH BLOCK AVENUE BETWEEN WEST 4TH STREET AND WEST 5TH STREET WITH THE ESTIMATED AMOUNT TO BE PAID BY THE CITY OF FAYETTEVILLE NOT TO EXCEED \$16,735.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,347.00 FOR A TOTAL OF \$20,082.00

Budget Impact:

5400.720.5700-5815.00

Water/Sewer

Account Number

Fund

04039.1

Water/Sewer Impact Fee Cost Sharing

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 1,230,231.00

Funds Obligated \$ 67,928.00

Current Balance \$ 1,162,303.00

Does item have a cost? Yes

Item Cost \$ 20,082.00

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 1,142,221.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

TO: Mayor and City Council

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

FROM: Tim Nyander, Utilities Director

DATE: April 24, 2017

SUBJECT: Cost Share Agreement with South Block Partners, LLC

RECOMMENDATION:

Staff recommends approval of a cost-share agreement between the City of Fayetteville and South Block Partners, LLC, to share the costs of installing a sewer main in South Block Avenue between West 4th and West 5th Streets. The estimated total cost of the project is \$35,270.00. The City's portion of the cost share is approximately 50% of the estimated project cost, in the amount of \$16,735.00, with a 20% contingency of \$3,347.00.

BACKGROUND:

South Block Partners, LLC has requested that the City share in the cost of installing an 8-inch sewer line along a portion of South Block Avenue between West 4th and West 5th Streets, approximately 110 feet, so that South Block Partners, LLC may develop the property located at the NE corner of West 5th Street and South Block Avenue.

DISCUSSION:

Constructing this segment of 8-inch main will allow development of these properties and will also provide for ample future capacity which the City recognizes will be necessary for the area that is served by this sewer main.

BUDGET/STAFF IMPACT:

Funds for the City portion of work are available in the Water/Sewer Impact Fee Cost Sharing Project.

Attachments:

Staff Review Form
Cost-Share Agreement
Map of Area
Bid Estimates

CONTRACTUAL AGREEMENT FOR COST SHARE OF SEWER MAIN INSTALLATION COSTS

This Agreement, made and entered into on this _____ day of May, 2017, by and between the City of Fayetteville, Arkansas ("City") and South Block Partners, LLC ("South Block"), witnesseth:

WHEREAS, South Block has requested that the City share in the cost of constructing an 8-inch sewer main along a portion of South Block Avenue between West 4th Street and West 5th Street, a distance of approximately 110 feet, so that South Block may develop the property located at the northeast corner of West 5th Street and South Block Avenue; and

WHEREAS, constructing this segment of 8-inch sewer main will allow development of this property, will extend sewer service to an area in the core of the City that has never been served before, and will also provide for ample future capacity which the City recognizes will be necessary for the area that is served by this sewer main; and

WHEREAS, § 51.113 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 sewerage system."

NOW, THEREFORE, the City of Fayetteville, Arkansas and South Block Partners, LLC agree as follows:

1. The City of Fayetteville, Arkansas agrees to:
 - A. Reimburse South Block Partners, LLC for 50% of the cost to install approximately 110 linear feet of 8-inch sewer main in the area identified in Exhibit "A" up to a maximum-not-to-exceed amount of **\$16,735** with a contingency fund not-to-exceed \$3,347.00, as was estimated by the builder's representative and shown on Exhibit "B", attached.
 - B. Payments due to South Block Partners, LLC, shall be remitted within sixty (60) days after receipt of valid invoices.
2. South Block Partners, LLC agrees to:
 - A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable sewer main installation, including submittal of plans and specifications to the City's Engineering Department, per their standard procedures.
 - B. Provide a copy of the invoices from the Contractor upon City approval of the water main upgrade.

- C. Pay for the sewer main installation (with reimbursement of 50% of the cost by the City of Fayetteville in a not-to-exceed amount of \$16,735.00 with a contingency fund not-to-exceed \$3,347.

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

SOUTH BLOCK PARTNERS, LLC

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: *Tommy Kilbride*
TOMMY KILBRIDE, Partner

By: _____
LIONELD JORDAN, Mayor

ATTEST:

ATTEST:

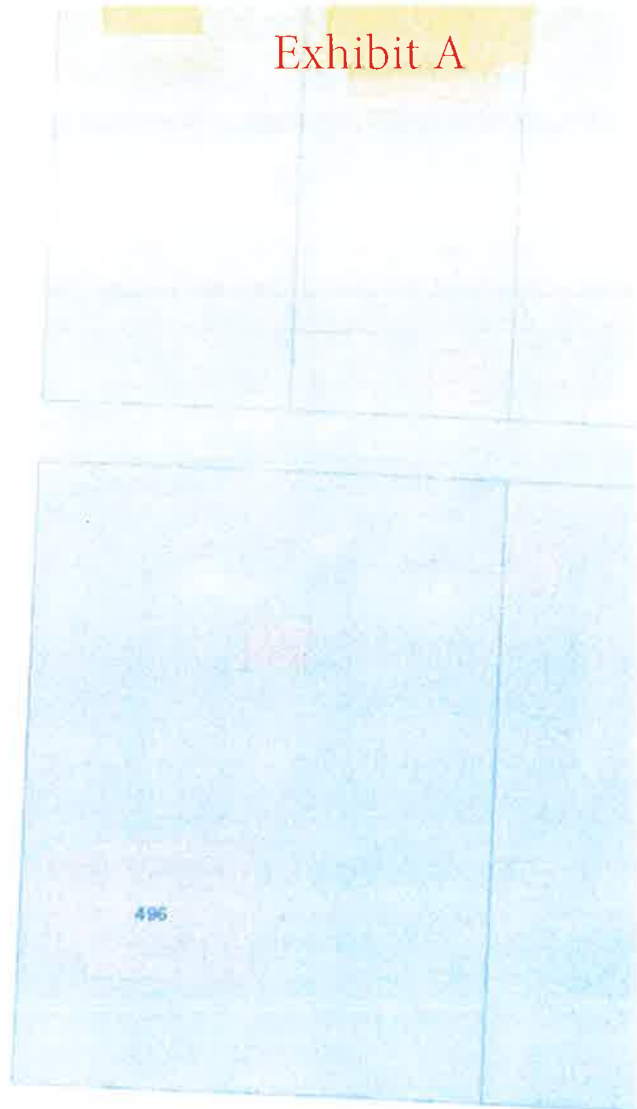
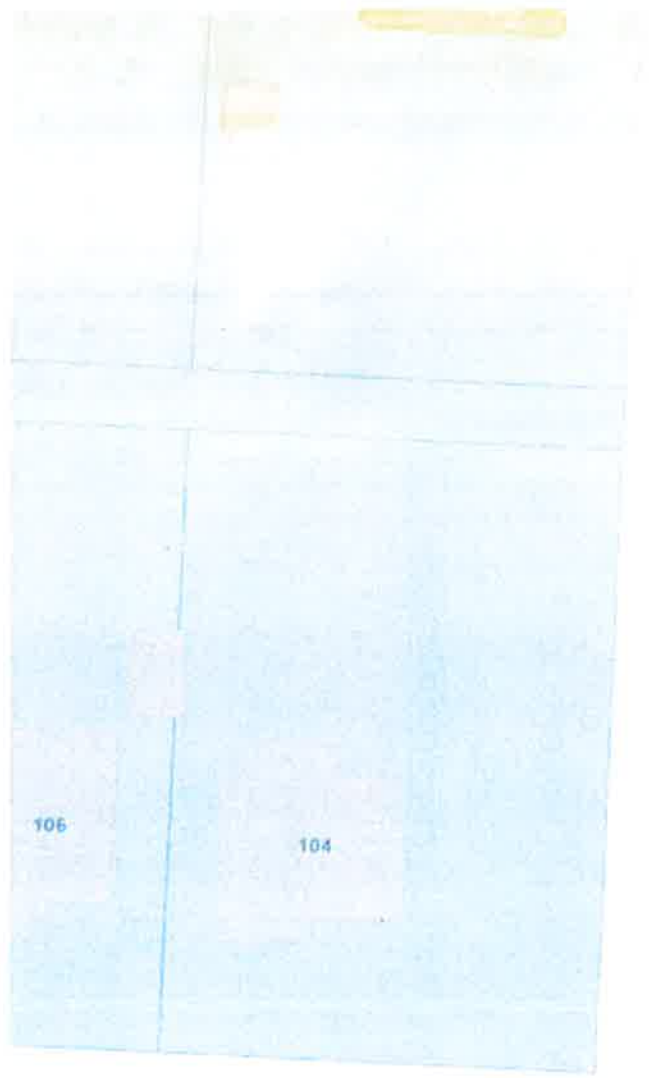
By: *Lauren Battista*

By: _____
SONDRA SMITH, City Clerk



Exhibit A

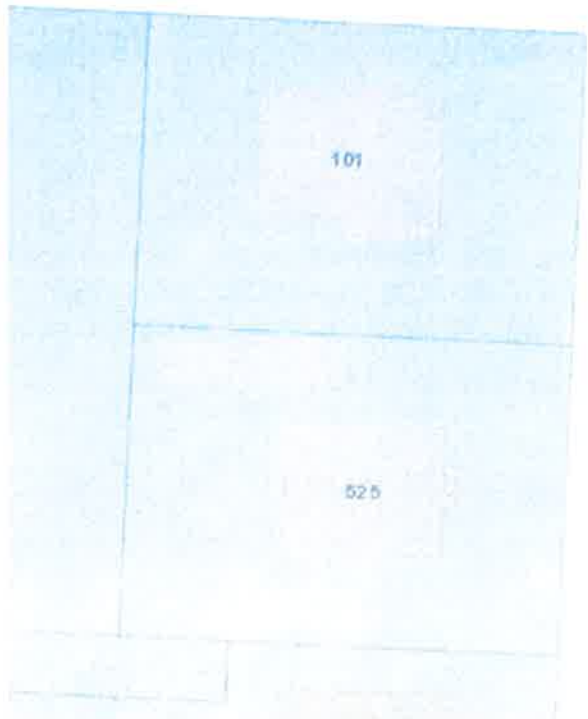
S Block



W-8 256

W-102)007

W 5th St



W-8 344
Lock Ave





SWEETSER CONSTRUCTION, INC.
GENERAL CONTRACTORS • LICENSED • INSURED

590 WEST POPLAR • FAYETTEVILLE, AR 72703
TELEPHONE (479) 443-3026 • FAX (479) 442-0119



March 20, 2016

**SEWER EXTENSION
For SHADDOX
UNIT PRICE SCHEDULE**

Item #	Description	Quantity	Unit	Unit Price	Amount
1	Manhole	2	EA	\$ 3,800.00	\$ 7,600.00
2	8" Sanitary Sewer	107	LF	\$ 38.00	\$ 4,180.00
3	4"X8" Sanitary Sewer Wye	2	EA	\$ 300.00	\$ 600.00
4	4" Sewer Service	60	LF	\$ 30.00	\$ 1,800.00
5	Class 7 Base	170	Ton	\$ 32.00	\$ 5,440.00
6	Repair Street	50	SY	\$ 135.00	\$ 6,750.00
7	16" Steel Encasement	1	LS	\$ 2,400.00	\$ 2,400.00
8	Traffic Control	1	LS	\$ 2,800.00	\$ 2,800.00
9	Sawcut Existing Asphalt	1	LS	\$ 1,700.00	\$ 1,700.00
10	Bond & Mob	1	EA	\$ 2,000.00	\$ 2,000.00
				Bid Total	\$ 35,270.00

Notes: 1) SB-2 Backfill is for full depth backfill for water and sewer mains only (not services). Full depth backfill for services shall be included in the price of the service crossing.

2) Price for water and sewer mains shall include bedding, detection tape, and tracer wire.

Charles W. Miller
Sweetser Construction, Inc.
charlie@sweetserconstruction.com
Phone: (479) 443-3026
Fax: (479) 442-0119



General Construction Solutions, Inc.

1951 Electric Avenue, Springdale, Ar 72764

Phone: 479.751.8868

FAX: 479.751.7650



Date: 1/17/2017

Project Name: **Shaddox Sewer Extension**

Owner Name: **Jim Shaddox 479-957-1367**

Engineer: **Jorgenson**

GCS Estimator: **SBM**

Page: 1

Job #:

City Specs: **Fayetteville, AR**

Phone #:

Phone #:

Construction: **Jim Shaddox Extension 1/17/17**

Item	ITEM DESCRIPTION	QTY.	UNIT	UNIT PRICE
1	Manhole	2	EA	\$ 5,630.00
2	8" Sanitary Sewer	111	LF	\$ 87.87
3	4"x8" Sanitary Sewer Wye	2	EA	\$ 109.00
4	4" Sewer Service	60	LF	\$ 73.98
5	Clean & Test Sewer	1	LS	\$ 805.40
6	Rock Excavation	1	CY	\$ 389.00
7	Class 7 Base	67	TN	\$ 37.25
8	Repair Street	129	SY	\$ 101.37
9	Encasement	1	LS	\$ 2,849.00
10	Bond	1	LS	\$ 1,300.00
11	2' Curb & Gutter (Remove & Replace)	12	LF	\$ 24.00
12	Traffic Control Barricades	1	LS	\$ 2,076.00
13	Field Locate and Verify Lot C (Report To Engineer)	1	LS	\$ 325.00
14	Concrete Washout	1	LS	\$ 552.00
15	Trench Safety	1	LS	\$ 1.00

TOTAL PRICE
\$ 11,260.00
\$ 9,753.57
\$ 218.00
\$ 4,438.80
\$ 805.40
\$ 389.00
\$ 2,495.75
\$ 13,076.73
\$ 2,849.00
\$ 1,300.00
\$ 288.00
\$ 2,076.00
\$ 325.00
\$ 552.00
\$ 1.00

Total Site Cost

\$49,828.25

*****Bid is based on the road being closed.**

Exclusions:

Fees, Permits, Camera Testing

Materials Testing

Staking

Respectfully Submitted,

Wes Taylor

wtaylor@gsgnwa.com

479-530-3577

**SEWER EXTENSION
For SHADDOX
UNIT PRICE SCHEDULE**

Item #	Description	Quantity	Unit	Unit Price	Amount
1	Manhole	2	EA	\$ 5050.00	\$ 10,100.00
2	8" Sanitary Sewer	111	LF	\$ 96.30	\$ 10,689.30
3	4"x8" Sanitary Sewer Wye	2	EA	\$ 200.00	\$ 400.00
4	4" Sewer Service	60	LF	\$ 76.50	\$ 4,590.00
5	Clean & Test Sewer	1	LS	\$ 1,000.00	\$ 1,000.00
6	Rock Excavation	1	LS	\$ 500.00	\$ 500.00
7	Class 7 Base	90	Ton	\$ 28.00	\$ 2,520.00
8	Repair Street	55	SY	\$ 159.00	\$ 8,745.00
9	8" Gate Valve Encasement	1	EA LS	\$ 1,300.00	\$ 1,300.00
10	Bond	1	EA	\$ 717.12	\$ 717.12
				TOTAL	40,561.42

- Notes: 1) SB-2 Backfill is for full depth backfill for water and sewer mains only (not services). Full depth backfill for services shall be included in the price of the service crossing.
2) Price for water and sewer mains shall include bedding, detection tape and tracer wire.

*Jayette Tree & Branch, Inc
PO Box 471
Jayetteville, Ar 72702*



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0229

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 2

MILLSAP DRAINAGE COST SHARE:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH SOUTHERN STAR ENTERPRISES, LLC FOR THE INSTALLATION OF DRAINAGE IMPROVEMENTS ALONG A PORTION OF EAST MILLSAP ROAD WITH THE CITY OF FAYETTEVILLE'S SHARE OF THE COSTS NOT TO EXCEED \$49,070.40, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,000.00

WHEREAS, Southern Star Enterprises, LLC receives offsite storm water runoff from adjacent developments that appears to be damaging its parking area located at 509 N. Millsap Road and desires to install an underground drainage collection system to connect the new improvements to the City's downstream collection system; and

WHEREAS, Southern Star Enterprises, LLC has requested that the City share in the cost of constructing drainage improvements along East Millsap Road as part of Southern Star's commitment to improve its parking area; and

WHEREAS, § 170.05 of the Fayetteville Unified Development Code allows for cost sharing and states "If it is determined that offsite drainage improvements are required, and that such specific off-site drainage improvements are consistent with the city's current and established priorities, then cost sharing will be in accordance with "*Required Off-site Improvements*;" and

WHEREAS, City engineers explored various options to alleviate the drainage problems in this area and have determined that the proposed offsite drainage improvements in the City's right of way are required and, further, that these improvements are consistent with the City's priorities; and

WHEREAS, the City's Transportation Division is unable to work this project into its 2017 program year and waiving formal competitive bidding will save time and cost by utilizing the developer's contractor who will be on-site installing the privately-owned drainage improvements.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives

the requirements of formal competitive bidding and approves a cost share agreement with Southern Star Enterprises, LLC for the installation of drainage improvements along a portion of East Millsap Road, with the City of Fayetteville providing the 30-inch corrugated plastic pipe necessary for the project at a cost of \$7,200.00 and paying the portion of the construction costs for the improvements within the City's right of way in an amount not to exceed \$41,870.40, and further approves a project contingency in the amount of \$5,000.00.

City of Fayetteville Staff Review Form

2017-0229

Legistar File ID

5/16/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

3/17/2017

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of cost share for drainage improvements along E Millsap Rd in the amount of \$41,870.40 (City's share) as well as an additional \$7,200 to purchase pipe material to help alleviate drainage issues along the street and at 509 E Millsap Rd and approve a \$5,000 contingency.

Budget Impact:

4470.621.8810.5817.00

4470-Sales Tax Capital Improvements

Account Number

Fund

02108.1

Bridge and Drainage Improvements

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 271,431.00

Funds Obligated \$ -

Current Balance \$ 271,431.00

Does item have a cost? Yes

Item Cost \$ 49,070.40

Budget Adjustment Attached? No

Budget Adjustment

#

Remaining Budget \$ 222,360.60

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 16, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Chris Brown, City Engineer

FROM: Alan Pugh, Staff Engineer

DATE: April 24, 2017

SUBJECT: Approval of cost share for drainage improvements along E Millsap Rd in the amount of \$41,870.40 (City's share) as well as an additional \$7,200 to purchase pipe material to help alleviate drainage issues along the street and at 509 E Millsap Rd and approve a \$5,000 contingency.

RECOMMENDATION:

Approval of cost share for drainage improvements along E Millsap Rd in the amount of \$41,870.40 (City's share) as well as an additional \$6,500 to purchase pipe material to help alleviate drainage issues along the street and at 509 E Millsap Rd and approve a \$5,000 contingency.

BACKGROUND:

In 2015 the City of Fayetteville was approached by the property owner of 509 E Millsap to discuss drainage issues across their parking area. The drainage from the development and surrounding areas is routed through an asphalt swale in the parking area. This swale has experienced water damage and been repaired several times of the last few years. There are also concerns with the patrons of the building having to walk through the swale that is damaged and full of water during rain events. This runoff also currently drains into Millsap from the driveway into the property. This drainage then runs down Millsap and to an inlet downstream. During heavy rain events, this can create a large spread of water into Millsap.

After discussion with the property owner, staff performed a drainage analysis for the area. The drainage area, although not extremely large, does include portions of the surrounding developed area. Given the current situation, several options were explored. While the owner desired an underground system, staff also investigated the option of a drainage swale such that the drainage would continue to be overland flow. However, this did not address the property owners concern that the patrons would continue to walk through several inches of water to access the building. This option would also do nothing to address the water running into Millsap from the parking area.

An option to try and pipe the water from the parking area and drain it into the flume on the NW portion of the property was also explored. However, there was not enough elevation difference in order to daylight a piping system into the flume and again this did not address the water flowing into Millsap. It would only divert that water slightly closer to the existing inlet system.

Lastly, a piping system was developed along Millsap that would pick up the drainage improvements in the parking area and divert this runoff downstream. This would help to address the runoff draining into Millsap as well as provide an opportunity for the owner to tie into this system with a private drainage system within their parking area. This system is represented on the attached exhibit.

DISCUSSION:

Due to current workload, it does not appear the transportation division could work this into the 2017 program year. Therefore, the property owner has requested that the City participate in the cost of the improvements within the City right-of-way. The attached agreement represents the scenario in which the City would reimburse the owner for expenses incurred to install the system within City right-of-way. As a part of the agreement, the City would also purchase the pipe materials to be used within the right-of-way utilizing our annual bid prices and suppliers as well as replace the sidewalk at a later date with our own forces. Although the City did request additional quotes from contractors, all declined due to the size of the project and their current workload. Therefore, the cost share appears to be the most efficient way to complete this project in a timely fashion.

BUDGET/STAFF/IMPACT:

As stated the total cost of the City's portion of the project would be \$49,070.40 with the property owner's portion within their parking area exceeding that figure. This would be proposed to be funded from the Engineering Divisions sales tax capital improvement budget for drainage improvements.

Attachments:

Proposed Agreement with Owner
Drainage Improvement Exhibit
City/Owner Cost Breakdown

CONTRACTUAL AGREEMENT FOR
COST SHARE OF DRAINAGE IMPROVEMENT COSTS

This Agreement, made and entered into on this ____ day of April, 2017, by and between the City of Fayetteville, Arkansas ("City") and Southern Star Enterprises, LLC ("Southern Star"), witnesseth:

WHEREAS, Southern Star receives offsite storm water runoff from adjacent developments that appears to be damaging their parking area located at 509 N Millsap Road; and

WHEREAS, if Southern Star desires to install an underground drainage collection system said storm drain is necessary in order to connect the new improvements to the downstream collection system; and

WHEREAS, Southern Star has committed to improving their parking area located at 509 N Millsap Road and requested that the City share in the cost of constructing drainage improvements adjacent to N Millsap Road, west of Plainview Avenue, a distance of approximately 190 feet, so that Southern Star may complete those improvements; and

WHEREAS, § 170.05 of the Fayetteville Unified Development Code allows for cost sharing and states "If it is determined that offsite drainage improvements are required, and that such specific off-site drainage improvements are consistent with the city's current and established priorities, then cost sharing will be in accordance with *"Required Off-site Improvements."*

NOW, THEREFORE, the City of Fayetteville, Arkansas and Southern Star Enterprises, LLC agree as follows:

1. The City of Fayetteville, Arkansas agrees to:
 - A. Reimburse Southern Star Enterprises, LLC for \$41,870.40 which represents the cost to install approximately 328 linear feet of 30-inch storm drain along with the installation of four inlet boxes in the area identified in Exhibit "A", attached.
 - B. Payments due to Southern Star Enterprises, LLC, shall be remitted within sixty (60) days after receipt of valid invoices.
 - C. Expose the utilities at strategic locations chosen by a contractor engaged by Southern Star and the City. However, after the exposure of the utilities by the City, Southern Star and/or the contractor engaged by Southern Star would be responsible for any damage to existing lines.
 - D. Provide 30-inch corrugated plastic pipe to be installed by Southern Star or the contractor engaged by Southern Star.

2. Southern Star Enterprises, LLC agrees to:

- A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable storm drain installation per the City of Fayetteville Standard Specifications for Street and Drainage Construction.
 - B. Provide a copy of the invoices from the Contractor upon City approval of the storm drainage installation.
 - C. Pay for the storm drainage installation (with reimbursement of \$41,870.40 of the cost by the City of Fayetteville).
3. It is further understood that the contract for construction is between Southern Star and his Contractor and that the City has no contractual obligation with either the Contractor or any agent for Southern Star. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of \$41,870.40 for the drainage improvements.

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

**SOUTHERN STAR
ENTERPRISES, LLC**

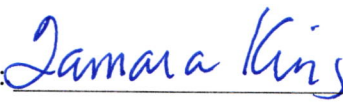
**CITY OF FAYETTEVILLE,
ARKANSAS**

By: 
Lloyd Trichell, Reg. Agent

By: _____
LIONELD JORDAN, Mayor

ATTEST:

ATTEST:

By: 
Tamara King

By: _____
SONDRA SMITH, City Clerk

TOMLINSON ASPHALT CO., INC.

PROPOSAL

Rev #5.

Job Name: Millsap Medical Office

4/25/17

SUBMITTED TO: Dr. Trichell/ City of Fayetteville

ITEM #	DESCRIPTION	QTY	UNIT	UNIT COST	AMOUNT
Storm drain Improvements Dr. Trichell Portion					
1	30" RCP with Full Depth Base Backfill	144	LF	\$ 122.18	\$ 17,593.92
2	24" RCP with Full Depth Base Backfill	52	LF	\$ 125.00	\$ 6,500.00
3	18" RCP with Full Depth Base Backfill	160	LF	\$ 112.50	\$ 18,000.00
4	Neenah 4999-L6 Trench Grate	20	LF	\$ 420.00	\$ 8,400.00
5	Curb Inlet: #92,103	2	EA	\$ 4,300.00	\$ 8,600.00
6	Area Drains: #97,104,95,99,105	5	EA	\$ 4,600.00	\$ 23,000.00
7	Concrete Drainage Swale: Includes 7" Class-7, 5" Concrete 3,500 psi Concrete	2,960	S.F.	\$ 7.46	\$ 22,081.60
8	General Expenses: Final Clean up, Traffic Control, Job Maint.	1	EA	\$ 3,000.00	\$ 3,000.00
	Total Cost for on-site portion of project			sub-total	\$ 107,175.52
1	30" CPP with Full Depth Base Backfill **CPP PROVIDED BY THE CITY**	328	LF	\$ 86.80	\$ 28,470.40
2	Junction Boxes: #94,92,91,90	4	EA	\$ 2,850.00	\$ 11,400.00
3	General Expenses: Final Clean up, Traffic Control, Job Maint.	1	EA	\$ 2,000.00	\$ 2,000.00
	Total Cost for Off-site portion of project			sub-total	\$ 41,870.40
PRICE SUMMARY					
				TOTAL	\$ 149,045.92



SURVEYED BY:	GIS
DRAWN BY:	AP
DESIGNED BY:	MC
FILE NAME:	577 Millsap Cost Share

PROJECT
MILLSAP DRAINAGE IMPROVEMENTS
577 MILLSAP DR, FAYETTEVILLE, AR.

