

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
June 6, 2017**

A meeting of the Fayetteville City Council was held on June 6, 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. Nominating Committee Report.

Approved

2. Advertising and Promotion Commission Appointment.
3. Historic District Commission - Mayor Appointment.
4. Report on Library Bond Issue - Paul Becker, CFO.

Agenda Additions

A. Consent:

1. Approval of the May 16, 2017 City Council Meeting Minutes.

Approved

2. **STEVE LANDERS TOYOTA OF NWA:** A resolution to authorize the purchase of a Toyota Camry Hybrid from Steve Landers Toyota of NWA in the amount of \$25,517.00 pursuant to a state procurement contract for use by the police department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 112-17

3. **MCCLELLAND CONSULTING ENGINEERS, INC.:** A resolution to approve a contract with McClelland Consulting Engineers, INC. in the amount of \$250,793.00 for engineering services associated with the Kitty Creek Sewer Line Improvement Project, and to approve a project contingency in the amount of \$25,079.30.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 113-17

4. **UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES LEASE AGREEMENT:** A resolution to approve a lease agreement with the board of trustees of the University of Arkansas for the unoccupied banquet area in the airport terminal building to be used by the Osher Lifelong Learning Institute to conduct classes during the fall 2017 semester in the amount of \$25.00 for each day the space is used.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 114-17

5. **BENCHMARK CONSTRUCTION OF NWA, INC. CHANGE ORDER NO. 3:** A resolution to approve Change Order No. 3 to the contract with Benchmark Construction of NWA, Inc. in the amount of \$42,021.00 for the construction of a gravel access drive, concrete pier pads and irrigation system at the fire department training facility, and to approve a project contingency in the amount of \$4,202.10.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 115-17

6. **ARKANSAS STATE POLICE MATCHING GRANT:** A resolution to authorize acceptance of an 80/20 matching grant from the Arkansas State Police in the amount of \$24,160.00 for the development of an accident reporting interface between the City of Fayetteville and Arkansas State Police Public Safety Software Systems, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 116-17

7. **TYLER TECHNOLOGIES, INC. AMENDMENT:** A resolution to approve an amendment to the contract with Tyler Technologies, Inc. in the amount of \$27,329.00 for the development of an accident reporting interface between the City of Fayetteville and Arkansas State Police Public Safety Software Systems.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 117-17

8. **BID #17-38 SHOR-LINE:** A resolution to award Bid #17-38 and authorize the purchase of cat adoption cages and vet clinic recovery cages from Schroer Manufacturing Co. d/b/a Shor-Line in the amount of \$30,382.52 plus applicable taxes for the Lib Horn Animal Shelter of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 118-17

9. **TSA LA GI TRAIL OF TEARS MURAL:** A resolution to approve a contract for the commission of public art with Stacy Bates in the amount of \$5,000.00 for a Trail of Tears mural on the Tsa La Gi Trail, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 119-17

10. **VAR 17-5800: 1541 W. MLK BLVD. (PANERA BREAD):** A resolution to affirm the planning commission's approval of a variance of the penalty provision of the tree preservation and protection chapter of the unified development code for property located at 1541 West Martin Luther King, Jr. Boulevard.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 120-17

B. 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.

THIS RESOLUTION WAS TABLED TO THE JUNE 20, 2017 CITY COUNCIL MEETING.

C. Unfinished Business: None

D. New Business:

1. **NORTH STARR DRIVE SEWERAGE SYSTEM EXTENSION.:** A resolution to approve an extension of the city's sewerage system beyond the city limits to property located on North Starr Drive.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 121-17

2. **NWA CAPITAL INVESTMENTS, LLC:** A resolution to sell about 3 acres of land in the Commerce District to NWA Capital Investments, LLC for \$45,000.00.

THIS RESOLUTION WAS TABLED INDEFINITELY.

3. **APPEAL VAR 17-5782 (1541 W. MLK BLVD./PANERA BREAD):** A resolution to partially grant the variance request submitted by Bates & Associates, Inc. to allow a more complete curb cut access for 1541 West Martin Luther King, Jr. Boulevard.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 122-17

4. **LSD 17-5771 (MASTER STREET PLAN AMENDMENT BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE/SPRINGHOUSE VILLAGE):** A resolution to amend the Master Street Plan by changing the alignment of an unnamed street between Crossover Road and Bridgewater Lane and by reclassifying it from a collector street to a local street.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 123-17

5. **RZN 17-5772 (810 S. CHERRY LN./ SWEETSER PROPERTIES):** An ordinance to rezone that property described in rezoning petition rzn 17-5772 for approximately 0.53 acres located at 810 South Cherry Lane from rsf-4, residential single family, 4 units per acre to rmf-24, residential multi- family, 24 units per acre.

THIS ORDINANCE WAS LEFT ON THE SECOND READING.

6. **RZN 17-5776: (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES):** An ordinance to rezone that property described in rezoning petition rzn 17-5776 for approximately 0.31 acres located at 1320 South College Avenue from nc, neighborhood conservation to ri-u, residential intermediate, urban.

THIS ORDINANCE WAS LEFT ON THE FIRST READING.

7. **RZN 17-5770 (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES):** An ordinance to rezone that property described in rezoning petition rzn 17-5770 for approximately 0.45 acres located at 769 and 785 South Washington Avenue from nc, neighborhood conservation to ri-u, residential intermediate, urban.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5980

8. **AMEND UDC AND REZONE - RZN 17-5713 (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE.):** An ordinance to amend the unified development code to create a new zoning district, urban thoroughfare light; ut-l, to change or amend definitions of “building height” and “stories” and to rezone lots along and on both sides of College Avenue running from North Street to Maple Street containing about 24.62 acres as shown on exhibit a of the planning department’s memo.

THIS ORDINANCE WAS LEFT ON THE FIRST READING.

9. **AMEND THE RULES OF ORDER AND PROCEDURE:** A resolution to amend the rules of order and procedure of the Fayetteville City Council A. City Council Meetings 7. Presentation of Agenda Items by amending subsection D.(2) Public Comments.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 124-17

E. City Council Agenda Session Presentations:

1. Agenda Session Presentation - Parking Study recommendations by Nelson Nygaard.
2. Agenda Session Presentation - Seven Hills Financial Update.

F. City Council Tour:

G. Announcements:

Adjournment: 8:00 p.m.

City Council Meeting:

June 6, 2017

Adjourn: 8:00 pm.

Subject:	Roll				
<i>Alderman Tennant absent</i>	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	<i>Absent</i>			
	Bunch	✓			
	La Tour	✓			
	Mayor Jordan	✓			

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

Subject:		NOMINATING COMMITTEE REPORT			
Motion To:		<i>Approve</i>			
Motion By:		<i>Kinion</i>			
Seconded:		<i>Gray</i>			
<i>Approved</i>	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>N</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>Absent</i>			
	Bunch	<i>✓</i>			
	La Tour	<i>N</i>			
	Mayor Jordan				

5-2

Subject:		ADVERTISING AND PROMOTION COMMISSION APPOINTMENT			
Motion To:					
Motion By:					
Seconded:					
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Bunch				
	La Tour				
	Mayor Jordan				

Subject:	HISTORIC DISTRICT COMMISSION - MAYOR APPOINTMENT				
Motion To:					
Motion By:					
Seconded:					
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Bunch				
	La Tour				
	Mayor Jordan				

Subject:	REPORT ON LIBRARY BOND ISSUE - PAUL BECKER, CFO				
Motion To:					
Motion By:					
Seconded:					
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Bunch				
	La Tour				
	Mayor Jordan				

Subject:	Consent				
Motion To:					
Motion By:		<i>Approve</i>			
Seconded:		<i>Gray</i>			
		<i>Marsh</i>			
A. 1- A. 10 <i>Approved</i> <i>112-17</i> <i>120-17</i>	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	<i>A</i>			
	Bunch	✓			
	La Tour	✓			
	Mayor Jordan				

7-0

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

Subject:		RAZE AND REMOVAL 265 WEST NONNAMAKER DRIVE			
Motion To:			<i>to</i> <i>Table 6-20</i>	<i>Approve</i>	
Motion By:			<i>Petty</i>	<i>Petty</i>	
Seconded:			<i>La Tour</i>	<i>Marsh</i>	
B. 1 Public Hearing <i>Table to 6-20-17</i>	Long		<i>✓</i>		
	Gray		<i>N</i>	<i>Petty</i>	<i>Motion</i>
	Marsh		<i>N</i>	<i>withdrew</i>	<i>to table</i>
	Kinion		<i>N</i>	<i>motion to approve</i>	<i>was first</i>
	Petty		<i>✓</i>	<i>Marsh</i>	<i>Motion</i>
	Tennant		<i>Absent</i>	<i>would not withdraw her second</i>	<i>to approve</i>
	Bunch		<i>✓</i>		<i>made before the</i>
	La Tour		<i>✓</i>	<i>Motion</i>	<i>vote on motion</i>
	Mayor Jordan		<i>yes</i>	<i>to table had to</i>	<i>to table</i>

5-3

*be voted on first**once motion to table passed*

Subject:					
Motion To:				<i>there was no need to vote</i>	
Motion By:				<i>on motion to</i>	
Seconded:				<i>approve.</i>	
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Bunch				
	La Tour				
	Mayor Jordan				

Subject:	NONE				
Motion To:					
Motion By:					
Seconded:					
Unfinished Business	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Bunch				
	La Tour				
	Mayor Jordan				

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

Subject:		NORTH STARR DRIVE SEWERAGE SYSTEM EXTENSION			
Motion To:					
Motion By:			<i>Approve</i>		
Motion By:			<i>Kinion</i>		
Seconded:			<i>Marsh</i>		
D. 1 New Business <i>Approved</i> <i>12-17</i>	Long		<i>✓</i>		
	Gray		<i>✓</i>		
	Marsh		<i>✓</i>		
	Kinion		<i>✓</i>		
	Petty		<i>✓</i>		
	Tennant		<i>Absent</i>		
	Bunch		<i>✓</i>		
	La Tour		<i>✓</i>		
Mayor Jordan					

7-0

Subject:		NWA CAPITAL INVESTMENTS, LLC			
Motion To:					
Motion To:			<i>Table</i>		
Motion By:			<i>Indefinitely</i>		
Motion By:			<i>Long</i>		
Seconded:			<i>Marsh</i>		
D. 2 New Business <i>Table</i> <i>Indef.</i>	Long		<i>✓</i>		
	Gray		<i>✓</i>		
	Marsh		<i>✓</i>		
	Kinion		<i>✓</i>		
	Petty		<i>Absent</i>		
	Tennant		<i>Absent</i>		
	Bunch		<i>✓</i>		
	La Tour		<i>✓</i>		
Mayor Jordan					

6-0

Subject:		APPEAL VAR 17-5782 (1541 W. MLK BLVD./PANERA BREAD)			
Motion To:			<i>Approve</i>		
Motion By:			<i>Gray</i>		
Seconded:			<i>Long</i>		
D. 3 New Business	Long		✓		
	Gray		✓		
	Marsh		✓		
	Kinion		✓		
	Petty		✓		
	Tennant		<i>Absent</i>		
	Bunch		✓		
	La Tour		✓		
	Mayor Jordan				

7-0

Subject:		LSD 17-5771 (MASTER STREET PLAN AMENDMENT BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE/SPRINGHOUSE VILLAGE)			
Motion To:			<i>Approve</i>		
Motion By:			<i>Gray</i>		
Seconded:			<i>Marsh</i>		
D. 4 New Business	Long		✓		
	Gray		✓		
	Marsh		✓		
	Kinion		✓		
	Petty		✓		
	Tennant		<i>Absent</i>		
	Bunch		✓		
	La Tour		✓		
	Mayor Jordan				

7-0

Subject:		RZN 17-5772 (810 S. CHERRY LN./ SWEETSER PROPERTIES)			
Motion To:					
Motion By:					
Seconded:					
D. 5 New Business <i>Left on the Second Reading</i>	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	<i>Absent</i>			
	Bunch	✓			
	La Tour	✓			
	Mayor Jordan				

7-0

Subject:		RZN 17-5776: (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES)			
Motion To:					
Motion By:					
Seconded:					
D. 6 New Business <i>Left on the First Reading</i>	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Bunch				
	La Tour				
	Mayor Jordan				

Subject:		RZN 17-5770 (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES)			
Motion To:			<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>
Motion By:			<i>Marsh</i>	<i>Gray</i>	
Seconded:			<i>Gray</i>	<i>Marsh</i>	
D. 7 New Business <i>Approved</i> <i>5980</i>	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Gray	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>N</i>	<i>✓</i>	<i>N</i>	
	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>	
	Bunch	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Mayor Jordan				

*6-1**7-0**6-1*

Subject:		AMEND UDC AND REZONE - RZN 17-5713 (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE.)			
Motion To:			<i>Amend to new ord.</i>		
Motion By:			<i>Marsh</i>		
Seconded:			<i>Kinion</i>		
D. 8 New Business <i>Left on the first Reading as amended</i>	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>N</i>			
	Tennant	<i>Absent</i>			
	Bunch	<i>✓</i>			
	La Tour	<i>✓</i>			
	Mayor Jordan				

6-1

Subject:	AMEND THE RULES OF ORDER AND PROCEDURE				
Motion To:		<i>Approve</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>Marsh</i>			
D. 9 New Business <i>Approved</i> <i>124-17</i>	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>Absent</i>			
	Bunch	<i>✓</i>			
	La Tour	<i>✓</i>			
	Mayor Jordan				

7-0

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



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: **June 7, 2017**

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of June 6, 2017

1. A resolution to authorize the purchase of a Toyota Camry Hybrid from Steve Landers Toyota of NWA in the amount of \$25,517.00 pursuant to a state procurement contract for use by the Police Department.
2. A resolution to approve a contract with McClelland Consulting Engineers, Inc. in the amount of \$250,793.00 for engineering services associated with the Kitty Creek Sewer Line Improvement Project, and to approve a project contingency in the amount of \$25,079.30.
3. A resolution to approve a lease agreement with the Board of Trustees of the University of Arkansas for the unoccupied banquet area in the airport terminal building to be used by the Osher Lifelong Learning Institute to conduct classes during the Fall 2017 semester in the amount of \$25.00 for each day the space is used.
4. A resolution to approve change order no. 3 to the contract with Benchmark Construction of NWA, Inc. in the amount of \$42,021.00 for the construction of a gravel access drive, concrete pier pads and irrigation system at the fire department training facility, and to approve a project contingency in the amount of \$4,202.10.
5. A resolution authorize acceptance of an 80/20 matching grant from the Arkansas State Police in the amount of \$24,160.00 for the development of an accident reporting interface between the City of Fayetteville and Arkansas State Police public safety software systems, and to approve a budget adjustment.
6. A resolution to approve an amendment to the contract with Tyler Technologies, Inc. in the amount of \$27,329.00 for the development of an accident reporting interface between the City of Fayetteville and Arkansas State Police public safety software systems.

7. A resolution to award bid #17-38 and authorize the purchase of cat adoption cages and vet clinic recovery cages from Schroer Manufacturing Co. d/b/a Shor-Line in the amount of \$30,382.52 plus applicable taxes for the Lib Horn Animal Shelter of Fayetteville.

8. A resolution to approve a contract for the commission of public art with Stacy Bates in the amount of \$5,000.00 for a Trail of Tears mural on the Tsa La Gi Trail, and to approve a budget adjustment.

9. A resolution to affirm the planning commission's approval of a variance of the penalty provision of the Tree Preservation and Protection chapter of the Unified Development Code for property located at 1541 West Martin Luther King, Jr. Boulevard.

10. A resolution to approve an extension of the city's sewerage system beyond the city limits to property located on North Starr Drive.

11. A resolution to partially grant the variance request submitted by Bates & Associates, Inc. to allow a more complete curb cut access for 1541 West Martin Luther King, Jr. Boulevard.

12. A resolution to amend the master street plan by changing the alignment of an unnamed street between Crossover Road and Bridgewater Lane and by reclassifying it from a collector street to a local street.

13. An ordinance to rezone that property described in rezoning petition RZN 17-5770 for approximately 0.45 acres located at 769 and 785 South Washington Avenue from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban.

14. A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council A. City Council Meetings 7. Presentation of Agenda Items by amending subsection D.(2) Public Comments.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, June 6, 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. [2017-0232](#)**

NOMINATING COMMITTEE REPORT

Attachments: [NOMINATING COMMITTEE REPORT](#)**2. [2017-0233](#)**

ADVERTISING AND PROMOTION COMMISSION APPOINTMENT

3. [2017-0294](#)

HISTORIC DISTRICT COMMISSION - MAYOR APPOINTMENT

4. [2017-0296](#)

REPORT ON LIBRARY BOND ISSUE - PAUL BECKER, CFO

Agenda Additions:**A. Consent:****A. 1 [2016-0576](#)**

APPROVAL OF THE MAY 16, 2017 CITY COUNCIL MEETING MINUTES.

A. 2 [2017-0261](#)**STEVE LANDERS TOYOTA OF NWA:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TOYOTA CAMRY HYBRID FROM STEVE LANDERS TOYOTA OF NWA IN THE AMOUNT OF \$25,517.00 PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE POLICE DEPARTMENT

Attachments: [STEVE LANDERS TOYOTA OF NWA](#)

A. 3 [2017-0235](#)**MCCLELLAND CONSULTING ENGINEERS, INC.:**

A RESOLUTION TO APPROVE A CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$250,793.00 FOR ENGINEERING SERVICES ASSOCIATED WITH THE KITTY CREEK SEWER LINE IMPROVEMENT PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$25,079.30

Attachments: [MCCLELLAND CONSULTING ENGINEERS, INC.](#)

A. 4 [2017-0285](#)**UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES LEASE AGREEMENT:**

A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE UNOCCUPIED BANQUET AREA IN THE AIRPORT TERMINAL BUILDING TO BE USED BY THE OSHER LIFELONG LEARNING INSTITUTE TO CONDUCT CLASSES DURING THE FALL 2017 SEMESTER IN THE AMOUNT OF \$25.00 FOR EACH DAY THE SPACE IS USED

Attachments: [UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES LEASE AGREEMENT](#)

A. 5 [2017-0270](#)**BENCHMARK CONSTRUCTION OF NWA, INC. CHANGE ORDER NO. 3:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 3 TO THE CONTRACT WITH BENCHMARK CONSTRUCTION OF NWA, INC. IN THE AMOUNT OF \$42,021.00 FOR THE CONSTRUCTION OF A GRAVEL ACCESS DRIVE, CONCRETE PIER PADS AND IRRIGATION SYSTEM AT THE FIRE DEPARTMENT TRAINING FACILITY, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$4,202.10

Attachments: [BENCHMARK CONSTRUCTION OF NWA, INC. CHANGE ORDER NO. 3](#)

A. 6 [2017-0280](#)**ARKANSAS STATE POLICE MATCHING GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF AN 80/20 MATCHING GRANT FROM THE ARKANSAS STATE POLICE IN THE AMOUNT OF \$24,160.00 FOR THE DEVELOPMENT OF AN ACCIDENT REPORTING INTERFACE BETWEEN THE CITY OF FAYETTEVILLE AND ARKANSAS STATE POLICE PUBLIC SAFETY SOFTWARE SYSTEMS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [ARKANSAS STATE POLICE MATCHING GRANT](#)
 [BA _ARKANSAS STATE POLICE MATCHING GRANT](#)

A. 7 [2017-0281](#)**TYLER TECHNOLOGIES, INC. AMENDMENT:**

A RESOLUTION TO APPROVE AN AMENDMENT TO THE CONTRACT WITH TYLER TECHNOLOGIES, INC. IN THE AMOUNT OF \$27,329.00 FOR THE DEVELOPMENT OF AN ACCIDENT REPORTING INTERFACE BETWEEN THE CITY OF FAYETTEVILLE AND ARKANSAS STATE POLICE PUBLIC SAFETY SOFTWARE SYSTEMS

Attachments: [TYLER TECHNOLOGIES, INC. AMENDMENT](#)

A. 8 [2017-0260](#)**BID #17-38 SHOR-LINE:**

A RESOLUTION TO AWARD BID #17-38 AND AUTHORIZE THE PURCHASE OF CAT ADOPTION CAGES AND VET CLINIC RECOVERY CAGES FROM SCHROER MANUFACTURING CO. D/B/A SHOR-LINE IN THE AMOUNT OF \$30,382.52 PLUS APPLICABLE TAXES FOR THE LIB HORN ANIMAL SHELTER OF FAYETTEVILLE

Attachments: [BID #17-38 SHOR-LINE:](#)

A. 9 [2017-0265](#)**TSA LA GI TRAIL OF TEARS MURAL:**

A RESOLUTION TO APPROVE A CONTRACT FOR THE COMMISSION OF PUBLIC ART WITH STACY BATES IN THE AMOUNT OF \$5,000.00 FOR A TRAIL OF TEARS MURAL ON THE TSA LA GI TRAIL, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [TSA LA GI TRAIL OF TEARS MURAL](#)
 [BA TSA LA GI TRAIL OF TEARS MURAL](#)

A. 10 [2017-0263](#)**VAR 17-5800: 1541 W. MLK BLVD. (PANERA BREAD):**

A RESOLUTION TO AFFIRM THE PLANNING COMMISSION'S APPROVAL OF A VARIANCE OF THE PENALTY PROVISION OF **THE TREE PRESERVATION AND PROTECTION** CHAPTER OF THE UNIFIED DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD

Attachments: [VAR 17-5800: 1541 W. MLK BLVD. \(PANERA BREAD\)](#)

B. Public Hearing:

B. 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:](#)

At the May 16, 2017 City Council Meeting this resolution was tabled to the June 6, 2017 City Council Meeting.

C. Unfinished Business: None**D. New Business:****D. 1** [2017-0282](#)**NORTH STARR DRIVE SEWERAGE SYSTEM EXTENSION:**

A RESOLUTION TO APPROVE AN EXTENSION OF THE CITY'S SEWERAGE SYSTEM BEYOND THE CITY LIMITS TO PROPERTY LOCATED ON NORTH STARR DRIVE

Attachments:[NORTH STARR DRIVE SEWERAGE SYSTEM EXTENSION](#)**D. 2** [2017-0269](#)**NWA CAPITAL INVESTMENTS, LLC:**

A RESOLUTION TO SELL ABOUT 3 ACRES OF LAND IN THE COMMERCE DISTRICT TO NWA CAPITAL INVESTMENTS, LLC FOR \$45,000.00

Attachments:[NWA CAPITAL INVESTMENTS, LLC:](#)

D. 3 [2017-0279](#)**APPEAL VAR 17-5782 (1541 W. MLK BLVD./PANERA BREAD):**

A RESOLUTION TO PARTIALLY GRANT THE VARIANCE REQUEST SUBMITTED BY BATES & ASSOCIATES, INC. TO ALLOW A MORE COMPLETE CURB CUT ACCESS FOR 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD

Attachments: [APPEAL VAR 17-5782 \(1541 W. MLK BLVD./PANERA BREAD\)](#)

D. 4 [2017-0267](#)**LSD 17-5771 (MASTER STREET PLAN AMENDMENT BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE/SPRINGHOUSE VILLAGE):**

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY CHANGING THE ALIGNMENT OF AN UNNAMED STREET BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE AND BY RECLASSIFYING IT FROM A COLLECTOR STREET TO A LOCAL STREET

Attachments: [LSD 17-5771 \(MASTER STREET PLAN AMENDMENT BETWEEN CROSSOVER](#)

D. 5 [2017-0266](#)**RZN 17-5772 (810 S. CHERRY LN./ SWEETSER PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5772 FOR APPROXIMATELY 0.53 ACRES LOCATED AT 810 SOUTH CHERRY LANE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI- FAMILY, 24 UNITS PER ACRE

Attachments: [RZN 17-5772 \(810 S. CHERRY LN./SWEETSER PROPERTIES\)](#)

D. 6 [2017-0268](#)**RZN 17-5776: (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5776 FOR APPROXIMATELY 0.31 ACRES LOCATED AT 1320 SOUTH COLLEGE AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE, URBAN

Attachments: [RZN 17-5776: \(1320 S. COLLEGE AVE./SUGARLAND PROPERTIES\)](#)

D. 7 [2017-0271](#)**RZN 17-5770 (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5770 FOR APPROXIMATELY 0.45 ACRES LOCATED AT 769 AND 785 SOUTH WASHINGTON AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE, URBAN

Attachments: [RZN 17-5770 \(769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES\)](#)

D. 8 [2017-0286](#)**AMEND UDC AND REZONE - RZN 17-5713 (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE.):**

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CREATE A NEW ZONING DISTRICT, URBAN THOROUGHFARE LIGHT; UT-L, TO CHANGE OR AMEND DEFINITIONS OF "BUILDING HEIGHT" AND "STORIES" AND TO REZONE LOTS ALONG AND ON BOTH SIDES OF COLLEGE AVENUE RUNNING FROM NORTH STREET TO MAPLE STREET CONTAINING ABOUT 24.62 ACRES AS SHOWN ON EXHIBIT A OF THE PLANNING DEPARTMENT'S MEMO

Attachments: [RZN 17-5713 \(COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE.\)](#)

D. 9 [2017-0299](#)**AMEND THE RULES OF ORDER AND PROCEDURE:**

A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL A. **CITY COUNCIL MEETINGS 7. PRESENTATION OF AGENDA ITEMS** BY AMENDING SUBSECTION d.(2) **PUBLIC COMMENTS**

Attachments: [AMEND CITY COUNCIL RULES OF ORDER AND PROCEDURE - PUBLIC COMMENTS](#)

E. City Council Agenda Session Presentations:**E. 1** [2017-0262](#)

AGENDA SESSION PRESENTATION - PARKING STUDY RECOMMENDATIONS BY NELSON NYGAARD

E. 2 [2017-0274](#)

AGENDA SESSION PRESENTATION - SEVEN HILLS FINANCIAL UPDATE

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.