三、

REVISÉ

ENGINEERING DIVISION

113 W. MOUNTAIN STREET

Fayetteville

DATE:
4/27/2017
SHEET:

1

PROJECT:
577 Millsap Cost St



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0236

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 3

RZN 17-5756 (2621 E. MISSION BLVD./ERC HOLDINGS, LLC):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5756 FOR APPROXIMATELY 2.62 ACRES LOCATED AT 2621 EAST MISSION BOULEVARD FROM C-1, NEIGHBORHOOD COMMERCIAL TO CS, COMMUNITY SERVICES

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

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

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

City of Fayetteville Staff Review Form

2017-0236

Legistar File ID

5/16/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Andrew Garner

4/28/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5756: Rezone (2621 E. MISSION BLVD./ERC HOLDINGS, LLC, 371): Submitted by ERC HOLDINGS, LLC. for property at 2621 E. MISSION BLVD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 2.62 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 16, 2017

TO: Mayor, Fayetteville City Council
THRU: Andrew Garner, Planning Director
FROM: Jonathan Curth, Senior Planner
DATE: April 28, 2017

SUBJECT: RZN 17-5756: Rezone (2621 E. MISSION BLVD./ERC HOLDINGS, LLC, 371):
Submitted by ERC HOLDINGS, LLC. for property at 2621 E. MISSION BLVD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 2.62 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to CS, Community Services, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property contains one parcel totaling 2.32 acres located on the south side of Mission Boulevard, just west of Crossover Road/Highway 265. The property is currently zoned C-1, Neighborhood Commercial, and is developed with a single-family dwelling built in 1955. A commercial driveway is built across the subject property's frontage, serving First National Bank on the property to the east, and giving access to Mission, a Principal Arterial-classified street. Although Flynn Creek runs through the parcel to the southeast, the subject property is not encumbered by FEMA-identified floodplain.

Request: The request is to rezone the property from C-1, Neighborhood Commercial, to CS, Community Services to allow greater possibility for future mixed-use development.

Land Use Compatibility: The proposed zoning is generally compatible with the surrounding mixture of existing non-residential and single-family residential uses. The immediate area contains a range of development types. Further west along Mission Boulevard are single-family, two-family, townhome, office, and restaurant uses that act as a transitional area from the large areas of single-family housing to the busy intersection at Mission and Crossover. The proposal of CS zoning would allow increased density and potential for commercial and mixed use that could serve the neighborhood, encouraging a pattern of development that staff finds compatible with existing properties. Furthermore, the existing C-1 zoning allows an identical maximum building height to that permitted under CS, but whereas the CS zoning district requires development in a build-to-zone adjacent to City streets, the C-1 zoning utilizes suburban building setbacks.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) which designates the subject and surrounding properties as City Neighborhood Area.

One of the primary goals of City Plan 2030 is for zoning decisions to be made that help create complete neighborhoods and make traditional town form the standard. A complete neighborhood should provide a mix of uses and housing types where residents can live, work, and play all in the same neighborhood. This policy is embedded in the description of City Neighborhood Areas by supporting a wide variety of uses and densities, particularly along connecting corridors, like Mission Boulevard. The proposed rezoning to CS on the subject property addresses this goal by permitting a wide spectrum of residential and non-residential uses. The CS zoning district creates the potential for mixed-use developments that encourage walkability and less dependence on vehicles for transportation.

The proposed rezoning also addresses City Plan 2030's prioritization of appropriate infill and the discouragement of suburban sprawl. While development under either the existing or proposed zoning districts may reduce the need to extend water and sewer service, or stretch existing fire and police department resources, the CS zoning district and its wide variety of allowed uses can reduce the firm separation of land uses that result in sprawling development.

Staff finds that the proposed zoning is justified and needed to accommodate development of the property in accordance with the goals outlined in the city's comprehensive plan. Also, the proposed zoning district can beneficially increase residential densities along a major corridor and provide convenience goods and personal services for persons living on the subject property or in the surrounding residential areas.

DISCUSSION:

On April 24, 2017 the Planning Commission forwarded the proposal to City Council with a recommendation for approval passed by a vote of 7-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

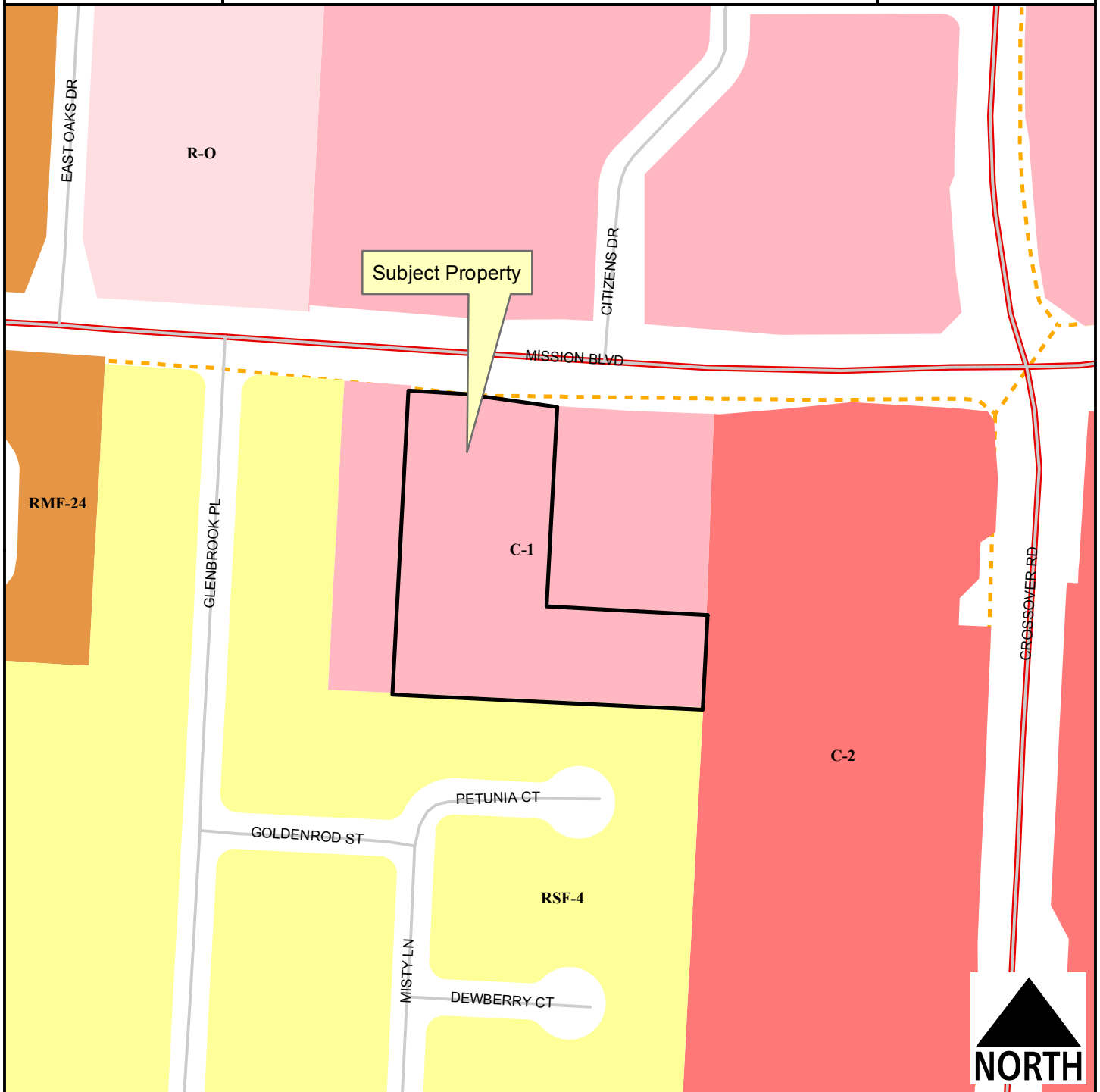
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

RZN 17-5756

ERC HOLDINGS, LLC

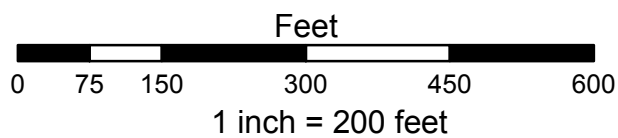
17-5756
EXHIBIT 'A'

Close Up View



Legend

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



- RSF-4
- RMF-24
- Residential-Office
- C-1
- C-2

17-5756
EXHIBIT 'B'

SURVEY DESCRIPTION:

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

COMMENCING AT THE NORTHEAST CORNER OF SAID SE/4 OF THE SE/4; THENCE N87°00'11"W 417.50 FEET; THENCE S02°59'49"W 89.15 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 45 (R/W VARIES); THENCE S03°03'27"W 274.72 FEET TO AN EXISTING 1/2" REBAR (RLS1380) AND THE POINT OF BEGINNING; THENCE S03°03'27"W 130.39 FEET TO THE NORTHEAST CORNER OF LOT 30 OF THE GLENBROOK SUBDIVISION, PHASE II AS RECORDED IN PLAT BOOK 13 AT PAGE 51; THENCE ALONG THE NORTH LINE OF SAID GLENBROOK SUBDIVISION, PHASE II N87°16'24"W 427.00 FEET TO AN EXISTING REBAR (RLS852); THENCE N03°00'54"E 418.79 FEET TO AN EXISTING REBAR (RLS1642) ON THE SOUTH RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 45 AS RECORDED IN DOCUMENT 2007-26189; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S86°28'55"E 77.50 FEET TO AN EXISTING CHISELED "X" IN CONCRETE; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE S82°00'50"E 128.37 FEET TO AN EXISTING REBAR; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE, S03°03'27"W 274.29 FEET; THENCE S86°56'33"E 221.91 FEET TO THE POINT OF BEGINNING, CONTAINING 2.619 ACRES, MORE OR LESS, BEING SUBJECT TO PUBLIC ROAD RIGHTS-OF-WAY AND ANY EASEMENTS OF RECORD, ACCORDING TO A SURVEY BY ANDERSON SURVEYING, INC. R.L.S. # 1272, JOB #16-11-10.

BEING THE SAME AS TRACT B, 2.62 ACRES, OF METROPOLITAN NATIONAL BANK MISSION BOULEVARD TRACT SPLIT, BY RLS 1380, JOB # 07034_SPLIT, DATED 08-06-2007; FILED 08-30-2007 AS FILE # 2007-00033370.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

Rd .6

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

5756

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

371

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: ERC Holdings, LLC

Address: ERC, 5102 S. Pinnacle Hills
Parkway, Rogers, AR 72758

E-mail: nswanson@erc.com

Phone:
(479) 478-5103

Fax:

()

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

Name: Mary McGetrick, Pre Construction
Manager

Address: ERC, 5102 S. Pinnacle Pkwy, Rogers,
AR 72758

E-mail: mmcgetrick@erc.com

Phone:
(479) 650-0523

Fax:

()

Site Address / Location: 2621 E Mission Blvd., Fayetteville, AR 72701

Current Zoning District: Neighborhood Commercial

Requested Zoning District: Community Services District

Assessor's Parcel Number(s) for subject property: 765-13339-000

FINANCIAL INTERESTS

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

Simmons Bank

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): Mary McGetrick

Date: 3/10/17

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): R. Grant Leake, VP AG Simmons Bank

Address: 4033 N. Shiloh Dr
Fayetteville, AR 72704

Signature:



Date: 3/9/17

Phone:

(479) 695-3973

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: April 24, 2017 (**Updated with Planning Commission Results**)

SUBJECT: **RZN 17-5756: Rezone (2621 E. MISSION BLVD./ERC HOLDINGS, LLC, 371):** Submitted by ERC HOLDINGS, LLC. for property at 2621 E. MISSION BLVD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 2.62 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN 17-5756** with a recommendation for approval based on the findings herein.

BACKGROUND:

The subject property contains one parcel totaling 2.32 acres located on the south side of Mission Boulevard, just west of Crossover Road/Highway 265. The property is currently zoned C-1, Neighborhood Commercial, and is developed with a single-family dwelling built in 1955. A commercial driveway is built across the subject property's frontage, serving First National Bank on the property to the east, and giving access to Mission, a Principal Arterial-classified street. Although Flynn Creek runs through the parcel to the southeast, the subject property is not encumbered by FEMA-identified floodplain. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Kantz Center Strip Commercial Development	C-1, Neighborhood Commercial
South	Glenbrook Single-family Subdivision	RSF-4, Residential Single-family, 4 Units per Acre
East	1 st National Bank; Carwash	C-1, Neighborhood Commercial; C-2, Thoroughfare Commercial
West	Glenbrook Single-family Subdivision	RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the property from C-1, Neighborhood Commercial, to CS, Community Services to allow greater possibility for future mixed-use development.

Public Comment: Staff has received concerns from a neighbor in the subdivision to the south that a multi-family or non-residential development may utilize the existing right-of-way on the southern line of the subject property to connect through the existing single-family neighborhood.

INFRASTRUCTURE:

- Streets:** The subject property has direct access to Mission Boulevard/Highway 45. Although designated a Principal Arterial by the Master Street Plan, Mission is not improved as such, with some open ditch remaining on the western end of the subject property. Additional access is possible by way undeveloped right-of-way to Petunia Court to the south. Any development improvements required in these areas would be determined at the time of development.
- Water:** Public water is available to the site. There is an existing 8-inch water main along the Mission Boulevard right-of-way and stubbed across the street to the property's frontage.
- Sewer:** Public sewer is available to the site. There is an existing 8-inch sewer main along the Mission Boulevard right-of-way and stubbed across the street to the property's frontage.
- Drainage:** Any additional improvements or requirements for drainage would be determined at time of development. No portion of this property lies within the FEMA-designated 100-yr floodplain or the Hillside-Hilltop Overlay District (HHOD). A protected stream, Flynn Creek, runs southeast of this parcel, but no hydric soils have been identified on-site.
- Fire:** The Fire Department did not express any concerns with the request.
- Police:** The Police Department did not express any concerns with this request.

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

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.

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 generally compatible with the surrounding mixture of existing non-residential and single-family residential uses. The immediate area contains a range of development types. Further west along Mission Boulevard are single-family, two-family, townhome, office, and restaurant uses that act as a transitional area from the large areas of single-family housing to the busy intersection off Mission and Crossover. The proposal of CS zoning would allow increased density and potential for commercial and mixed use that could serve the neighborhood, encouraging a pattern of development that staff finds compatible with existing properties. Furthermore, the existing C-1 zoning allows an identical maximum building height to that permitted under CS, but where as the CS

zoning district requires development in a build-to-zone adjacent to City streets, the C-1 zoning utilizes suburban building setbacks that can lead to development being placed further from Mission Boulevard, and nearer the single-family subdivision to the south.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) which designates the subject and surrounding properties as City Neighborhood Area. One of the primary goals of City Plan 2030 is for zoning decisions to be made that help create complete neighborhoods and make traditional town form the standard. A complete neighborhood should provide a mix of uses and housing types where residents can live, work, and play all in the same neighborhood. This policy is embedded in the description of City Neighborhood Areas by supporting a wide variety of uses and densities, particularly along connecting corridors, like Mission Boulevard. The proposed rezoning to CS on the subject property addresses this goal by permitting a wide spectrum of residential and non-residential uses. The CS zoning district creates the potential for mixed-use developments that encourage walkability and less dependence on vehicles for transportation.

The proposed rezoning also addresses City Plan 2030's prioritization of appropriate infill and the discouragement of suburban sprawl. While development under either the existing or proposed zoning districts may reduce the need to extend water and sewer service, or stretch existing fire and police department resources, the CS zoning district and its wide variety of allowed uses can reduce the firm separation of land uses that result in sprawling development.

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 the property in accordance with the goals outlined in the city's comprehensive plan. Also, the proposed zoning district can beneficially increase residential densities along a major corridor and provide convenience goods and personal services for persons living in the surrounding residential areas, or even in mixed-use development on the subject property itself.

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

Finding: The site has access to Mission Boulevard, a partially improved Principal Arterial street, and undeveloped right-of-way to Petunia Court, a partially improved Local street. The proposed rezoning would likely increase traffic over the existing C-1, zoning, which allows no residential uses as a principal use, but not likely to a degree that creates or exacerbates a dangerous traffic condition. Any proposed development would be required to comply with the City's access management ordinance, including its provisions to design safe vehicular and pedestrian interactions.

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 C-1 to CS may increase the future population density, particularly given the allowance of residential uses under the CS zoning district. That said, the subject property is in an area where increased density is appropriate and desired. Additionally, this is a relatively small infill site with access to public infrastructure, with any development having limited to no adverse impact on public infrastructure. The Police and Fire Departments have expressed no objections to the proposal.**

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

Finding: N/A

RECOMMENDATION: Staff recommends forwarding RZN 17-5756 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>April 24, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Belden			
Second: Johnson			
Vote: 7-0-0, Commissioner Quinlan recused			
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>May 16, 2017 (Tentative)</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.19, C-1, Neighborhood Commercial
 - o §161.20, CS, Community Services
- Request letter
- Rezone Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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	Cluster 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; Ord. No. [5921](#), §1, 11-1-16)

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	Cluster 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; Ord. No. [5921](#), §1, 11-1-16)



5102 S. Pinnacle Hills Parkway,
Rogers, AR 72758
www.erc.com

RZN 17-5756

Request Letter

March 10, 2017
City of Fayetteville
Development Services
ATTN: Andrew Garner

RE: 2621 E. Mission Blvd

ERC Holdings, LLC is requesting a rezoning at 2621 E. Mission Blvd. The property is adjacent to a quickly developing commercial corridor uniquely placing the property in a position to provide transitional uses developed on with the tenants of a more fluid form based code fully meeting the vision of the 2030 plan. The current zoning classification of Neighborhood Commercial does not allow for true mixed use developments. The residential allowances in a C1 zoning district do not allow for true urban neighborhood development. A rezoning to Community Services would allow for a wider array of true mixed commercial and residential uses and ultimately for a more dense and interesting urban walkable transitional development providing services for the surrounding community and allowing people to live where they work and play.

The proposed rezoning does not significantly alter the impact on the surrounding community from the existing zoning classification. Land use in the **Community Services District (CSD)** is designed primarily to provide convenience goods and personal services for persons living in surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. Land use in the existing zoning category is identical in terms of density and allowed uses. While a CSD classification does allow for greater density and uses ERC would propose that the most intense use categories of gasoline service stations and drive-in/drive through restaurants and liquor stores be excluded in perpetuity from the allowed uses on the property. In terms of appearance buildings height is identical for both the existing and proposed zoning classifications. In terms of traffic congestion neither classification has density requirements thus traffic patterns should be similar whichever zoning is applied to the property.

The water and sewer lines that serve the property are both eight inch lines. The current capacity of the utility lines can serve any use associated with the proposed zoning classification of CSD.

The 2030 Plan envisions the property and surrounding properties in the vicinity of the intersection of Mission and Crossover as a City Neighborhood Area. This designation supports the widest spectrum of uses while still encouraging density. Rezoning the property to a CSD classification aligns with stated the goals of the 2030 plan in that it allows for a wider array of uses with higher densities which helps create a transitional buffer zone for surrounding residential properties. There are a number of transitional zones in the area which either provide small neighborhood commercial uses or multifamily uses indicating that there is a need for the CSD zoning classification in a quickly developing commercial node.

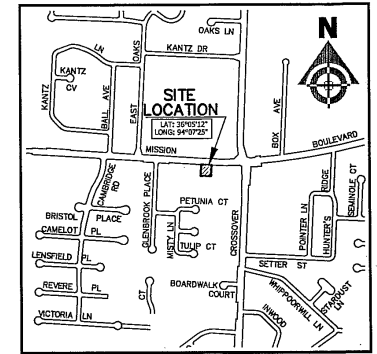
The property is on a busy and quickly developing corner. Rezoning to a classification that allows for a less traditional fusion of housing and local neighborhood commercial uses expands the possibility for future redevelopment towards true mixed use. A classification change allows the property and any future development to act as a transitional buffer for the single family residential properties to the north and east and encourages a higher level of connectivity between the existing commercial and residential uses. The proposed reasoning to a CSD classification will not greatly increase traffic or congestion nor will it cause additional stress on the public services or utilities in the area.

Thank you,

Mary McGetrick, Pre-Construction Manager, ERC

RZN 17-5756 Rezone Exhibit

NOTE:
ANY BUILDING THAT EXCEEDS THE HEIGHT OF 10' SHALL BE SET BACK FROM ANY BOUNDARY LINE OF ANY RESIDENTIAL DISTRICT A DISTANCE OF ONE FOOT FOR EACH FOOT OF HEIGHT IN EXCESS OF 10'.



VICINITY MAP
NOT TO SCALE

LEGEND:

- IRON PIN FOUND
- 5/8" IRON PIN SET
- ▲ AHD MONUMENT
- BOUNDARY LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- WIRE METAL FENCE
- WATER
- OVERHEAD ELECTRIC
- ELECTRIC RISER
- UTILITY POST
- GAS METER
- TELEPHONE RISER
- TELEPHONE VAULT
- SANITARY SEWER MANHOLE
- SIGN
- WATER METER
- UTILITY EASEMENT
- PROPOSED FIRE HYDRANT
- PROPOSED S.S. MANHOLE
- PROPOSED WATER LINE
- PROPOSED S.S. LINE

GENERAL NOTES:

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR PRESENT.
THIS SURVEY MEETS CURRENT "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" IN THE STATE OF ARKANSAS.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

ALL BUILDING, SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN.

THIS PROPERTY IS CURRENTLY ZONED C-1 (NEIGHBORHOOD COMMERCIAL).

BUILDING SETBACKS ARE AS FOLLOWS:

FRONT: 20 FEET
REAR: 20 FEET
SIDE: 0 FEET
SIDE: 10 FEET (WHEN CONTIGUOUS TO A RESIDENTIAL DISTRICT).

BASE OF BEARINGS: ARKANSAS STATE PLANE SYSTEM, NAD83 NORTH ZONE.

SURVEY DESCRIPTION TRACT A (THIS PLAT):

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

COMMENCING AT THE NORTHEAST CORNER OF SAID SE1/4 OF THE SE1/4; THENCE N87°00'11"W 417.50 FEET; THENCE S02°59'49"W 89.15 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 45 (R/W VARIES) AND THE POINT OF BEGINNING; AN IRON PIN FOUND BEARS N02°59'49"E 12.91 FEET; THENCE S03°03'27"W 274.72 FEET; THENCE N86°56'33"W 221.91 FEET; THENCE N03°03'27"E 274.29 FEET TO AN IRON PIN FOUND ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ARKANSAS STATE HIGHWAY 45; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S86°36'05"E 100.43 FEET TO AN IRON PIN FOUND; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE S87°25'33"E 121.49 FEET TO THE POINT OF BEGINNING, CONTAINING 1.40 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

SURVEY DESCRIPTION TRACT B (THIS PLAT):

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

COMMENCING AT THE NORTHEAST CORNER OF SAID SE1/4 OF THE SE1/4; THENCE N87°00'11"W 417.50 FEET; THENCE S02°59'49"W 89.15 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 45 (R/W VARIES); AN IRON PIN FOUND BEARS N02°59'49"E 12.91 FEET; THENCE S03°03'27"W 274.72 FEET TO THE POINT OF BEGINNING; THENCE S03°03'27"W 130.39 FEET TO AN IRON PIN FOUND AT THE NORTHEAST CORNER OF LOT 30 OF THE GLENBROOK SUBDIVISION, PHASE 2 AS RECORDED IN PLAT BOOK 13 AT PAGE 51; THENCE ALONG THE NORTH LINE OF SAID GLENBROOK SUBDIVISION, PHASE II N87°16'24"W 427.00 FEET TO AN IRON PIN FOUND; THENCE N03°00'54"E 418.79 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 45 AS RECORDED IN DOCUMENT 2007-26389, A FOUND IRON PIN BEARS N03°00'54"E 6.06 FEET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S86°28'51"E 77.50 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE S82°00'50"E 128.37 FEET TO AN IRON PIN FOUND; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE S03°03'27"W 274.29 FEET; THENCE S86°56'33"E 221.91 FEET TO THE POINT OF BEGINNING, CONTAINING 2.62 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

APPROVED FOR RECORDATION
FAYETTEVILLE PLANNING
ADMINISTRATION

By: *[Signature]* Date: 8-29-07

CITY PLAT PAGE # 371

ARKANSAS STATE PLAT CODING: 500-16N-30W-02-220-72-1380

PAYA LAND SURVEYING, INC.
www.paya-inc.com

TEL: (479) 696-9138 FAX: (866) 263-7006

email: mail@paya-inc.com

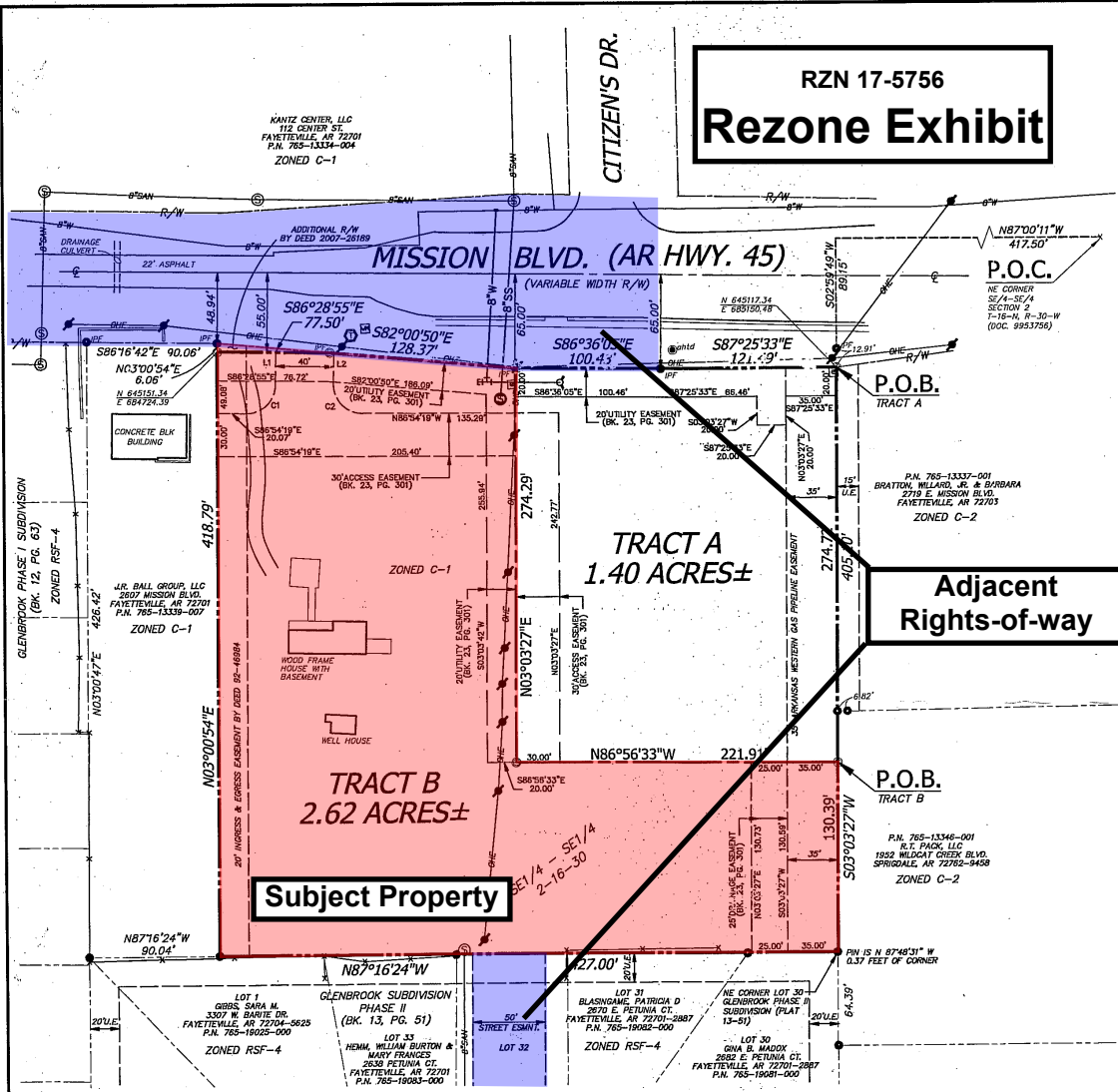


259 BRIGHT ROAD - CAVE SPRINGS, AR - 72718

METROPOLITAN NATIONAL BANK
MISSION BLVD.
TRACT SPLIT

A PART OF THE SE1/4 OF THE SE1/4 OF SECTION 2
TOWNSHIP 16 NORTH, RANGE 30 WEST
FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

PREPARED FOR: METROPOLITAN NATIONAL BANK
DRAWN BY: LP SCALE: 1" = 60' DATE: August 6, 2007
REVISED: LP DWG: 07034_SPLIT SHEET: 1 OF: 1



P.N. 765-13339-000

PARENT TRACT DESCRIPTION:
AS SHOWN ON A SURVEY BY GENE E. BUESCHER AND DATED JUNE 02, 2005.