Unfinished 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 a City Council member 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 City Council member 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: 2017-0232

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Report

Agenda Number: 1.

NOMINATING COMMITTEE REPORT

Chair
Alderman Mark Kinion
Ward 2 Position 1

Alderman Sarah Marsh
Ward 1 Position 2



Alderman Sarah Bunch
Ward 3 Position 2

Alderman Alan T. Long
Ward 4 Position 2

Nominating Committee Report May 22, 2017

Members Present – Chair Mark Kinion, Sarah Marsh, Sarah Bunch and Alan Long

The Advertising and Promotion Commissioners recommend the following appointment:

ADVERTISING AND PROMOTION COMMISSION

Todd Martin – One owner or manager of a business in the tourism industry partial term ending 03/31/21

The Mayor recommends the following appointments to the Historic District Commission:

HISTORIC DISTRICT COMMISSION

Angela Albright – One citizen at large term ending 06/30/20

Rhianon DeLeeuw – One citizen at large term ending 06/30/20

The Nominating Committee recommends the following candidates for appointment:

ANIMAL SERVICES ADVISORY BOARD

Lea Criss - One citizen at large term ending 06/30/20

Jill Shade - One citizen at large term ending 06/30/20

ENVIRONMENTAL ACTION COMMITTEE

Ryan Mills - One citizen at large term ending 06/30/20

Erin E. Scott - One Science Discipline term ending 06/30/20

FAYETTEVILLE ARTS COUNCIL

Ashley L. Byers - One working artist term ending 06/30/20

Justin R. Hunter - One arts and cultural/citizen at large term ending 06/30/20

TELECOMMUNICATIONS BOARD

Justin Van Hoose – One citizen at large term ending 06/30/21

Zakaria Tamijani – One citizen at large term ending 06/30/21

Vacant/did not receive a sufficient amount of applications – One citizen at large term ending 06/30/21

WALTON ARTS CENTER COUNCIL

Sarah E. Lewis – One citizen at large term ending 06/30/20

Casey Hamaker – One citizen at large term ending 06/30/20



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0233

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Report

Agenda Number: 2.

ADVERTISING AND PROMOTION COMMISSION APPOINTMENT



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0294

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Report

Agenda Number: 3.

HISTORIC DISTRICT COMMISSION - MAYOR APPOINTMENT



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0296

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Report

Agenda Number: 4.

REPORT ON LIBRARY BOND ISSUE - PAUL BECKER, CFO



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0576

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE MAY 16, 2017 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0261

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

STEVE LANDERS TOYOTA OF NWA:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TOYOTA CAMRY HYBRID FROM STEVE LANDERS TOYOTA OF NWA IN THE AMOUNT OF \$25,517.00 PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE POLICE DEPARTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of a Toyota Camry Hybrid from Steve Landers Toyota of NWA in the amount of \$25,517.00 pursuant to a state procurement contract for use by the Police Department.

City of Fayetteville Staff Review Form

2017-0261

Legistar File ID

6/6/2017

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

Jesse Beeks/ Sara Glenn

5/10/2017

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of a Toyota Camry Hybrid is available for the state contract price of \$25,517.00 through Steve Landers Toyota of NWA in Rogers, AR for use in the Police Department.

Budget Impact:

9700.770.1920-5802.00

Shop

Account Number

Fund

02081.2017

Police/Passenger

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 176,787.94

Funds Obligated \$ -

Current Balance \$ 176,787.94

Does item have a cost? Yes

Item Cost \$ 25,517.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 151,270.94

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF JUNE 6, 2017

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: May 10, 2017

SUBJECT: Purchase of one Hybrid Sedan for the Police Department

RECOMMENDATION:

City Council approve the purchase of a Toyota Camry Hybrid is available for the state contract price of \$25,517.00 through Steve Landers Toyota of NWA in Rogers, AR for use in the Police Department.

BACKGROUND:

Unit 1163 was a 2007 Ford Taurus that was in an accident, totaling the vehicle. 1163 was in the budget to be replaced in 2018. Because it was near the end of its life, we have already collected enough funds to replace it now, without waiting for the insurance funds. Due to other items coming in under budget, there is sufficient budget for this replacement as well.

DISCUSSION:

Fleet recommends the purchase of a Toyota Camry Hybrid is available for the state contract price of \$25,517.00 through Steve Landers Toyota of NWA in Rogers, AR for use in the Police Department.

BUDGET/STAFF IMPACT:

Sufficient funds are in the budget and have been collected for this purchase. This purchase was approved by the Equipment Committee on May 9, 2017.

Attachments:



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0235

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

MCCLELLAND CONSULTING ENGINEERS, INC.:

A RESOLUTION TO APPROVE A CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$250,793.00 FOR ENGINEERING SERVICES ASSOCIATED WITH THE KITTY CREEK SEWER LINE IMPROVEMENT PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$25,079.30

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with McClelland Consulting Engineers, Inc. in the amount of \$250,793.00 for engineering services associated with the Kitty Creek Sewer Line Improvement Project, and further approves a project contingency in the amount of \$25,079.30.

City of Fayetteville Staff Review Form

2017-0235

Legistar File ID

6/6/2017

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

Tim Nyander

4/25/2017

Water & Sewer Maintenance /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION TO APPROVE AN AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$250,793.00 FOR ENGINEERING SERVICES RELATED TO THE KITTY CREEK SEWER IMPROVEMENTS, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$25,079.30 FOR A TOTAL OF \$275,872.30

Budget Impact:

5400.720.5700-5314.00

Water & Sewer

Account Number

Fund

02017.1

Sanitary Sewer Rehabilitation

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 5,326,606.00

Funds Obligated \$ 454,000.92

Current Balance \$ 4,872,605.08

Does item have a cost? Yes

Item Cost \$ 275,872.30

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 4,596,732.78

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF JUNE 6, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Tim Nyander, Utilities Director
Water & Sewer Committee, May 9, 2017 Meeting

FROM: Jim Beavers, P.E. Utilities Engineer

DATE: April 25, 2017

SUBJECT: Approval of the engineering contract and contingency with McClelland Consulting Engineers (MCE) Inc. for professional engineering services associated with the sanitary sewer improvements from Mud Creek, south of Joyce Boulevard, north to Zion Road, aka the Kitty Creek sewer improvements.

RECOMMENDATION:

Fayetteville City Staff recommends approval of (1) the engineering contract with McClelland Consulting Engineers (MCE) Inc. in the not to exceed amount of \$250,793.00 and (2) a ten percent engineering contract contingency of \$25,079.30. The total request is \$275,872.30.

BACKGROUND:

The sanitary sewer improvements, including increasing line size and located generally adjacent to Kitty Creek is a recommended CIP project in the Wastewater Collection System 2014 Master Plan Update. A pre-design preliminary opinion of the future construction and easement costs is \$2,000,000.00.

The proposed engineering contract will provide design and construction administration services.

DISCUSSION:

McClelland Consulting Engineers, Inc. (MCE) was selected for this task in a formal engineering selection committee meeting on February 23, 2016, City of Fayetteville RFQ 16-01, Engineer and Architect - Selection #9. The contract scope and the not to exceed costs were negotiated by City Utilities staff.

BUDGET/STAFF IMPACT:

Budgeted funds are available in the Sanitary System Rehabilitation project.

Attachments:

Staff Review Form
Agreement
Vicinity Map

AGREEMENT
For
PROFESSIONAL ENGINEERING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And

MCCLELLAND CONSULTING ENGINEERS, INC.

Kitty Creek Sanitary Sewer Relocation/Rehabilitation - Zion Road to south of Joyce Boulevard

THIS AGREEMENT is made as of _____, 2017, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and McClelland Consulting Engineers, Inc. with offices located in the City of Fayetteville (hereinafter called ENGINEER).

CITY OF FAYETTEVILLE from time to time requires professional engineering services in connection with the evaluation, planning, design, and/or construction administration of capital improvement projects. Therefore, CITY OF FAYETTEVILLE and ENGINEER in consideration of their mutual covenants agree as follows:

ENGINEER shall serve as CITY OF FAYETTEVILLE's professional engineering consultant in those assignments to which this Agreement applies, and shall give consultation and advice to CITY OF FAYETTEVILLE during the performance of ENGINEER's services. All services shall be performed under the direction of a professional engineer registered in the State of Arkansas and qualified in the particular field. If Construction Phase Services are to be provided by ENGINEER under this Agreement, the construction shall be executed under the observation of a professional engineer registered in the State of Arkansas in accordance with Arkansas Code Amended §22-9-101.

SECTION 1 - AUTHORIZATION OF SERVICES

- 1.1 Services on any assignment shall be undertaken only upon written Authorization of CITY OF FAYETTEVILLE and agreement of ENGINEER.
- 1.2 Assignments from CITY OF FAYETTEVILLE to ENGINEER may include services described hereafter as Basic Services or as Additional Services of ENGINEER.
- 1.3 Changes, modifications or amendments in scope, price or fees to this contract shall **not** be allowed without a formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, costs, fees, or delivery schedule.

SECTION 2 - BASIC SERVICES OF ENGINEER

- 2.1 Perform professional design services in connection with the Project as hereinafter stated.
 - 2.1.1 The Scope of Services to be furnished by ENGINEER during this project is included in Appendix A attached hereto and made part of this Agreement.
- 2.2 ENGINEER shall coordinate their activities and services with the CITY OF FAYETTEVILLE. ENGINEER and CITY OF FAYETTEVILLE agree that ENGINEER has full responsibility for the engineering services.

SECTION 3 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

- 3.1 CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of ENGINEER.
 - 3.1.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.
 - 3.1.2 Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.

- 3.1.3 Assist ENGINEER in obtaining access to property reasonably necessary for ENGINEER to perform its services under this Agreement.
- 3.1.4 Examine all studies, reports, cost opinions, Bid Documents, Drawings, proposals, and other documents presented by ENGINEER and render in writing decisions pertaining thereto.
- 3.1.5 The Utilities Director is the CITY OF FAYETTEVILLE's project representative with respect to the services to be performed under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.
- 3.1.6 CITY OF FAYETTEVILLE will review all documents and provide written comments to ENGINEER in a timely manner.

SECTION 4 - PERIOD OF SERVICE

- 4.1 This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.
- 4.2 The provisions of this Agreement have been agreed to in anticipation of the orderly progress of the Project through completion of the services stated in the Agreement. ENGINEER will proceed with providing the authorized services immediately upon receipt of written authorization from CITY OF FAYETTEVILLE. Said authorization shall include the scope of the services authorized and the time in which the services are to be completed.
- 4.3 ENGINEER shall provide a schedule of its services and include such schedule with the scope in Appendix A.

SECTION 5 - PAYMENTS TO ENGINEER

- 5.1 The maximum not-to-exceed amount authorized for this Agreement is \$250,793.00.
- 5.2 The CITY OF FAYETTEVILLE shall compensate ENGINEER based upon a unit price or lump sum basis as described in Appendix A.
 - 5.2.1 The maximum not-to-exceed amount authorized for this Agreement is based upon the estimated fee scope, hours, costs and expenses per phase. The estimated fee spreadsheets shall be included in Appendix A. The amount for any phase may be more or less than the estimate, however the maximum not-to-exceed amount shall not be exceed without a formal contract amendment.
- 5.3 Statements
 - 5.3.1 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE consistent with ENGINEER's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by ENGINEER and approved by CITY OF FAYETTEVILLE. Applications for payment shall be accompanied each month by the updated project schedule. Final payment for professional services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the professional engineering services.
- 5.4 Payments
 - 5.4.1 All statements are payable upon receipt and generally due within thirty (30) days. If a portion of ENGINEER's statement is disputed by CITY OF FAYETTEVILLE, the undisputed portion shall be paid by CITY OF FAYETTEVILLE by the due date. CITY OF FAYETTEVILLE shall advise ENGINEER in writing of the basis for any disputed portion of any statement. CITY OF FAYETTEVILLE will make reasonable effort to pay invoices within 30 days of date the invoice is approved, however, payment within 30 days is not guaranteed.

5.5 Final Payment

- 5.5.1 Upon satisfactory completion of the work performed under this Agreement, as a condition before final payment under this Agreement, or as a termination settlement under this Agreement, ENGINEER shall execute and deliver to CITY OF FAYETTEVILLE a release of all claims against CITY OF FAYETTEVILLE arising under or by virtue of this Agreement, except claims which are specifically exempted by ENGINEER to be set forth therein. Unless otherwise provided in this Agreement or by State law or otherwise expressly agreed to by the parties to this Agreement, final payment under this Agreement or settlement upon termination of this Agreement shall not constitute a waiver of CITY OF FAYETTEVILLE's claims against ENGINEER or ENGINEER's sureties under this Agreement or applicable performance and payment bonds, if any.

SECTION 6 - GENERAL CONSIDERATIONS

6.1 Insurance

- 6.1.1 During the course of performance of these services, ENGINEER will maintain (in United States Dollars) the following minimum insurance coverages:

<u>Type of Coverage</u>	<u>Limits of Liability</u>
Workers' Compensation Employers' Liability	Statutory \$500,000 Each Accident
Commercial General Liability Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Automobile Liability: Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Professional Liability Insurance	\$1,000,000 Each Claim

ENGINEER will provide to CITY OF FAYETTEVILLE certificates as evidence of the specified insurance within ten days of the date of this Agreement and upon each renewal of coverage.

- 6.1.2 CITY OF FAYETTEVILLE and ENGINEER waive all rights against each other and their officers, directors, agents, or employees for damage covered by property insurance during and after the completion of ENGINEER's services.
- 6.2 Professional Responsibility
- 6.2.1 ENGINEER will exercise reasonable skill, care, and diligence in the performance of ENGINEER's services and will carry out its responsibilities in accordance with customarily accepted professional engineering practices, CITY OF FAYETTEVILLE Standards, Arkansas State Law and the Rules and regulations of the Arkansas Board of Licensure For Professional Engineers and Professional Surveyors. CITY OF FAYETTEVILLE will promptly report to ENGINEER any defects or suspected defects in ENGINEER's services of which CITY OF FAYETTEVILLE becomes aware, so that ENGINEER can take measures to minimize the consequent of such defect. ENGINEER agrees not to seek or accept any compensation or reimbursements from the CITY OF FAYETTEVILLE for engineering work it performs to correct any errors, omissions or other deficiencies caused by ENGINEER's failure to meet customarily accepted professional engineering practices. CITY OF FAYETTEVILLE retains all other remedies to recover for its damages caused by any negligence of ENGINEER.
- 6.2.2 In addition ENGINEER will be responsible to CITY OF FAYETTEVILLE for damages caused by its negligent conduct during its activities at the Project Site to the extent covered by ENGINEER'S's Commercial General Liability and Automobile Liability Insurance policies.
- 6.3 Cost Opinions and Projections
- 6.3.1 Cost opinions and projections prepared by ENGINEER relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on ENGINEER's experience, qualifications, and judgment as a design professional. Since ENGINEER has no control over weather, cost and availability of labor, material and equipment, labor

productivity, construction Contractors' procedures and methods, unavoidable delays, construction Contractors' methods of determining prices, economic conditions, competitive bidding or market conditions, and other factors affecting such cost opinions or projections, ENGINEER does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost opinions and projections prepared by ENGINEER.

6.4 Changes

6.4.1 CITY OF FAYETTEVILLE shall have the right to make changes within the general scope of ENGINEER's services, with an appropriate change in compensation and schedule only after Fayetteville City Council approval of such proposed changes and, upon execution of a mutually acceptable amendment or change order signed by the Mayor of the CITY OF FAYETTEVILLE and the duly authorized officer of ENGINEER.

6.5 Termination

6.5.1 This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

6.5.1.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

6.5.1.2 An opportunity for consultation with the terminating party prior to termination.

6.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that ENGINEER is given:

6.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

6.5.2.2 An opportunity for consultation with the terminating party prior to termination.

- 6.5.3 If termination for default is effected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but
- 6.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,
- 6.5.3.2 Any payment due to ENGINEER at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of ENGINEER's default.
- 6.5.4 If termination for default is effected by ENGINEER, or if termination for convenience is effected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to ENGINEER for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by ENGINEER relating to commitments which had become firm prior to the termination.
- 6.5.5 Upon receipt of a termination action under Paragraphs 6.5.1 or 6.5.2 above, ENGINEER shall:
- 6.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),
- 6.5.5.2 Deliver or otherwise make available to CITY OF FAYETTEVILLE all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by ENGINEER in performing this Agreement, whether completed or in process.
- 6.5.6 Upon termination under Paragraphs 6.5.1 or 6.5.2 above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.
- 6.5.7 If, after termination for failure of ENGINEER to fulfill contractual obligations, it is determined that ENGINEER had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of CITY OF

FAYETTEVILLE. In such event, adjustments of the agreement price shall be made as provided in Paragraph 6.5.4 of this clause.

6.6 Delays

6.6.1 In the event the services of ENGINEER are suspended or delayed by CITY OF FAYETTEVILLE or by other events beyond ENGINEER's reasonable control, ENGINEER shall be entitled to additional compensation and time for reasonable costs incurred by ENGINEER in temporarily closing down or delaying the Project.

6.7 Rights and Benefits

6.7.1 ENGINEER'S services will be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

6.8 Dispute Resolution

6.8.1 Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and ENGINEER which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of CITY OF FAYETTEVILLE or ENGINEER in the performance of this Agreement, and disputes concerning payment.

6.8.2 Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given under Paragraph 6.8.3, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in Paragraphs 6.8.3 and 6.8.4 have been complied with.

6.8.3 Notice of Dispute

6.8.3.1 For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a claim is based, the party seeking relief shall serve the other party with a written Notice;

- 6.8.3.2 For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give ENGINEER written Notice at the address listed in Paragraph 6.14 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.
- 6.8.4 Negotiation: Within seven days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and ENGINEER shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President of ENGINEER and the Mayor of CITY OF FAYETTEVILLE or his designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 days of the written request to resolve the dispute.
- 6.9 CITY OF FAYETTEVILLE represents that it has sufficient funds or the means of obtaining funds to remit payment to ENGINEER for services rendered by ENGINEER.
- 6.10 Publications
- 6.10.1 Recognizing the importance of professional development on the part of ENGINEER's employees and the importance of ENGINEER's public relations, ENGINEER may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to ENGINEER's services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to ENGINEER. CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise CITY OF FAYETTEVILLE will not unreasonably withhold approval. The cost of ENGINEER's activities pertaining to any such publication shall be for ENGINEER's account.

6.11 Indemnification

6.11.1 CITY OF FAYETTEVILLE agrees that it will require all construction Contractors to indemnify, defend, and hold harmless CITY OF FAYETTEVILLE and ENGINEER from and against any and all loss where loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Contractors, or their employees, agents, Subcontractors, and Suppliers.

6.12 Ownership of Documents

6.12.1 All documents provided by CITY OF FAYETTEVILLE including original drawings, disks of CADD drawings and cross sections, estimates, specification field notes, and data are and remain the property of CITY OF FAYETTEVILLE. ENGINEER may retain reproduced copies of drawings and copies of other documents.

6.12.2 The CITY OF FAYETTEVILLE acknowledges the ENGINEER's plans and specifications, including documents on electronic media ("delivered documents"), as instruments of professional services. Nevertheless, the delivered documents prepared under this Agreement shall be delivered to and become the property of the CITY OF FAYETTEVILLE upon completion of the services and payment in full of all monies due to ENGINEER. Except for the ENGINEER's services provided for by this Agreement as related to the construction and completion of the Project, the ENGINEER accepts no liability arising from any reuse of the delivered documents by the CITY OF FAYETTEVILLE, unless ENGINEER is retained by CITY OF FAYETTEVILLE to make modifications or otherwise reuse the delivered documents. Except where the CITY OF FAYETTEVILLE reuses the delivered documents subsequent to the completion of the Project, nothing contained in this paragraph shall alter the ENGINEER's responsibilities and obligations under this Agreement.

6.12.3 Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. ENGINEER makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a

conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

6.13 Notices

6.13.1 Any Notice required under this Agreement will be in writing, addressed to the appropriate party at the following addresses:

CITY OF FAYETTEVILLE's address:

113 West Mountain
Fayetteville, AR 72701

ENGINEER's address:

1810 North College Avenue
Fayetteville, Arkansas 72701

6.14 Successor and Assigns

6.14.1 CITY OF FAYETTEVILLE and ENGINEER each binds himself and his successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither CITY OF FAYETTEVILLE nor ENGINEER shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

6.15 Controlling Law

6.15.1 This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas without regard to any conflicts of law provisions.

6.16 Entire Agreement

- 6.16.1 This Agreement represents the entire Agreement between ENGINEER and CITY OF FAYETTEVILLE relative to the Scope of Services herein. Since terms contained in purchase orders do not generally apply to professional services, in the event CITY OF FAYETTEVILLE issues to ENGINEER a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether or not signed by ENGINEER, shall be considered as a document for CITY OF FAYETTEVILLE's internal management of its operations.

SECTION 7 - SPECIAL CONDITIONS

7.1 Additional Responsibilities of ENGINEER:

- 7.1.1 CITY OF FAYETTEVILLE's or any Federal or State Agency's review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder shall not in any way relieve ENGINEER of responsibility for the technical adequacy of the work. Neither CITY OF FAYETTEVILLE's nor any Federal or State Agency's review,, approval or acceptance of, nor payment for any of the services shall be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.
- 7.1.2 ENGINEER shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by ENGINEER's negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.
- 7.1.3 ENGINEER 's obligations under this clause are in addition to ENGINEER's other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against ENGINEER for faulty materials, equipment, or work.

7.2 Remedies

7.2.1 Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between CITY OF FAYETTEVILLE and ENGINEER arising out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

7.3 Audit: Access to Records

7.3.1 ENGINEER shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices consistently applied in effect on the date of execution of this Agreement. ENGINEER shall also maintain the financial information and data used by ENGINEER in the preparation of support of the cost submission required for any negotiated agreement or change order and send to CITY OF FAYETTEVILLE a copy of the cost summary submitted. CITY OF FAYETTEVILLE, the State or any of their authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. ENGINEER will provide proper facilities for such access and inspection.

7.3.2 Records under Paragraph 7.3.1 above, shall be maintained and made available during performance on assisted work under this Agreement and until three years from the date of final payment for the project. In addition, those records which relate to any controversy arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

7.3.3 This right of access clause (with respect to financial records) applies to:

7.3.3.1 Negotiated prime agreements:

- 7.3.3.2 Negotiated change orders or agreement amendments in excess of \$10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement:
- 7.3.3.3 Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not apply to a prime agreement, lower tier subagreement or purchase order awarded after effective price competition, except:
 - 7.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of ENGINEER;
 - 7.3.3.3.2 If there is any indication that fraud, gross abuse or corrupt practices may be involved;
 - 7.3.3.3.3 If the subagreement is terminated for default or for convenience.
- 7.4 Covenant Against Contingent Fees
 - 7.4.1 ENGINEER warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by ENGINEER for the purpose of securing business. For breach or violation of this warranty, CITY OF FAYETTEVILLE shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.
- 7.5 Gratuities
 - 7.5.1 If CITY OF FAYETTEVILLE finds after a notice and hearing that ENGINEER or any of ENGINEER's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE, in an attempt to secure an agreement or favorable treatment in

awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to ENGINEER terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

7.5.2 In the event this Agreement is terminated as provided in Paragraph 7.5.1, CITY OF FAYETTEVILLE may pursue the same remedies against ENGINEER as it could pursue in the event of a breach of the Agreement by ENGINEER. As a penalty, in addition to any other damages to which it may be entitled by law, CITY OF FAYETTEVILLE may pursue exemplary damages in an amount (as determined by CITY OF FAYETTEVILLE) which shall be not less than three nor more than ten times the costs ENGINEER incurs in providing any such gratuities to any such officer or employee.

7.6 Arkansas Freedom of Information Act

7.6.1 City contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, ENGINEER will provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

7.6.2 Pursuant to Arkansas Code Ann. § 25-19-105(b)(20), the personal information of CITY OF FAYETTEVILLE water system customers must be treated as confidential information and shall not be made available for inspection except by ENGINEER's employees as required to fulfill the terms of this Agreement. Upon completion of ENGINEER's contractual duties and after approval of ENGINEER's documents, the ENGINEER agrees to destroy or return to CITY OF FAYETTEVILLE any copies of

records containing information about CITY OF FAYETTEVILLE water system customers.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE, ARKANSAS by and through its Mayor, and ENGINEER, by its authorized officer have made and executed this Agreement as of the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Mayor, Lioneld Jordan

ATTEST:
By: _____
City Clerk

McClelland Consulting Engineers, Inc.

By:  _____
Daniel Barnes, P.E.

Title: President, Fayetteville

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

APPENDIX 'A-1'

SCOPE OF SERVICES

PROFESSIONAL SERVICES AGREEMENT

CITY OF FAYETTEVILLE, ARKANSAS

KITTY CREEK SANITARY SEWER UPGRADE; ZION ROAD TO SOUTH OF JOYCE AVENUE

1. Scope of Project

- a. Increase the capacity of the existing sanitary sewer line along Kitty Creek from Zion Road to South of Joyce Avenue. Specifically, increase the capacity of approximately 5,400 linear feet (LF) of existing 10-inch sanitary sewer from Manhole I-(17)044 to Manhole I-(17)108. Approximately 2,200 LF will be increased to an 18-inch diameter line, while the remaining 3,200 LF will be increased to a 15-inch diameter line as recommended in the Wastewater Collection System 2014 Master Plan update by RJN Group.
- b. The upgrade will be completed to replace existing line segments from Manhole I-(17)044 to Manhole I-(17)108. The tie-in point at the upstream project limit at Manhole I-(17)108 will be coordinated with the sewer improvements that have been designed for the Zion Road Phase II Project.
- c. Evaluate trenchless technologies to complete construction in the areas with limited access, in addition to environmentally sensitive areas.
- d. Obtain required regulatory agency permits (including Arkansas Department of Health and U.S. Army Corps of Engineers). In addition, follow the requirements outlined in the CITY OF FAYETTEVILLE's Streamside Protection Ordinance.
- e. Prepare construction phasing plans necessary to maintain continued traffic flow at all times for road crossings, unless agreed otherwise with the CITY OF FAYETTEVILLE. It is anticipated all roadway crossings will be bored as to not damage existing pavement.