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

COMMENCING AT THE NE CORNER OF SAID SE1/4 OF THE SE1/4; THENCE N87°00'11"W 417.50 FEET; THENCE S02°59'49"W 89.15 FEET TO THE POINT OF BEGINNING; THENCE S03°03'27"W 405.10 FEET; THENCE ALONG THE NORTH LINE OF GLENBROOK PHASE I SUBDIVISION N87°16'24"W 427.00 FEET; THENCE N03°00'54"E 424.85 FEET; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 45 AS FOLLOWS: S03°03'27"E 208.18 FEET; S86°28'51"E 100.43 FEET AND S87°25'33"E 121.49 FEET TO THE POINT OF BEGINNING, CONTAINING 4.02 ACRES, AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

FLOOD CERTIFICATION:

THIS PROPERTY IS NOT LOCATED WITHIN ANY PRESENTLY ESTABLISHED 100-YEAR FLOOD PLAIN, AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS AND INCORPORATED HEREIN.

MAP NUMBER: 0515030103 D
REVISED DATE: JULY 21, 1999

LINE	BEARING	DISTANCE
L1	N03°46'56"E	22.86'
L2	S83°46'56"W	21.98'

CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	89°18'44"	20.00'	31.18'	N48°26'18"E 28.11'
C2	90°41'19"	20.00'	31.69'	S41°33'42"E 28.40'

CERTIFICATE OF OWNERSHIP AND DEDICATION:

I, THE UNDERSIGNED OWNER, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE FOR PUBLIC OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNER ALSO DEDICATE TO THE CITY OF FAYETTEVILLE AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY THE CITY OF FAYETTEVILLE) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES, ALSO ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENT, THE RIGHT TO PROHIBIT ERECTION OF BUILDINGS, STRUCTURES OR FENCES WITHIN SAID EASEMENT, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

8/27/07
DATE

[Signature]
METROPOLITAN NATIONAL BANK



SURVEYOR'S DECLARATION:

I HEREBY DECLARE THAT I HAVE THIS DAY COMPLETED A SURVEY OF THE HEREBY DESCRIBED PROPERTY, SITUATED IN WASHINGTON COUNTY, ARKANSAS. THE PROPERTY LINES AND CORNER MONUMENTS ARE, TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED.

[Signature]
LAZARUS G. PAYA ARK. PLS #1380

08/23/2007
DATE

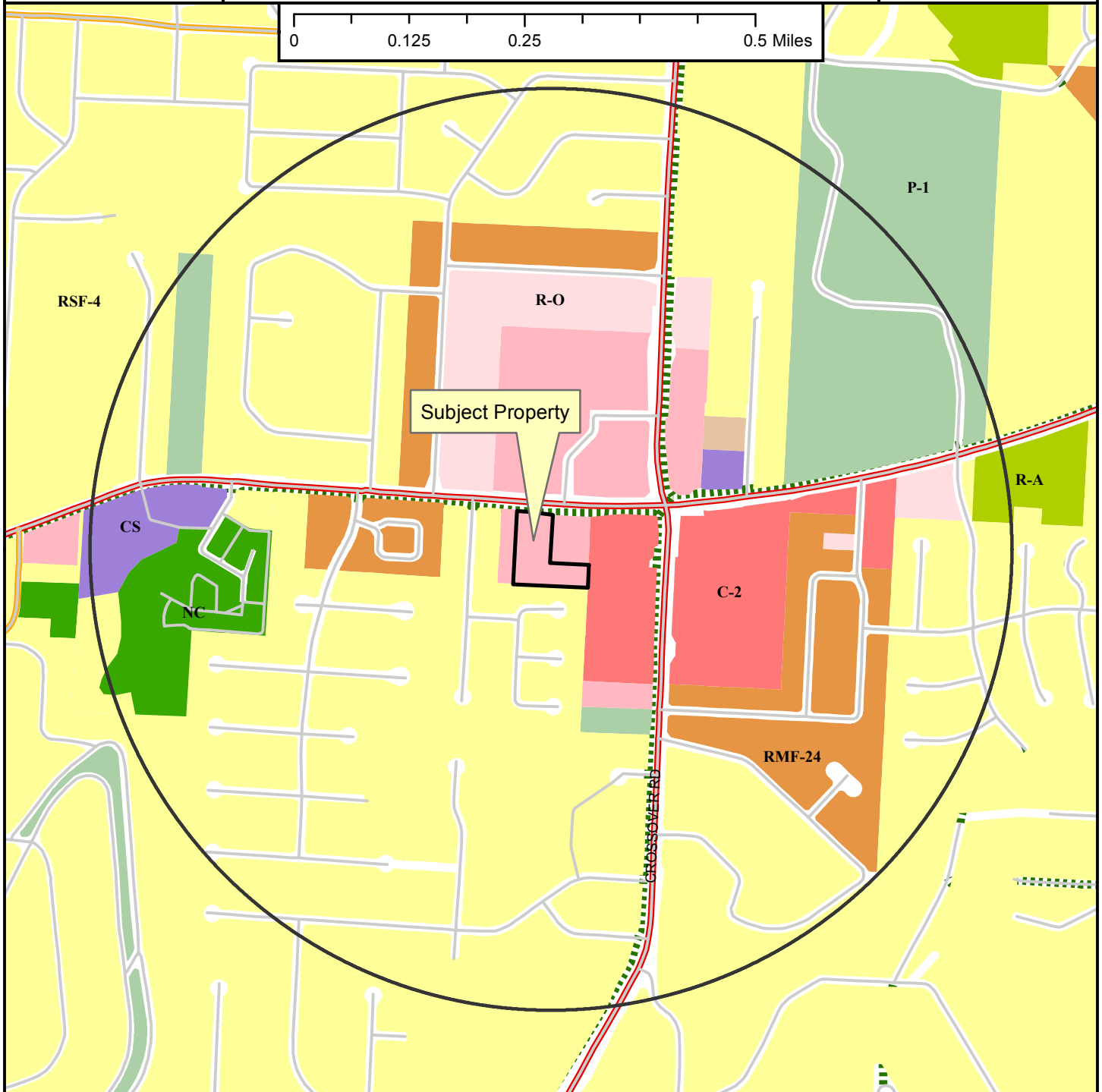
RZN 17-5756

One Mile View

ERC HOLDINGS, LLC

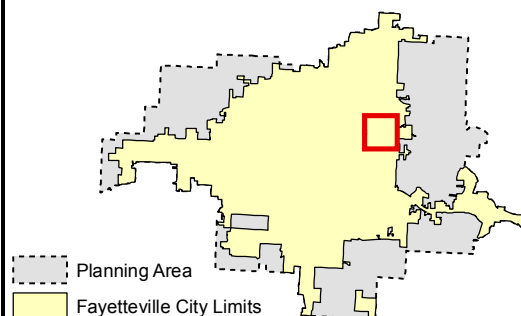


0 0.125 0.25 0.5 Miles



Legend

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



Zoning

RESIDENTIAL SINGLE-FAMILY

- 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

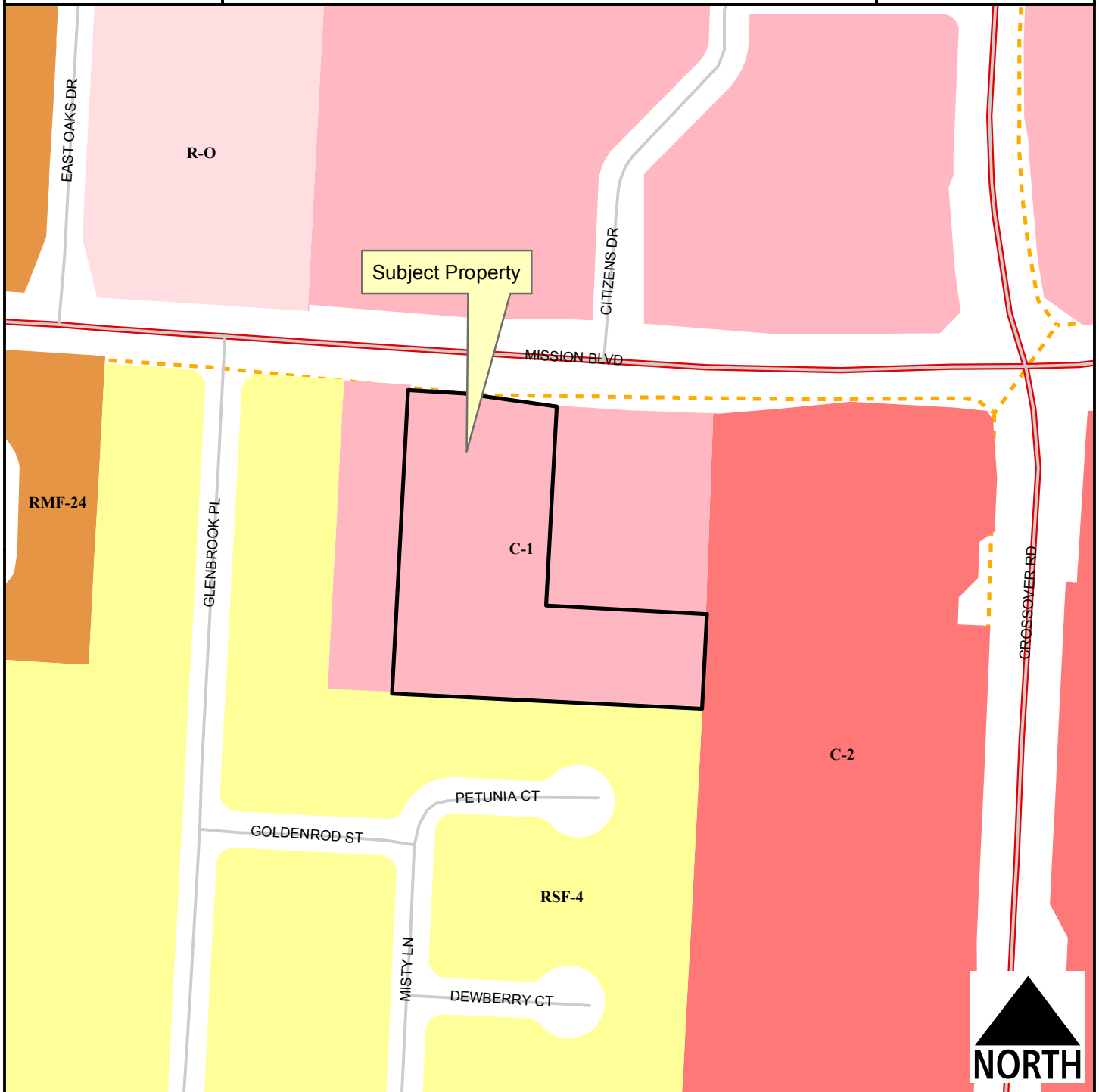
INSTITUTIONAL

- P-1

RZN 17-5756

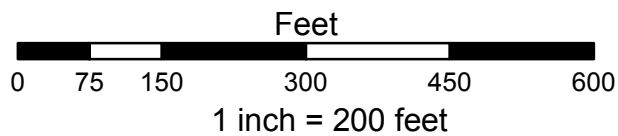
ERC HOLDINGS, LLC

Close Up View



Legend

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



- RSF-4
- RMF-24
- Residential-Office
- C-1
- C-2

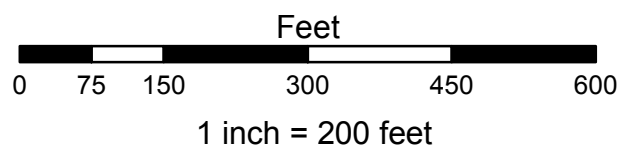
RZN 17-5756

Current Land Use

ERC HOLDINGS, LLC



- RZN17-5756
- Streams
- Street
- PRINCIPAL ARTERIAL
- Trail (Proposed)
- County Parcels
- Planning Area
- Fayetteville City Limits



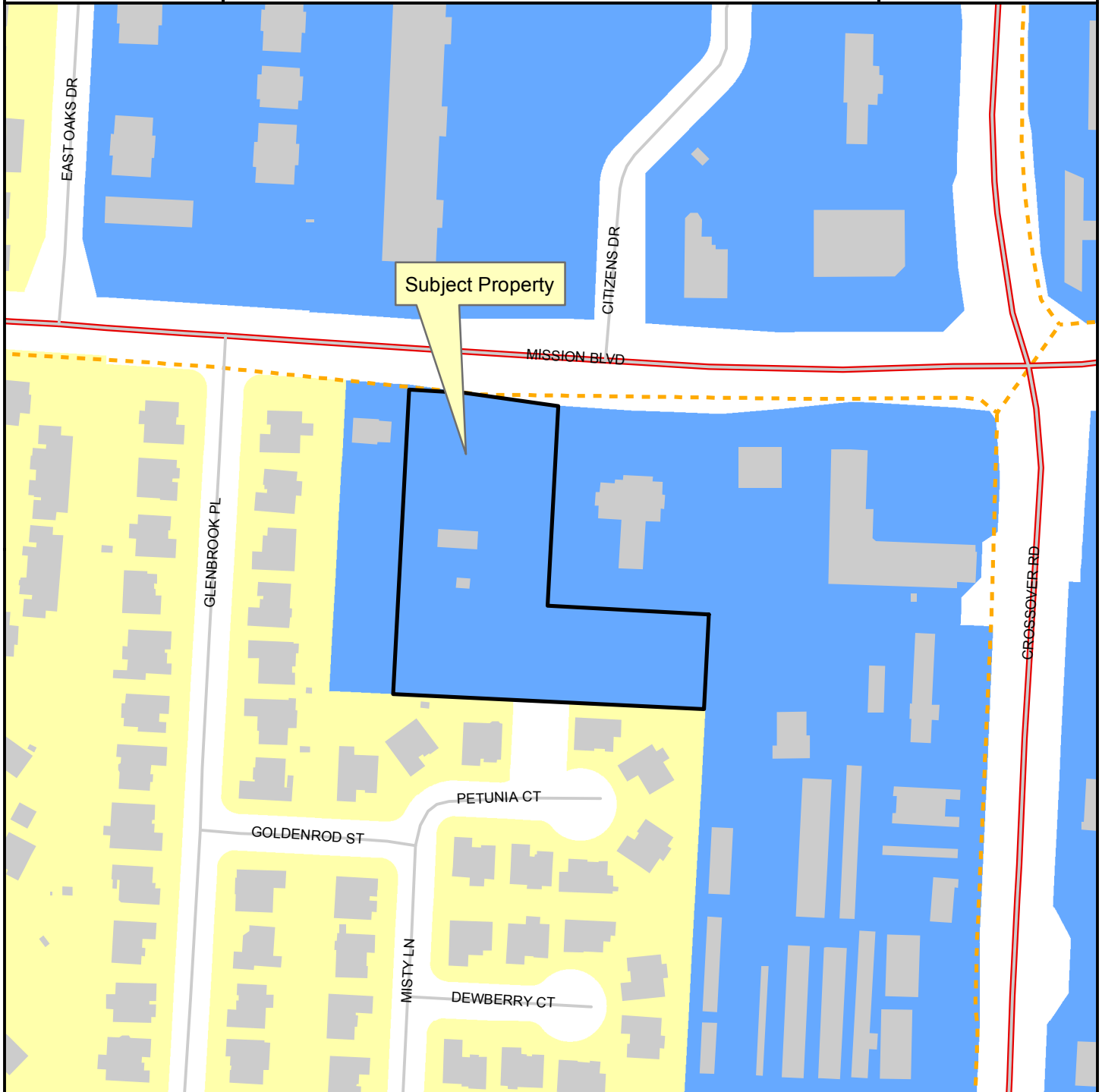
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN 17-5756

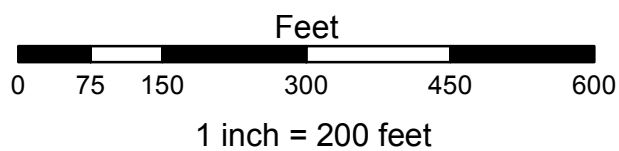
ERC HOLDINGS, LLC

Future Land Use



Legend

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



FUTURE LAND USE 2030

- Residential Neighborhood Area
- City Neighborhood Area



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0245

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 4

RZN 17-5781 (1622 E. MISSION BLVD./LAMB-MORRIS):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5781 FOR APPROXIMATELY 0.54 ACRES LOCATED AT 1622 EAST MISSION BOULEVARD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

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

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

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

City of Fayetteville Staff Review Form

2017-0245

Legistar File ID

5/16/2017

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

Andrew Garner

4/28/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5781: Rezone (1622 E. MISSION BLVD./LAMB-MORRIS, 409): Submitted by RICHIE LAMB for property at 1622 E. MISSION BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.54 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 16, 2017

TO: Mayor, Fayetteville City Council
THRU: Andrew Garner, Planning Director
FROM: Harry Davis, Current Planner
DATE: April 28, 2017

SUBJECT: RZN 17-5781: Rezone (1622 E. MISSION BLVD./LAMB-MORRIS, 409):
Submitted by RICHIE LAMB for property at 1622 E. MISSION BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.54 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

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

BACKGROUND:

The subject property totaling 0.54 acres is located on the north side of Mission Boulevard near Root Elementary and adjacent to Spring Creek Subdivision. The parcel is zoned RSF-4 and is currently developed with one single-family home.

Request: The request is to rezone the parcel from RSF-4, Residential Single-family, 4 Units Per Acre to NC, Neighborhood Conservation. The applicant stated the rezoning is needed to allow this lot to be split and developed for appropriate infill.

Land Use Compatibility: The proposed zoning is compatible with the RSF-4 districts surrounding the property both adjacent to and across Mission Boulevard. The subject and all surrounding properties would remain zoned for single-family residences. A rezoning to NC would allow the subject property to be developed with a few additional single-family homes close to the street. Although the minimum lot sizes of NC would be less than half of the existing lots surrounding the subject property, the size and area limit what could happen on this property and make it viable for only two or three more homes.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map's designation of this site as Residential Neighborhood Area. Residential Neighborhood Areas generally call for traditional development patterns and buildings placed closer to the property line. NC has a build-to zone to meet this criteria. The NC zoning district encourages patterns of development to meet some of the goals of City Plan 2030, including appropriate infill development.

The proposal appears to be justified. While it is reasonable for this 0.54-acre property to remain in RSF-4, the proposed NC district allows for more homes to be built in an infill location, consistent with Goal #1 of City Plan 2030. This proposal is not expected to increase traffic danger or congestion to even a noticeable level. Future development would have to share access and curbs in order to access property off Mission Boulevard, which would be managed and dedicated at the same time the lot is split.

DISCUSSION:

On April 24, 2017 the Planning Commission forwarded the proposal to City Council with a recommendation for approval passed by a vote of 8-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

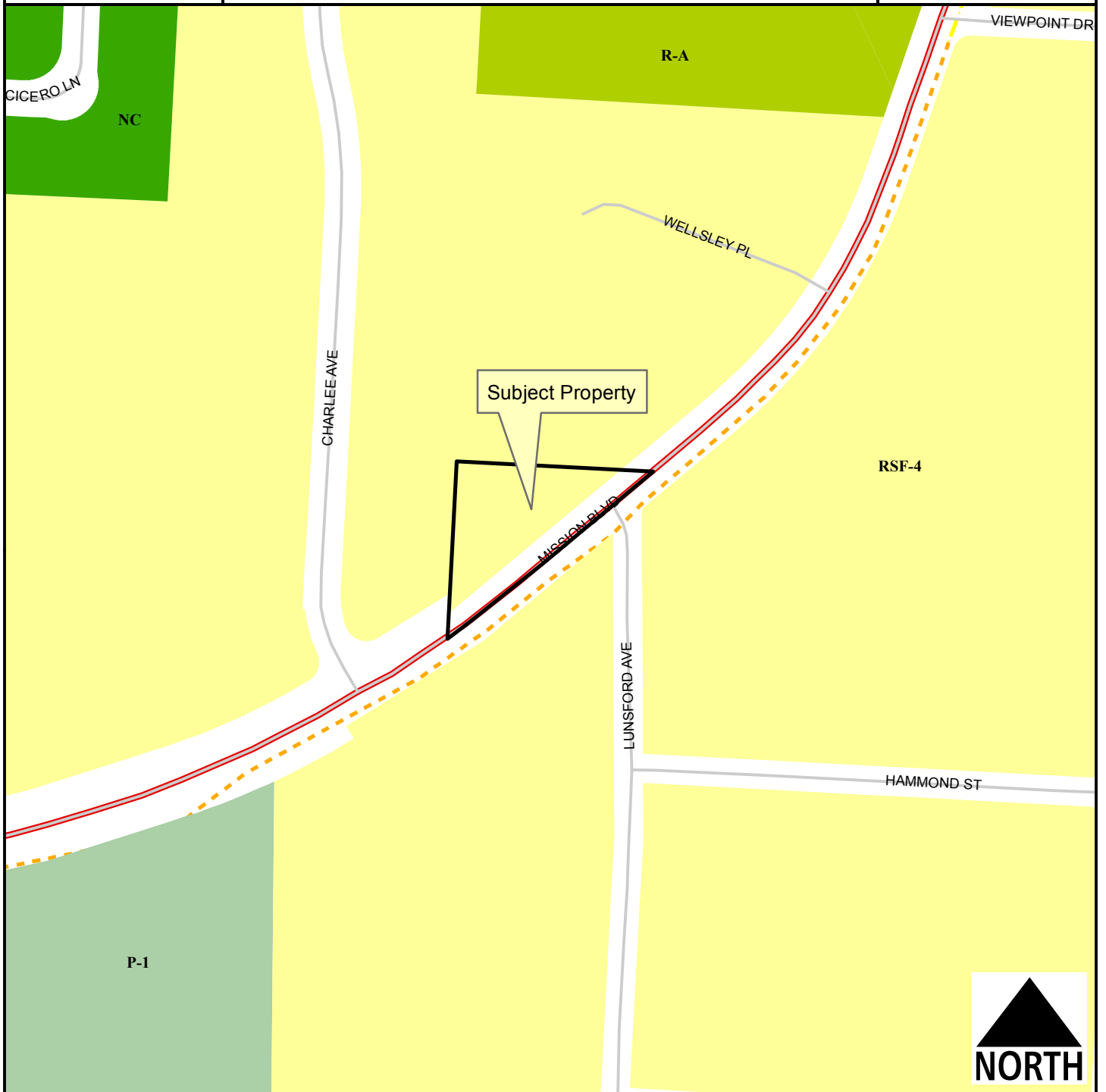
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

RZN 17-5781

LAMB

17-5781
EXHIBIT 'A'

Close Up View



Legend

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

Feet
0 75 150 300 450 600
1 inch = 200 feet

- Residential-Agricultural
- RSF-4
- Neighborhood Conservation
- P-1

17-5781

EXHIBIT 'B'

SURVEY DESCRIPTION:

PART OF LOT NUMBERED TEN (10) IN HARTER'S FAIRVIEW SUBDIVISION TO THE CITY FAYETTEVILLE, AS DESIGNATED UPON THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S00°09'49"E 135.00' FROM THE NORTHWEST CORNER OF SAID LOT 10 AND RUNNING THENCE N89°52'38"E 270.41' TO THE CENTERLINE OF ARKANSAS HIGHWAY #45, THENCE ALONG SAID CENTERLINE THE FOLLOWING: S46°44'29"W 63.45', S47°06'53"W 135.24', S48°16'17"W 123.10', S49°09'46"W 43.01', THENCE LEAVING SAID CENTERLINE N00°09'49"W 245.00' TO THE POINT OF BEGINNING, CONTAINING 0.77 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN ARKANSAS HIGHWAY #45 RIGHT-OF-WAY ON THE SOUTH AND EAST SIDES OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: April 24, 2017 **UPDATED W RESULTS**

SUBJECT: **RZN 17-5781: Rezone (1622 E. MISSION BLVD./LAMB-MORRIS, 409):**
 Submitted by RICHIE LAMB for property at 1622 E. MISSION BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.54 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff recommends forwarding **RZN 17-5781** to City Council with a recommendation for approval.

BACKGROUND:

The subject property totaling 0.54 acres is located on the north side of Mission Boulevard near Root Elementary and adjacent to Spring Creek Subdivision. The parcel is zoned RSF-4 and is currently developed with one single-family home.

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	RSF-4, Residential Single-family, 4 Units per Acre
South	Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Residential	RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the parcel from RSF-4, Residential Single-family, 4 Units Per Acre to NC, Neighborhood Conservation. The applicant stated the rezoning is needed to allow this lot to be split and developed for appropriate infill.

Public Comment: No comment as of writing this report.

INFRASTRUCTURE:

Streets: The subject parcel has access to Mission Boulevard, a Principal Arterial, and state highway. Mission Boulevard is an unimproved 2-lane highway in this location. 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 main along the Mission Boulevard right of way.

Sewer: Public sewer is available to the site. There is an existing 8-inch main along the Mission Boulevard right of way.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. No portion of this property is identified as FEMA regulated floodplains. No protected streams are onsite. No portion of this parcel lies within the Hillside-Hilltop Overlay District.

Fire: The Fire Department expressed no concerns with this request.

Police: The Police Department expressed no 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 **Residential Neighborhood Area**.* These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.

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 RSF-4 districts surrounding the property both adjacent to and across Mission Boulevard. The subject and all surrounding properties would remain zoned for single-family residences. A rezoning to NC would allow the subject property to be developed with a few additional single-family homes close to the street. Although the minimum lot sizes of NC would be less than half of the existing lots surrounding the subject property, the size and area limit what could happen on this property and make it viable for only two or three more homes.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map's designation of this site as Residential Neighborhood Area. Residential Neighborhood Areas generally call for traditional development patterns and buildings placed closer to the property line. NC has a build-to zone to meet this criteria. The NC zoning district encourages patterns of development to meet some of the goals of City Plan 2030, including appropriate infill development.

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

Finding: The proposal appears to be justified. While it is reasonable for this 0.54-acre property to remain in RSF-4, the proposed NC district allows for more homes to be built in an infill location, consistent with Goal #1 of City Plan 2030.

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

Finding: This proposal is not expected to increase traffic danger or congestion to even a noticeable level. Future development would have to share access and curb-cuts in order to access property off Mission Boulevard, which would be managed and dedicated at the same time the lot is split.

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: This proposal is not expected to increase the load on public services any more than the existing district.

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 17-5781** 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>April 24, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Quinlan	Motion to forward with recommendation for approval		
Second: Hoffman			
Vote: 8-0-0	Unanimous approval		

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.07, 161.27
- Request letter
- Rezone exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

PLANNING COMMISSION MEMO

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

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

(B) *Uses.*

(1) *Permitted Uses .*

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

(2) *Conditional Uses .*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations .*

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

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

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

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

- **161.27 - Neighborhood Conservation**

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

Unit 44	Cottage Housing Development
---------	-----------------------------

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

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

(E) *Setback Regulations.*

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

(F) *Building Height Regulations.*

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

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



April 18, 2017

Mr. Ron Autry, Chair
City of Fayetteville Planning Commission
113 W Mountain Street
Fayetteville, AR 72701

Re: 1622 E Mission Blvd. – Rezoning Request

Roger & Jennifer Morris (owner) and Fayetteville Land Company (purchaser) are hereby requesting rezoning of the subject property from RSF-4 to NC to allow for development of single-family homes.

The proposed zoning is needed to facilitate appropriate infill development, which will revitalize an underutilized site and help to maintain this neighborhood as a vibrant, safe and inviting place to live.

The proposed zoning will not exigently alter the population density or undesirably increase the load on public services and will conform to the surrounding properties in terms of land use, traffic, appearance and signage.

It would be impractical to use the land for any of the uses permitted under its existing zoning classification as this would deviate from traditional town form, encourage suburban sprawl and limit opportunities for attainable housing.

Sincerely,

Richie Lamb

PO Box 4763 FAYETTEVILLE, AR 72702
479.790.7902

WWW.FAYETTEVILLELANDCOMPANY.COM

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:

5781

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: RICHIE LAMB

Address: PO Box 4763

FAY, AR 72702

E-mail: richie@FayettevilleMcLandscompany.com

Phone:

(479) 790-7902

()

Fax:

()

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

Name:

Address:

E-mail:

Phone:

()

()

Fax:

()

Site Address / Location: 1622 E. MISSION BLVD

Current Zoning District: RSF-4

Requested Zoning District: RE-12

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

FINANCIAL INTERESTS

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

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

Name (printed): RICHIE LAMB

Date: March 29, 2017

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): _____

Address: _____

Signature: _____

Date: _____

Phone: _____
()

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.

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): _____

Address: _____

Signature: _____

Phone: _____

Date: _____

()

Name (printed): _____

Address: _____

Signature: _____

Phone: _____

Date: _____

()

Rezoning Checklist:

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PLAT OF SURVEY

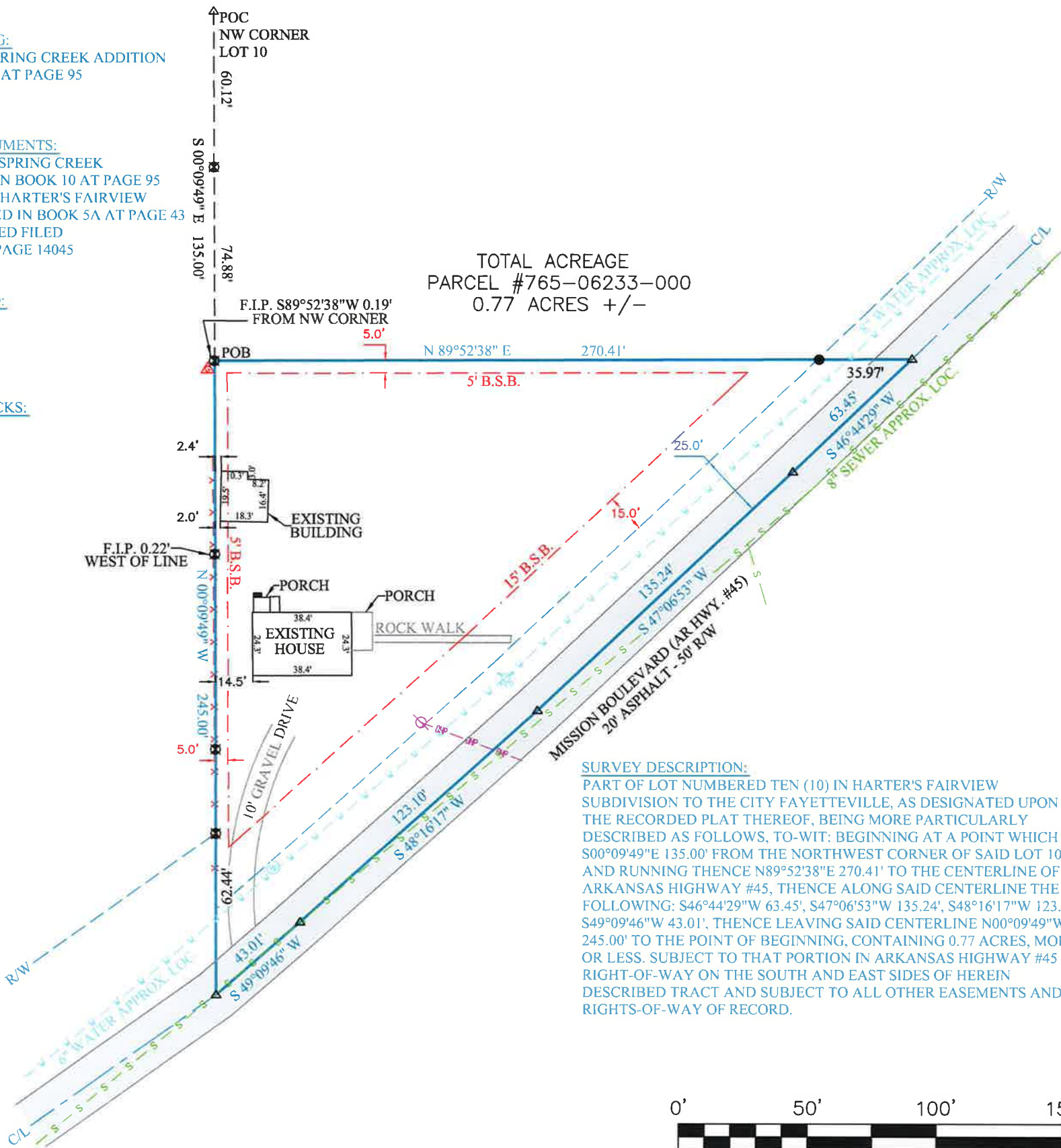
FIELD WORK:
OCTOBER 28, 2016

BASIS OF BEARING:
FINAL PLAT OF SPRING CREEK ADDITION
FILED IN BOOK 10 AT PAGE 95

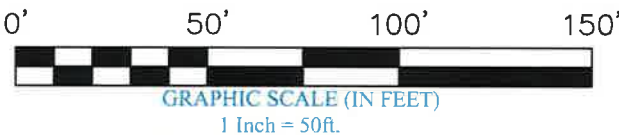
REFERENCE DOCUMENTS:
1) FINAL PLAT OF SPRING CREEK
ADDITION FILED IN BOOK 10 AT PAGE 95
2) FINAL PLAT OF HARTER'S FAIRVIEW
SUBDIVISION FILED IN BOOK 5A AT PAGE 43
3) WARRANTY DEED FILED
IN BOOK 2013 AT PAGE 14045

PROPERTY ZONED:
RSF-4

BUILDING SETBACKS:
FRONT 15ft
SIDE 05ft
REAR 15ft

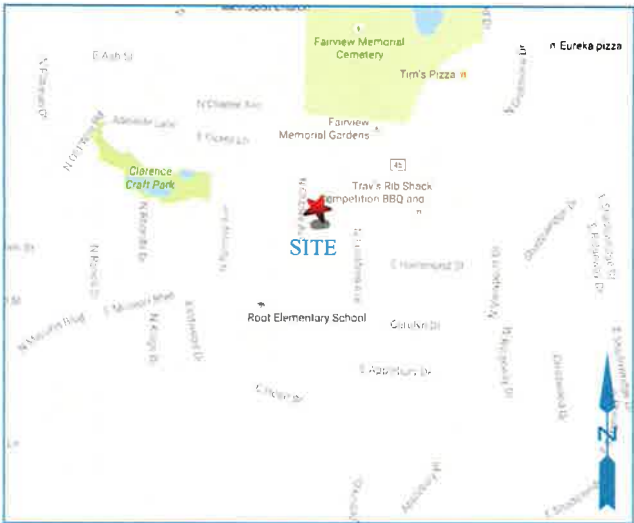


SURVEY DESCRIPTION:
PART OF LOT NUMBERED TEN (10) IN HARTER'S FAIRVIEW
SUBDIVISION TO THE CITY FAYETTEVILLE, AS DESIGNATED UPON
THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS
S00°09'49"E 135.00' FROM THE NORTHWEST CORNER OF SAID LOT 10
AND RUNNING THENCE N89°52'38"E 270.41' TO THE CENTERLINE OF
ARKANSAS HIGHWAY #45, THENCE ALONG SAID CENTERLINE THE
FOLLOWING: S46°44'29"W 63.45', S47°06'53"W 135.24', S48°16'17"W 123.10',
S49°09'46"W 43.01', THENCE LEAVING SAID CENTERLINE N00°09'49"W
245.00' TO THE POINT OF BEGINNING, CONTAINING 0.77 ACRES, MORE
OR LESS. SUBJECT TO THAT PORTION IN ARKANSAS HIGHWAY #45
DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND
RIGHTS-OF-WAY OF RECORD.



I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF
ON THIS THE 28TH DAY OF OCTOBER, 2016.

VICINITY MAP



VICINITY MAP NOT TO SCALE

NOTE:
THE LOCATION OF UTILITIES SHOWN HEREON
ARE FROM OBSERVED EVIDENCE OF ABOVE
GROUND APPURTENANCES. ALL UTILITY LINES
APPEARING ON THIS PLAT, AS WELL AS THOSE
THAT MAY EXIST UNDERGROUND NEED TO BE
VERIFIED PRIOR TO DOING ANY TYPE OF
EXCAVATION OR DESIGN. SOME UTILITY LINES
MAY ALSO EXIST THAT WERE NOT SHOWN ON
THIS PLAT.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED
WITHIN FLOOD ZONE "A" OR "AE" AS
DETERMINED BY THE NATIONAL FLOOD
INSURANCE PROGRAM FLOOD INSURANCE RATE
MAP FOR WASHINGTON COUNTY, ARKANSAS.
(FIRM PANEL #05143C0210F. DATED 05/ 16/ 2008)



IF THE SIGNATURE ON THIS SEAL IS NOT AN
ORIGINAL AND NOT BLUE IN COLOR
THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY
HAVE BEEN ALTERED. THE ABOVE CERTIFICATION
SHALL NOT APPLY TO ANY COPY THAT DOES NOT
BEAR AN ORIGINAL SEAL AND SIGNATURE.

DRAWING # 16-367

FOR USE AND BENEFIT OF:
LINDSEY & ASSOCIATES

ADDRESS:
**1622 E. MISSION BLVD
FAYETTEVILLE, ARKANSAS**

DATE: 11/02/16 SCALE: 1"=50'

LOCATION:
PT. OF LOT 10
HARTER'S FAIRVIEW
ADDITION

SURVEYED: DRAFTED:
JRIOS AH
REVIEWED: DT
COA #1335



**Bates &
Associates, Inc.**

Engineers · Surveyors · Landscape Architects

7230 S. Pleasant Ridge Dr., Fayetteville, Arkansas 72704 479.442.9350 Fax 479.521.9350
BATES & ASSOCIATES, INC. Copyright 2016
This survey was conducted for the person or persons whose name(s) appear on this plat. This plat is
protected by copyright. No one including the person(s) named may reproduce this plat without the
express written consent of Bates & Associates, Inc. Surveyor has made no independent
investigation for easements of record, encumbrances, restrictive covenants, ownership title
evidence, or any other fact which a complete and accurate title search may disclose. Any flood
statement provided on this plat is for information only and Bates & Associates, Inc. assumes no
liability for the correctness of the hereon cited maps, furthermore the above statement does not
represent the opinion of Bates & Associates, Inc. of the probability of flooding.

LEGEND:

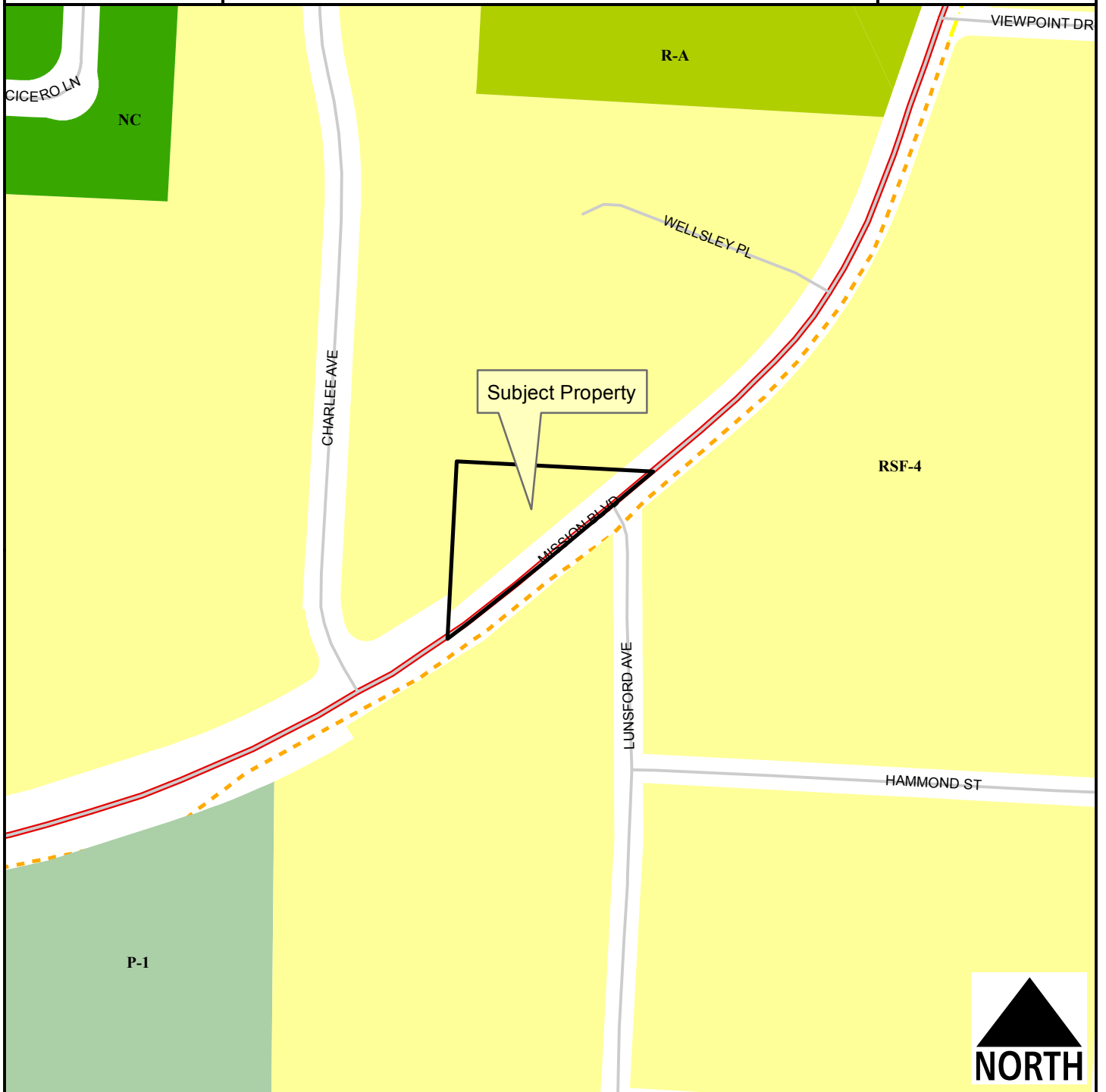
- THESE STANDARD SYMBOLS WILL
BE FOUND IN THE DRAWING.
- FOUND 5/8" REBAR/CAP
 - △ COMPUTED POINT
 - △ GAS METER
 - POWER POLE
 - FOUND 1/2" REBAR
 - WATER METER
 - FIRE HYDRANT
 - BOUNDARY LINE
 - FORTY LINE/TIE LINE
 - CENTERLINE OF ROAD
 - RIGHT-OF-WAY
 - BUILDING SETBACK
 - FENCE
 - WATER LINE
 - OVERHEAD POWER LINE
 - SEWER LINE



RZN 17-5781

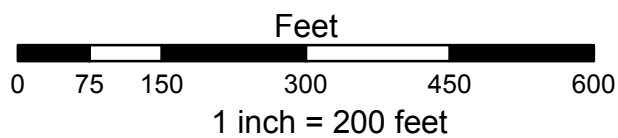
LAMB

Close Up View



Legend

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



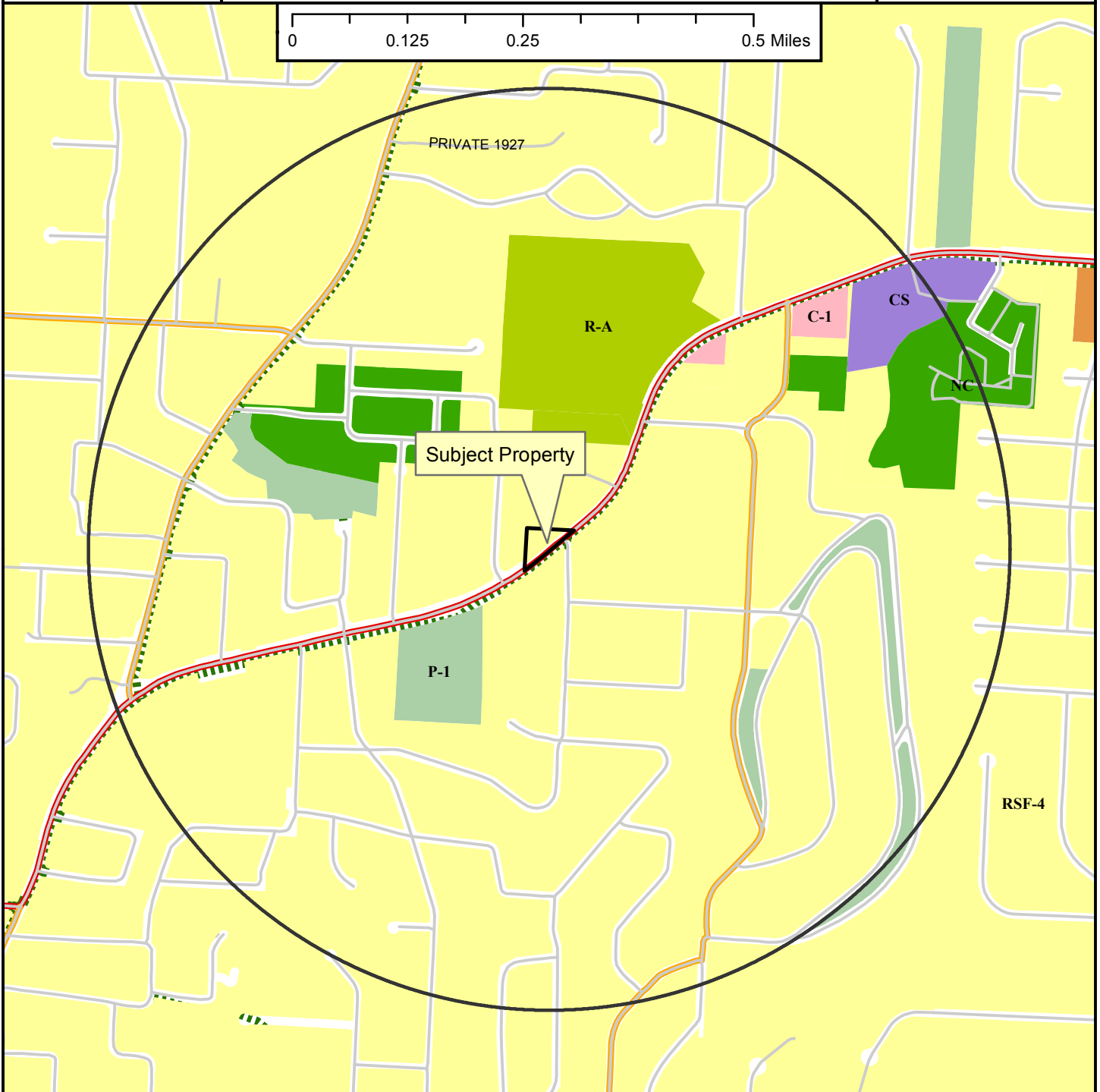
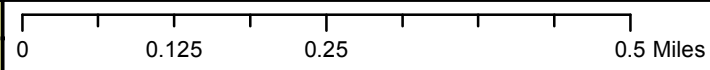
- Residential-Agricultural
- RSF-4
- Neighborhood Conservation
- P-1



RZN 17-5781

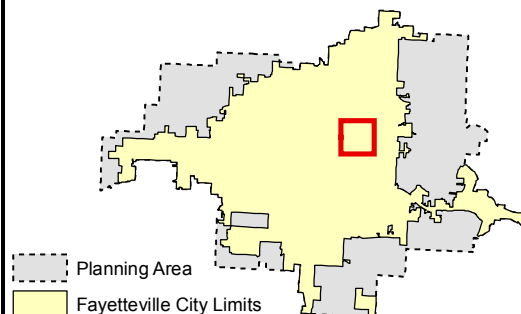
One Mile View

LAMB



Legend

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

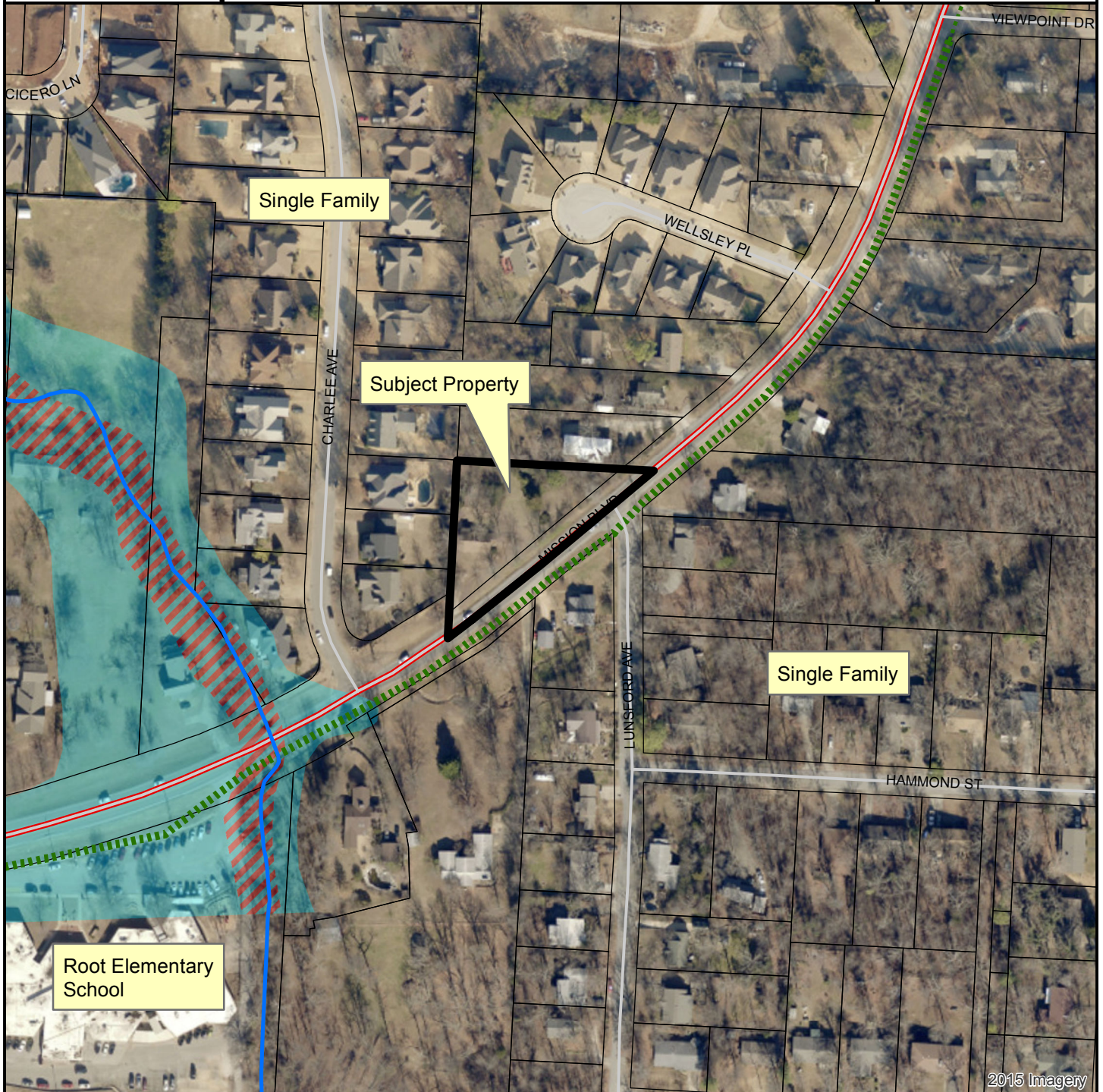


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light 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