2. Basic Services

The Scope of Services of the ENGINEER as described in the Agreement are further defined and described hereinafter.

3. Preliminary Engineering Report

- a. Complete a field evaluation of the existing sanitary sewer alignment and identify potential conflicts. These shall include, but not be limited to ingress/egress, bypass pumping, stream side management, existing improvements within easement limits, etc.
- b. Perform up to five (5) rock soundings at critical locations along the alignment. Prepare summary report and logs, which will also be included in the Project Manual.
- c. Evaluate upgrade options for upgrade. The same technique may not be used for the project in its entirety.
- d. Prepare estimates of probable construction costs for options evaluated.
- e. Present a written report with recommendations to the CITY OF FAYETTEVILLE for review and approval.
- f. Review report with CITY OF FAYETTEVILLE.

4. Property Resolution/Exhibit A Map Preparation

- a. CITY OF FAYETTEVILLE will provide ownership information for properties along project route including copies of recorded plats, legal descriptions for unplatted tracts and easements and right of way information.
- b. Prepare Exhibit A maps for any additional right of way, easements, and/or temporary construction easements required.
- c. All survey work and related right-of-way work will be conducted with the standards of care as outlined in the Standards of Practice No. 1 (Revised May 21, 2009, updated 8-25-08) Arkansas Standards of Practice for Property Boundary Surveys and Plats.

5. Conceptual Design Phase - 30%

- a. Prepare plan drawings (horizontal alignment) showing all existing facilities.
- b. Prepare plans and data including the following information:

- (1) Survey data, centerline and stations, existing improvements, boring locations, bench marks, existing and proposed easements and right-of-way, temporary construction easements and structures.
- (2) Proposed horizontal alignment.
- (3) Prepare estimate of probable construction costs for primary and alternate designs (trenchless construction methods) including unit cost and total cost.

6. Final Design Phase - 100%

- a. Prepare plan and profile drawings showing all existing facilities. Horizontal scale of drawings to be 1 inch equals 20 feet or larger and vertical scale to be 1 inch equals 5 feet. Prepare final design plans to incorporate 30% design comments and include the following:
 - (1) Design and layout all proposed sanitary sewer horizontal and vertical alignment on plan and profile sheets. Show existing utilities and associated depths.
 - (2) Draft notes on plans to fully describe the construction work to be performed.
 - (3) Prepare recommendations for sequence of construction and prepare layout of construction phasing and use of trenchless technologies.
- b. Prepare right-of-way plans to include the following:
 - (1) Plans to be drawn at 1" = 50' scale or larger scale.
 - (2) Identify property subdivisions, existing and proposed rights-of-way and easements, ownership names, addresses, utility easements, temporary construction easements and related information.
 - (3) Provide complete information on plans for, and prepare legal descriptions for, acquisition of rights-of-way and easements including residual or severed tracts. Prepare easement and right of way acquisition documents utilizing standard CITY OF FAYETTEVILLE forms.
 - (4) Provide tabulation of tracts, ownerships, and areas (permanent and temporary construction easements) for each acquisition.

- c. Prepare construction details which depict all typical items utilizing the CITY OF FAYETTEVILLE format and standard detail drawings where applicable.
- d. Prepare non-standard construction details and specifications as required.
- e. Provide construction bid proposal form. Provide a computer disk containing the bid proposal form in accordance with CITY OF FAYETTEVILLE format(s).
- f. Prepare a recommendation of construction contract time.
- g. Submit to the Arkansas Department of Health for review/approval.
- h. Prepare and submit permit application to the US Army Corps of Engineers.
- i. Complete storm water pollution prevention plan.
- j. Assemble Project Manual and provide to CITY OF FAYETTEVILLE for bidding purposes.
- k. Prepare estimate of probable construction costs.
- l. Attend monthly design progress meeting with CITY OF FAYETTEVILLE.

7. **Bidding Services**

- a. Respond to questions from Bidders.
- b. Prepare addenda as required and provide to CITY OF FAYETTEVILLE for distribution to Bidders.
- c. Attend pre-bid meeting. It is assumed that the CITY OF FAYETTEVILLE will conduct the meeting.
- d. Attend bid opening.
- e. Prepare bid tabulation and recommendation of award letter.

8. Construction Administration

- a. Assist City with issuing the Notice to Proceed (NTP) and obtaining executed Contract Documents from the selected Contractor, if requested by the CITY OF FAYETTEVILLE.
- b. Attend the pre-construction meeting. It is assumed that the CITY OF FAYETTEVILLE will conduct the meeting and issue meeting minutes.
- c. Review and respond to Contractor submittals for conformance to the Contract Documents, Drawings, and Specifications. Up to ten (10) submittals are anticipated on this project. The initial review and one (1) re-submittal review is included in this scope of services. Additional re-submittal reviews will be considered Additional Services.
- d. Review Contractor's Requests for Information (RFIs) and issue clarifications as required. Up to ten (10) RFIs are anticipated on this project.
- e. Assist the CITY OF FAYETTEVILLE with the evaluation, negotiation, and processing of Contractor change order requests, if required.
- f. Review monthly Pay Estimates from the Contractor and provide recommendation for payment. A total of eight (8) pay estimates are assumed.
- g. Engineer of Record shall conduct periodic site visits and attend progress meetings as required to observe the progress and quality of the executed work to determine compliance with approved plans and specifications in accordance with Arkansas State Law 22-9-101. A total of sixteen (16) site visits/progress meetings are estimated over the course of the assumed 210 calendar day construction contract.
- h. Assist the CITY OF FAYETTEVILLE with the final inspection walk-through. Develop a punch list of outstanding items, and review project closeout documents.
- i. Prepare record drawings based upon information furnished by the Contractor and field representatives.

9. Construction Observation

- a. Provide a field representative to perform comprehensive construction observation if requested by the CITY OF FAYETTEVILLE. Field representative shall meet with CITY OF FAYETTEVILLE field representative at least once weekly to stay informed on construction progress and any issues that may arise.

- b. It is estimated that the level of observation required by the ENGINEER to provide comprehensive services will equate to an average of 30 hours per week for the duration of the assumed 210 calendar day construction contract. Partial observation will be conducted on non-critical construction items such as, but not limited to general site cleanup, seeding, sodding, etc.
- c. CITY OF FAYETTEVILLE shall provide adequate notice to ENGINEER when a field representative is required. Minimum notice shall be three (3) business days, with one (1) week notice preferred.

10. Surveying Services

- a. At the request of the CITY OF FAYETTEVILLE, provide up to 32 hours of field surveying to assist in reviewing the Contractor's work and/or to address property owner questions.

11. Project Deliverables

- a. Three copies of the Concept Plans (30%), design report and cost estimates.
- b. One copy of the Preliminary Plans to each potentially affected utility company.
- c. Three copies of the Final Plans, design report, cost estimates and other supporting documents.
- d. Three copies of the revised Final Plans, design summary, cost estimates and other supporting documents.
- e. One copy of the construction bid proposal on a computer disc.
- f. One copy of the revised Final Plans to each potentially affected utility company.
- g. Three copies of the Final Plans and Specifications to the Contractor.
- h. Three copies of the right-of-way plans, easements and acquisition documents.
- i. One (1) hard copy and a PDF copy (if applicable) of the approved shop drawings and submittals from the Contractor.
- j. One (1) hard copy set and a PDF copy of the Record Drawings.

- k. Other electronic files as requested.

12. General

- a. All sewer construction shall follow the guidelines described in the CITY OF FAYETTEVILLE Sewer Design Standards.
- c. Plans shall be reducible, and legible, to scalable half size plans on 11" x17" sheets. One set of reproducible plans will be provided for right-of-way. In addition, provide preliminary and final plans on computer disk in a format compatible with the current AutoCAD release used by the CITY OF FAYETTEVILLE.
- d.
- c. Record drawings shall be provided on computer disc in AutoCAD format in addition to the reproducible drawings.
- d. Attend meetings with Owner and Agencies for plan review, project coordination and right-of-way.

- 13.** The services specified for the various phases of the Agreement shall be completed and all stipulated documents shall be submitted to the OWNER in accordance with the project schedule below:

Begin Design	Notice to Proceed Issued by Owner
Submit Preliminary Engineering Report	4 weeks from notice to proceed
Submit 30% Design for Review/Comment	16 weeks from approved PER
Submit 100% Design for Review/Comment	26 weeks from 30% approval
Submit to ADH for review and approval	2 weeks from 100% approval
Advertise for Bids	2 weeks from ADH approval

- 14.** The ENGINEER should anticipate a 30 calendar day review period by the CITY OF FAYETTEVILLE between the completion of one phase and the beginning of the following phase. Additional time may be required for review by agencies.
- 15.** The plans, specifications and contract documents authorized by this Agreement shall be prepared to allow construction bids to be received and construction to be performed under one construction contract.
- 16.** Subcontracting of services by the ENGINEER shall have prior approval of the OWNER.

APPENDIX 'A-2'

COMPENSATION

PROFESSIONAL SERVICES AGREEMENT

CITY OF FAYETTEVILLE, ARKANSAS

KITTY CREEK SANITARY SEWER UPGRADE; ZION ROAD TO SOUTH OF JOYCE AVENUE

- CITY OF FAYETTEVILLE shall pay ENGINEER for Basic Services rendered an amount equal to the cumulative hours charged to the Project for each class of ENGINEER's employees multiplied by ENGINEER'S Hourly Rates as shown on the attached Exhibit "1", plus approved Reimbursable Expenses and ENGINEER's Consultant charges, if any. ENGINEER's Hourly Rates as shown on the attached Exhibit "1" shall be adjusted annually each January 1. For ENGINEER's Consultant charges, the CITY OF FAYETTEVILLE shall pay the ENGINEER the amount billed to the ENGINEER times a factor of 1.00.
- Basic Services: Payment by CITY OF FAYETTEVILLE based on ENGINEER's Hourly Rates shall approximate the following schedule. Payment for a specific phase shall not exceed the scheduled amount prior to completion of that phase. Underruns in one phase may be used to offset overruns in another phase as long as the contract amount is not exceeded.

Preliminary Engineering Report	\$16,140.00
Property Resolution/Exhibit A Map Preparation	\$10,480.00
Conceptual Design Phase - 30% Design	\$32,840.00
Final Design Phase - 100% Design	\$76,780.00
Bidding Services	\$5,300.00
Construction Administration	\$38,040.00
Construction Observation	\$63,000.00
Surveying Services	\$5,088.00
SUB-TOTAL Basic Services	\$247,668.00

- Additional Services: Any and all Additional Services must be approved, and maximum amount to be paid for said services agreed to, in writing by CITY OF FAYETTEVILLE prior to rendering of same. CITY OF FAYETTEVILLE shall pay ENGINEER for Additional Services rendered an amount equal to the cumulative hours charged to the Project for each class of ENGINEER's employees multiplied by ENGINEER'S Hourly Rates as shown on the

Attached Exhibit “1”, plus approved Reimbursable Expenses and ENGINEER’S Consultant charges, if any. For ENGINEER’S Consultant charges, the CITY OF FAYETTEVILLE shall pay the ENGINEER the amount billed to the ENGINEER times a factor of 1.00.

- CITY OF FAYETTEVILLE shall pay ENGINEER the actual cost of Reimbursable Expenses incurred in connection with Basic and Additional Services. Reimbursable Expenses must be approved by the CITY OF FAYETTEVILLE prior to the incurrence of such expenses. The estimated amount of Reimbursable Expenses to be incurred in connection with Basic Services is:

SUB-TOTAL Reimbursable Expenses	\$3,125.00
---------------------------------	------------

- The maximum payment to the ENGINEER for Basic Services and Reimbursable Expenses under this Agreement shall not exceed \$250,793.00
- ENGINEER shall submit invoices monthly for services rendered and expenses borne. The invoices shall be accompanied by a copy of the timesheets for all ENGINEER’S personnel working on the project.
- The Hourly Rates used as a basis for payment mean salaries and wages (basic and incentive) paid to all personnel engaged directly on the PROJECT, including, but not limited to, engineers, architects, surveyors, designers, draftsman, specification writers, estimators, other technical personnel, stenographers, typists and clerks; plus the cost of customary and statutory benefits including, but not limited to, social security contributions, unemployment, excise and payroll taxes, workers’ compensation, health and retirement benefits, bonuses, sick leave, vacation and holiday pay applicable thereto; plus operating margin or profit, non-project operating costs, and all general and administrative overhead costs, including but not limited to, furnishing and maintaining office facilities, furniture, utilities, vehicles and equipment.

Reimbursable Expenses mean the actual expenses incurred directly or indirectly in connection with the PROJECT for printing and reproduction costs and ENGINEER’S consultant charges. Any and all expenditures for reimbursable expenses must be approved by the CITY OF FAYETTEVILLE prior to rendering or obtaining same. Overtime salary costs are not considered Reimbursable Expenses.

FEE ESTIMATE

Fayetteville Kitty Creek Sanitary Sewer Relocation/Rehabilitation

Manhour Fee Estimate
Date: 4-24-17



Task Description	Principal Engineer	Sr Project Manager V	Project Engineer II	Project Designer III	Constr. Ob. VI	Const. Ob. I	Chief Draftsman	Draftsman II	Survey Tech. II	Reg. Land Surveyor IV	Survey (2-Man or Robotic)	Field Survey 1-Man	Office Admin	Extended Cost
	\$190.00	\$200.00	\$120.00	\$85.00	\$110.00	\$65.00	\$90.00	\$65.00	\$68.00	\$120.00	\$143.00	\$78.00	\$70.00	
Preliminary Engineering Report														
Review report from RJN		2.00		4.00										\$740.00
Field evaluation		8.00		8.00										\$2,280.00
Evaluate upgrade options		4.00		16.00										\$2,160.00
Prepare estimate of probable construction costs	1.00	2.00		16.00										\$1,950.00
Prepare written report	1.00	2.00		16.00									4.00	\$2,230.00
Review with Owner	2.00	2.00												\$780.00
Perform 5 Rock Soundings, Generate Report and Logs														\$6,000.00
Sub total Manhours / Fee	4.00	20.00	0.00	60.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.00	\$16,140.00
Property Resolution / Exhibit A Map Preparation														
Exhibit A Map Preparation (Estimate of 20)		4.00							30.00	20.00				\$5,240.00
Prepare easement description (Estimate of 20)		4.00							30.00	20.00				\$5,240.00
Sub total Manhours / Fee	0.00	8.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00	40.00	0.00	0.00	0.00	\$10,480.00
Conceptual Design Phase - 30% Design														
Conduct field evaluation		8.00		8.00										\$2,280.00
Prepare horizontal alignment	1.00	8.00		24.00			48.00							\$8,150.00
Evaluate trenchless technologies	2.00	12.00		24.00										\$4,820.00
Prepare estimate of probable construction costs	1.00	4.00		16.00										\$2,350.00
Prepare plan sheets	4.00	16.00		48.00			80.00							\$15,240.00
Sub total Manhours / Fee	8.00	48.00	0.00	120.00	0.00	0.00	128.00	0.00	0.00	0.00	0.00	0.00	0.00	\$32,840.00
Final Design Phase - 100% Design														
Adjust horizontal alignment	1.00	10.00		24.00			40.00							\$7,830.00
Prepare vertical alignment	1.00	16.00		48.00			100.00							\$16,470.00
Prepare construction plan notes		2.00		4.00			8.00							\$1,460.00
Prepare recommendation for sequence of construction	2.00	8.00		16.00										\$3,340.00
Review right of way plans		2.00		8.00										\$1,080.00
Develop erosion control plans		4.00		24.00			48.00							\$7,160.00
Prepare non standard construction details	1.00	4.00		16.00			16.00							\$3,790.00
Prepare non standard construction specs	1.00	8.00		24.00									12.00	\$4,670.00
Develop quantity and bid form		2.00		8.00									4.00	\$1,360.00
Assemble Project Manual	2.00	4.00		8.00									16.00	\$2,980.00
Prepare permit application to Corps of Engineers	1.00	4.00		24.00			4.00						4.00	\$3,670.00
Prepare estimate of probable construction cost	1.00	4.00		16.00										\$2,350.00
Submit to ADH for review/approval	1.00	2.00		4.00										\$930.00
Reply to ADH comments		2.00		8.00			4.00							\$1,440.00
Complete SWPPP	1.00	4.00		32.00										\$3,710.00
Utility coordination		8.00		24.00									4.00	\$3,920.00
Meetings with Owner	4.00	8.00		4.00										\$2,700.00
Project management	8.00	32.00												\$7,920.00
Sub total Manhours / Fee	24.00	124.00	0.00	292.00	0.00	0.00	220.00	0.00	0.00	0.00	0.00	0.00	40.00	\$76,780.00
Bidding Services														
Respond to Questions during Bidding		2.00		8.00										\$1,080.00
Prepare/Issue Addenda		4.00		16.00			8.00							\$2,880.00
Pre-bid meeting		2.00												\$400.00
Bid Opening		2.00												\$400.00
Bid tabulation and recommendation		2.00											2.00	\$540.00
Sub total Manhours / Fee	0.00	12.00	0.00	24.00	0.00	0.00	8.00	0.00	0.00	0.00	0.00	0.00	2.00	\$5,300.00
Construction Administration														
Pre construction meeting		2.00												\$400.00
Review Submittals		8.00		40.00									8.00	\$5,560.00
Respond to RFIs		4.00		24.00			4.00							\$3,200.00
Evaluate Change Order Requests	4.00	8.00		16.00			4.00							\$4,080.00
Pay request review/preparation		16.00												\$3,200.00
Periodic site visits (16 estimated)		48.00												\$9,600.00
Final inspection/punch list preparation		12.00												\$2,400.00
As- built construction documents		8.00		16.00			60.00							\$8,360.00
Project close out		2.00		4.00			4.00						2.00	\$1,240.00
Sub total Manhours / Fee	4.00	108.00	0.00	100.00	0.00	0.00	72.00	0.00	0.00	0.00	0.00	0.00	10.00	\$38,040.00

FEE ESTIMATE

Fayetteville Kitty Creek Sanitary Sewer Relocation/Rehabilitation

Manhour Fee Estimate
Date: 4-24-17



Task Description	Principal Engineer	Sr Project Manager V	Project Engineer II	Project Designer III	Constr. Ob. VI	Const. Ob. I	Chief Draftsman	Draftsman II	Survey Tech. II	Reg. Land Surveyor IV	Survey (2-Man or Robotic)	Field Survey 1-Man	Office Admin	Extended Cost
Construction Observation														
Comprehensive Field Observation Services					90.00	764.00								\$59,560.00
Pre construction meeting					2.00	2.00								\$350.00
Pay request review/preparation					4.00	16.00								\$1,480.00
Final inspection						8.00								\$520.00
As- built construction documents					2.00	6.00								\$610.00
Project close out					2.00	4.00								\$480.00
Sub total Manhours / Fee	0.00	0.00	0.00	0.00	100.00	800.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$63,000.00
Surveying Services														
Review Contractor's work and address property owner questions, as required									4.00	2.00	32.00			\$5,088.00
Sub total Manhours / Fee	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.00	2.00	32.00	0.00	0.00	\$5,088.00
Total Estimated Manhours / Professional Fees	40.00	320.00	0.00	596.00	100.00	800.00	428.00	0.00	64.00	42.00	32.00	0.00	56.00	\$247,668.00
Estimated Reimbursable Expenses														
Mileage														\$1,000.00
ArkUps														\$500.00
Printing														\$500.00
Easement Search - \$125 per parcel - 5 parcels														\$625.00
ADH Review Fee														\$500.00
Total Estimated Reimbursable Expenses														\$3,125.00



800 400 0 800 Feet



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0285

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES LEASE AGREEMENT:

A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE UNOCCUPIED BANQUET AREA IN THE AIRPORT TERMINAL BUILDING TO BE USED BY THE OSHER LIFELONG LEARNING INSTITUTE TO CONDUCT CLASSES DURING THE FALL 2017 SEMESTER IN THE AMOUNT OF \$25.00 FOR EACH DAY THE SPACE IS USED

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a lease agreement with the Board of Trustees of the University of Arkansas for the unoccupied banquet area in the Airport Terminal building to be used by the Osher Lifelong Learning Institute to conduct its classes during the Fall 2017 semester in the amount of \$25.00 for each day the space is used.

City of Fayetteville Staff Review Form

2017-0285

Legistar File ID

6/6/2017

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

Terry Gulley

5/19/2017

Aviation /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval and signature of the Mayor on a lease agreement between the City of Fayetteville and the University of Arkansas Osher Lifelong Learning Institute.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF JUNE 6, 2017

TO: Mayor Lioneld Jordan
Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Terry Gulley, Transportation Services Director

DATE: May 19, 2017

SUBJECT: University of Arkansas Osher Lifelong Learning Institute Lease Agreement

RECOMMENDATION:

Staff recommends approval and signature of the Mayor on a lease agreement between the City of Fayetteville and the University of Arkansas Osher Lifelong Learning Institute.

BACKGROUND:

The University of Arkansas Osher Lifelong Learning Institute was founded by the Bernard Osher Foundation and provides affordable education opportunities to its members.

DISCUSSION:

The University of Arkansas Osher Lifelong Learning Institute requests space in the Airport Terminal Building to conduct classes for the fall 2017 semester.

BUDGET/STAFF IMPACT:

The University of Arkansas Osher Lifelong Learning Institute will pay rent of \$25 per day to use the space based on the Airport's standard meeting room rental rate.

ATTACHMENTS:

Staff Review Form
City Council Memo
Lease Agreement

Lease Agreement
between The City of Fayetteville, Arkansas
And
University of Arkansas, OSHER Lifelong Learning Institute

The purpose of this Lease Agreement is to establish an agreement between the City of Fayetteville, Arkansas ("City") and The University of Arkansas, OSHER Lifelong Learning Institute ("OLLI") for the use of space available in the City's Drake Field terminal building to conduct classes for the Fall 2017 semesters.

1. **Leased Premises.** For and in consideration of the rents, covenants and agreements herein entered into and agreed upon by OLLI as obligations to the City, the City lets, leases and demises unto OLLI, subject to the terms and conditions contained herein, the following described property situated in Washington, County, Arkansas: Drake Field Terminal Building banquet area.

2. **Term.** This term shall commence on June 17, 2017, and shall end on December 31, 2017. The term of this lease may be terminated early by the City without cause only upon sixty (60) days prior written notice. The term of this lease may be extended only upon the mutual agreement of OLLI and the City.

3. **Rent.** OLLI agrees to pay to City of Fayetteville as rental for the term of this lease the sum of \$25.00 for each day it uses the Leased Premises. OLLI is not required to use the Leased Premises for any minimum number of days each month. The Airport Administration Office will prepare an invoice following the end of each calendar month based on the number of days the Leased Premises are used by OLLI. Each monthly payment is due on or before the last day of the month in which the invoice is received. A late fee shall be imposed, at the highest rate allowable by law, on all payments which are not received by City of Fayetteville within sixty (60) business days from the due date.

4. **Use.** OLLI agrees to use the lease premises for classes, seminars or other events during regular operating hours of the Airport Terminal, which are 6:00 a.m – 10:00 p.m. Monday through Friday and 8:00 a.m – 8:00 p.m Saturday through Sunday. OLLI shall coordinate with the Airport Administration Office if the Leased Premises are required after 4:00 p.m Monday through Thursday or at any time Friday through Sunday. Classes and events shall be scheduled through the Airport Administration Office at least two weeks in advance. OLLI will notify the Airport Administration Office of any cancelled classes as soon as possible. An OLLI staff member or representative will be present at the beginning of a day's classes to set up needed items and at the end of the day to clean up. OLLI is not required to dismantle or move its tables and chairs at the end of the day unless notified by the Airport Administration Office.

5. **Preemptive Use or Access by the City.** OLLI acknowledges that the Transportation Security Administration may require use of the Leased Premises for certain chartered flights that may interfere with OLLI's use. In the event of such preemption, the Airport

Administration Office will make every effort to locate an alternative site at no additional cost to OLLI but makes no guarantees. OLLI shall not be responsible for the payment of rent for any days the Leased Premises are unavailable for a previously scheduled class or event, nor shall the City be liable to OLLI for any costs or expenses involved in rescheduling or relocating a class when the Leased Premises are required for use by the Transportation Security Administration or for maintenance issues.

6. **Access to Airport Terminal Amenities.** OLLI staff shall have access to the attached unused kitchen area to store tables and chairs for its classes and events and OLLI further agrees that its tables and chairs may be used by the City or other organizations utilizing the Leased Premises at times not scheduled for OLLI's use. OLLI understands that this area is not secured at times when the Terminal Building is open to the public. The City also agrees to allow storage of media and other electronic equipment in the secured closet area in the Airport Terminal storage room as space allows. OLLI agrees that the City shall not be responsible for theft or damage of any OLLI property that is stored at the Airport Terminal.

The restrooms near the post office are available for OLLI use. OLLI agrees to provide toilet paper, paper towels and other supplies as needed for the restrooms to cover faculty, staff, student and guest use.

7. **Restricted Areas.** Access by OLLI faculty, staff, students and guests to the Airport Flight Line (including but not limited to the apron, runway, hangars) is strictly prohibited.

OLLI faculty, staff, students and guests shall not enter any offices, rooms or areas not specifically designated for their use in paragraphs 4 and 6 above. This includes, but is not limited to, the flight planning area, pilot lounge areas, TV lounge and beverage station.

OLLI staff and students are not allowed the use the restrooms in the lobby area. OLLI staff and students will not gather or loiter in the Airport Terminal lobby area and shall enter into the Leased Premises as expeditiously as possible.