RZN 17-5781

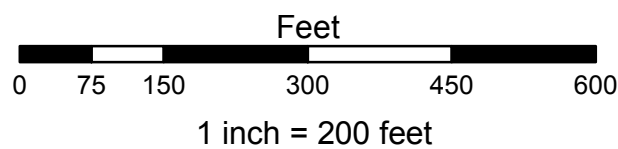
Current Land Use

LAMB



2015 Imagery

- RZN17-5781
- Streams
- Street
- PRINCIPAL ARTERIAL
- Shared Use Paved Trail
- Trail (Proposed)
- County Parcels
- Planning Area
- Fayetteville City Limits



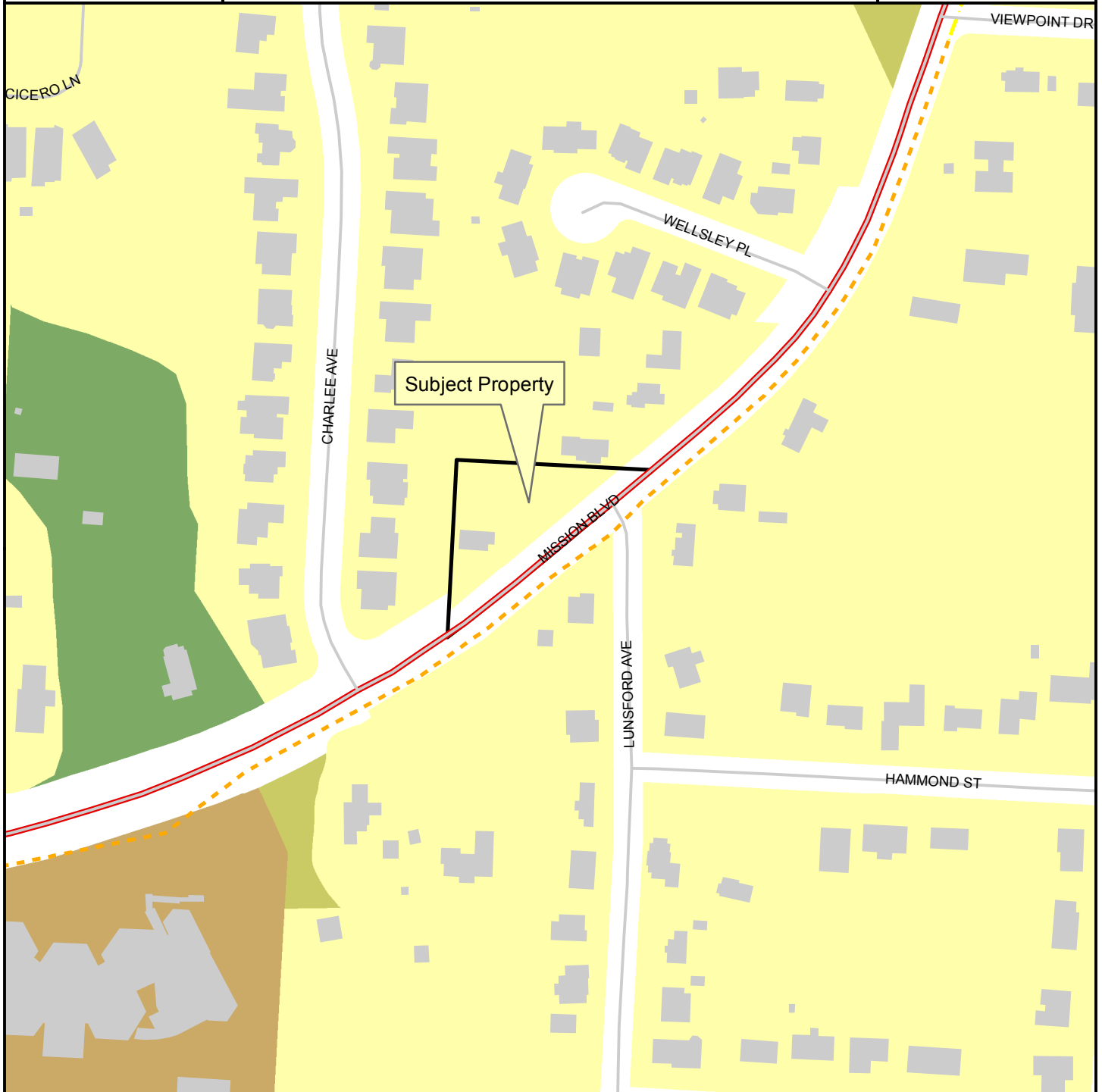
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN 17-5781

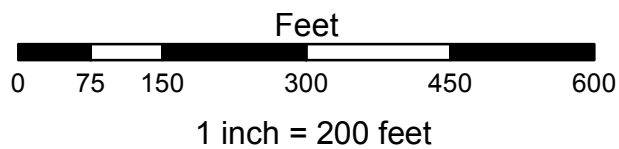
Future Land Use

LAMB



Legend

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



FUTURE LAND USE 2030

- Natural Area
- Residential 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: 2017-0238

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 5

VAC 17-5751 (1541 W. MLK BLVD./ MONROE EATON, LLC):

AN ORDINANCE TO APPROVE VAC 17-5751 FOR PROPERTY LOCATED AT 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD TO VACATE A PORTION OF A STREET RIGHT OF WAY

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 right-of-way is not required for corporate purposes.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates a portion of unbuilt street right-of-way as described in Exhibit B attached to the Planning Department's memo.

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

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

1. Any relocation or damage to utilities of existing facilities shall be at the owner/developer's expense.
2. An easement shall be provided around down guy wire and anchor on the west side and along the east property lien to cover existing service.

City of Fayetteville Staff Review Form

2017-0238

Legistar File ID

5/16/2017

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

Andrew Garner

4/28/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 17-5751: Vacation (1541 W. MLK BLVD./MONROE EATON, LLC., 521): Submitted by BLEW & ASSOCIATES, INC. for property located at 1541 W. MLK BLVD. The property is zoned CS, COMMUNITY SERVICES and contains approximately 1.80 acres. The request is to vacate a portion of a street right of way.

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 MAY 16, 2017

TO: Mayor and City Council

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

DATE: April 28, 2017

SUBJECT: **VAC 17-5751: Vacation (1541 W. MLK BLVD./MONROE EATON, LLC., 521):** Submitted by BLEW & ASSOCIATES, INC. for property located at 1541 W. MLK BLVD. The property is zoned CS, COMMUNITY SERVICES and contains approximately 1.80 acres. The request is to vacate a portion of a street right of way.

RECOMMENDATION:

Staff and Planning Commission recommend approval of **VAC 17-5751** with the following condition of approval:

1. Any relocation or damage to utilities of existing facilities shall be at the owner/developer's expense

BACKGROUND:

The property is located on Martin Luther King Boulevard between Eastern Avenue and Arbuckle Lane. The property is currently zoned as CS, Community Services, and contains approximately 1.8 acres. The property was the former site of Seven Hills Shelter and a car wash which have both been demolished in recent months.

Proposal: The applicant proposes vacation of a portion of unbuilt street right-of-way as depicted in Exhibit 'A' and described in Exhibit 'B' (comprising 13,030 square feet). The applicant is preparing the site for redevelopment.

DISCUSSION:

On April 24, 2017 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

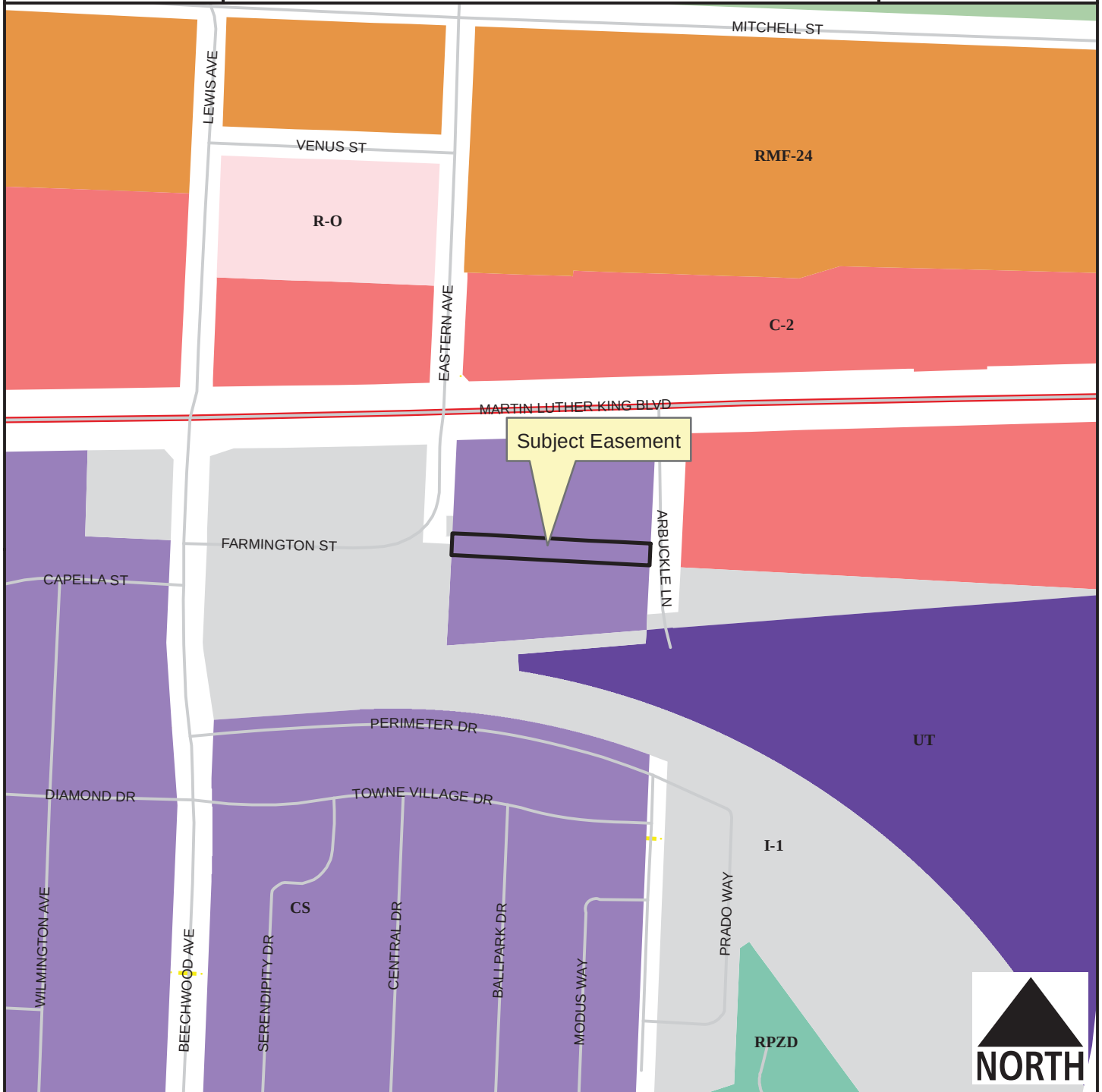
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

VAC 17-5751

MONROE EATON, LLC

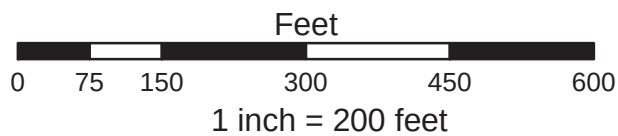
17-5751
EXHIBIT 'A'

Close Up View



Legend

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



- RMF-24
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-2
- Urban Thoroughfare
- Community Services
- Commercial, Industrial, Residential
- P-1

17-5751
EXHIBIT 'B'

March 1, 2017

RIGHT-OF-WAY VACATION

A TRACT OF LAND BEING LOCATED IN A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4) OF SECTION 17, BEING LOCATED IN TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, ALSO BEING A PART OF SUNSET ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS RECORDED IN FILE NUMBER 4-00000046 OF THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SW1/4 SE1/4 AND RUNNING THENCE S02°20'26"W FOR A DISTANCE OF 36.53 FEET; THENCE RUN S85°43'38"W FOR A DISTANCE OF 899.56 FEET; THENCE RUN N04°16'22"W FOR A DISTANCE OF 23.06 FEET; THENCE RUN S85°42'45"W 100.17 FEET; THENCE N02°25'39"E 143.89 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT, SAID POINT BEING ON THE SOUTH LINE OF SAID SECTION, RUNNING THENCE N02°25'39"E 30.00'; THENCE S86°47'27"E 278.41'; THENCE S00°12'40"W 30.04'; THENCE N86°47'27"W 279.57' TO THE POINT OF BEGINNING.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Planner

MEETING DATE: ~~April 24, 2017~~ **UPDATED 4/26/2017**

SUBJECT: **VAC 17-5751: Vacation (1541 W. MLK BLVD./MONROE EATON, LLC., 521):** Submitted by BLEW & ASSOCIATES, INC. for property located at 1541 W. MLK BLVD. The property is zoned CS, COMMUNITY SERVICES and contains approximately 1.80 acres. The request is to vacate a portion of a street right of way.

RECOMMENDATION:

Staff recommends forwarding **VAC 17-5751** with conditions of approval.

BACKGROUND:

The property is located on Martin Luther King Boulevard between Eastern Avenue and Arbuckle Lane. The property is currently zoned as CS, Community Services, and contains approximately 1.8 acres. The property was the former site of Seven Hills Shelter and a car wash which have both been demolished in recent months. 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	Commercial Retail/Restaurant	C2, Thoroughfare Commercial
South	Undeveloped/Railroad ROW	UT, Urban Thoroughfare
East	Commercial Retail/Restaurant	C2, Thoroughfare Commercial
West	Industrial	I-1, Heavy Commercial/Light Industrial

Proposal: The applicant proposes vacation of a portion of unbuilt street right-of-way depicted in an exhibit provided by the applicant (comprising 13,030 square feet). The applicant is preparing the site for redevelopment.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments, with the following responses:

City of Fayetteville

Response

Cox Cable

Relocation or damage of equipment will be at the developer's expense.

AT&T	Relocation or damage of equipment will be at the developer's expense.
Black Hills Energy	No objections
AEP/SWEPCO	Provide easement around down guy wire and anchor on the west side. Provide easement along the east property line to cover existing service.
Ozarks Electric	No objections
Recycling & Solid Waste	No objections
Water/Sewer	No objections
Transportation	No objections

Adjacent Property Owner (West)

Angela Stevens	No objections
----------------	---------------

Public Comment: No public comment has been received.

RECOMMENDATION: Staff recommends forwarding VAC 17-5751 with the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities of existing facilities shall be at the owner/developer's expense.
2. Easement shall be provided around down guy wire and anchor on the west side and along the east property line to cover existing service.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>April 24, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: BROWN			
Second: HOFFMAN			
Vote: 8-0-0			

BUDGET/STAFF IMPACT:

None.

Attachments:

- Request Letter

- Petition to Vacate
- Adjacent Property Owner Approval
- Utility Approvals
- Vacation Exhibit
- One Mile Map
- Close Up Map

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

March 1, 2017

PETITION TO VACATE A right-of-way LOCATED IN Sunset Addition, CITY OF FAYETTEVILLE, ARKANSAS

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

Our client, Monroe Eaton LLC, being the sole owner of all the real estate abutting the unused, platted right-of-way hereinafter sought to be abandoned and vacated, lying in Sunset Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a right-of-way which is described as follows:

Right-of-way vacation

A tract of land being located in a part of the southwest quarter of the southeast quarter (sw1/4 se1/4) of section 17, being located in township 16 north, range 30 west, Washington county, Arkansas, also being a part of sunset addition to the city of Fayetteville, Arkansas, as recorded in file number 4-00000046 of the records of Washington county, Arkansas, and being more particularly described as follows, to-wit:

Commencing at the southeast corner of said sw1/4 se1/4 and running thence s02°20'26"W for a distance of 36.53 feet; thence run s85°43'38"W for a distance of 899.56 feet; thence run N04°16'22"W for a distance of 23.06 feet; thence run S85°42'45"W 100.17 feet; thence n02°25'39"E 143.89 feet to the point of beginning of the herein described tract, said point being on the south line of said section, running thence N02°25'39"E 30.00'; thence S86°47'27"E 278.41'; thence S00°12'40"W 30.04'; thence n86°47'27"W 279.57' to the point of beginning.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owner's as provided by law.

Dated this 1st day of March, 2017.

Monroe Eaton LLC
John Davidson

Signature

524 W. SYCAMORE ST, SUITE 4 • FAYETTEVILLE / ARKANSAS • 72703
P H O N E : 4 7 9 - 4 4 3 - 4 5 0 6 • F A X : 4 7 9 - 5 8 2 - 1 8 8 3

ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM

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

Date: 3-3-17

Address / location of vacation: 1541 W. MARTIN LUTHER KING BLVD

Adjacent property address: 1629 W. FARMINGTON ST

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:

the east part of proposed W Farmington
Street to ARBuckle.

Project Name Monroe Eaton

Name of Adjacent Property Owner (*printed*)

Signature of Adjacent Property Owner

MONROE EATON, LLC

Applicant Name

UTILITY APPROVAL FORM

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

DATE: 2/28/17

UTILITY COMPANY: COX COMMUNICATIONS

APPLICANT NAME: MONROE EATON, LLC APPLICANT PHONE: 479-841-4296

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 1541 W. MARTIN LUTHER KING BLVD

- ☐ (*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.)

customer will be charged to move
our plant if it conflicts with the *easement vacate*

- ☐ No objections provided the following conditions are met:

Steve Thompson
Signature of Utility Company Representative

Construction Planner
Title

UTILITY APPROVAL FORM

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

DATE: 1-23-2017

UTILITY COMPANY: AT&T

APPLICANT NAME: MONROE EATON, LLC APPLICANT PHONE: 479-841-4296

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 1541 W. MARTIN LUTHER KING BLVD

- ☐ (*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.)

If any AT&T Facilities are required to be Relocated
or are Damaged will be the responsibility of the
Developer/Owner.

- ☐ No objections provided the following conditions are met:

[Signature]
Signature of Utility Company Representative

MGR OSP Plug + Energy Design
Title

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

DATE: 2/28/2017

UTILITY COMPANY: WATER & SEWER

APPLICANT NAME: MONROE EATON LLC APPLICANT PHONE: 479-841-4296

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 1541 W. MARTIN LUTHER KING BLVD

- ☐ (*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:

Mark Lynn
Signature of Utility Company Representative

WES OPERATIONS MANAGER
Title

December 2014
Page 5

UTILITY APPROVAL FORM

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

DATE: 2-28-17

UTILITY COMPANY: TRANSPORTATION

APPLICANT NAME: MONROE EATON LLC APPLICANT PHONE: 479-841-4296

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 1541 W MARTIN LUTHER KING BLVD

- ☐ (*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:

Grey Smith
Signature of Utility Company Representative

Assistant Transportation Manager
Title

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

DATE: 2/27/2017

UTILITY COMPANY: SOLID WASTE

APPLICANT NAME: MONROE EATON LLC

APPLICANT PHONE: 479-841-4296

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

- ☐ Utility Basement
- ☐ 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 1541 W. MARTIN LUTHER KING BLVD

- ☐ (*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

Commercial Services Rep.
Title

December 2014
Page 5

UTILITY APPROVAL FORM

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

DATE: _____

UTILITY COMPANY: BLACK HILLS ENERGY

APPLICANT NAME: MONROE EATON LLC APPLICANT PHONE: 479-841-4296

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 1541 W MARTIN LUTHER KING BLVD

- ☐ (*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]

Signature of Utility Company Representative

Supervisor Gas Operations

Title

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

DATE: 2-28-17

UTILITY COMPANY: AEP/SWEPCCO

APPLICANT NAME: MONROE EATON LLC APPLICANT PHONE: 479-841-4296

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 1541 W. MARTIN LUTHER KING BLVD

- ☐ (*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.)

EASEMENT AROUND DOWN GUY AND ANCHOR ON WEST SIDE.
EASEMENT DOWN EAST PROPERTY LINE TO COVER EXISTING LINE.

- ☐ No objections provided the following conditions are met:

Tyong Lo
Signature of Utility Company Representative

DISTRIBUTION ENGINEER
Title

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

DATE: 03-02-2017

UTILITY COMPANY: OZARKS ELECTRIC

APPLICANT NAME: MONROE EATON LLC APPLICANT PHONE: 479-841-4296

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 1541 W MARTIN LUTHER KING BLVD

- ☐ (*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

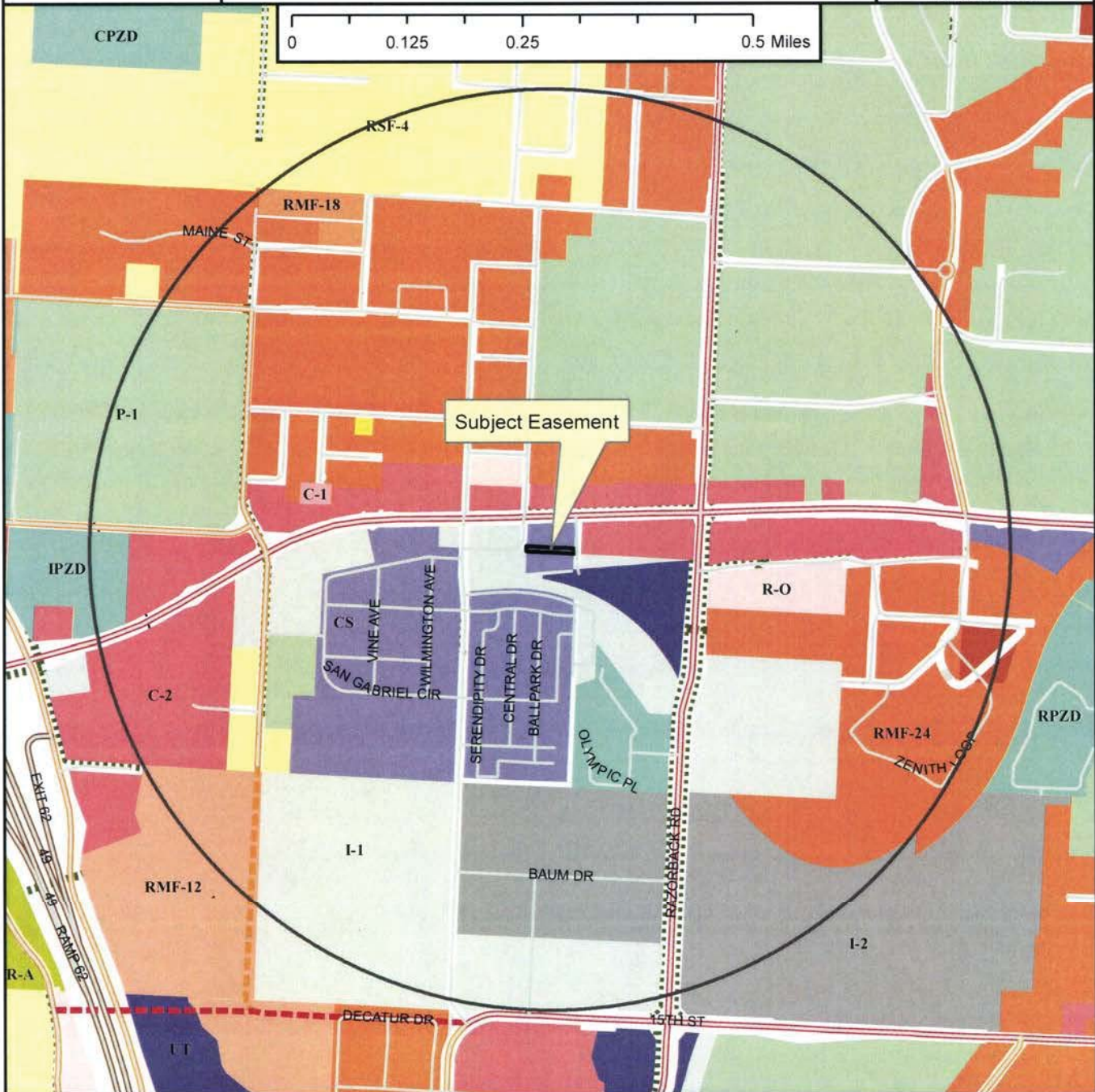
VAC 17-5751

One Mile View

MONROE EATON, LLC



0 0.125 0.25 0.5 Miles



Legend

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



Zoning

RESIDENTIAL SINGLE-FAMILY

- RSF-5 Residential-Agricultural
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY

- 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

COMMERCIAL

- C-1 Residential Office
- C-2
- C-3

FORM BASED DISTRICTS

- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services

PLANNED ZONING DISTRICTS

- Neighborhood Conservation
- Commercial, Industrial, Residential

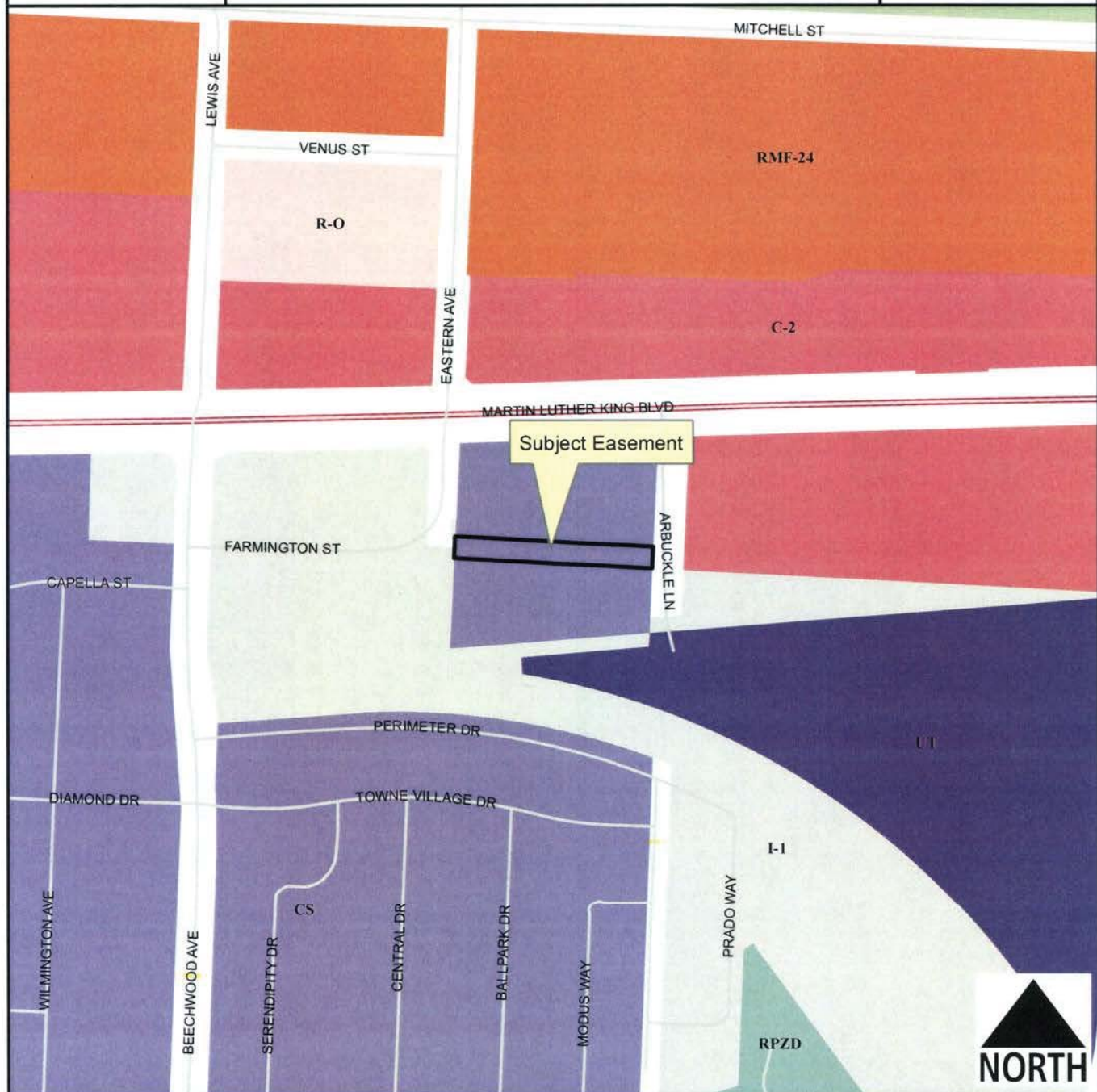
INSTITUTIONAL

- I-1

VAC 17-5751

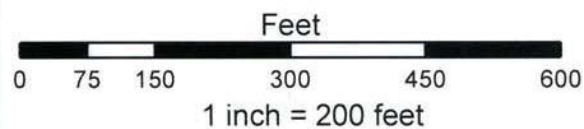
Close Up View

MONROE EATON, LLC



Legend

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

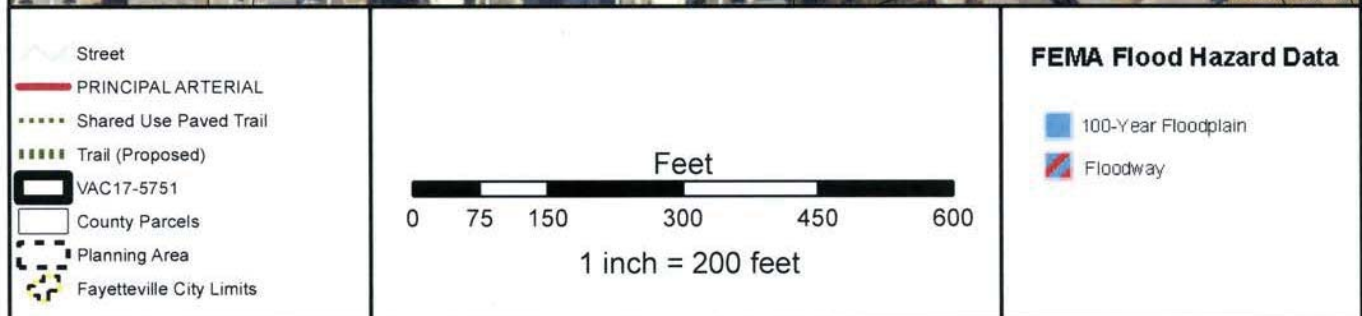


- RMF-24
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-2
- Urban Thoroughfare
- Community Services
- Commercial, Industrial, Residential
- P-1

VAC 17-5751

Current Land Use

MONROE EATON, LLC



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):

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

Name: MONROE EATON LLC
JOHN DAVIDSON

Name: TEREK SIGMON

Address: PO BOX 10647
FAYETTEVILLE, AR 72703

Address: 524 W. SYCAMORE ST, SUITE 4
FAYETTEVILLE, AR 72703

Phone: ()

Phone: (479) 443-4506

Email:

Email:

Fax: ()

Fax: (479) 582-1883

Site Address / Location: 1541

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

SEE ATTACHED SHEET

Current Zoning District: CS

Assessors Parcel Number(s) for subject property: 765-11237-000, 765-11238-000, 765-14551-010,
765-14842-010, 765-14836-000

FINANCIAL INTERESTS

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

MONROE EATON LLC

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): TEREK SIGMON

Date: 03/01/2017

Signature: Terek Sigmon

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): John Davidson

Address: PO Box 10073

Signature: [Signature]

Fayetteville AR 72703

Date: 3/1/17

Phone: (479) 841 4296

Name (printed): _____

Address: _____

Signature: _____

Date: _____

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.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0192

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 6

ADM 17-5705 (UDC CHAPTER 178 OUTDOOR MOBILE VENDORS):

AN ORDINANCE TO AMEND CHAPTER 178 **OUTDOOR VENDORS** OF THE UNIFIED DEVELOPMENT CODE TO END THE PERMIT LOTTERY FOR MOBILE VENDORS UTILIZING PUBLIC PARKING AREAS, TO ALLOW ADMINISTRATIVE APPROVAL OF PERMITS FOR MOBILE VENDOR COURTS AND SIDEWALK CAFÉS, TO ALLOW MOBILE VENDORS TO ADMINISTRATIVELY RENEW PERMITS ANNUALLY, AND TO MAKE TECHNICAL REVISIONS

WHEREAS, the City has not experienced any problems since allowing mobile vendors to park in parallel spaces or public parking lots and ending the permit lottery will remove an unnecessary requirement for those businesses; and

WHEREAS, allowing staff to administratively approve mobile vendor courts, sidewalk cafés, and annual mobile vendor permits will streamline the process for applicants.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 178.01 by replacing “retail” with “commercial.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 178.02(B) by repealing the introductory paragraph and enacting a new introductory paragraph as follows:

“The City Planning Division may issue a permit allowing a sidewalk café on part of a specified sidewalk after the applicant has notified adjoining property owners. The City Planning Division shall ensure that no permit is granted, unless:”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 178.03(B) by repealing the introductory paragraph and enacting a new introductory paragraph as follows:

“The City Planning Division may issue a permit for a sidewalk vendor to use a specific sidewalk or plaza location for specified hours to sell specified goods for up to a one year period. The City Planning Division shall ensure that no permit is granted, unless:”

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends §§ 178.03(C)(1) and 178.03(I) by replacing “Zoning and Development Administrator” with “City Planning Division” and § 178.03(F)(1) by replacing “Planning Commission” with “City Planning Division.”

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends § 178.04 **Outdoor Mobile Vendors Located on Private Property** by striking “Located on Private Property” from the title and by striking “on private property” from § 178.04(A) *Purpose*.

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby repeals §§ 178.04(B) through 178.04(E) and adopts new §§ 178.04(B) through 178.04(E) as shown in Exhibit A attached hereto and made a part hereof.

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 178.05 **Food Truck and Food Trailer Limited Time Permits**.

City of Fayetteville Staff Review Form

2017-0192

Legistar File ID

4/18/2017

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

Andrew Garner

3/31/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 17-5705: Administrative Item (UDC Chapter 178/UDC Amendment Outdoor Mobile Vendors): Submitted by CITY PLANNING STAFF and ALDERMAN MATTHEW PETTY for revisions to UDC Chapter 178 to modify the requirements for mobile vendors.

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 APRIL 18, 2017

TO: Fayetteville City Council

FROM: Andrew Garner, City Planning Director
Matthew Petty, Alderman

DATE: March 31, 2017

SUBJECT: **ADM 17-5705: Administrative Item (UDC Chapter 178/UDC Amendment Outdoor Mobile Vendors):** Submitted by CITY PLANNING STAFF and ALDERMAN MATTHEW PETTY for revisions to UDC Chapter 178 to modify the requirements for mobile vendors.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to amend UDC Chapter 178 to modify the requirements for mobile vendors.

The Outdoor Mobile Vendor code (UDC Chapter 178) was amended in 2014 to allow vending on public property such as streets and parks. At the time of the proposed code change, concerns were expressed that there would be a large number of vendors that might have a negative impact on the availability of public parking. To offset that potential issue, permits for mobile vendors on public property were to be issued by a lottery drawing for a maximum of three permits annually. The total number of permits could be increased slightly depending on the number of applications. Although there were a few applications for the first lottery, to staff's knowledge there have not been any mobile vendors that have operated on public property such as in the parallel parking spaces on Dickson Street or in parking lots in parks since the code's change. *Because mobile vending on public property has not proven to be a problem and a lottery drawing seems unnecessary, staff proposes to remove the lottery drawing requirement from the code.*

A conditional use permit process is required for mobile vendor courts and sidewalk cafes. There has only been one conditional use permit application for a mobile vendor court. The permit was for the Shulertown Food Court on Dickson Street which was in May of 2014. There have been no applications for sidewalk cafes. *Staff proposes to modify the requirements for mobile vendor courts and sidewalk cafes, and allow them to be approved administratively by staff.*

Section 178.04 allows two types of mobile vending permits: a six month permit that is approved by staff and a one-year (annual) permit that may be approved by the Planning Commission. There have been 19 annual permits submitted to the Planning Commission over the past three years and all have been approved, usually on the consent agenda. *Because the Planning Commission and City Council have been supportive of these types of permits and no complaints have been received by staff, staff proposes to remove the time limitation for mobile vendors. Instead, staff proposes that mobile vendors simply renew their permit on an annual basis similar to a business license.*

These changes are an effort to encourage more vacant property to be utilized for mobile vending, provide economic opportunities for start-up businesses, and create a more lively streetscape and increased urban amenities for citizens.

Proposal: Staff proposes the following code changes as outlined below and shown in the attached document in **highlight and ~~strikeout~~**:

- 178.01 Purpose. Change the word “retail” to “commercial”.
- 178.02 Sidewalk Cafes. Change the requirement for sidewalk cafes to be able to be approved by staff instead of a conditional use permit.
- 178.04 Outdoor Mobile Vendors
 - o B. Added definitions for various types of vendors for clarification.
 - o C. Combined the “Mobile Vendor Six Month Permit” and “Mobile Vendor Annual Permit” into one permit that is approved by staff and applicants are required to renew their permits on an annual basis like a business license.
 - o D. Allow “Mobile Vendor Courts” to be approved administratively by staff instead of as a conditional use permit. Modified the requirements for mobile vendor courts to clarify site improvements especially in a greenfield site.
 - o E. Change “Limited Time Permits” for all vendors to automatically be allowed “Limited Time Permits”. This allows all permitted vendors to operate on public property such as Dickson Street and in city parks; also expanded the timeframe to 12 hours.
- 178.05 Food Truck and Food Trailer Limited Time Permits. Removed this section as it was condensed and combined into subsection “E”.

DISCUSSION:

This code change was discussed at the March 13, 2017 Planning Commission meeting where it was tabled to address comments related to the amount of time mobile vendors may park on public property during a 24-hour period, and to evaluate public improvements for mobile vendor courts. The code change was discussed again at the March 27, 2017 Planning Commission meeting where staff and the commission made further minor changes, and the proposal was forwarded with a recommendation for approval by a vote of 8-0-0 (Commissioner Quinlan was absent).

BUDGET/STAFF IMPACT:

None

Attachments:

- Proposed code changes shown in **highlight and ~~strikeout~~**
- Proposed code changes (full clean version of UDC 178)
- Planning Commission packet

CHAPTER 178: OUTDOOR VENDORS

178.01 Purpose

It is the purpose of this chapter to promote and encourage open air ~~retail commercial~~ environments, while preserving and protecting the health, safety and welfare of citizens by promoting opportunities and regulations for the creation of said exceptions within the City.

(Ord. 5185, 10-7-08)

178.02 Sidewalk Cafes

(A) Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain developed and developing areas in a traditional town form are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to encourage pedestrian activity and make the urban environment more attractive.

(B) Sidewalk Café Authorization. ~~The Planning Commission~~ City Planning Division may issue a ~~conditional use~~ permit allowing a sidewalk café on part of a specified sidewalk after the applicant has notified adjoining property owners. ~~In addition to the general conditional use requirements, the Planning Commission~~ The City Planning Division shall ensure that no ~~conditional use~~ permit is granted, unless:

- (1) The proposed sidewalk café will not unduly impact or impede the public's ability to travel upon or use the sidewalk and any other affected public right-of-way, including public utility easements.
- (2) Any necessary costs to relocate a utility or widen the existing sidewalk to accommodate the proposed sidewalk café must be paid by the sidewalk café applicant.
- (3) The sidewalk café applicant may be required to post a surety bond or letter of credit sufficient to cover the cost of removing the sidewalk café if necessary for the city or utility company to access pipes, lines, or other facilities.
- (4) The sidewalk café applicant must consent that the city or utility company may remove, without liability or compensation, part or all of the sidewalk café, if necessary, to get access to a utility facility or improvement.

(C) Requirements: Sidewalk cafés shall meet the following requirements in order to be approved:

- (1) Applicants requesting a license must provide a detailed site plan and written description illustrating the type, location and dimensions of all furniture to be placed in the public right-of-way. Sidewalk cafes may not be enclosed by fixed walls or other permanent structures.
- (2) Sidewalk cafes must be open to the air, except that an awning or canopy conforming to requirements established by the Unified Development Code and Building Code may be constructed over the sidewalk café. In order to provide sufficient pedestrian clearance, umbrellas must have 7 feet of free and clear space from the sidewalk surface to the lower edge of the umbrella.
- (3) Property shall be kept clean and free of refuse with no permanent trash containers placed on the premises.
- (4) All furnishings and fixtures must be of a temporary nature and shall be removed from the public right-of-way and stored inside during non-operational times.
- (5) For sidewalk cafes using City right-of-way for operation, there shall be a minimum of five feet or 50% of the total sidewalk width for clearance, whichever is greater, to provide adequate and unobstructed pedestrian movement.
- (6) If at any time the sidewalk café is determined to impede travel or interfere with the public safety, as determined by the Planning Division, the sidewalk cafe shall be removed.
- (7) One A-frame sandwich/menu board is permitted within the sidewalk cafes' border during hours of operation, subject to the applicable regulations in Ch. 174: Signs for the same.

(Ord. 5185, 10-7-08)

178.03 Sidewalk Vendors

(A) *Purpose.* Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain development patterns with wide sidewalks are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to regulate open air vending of goods on public rights-of-way.

Fayetteville Code of Ordinances

(B) *Sidewalk Vendor Authorization.* The City Planning Division may issue a permit for a sidewalk vendor to use a specific sidewalk or plaza location for specified hours to sell specified goods for up to a one year period. ~~In addition to the general use requirements, the~~ The City Planning Division shall ensure that no permit is granted unless:

- (1) The applicant has obtained all necessary permits from State or County authorities, including any Transient Merchant permit requirements.
- (2) The applicant has submitted a sales and use tax number, sales tax remittance forms and an affidavit that the applicant has fully paid all sales and use taxes during the previous twelve months, if applicable.
- (3) The applicant has filed a HMR tax remittance form with the City of Fayetteville, when applicable.
- (4) The applicant has notified all adjacent property owners, by certified mail, of the application.

(C) *Permit Application.* Each application for a permit to conduct business on a sidewalk shall be accompanied by a \$100 application and permit fee. Permits issued after July 1st shall be accompanied by a \$50 application and permit fee. Each permit will expire at 3 a.m. on January 1st following the year issued. The permit fee shall be collected prior to issuance of the permit

(1) Application for a sidewalk vendor permit shall include the following items in a format acceptable to the City Planning Division:

- (a) Name, address and contact information.
- (b) Type of items sold or services rendered.
- (c) A valid copy of all necessary permits required by State and County health authorities.
- (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
- (e) Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.
- (f) A site plan indicating the location and dimensions of the proposed use and device or pushcart.

(g) A detailed scale drawing, picture or diagram and material specifications of the device or pushcart to be used.

- (2) The permit issued shall not be transferable in any manner.
- (3) The permit is valid for one sidewalk vending location only.

(D) *Permitted Vending Products and Goods.*

(1) The City of Fayetteville permits the following types of goods for street vending in approved locations:

- (a) Cut Flowers
- (b) Food and Beverage
- (c) Arts and Crafts: Only objects of art or craft produced and sold by a local artist or craft person may be sold by street vendors.

(2) All goods being sold from sidewalk vendors shall:

- (a) Be located within the permitted area and be attended at all times. Sidewalk vendors shall not conduct transactions with vehicular traffic located in the right-of-way.
- (b) Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk.
- (c) Involve a short transaction period to complete the sale or render the service.
- (d) Not cause undue noise or offensive odors.
- (e) Be easily carried by pedestrians.

(E) *Pre-Approved Locations.* Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the Planning Division. The locations where street vending is allowed as a permitted use are:

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Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

(F) *Alternative Locations.* If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a permit must be obtained. Upon receipt of a permit application, the Planning Division shall review the proposed permit operating area to determine if the said area is suitable for street vending in accordance with this chapter. In making this determination, the Planning Division shall consider the following criteria:

- (1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the City Planning Division Planning Commission as a variance. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).
- (2) The number of permits issued for the street vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way, with a minimum 48" pedestrian access route that is free and clear of obstructions. The Planning Division shall consider the width of sidewalk, the proximity and location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, other sidewalk vendors or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

(G) *Requirements.* Sidewalk vendors conducting business on the sidewalks of the City of Fayetteville with a valid permit issued under this Chapter may transport and/or display approved goods upon the approved mobile device or pushcart, under or subject to the following conditions:

- (1) The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the mobile device, operator and

trash receptacle. The Planning Division will provide a map of approved vendor locations.

- (2) The length of the mobile device or cart shall not exceed 7 feet, including the cart's trailer tongue or hitch that is not removed or collapsible, and any propane tanks or other attachments to the mobile device. The width shall not exceed 4 feet, including the carts wheel wells or tires, and any accessory components of the cart such as retractable or collapsible sinks or shelves.
- (3) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.
- (4) No permanent hardware shall be affixed to the sidewalk or adjacent buildings.
- (5) Mobile generators are prohibited.
- (6) No sidewalk vendor may conduct business on a sidewalk in any of the following places:
 - (a) Within 10 feet of the intersection of the sidewalk with any other sidewalk. Sidewalk intersections shall be kept clear for pedestrian safety.
 - (b) Within 10 feet of any handicapped parking space, or access ramp.
 - (c) Within 15 feet of a fire hydrant.
 - (d) Within 15 ft. of an entrance to a building.
- (7) Street vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 a.m. and 3 a.m. All carts shall be removed from the public right-of-way during non-operational hours.
- (8) Prior to final approval, Planning Staff shall inspect the sidewalk vendor set up in the proposed location. The applicant shall make an appointment between the hours of 8 a.m. to 5 p.m. in which Planning Staff will inspect the cart and all proposed accessories such as coolers, trash receptacle, chairs, etc. that the applicant is proposing for the site. Upon approval, sidewalk vendors shall display in a prominent and visible manner the permit issued by the Planning Division.
- (9) The Fire Marshal shall inspect and approve any food and beverage pushcart to assure the conformance of all cooking or heating

apparatus with the provisions of the City Fire Code.

appealing streetscape and does not create a dangerous traffic condition.

(10) Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval, through the Arkansas Department of Health and Human Services for food related establishments. A copy of the permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied to the Planning Division prior to Planning Division approval.

(11) Sidewalk vendors are required to provide a trash receptacle for public use located within their permitted operating space. All sidewalk vendors must pick up and properly dispose of all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within thirty minutes of the end of daily operations. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval.

(12) No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the purpose of advertising or attracting attention to his wares. No audible amplified music shall be permitted.

(H) *Signage.* Sidewalk vendors shall obtain a sign permit from the Planning Division prior to the issuance of a permit to operate. Sidewalk vendors are permitted a total of one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these types of signs. The menu board shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed.

(I) *Revocation of the Sidewalk Vendor Permit.* The City Planning Division is authorized to revoke a sidewalk vendor's permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.

(Ord. 5185, 10-7-08; Ord. 5321, 5-18-10; Ord. 5459, 11-15-11; Ord. 5768, 5-5-15)

178.04 Outdoor Mobile Vendors Located On Private Property

(A) *Purpose.* The purpose of this section is to facilitate and control the ability of mobile vendors and mobile vendor courts to operate on private property while ensuring such use is compatible with nearby properties, fosters an aesthetically

(B) Definitions.

(1) Food trucks. A type of mobile vendor which is a motorized and operationally self-contained single vehicle equipped with facilities for cooking and selling food.

(2) Food trailers. A type of mobile vendor which is designed to be towed on public roads and having an enclosed area for storage, handling or preparation of food.

(3) Other vendors. Mobile vendors are not limited to operating out of a food truck or trailer.

(4) Mobile Vendor Court. An outdoor commercial center with 5 or more mobile vendors in a shared location.

(C) Mobile Vendor Permit Requirements. All mobile vendors shall meet the following requirements and submittals prior to approval:

(1) Each application for a permit to conduct a mobile vendor business shall be accompanied by a \$100.00 permit review and processing fee. Mobile vendor permits shall be issued to the owner of the mobile vendor vehicle. This application will also serve as the vendor's business license that will be processed as such.

(2) Application for a permit to conduct a mobile vendor business shall include the following items in a format acceptable to the Planning Division:

(a) Name, address, contact information and signature of both the property owner and the mobile vendor requesting to locate on private property.

(b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.

(c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.

(d) For each location other than those permitted as part of a Mobile Vendor Court, a detailed site plan roughly drawn to scale showing the location of the property lines, each mobile vendor location, building setback lines, vehicle

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parking spaces, the sidewalk location and any proposed dining or sitting areas.

(e) Written authorization, signed by the property owner or legal representative of record, stating that the mobile vendor is permitted to operate on the subject property for a specified period of time.

(3) The mobile vendor has the responsibility to dispose of all wastes in accordance with all applicable laws. Mobile vendors are not permitted to dispose of their trash in public trash receptacles.

(4) The mobile vendor permit issued shall not be transferable in any manner.

(5) The mobile vendor permit issued shall be conspicuously displayed at all times during the operation of the mobile vending business.

(6) The proposed use must be a permitted use-by-right within the underlying zoning district.

(7) Mobile vendors shall comply with the Federal Americans with Disabilities Act (ADA) requirements if the public has access to the interior of any mobile vending unit.

(8) Mobile vendors shall be required to renew their permit on an annual basis following the same timeframe as a standard business license renewal. As part of the renewal process, vendors shall submit an updated copy of the health department permit, HMR tax forms, and a re-inspection by the City Fire Department where applicable. Failure to renew a permit will be cause for revocation by the City Planning Division.

~~(B) Mobile Vendor Six Month Permit.~~ Mobile vendors are allowed to operate on a temporary basis for a maximum of six months in one location during a calendar year with administrative approval of the Planning Division. Mobile vendors utilizing a six month permit may request to relocate to a different site at least one quarter mile (1,320 feet) from the original location after this six month period has expired. However, a new mobile vendor application shall be reviewed and approved by the Planning Division for every new location. This permit will expire six months from the date issued and the mobile vending unit shall be removed from the property. The mobile vendor owner also has the option of requesting an annual permit from the Planning Commission at or before the end of their initial six month permit time period.

~~(1) A six month permit for a mobile vendor business shall be approved and issued administratively by the Planning Division after making the following determinations:~~

~~(a) All of the requirements of 178.04(D) have been met.~~

~~(b) The applicant has established that the operation of the mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.~~

~~(c) The mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed mobile vendor, unless the mobile vendor predates the aforementioned permanent businesses.~~

~~(C) Mobile Vendor Annual Permit.~~ Mobile vendors are allowed to locate for one year in the same location with approval of the Planning Commission as an administrative item. After the one year period has expired the mobile vendor may move to another location or may request a one year renewal from the Planning Commission.

~~(1) An annual mobile vendor permit may be issued by the Planning Commission after making the following determinations:~~

~~(a) All of the requirements of 178.04(D) have been met.~~

~~(b) The applicant has established that the operation of the mobile vendor will foster an aesthetically appealing streetscape and will not create a dangerous traffic condition.~~

~~(c) The mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed mobile vendor, unless the mobile vendor predates the aforementioned permanent businesses.~~

~~(D) Mobile Vendor Permit Requirements.~~ All mobile vendors located on private property with Six Month or Annual Mobile Vendor Permits shall meet the following requirements and submittals prior to approval:

Fayetteville Code of Ordinances

(1) Each application for a permit to conduct a mobile vendor business on private property shall be accompanied by a \$100 permit review and processing fee. Mobile vendor permits shall be issued to the owner of the mobile vendor vehicle.

(2) Application for a permit to conduct a mobile vendor business shall include the following items in a format acceptable to the Planning Division:

(a) Name, address, contact information and signature of both the property owner and the mobile vendor requesting to locate on private property.

(b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.

(c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.

(d) A detailed site plan roughly drawn to scale showing the location of the property lines, each mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed dining or sitting areas.

(e) Written authorization, signed by the property owner or legal representative of record, stating that the mobile vendor is permitted to operate on the subject property for a specified period of time.

(3) The mobile vendor has the responsibility to dispose of all wastes in accordance with all applicable laws. Mobile vendors are not permitted to dispose of their trash in public trash receptacles.

(4) The mobile vendor permit issued shall not be transferable in any manner.

(5) The mobile vendor permit issued shall be conspicuously displayed at all times during the operation of the mobile vending business.

(6) The proposed use must be a permitted use-by-right within the underlying zoning district.

(7) Mobile vendors shall maintain compliance with parking lot requirements for the existing business and the proposed mobile vendor business. The number of required parking spaces is determined by the use and size of

the proposed mobile vendor business and by the use and size of the existing business. The use of parking for a mobile vendor may not reduce the number of spaces below the minimum required for other uses occurring on the property. The location of the mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.

(8) Mobile vendors shall comply with the Federal Americans with Disabilities Act (ADA) requirements if the public has access to the interior of any mobile vending unit.

(E)(D) *Mobile Vendor Courts.* Mobile vendor courts may be permitted through a conditional use permit administratively in appropriate zoning districts. A property owner may request a conditional use permit from the Planning Division Commission to develop a mobile vendor court subject to the following standards:

(1) The property owner has provided the Planning Division with a detailed site plan of the mobile vendor court showing the location and dimensional relationships of the property lines, all proposed mobile vendors locations, building setbacks, vehicle parking, sidewalk location and proposed dining or sitting areas.

(2) Site Improvement Requirements.

(a) *Site Design.* Sites shall be improved with a barrier between vehicular and customer service areas, including ordering and dining areas. The barrier may be implied or physical and constructed with landscaping elements; gated fencing; changes in ground surface texture, material or color; or similar treatments. Sites which are not already paved with gravel or another hard surface shall improve their parking areas with gravel or other pavement designed in accordance with the Parking Lot Design Standards. With respect to landscaping requirements, the entire Mobile Vendor Court shall be considered a parking lot and perimeter landscaping will be required in accordance with Parking Lot Landscape Standards.

(b) *Sanitation.* Adequate restroom facilities shall be provided either on-site or through a shared use agreement with a neighboring business. Portable toilets, if used, must be screened from view of the public.

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- (c) Utilities. Above ground utility connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking areas.
 - (d) Mobile vendor courts shall not have continuous curb cuts or exacerbate a dangerous pedestrian condition. New courts may close continuous curb cuts or improve pedestrian conditions with temporary materials subject to approval of the City Planning Division. Acceptable materials include planters, plinths, benches, pavers, and other furniture. Temporary improvements installed by mobile vendor courts shall not reduce access for pedestrians with disabilities.
- (2) The property owner proposing a mobile vendor court may be required to make any of the following improvements to the property in order to meet City development codes and be approved for this semi-permanent use. Required improvements may include:
- (a) Improvements necessary to provide permanent utility connections for each mobile vending unit location in the mobile vendor court. This may include permanent water, sanitary sewer and electricity connections.
 - (b) Improvements necessary to ensure safe pedestrian and vehicular access to the site.
 - (c) Providing adequate restroom facilities on site or through the provision of a shared use agreement with a neighboring business for access to restroom facilities.
- (3) Mobile vendors operating in a mobile vendor court are not required to obtain an individual permit but shall provide the Planning Division with the following information:
- (a) Name, address, contact information and signature of both the property owner and the mobile vendor operator locating in the mobile vendor court.
 - (b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the vending business.
 - (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
- (d) Written description of any additional structures to be used in conducting business, including but not limited to stairs, decks, tents or enclosures.
 - (e) A detailed site plan of the mobile vendor court showing the location of the applicant's proposed mobile vendor unit location within the mobile vendor court.
 - (f) Written authorization, signed by the property owner or legal representative of record, stating that the mobile vendor business is permitted to operate on the subject property.
- (E) Limited Time Permits. Permitted food trucks and trailers may operate in the following locations for up to twelve hours each day, after which they must move to a new location which is out-of-view of the original location.
- (1) Marked parallel parking spaces, which are not reserved for residential use and provided the parking space is not in front of a business selling similar food. Service to customers shall be only on the sidewalk side of the vehicle to maintain public safety. Vendors are not exempt from paying the standard rate for the parking space.
 - (2) Marked parking spaces within parks pursuant to City Code §97.086.
 - (3) Private property zoned for food and beverage sales and with the owner's permission.
- (F) Exemptions. The provisions of the Mobile Vendor ordinance do not apply to:
- (1) The placing and maintenance of unattended stands or sales devices for the sale or display of newspapers, magazines, periodicals and paperback books.
 - (2) The distribution of free samples of goods, wares and merchandise by any individual from his person.
 - (3) Special events authorized by a Special Event Permit from the City of Fayetteville Parking Management Division.
 - (4) Fireworks sales.
 - (5) Children's lemonade stands.
 - (6) Temporary tent sales that operate for less than 3 days. A tent permit from the Planning

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Division and Fire Marshal inspection is required.

- (7) Temporary sales for non-profit entities that operate for less than 5 consecutive days.
 - (8) Non-profit organizations that prepare and donate or give away food for free.
- (G) *Prohibited Conduct.* The following conduct is prohibited for mobile vendors:
- (1) Obstruct pedestrian or vehicular traffic flow.
 - (2) Obstruct traffic signals or regulatory signs.
 - (3) Use of any device that produces a loud and raucous noise or operate any loudspeaker, light or light system, public address system, radio, sound amplifier, or similar device to attract public attention.
 - (4) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
 - (5) Use or display any signage that is not in compliance with the Unified Development Code Chapter 174: Signs.
- (H) *Suspension and Revocation of Permit.* Any permit issued under these regulations may be suspended or revoked by the Development Services Director for any of the following reasons:
- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.
 - (2) Conducting the business of mobile vending in a manner contrary to the conditions of the permit.
 - (3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or interfere with the rights of abutting property owners.
 - (4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;

- (I) *Notification of Suspension or Revocation.* The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor or the property owner of his/her right to appeal to the Planning Commission. Such notice shall be personally delivered, posted upon the mobile vendors' premises or mailed to both the address of the property owner and the address of the mobile vendor shown on the permit holder's application by certified mail, return receipt requested.

(Ord. 5185, 10-7-08; Ord. 5425, 8-2-11; Ord. 5498 05-01-12; Ord. 5666, 3-18-14)

178.05 Food Truck and Food Trailer Limited Time Permits

~~(A) Purpose. This section's purpose is to create a process that allows food trucks and food trailers to locate for a limited time on public and private property. Food trucks are defined as a motorized and operationally self-contained single vehicle equipped with facilities for cooking and selling food. Food trailers are defined as a mobile food unit designed to be towed on public roads and having an enclosed area for storage, handling or preparation of food.~~

~~(B) Limited Time Permit for Parallel Parking Spaces. Food trucks may apply for a permit determined through a lottery drawing by the Planning Division to locate for a limited time in a marked or delineated parallel public parking space.~~

~~(1) The Planning Division will conduct a lottery in November each year for a total of three (3) Limited Time Permits for locating in parallel parking spaces on public roads. If more than nine (9) lottery applications are made Planning Staff may increase the number of permits issued not to exceed one third (1/3) of the total number of applications. Instances in which 1/3 the total number of applications results in a fraction of 0.5 or higher, the number of permits available shall be rounded up to the next whole number. These permits shall be issued on January 1st and will extend until December 31st. Food trucks may apply and participate in this lottery every year.~~

~~(2) A Limited Time Permit for Parallel Parking Spaces may be approved administratively by the Planning Division after making the following determinations:~~

~~(a) The applicant has paid an annual \$100 permit fee. Food trucks shall pay the appropriate fee for the time they are~~

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located in public parking spaces. The food truck shall fit entirely within one marked parallel on-street parking space.

(b) The applicant has provided a valid copy of the County Health Department permit and proof of remittance of HMR tax to the City of Fayetteville.

(c) The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Food trucks are not permitted to dispose of their trash in public trash receptacles.

(d) The applicant agrees to move to a different location after a four (4) hour time period. This time period includes onsite set-up and break-down time. The applicant agrees to move at least 325 feet away or out of sight/view of their previous location once their initial 4 hour time period has expired.

(e) The applicant agrees to not locate on the same side of the street directly in front of an existing restaurant.

(f) The applicant agrees to only vend towards the sidewalk side of the street and to keep the sidewalk unobstructed to allow for free flow pedestrian movement along the street.

(g) The applicant agrees to locate on public property such that they will not cause an unsafe traffic or pedestrian situation.

(h) The applicant agrees not to set up in a parking space adjacent to a parking pay station kiosk.

(i) Food trucks are prohibited from parking or vending from angled on-street parking spaces and from public parking lots in the Entertainment District or the Downtown Business District. Food trucks are prohibited from parking in marked parallel parking spaces that are posted reserved for residential use.

(j) The City reserves the right to limit food trucks from utilizing public parking spaces during special events such as; parades, Bikes, Blues and BBQ, etc. Special event permits may be available to food trucks for certain events. Contact the City's Parking Division for special event permits.

(C) *Limited Time Permit on Public Property.* Food trucks and food trailers may apply for a permit

determined through a lottery drawing by the Planning Division to locate for a limited time on public property excluding on-street marked parallel or angled parking spaces. Food trucks and food trailers with this permit may also vend in City Parks with approval by the Parks and Recreation Director.

(1) The Planning Division will conduct a lottery in November each year for a total of three (3) Limited Time Permits for locating on public property. If more than nine (9) lottery applications are made Planning Staff may increase the number of permits issued not to exceed one third (1/3) of the total number of applications. Instances in which 1/3 the total number of applications results in a fraction of 0.5 or higher, the number of permits available shall be rounded up to the next whole number. These permits shall be issued on January 1st and will extend until December 31st. Food trucks and food trailers may apply and participate in this lottery every year.

(2) A Limited Time Permit on Public Property may be approved administratively by the Planning Division after making the following determinations:

(a) The applicant has paid an annual \$100 permit fee. Food trucks and food trailers shall fit entirely within no more than two parking spaces on public property or in a City Park and shall pay the appropriate fee for the time they are located in public parking spaces.

(b) The applicant has provided a valid copy of the County Health Department permit and proof of remittance of HMR tax to the City of Fayetteville.

(c) The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Food trucks and food trailers are not permitted to dispose of their trash in public trash receptacles.

(d) The applicant agrees to move to a different location after a four (4) hour time period. This time period includes onsite set-up and break-down time. The applicant agrees to move at least 325 feet away or out of sight/view of their previous location once their initial 4 hour time period has expired.

(e) The applicant agrees to locate on public property such that they will not cause an unsafe traffic or pedestrian situation.

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(f) The applicant agrees not to set up in a parking space adjacent to a parking pay station kiosk.

(g) Food trucks and food trailers are prohibited from parking or vending from on-street marked parallel or angled parking spaces and from gated public parking lots in the Entertainment District or the Downtown Business District. Food trucks and food trailers are also prohibited from parking in marked parking spaces that are posted reserved for residential use.

(h) The City reserves the right to limit food trucks and food trailers from utilizing public parking spaces during special events such as; parades, Bikes, Blues and BBQ, etc. Special event permits may be available to food trailers for certain events. Contact the City's Parking Division for special event permits.

~~(D) Limited Time Permit on Private Property.~~ Food trucks and food trailers may be approved administratively by the Planning Division for a Limited Time Permit to locate on private property after meeting the following conditions:

(1) The applicant has paid an annual \$100 permit fee, unless they are also the holder of a public property lottery permit and they have already paid a \$100 permit fee. Permits expire December 31st.

(2) The applicant has provided a valid copy of the County Health Department permit and proof of remittance of HMR tax to the City of Fayetteville.

(3) The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Food trucks and food trailers are not permitted to dispose of their trash in public trash receptacles.

(4) The applicant has agreed to move to a different property after a four (4) hour time period. This time period includes any onsite set-up or break-down time.

(5) The property is zoned to allow for food and beverage uses and the location meets all applicable zoning requirements of the underlying zoning district. The property owner for each location must provide a written statement giving the food truck or food trailer operator permission to operate on the property. A site plan shall be provided by the applicant or property owner for each

proposed site upon which the food truck or food trailer would like to temporarily locate. The vendor shall keep these records up to date with the Planning Division.

(6) The applicant agrees to locate on private property such that they will not cause an unsafe traffic or pedestrian situation.

CHAPTER 178: OUTDOOR VENDORS

178.01 Purpose

It is the purpose of this chapter to promote and encourage open air commercial environments, while preserving and protecting the health, safety and welfare of citizens by promoting opportunities and regulations for the creation of said exceptions within the City.

(Ord. 5185, 10-7-08)

178.02 Sidewalk Cafes

(A) Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain developed and developing areas in a traditional town form are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to encourage pedestrian activity and make the urban environment more attractive.

(B) Sidewalk Café Authorization. The City Planning Division may issue permit allowing a sidewalk café on part of a specified sidewalk after the applicant has notified adjoining property owners. The City Planning Division shall ensure that no permit is granted, unless:

- (1) The proposed sidewalk café will not unduly impact or impede the public's ability to travel upon or use the sidewalk and any other affected public right-of-way, including public utility easements.
- (2) Any necessary costs to relocate a utility or widen the existing sidewalk to accommodate the proposed sidewalk café must be paid by the sidewalk café applicant.
- (3) The sidewalk café applicant may be required to post a surety bond or letter of credit sufficient to cover the cost of removing the sidewalk café if necessary for the city or utility company to access pipes, lines, or other facilities.
- (4) The sidewalk café applicant must consent that the city or utility company may remove, without liability or compensation, part or all of the sidewalk café, if necessary, to get access to a utility facility or improvement.

(C) Requirements: Sidewalk cafés shall meet the following requirements in order to be approved:

- (1) Applicants requesting a license must provide a detailed site plan and written description

illustrating the type, location and dimensions of all furniture to be placed in the public right-of-way. Sidewalk cafes may not be enclosed by fixed walls or other permanent structures.

- (2) Sidewalk cafes must be open to the air, except that an awning or canopy conforming to requirements established by the Unified Development Code and Building Code may be constructed over the sidewalk café. In order to provide sufficient pedestrian clearance, umbrellas must have 7 feet of free and clear space from the sidewalk surface to the lower edge of the umbrella.
- (3) Property shall be kept clean and free of refuse with no permanent trash containers placed on the premises.
- (4) All furnishings and fixtures must be of a temporary nature and shall be removed from the public right-of-way and stored inside during non-operational times.
- (5) For sidewalk cafes using City right-of-way for operation, there shall be a minimum of five feet or 50% of the total sidewalk width for clearance, whichever is greater, to provide adequate and unobstructed pedestrian movement.
- (6) If at any time the sidewalk café is determined to impede travel or interfere with the public safety, as determined by the Planning Division, the sidewalk cafe shall be removed.
- (7) One A-frame sandwich/menu board is permitted within the sidewalk cafes' border during hours of operation, subject to the applicable regulations in Ch. 174: Signs for the same.

(Ord. 5185, 10-7-08)

178.03 Sidewalk Vendors

(A) *Purpose.* Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain development patterns with wide sidewalks are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to regulate open air vending of goods on public rights-of-way.

(B) *Sidewalk Vendor Authorization.* The City Planning Division may issue a permit for a sidewalk vendor to use a specific sidewalk or

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plaza location for specified hours to sell specified goods for up to a one year period. The City Planning Division shall ensure that no permit is granted unless:

- (1) The applicant has obtained all necessary permits from State or County authorities, including any Transient Merchant permit requirements.
- (2) The applicant has submitted a sales and use tax number, sales tax remittance forms and an affidavit that the applicant has fully paid all sales and use taxes during the previous twelve months, if applicable.
- (3) The applicant has filed a HMR tax remittance form with the City of Fayetteville, when applicable.
- (4) The applicant has notified all adjacent property owners, by certified mail, of the application.

(C) *Permit Application.* Each application for a permit to conduct business on a sidewalk shall be accompanied by a \$100 application and permit fee. Permits issued after July 1st shall be accompanied by a \$50 application and permit fee. Each permit will expire at 3 a.m. on January 1st following the year issued. The permit fee shall be collected prior to issuance of the permit

(1) Application for a sidewalk vendor permit shall include the following items in a format acceptable to the City Planning Division:

- (a) Name, address and contact information.
- (b) Type of items sold or services rendered.
- (c) A valid copy of all necessary permits required by State and County health authorities.
- (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
- (e) Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.
- (f) A site plan indicating the location and dimensions of the proposed use and device or pushcart.
- (g) A detailed scale drawing, picture or diagram and material specifications of the device or pushcart to be used.

(2) The permit issued shall not be transferable in any manner.

(3) The permit is valid for one sidewalk vending location only.

(D) *Permitted Vending Products and Goods.*

(1) The City of Fayetteville permits the following types of goods for street vending in approved locations:

- (a) Cut Flowers
- (b) Food and Beverage
- (c) Arts and Crafts: Only objects of art or craft produced and sold by a local artist or craft person may be sold by street vendors.

(2) All goods being sold from sidewalk vendors shall:

- (a) Be located within the permitted area and be attended at all times. Sidewalk vendors shall not conduct transactions with vehicular traffic located in the right-of-way.
- (b) Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk.
- (c) Involve a short transaction period to complete the sale or render the service.
- (d) Not cause undue noise or offensive odors.
- (e) Be easily carried by pedestrians.

(E) *Pre-Approved Locations.* Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the Planning Division. The locations where street vending is allowed as a permitted use are:

Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events

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operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

(F) *Alternative Locations.* If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a permit must be obtained. Upon receipt of a permit application, the Planning Division shall review the proposed permit operating area to determine if the said area is suitable for street vending in accordance with this chapter. In making this determination, the Planning Division shall consider the following criteria:

- (1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the City Planning Division as a variance. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).
- (2) The number of permits issued for the street vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way, with a minimum 48" pedestrian access route that is free and clear of obstructions. The Planning Division shall consider the width of sidewalk, the proximity and location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, other sidewalk vendors or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

(G) *Requirements.* Sidewalk vendors conducting business on the sidewalks of the City of Fayetteville with a valid permit issued under this Chapter may transport and/or display approved goods upon the approved mobile device or pushcart, under or subject to the following conditions:

- (1) The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the mobile device, operator and trash receptacle. The Planning Division will provide a map of approved vendor locations.
- (2) The length of the mobile device or cart shall not exceed 7 feet, including the cart's trailer tongue or hitch that is not removed or

collapsible, and any propane tanks or other attachments to the mobile device. The width shall not exceed 4 feet, including the carts wheel wells or tires, and any accessory components of the cart such as retractable or collapsible sinks or shelves.

- (3) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.
- (4) No permanent hardware shall be affixed to the sidewalk or adjacent buildings.
- (5) Mobile generators are prohibited.
- (6) No sidewalk vendor may conduct business on a sidewalk in any of the following places:
 - (a) Within 10 feet of the intersection of the sidewalk with any other sidewalk. Sidewalk intersections shall be kept clear for pedestrian safety.
 - (b) Within 10 feet of any handicapped parking space, or access ramp.
 - (c) Within 15 feet of a fire hydrant.
 - (d) Within 15 ft. of an entrance to a building.
- (7) Street vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 a.m. and 3 a.m. All carts shall be removed from the public right-of-way during non-operational hours.
- (8) Prior to final approval, Planning Staff shall inspect the sidewalk vendor set up in the proposed location. The applicant shall make an appointment between the hours of 8 a.m. to 5 p.m. in which Planning Staff will inspect the cart and all proposed accessories such as coolers, trash receptacle, chairs, etc. that the applicant is proposing for the site. Upon approval, sidewalk vendors shall display in a prominent and visible manner the permit issued by the Planning Division.
- (9) The Fire Marshal shall inspect and approve any food and beverage pushcart to assure the conformance of all cooking or heating apparatus with the provisions of the City Fire Code.
- (10) Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval, through the Arkansas Department of Health and Human Services

for food related establishments. A copy of the permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied to the Planning Division prior to Planning Division approval.

(11) Sidewalk vendors are required to provide a trash receptacle for public use located within their permitted operating space. All sidewalk vendors must pick up and properly dispose of all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within thirty minutes of the end of daily operations. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval.

(12) No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the purpose of advertising or attracting attention to his wares. No audible amplified music shall be permitted.

(H) *Signage.* Sidewalk vendors shall obtain a sign permit from the Planning Division prior to the issuance of a permit to operate. Sidewalk vendors are permitted a total of one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these types of signs. The menu board shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed.

(I) *Revocation of the Sidewalk Vendor Permit.* The City Planning Division is authorized to revoke a sidewalk vendor's permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.

(Ord. 5185, 10-7-08; Ord. 5321, 5-18-10; Ord. 5459, 11-15-11; Ord. 5768, 5-5-15)

178.04 Outdoor Mobile Vendors

(A) *Purpose.* The purpose of this section is to facilitate and control the ability of mobile vendors and mobile vendor courts to operate on private property while ensuring such use is compatible with nearby properties, fosters an aesthetically appealing streetscape and does not create a dangerous traffic condition.

(B) Definitions.

(1) Food trucks. A type of mobile vendor which is a motorized and operationally self-contained single vehicle equipped with facilities for cooking and selling food.

(2) Food trailers. A type of mobile vendor which is designed to be towed on public roads and having an enclosed area for storage, handling or preparation of food.

(3) Other vendors. Mobile vendors are not limited to operating out of a food truck or trailer.

(4) Mobile Vendor Court. An outdoor commercial center with 5 or more mobile vendors in a shared location.

(C) Mobile Vendor Permit Requirements. All mobile vendors shall meet the following requirements and submittals prior to approval:

(1) Each application for a permit to conduct a mobile vendor business shall be accompanied by a \$100.00 permit review and processing fee. Mobile vendor permits shall be issued to the owner of the mobile vendor vehicle. This application will also serve as the vendor's business license that will be processed as such.

(2) Application for a permit to conduct a mobile vendor business shall include the following items in a format acceptable to the Planning Division:

(a) Name, address, contact information and signature of both the property owner and the mobile vendor requesting to locate on private property.

(b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.

(c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.

(d) For each location other than those permitted as part of a Mobile Vendor Court, a detailed site plan roughly drawn to scale showing the location of the property lines, each mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed dining or sitting areas.

(e) Written authorization, signed by the property owner or legal representative of record, stating that the mobile vendor is permitted to operate on the subject property for a specified period of time.

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- (3) The mobile vendor has the responsibility to dispose of all wastes in accordance with all applicable laws. Mobile vendors are not permitted to dispose of their trash in public trash receptacles.
 - (4) The mobile vendor permit issued shall not be transferable in any manner.
 - (5) The mobile vendor permit issued shall be conspicuously displayed at all times during the operation of the mobile vending business.
 - (6) The proposed use must be a permitted use-by-right within the underlying zoning district.
 - (7) Mobile vendors shall comply with the Federal Americans with Disabilities Act (ADA) requirements if the public has access to the interior of any mobile vending unit.
 - (8) Mobile vendors shall be required to renew their permit on an annual basis following the same timeframe as a standard business license renewal. As part of the renewal process, vendors shall submit an updated copy of the health department permit, HMR tax forms, and a re-inspection by the City Fire Department where applicable. Failure to renew a permit will be cause for revocation by the City Planning Division.
- (D) *Mobile Vendor Courts.* Mobile vendor courts may be permitted administratively in appropriate zoning districts. A property owner may request a permit from the Planning Division to develop a mobile vendor court subject to the following standards:
- (1) The property owner has provided the Planning Division with a detailed site plan of the mobile vendor court showing the location and dimensional relationships of the property lines, all proposed mobile vendors locations, building setbacks, vehicle parking, sidewalk location and proposed dining or sitting areas.
 - (2) Site Improvement Requirements.
 - (a) Site Design. Sites shall be improved with a barrier between vehicular and customer service areas, including ordering and dining areas. The barrier may be implied or physical and constructed with landscaping elements; gated fencing; changes in ground surface texture, material or color; or similar treatments. Sites which are not already paved with gravel or another hard surface shall improve their parking areas with gravel or other pavement designed in accordance with the Parking Lot Design Standards. With respect to landscaping requirements, the entire Mobile Vendor Court shall be considered a parking lot and perimeter landscaping will be required in accordance with Parking Lot Landscape Standards.
- (b) Sanitation. Adequate restroom facilities shall be provided either on-site or through a shared use agreement with a neighboring business. Portable toilets, if used, must be screened from view of the public.
 - (c) Utilities. Above ground utility connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking areas.
 - (d) Mobile vendor courts shall not have continuous curb cuts or exacerbate a dangerous pedestrian condition. New courts may close continuous curb cuts or improve pedestrian conditions with temporary materials subject to approval of the City Planning Division. Acceptable materials include planters, plinths, benches, pavers, and other furniture. Temporary improvements installed by mobile vendor courts shall not reduce access for pedestrians with disabilities.
- (E) *Limited Time Permits.* Permitted food trucks and trailers may operate in the following locations for up to twelve hours each day, after which they must move to a new location which is out-of-view of the original location.
- (1) Marked parallel parking spaces, which are not reserved for residential use and provided the parking space is not in front of a business selling similar food. Service to customers shall be only on the sidewalk side of the vehicle to maintain public safety. Vendors are not exempt from paying the standard rate for the parking space.
 - (2) Marked parking spaces within parks pursuant to City Code §97.086.
 - (3) Private property zoned for food and beverage sales and with the owner's permission.
- (F) *Exemptions.* The provisions of the Mobile Vendor ordinance do not apply to:

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- (1) The placing and maintenance of unattended stands or sales devices for the sale or display of newspapers, magazines, periodicals and paperbound books.
 - (2) The distribution of free samples of goods, wares and merchandise by any individual from his person.
 - (3) Special events authorized by a Special Event Permit from the City of Fayetteville Parking Management Division.
 - (4) Fireworks sales.
 - (5) Children's lemonade stands.
 - (6) Temporary tent sales that operate for less than 3 days. A tent permit from the Planning Division and Fire Marshal inspection is required.
 - (7) Temporary sales for non-profit entities that operate for less than 5 consecutive days.
 - (8) Non-profit organizations that prepare and donate or give away food for free.
- (G) *Prohibited Conduct.* The following conduct is prohibited for mobile vendors:
- (1) Obstruct pedestrian or vehicular traffic flow.
 - (2) Obstruct traffic signals or regulatory signs.
 - (3) Use of any device that produces a loud and raucous noise or operate any loudspeaker, light or light system, public address system, radio, sound amplifier, or similar device to attract public attention.
 - (4) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
 - (5) Use or display any signage that is not in compliance with the Unified Development Code Chapter 174: Signs.
- (H) *Suspension and Revocation of Permit.* Any permit issued under these regulations may be suspended or revoked by the Development Services Director for any of the following reasons:
- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.
 - (2) Conducting the business of mobile vending in a manner contrary to the conditions of the permit.
 - (3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or interfere with the rights of abutting property owners.
 - (4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;
- (I) *Notification of Suspension or Revocation.* The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor or the property owner of his/her right to appeal to the Planning Commission. Such notice shall be personally delivered, posted upon the mobile vendors' premises or mailed to both the address of the property owner and the address of the mobile vendor shown on the permit holder's application by certified mail, return receipt requested.