8. **Parking.** OLLI faculty, staff, students and guests will park only in the third row of the Drake Field parking lot furthest from the Airport Terminal. This area is identified in the map attached as Exhibit A.

9. **Cleaning and Maintenance.** The City shall provide regular janitorial and maintenance services for the Leased Premises.

10. **Assignment.** OLLI shall not assign this lease or sublet the Leased Premises without prior written consent of the City of Fayetteville. Consent for any assignment or subletting shall only be considered at the same rates as established in Paragraph 3 above. Any such assignment or subletting shall in no way relieve OLLI from liability for the obligations imposed by this lease. OLLI may only be released from liability by a specific written release executed by the City.

11. **Holdover.** OLLI hereby agrees that upon termination of this lease by expiration or by earlier termination for any reason whatsoever, it will remove its property from the Airport Terminal immediately.

12. **Termination.** The City hereby reserves the right to terminate this lease at any time during the term of this lease if payment of rent in accordance with Paragraph 3 above is not received within five (5) business days from the due date. If the lease is terminated, OLLI will remove its property from the Airport Terminal immediately.

13. **Non-Waiver.** It is agreed that the failure of City to invoke any of the available remedies under this lease or under law in the event of one or more breaches or defaults by OLLI under the lease shall not be construed as a waiver of such provisions and conditions and shall not prevent the City from invoking such remedies in the event of any future breach or default.

14. **Succession.** This lease agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

15. **Severability.** Each paragraph of this lease agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs will remain in full force and effect.

16. **Interpretation.** This lease agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

17. **Entire Agreement.** This lease agreement contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto. This lease agreement supersedes all prior agreements, contracts and understandings of any kind between the parties relating to the subject matter hereof. This agreement may be executed in all or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

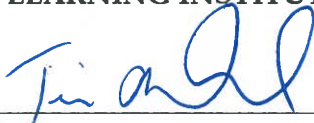
CITY OF FAYETTEVILLE:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

UNIVERSITY OF ARKANSAS, OSHER
LIFELONG LEARNING INSTITUTE

By:  _____

Printed Name: Timothy J. O'Donnell
VICE CHANCELLOR FOR

Title: FINANCE & ADMINISTRATION

Exhibit A

OLLI Designated Parking Area





City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0270

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

BENCHMARK CONSTRUCTION OF NWA, INC. CHANGE ORDER NO. 3:

A RESOLUTION TO APPROVE CHANGE ORDER NO. 3 TO THE CONTRACT WITH BENCHMARK CONSTRUCTION OF NWA, INC. IN THE AMOUNT OF \$42,021.00 FOR THE CONSTRUCTION OF A GRAVEL ACCESS DRIVE, CONCRETE PIER PADS AND IRRIGATION SYSTEM AT THE FIRE DEPARTMENT TRAINING FACILITY, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$4,202.10

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Change Order No. 3 to the contract with Benchmark Construction of NWA, Inc. in the amount of \$42,021.00 for the construction of a gravel access drive, concrete pier pads and irrigation system at the Fire Department Training Facility, and further approves a project contingency in the amount of \$4,202.10.

City of Fayetteville Staff Review Form

2017-0270

Legistar File ID

6/6/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer

5/17/2017

Fire /
Fire Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of Change Order #3 and a 10% Contingency to the contract with Benchmark Construction for a gravel access drive to the river, additional concrete pier pads, and irrigation for trees.

Budget Impact:

<u>4470.300.8300-5804.00</u>		<u>Sales Tax Capital</u>	
<u>Account Number</u>		<u>Fund</u>	
<u>17001.1</u>		<u>Fire Training Grounds</u>	
<u>Project Number</u>		<u>Project Title</u>	
Budgeted Item?	<u>Yes</u>	Current Budget	\$ 948,684.00
		Funds Obligated	\$ 819,218.18
		Current Balance	\$ 129,465.82
Does item have a cost?	<u>Yes</u>	Item Cost	\$ 46,223.10
Budget Adjustment Attached?	<u>No</u>	Budget Adjustment	
		Remaining Budget	\$ 83,242.72

V20140710

Previous Ordinance or Resolution # #03-17

Original Contract Number: _____

Approval Date: _____

Comments: City Council approved on January 3, 2017 through Resolution No. 03-17 awarding Bid Number 16-64 authorizing a contract with Benchmark Construction of NWA, Inc. in the amount of \$485,058.00. Change Order #1 added \$32,603.56 to the contract. Change Order #2 added \$195,377 to the contract. Proposed Change Order #3 will add \$42,021 to the contract. This will make the total contract amount with Benchmark \$755,059.56 as reflected in the Change Order Summary.



MEETING OF JUNE 6, 2017

TO: Mayor Jordan and City Council

FROM: David Dayringer, Fire Chief

DATE: May 17, 2017

SUBJECT: Approval of Change Order #3—Fire Training Grounds and approval of a 10% Contingency

RECOMMENDATION:

Staff recommends approval of Change Order #3 and a 10% Contingency to the contract with Benchmark Construction for a gravel access drive to the river, additional concrete pier pads, and irrigation for trees.

BACKGROUND:

City Council approved on January 3, 2017 through Resolution No. 03-17 awarding Bid Number 16-64 authorizing a contract with Benchmark Construction of NWA, Inc. in the amount of \$485,058.00. Change Order #1 was approved in February, 2017 in the amount of \$32,603.56. Change Order #2 was approved in April, 2017 in the amount of \$195,377 plus a contingency of \$29,307 utilizing IMPACT FEE funds. Proposed Change Order #3 will add \$42,021 to the contract plus a contingency of \$4,202.10. This will make the contract with Benchmark \$755,059.56 (\$485,058 + \$32,603.56 + \$195,377 + \$42,021)

DISCUSSION:

Benchmark Construction has provided a cost for a 1500 ft. gravel access drive to the river, additional concrete pier pads, and irrigation for trees which totals \$42,021.00 plus a 10% Contingency. The gravel drive will allow access to the White River for Fire Department swift water rescue training. The additional pier pads were recommended per the manufacturer. The irrigation system will ensure the proper care and longevity of the trees planted at the Fire Training Grounds.

BUDGET/STAFF IMPACT:

The finances required for this project are already budgeted in the Fire Sales Tax Project: Fire Training Grounds

Attachments:

Change Order #3 Document



CHANGE ORDER

Contract Title Fire Department Training Facility

Change Order No. 3

Date of Issuance

To Contractor: Benchmark Construction of NWA, Inc.

ORDINANCE/RESOLUTION: 03-17

The Contract is changed as follows:

Effective January 3, 2017

Bid	Bid	Previous	Unit	Contract	Revised	Revised	Original	Revised
Item	Item	Estimated	of	Unit	Estimated	Unit	Estimated	Estimated
No.	Description	Quantity	Measure	Price	Quantity	Price	Cost	
38	Gravel Access Drive to River	0	LS	\$0.00	1	\$24,535.00	\$0.00	\$24,535.00
39	Additional Concrete Pier Pads	0	LS	\$0.00	1	\$1,956.00	\$0.00	\$1,956.00
40	Irrigation for Trees	0	LS	\$0.00	1	\$15,530.00	\$0.00	\$15,530.00

Summation of Cost \$0.00 \$42,021.00

Net Cost for this Change Order \$42,021.00

Not valid until signed by the Owner

The original Contract Price was	\$	485,058.00
Net change by previously authorized change orders	\$	227,980.56
The Contract Price prior to this Change Order was	\$	713,038.56
The Contract Price will increased by decreased by remain unchanged	\$	42,021.00
The new Contract Price including this Change Order will be	\$	755,059.56
The Contract Time(s) will be increased by decreased by remain unchanged		calendar days
Required dates of Completion as of the date of this Change Order therefore are:		
Substantial Completion		4/21/17
Final Completion		8/15/17

NOTE: This summary does not reflect changes in the Contract Price or Time(s) which have been authorized by Work Change Directives not incorporated in this or previous Change Orders. **The additional 57 days is for the change order work only. The concrete pad will still be required to meet the 4/7/17**

Benchmark Construction of NWA, Inc.

CITY OF FAYETTEVILLE

Stephen Smith 5-1-17
BY DATE

BY DATE



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0280

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

ARKANSAS STATE POLICE MATCHING GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF AN 80/20 MATCHING GRANT FROM THE ARKANSAS STATE POLICE IN THE AMOUNT OF \$24,160.00 FOR THE DEVELOPMENT OF AN ACCIDENT REPORTING INTERFACE BETWEEN THE CITY OF FAYETTEVILLE AND ARKANSAS STATE POLICE PUBLIC SAFETY SOFTWARE SYSTEMS, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of an 80/20 matching grant from the Arkansas State Police in the amount of \$24,160.00 for the development of an accident reporting interface between the City of Fayetteville and Arkansas State Police public safety software systems.

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

City of Fayetteville Staff Review Form

2017-0280

Legistar File ID

6/6/2017

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

Mike Reynolds

5/19/2017

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends acceptance of a 20% matching grant award funded by the Arkansas State Police (ASP) for the development of an accident reporting interface between Tyler Technologies and ASP's e-Crash software and approval of a budget adjustment in the amount of \$24,160.

Budget Impact:

1010.200.2920-5315.00

General

Account Number

Fund

TBD

Police ASP Accident Interface Grant

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 24,160.00

Remaining Budget \$ 24,160.00

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 6, 2017

TO: Mayor and City Council

A handwritten signature in black ink, appearing to read "Mike Reynolds".

FROM: Mike Reynolds, Deputy Chief of Police

DATE: May 19, 2018

SUBJECT: Grant Award from Arkansas State Police for Accident Reporting Interface

RECOMMENDATION:

Staff recommends acceptance of a 20% matching grant award funded by the Arkansas State Police (ASP) for the development of an accident reporting interface between Tyler Technologies and ASP's e-Crash software and approval of a budget adjustment in the amount of \$24,160.

BACKGROUND:

The Fayetteville Police Department purchased the Accident Module from Tyler Technologies, and Tyler Technologies has developed the ASP accident form in the new police Records Management System (RMS). The ASP utilizes an electronic accident report submission program called e-Crash. The police department needs an interface between Tyler Technologies and ASP's e-Crash to electronically submit accident reports from the new RMS to the ASP.

DISCUSSION:

At this time, the police department copies and mails paper accident reports to the ASP. The ability to electronically submit accident reports to the ASP would greatly improve efficiency.

BUDGET/STAFF IMPACT:

There is currently \$127,446 in the Capital Improvement Program (CIP) for project contingency related to the new police RMS project to fund the 20% grant match requirement in the amount of \$6,040.

Attachments:

Budget Adjustment
Arkansas State Police Grant Award Documents



Asa Hutchinson
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"



William J. Bryant
Director

May 10, 2017

**ARKANSAS
STATE POLICE
COMMISSION**

Dr. Lewis Shepherd
Chairman
Arkadelphia

John Allison
Vice-Chairman
Conway

Bob Burns
Secretary
Little Rock

Jane Dunlap Christenson
Harrison

Neff Basore
Bella Vista

Bill Benton
Heber Springs

Stephen Edwards
Marianna

Mr. Willie Newman
Project Coordinator
Fayetteville Police Dept.
100 W. Rock St.
Fayetteville, AR 72701

RE: M3DA-2017-03-03-12
eCrash System

Dear Mr. Newman:

The above referenced FY 2017 Subgrant Agreement is enclosed for your review and signature. The Subgrant Agreement/Contract Terms for this program are made a part of this agreement and should be kept in your agency's file with your copy of the signed agreement. The agreement may not include all items presented in your proposal. Only those activities included in the agreement are eligible for reimbursement.

Please return the signed agreement (keep the enclosed Subgrant Agreement/Contract Terms) to our office as soon as possible. We will send you a copy of the fully executed agreement.

We look forward to working with your agency this year.

Sincerely,

Bridget White
Administrator
Highway Safety Office

Enclosure

C: Agreement/Contract File



Asa Hutchinson
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"



William J. Bryant
Director

2017 HIGHWAY SAFETY SUBGRANT AGREEMENT TRAFFIC RECORDS PROGRAM

RECIPIENT

Fayetteville Police Dept.
100 W. Rock Street
Fayetteville, AR 72701
Telephone: (479) 587-3579
Fax: (479) 587-3570

TAX ID NO. 71-6018462

GOVERNMENTAL UNIT

Fayetteville Police Dept.
100 W. Rock Street
Fayetteville, AR 72701

PROJECT NO.

M3DA-2017-03-03-12
FAIN No: (See Invoice Form page 6)
DUNS No: 075657742

TYPE OF APPLICATION

Initial: X
Revision:
Continuation:

INITIAL PROJECT STARTING DATE

May 1, 2017

PROJECT TITLE

eCrash System

OPERATIONAL AREA OF PROJECT

City of Fayetteville, AR

<u>COST CATEGORY</u>	<u>AMOUNT</u>		
	<u>FEDERAL</u>	<u>STATE</u>	<u>LOCAL</u>

Personal Services

Equipment

Maintenance &
Operation

Other Direct Costs	\$24,160.00		\$6,040.00
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Contractual Services

Indirect Costs

Total	\$24,160.00		\$6,040.00
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<u>PROJECT PERIOD</u>	<u>FUNDING PERIOD</u>
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From: 05-08-2017

From: 05-08-2017

To: 09-30-2017

To: 09-30-2017

FUNDING

SOURCE

AMOUNT

Federal

\$24,160.00

State

Local

\$ 6,040.00

Total

\$30,200.00

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

INDEX

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AGREEMENT PREPARED BY:	Karen Bonds
TITLE:	Traffic Records Program Manager
ADDRESS:	Arkansas State Police 1 State Police Plaza Drive Little Rock, AR 72209
PHONE:	(501) 618 - 8405
FAX:	(501) 618 - 8124

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

SCOPE OF WORK

PROJECT GOAL: To electronically capture, verify and transmit traffic crash data (e-Crash System).

SUMMARY OF PROJECT OBJECTIVES: To hire a contractor/vendor to develop an interface between Fayetteville Police Department's crash data reporting system and the State of Arkansas crash system (e-Crash) software which will enable the agency to electronically capture and verify crash data which includes the exact information on the ASP approved e-Crash report form and to enable transmission of the electronic crash reports to the State eCrash central repository.

METHOD OF EVALUATION BY ASP

ADMINISTRATIVE: X
IMPACT EVALUATION:

REIMBURSEMENT - ACTUAL COST ONLY

 ASP will reimburse the recipient an amount equal to % of all eligible cost.

 X ASP will reimburse the recipient an amount equal to all eligible costs as identified in work statement.

REIMBURSEMENT LIMITS

1. Maximum amount eligible for reimbursement:

Federal Funds: \$24,160.00

State Funds: -0-

2. Only those orders placed and costs incurred during the following time period shall be eligible for reimbursement:
(Date) 05/08/2017 to (Date) 09/30/2017
3. The recipient must bear all costs not eligible for Federal reimbursement.

Federal and State regulations shall be the basis for determining eligibility of costs, as detailed in the General Provisions and Subgrant Agreement/Contract Terms.

This agreement may be amended only by written notice in advance in accordance with ASP policy. (See Subgrant Agreement/Contract Terms)

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

WORK STATEMENT

A. The recipient, Fayetteville Police Department, in exchange for consideration offered by the Arkansas State Police (ASP) Highway Safety Office, hereafter referred to as the Arkansas Highway Safety Office (AHSO), and in the interest of improving traffic safety, hereby agrees to pursue the achievement of the following objectives:

- 1) Hire a contractor/vendor to develop an interface between Fayetteville Police Department's crash data reporting system and the State of Arkansas electronic crash system (e-Crash) software to electronically capture and verify crash data which includes exact information on the ASP approved eCrash report form. Transmit electronic crash report data to the State eCrash central repository on a daily basis.
 - a.) Develop an interface to meet ASP, ASP contractor – University of Alabama – CAPS (UA-CAPS), and AHSO specifications;
 - b.) Make modifications to the existing City of Fayetteville system to accommodate the interface to eCrash;
 - c.) Maintain interface to meet ASP, UA-CAPS, & AHSO standards and criteria; and
 - d.) Be responsible for any future updates/revisions/changes required by the ASP AHSO.
- 2) Submit reimbursement request only after AHSO verification of successful completion of the project objectives.
- 3) Submit project reports and reimbursement requests in accordance with formats provided by the ASP. Submit a report summarizing project activities/purchases along with a cover letter and supporting documentation, by the 30th of the subsequent month in which activities are completed and expenditures are incurred.
- 4) Submit a final report and a final reimbursement request to the AHSO within 30 days following the end of the project period. Final payment will not be made until a satisfactory final report is submitted and all activities are successfully completed as stated in the work statements.
- 5) Maintain a project file for the agreement and financial documents. The file will contain a copy of the agreement, agreement terms, policies and procedures of the recipient related to this project's activities, related AHSO policies and procedures, reimbursement requests and correspondence relating to this project. Maintain the file in one location and it must be available for review by State and Federal authorities responsible for oversight of this project.

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

WORK STATEMENT

- B. The Arkansas Highway Safety Office (AHSO) hereby agrees to perform the following activities:
1. Reimburse the recipient for all eligible costs incurred in accordance with the provisions stated in the Subgrant Agreement/Contract Terms. An analysis of allowable costs is provided in the attached recipient invoice forms.
 2. Provide reasonable consultative assistance to the recipient to aid in the achievement of project objectives.
 3. Conduct administrative and/or on-site evaluations to assess the effectiveness of the project. Evaluations will include, but are not limited to, a review of activity reports examining progress toward objectives stated in the work statement, reimbursement requests, fiscal management and on-site monitoring visits.



LINE-ITEM DETAIL

Attach to Page 6*

Fayetteville Police Department

e-Crash System

FY2017

FOR THE PERIOD:

Transfer
Totals to
Page 6*

Other Direct Costs

Contractor/Vendor Services

TOTAL BILLED

* Refers to page 6 of the Invoice.



Arkansas State Police

FY2017



Subgrantee State Match Reporting Form

GRANT #:	M3DA-2017-03-03-12	AWARD PERIOD: 05/08/2017 - 09/30/2017		
		CFDA TITLE: Safety Belt Performance Grant		
EIN (Tax ID #):	71-6018462	AWARD AMOUNT:	24,160.00	CFDA # 20.616
Reporting Period:				
Project:	e-Crash System			
Subgrantee Name:	Fayetteville Police Department			Telephone #: (479) 587 3579
Mailing Address:	100 W. Rock Street, Fayetteville, AR 72701			

Budget Categories	APPROVED BUDGET	REVISED BUDGET	Previous Expenditures	Expenditures This Period	Total Expenditures	Remaining Budget
				-	-	
Other Direct Costs	24,160.00				-	24,160.00
Total				-	-	-
						Amount of this Report

Signature of Subgrantee:		Date:	
Title:			
Contact Person:	Willie Newman	Contact Phone:	(479) 587-3579

Submit to:	Karen Bonds Arkansas State Police Highway Safety Office 1 State Police Plaza Drive Little Rock, Arkansas 72209
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CERTIFICATIONS AND ASSURANCES

(Each fiscal year the Sub-grantee for Highway Safety must sign these Certifications and Assurances affirming that the agency complies with all requirements, including applicable Federal statutes and regulations that are in effect during the grant period. Requirements that also apply to subrecipients are noted under the applicable caption.)

Agency: Fayetteville Police Department Fiscal Year: 2017

By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906 the Subgrantee acknowledges and agrees to the following conditions and requirements. In my capacity as the authorizing official for Fayetteville Police Department, I hereby provide the following Certifications and Assurances.

GENERAL REQUIREMENTS

Applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended.
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300—Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201—Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

Non-Discrimination

The Sub-grantee will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, *et seq.*; PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42U.S.C. §§), which prohibits discrimination on the basis of age; (e) the Civil Rights Restoration Act of 1987 Pub. L. 100-259), which requires Federal-aid recipients and all sub recipients to prevent discrimination and ensure non-discrimination in all of their programs and activities (f) the Drug Abuse Office and

Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970(Pub. L. 91-616), as amended, relating to

CERTIFICATIONS AND ASSURANCES

nondiscrimination on the basis of alcohol abuse or alcoholism; (h) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, et seq.) relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

BUY AMERICA ACT

The Sub-grantee will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

POLITICAL ACTIVITY (HATCH ACT).

The Sub-grantee will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

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

CERTIFICATIONS AND ASSURANCES

Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

Instructions for Primary Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

CERTIFICATIONS AND ASSURANCES

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and Information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

CERTIFICATIONS AND ASSURANCES

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

CERTIFICATIONS AND ASSURANCES

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

CERTIFICATIONS AND ASSURANCES

Policy on Seat Belt Use

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16 1997, the Grantee is encouraged to adopt and enforce on-the job seat belt use policies and programs for its employees when operating company-owned, rented, or personally owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at www.Nhtsa.dot.gov. Additional resources are available from the Network of Employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit its website at www.trafficsafety.org.

POLICY TO BAN TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to:

- (1) Adopt and enforce workplace safety policies to decrease crashed caused by distracted driving including policies to ban text messaging while driving--
 - a. Company-owned or – rented vehicles, or Government-owned, leased or rented vehicles; or
 - b. Privately-owned when on official Government business or when performing any work on or behalf of the Government.
- (2) Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as –
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

ENVIRONMENTAL IMPACT

The authorizing official for this project has reviewed this agreement and hereby declares that no significant environmental impact will result from implementing this project. If, under a future revision, this project will be modified in such a manner that it would be instituted and could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517)

CERTIFICATIONS AND ASSURANCES

Section 402 Requirements (as amended by Pub. L. 112-141)

The Governor is responsible for the administration of the State highway safety program through a State highway safety agency which has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program (23 USC 402(b) (1) (A));

The political subdivisions of this State are authorized, as part of the State highway safety program, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation (23 USC 402(b) (1) (B));

At least 40 percent of all Federal funds apportioned to this State under 23 USC 402 for this fiscal year will be expended by or for the benefit of the political subdivision of the State in carrying out local highway safety programs (23 USC 402(b) (1) (C)), unless this requirement is waived in writing;

This State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks (23 USC 402(b) (1) (D));

The State Highway Safety Program provides for an evidence-based traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents (23 U.S.C. 402 (b)(1)(E))

The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process, and the Sub-grantee will support these activities including:

- **Participation in the National high-visibility law enforcement mobilizations,**
- **Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;**
- **An annual statewide seat belt use survey in accordance with 23 CFR Part 1340 for the measurement of State safety belt use rates;**
- **Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;**
- **Coordination of Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in section 23 U.S.C. 148 (a). 148(a).**
(23 U.S.C. 402 (b)(1)(F))

CERTIFICATIONS AND ASSURANCES

Law enforcement agencies only- the Subgrantee is hereby encouraged to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j)).

Other Federal Requirements

Cash drawdowns will be initiated only when actually needed for disbursement. 49 CFR 18.20

Cash disbursements and balances will be reported in a timely manner as required by NHTSA. 49 CFR 18.21.

The same standards of timing and amount, including the reporting of cash disbursement and balances, will be imposed upon any secondary recipient organizations. 49 CFR 18.41.

Failure to adhere to these provisions may result in the termination of drawdown privileges.

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs);

Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes 23 CFR 1200.21. The Sub-grantee will comply with this provision.

The Subgrantee will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20.

AUDIT REQUIREMENTS

The recipient will arrange for an organization-wide financial and compliance audit, if required by 2 CFR Part 200.501 (Formerly OMB Circular A-133), within the prescribed audit reporting cycle. The audit report must separately identify highway safety funds from other Federal funds. One (1) copy of the report will be furnished to the Arkansas State Police Highway Safety Office (ASP-HSO) within three months of the report date. Failure to furnish an acceptable audit as determined by the cognizant Federal audit agency may be a basis for denial and/or refunding of Federal funds. A copy of 2 CFR Part 200.501 is available at www.ecfr.gov. The recipient has been made aware of audit requirements. **The recipient is required to inform the ASP-HSO if subject to these audit requirements.**

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

ACCEPTANCE AND AUTHORIZATION TO PROCEED

It is understood and agreed by the undersigned that a subgrant received for this agreement is subject to the Fixing America's Surface Transportation (FAST) Act and subsequent U.S. Department of Transportation funding reauthorization; and all administrative regulations governing this grant established by the U.S. Department of Transportation approved in accordance with 23 CFR Part 1301 subject to the availability of Federal funds. It is further understood that any State funds utilized within are subject to all applicable State regulations and are likewise subject to their availability. It is expressly agreed that this agreement including the Appendix (Subgrant Agreement/Contract Terms and Attachment), constitute an official part of the State's Highway Safety Program and that said recipient will meet the requirements as set forth herein.

The recipient has appointed the following official representatives with legal authority to accept this subgrant agreement acknowledge the certifications and assurances on pages 9 – 17 and provide such additional information as may be required.

A. SUBGRANT DIRECTOR

B. AUTHORIZING OFFICIAL

Signature: _____	Signature: _____
Name: <u>Chief Greg Tabor</u>	Name: <u>Honorable Lioneld Jordan</u>
Title: <u>Chief of Police</u>	Title: <u>Mayor</u>
_____	_____
Date: _____	Date: _____

Approval to proceed, effective 05-08-2017 to 09-30-2017 with committed Federal funds of \$24,160 and State funds of \$ -0-, given by the State Official responsible to the Governor for administration of the State Highway Safety Program:

Approved:

Director, Arkansas State Police
and
Governor's Highway Safety Representative

Date

Budget Year	Division	Adjustment Number
2017	POLICE (200)	
	/Org2	
	Requestor: W. Newman	

Recognize and establish revenue and expense budgets related to the Arkansas State Police (ASP) grant award for the development of an accident reporting interface between Tyler Technologies and ASP's e-Crash.

	COUNCIL DATE:	6/6/2017
	LEGISTAR FILE ID#:	2017-0280
	<i>Barbara Fell</i> 5/19/2017 10:05 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
RESOLUTION/ORDINANCE		

v.20161220



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0281

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

TYLER TECHNOLOGIES, INC. AMENDMENT:

A RESOLUTION TO APPROVE AN AMENDMENT TO THE CONTRACT WITH TYLER TECHNOLOGIES, INC. IN THE AMOUNT OF \$27,329.00 FOR THE DEVELOPMENT OF AN ACCIDENT REPORTING INTERFACE BETWEEN THE CITY OF FAYETTEVILLE AND ARKANSAS STATE POLICE PUBLIC SAFETY SOFTWARE SYSTEMS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an amendment to the contract with Tyler Technologies, Inc. in the amount of \$27,329.00 for the development of an accident reporting interface between the City of Fayetteville and Arkansas State Police public safety software systems.

City of Fayetteville Staff Review Form

2017-0281

Legistar File ID

6/6/2017

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

Mike Reynolds

5/19/2017

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a contract amendment with Tyler Technologies for the development of an accident reporting interface between Tyler Technologies and Arkansas State Police's (ASP) e-Crash software in the amount of \$27,329.

Budget Impact:

1010.200.2920-5315.00 /
4470.200.8200-5315.00

General / Sales Tax Capital Improvements

Account Number

Fund

TBD / 14009.1

Police ASP Accident Interface Grant /
Police Records Mgmt System

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 185,723.00

Funds Obligated \$ 34,116.50

Current Balance \$ 151,606.50

Does item have a cost? Yes

Item Cost \$ 27,329.00

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ 124,277.50

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Related to grant funding within Legistar #2017-0280.



CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 6, 2017

TO: Mayor and City Council *Mike Reynolds*
FROM: Mike Reynolds, Deputy Chief of Police
DATE: May 19, 2018
SUBJECT: Contract Amendment with Tyler Technologies for Accident Reporting Interface

RECOMMENDATION:

Staff recommends approval of a contract with Tyler Technologies for the development of an accident reporting interface between Tyler Technologies and Arkansas State Police's (ASP) e-Crash software in the amount of \$27,329.

BACKGROUND:

The Fayetteville Police Department purchased the Accident Module from Tyler Technologies, and Tyler Technologies has developed the ASP Accident Form in the new police Records Management System (RMS). The ASP utilizes an electronic accident report submission program called e-Crash. The police department needs an interface between Tyler Technologies and ASP's e-Crash to electronically submit accident reports from the new RMS to the ASP.

DISCUSSION:

At this time, the police department copies and mails paper accident reports to the ASP. The ability to electronically submit accident reports to the ASP would greatly improve efficiency.

BUDGET/STAFF IMPACT:

This contract will be funded via an 80/20 matching grant from the Arkansas State Police. Grant funds (80% grant) will pay \$21,863 of the total contract price of \$27,329. The remaining contract amount of \$5,466 (20% local match) will be funded by the Police RMS project contingency which currently has a remaining balance of \$127,446.

Attachments:

Tyler Technologies Amendment



Document #: 0743-17A3B

AMENDMENT

This amendment ("Amendment") is effective as of the date of signature of the last party to sign as indicated below ("Amendment Effective Date") by and between Tyler Technologies, Inc., a Delaware corporation with offices at 840 West Long Lake Road, Troy, MI 48098 ("Tyler") and Fayetteville Police Department, AR, with offices at 100 West Rock Street, Fayetteville, AR 72701 ("Client").

WHEREAS, Tyler and the Client are parties to a License Agreement with an effective date of June 1, 1997 (the "Agreement");

WHEREAS, Tyler and Client now desire to amend the Agreement;

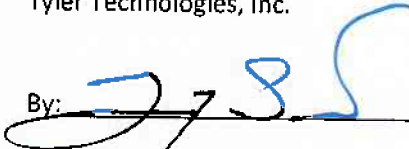
NOW THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and the Client agree as follows:

1. The services set forth in Exhibit 1, and Schedule 1, to this Amendment are hereby added to the Agreement. Any additional adjustments to scope not set forth herein must be reflected in another amendment to the Agreement.
2. The following payment terms, as applicable, shall apply:
 - a. Requested custom software interfaces are invoiced 100% upon initial delivery of the interface.
 - b. Third Party Software License Fees: License fees for Third Party Software, if any, are invoiced when we make it available to you for downloading.
 - c. Travel expenses shall be invoiced as incurred, if applicable.
3. This Amendment shall be governed by and construed in accordance with the terms and conditions of the Agreement.
4. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below.

Tyler Technologies, Inc.

Fayetteville Police Department, AR

By: 

By: _____

Name: Greg Sebastian

Name: Lioneld Jordan

Title: President, Public Safety Division

Title: Mayor

Date: 5/19/12

Date: _____

Exhibit 1
Investment Summary

A. PROFESSIONAL SERVICES		
ITEM	DESCRIPTION	INVESTMENT

PROFESSIONAL SERVICES

- | | |
|--|-------|
| 1. Up to 40 hours of Implementation and Training Services are included to install the custom eCrash AR Interface for Fayetteville only, as first in state. Each additional installation will require 24 hours for a remote installation. | 5,800 |
|--|-------|

- | | |
|--|--------|
| 2. CUSTOM SOFTWARE/CUSTOM SOFTWARE INTERFACES (Estimate) | 19,200 |
|--|--------|

Third Party Software Product (Custom Interfaces)

RMS Interfaces

- | | |
|--|--------|
| - Custom eCrash AR Interface (one-way) | 19,200 |
|--|--------|

** Development Software covers the following Customers:*

- 1) Fayetteville
- 2) Rogers
- 3) Bentonville
- 4) Russellville
- 5) Sebastian County

TOTAL IMPLEMENTATION SERVICES	\$25,000
--------------------------------------	-----------------

B. THIRD PARTY PRODUCTS AND SERVICES		
ITEM	DESCRIPTION	INVESTMENT

1. THIRD PARTY PRODUCTS AND SERVICES

THIRD PARTY SOFTWARE

- | | |
|--|-----|
| a. Diagramming Software (Scene PD) (includes 1st yr maintenance) | |
| 1 unit for Fayetteville | 329 |

TOTAL THIRD PARTY PRODUCTS AND SERVICES	\$329
--	--------------

C. TRAVEL AND LIVING EXPENSES (Estimate)		
ITEM	DESCRIPTION	INVESTMENT

1. TRAVEL AND LIVING EXPENSES (Estimate)

- | | |
|---------------------------------------|---------|
| Estimated 1 trip at \$2,000 per trip. | \$2,000 |
|---------------------------------------|---------|

TOTAL ONE TIME COST	<u>\$27,329</u>
----------------------------	------------------------

PRICING VALID THROUGH AUGUST 15, 2017.

Pricing Assumptions

Personal Computers must meet the minimum hardware requirements for New World products. Microsoft Windows 7/8 or later is required for all client machines. Windows 2008/2012 Server and SQL Server 2008/2012 are required for the Application and Database Server(s).

New World product requires Microsoft Windows 2008/2012 Server and SQL Server 2008/2012 including required Client Access Licenses (CALs) for applicable Microsoft products. Servers must meet minimum hardware requirements provided by Tyler.

New World product requires Microsoft Excel or Windows Search 4.0 for document searching functionality; Microsoft Word is required on the application server for report formatting.

Tyler recommends a 100/1000MB (GB) Ethernet network for the local area network. Wide area network requirements vary based on system configuration, Tyler will provide further consultation for this environment.

Does not include any required 3rd party hardware or software unless specified in Section C of this Investment Summary. Customer is responsible for any 3rd party support.

Licensed Software, and third party software embedded therein, if any, will be delivered in a machine readable form to Customer via an agreed upon network connection. Any taxes or fees imposed are the responsibility of the purchaser and will be remitted when imposed.

Custom interface will be operational with existing third party software. Any subsequent changes to third party applications may require additional services..

Schedule 1

Customer Requested Standard Software Enhancements and/or Custom Software

1. Definition

We will provide you requested standard software enhancements and/or custom software services as discussed below. You agree to cooperate in limiting the scope of those modifications and enhancements, as described below.

An analysis and assessment to verify the scope of effort for these services will be conducted. A revised estimate for the enhancements/customizations may be provided at the conclusion of the assessment. You may elect to cancel or proceed with the enhancements/customizations based on the revised estimate.

Capabilities included in the initial scope:

a) Custom Software/Interface(s)

While we will provide reasonable consultation, you are responsible for obtaining technical contacts and/or technical specifications from the third parties involved.

(1) Custom One-Way eCrash AR Interface:

- The interface will export data from a New World accident record, including associated subject and vehicle records, into the State accident database
- The interface will adhere to the latest AR accident export schema as provided by the State of Arkansas at the time of the interface development. Tyler Technologies is not responsible for any changes in the State of Arkansas software.
- The interface will translate existing LERMS accident information, and create the XML for submission, to either the State's Live or Test side, depending on functionality available to us, to use from the State of Arkansas
- The interface will also run the translated XML file, against the existing AR State accident edits, as provided by the State, along with updating the submission status, to designate whether it was accepted by the State's web service
- Crash diagrams will be included with the submission, as long as they are in .sce, or .spd format, generated from Scene PD
- The interface will be limited to fields that exist in the New World accident module for the state of Arkansas. No new fields will be added to the New World database or user screen.

2. Methodology to Provide Enhancements and/or Custom Software

a) Our Responsibility

As part of our delivery of these services, we will:

- (1) Review the required features for the items set forth in paragraph 1, above, with you.
- (2) Prepare a Requirements Document (RD) to include:
 - Detailed description of the required feature
 - menu samples
 - screen samples
 - report samples

0743-17A3B 0503 eCrash Custom IF & Scene PD.doc

- (3) Conduct the programming and programming test.
- (4) Provide the associated in-scope training, testing and/or other support services.

For an enhancement or custom software requiring over seven (7) days of services, we will utilize the design document procedure described below. For enhancements or custom software that require less than seven (7) days of services, we will use a Request For Service (RFS) procedure. Both procedures are reviewed with you at a pre-installation planning meeting. The RFS procedure utilizes a form with a narrative description and supporting documentation if applicable to define the work to be done.

b) Design and Development Procedure

<u>Activity</u>	<u>Targeted Time Period</u>
(1) We will work with your staff in completing the RD. You agree to be reasonable and flexible in not attempting to design the modifications to be more extensive than called for in the scope (cost and schedule) of this project.	To be determined
(2) We submit completed RD to you.	To be determined
(3) You will review and sign off on the RD. Once you sign off on the RD, any subsequent changes must be documented along with the impact on pricing and schedule, if any. No programming will be done by us until the formal sign-off and your authorization to proceed in writing.	To be determined
(4) We complete programming from RD and provide the associated deliverable to you.	To be determined
(5) You test software modification based on RD.	To be determined

3. Third Party Responsibilities

- a) The third-party will provide a documented API that will allow access to required data via a file transfer, web service, or TCP/IP.
- b) We will not be responsible for making any modification in the 3rd party software to support this interface.
- c) The third-party will work with us and you to test the interface.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0260

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 8

BID #17-38 SHOR-LINE:

A RESOLUTION TO AWARD BID #17-38 AND AUTHORIZE THE PURCHASE OF CAT ADOPTION CAGES AND VET CLINIC RECOVERY CAGES FROM SCHROER MANUFACTURING CO. D/B/A SHOR-LINE IN THE AMOUNT OF \$30,382.52 PLUS APPLICABLE TAXES FOR THE LIB HORN ANIMAL SHELTER OF FAYETTEVILLE

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 #17-38 and authorizes the purchase of cat adoption cages and vet clinic recovery cages from Schroer Manufacturing Co. d/b/a Shor-Line in the amount of \$30,382.52 plus applicable taxes for the Lib Horn Animal Shelter of Fayetteville.

City of Fayetteville Staff Review Form

2017-0260

Legistar File ID

6/6/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Anthony Rankin

5/9/2017

Animal Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Acceptance of a bid from Shor-Line (Schroer Mfg.) for the purchase of new cat adoption area cages and new veterinary clinic recovery cages in the amount of \$30,382.52, plus all applicable taxes.

Budget Impact:

1010.671.2740-5210.00

Animal Sevices minor equipment donations

Account Number

Fund

33048-1

Animal Services donations

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 2,492.00

Funds Obligated \$ -

Current Balance \$ 2,492.00

Does item have a cost? Yes

Item Cost \$ 30,382.52

Budget Adjustment Attached? No

Budget Adjustment \$ 30,000.00

Remaining Budget \$ 2,109.48

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments: Acceptance of a bid from Shor-Line (Schroer Mfg.) for the purchase of new cat adoption area cages and new veterinary clinic recovery cages, in the amount of \$30,382.52, plus all applicable taxes.



MEETING OF 6/6/2017

TO: Mayor and City Council

THRU: Yolanda Fields, Community Resources Director
Justine Lentz, Fayetteville Animal Services Superintendent

FROM: Anthony Rankin, Fayetteville Animal Services Programs Manager

DATE: 5/9/2017

SUBJECT: Acceptance of bid from Shor-Line (Schroer Mfg.) for the purchase of new adoption cat cages and vet clinic recovery cages.

RECOMMENDATION:

Staff recommends the acceptance of a bid from Shor-Line (Schroer Mfg.) for the purchase of new cat area adoption cages and new animal recovery cages for the shelter's veterinary clinic in the amount of \$30,382.52, plus all applicable taxes.

BACKGROUND:

Animal Services wishes to purchase these cages to finish renovations of the facility.

DISCUSSION:

Fayetteville Animal Services is in the process of renovating the cat adoption and the veterinary clinic animal recovery area of the Lib Horn Animal Shelter of Fayetteville, utilizing donation monies donated to the shelter. The purchase of these cages will finalize the renovations to both of these areas. These renovations will increase the holding capacity of the cat adoption area and will provide our veterinary clinic with necessary cages for the treatment of ill or injured animals.

BUDGET/STAFF IMPACT:

The funds for this purchase exist already in the Animal Services donation account. A budget adjustment will go to Budget to move the funds to the proper account. There is no staff impact expected, assembly can be done in house.

ATTACHMENTS:

Bid



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

INVITATION TO BID

INVITATION TO BID: Bid 17-38, Cat Adoption and Recovery Equipment

DEADLINE: Tuesday, May 02, 2017 before 2:00 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: Monday, April 17, 2017

INVITATION TO BID

Bid 17-38, Cat Adoption and Recovery Equipment

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.

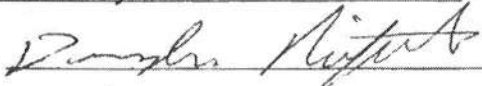
Name of Firm: Shor-Line (Schroer Mfg.)

Contact Person: Douglas Nietfeld Title: Sales Representative

E-Mail: Dougn@Shor-Line.com Phone: 913-281-1500 x 2214

Business Address: 511 Osage Avenue

City: Kansas City State: Kansas Zip: 66105

Signature:  Date: 05/02/2017

City of Fayetteville
Bid 17-38, Cat Adoption and Recovery Equipment
Advertisement

City of Fayetteville, Arkansas
INVITATION TO BID
Bid 17-38, Cat Adoption and Recovery Equipment

The City is seeking bids from qualified vendors for the purchase of Cat adoption kennels and recovery room equipment.

All sealed bids are due by Tuesday, May 02, 2017 before 2:00 PM, Local Time. All bids are due before the time stated. Late bids shall not be accepted. City of Fayetteville reserves the right to deviate from the estimated purchase quantities. Bids will be opened and read aloud immediately following the stated deadline.

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

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

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

City of Fayetteville
By: Les McGaugh, Purchasing Agent
P: 479.575.8220
lmcgaugh@fayetteville-ar.gov
TDD (Telecommunications Device for the Deaf): (479) 521-1316
Date of advertisement: 04/17/2017

DELIVERY DATE REQUIRED: 60 CALENDAR DAYS FROM DATE OF ORDER

F.O.B. Fleet Operations Division, 1525 S. Happy Hollow Road, Fayetteville, AR 72701

Bid Form - Bid 17-38, Cat Adoption and Recovery Equipment

Bids shall be submitted on this bid package providing information products being bid. The City reserves the right to award this bid based on the City's best interest at the time of product order.

Item #	Description	Manufacturer	Estimated Quantity		Price Per Each		Total Line Item Price
1	30"x30" Laminate cat condo with resting shelf, grill door and clear back		9	x	\$ \$556.60	=	\$ \$5009.40
2	12"x30" Laminate litter areas		6	x	\$ \$368.00	=	\$ \$2,208.00
3	24"x30" Laminate cat condo with resting shelf & grill door		4	x	\$ \$478.80	=	\$ \$1,915.20
4	Laminate cat condo corner unit with grill door, 2 living areas per unit		4	x	\$ \$1,081.00	=	\$ \$4,324.00
5	Corner unit storage areas		4	x	\$ \$517.04	=	\$ \$2,068.16
6	Corner unit mobile bases with toe kick		4	x	\$ \$276.00	=	\$ \$1,104.00

THIS BID FORM CONTINUES ON THE NEXT PAGE.

7	24" Mobile bases with toe kick		2	x	\$ \$202.40	=	\$ \$404.80
8	24"x30" storage areas		2	x	\$ \$409.40	=	\$ \$818.80
9	24" Mobile base with toe kick		1	x	\$ \$202.40	=	\$ \$202.40
10	42" Mobile base with toe kick		1	x	\$ \$230.00	=	\$ \$230.00
11	72" Mobile base with toe kick		1	x	\$ \$276.00	=	\$ \$276.00
12	36"x24" Stainless steel kennels		2	x	\$ \$502.32	=	\$ \$1,004.64
13	36"x30" Stainless steel kennel		1	x	\$ \$509.68	=	\$ \$509.68
14	36" Mobile kennel base, 4" tall		1	x	\$ \$230.00	=	\$ \$230.00
15	24"x24" Mobile kennel base, 4" tall		1	x	\$ \$198.72	=	\$ \$198.72
16	36"x24" Oxygen door		1	x	\$ \$540.96	=	\$ \$540.96
17	60" wide puppy kennel with mobile base		1	x	\$ \$5,237.00	=	\$ \$5,237.00
18	46" Stainless steel exam top for Tub/table		1	x	\$ \$161.00	=	\$ \$161.00
19	46" Stainless steel tub/table with grill top		1	x	\$ \$3,546.00	=	\$ \$3,546.00

THIS BID FORM CONTINUES ON THE NEXT PAGE.

20	Deck mounted mixing faucet with hose and spray head		1	x	\$ \$366.16	=	\$ \$366.16
21	3.5" Stainless steel drain assembly		1	x	\$ \$27.60	=	\$ \$27.60
Total Base Bid :							\$ \$29,976.12

Bids shall be submitted on this bid form in its entirety AND accompanied by descriptive literature on the products being bid. The City reserves the right to award this bid based on the City's best interest at the time of product order.

THIS BID FORM CONTINUES ON THE NEXT PAGE.

EXECUTION OF BID -

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

Upon signing this Bid, the bidder certifies that:

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

X 1.) NO KNOWN RELATIONSHIP EXISTS

2.) RELATIONSHIP EXISTS (Please explain): _____

7. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.
8. As A bidder on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.
 - a. Federal Executive Order (E.O.) 12549 “Debarment and Suspension” requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
 - b. Your signature below certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

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

*NAME OF FIRM: Shor-Line

Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name Schroer Mfg.

*BUSINESS ADDRESS: 511 Osage Avenue

*CITY: Kansas City

*STATE: KS

*ZIP: 66105

*PHONE: 913-281-1500

FAX: 913-281-5339

*E-MAIL: Dougn@Shor-Line.com

*BY: (PRINTED NAME) Douglas Nietfeld

*AUTHORIZED SIGNATURE: 

*TITLE: Sales Representative

DUNS NUMBER: _____

CAGE NUMBER: _____

*TAX ID NUMBER: 44-0510045

Acknowledge Addendums:

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

ALL BIDDERS SHALL COMPLETE THE "TECHNICAL SPECIFICATION" SECTION WITH BID.
FAILURE TO SUBMIT A RESPONSE ON THE PROVIDED "TECHNICAL SPECIFICATION" FORM
IN A COMPLETED FORMAT CAN RESULT IN BID REJECTION.

1. SUBMISSION OF BID & BID EVALUATION:

- a. Bids shall be reviewed following the stated deadline, as shown on the cover sheet of this document.
- b. Bidders shall submit bids based on documentation published by the Fayetteville Purchasing Division.
- c. Bids shall be enclosed in sealed envelopes or packages addressed to the City of Fayetteville, Purchasing Division, Room 306, 113 W. Mountain, Fayetteville, AR 72701. The name, address of the firm and Bid, RFP, or RFQ number shall be on the outside of the packaging as well as on any packages enclosed in shipping containers or boxes.
- d. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at 479.575.8220 to ensure correct receipt of bidding documents prior to opening time and date listed on the bid form.
- e. Bidders shall have experience in providing products and/or services of the same or similar nature.
- f. Bidder is advised that exceptions to any of the terms contained in this bid must be identified in its response to the bid. Failure to do so may lead the City to declare any such term non-negotiable. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.
- g. Local time is defined as the time in Fayetteville, Arkansas on the due date of the deadline. Bids shall be received before the time as shown by the atomic clock located in the Purchasing Division Office.
- h. Bids will be evaluated and awarded based on the best interest of the City of Fayetteville. The City reserves the right to award bids in their entirety, none, or by line item.

2. WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:

No oral interpretations will be made to any firms as to the meaning of specifications or any other contract documents. All questions pertaining to the terms and conditions or scope of work of this bid must be sent in writing via e-mail to the Purchasing Agent. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the bid. All such addenda shall become part of the contract documents. The City will not be responsible for any other explanation or interpretation of the proposed bid made or given prior to the award of the contract.

3. DESCRIPTION OF SUPPLIES AND SERVICES:

Any reference to a particular brand or manufacturer is done in an effort to establish an acceptable level of quality for this project. Brands or manufacturers that are included in bid that are of at least equal quality, size, design, and specification as to what has been specified, will be acceptable for consideration only if approved by the City of Fayetteville Purchasing Division. The City of Fayetteville reserves the right to accept or reject any requested equal.

4. RIGHTS OF CITY OF FAYETTEVILLE BID PROCESS:

In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the following:

- a. The City of Fayetteville reserves the right to select the bid that it believes will serve the best interest of the City.
- b. The City of Fayetteville reserves the right to accept or reject any or all bids.
- c. The City of Fayetteville reserves the right to cancel the entire bid.
- d. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the invitation to bid or in bids submitted.
- e. The City of Fayetteville reserves the right to request any necessary clarifications, additional information, or data without changing the terms of the bid.

5. COSTS INCURRED BY BIDDERS:

All expenses involved with the preparation and submission of bids to the City, or any work performed in connection therewith, shall be borne solely by the bidder(s). No payment will be made for any responses received, or for any other effort required of, or made by, the bidder(s) prior to contract commencement.

6. CONFLICT OF INTEREST:

- a. The bidder represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder, as provided in City of Fayetteville Code Section 34.26 titled "Authority of City Employee to Contract with the City".
- b. All bidders shall promptly notify Les McGaugh, City Purchasing Agent, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstance which may influence or appear to influence the bidder's judgment or quality of services being provided. Such written notification shall identify the prospective business association, interest or circumstance, the nature of which the bidder may undertake and request an opinion to the City as to whether the association, interest or circumstance would, in the opinion of the City, constitute a conflict of interest if entered into by the bidder. The City agrees to communicate with the bidder its opinion via e-mail or first-class mail within thirty days of receipt of notification.

7. WITHDRAWAL OF PROPOSAL:

A bid may be withdrawn prior to the time set for the bid submittal, based on a written request from an authorized representative of the firm; however, a bid shall not be withdrawn after the time set for the bid unless approved by the Purchasing Division.

8. LATE PROPOSAL OR MODIFICATIONS:

Bid modifications received after the time set for the bid submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected bids. Bidders should call the Purchasing Division at (479) 575-8220 to insure receipt of their submittal documents prior to opening time and date listed.

9. LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

- a. The laws of the State of Arkansas apply to any purchase made under this bid. Bidders shall comply with all local, state, and federal directives, orders and laws as applicable to this proposal

and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Disadvantaged Business Enterprises (DBE), & OSHA as applicable to this contract.

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

10. PROVISION FOR OTHER AGENCIES:

Unless otherwise stipulated by the bidder, the bidder agrees to make available to all Government agencies, departments, municipalities, and counties, the proposal prices submitted in accordance with said proposal terms and conditions therein, should any said governmental entity desire to buy under this proposal. Eligible Users shall mean all state of Arkansas agencies, the legislative and judicial branches, political subdivisions (counties, local district school boards, community colleges, municipalities, counties, or other public agencies or authorities), which may desire to purchase under the terms and conditions of the contract.

11. COLLUSION:

The Proposer, by affixing his or her signature to this proposal, agrees to the following: "bidder certifies that his or her bid is made without previous understanding, agreement, or connection with any person, firm or corporation making a proposal for the same item(s) and/or services and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action."

12. RIGHT TO AUDIT, FOIA, AND JURISDICITON:

- a. The City of Fayetteville reserves the privilege of auditing a vendor's records as such records relate to purchases between the City and said vendor.
- b. Freedom of Information Act: City contracts and documents prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the (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 AND INVOICING:

The bidder must specify in their bid the exact company name and address which must be the same as invoices submitted for payment as a result of award of this bid. Further, the successful bidder is responsible for immediately notifying the Purchasing Division of any company name change, which would cause invoicing to change from the name used at the time of the original bid. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest, fees, or penalty for untimely payments. Payments can be processed through bidder's acceptance of Visa at no additional costs to the City for expedited payment processing. The City will not agree to any nonrefundable deposit or retainer that would remain property of the bidder even if the hourly work actually performed by the bidder would not justify such fee.