(Ord. 5185, 10-7-08; Ord. 5425, 8-2-11; Ord. 5498 05-01-12; Ord. 5666, 3-18-14)

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director
Matthew Petty, Alderman

MEETING DATE: March 27, 2017 (Updated with Planning Commission results)

SUBJECT: **ADM 17-5705: Administrative Item (UDC Chapter 178/UDC Amendment Outdoor Mobile Vendors):** Submitted by CITY PLANNING STAFF and ALDERMAN MATTHEW PETTY for revisions to UDC Chapter 178 to modify the requirements for mobile vendors.

RECOMMENDATION:

Staff recommends that the Planning Commission forward **ADM 17-5705** to the City Council with a recommendation for approval.

DISCUSSION:

March 13, 2017 Planning Commission: This item was discussed and tabled at the March 13, 2017 Planning Commission meeting. The primary reason for tabling the item was for continued evaluation of improvements to public safety that may be required with mobile vendor courts. Based on the commission's input, a new subsection has been proposed to require any continuous curb cuts be closed and pedestrian safety maintained. Due to the small size of new impact and semi-permanent nature of this use, the safety improvements may be completed with temporary measures. This new subsection is 178.04 (D)(2)(d) as indicated on the attachments to this report. Additionally, the limited time permits have been expanded to 12 hours as requested by the commission.

The Outdoor Mobile Vendor code (UDC Chapter 178) was amended in 2014 to allow vending on public property such as streets and parks. At the time of the proposed code change, concerns were expressed that there would be a large number of vendors that might have a negative impact on the availability of public parking. To offset that potential issue, permits for mobile vendors on public property were to be issued by a lottery drawing for a maximum of three permits annually. The total number of permits could be increased slightly depending on the number of applications. Although there were a few application for the first lottery, to staff's knowledge there have not been any mobile vendors that have operated on public property such as in the parallel parking spaces on Dickson Street or in parking lots in parks since the code's change. *Because mobile vending on public property has not proven to be a problem and a lottery drawing seems unnecessary, staff proposes to remove the lottery drawing requirement from the code.*

A conditional use permit process is required for mobile vendor courts and sidewalk cafes. There has only been one conditional use permit application for a mobile vendor court. The permit was for the Shulertown Food Court on Dickson Street which was in May of 2014. There have been no

applications for sidewalk cafes. *Staff proposes to modify the requirements for mobile vendor courts and sidewalk cafes, and allow them to be approved administratively by staff.*

Section 178.04 allows two types of mobile vending permits: a six month permit that is approved by staff and a one-year (annual) permit that may be approved by the Planning Commission. There have been 19 annual permits submitted to the Planning Commission over the past three years and all have been approved, usually on the consent agenda. *Because the Planning Commission and City Council have been supportive of these types of permits and no complaints have been received by staff, staff proposes to remove the time limitation for mobile vendors. Instead, staff proposes that mobile vendors simply renew their permit on an annual basis similar to a business license.*

These changes are an effort to encourage more vacant property to be utilized for mobile vending, provide economic opportunities for start-up businesses, and create a more lively streetscape and increased urban amenities for citizens.

Proposal: Staff proposes the following code changes as outlined below and shown in the attached document in highlight and ~~strikeout~~:

- 178.01 Purpose. Change the word “retail” to “commercial”.
- 178.02 Sidewalk Cafes. Change the requirement for sidewalk cafes to be able to be approved by staff instead of a conditional use permit.
- 178.04 Outdoor Mobile Vendors
 - B. Added definitions for various types of vendors for clarification.
 - C. Combined the “Mobile Vendor Six Month Permit” and “Mobile Vendor Annual Permit” into one permit that is approved by staff and applicants are required to renew their permits on an annual basis like a business license.
 - D. Allow “Mobile Vendor Courts” to be approved administratively by staff instead of as a conditional use permit. Modified the requirements for mobile vendor courts to clarify site improvements especially in a greenfield site.
 - E. Change “Limited Time Permits” for all vendors to automatically be allowed “Limited Time Permits”. This allows all permitted vendors to operate on public property such as Dickson Street and in city parks; also expanded the timeframe to 12 hours.
- 178.05 Food Truck and Food Trailer Limited Time Permits. Removed this section as it was condensed and combined into subsection “E”.

BUDGET/STAFF IMPACT:

None

Attachments:

- Proposed code changes shown in highlight and ~~strikeout~~

PLANNING COMMISSION ACTION

March 13, 2017 ☒ Tabled (until next PC meeting)

Motion: Hoffman

Second: Hoskins

Vote: 6-3-0 (Commissioners Quinlan, Autry, Belden voted 'no' as they were ready to forward the item)

March 23, 2017 ☒ Forwarded (recommend approval)

Motion: Selby

Second: Autry

Vote: 8-0-0

Note: Recommend approval, including the change discussed on the wording for mobile vendor courts to be able to make pedestrian improvements using temporary public space improvements, as stated by staff.

Planning Commission
March 27, 2017
Agenda Item 5

Exhibit A

178.04 Outdoor Mobile Vendors

(B) Definitions.

- (1) Food trucks. A type of mobile vendor which is a motorized and operationally self-contained single vehicle equipped with facilities for cooking and selling food.
- (2) Food trailers. A type of mobile vendor which is designed to be towed on public roads and having an enclosed area for storage, handling or preparation of food.
- (3) Other vendors. Mobile vendors are not limited to operating out of a food truck or trailer.
- (4) Mobile Vendor Court. An outdoor commercial center with 5 or more mobile vendors in a shared location.

(C) Mobile Vendor Permit Requirements. All mobile vendors shall meet the following requirements and submittals prior to approval:

- (1) Each application for a permit to conduct a mobile vendor business shall be accompanied by a \$100.00 permit review and processing fee. Mobile vendor permits shall be issued to the owner of the mobile vendor vehicle. This application will also serve as the vendor's business license that will be processed as such.
 - (2) Application for a permit to conduct a mobile vendor business shall include the following items in a format acceptable to the Planning Division:
 - (a) Name, address, contact information and signature of both the property owner and the mobile vendor requesting to locate on private property.
 - (b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.
 - (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
 - (d) For each location other than those permitted as part of a Mobile Vendor Court, a detailed site plan roughly drawn to scale showing the location of the property lines, each mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed dining or sitting areas.
 - (e) Written authorization, signed by the property owner or legal representative of record, stating that the mobile vendor is permitted to operate on the subject property for a specified period of time.
 - (3) The mobile vendor has the responsibility to dispose of all wastes in accordance with all applicable laws. Mobile vendors are not permitted to dispose of their trash in public trash receptacles.
 - (4) The mobile vendor permit issued shall not be transferable in any manner.
 - (5) The mobile vendor permit issued shall be conspicuously displayed at all times during the operation of the mobile vending business.
 - (6) The proposed use must be a permitted use-by-right within the underlying zoning district.
 - (7) Mobile vendors shall comply with the Federal Americans with Disabilities Act (ADA) requirements if the public has access to the interior of any mobile vending unit.
 - (8) Mobile vendors shall be required to renew their permit on an annual basis following the same timeframe as a standards business license renewal. As part of the renewal process, vendors shall submit an updated copy of the health department permit, HMR tax forms, and a re-inspection by the City Fire Department where applicable. Failure to renew a permit will be cause for revocation by the City Planning Division.
- (D) *Mobile Vendor Courts.* Mobile vendor courts may be permitted administratively in appropriate zoning districts. A property owner may request a permit from the Planning Division to develop a mobile court subject to the following standards:

- (1) The property owner has provided the Planning Division with a detailed site plan of the mobile vendor court showing the location and dimensional relationships of the property lines, all proposed mobile vendor locations, building setbacks, vehicle parking, sidewalk location and proposed dining or sitting areas.
 - (2) Site Improvement requirements.
 - (a) Site Design. Sites shall be improved with a barrier between vehicular and customer service areas, including ordering and dining areas. The barrier may be implied or physical and constructed with landscaping elements; gated fencing; changes in ground surface texture, material or color; or similar treatments. Sites which are not already paved with gravel or another hard surface shall improve their parking areas with gravel or other pavement designed in accordance with the Parking Lot Design Standards. With respect to landscaping requirements, the entire Mobile Vendor Court shall be considered a parking lot and perimeter landscaping will be required in accordance with Parking Lot Landscape Standards.
 - (b) Sanitation. Adequate restroom facilities shall be provided either on-site or through a shared use agreement with a neighboring business. Portable toilets, if used, must be screened from view of the public.
 - (c) Utilities. Above ground utility connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking areas.
 - (d) Mobile vendor courts shall not have continuous curb cuts or exacerbate a dangerous pedestrian condition. New courts may close continuous curb cuts or improve pedestrian conditions with temporary materials subject to approval of the City Planning Division. Acceptable materials include planters, plinths, benches, pavers, and other furniture. Temporary improvements installed by mobile vendor courts shall not reduce access for pedestrians with disabilities.
- (E) Limited Time Permits. Permitted food trucks and trailers may operate in the following locations for up to twelve hours each day, after which they must move to a new location which is out-of-view of the original location.
- (1) Marked parallel parking spaces, which are not reserved for residential use and provided the parking space is not in front of a business selling similar food. Service to customers shall be only on the sidewalk side of the vehicle to maintain public safety. Vendors are not exempt from paying the standard rate for the parking space.
 - (2) Marked parking spaces within parks pursuant to City Code §97.086.
 - (3) Private property zoned for food and beverage sales and with the owner's permission.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0227

Agenda Date: 5/16/2017

Version: 1

Status: Agenda Ready

In Control: City Council Agenda Session

File Type: Presentation

Agenda Number: E. 1

AGENDA SESSION PRESENTATION - FPTV (PUBLIC ACCESS) OPERATIONS UPDATE,
PRESENTED BY DAN ROBINSON, EXECUTIVE DIRECTOR OF YOUR MEDIA

Agenda Session

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, May 9, 2017

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
Sarah Bunch 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. 2017-0244

OZARK REGIONAL TRANSIT PERIODIC REPORT

2. 2017-0246

2017 FIRST QUARTER FINANCIAL REPORT

Agenda Additions

A. Consent:

A. 1 2016-0575

APPROVAL OF THE MAY 2, 2017 CITY COUNCIL MEETING MINUTES.

A. 2 2017-0221

NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING SCHOLARSHIP:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING A SCHOLARSHIP RECEIVED BY THE PURCHASING DIVISION FROM THE NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING IN THE AMOUNT OF \$2,500.00

Attachments: NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING SCHOLARSHIP:
 BA NIGP Scholarship

A. 3 2017-0226**BID #17-28 DFI TECHNOLOGIES, INC.:**

A RESOLUTION TO AWARD BID #17-28 AND APPROVE A CONTRACT WITH DFI TECHNOLOGIES, INC. FOR ONE YEAR'S MAILING SERVICES AT AN APPROXIMATE COST OF \$279,369.00 WITH AUTOMATIC RENEWALS FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS

Attachments: BID NO. 17-28 DFI TECHNOLOGIES, INC.:

A. 4 2017-0223**BID #17-31 FOUNDATION SPECIALTIES, INC.:**

A RESOLUTION TO AWARD BID #17-31 AND AUTHORIZE A CONTRACT WITH FOUNDATION SPECIALTIES, INC. IN THE AMOUNT OF \$34,918.00 FOR THE INSTALLATION OF MICROPILE FOUNDATIONS FOR THE CATO SPRINGS TRAIL BRIDGE NO. 3, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,491.80

Attachments: BID #17-31 FOUNDATION SPECIALTIES, INC.:

A. 5 2017-0243**RFP #17-11 CHALLENGER TEAMWEAR:**

A RESOLUTION TO AWARD RFP #17-11 AND AUTHORIZE A CONTRACT WITH CHALLENGER TEAMWEAR FOR THE PURCHASE OF YOUTH SOCCER UNIFORMS IN THE AMOUNT OF \$14.96 PLUS APPLICABLE TAXES PER UNIFORM FOR THE FALL 2017 AND SPRING 2018 SEASONS, WITH AN AUTOMATIC RENEWAL AT THE SAME PRICE FOR THE FALL 2018 AND SPRING 2019 SEASONS

Attachments: RFP #17-11 CHALLENGER TEAMWEAR:

A. 6 2017-0224**CITY OF JOHNSON MEMORANDUM OF UNDERSTANDING:**

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FAYETTEVILLE AND THE CITY OF JOHNSON TO TRANSFER CONTROL, OPERATION, OWNERSHIP AND MAINTENANCE OF THE TRAFFIC SIGNAL AT THE JOYCE BOULEVARD AND WILKERSON STREET INTERSECTION IN JOHNSON

Attachments: CITY OF JOHNSON MEMORANDUM OF UNDERSTANDING:

A. 7 2017-0240**CISCO SYSTEMS, INC.:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF CISCO SYSTEMS, INC. DATA COMMUNICATIONS PRODUCTS AND SERVICES THROUGH AUTHORIZED RESELLERS, PURSUANT TO A STATE OF ARKANSAS AND WESTERN STATES CONTRACTING ALLIANCE - NATIONAL ASSOCIATION OF PROCUREMENT OFFICIALS CONTRACT

Attachments: CISCO SYSTEMS, INC.:

B. Unfinished Business:**B. 1 2017-0207****RZN 17-5733 (SE OF CROSSOVER RD. & HEARTHSTONE DR.):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5733 FOR APPROXIMATELY 1.79 ACRES LOCATED AT SOUTHEAST CORNER OF CROSSOVER ROAD AND HEARTHSTONE DRIVE FROM R-O, RESIDENTIAL OFFICE, AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS-G, NEIGHBORHOOD SERVICES, GENERAL

Attachments: RZN 17-5733 (SE OF CROSSOVER RD. & HEARTHSTONE DR.)

At the May 2, 2017 City Council Meeting this ordinance was left on first reading.

B. 2 2017-0204**VAC 17-5753 (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES):**

AN ORDINANCE TO APPROVE VAC 15-5753 FOR PROPERTY LOCATED AT SOUTHEAST CORNER OF CROSSOVER ROAD AND HEARTHSTONE DRIVE TO VACATE A PORTION OF A DRAINAGE EASEMENT AND A PORTION OF A UTILITY EASEMENT

Attachments: VAC 17-5753 (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES)

At the May 2, 2017 City Council Meeting this ordinance was left on first reading.

B. 3 2017-0211**FAYETTEVILLE COMMERCE PARK LAND SALE:**

A RESOLUTION TO SELL ABOUT 5 ACRES OF LAND IN THE COMMERCE DISTRICT TO AR-CANNA, LLC FOR \$75,000.00 CONTINGENT ON AR-CANNA, LLC RECEIVING A MEDICAL MARIJUANA CULTIVATION FACILITY LICENSE FROM THE STATE OF ARKANSAS

Attachments: FAYETTEVILLE COMMERCE PARK LAND SALE - AR-CANNA, LLC

At the May 2, 2017 City Council Meeting this resolution was tabled to the May 16, 2017 City Council Meeting.

C. Public Hearing:**C. 1** 2017-0237**RAZE AND REMOVAL 265 WEST NONNAMAKER DRIVE:**

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY HAROLD AND ROSETTA HARMON LOCATED AT 265 WEST NONNAMAKER DRIVE IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: RAZE AND REMOVAL 265 W NONNAMAKER AVENUE:

BA_RAZE AND REMOVAL 265 W NONNAMAKER AVENUE:

D. New Business:

D. 1 2017-0230**SOUTH BLOCK PARTNERS, LLC COST SHARE AGREEMENT:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH SOUTH BLOCK PARTNERS, LLC FOR THE INSTALLATION OF A SEWER MAIN ALONG A PORTION OF SOUTH BLOCK AVENUE BETWEEN WEST 4TH STREET AND WEST 5TH STREET, WITH THE ESTIMATED AMOUNT TO BE PAID BY THE CITY OF FAYETTEVILLE NOT TO EXCEED \$16,375.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,347.00

Attachments: SOUTH BLOCK PARTNERS, LLC COST SHARE AGREEMENT:

D. 2 2017-0229**MILLSAP DRAINAGE COST SHARE:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH SOUTHERN STAR ENTERPRISES, LLC FOR THE INSTALLATION OF DRAINAGE IMPROVEMENTS ALONG A PORTION OF EAST MILLSAP ROAD WITH THE CITY OF FAYETTEVILLE'S SHARE OF THE COSTS NOT TO EXCEED \$49,070.40, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,000.00

Attachments: MILLSAP DRAINAGE COST SHARE:

D. 3 2017-0236**RZN 17-5756 (2621 E. MISSION BLVD./ERC HOLDINGS, LLC):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5756 FOR APPROXIMATELY 2.62 ACRES LOCATED AT 2621 EAST MISSION BOULEVARD FROM C-1, NEIGHBORHOOD COMMERCIAL TO CS, COMMUNITY SERVICES

Attachments: RZN 17-5756 (2621 E. MISSION BLVD./ERC HOLDINGS, LLC):

D. 4 2017-0245**RZN 17-5781 (1622 E. MISSION BLVD./LAMB-MORRIS):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5781 FOR APPROXIMATELY 0.54 ACRES LOCATED AT 1622 EAST MISSION BOULEVARD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

Attachments: RZN 17-5781 (1622 E. MISSION BLVD./LAMB-MORRIS):

D. 5 2017-0238**VAC 17-5751 (1541 W. MLK BLVD./ MONROE EATON, LLC):**

AN ORDINANCE TO APPROVE VAC 17-5751 FOR PROPERTY LOCATED AT 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD TO VACATE A PORTION OF A STREET RIGHT OF WAY

Attachments: VAC 17-5751 (1541 W. MLK BLVD./ MONROE EATON, LLC):

D. 6 2017-0192**ADM 17-5705 (UDC CHAPTER 178 OUTDOOR MOBILE VENDORS):**

AN ORDINANCE TO AMEND CHAPTER 178 **OUTDOOR VENDORS** OF THE UNIFIED DEVELOPMENT CODE TO END THE PERMIT LOTTERY FOR MOBILE VENDORS UTILIZING PUBLIC PARKING AREAS, TO ALLOW ADMINISTRATIVE APPROVAL OF PERMITS FOR MOBILE VENDOR COURTS AND SIDEWALK CAFÉS, TO ALLOW MOBILE VENDORS TO ADMINISTRATIVELY RENEW PERMITS ANNUALLY, AND TO MAKE TECHNICAL REVISIONS

Attachments: ADM 17-5705 (UDC CHAPTER 178 OUTDOOR MOBILE VENDORS)
 EXHIBIT A (UDC CHAPTER 178 OUTDOOR MOBILE VENDORS)

E. City Council Agenda Session Presentations:**E. 1** 2017-0227

AGENDA SESSION PRESENTATION - FPTV (PUBLIC ACCESS) OPERATIONS UPDATE, PRESENTED BY DAN ROBINSON, EXECUTIVE DIRECTOR OF YOUR MEDIA

F. City Council Tour:**G. Announcements:****H. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

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

Consent Agenda: 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. City staff, City Council members, and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item.

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. A simple majority of the City Council members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the ordinance or resolution to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed; however, 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's 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.

Pre Agenda Meeting 5/3/17

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, May 9, 2017

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
Sarah Bunch 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:

✓ 2017-0244

OZARK REGIONAL TRANSIT PERIODIC REPORT

✓ 2017-0246

2017 FIRST QUARTER FINANCIAL REPORT

Agenda Additions

A. Consent:

AV1 2016-0575

APPROVAL OF THE MAY 2, 2017 CITY COUNCIL MEETING MINUTES.

A/2 2017-0221

NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING SCHOLARSHIP:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING A SCHOLARSHIP RECEIVED BY THE PURCHASING DIVISION FROM THE NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING IN THE AMOUNT OF \$2,500.00

Attachments: NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING SCHOLARSHIP:
BA NIGP Scholarship

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Attachments: BID NO. 17-28 DFI TECHNOLOGIES, INC.:**BID #17-31 FOUNDATION SPECIALTIES, INC.:**

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Attachments: BID #17-31 FOUNDATION SPECIALTIES, INC.:**RFP #17-11 CHALLENGER TEAMWEAR:**

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Attachments: RFP #17-11 CHALLENGER TEAMWEAR:

A.6 2017-0224

CITY OF JOHNSON MEMORANDUM OF UNDERSTANDING:

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FAYETTEVILLE AND THE CITY OF JOHNSON TO TRANSFER CONTROL, OPERATION, OWNERSHIP AND MAINTENANCE OF THE TRAFFIC SIGNAL AT THE JOYCE BOULEVARD AND WILKERSON STREET INTERSECTION IN JOHNSON

Attachments: CITY OF JOHNSON MEMORANDUM OF UNDERSTANDING:

A.7 2017-0240

CISCO SYSTEMS, INC.:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF CISCO SYSTEMS, INC. DATA COMMUNICATIONS PRODUCTS AND SERVICES THROUGH AUTHORIZED RESELLERS, PURSUANT TO A STATE OF ARKANSAS AND WESTERN STATES CONTRACTING ALLIANCE - NATIONAL ASSOCIATION OF PROCUREMENT OFFICIALS CONTRACT

Attachments: CISCO SYSTEMS, INC.:

B. Unfinished Business:

B.1 2017-0207

RZN 17-5733 (SE OF CROSSOVER RD. & HEARTHSTONE DR.):

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Attachments: RZN 17-5733 (SE OF CROSSOVER RD. & HEARTHSTONE DR.)

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B.2 2017-0204**VAC 17-5753 (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES):**

AN ORDINANCE TO APPROVE VAC 15-5753 FOR PROPERTY LOCATED AT SOUTHEAST CORNER OF CROSSOVER ROAD AND HEARTHSTONE DRIVE TO VACATE A PORTION OF A DRAINAGE EASEMENT AND A PORTION OF A UTILITY EASEMENT

Attachments: VAC 17-5753 (SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES)

At the May 2, 2017 City Council Meeting this ordinance was left on first reading.

B.3 2017-0211**FAYETTEVILLE COMMERCE PARK LAND SALE:**

A RESOLUTION TO SELL ABOUT 5 ACRES OF LAND IN THE COMMERCE DISTRICT TO AR-CANNA, LLC FOR \$75,000.00 CONTINGENT ON AR-CANNA, LLC RECEIVING A MEDICAL MARIJUANA CULTIVATION FACILITY LICENSE FROM THE STATE OF ARKANSAS

Attachments: FAYETTEVILLE COMMERCE PARK LAND SALE - AR-CANNA, LLC

At the May 2, 2017 City Council Meeting this resolution was tabled to the May 16, 2017 City Council Meeting.

C. Public Hearing:**C.1** 2017-0237**RAZE AND REMOVAL 265 WEST NONNAMAKER DRIVE:**

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY HAROLD AND ROSETTA HARMON LOCATED AT 265 WEST NONNAMAKER DRIVE IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: RAZE AND REMOVAL 265 W NONNAMAKER AVENUE:
BA_RAZE AND REMOVAL 265 W NONNAMAKER AVENUE:

D. New Business:

D. 1 2017-0230**SOUTH BLOCK PARTNERS, LLC COST SHARE AGREEMENT:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH SOUTH BLOCK PARTNERS, LLC FOR THE INSTALLATION OF A SEWER MAIN ALONG A PORTION OF SOUTH BLOCK AVENUE BETWEEN WEST 4TH STREET AND WEST 5TH STREET, WITH THE ESTIMATED AMOUNT TO BE PAID BY THE CITY OF FAYETTEVILLE NOT TO EXCEED \$16,375.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,347.00

Attachments: SOUTH BLOCK PARTNERS, LLC COST SHARE AGREEMENT:

D. 2 2017-0236**RZN 17-5756 (2621 E. MISSION BLVD./ERC HOLDINGS, LLC):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5756 FOR APPROXIMATELY 2.62 ACRES LOCATED AT 2621 EAST MISSION BOULEVARD FROM C-1, NEIGHBORHOOD COMMERCIAL TO CS, COMMUNITY SERVICES

Attachments: RZN 17-5756 (2621 E. MISSION BLVD./ERC HOLDINGS, LLC):

D. 3 2017-0245**RZN 17-5781 (1622 E. MISSION BLVD./LAMB-MORRIS):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5781 FOR APPROXIMATELY 0.54 ACRES LOCATED AT 1622 EAST MISSION BOULEVARD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

Attachments: RZN 17-5781 (1622 E. MISSION BLVD./LAMB-MORRIS):

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D. 4 2017-0238

VAC 17-5751 (1541 W. MLK BLVD./ MONROE EATON, LLC):

AN ORDINANCE TO APPROVE VAC 17-5751 FOR PROPERTY LOCATED AT 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD TO VACATE A PORTION OF A STREET RIGHT OF WAY

✓
D. 5 2017-0192
Attachments: VAC 17-5751 (1541 W. MLK BLVD./ MONROE EATON, LLC):

ADM 17-5705 (UDC CHAPTER 178 OUTDOOR MOBILE VENDORS):

AN ORDINANCE TO AMEND CHAPTER 178 **OUTDOOR VENDORS** OF THE UNIFIED DEVELOPMENT CODE TO END THE PERMIT LOTTERY FOR MOBILE VENDORS UTILIZING PUBLIC PARKING AREAS, TO ALLOW ADMINISTRATIVE APPROVAL OF PERMITS FOR MOBILE VENDOR COURTS AND SIDEWALK CAFÉS, TO ALLOW MOBILE VENDORS TO ADMINISTRATIVELY RENEW PERMITS ANNUALLY, AND TO MAKE TECHNICAL REVISIONS

Attachments: ADM 17-5705 (UDC CHAPTER 178 OUTDOOR MOBILE VENDORS)
 EXHIBIT A (UDC CHAPTER 178 OUTDOOR MOBILE VENDORS)

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D. 6 2017-0229

MILLSAP DRAINAGE COST SHARE:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH SOUTHERN STAR ENTERPRISES, LLC FOR THE INSTALLATION OF DRAINAGE IMPROVEMENTS ALONG A PORTION OF EAST MILLSAP ROAD WITH THE CITY OF FAYETTEVILLE'S SHARE OF THE COSTS NOT TO EXCEED \$49,070.40, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,000.00

Attachments: MILLSAP DRAINAGE COST SHARE:

E. City Council Agenda Session Presentations:

E. 1 2017-0227

AGENDA SESSION PRESENTATION - FPTV (PUBLIC ACCESS) OPERATIONS UPDATE,
PRESENTED BY DAN ROBINSON, EXECUTIVE DIRECTOR OF YOUR MEDIA

F. City Council Tour:**G. Announcements:****H. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

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

Consent Agenda: 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. City staff, City Council members, and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item.

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. A simple majority of the City Council members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the ordinance or resolution to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed; however, 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's 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.