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. OTHER GENERAL CONDITIONS:

- a. Bidder is presumed to be familiar with all federal, state, and city laws, ordinances, and regulations which in any manner affect those engaged or employed in the Work, or the materials or equipment used, or that in any way affect the Work and shall in all respects comply with said laws, ordinances, and regulations. No claim of misunderstanding or ignorance on the part of Bidder or Proposer will in any way serve to modify the provisions of the contract. No representations shall be binding unless embodied in the contract.
- b. Prices shall include all labor, materials, overhead, profit, insurance, shipping, freight, etc., to cover the products and services presented. *Sales tax shall not be included in the bid price.* Applicable Arkansas sales tax laws will apply when necessary but will not be considered in award of this project.
- c. Each bidder should state the anticipated number of days from the date of receipt of an order for delivery of services to the City of Fayetteville.
- d. Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
- e. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
- f. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the bidder's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.
- g. If products, components, or services other than those described in this bid document are proposed, the bidder must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.
- h. NOTE: Any uncertainties shall be brought to the attention to Les McGaugh immediately via telephone (479.575.8220) or e-mail (lmcgaugh@fayetteville-ar.gov). It is the intent and goal of the City of Fayetteville Purchasing Division to provide documents providing a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all bidders to be on equal bidding terms.
- i. Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Les McGaugh, City of Fayetteville, Purchasing Agent via e-mail (lmcgaugh@fayetteville-ar.gov) or telephone (479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.
- j. Any information provided herein is intended to assist the bidder in the preparation of proposals necessary to properly respond to this bid. The bid is designed to provide qualified Proposers with

sufficient basic information to submit proposals meeting minimum specifications and/or test requirements, but is not intended to limit a bid's content or to exclude any relevant or essential data.

- k. Bidders irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be prevailed by Arkansas law. Proposer hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.
 - l. The successful bidder shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful bidder assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that is agreed that the right of the assignee in and to any monies due or to become due to the successful bidder shall be subject to prior liens of all persons, firms, and corporations for services rendered or materials supplied for the performance of the services called for in this contract.
 - m. The successful bidder's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful bidder shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in these Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to City of Fayetteville.
26. INVOICING: All invoices shall be presented to the City with the minimum information listed below.
- a. City Department that ordered the materials or services
 - b. Order Date
 - c. Delivery date or the date of services
 - d. Name of the City Employee that requested or picked up the goods, materials, or service
 - e. Bid Number that applies to the purchase and invoices. Amounts in the bid shall match invoicing.

27. ATTACHMENTS TO BID DOCUMENTS: N/A

City of Fayetteville
Bid 17-38, Cat Adoption and Recovery Equipment
Technical Specification

1. GENERAL:

- 1.1 All unit(s) bid shall meet or exceed the minimum requirements or they will be deemed incomplete and will not be considered for bid award.
- 1.2 All specifications written are to minimums unless otherwise noted.
- 1.3 The City intends to order the estimated quantity presented in the bid form in a single order.
- 1.4 Pricing bid shall be inclusive of all items, shipping, and warranty. Bid pricing shall NOT include sales tax. Applicable taxes will apply upon invoicing but will not be considered for bid evaluation.

2. DESIGN SPECIFICATIONS:

2.1 Cat condos

Qty. of 9 - 30"x30" Laminate cat condo with resting shelf, grill door and clear back

Qty. of 6 - 12"x30" Laminate litter areas

Qty. of 4 - 24"x30" Laminate cat condo with resting shelf & grill door

Qty. of 4 - Laminate cat condo corner unit with grill door, 2 living areas per unit

Qty. of 4 - Corner unit storage areas

Qty. of 4 - Corner unit mobile bases with toe kick

Qty. of 2 - 24" Mobile bases with toe kick

Qty. of 2 - 24"x30" storage areas

Qty. of 1 - 24" Mobile base with toe kick

Qty. of 1 - 42" Mobile base with toe kick

Qty. of 1 - 72" Mobile base with toe kick

2.2 Animal Recovery Room Equipment

Qty. of 2 - 36"x24" Stainless steel kennels

Qty. of 1 - 36"x30" Stainless steel kennel

Qty. of 1 - 36" Mobile kennel base, 4" tall

Qty. of 1 - 24"x24" Mobile kennel base, 4" tall

Qty. of 1 - 36"x24" Oxygen door

Qty. of 1 - 60" wide puppy kennel with mobile base

Qty. of 1 - 46" Stainless steel exam top for Tub/table

Qty. of 1 - 46" Stainless steel tub/table with grill top

Qty. of 1 - Deck mounted mixing faucet with hose and spray head

Qty. of 1 - 3.5" Stainless steel drain assembly



**CITY OF
FAYETTEVILLE
ARKANSAS**

Bid: 17-38
DATE: 05.02.2017
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 17-38, Equipment Bid

****Official Bid Tabulation****

		Shor-Line		
		Manufacturer		
Item	Description	Estimated Qty.	Unit Price	Extended Price
1	30" x 30" Laminate cat condo with resting shelf, grill door and clear back	9	\$ 556.60	\$ 5,009.40
2	12" x 30" laminate litter areas	16	\$ 368.00	\$ 2,208.00
3	24" x 30" laminate litter areas	4	\$ 478.80	\$ 1,915.20
4	Laminate Cat Condo Corner Unit with Grill Door, 2 Living Areas per Unit	4	\$ 1,081.00	\$ 4,324.00
5	Corner unit storage areas	4	\$ 517.04	\$ 2,068.16
6	Corner unit mobile bases with toe kick	4	\$ 276.00	\$ 1,104.00
7	24" Mobile bases with toe kick	2	\$ 207.40	\$ 404.80
8	24" x 30" storage areas	2	\$ 409.40	\$ 818.80
9	24" Mobile base with toe kick	1	\$ 202.40	\$ 202.40
10	42" Mobile base with toe kick	1	\$ 230.00	\$ 230.00
11	72" Mobile base with toe kick	1	\$ 276.00	\$ 276.00
12	36" x 24" Stainless steel kennels	2	\$ 502.32	\$ 1,004.64
13	36" x 30" Stainless steel kennel	1	\$ 509.68	\$ 509.68
14	36" Mobile kennel base, 4" tall	1	\$ 230.00	\$ 230.00
15	24" x 24" Mobile kennel base, 4" tall	1	\$ 198.72	\$ 198.72
16	36" x 24" Oxygen door	1	\$ 540.96	\$ 540.96
17	60" wide puppy kennel with mobile base	1	\$ 5,237.00	\$ 5,237.00
18	46" Stainless steel exam top for tub/table	1	\$ 161.00	\$ 161.00
19	46" Stainless steel tub/table with grill top	1	\$ 3,546.00	\$ 3,546.00
20	Deck mounted mixing faucet with hose and spray head	1	\$ 366.16	\$ 366.16
21	3.5" Stainless steel drain assembly	1	\$ 27.60	\$ 27.60
Total Base Bid			\$	30,382.52

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

CERTIFIED:

Andrea Rennie
A. Rennie, Purchasing Manager

Witness

05/08/2017
Date



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0265

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 9

TSA LA GI TRAIL OF TEARS MURAL:

A RESOLUTION TO APPROVE A CONTRACT FOR THE COMMISSION OF PUBLIC ART WITH STACY BATES IN THE AMOUNT OF \$5,000.00 FOR A TRAIL OF TEARS MURAL ON THE TSA LA GI TRAIL, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a Contract for the Commission of Public Art with Stacy Bates in the amount of \$5,000.00 for a Trail of Tears mural on the east-facing wall of a railroad tunnel located on the Tsa La Gi Trail.

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

City of Fayetteville Staff Review Form

2017-0265

Legistar File ID

6/6/2017

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

Dede Peters

5/12/2017

Communications & Marketing /
Communications & Marketing Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approve a contract in the amount of \$5,000 with artist, Stacy Bates, to provide professional services for painting a Trail of Tears mural on east-facing wing wall of the railroad tunnel located on the Tsa La Gi Trail and to approve a Budget Adjustment.

Budget Impact:

1010.090.6600-5315.00

Account Number

Fund

31701.1

Project Number

Project Title

Budgeted Item? No

Current Budget

Funds Obligated

Current Balance

\$ -

Does item have a cost? Yes

Item Cost

\$ 5,000.00

Budget Adjustment Attached? Yes

Budget Adjustment

\$ 5,000.00

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF JUNE 6, 2017

TO: Mayor and City Council

THRU: Paul Becker, Chief Financial Officer
Susan Norton, Communications Director
Byron Humphry, Parks Maintenance Superintendent

FROM: Dede Peters

DATE: April 20, 2017

SUBJECT: Trail of Tears Mural on the Tsa La Gi Trail

RECOMMENDATION:

Approve a contract in the amount of \$5,000 with artist, Stacy Bates, to provide professional services for painting a Trail of Tears mural on east-facing wing wall of the railroad tunnel located on the Tsa La Gi Trail and to approve a Budget Adjustment.

BACKGROUND:

Funding public art meets the purposes of both the Fayetteville Arts Council and the economic development strategic plan, Fayetteville First, approved by City Council in 2016.

Fayetteville Arts Council – The purpose of the Arts Council shall be to promote and to encourage the appreciation and enhancement of the arts and culture resources of Fayetteville. The continued vitality of the arts in the City of Fayetteville is a vital part of the future of the City as well as of its citizens. The arts are an important part of the cultural and economic life of the entire community of Fayetteville and enrich the participants in the arts as well as those who observe them. Several organizations that exist in Fayetteville are active in the arts and provide leadership to the community on arts related matters. The creation of the Fayetteville Arts Council will assist those organizations and individuals. The Arts Council shall be advisory only and provide recommendations to City staff and the City Council.

Fayetteville First – The nonprofit arts and culture sector is a significant “industry” in the Northwest Arkansas area, generating over \$45 million in total economic activity....The support and further enhancement of the Fayetteville arts and cultural environment is critical.

- o *Fayetteville First Strategic Priorities [one of four]: Continue to support existing programs that enhance arts and culture locally.*
 - *Action Item: Pursue grant funding to support programs for the arts*
 - *Action Item: Encourage public art installations*

DISCUSSION:

The City of Fayetteville issued a Request for Proposals (RFP) in February 2017 for a mural with a theme addressing the journey of the Cherokee people along the Trail of Tears. The Fayetteville Arts Council reviewed more than 45 proposals submitted from across the country and selected Stacy Bates' proposal (attached) on March 22, 2017.

In 2014, the City opened a multi-use path (trail) section south of and parallel to Martin Luther King Jr. Boulevard (MLK). The trail is named the Tsa La Gi Trail in remembrance of the Cherokee passage. "Tsa La Gi" translates as "Cherokee" in the Cherokee language. A portion of the trail runs through a tunnel underneath the Arkansas Missouri Railroad rail line. City staff has identified the exterior wing walls on the east side of the tunnel as an ideal place for a mural that will serve as an aesthetic educational tool for the public about the Trail of Tears through Fayetteville. Approximately 94,000 trips are made annually on this section of trail according to a 2015 trail count.

The United States government's forced relocation of Native Americans is called the Trail of Tears because of the journey's devastating effects. Fayetteville, Arkansas was a stop on the journey. In January of 1839, the Benge detachment of Cherokee camped along a creek and up the hill from what is currently the intersection of Arkansas Highway 16/Martin Luther King Jr. Boulevard and Stadium Drive. On the north side of MLK – a historical marker was placed in 1998 and in 2002 noted artist Pat Musick placed one of her 22 sculpture installations titled "Stone Songs on the Trail of Tears" in the same area. The Musick installation is part of the University of Arkansas's public art collection.

BUDGET/STAFF IMPACT:

Parks and Recreation Department has accepted the following responsibilities and will use money from their operations fund:

- Power wash the mural walls prior to paint application
- Application of an overcoat to protect the mural
- Removal of graffiti or similar damage for a minimum of five years

Attachments:

Budget Adjustment

Purchase Order

Contract (with Artist's Proposal and RFP Terms & Conditions)



CONTRACT FOR THE COMMISSION OF PUBLIC ART

THIS AGREEMENT, dated as of the 21st day of March, 2017, is made by and between the City of Fayetteville, an Arkansas municipal corporation (the "City"), and Stacy Bates the "Artist").

WHEREAS, the City has allocated funds for the acquisition of artwork (the "Work") to be installed on the east-facing exterior wing walls of railroad tunnel along the Tsa La Gi Trail, Fayetteville, Arkansas; and

WHEREAS, a request for proposal was issued by the City on February 10, 2017 and the City selected the proposal submitted by Stacy Bates.

NOW THEREFORE, the parties mutually agree as follows:

1. **Description of the Artwork.** The parties hereby incorporate Artist's proposal, attached hereto as Exhibit A, with specific reference to the Project Narrative, Site Rendering, Technical and Description of Materials/Medium
2. **Permanent Location.** The east-facing exterior wing walls of railroad tunnel along the Tsa La Gi Trail, Fayetteville, Arkansas.
3. **Changes in Design.** The Artist shall create the Work in accordance with the proposed and approved design, attached hereto as Exhibit A. Recognizing that the change in scale from sketch to full scale may require adjustments, the Artist has the right to make minor changes in the Work that are structurally and aesthetically necessary. Any change in scope, design, or material that significantly alters the original and approved concept and design of the Work or affects installation, scheduling, site preparation, location or maintenance for the Work shall require the prior review and written approval of the City. Approval of the design shall be in writing addressed to Artist.
4. **Site Preparations.** The City shall power wash the wall surfaces. The Artist shall be responsible for the delivery and transportation of the Work to the site, and for all expenses, labor and equipment to prepare the Site for the timely installation of the Work. Artist shall be responsible for ensuring that the site is sufficient to support the Work prior to installation. Once installation has begun, the site shall be deemed approved by the Artist. The City shall also apply a protective clear coat on the mural after it is complete.
5. **Price.** As payment for the services of the Artist and for the completed Work, the City will pay the Artist a total of \$5,000 which shall constitute full compensation from the City to the Artist for all costs incurred in the design and creation of the Work, including, but not limited to fees, materials, labor of the Artist and the Artist's assistants and contractors, studio and operating costs applicable to this project, travel and lodging costs for the Artist to visit, research, and create at the Site, transportation of the materials to the Site, and any costs incurred by the Artist for installation of the Work at the Site.

6. **Installation and Time Schedule.** The Artist will coordinate all Site preparation, installation plans, and timetables with the City. The Artist shall complete installation of the Work no later than October 2, 2017 (the "Completion Date"). All arrangements for, and costs of insurance and transportation of the materials to the Site are the responsibility of the Artist.

In the event that, through the fault of the Artist (as determined by the City), the Work is not completed and installed by the Completion Date, the amount of 10% of the balance due shall be deducted every fourteen calendar days until the installation is completed. The Artist may request an extension of the Completion Date from the City. Requests for extensions must be in writing and be submitted within 10 days of Artist's knowledge of a delay, but no later than fourteen calendar days prior to the Completion Date. If the extension is granted, a new Completion Date shall be agreed upon in writing and such change shall not affect any other provisions of this Agreement.

7. **Official Acceptance.** Payment to the Artist may not occur until the City has accepted the Work. Such acceptance by the City may occur only after the Artist has complied with all of Artist's obligations hereunder. The City will examine the final installed Work and take official ownership by sending a letter of acceptance of the Work to the Artist.
8. **Inspection and Review.** The City reserves the right to inspect and review the Work upon reasonable notice at any time while materials for the Work are on the Artist's premises or in transit.
9. **Artist as Independent Contractor.** The Artist agrees to perform all work and services under this Agreement as an independent contractor and not as an agent or employee of the City. Any and all employees of the Artist engaged in the performance of any work or services required by the Artist under this Agreement shall be considered employees of the Artist only. The Artist shall furnish all supervision, labor, supplies, materials, insurance, and other incidentals needed to complete this Agreement.
10. **Public Notice.** The City shall prepare and install at the site a plaque identifying the Artist and title of the work.
11. **Warranties.** The Artist warrants that the Work is the original product of the Artist's own creative efforts. The Artist also warrants that the Work is unique and that the Work or a duplicate thereof has not been accepted for sale elsewhere, unless, as stipulated to the City at the time this Agreement is signed, the Work is known by the City as one of a limited edition.

The Artist warrants that the execution and fabrication of the Work will be performed in a professional manner and that the Work, as fabricated and installed, will be free of defects in material and workmanship, including any defects consisting of "inherent vice" or qualities which cause or accelerate deterioration of the Work. The Artist shall guarantee and maintain the Work from faults of material and workmanship for a period of one year after the acceptance date.

The Artist warrants that reasonable maintenance of the Work will not require procedures substantially in excess of those described in the maintenance instructions submitted in the proposal for the Work previously approved.

12. **Assignment of Work.** The Work and services required of the Artist under this Agreement are personal and shall not be assigned, sublet, or transferred. This shall not prohibit the Artist from employing or subcontracting qualified personnel who shall work directly under the Artist's supervision.
13. **Indemnity and Liability.** The Artist does release and agree to save and hold harmless the City, and its officers, officials, members, agents, and employees from any and all causes of action, suits in law of equity, or demands or claims, or from any liability of any nature arising out of the construction and creation of the Work and from any obligations made by the Artist or the Artist's agents and/or employees. All risks for damages, theft, vandalism, and Acts of God to the Work are the responsibility of the Artist during any and all operations, including creation, transit and storage by the Artist, which take place on other than the Site. In case of accident to, or destruction, or damage to the Work while the Work is being created, by or on behalf of the Artist, the Artist shall re-fabricate the Work under the same terms and conditions as set forth in this agreement. The Artist shall be responsible for all damage, claims, and liability arising from, growing out of damages caused by the Artist or the Artist's employees or claims that may occur as a result of the Artist's breach of warranties provided in Section 11.
14. **Compliance with Laws.** The Artist shall observe and comply with all applicable statutes, orders, ordinances and regulations of the City, the County of Washington, the State of Arkansas, the federal government and any other governmental authority having jurisdiction over the site or the Work.
15. **Copyright.** The Artist hereby transfers to the City every right available to the Artist in common law, under the Federal Copyright Act, or other applicable state or federal law, and all other rights in and to the work. The City shall have the right to reproduce photographically or mechanically the Work for marketing, publication, and sale without written agreement of the artist. All reproductions of the Work by the City shall contain a credit to the Artist. The City agrees that Artist may use photographs of the Work for purposes of advertising and promotion, or inclusion in publications about Artist or Artist's works. The Artist agrees to give credit in the following form: "Original owned by City of Fayetteville, Arkansas" in any public showing of any reproductions or photographs of the Work.
16. **Alteration of the Work.** The City agrees that it will not intentionally alter, modify, or change the Work without the prior written approval of the Artist. If any changes, alterations or modifications occur to the Work after it has been completed and installed, including any change in the interrelationship or relative locations of parts of the Work, the Work will no longer be represented as the Work of the Artist upon receipt of a written request to that effect from the Artist.
- Nothing in this section shall preclude any right of the City to: 1) remove the Work from public display or 2) destroy the Work. Artist hereby expressly waives all moral rights as defined by the Visual Artists Rights Act, 17 U.S.C. § 106A, to the Work.
17. **Relocation.** The Work shall be placed on the Site designated in Section 2 of this Agreement. Should the Site prove to be unacceptable or unavailable to the City after the signing of this Agreement, an alternative site may be chosen by the City.
18. **Termination.** In the event this Agreement is terminated by the City for any reason, the Artist

shall be entitled to a final payment or settlement in an amount equal to the percentage of the Work completed at the time the Agreement is terminated as determined by mutual agreement between the City and the Artist. The Artist shall deliver to the City the Work in whatever form it exists at the time of termination, which shall then become the property of City for use without restriction, except that it shall not be represented to be the completed Work of the Artist.

19. **Modifications of this Agreement.** No alterations, changes or modification of the terms of this Agreement shall be valid unless made in writing and signed by all parties hereto.
20. **Payment.** Payment shall be issued to the Artist within thirty days after official acceptance by the City. A completed IRS Form W-9 must be provided to the City prior to any payment being issued.
21. **No Waiver.** No failure to exercise and no delay in exercising, any right, power, or remedy hereunder on the part of the City or Artist shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power, or remedy preclude any other or further exercise thereof or the exercise of any other right, power, or remedy. No express waiver shall affect any event or default other than the event or default specified in such waiver, and any such waiver, to be effective, must be in writing and shall be operative only for the time and to the extent expressly provided by the City or Artist therein. A waiver of any covenant, term, or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition.
22. **Controlling Law.** This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas.
23. **Entire Agreement.** This Agreement, which includes the Artist's Proposal, attached as Exhibit A and the City's Request for Proposal Documents attached as Exhibit B, represents the entire agreement between City and Artist.

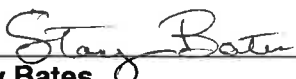
IN WITNESS WHEREOF, the undersigned hereunto set our hands and seals on the dates below:

STACY BATES, ARTIST

CITY OF FAYETTEVILLE

APPROVED:

APPROVED:

By: 
Stacy Bates

By: _____
Lioneld Jordan, Mayor

Date: 3-27-17

Date: _____

ATTEST:

By: _____
Sondra E. Smith, City Clerk/Treasurer

Exhibit A

STACY BATES

stacybeeart@yahoo.com

3406 South N Fort Smith, AR

479-883-2571

www.stacybeeart.com

“Holding On and Letting Go: The Struggles and Strength of the Tsa La Gi”

Project Narrative

“Holding on and Letting Go” is an artwork that is focused on the culture, traditions and strength of the Cherokee people. The image will include a Cherokee Indian's hands grasping onto an eagle feather wand. The feather wand, the feathers and the hands will be the focus of the work. Behind the feather wand, in the background, you will find an extremely detailed rivercane basket weaving pattern. The artwork will consist of five main colors and those include: white, black, a variety of browns, faded orange and faded yellow.

Throughout the artwork, there will be lots of story and symbols embedded. The feather wand is a very important part of Cherokee tradition. The golden eagle tail feathers used in making the feather wand are extremely revered and sacred to the Cherokee. In this case, it's used in coordination with sticks to create a wand that is used during many events, one specifically being the eagle dance. The eagle dance is one of the most important dances in Cherokee culture and is the welcoming of the eagle spirit along with the celebration of killing an eagle. I've selected the image of the Cherokee hands holding onto the feather wand because I feel it represents the Cherokee desperately holding onto their important traditions, as well as trying to hold onto their strength (the golden eagle feathers). The hands will also be placed near the ground which will also show the need to try to grasp tightly to their lands while being forced out.

The eagle feathers importance to the work is integral. There will be a total of seven feathers on the feather wand. Two of the feathers will be gone in the middle of the artwork where the tunnel is located. The missing feathers will represent those Cherokee that passed on during the journey on the Trail of Tears. There will be a remaining two and a half feathers on each side. Four of those feathers will be whole. The numbers of feathers are very significant to the Cherokee. The Cherokee place seven feathers on their wand because seven is one of the Cherokee people's favorite numbers. They use this number quite a bit throughout their traditions. After all, they have seven clans, seven councilors, they made a sacrifice on the seventh day, would make a sacrifice every seventh year and they believe there are seven different directions. There will be four whole feathers painted

on the mural because the number four is the Cherokee's second favorite number. It represents wholesomeness and the four directions north, south, east and west.

In the background, there will be a detailed pattern, using inspiration from the Cherokee rivercane baskets. The Cherokee used these baskets for gathering, storing, transporting and food preparation. The women were said to create these baskets with no preparation of pattern. Using their creativity, they wove them so tightly that some baskets could hold water. The strength of these baskets and their beautiful pattern of weaving really represents the strength of the Cherokee during this terrible time while walking the Trail of Tears along with showing the beauty of their culture. The colors that will be used to create this artwork will be directly inspired by the natural dyed colors of the rivercane baskets.

Artist Statement

My love of line and patterning is always present when using pen and ink or paint when creating my work. Most of my art depicts vintage and surreal imagery that is created with hatching and cross-hatching, which often resembles that of a woodcut print. The detailed, and old-fashioned style of my art really brings a historical feel to each piece of work. Combine that with the deep symbolism and back story that I love to include in each artwork, and it not only makes for a great visual, but an image that can be interpreted in many ways and leave you wanting to know more.

Resume

STACY BATES

stacybeeart@yahoo.com
3406 South N Fort Smith, AR
479-883-2571
www.stacybeeart.com

EDUCATION

2007 *BA in Art, University of the Ozarks, Clarksville, AR*

2005 *AA in Art, Carl Albert State College, Poteau, OK*

AWARDS

2007 *Most Outstanding Artist , University of the Ozarks*

2005 *Vincent Van Gogh Student Art Award, Carl Albert State College*

EXHIBITIONS

Spring 2007 Group Exhibition, The Stephens Gallery, University of the Ozarks, Clarksville, AR

Fall 2007 Group Exhibition, Center for Art and Education, Van Buren, AR

Fall 2013 Group Exhibition, Center for Art and Education, Van Buren, AR

Fall 2015 Group Exhibition, Cre8tive Arts Network, Barling, AR

Summer-Fall 2016 Juried Group Exhibition, RAM Invitational, Fort Smith, AR

Summer 2016 Juried Group Exhibition, MCA DAY, Brooklyn, NY

Fall 2016 Juried Group Exhibition, Artists of Northwest Arkansas, Fayetteville, AR

MURALS

Fall 2015 Noah's Ark, Greenwood, AR

Fall 2016 Day of the Dead Contest, Tulsa, OK

Fall 2016 Golgotha, Greenwood, AR

Winter 2017 Now The Monkey's On Your Back, Bentonville, AR

PRINT MEDIA

Caddel, Jinxi. Echanted: Fairytales, Folktales and Fables Artistically Explored. Out of Step Publishing, 2015. Print. Pages 198-199

Caddel, Jinxi. Echanted: Black and White: Volume 3. Out of Step Publishing, 2016. Print.

Caddel, Jinxi. Echanted: Slithers and Scales of Inspiration. Out of Step Publishing, 2016. Print.

ART FESTIVALS

Fall 2016 Juried Group Show, Art on the Creeks, Rogers, AR

TEACHING EXPERIENCE

2008-2014 Art, Darby Junior High, Fort Smith, AR

2014-Present Art, Woods and Beard Elementary, Fort Smith, AR

2016 "Day of the Dead Mural" Tulsa, Oklahoma 4' x 16' 30 Hours – 3 Day Competition



2016-2017 "Now the Monkey's on Your Back" Bentonville, Arkansas 8' x 7', 35 Hours



Site Rendering



Technical Description of Materials/Medium

This artwork is a rough sketch of the final design. I'd like to make sure both sides are very symmetrical and the color palette consists of the main 5 colors. The final artwork will be blended much more thoroughly but the main design you see here will remain.

Materials needed for this mural will include:

- 2 Gallons - Masonry Primer
- Gallon – White Exterior Paint
- Gallon – Black Exterior Paint
- Gallon – Brown Exterior Paint
- Quart – Yellow Exterior Paint
- Quart – Orange Exterior Paint
- Big Paint Roller
- Small Paint Brushes
- Scissor Lift
- Protective Clear Coat to seal work upon completion
- Drop Cloths

Suggested Maintenance

Yearly Budget for Cleaning and Repair: \$100

I suggest sealing mural with an anti-graffiti non-yellowing sealant that will help with cleaning and aging of artwork. One of the best varnishes is called Soluvar. If someone graffiti's over it, you can use mineral spirits to remove the top later without damaging the mural too bad. The varnish has to be reapplied when the graffiti is removed.

Yearly maintenance shouldn't require too much as long as the mural hasn't been vandalized. The mural could handle a simple wash with soap and water or a light power wash.

If the mural has been painted over or marked on with a marker, it will need to be removed within the week for best results.

If for any reason the mural is to be defaced to the point of needing to repaint, I can most certainly repaint areas if needed.

Budget - \$4,926.33

Artist Fee	335 sq ft. x \$9 = \$3015
Materials	Total: \$411.33
2 Gallons Primer	\$57.29 x 2 = \$114.58
1 Gallon Brown	\$65.99
1 Gallon Black	\$65.99
1 Gallon White	\$65.99
1 Quart Orange	\$24.39
1 Quart Yellow	\$24.39
Paint Roller and Tray	\$20.00
Brushes	\$20.00
Drop Cloths	\$10.00
	Quotes are based on exterior Acrylic Latex Resilience Paint and supplies from Sherwin Williams
Travel	\$800 from Fort Smith to Fayetteville for 20 Days
Scaffolding Equipment	\$700 Monthly Rate

Project Timeline : June 12th – July 7th

Exhibit B

ART IN PUBLIC PLACES: TRAIL OF TEARS MURAL AT THE TSA LA GI TRAIL TUNNEL REQUEST FOR PROPOSAL

Terms and Conditions

REQUEST FOR PROPOSAL (RFP): Trail of Tears Mural
DEADLINE: March 20, 2017 (5 p.m. Central Standard Time)
BY EMAIL: communications@fayetteville-ar.gov

This RFP is intended to solicit artists, designers, and craft persons for a public art mural. Project information can be found here: www.fayetteville-ar.gov/TrailOfTearsMural. PROPOSERS ARE STRONGLY ENCOURAGED TO REVIEW THE CONTRACT [HERE](#).

No late proposals will be accepted. RFPs shall be submitted as a PDF document via email titled "Trail of Tears Mural Proposal."

RFPs shall be submitted in accordance with the attached City of Fayetteville specifications and RFP 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.

The undersigned hereby offers to furnish and deliver the articles or services as specified, at the prices and terms stated herein.

Name of Artist(s): Stacy Bates
Contact Person: Stacy Bates Title: Artist
E-Mail: stacybeeart@yahoo.com Phone: 479-883-2511
Business Address: 3406 S. N
City: Fort Smith State: AR Zip: 72903
Signature: Stacy Bates Date: 3-27-17

Budget:

\$5,000. This includes artist/design fees, materials, installation, etc.

Eligibility:

Any artist or team of artists with public art, mural or large-scale painting experience. Artists of Native American heritage are encouraged to apply. Artists may submit multiple applications.

Trail of Tears Mural Timeline:

RFP issued: February 16, 2017

RFP deadline: March 20, 2017 (5 p.m. Central Standard Time)

Notification to Artist: March 24, 2017

Artist Contract Completion: April 28, 2017

Project Completion: Artist must complete mural during a four-week period from May 8 through October 2, 2017

Background and Project Summary:

The City of Fayetteville received an appropriation from the State of Arkansas in 1999 “for improvements to Trail of Tears sites in Washington County, Arkansas.” The forced relocation route of the Cherokee is called the Trail of Tears because of the journey’s devastating effects. In January of 1839, a detachment of Cherokee camped along a creek and up the hill from what is currently the intersection of Highway 16/Martin Luther King Jr. Boulevard (MLK) and Stadium Drive. On the north side of Martin Luther King Jr. Boulevard – a historical marker was placed in 1998 and in 2002 noted artist Pat Musick placed one of her 22 sculpture installations titled “Stone Songs on the Trail of Tears” in the same area.

In 2014, the City opened a section of multi-use path (trail) section south of and parallel to MLK. The trail is named the Tsa La Gi Trail in remembrance of the Cherokee journey. “Tsa La Gi” translates as “Cherokee” in the Cherokee language. A portion of the trail runs through a tunnel underneath the Arkansas Missouri Railroad rail line. City staff has identified the exterior wing walls on the east side of the tunnel as an ideal place for a mural that will fulfill the requirements of the state appropriation while also acting as an aesthetic educational tool for the public. Approximately 94,000 individuals use this section of trail annually according to a 2015 trail count.

The City of Fayetteville and Fayetteville Arts Council seeks Request for Proposals (RFP) for a mural. The theme of the mural should address the journey of the Cherokee people along the Trail of Tears.

Site Location Details and Description:

The east-facing exterior wing walls of railroad tunnel along the Tsa La Gi Trail. The tunnel is located on the trail, adjacent to Martin Luther King, Jr. Boulevard between Stadium Drive and S. Royal Oaks Parkway. Total wall surface measures approximately 335 square feet.

City Responsibilities:

The City will power wash the concrete surface. The artist will need to apply a masonry primer prior to painting the mural. The City will also apply a protective clear coat on the mural after it is complete.

Selections Criteria - All proposals will be evaluated against the following:

- 25% Qualifications in Relation to Specific Project to be Performed:** Information reflecting qualifications and professionalism of the Proposer. Indicated experience and competence of the firm or individual(s) in connection with the type and complexity of the project required. Includes how each proposal is coherent and well presented.

- 20% Experience, Competence, and Capacity for Performance:** Information reflecting the names, titles, and qualifications (including experience and technical competence) of the major personnel assigned to this specific project.
- 35% Proposed Method of Doing Work:** A proposed work plan including a detailed scale drawing with artwork oriented for placement. This also includes aesthetics such as consideration of site structure and surface material, thematic use of site, exhibiting strong artistic concept, design, artisanship, innovative and creative exploration of Trail of Tears theme.
- Sustainability to the site is extremely important! Design evaluation will also include compatibility with uses of the site (which includes a high level of pedestrian and bicycle traffic) efficient use of space, durability of design, maintenance requirements.
- 10% Past Performance/Previous Work:** If previous evaluations with the City are not available, the firm's/individual's past performance records with a City and others will be used, including quality of work, timely performance, diligence, ability to meet past budgets, and any other pertinent information. Firm will provide a list of similar jobs performed and person whom we can contact for information.
- 10% Cost:** Complete cost charged for the project. Note: proposals that exceed budget are subject to rejection.
-

Materials to be Submitted:

Please submit the following materials via email to communications@fayetteville-ar.gov by the deadline. All written materials must be typed and submitted as a single PDF document.

The project proposal must contain the following:

- project narrative, including an artist statement (no more than 2 pages or 1,000 words)
- resume/curriculum vitae
- up to five examples of previously completed paintings or murals
- site rendering – scaled drawings, sketches, or other documents as necessary to present a meaningful representation of the concept – color, content, technique, and any other details should be conveyed
- technical description of materials/medium
- suggested five-year scheduled maintenance plan which includes suggest annual budget and information about cleaning and repair (City of Fayetteville staff will be responsible for anti-graffiti treatment and graffiti removal)
- preliminary itemized budget, such as – artist fee, materials, travel-related expenses, and any other associated costs such as installation equipment or sub-contractors
- project timeline - artist must complete mural during a 4-week time period from May 8 through October 2, 2017

Submission Information:

1. Proposals must be received at the email address listed below and are due by March 20, 2017 (5 p.m. Central Standard Time) to: communications@fayetteville-ar.gov
2. It is the responsibility of the Proposer to send the proposal by email **prior to the date and time of deadline**. No late proposals will be accepted. Proposals received after the scheduled proposal deadline will remain unopened and will not be considered.
3. The City will not be responsible for misdirected proposals. Proposer should call the Community Engagement Manager at 479.575.8302 or [email](#) via to insure receipt of their proposal documents prior to opening time and date listed above.
4. The City of Fayetteville reserves the right to reject any or all proposals, waive formalities, and make the award based on the best interest of the City.
5. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the Proposer's own risk and expense as a cost of doing business, and the City is not liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.
6. Any conditions or expectation on the part of the Proposer for performance by the City must be set forth in the proposal. The City is not obligated to consider the Proposer's post submittal terms and conditions.
7. Any inquiries or requests for explanation about the City's requirements should be made promptly to Dede Peters, City of Fayetteville's Community Engagement Manager via [email](#) or telephone 479.575.8302. 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 that have indicated an interest or intention to submit proposals, but the names of any firms submitting any questions, clarifications, or requests will not be disclosed until after the deadline for submitting proposals.
8. Any information provided herein is intended to assist the Proposer in the preparation of proposals necessary to properly respond to this RFP. The RFP is designed to provide qualified Proposers with sufficient basic information to submit proposals meeting minimum specifications and test requirements, but is not intended to limit a RFP's content or to exclude any relevant or essential data.
9. The RFP and any addenda issued may be obtained from at www.fayetteville-ar.gov/TrailOfTearsMural. Proposers are at liberty and are encouraged to expand upon the details, qualifications, and proposals to give additional evidence of their ability to perform and provide artwork as described in this RFP. All updates and changes to the RFP will be posted on the website and Proposers are encouraged to check for new information or updates. Each Proposer is required, before submitting a proposal, to be thoroughly familiar with the requirements and specifications listed in this RFP. Additional allowances will not be made due to Proposers lack of knowledge relating to the terms, conditions, and specifications contained within this RFP. It is the responsibility of the Proposer to determine if any component(s) of this specification do not meet the required standards of applicable federal, state, and municipal law or specifications.

10. The proposal must contain the signature of a duly authorized officer or agent of the Proposer's company empowered with the right to bind and negotiate on behalf of the Proposer for the amounts and terms proposed.

11. The Proposer is required to submit proposal as an Adobe PDF document.

12. It is intended that the all documents pertaining to this request for proposal shall define and describe the complete services to which they relate.

13. The Proposer is advised to examine all documents and current parameters of the services in becoming fully informed as to their conditions. This includes the conformity with specific standards and the character, quality, and quantity of the reports and services required. Failure to examine these areas will not relieve the successful Proposer of his obligation to furnish all deliverables and services necessary to carry out the provisions of the contract.

14. The City of Fayetteville will consider the degree to which each Proposer has submitted a complete proposal without irregularities, excisions, special conditions, or alternative proposals for any item unless specifically requested in the RFP.

15. The successful Proposer shall not assign the whole or any part of this Contract, any monies due, or to become due hereunder without written consent of City of Fayetteville. In case the successful Proposer 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 Proposer 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.

16. The successful Proposer'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 Proposer 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.

17. Proposer shall at all times observe and comply with all such existing and future laws, ordinances, and regulations, and shall protect and indemnify City of Fayetteville and its agents against the violation of any such law, ordinance, regulation, order or decree, whether by himself/herself or by his/her employees. Licenses of a temporary nature, necessary for the prosecution of the services shall be secured and paid for by the successful Proposer.

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

Proposer Information:

*ARTIST NAME: Stacy Bates (Stacy Bee Art)

*BUSINESS ADDRESS: 3406 South N

*CITY: FORT SMITH *STATE: AR *ZIP: 72903

*PHONE: (479) 883-2571

*E-MAIL ADDRESS: stacybeeart@yahoo.com

ITEM #: 1 DESCRIPTION: *Trail of Tears Mural* QUANTITY: 1 TOTAL PRICE: \$5,000
NOTE: TOTAL PRICE SHALL NOT EXCEED \$5,000

EXECUTION: Upon signing this Proposal, the Proposer certifies that he/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on. *Proposals must be submitted on this form in its entirety AND accompanied by descriptive literature on the products being proposed.* Unless otherwise noted and explained, Proposer agrees to items presented in this document. The Proposer can and will comply with all specifications and requirements for delivery, documentation and support as specified herein. Items marked * are mandatory for consideration.

Stacy Bates
*AUTHORIZED BY (PRINTED NAME)

Stacy Bates
*AUTHORIZED SIGNATURE

ARTIST
*TITLE

3-27-17
*DATE

Budget Year	Division	Adjustment Number
2017	COMMUNICATIONS/MARKETING /Org2 Requestor: Bonnie Bolinger	

Request funds in the amount of \$5,000 to enter into a contract with artist, Stacy Bates, to provide professional services for painting a Trail of Tears mural on east-facing wing wall of the railroad tunnel located on the Tsa La Gi Trail.

	COUNCIL DATE:	6/3/2017
	LEGISTAR FILE ID#:	2017-0265
	Barbara Fell	
	5/16/2017 3:31 PM	
	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: 2017-0263

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 10

VAR 17-5800: 1541 W. MLK BLVD. (PANERA BREAD):

A RESOLUTION TO AFFIRM THE PLANNING COMMISSION'S APPROVAL OF A VARIANCE OF THE PENALTY PROVISION OF **THE TREE PRESERVATION AND PROTECTION** CHAPTER OF THE UNIFIED DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD

WHEREAS, aerial imagery revealed that during the last five years one significant tree and one minor tree, totaling about 850 square feet (less than .02 of an acre) of canopy had been removed prior to development review; and

WHEREAS, this removal was likely done by the applicant's predecessor in title and would constitute barely 1% of the 1.8 acre site; and

WHEREAS, the Urban Forester and the Planning Commission properly determined that strict application of § 167.04(D)(1) which could require 30% of the 1.8 acre site be planted as canopy for the removal of 1% of the lot's previous canopy would be an injustice; and

WHEREAS, the City Council should affirm the Urban Forester's and the Planning Commission's support for this variance.

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 affirms the Planning Commission's approval of the variance to the **Tree Preservation and Protection** Chapter as recommended by the Urban Forester for the property located at 1541 West Martin Luther King, Jr. Boulevard.

City of Fayetteville Staff Review Form

2017-0263

Legistar File ID

6/6/2017

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

Lee Porter

5/10/2017

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a variance of Chapter 167.04(D)(1) to excuse the Applicant of being charged with the Prior Tree Removal Penalty.

Budget Impact:

N/A

N/A

Account Number

Fund

N/A

N/A

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 JUNE 6, 2017

TO: Mayor and City Council

THRU: Quin Thompson, Planner

FROM: Lee Porter, Urban Forester

MEETING DATE: June 6, 2017

SUBJECT: **VAR 17-5800: 1541 W. MLK Blvd. (Panera Bread, 521):** Submitted by John Davidson for property located at 1541 W. MLK Blvd. The property is zoned CS, COMMUNITY SERVICES, and contains approximately 1.80 acres. The request is for a variance of the Prior Tree Removal Penalty.

RECOMMENDATION:

Staff recommends approval of a variance of Chapter 167.04(D)(1) to excuse the Applicant of being charged with the Prior Tree Removal Penalty.

BACKGROUND:

The subject property is located south of West Martin Luther King Boulevard between Arbuckle Lane and Eastern Avenue, and contains approximately 1.8 acres.

Prior to development review one significant tree and one minor tree, consisting of approximately 850 square feet of canopy total, were removed on site.

The tree removal was detected during development review in March of 2017. Additionally, the original tree survey submitted to Urban Forestry was incomplete (See Attachment D); the two trees removed, along with other trees still existing on site were not shown. The incomplete survey made the prior tree removal amount seem larger than it was in reality.

Through a combination of aerial imagery, conversations with the demolition company and a proper tree survey, an updated Tree Preservation Plan (See Attachment E) has been submitted and reviewed.

DISCUSSION:

Request: The Applicant is requesting a variance from the Tree Preservation Plan as afforded in the Unified Development Code Chapter 156.03 (C)(6) (See Attachment A). In order to excuse the applicant from being charged with the Prior Tree Removal Penalty, the applicant is requesting a variance of the Unified Development Code Chapter 167.04 (D)(1) (See Attachment B).

Variance: A variance of Chapter 167.04(D)(1), Tree Preservation and Protection, to not charge the applicant with the Prior Tree Removal Penalty amount.

The Prior Tree Removal Penalty is intended to ensure the reforestation of properties that have had significant deforestation prior to development review. In this case, the trees removed do not fit the intention of the code, nor did the applicant conduct removal with intentions of circumnavigating the Tree Preservation and Protection Code.

According to the Prior Tree Removal Penalty code, if prior tree removal has occurred within five (5) years prior to development review, the Applicant is responsible for reforesting to the Minimum Canopy Requirements for the site (twenty percent (20%) for Community Services), plus an additional ten percent (10%) penalty. In this case, the total amount of penalty would necessitate the reforestation of thirty percent (30%) of the site (See Attachment F), equivalent to approximately eighty seven (87) trees.

Staff's opinion is that this project does not fit the intention of the code requiring a penalty for prior tree removal (167.04 (D)(1)). Staff believes removal of the trees in question requiring the potential planting of approximately eighty seven (87) trees, plus additional mitigation trees with normal development review, puts an unfair burden on the developer.

It should be noted that, the Applicant will still be required to mitigate for all canopy removed in association with the project, in accordance with Chapter 167.04(I).

RECOMMENDATION: Staff recommends in favor of the variance to excuse the applicant from the Prior Tree Removal Penalty, 167.04(D)(1).

Attachments:

- A) Chapter 156.03 (C)(6)
- B) Chapter 167.04(D)(1)
- C) Request Letter
- D) Original Tree Preservation Plan
- E) Updated Tree Preservation Plan
- F) Prior Tree Removal Penalty Explained

156.03 - Development, Parking And Loading

(C) Consideration by the Planning Commission.

- (6) *Tree Preservation Plan.* A developer may petition the Planning Commission for a variance from the requirements of Chapter 167, Tree Preservation and Protection, in those cases where their strict application would work an injustice as applied to the proposed development due to a situation unique to the subject real property; provided that such variance shall not have the effect of nullifying the intent and purpose of the chapter. The Planning Commission's approval of said variance must be affirmed by the City Council to become effective, and a denial of the requested variance may be appealed to the City Council.

167.04 - Tree Preservation And Protection During Development

(D) *Prior tree removal.*

- (1) If trees have been removed below the required minimum within the five (5) years preceding application for development approval, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional ten percent (10%) of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the Base Density for High Priority trees.
- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.



7230 S. Pleasant Ridge Dr / Fayetteville, AR 72704
PH: 479-442-9350 * FAX: 479-521-9350

April 17, 2017

Planning Commission
City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

RE: Prior Tree Removal Variance Request – LSIP 17-5740 / Panera Bread Co

Dear Commissioners,

Bates & Associates, Inc, on behalf of John Davidson, requests a variance from the requirement of full site mitigation due to Prior Tree Removal (Unified Development Code, Chapter 167.04 D) for the proposed Large Site Improvement Plan at 1541 W Martin Luther King Blvd.

Per the ordinance, if there has been prior tree removal within the past 5 years, the site must be brought up to the Minimum Canopy requirements for its zoning designation (Community Services – 20%), plus an additional 10% of the total area of the property.

During removal of the existing buildings and parking lot on this site to prepare for the new development in late Winter of 2016, one large-species tree, determined to be an Oak, with a canopy diameter of approximately 35' was removed from western area of the site. Another tree, which appears to be a clustered Maple with a canopy diameter of approximately 15', was removed from the eastern area of the site along the property's street frontage of S. Arbuckle Lane. Other small trees removed were not significant enough to necessitate mitigation had they been documented as part of the usual LSIP process.

After review by Urban Forestry, it was determined that in order to mitigate for the additional 10% of the site area, the Applicant would be required to plant 36 trees, in addition to the usual required interior landscaping and street frontage landscape as required as part of the LSIP.

The Landscape Plan prepared as part of the LSIP proposes extensive plantings, and a majority of the site will be canopied solely by the development requirements, even before the Prior Tree Removal mitigation. Due to the Applicant's requirements of the site's parking and building configuration, there is not enough room on-site to allow 36 additional trees to be planted without proposed tree canopies encroaching on one another, preventing the healthy growth of these trees over time.

After working with Urban Forestry, it has been proposed that application of the Prior Tree Removal mitigation requirements could be considered to be an excessive penalty for the removal of two trees that would have been removed as part of the LSIP. The Applicant understands the spirit of the ordinance, as well as the desire to retain as much canopy in the City as possible during development, and regrets that there was tree removal unsupervised by Urban Forestry.

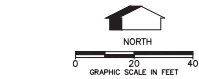
The developer proposes that the Prior Removed Trees be included in the mitigation calculations, as if they were removed as part of the LSIP. Bates & Associates Engineering has also reconfigured the drainage areas to retain as much existing canopy as possible in the Southwest corner, in an effort to retain native canopy on-site. The Site will be extensively canopied after installation of the landscaping as required by the conditions of LSIP approval, and the Applicant will ensure that everything is done to protect the existing canopy during the development process.

Please contact Bates & Associates with any questions or concerns regarding this variance request.

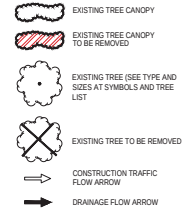
Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Young', is positioned above the printed name.

Jason Young
Bates & Associates, Inc



PROPERTY LINE
UTILITY EASEMENT LINE
LIMITS OF DISTURBANCE
EXISTING CONTOURS
PROPOSED CONTOURS



No	DBH	Type	Status	Health	Priority	On/Off Property
1	12	Mimosa	Remove	Good	Low	On
2	12	Mimosa	Remove	Good	Low	On

SOILS TYPES

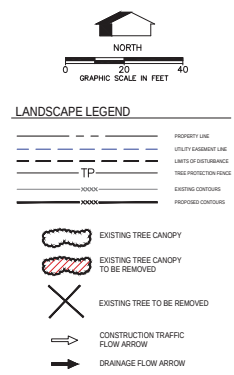
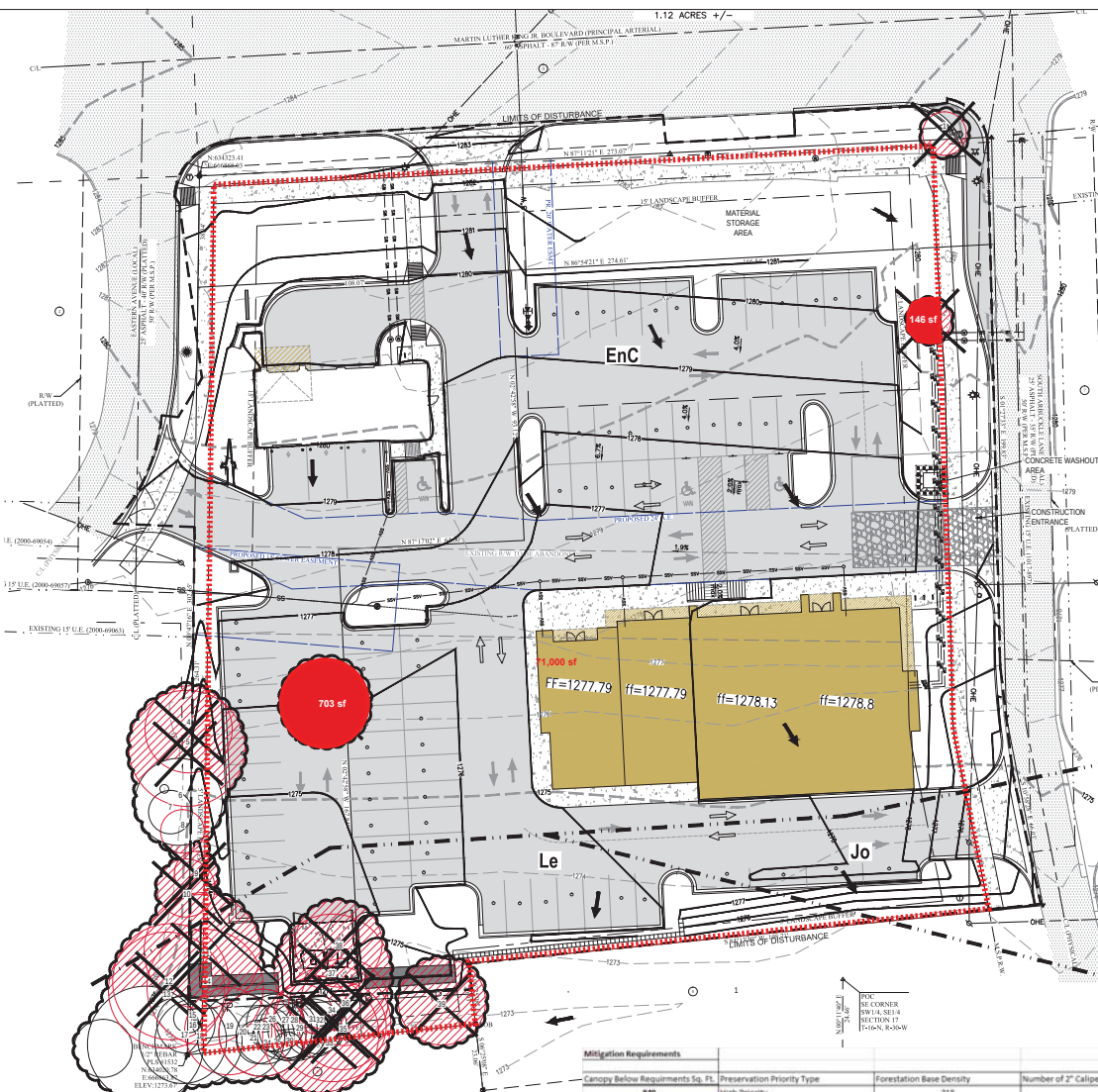
EnC
Enders gravelly loam, 3 to 8 percent slopes

Jo
Johnsburg silt loam, 0 to 2 percent slopes

Le
Leaf silt loam

The proposed Panera restaurant is located south of Martin Luther King Blvd. on 1.80 acre. The proposed Panera restaurant will be approximately 7,500 sq ft and will have 59 parking spaces. The site was previously a commercial site but has been razed and contains no building, parking or roads. The site is bounded to the east by South Arbuckle Ln, a local road, to the west by Eastern Ave. a local road as well, and to the south by a commercial development. The site drains to the south at about 3%. There are no streams or wetlands on the site.

There currently are only three trees on the site. Two are volunteer mimosa trees, which is an invasive species and have canopies of 30 and 40 feet and the other appears to be a red maple with about a 12 foot canopy. All three of these trees are proposed to be removed to make way for detention on the property and the new sidewalk/parking lot.



EXISTING TREE LIST

No	DBH	Type	Health	Status	Priority	On/Off Property
1	30	CATALPA	GOOD	REMOVE	MED	OFF
2	6	TREE	GOOD	REMOVE	MED	ON
3	6	TREE	GOOD	REMOVE	MED	ON
4	14	ELM	GOOD	REMOVE	MED	ON
5	30	ELM	GOOD	REMOVE	MED	ON
6	14	ELM	GOOD	SAVE	MED	ON
7	4	REDBUD	GOOD	SAVE	MED	ON
8	6	ELM	GOOD	SAVE	MED	ON
9	4	ELM	GOOD	REMOVE	MED	ON
10	6	ELM	GOOD	REMOVE	MED	ON
11	14	OAK	GOOD	REMOVE	MED	ON
12	12	ELM	GOOD	REMOVE	MED	OFF
13	12	ELM	GOOD	REMOVE	MED	ON
14	14	OAK	GOOD	REMOVE	MED	ON
15	4	CEDAR	GOOD	SAVE	MED	ON
16	30	ELM	GOOD	SAVE	MED	OFF
17	12	ELM	GOOD	SAVE	MED	OFF
18	14	ELM	GOOD	SAVE	MED	ON
19	12	ELM	GOOD	SAVE	MED	ON
20	14	ELM	GOOD	SAVE	MED	ON
21	6	OAK	GOOD	SAVE	MED	ON
22	8	OAK	GOOD	SAVE	MED	ON
23	4	OAK	GOOD	SAVE	MED	ON
24	6	ELM	GOOD	SAVE	MED	ON
25	3	OAK	GOOD	SAVE	MED	ON
26	6	ELM	GOOD	SAVE	MED	ON
27	6	ELM	GOOD	SAVE	MED	ON
28	8	ELM	GOOD	SAVE	MED	ON
29	8	ELM	GOOD	SAVE	MED	ON
30	6	CEDAR	GOOD	SAVE	MED	ON
31	6	ELM	GOOD	SAVE	MED	ON
32	6	ELM	GOOD	SAVE	MED	ON
33	12	ELM	GOOD	REMOVE	MED	ON
34	12	ELM	GOOD	REMOVE	MED	ON
35	12	ELM	GOOD	REMOVE	MED	ON
36	8	OAK	GOOD	REMOVE	MED	ON
37	18	MIMOSA	FAIR	REMOVE	MED	ON
38	14	MIMOSA	FAIR	REMOVE	MED	ON
39	8	MIMOSA	FAIR	REMOVE	MED	ON

Mitigation Requirements

Canopy Below Requirements Sq. Ft.	Preservation Priority Type	Forestation Base Density	Number of 2" Caliper Trees to be Planted
800	High Priority	238	4
400	Mid Priority	290	17
0	Low Priority	436	0

Site Analysis

The proposed Panera restaurant is located south of Martin Luther King Blvd. on 1.0 acre. The proposed Panera restaurant will be approximately 2,500 sf and will have 10 parking spaces. The site was previously a commercial site but has been razed and contains no building, parking or roads. The site is bounded to the east by South Ardwick Ln, a local road, to the west by Eastern Ave, a local road as well, and to the south by a commercial development. The site drains to the south at about 3%. There are no streams or wetlands on the site. The property is currently zoned CS.

There currently are only three trees on the site. Two are volunteer mimosa trees, which is an invasive species and have canopies of 20 and 40 feet and the other appears to be a red maple with about a 12 foot canopy. All three of those trees are proposed to be removed to make way for detention on the property and the new sidewalk/parking lot.

SOILS TYPES

Enders gravelly loam, 3 to 8 percent slopes
 Jo Johnsonburg silt loam, 0 to 2 percent slopes
 Le East silt loam

PRIOR TREE REMOVAL PENALTY AMOUNT:
 Reforesting to 20% = 51 Trees
 10% Prior Tree Removal Penalty = 36 Trees
TOTAL = 87

URBAN FORESTRY RECOMMENDATION:
 Mitigate for Trees Removed at High/Mid Priority Level
TOTAL = 21

Tree Preservation Calculations

	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	71,000	100%
Zoning Designation * Select Below with drop down arrow		
CS Community Services	14,200	20%
H400 * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	14,200	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	4,614	6.5%
Tree Canopy Preserved	703	1.1%
Tree Canopy Removed *On Site	3,845	5.4%
Tree Canopy Removed *Off Site	1,899	
Tree Canopy Removed Total	5,744	8.1%
Removed Below Minimum	11,411	
Mitigation Requirements	5,744	

April 14, 2017
 Redlines + Comments
 Lee Porter
 Urban Forester

ENGINEER: G. Bates

LANDTEK STUDIOS
 2503 SWEETBRIAR DR.
 FAYETTEVILLE, AR 72703
 PHF 479.283.9721

DATE: 03/07/17
 BY: J. Smith
 REVIEW: J. Smith
 DATE: 4/7/17

REVISIONS

NO.	DATE	DESCRIPTION
1	03/07/17	15% OF TECHNICAL REVIEW
2	4/7/17	REVISION PER 3/29/17 TECHNICAL REVIEW

PANERA BREAD
 LARGE SCALE DEVELOPMENT PLANS
 TREE PRESERVATION PLAN
 FAYETTEVILLE, ARKANSAS

Bates & Associates, Inc.
 www.batesandassociates.com
 7230 S. Pleasant Ridge Dr. Fayetteville, Arkansas 72704-4734 JAZZ 505-976-4734 JAZZ 505-976-4734

DRAWING NO.
 TREE PRESERVATION
 PLAN
 TP-01

Prior Tree Removal Penalty

(D) *Prior tree removal.*

PART 1

- (1) If trees have been removed below the required minimum within the five (5) years preceding application for development approval, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional ten percent (10%) of the total area of the property for which the Applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the Base Density for High Priority trees.

PART 2

- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

PART 1: REFORESTING

Total Site Area = 78,478 sq ft

Percent Minimum Canopy Requirements = 20%

20% of Site = 15,695 sq ft*

*Site already has 6.5% canopy coverage. 6.5% is 4,614 square feet of canopy. The amount above is 15,695 minus 4,614, totaling 11,081 sq ft.

Mitigation Requirements			
Canopy Below Requirments Sq. Ft.	Preservation Priority Type	Forestation Base Density	Number of 2" Caliper Trees to be Planted
11,081	High Priority	218	51
0	Mid Priority	290	0
0	Low Priority	436	0

PART 2: 10% PENALTY

Total Site Area = 78,478 sq ft

10% of Site = 7,847 sq ft

Mitigation Requirements			
Canopy Below Requirments Sq. Ft.	Preservation Priority Type	Forestation Base Density	Number of 2" Caliper Trees to be Planted
7,847	High Priority	218	36
0	Mid Priority	290	0
0	Low Priority	436	0

TOTAL

51+36 = 87 trees



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0237

Agenda Date: 6/6/2017

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Resolution

Agenda Number: B. 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

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☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

4.25.17

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Total Postage and Fees

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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**

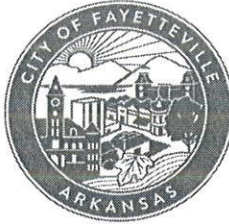
Property Address: 265 W Nonnamaker

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

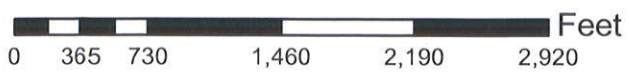
Date Received: 2/16/17

Case# 22902

[Signature]

Community Resources Division Director

















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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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

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

[Handwritten Signature]

☐ Agent
☐ Addressee

B. Received by (Printed Name) *[Handwritten Name]* Co. Date of Delivery

[Handwritten Signature]

If the delivery address is different from item 1? ☐ Yes
 If delivery address below: ☐ No

- | | |
|--|---|
| ☐ Adult Signature Restricted Delivery | ☐ Priority Mail Express® |
| ☐ Certified Mail® | ☐ Registered Mail™ |
| ☐ Certified Mail Restricted Delivery | ☐ Registered Mail Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | ☐ Return Receipt for Merchandise |
| ☐ Collect on Delivery Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery Restricted Delivery | ☐ 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

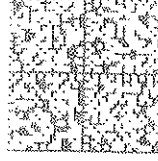
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MAR 29 2017
CR DIVISION

CERTIFIED MAIL®



7015 3010 0000 0814 6136

HAROLD & ROSETTA HARMON
2050 S SCHOOL AVE
FAYETTEVILLE, AR 72701



US POSTAGE
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000137535455

LN 3-14
15 3-20

NLXLE 144 DE 1 0003/4/11
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727015274536083
EC: 72701508399 *2755-02620-15-28

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☐ Adult Signature Restricted Delivery

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City, State, ZIP+4[®]

2-16-17

Postmark

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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

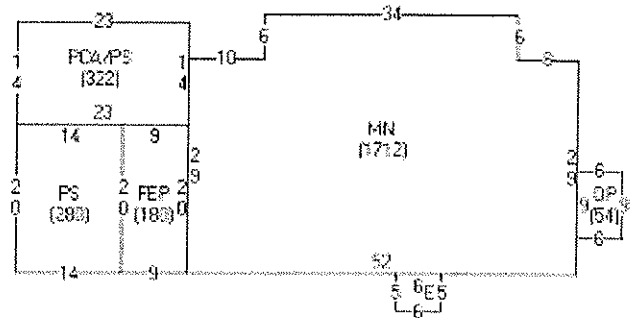
Style: N/A

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

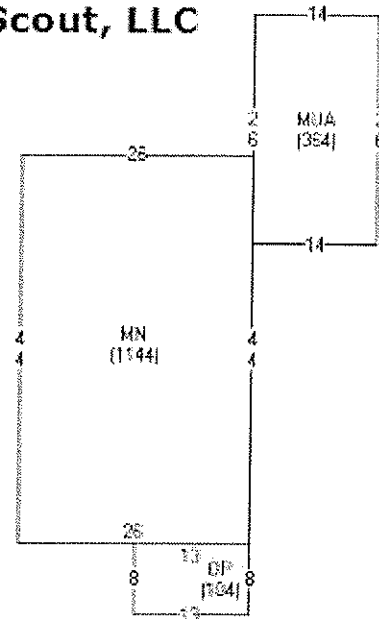
Basement: N/A

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.

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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

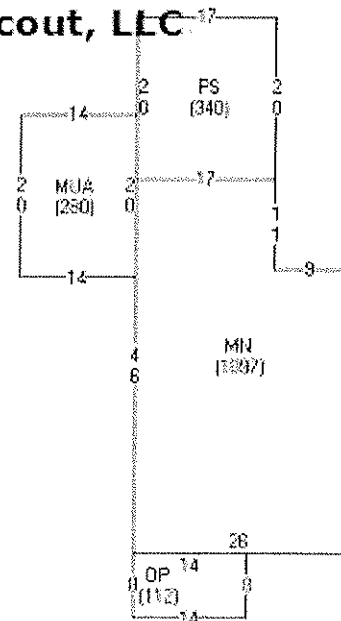
Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

DataScout, LLC



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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

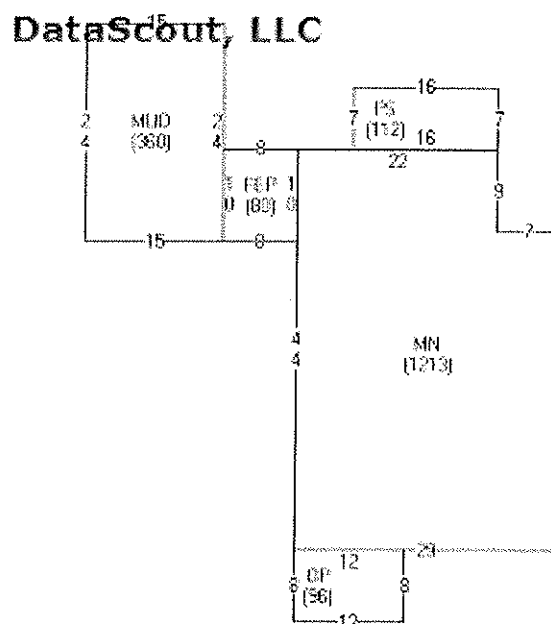
Year Remodeled: N/A

Style: N/A

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com



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

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

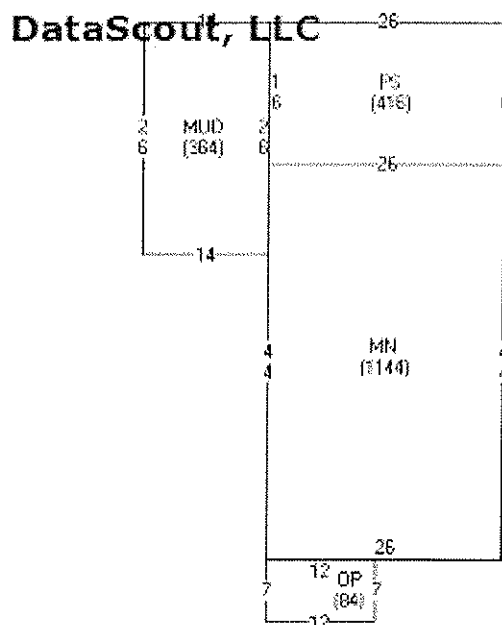
Heat / Cool: F/W/Furn

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

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

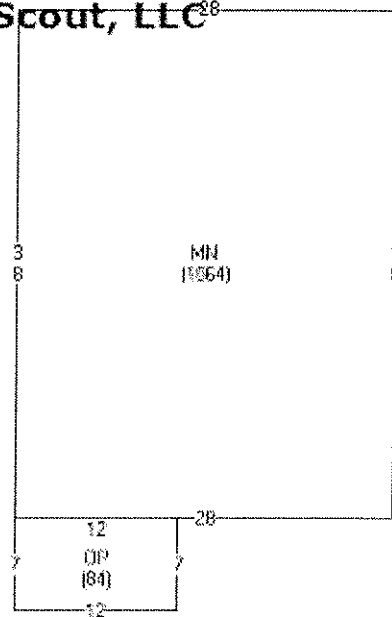
Basement: N/A

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

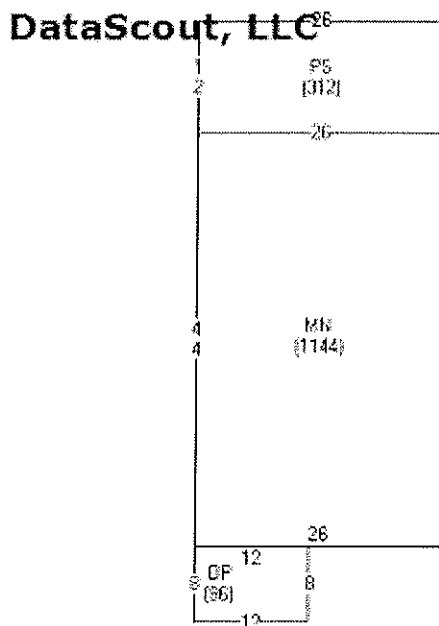
Heat / Cool: F/W/Furn

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A



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

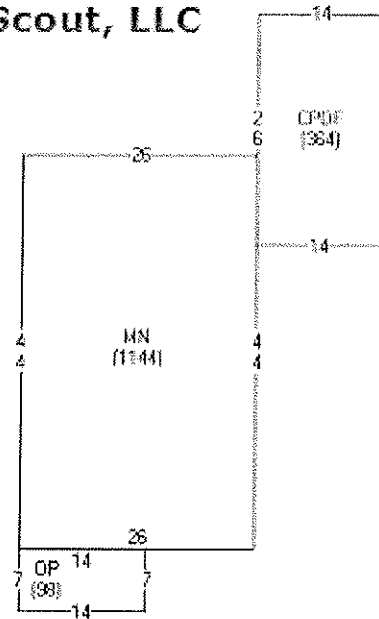
Style: N/A

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.

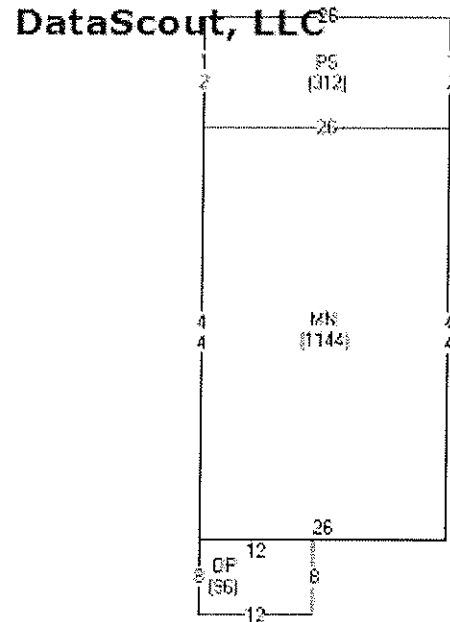
Subject to terms and conditions.

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

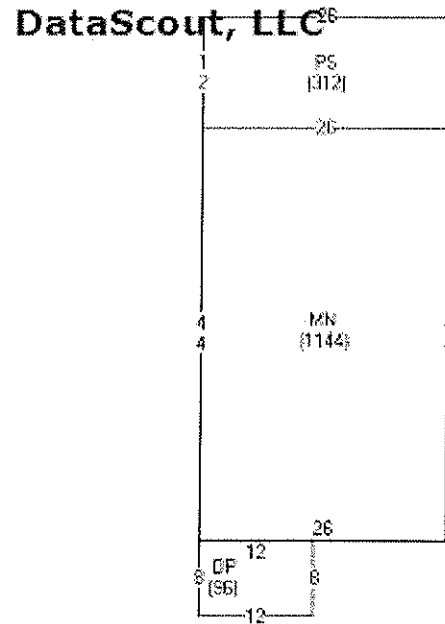
Parcel: 765-15010-000
 Prev. Parcel: 148086-000-00
 As of: 4/20/2017

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

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

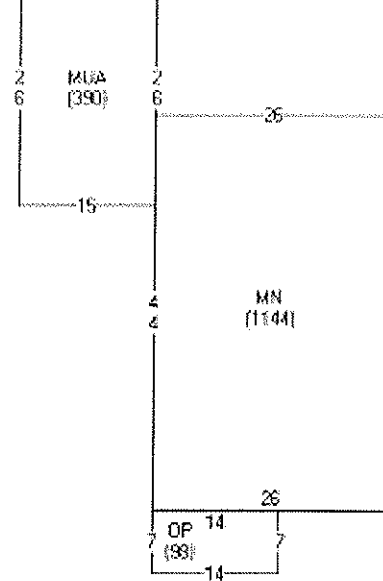
Basement: N/A

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> 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: 2017-0282

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: D. 1

NORTH STARR DRIVE SEWERAGE SYSTEM EXTENSION:

A RESOLUTION TO APPROVE AN EXTENSION OF THE CITY'S SEWERAGE SYSTEM BEYOND THE CITY LIMITS TO PROPERTY LOCATED ON NORTH STARR DRIVE

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 Larry Long for an extension of the City's sewerage system beyond the city limits to property located on the east side of North Starr Drive as shown on the maps attached to the City Council agenda memo.

City of Fayetteville Staff Review Form

2017-0282

Legistar File ID

6/6/2017

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

Tim Nyander

5/19/2017

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution approving a request by Larry Long to extend sewer service outside the City limits to his property on N. Starr Dr.

Budget Impact:

N/A

N/A

Account Number

Fund

N/A

N/A

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 JUNE 6, 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: May 19, 2017

SUBJECT: Request for Sewer Service Outside the City Limits – N. Starr Dr.

RECOMMENDATION:

The Water, Sewer & Solid Waste Committee recommends approval of a request to extend sewer service outside the City limits. The Committee voted 4-0 to forward the request to the City Council for consideration, with a recommendation for approval.

BACKGROUND:

Larry Long, owner of a lot located on N. Starr Dr. (see attached map) has requested that the City of Fayetteville provide sewer service to his property located just outside 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.

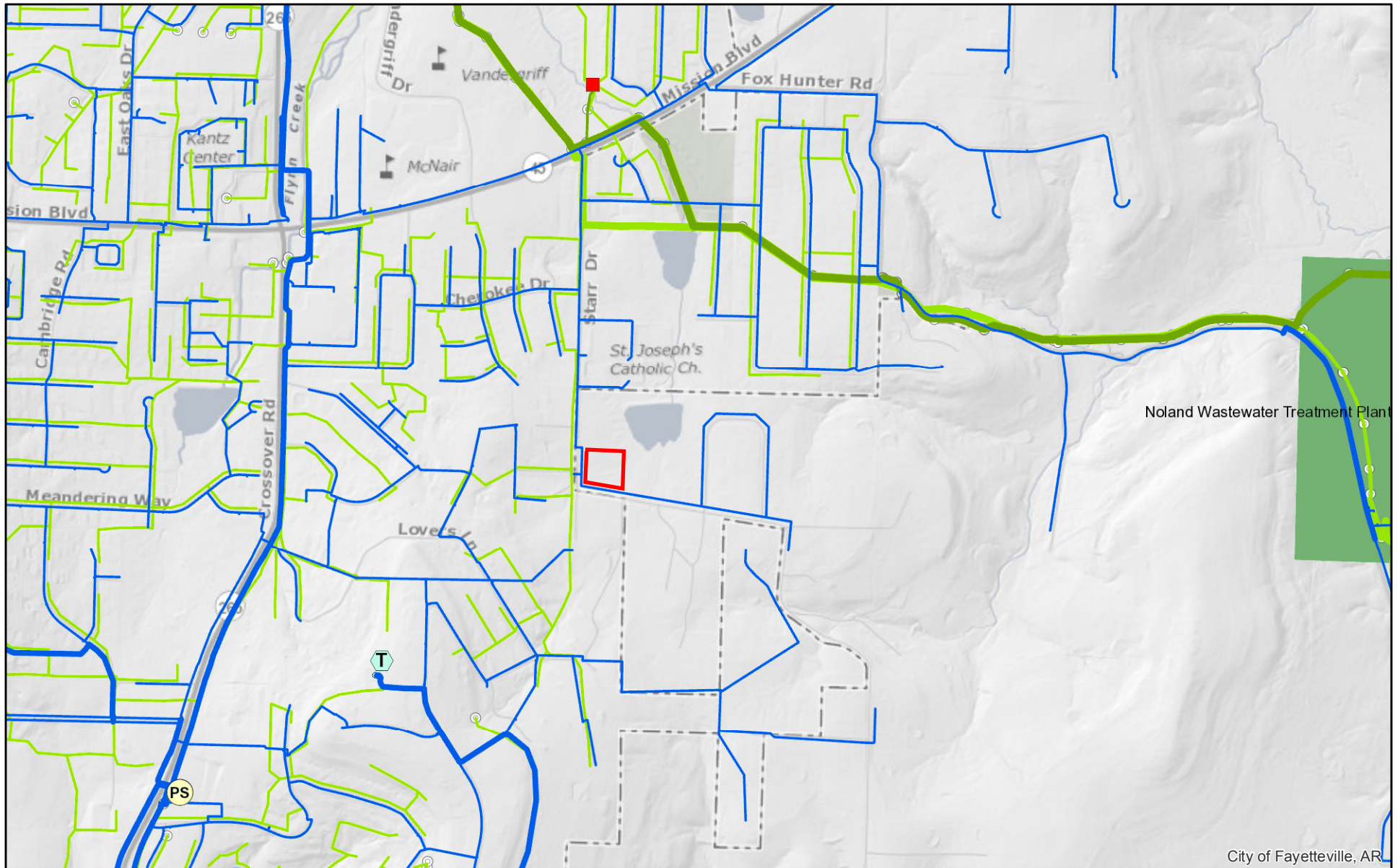
DISCUSSION:

The property owned by Larry Long is located on the east side of N. Starr Dr. The City limits line is on the west side of N. Starr Dr., only a few feet away from the property. Areas directly to the north and south are also within City limits. There is an 8-inch sewer main on the west side of N. Starr Dr. that would provide ample capacity for the proposed sewer service request. After discussion with the Water, Sewer & Solid Waste Committee, the Committee voted 4-0 to recommend approval of this request. The request is therefore presented to the City Council for consideration.

Attachments:

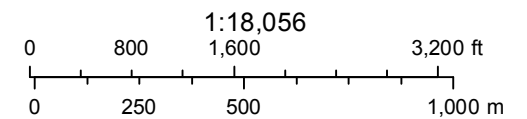
Vicinity Map
City Code Section 51.113 – Sewer Service and Extension Policy

Vicinity Map - N. Starr Dr.



May 19, 2017

- | | | | |
|------------------|---------------------|-------------------------------|-----------------------|
| Unknown Diameter | Water Tank | Sewer Pressurized Main | 20" - 36" |
| 1" - 8" | Pump Station | 2" - 8" | Sewer Main 18" and up |
| 10" - 42" | Lift Station | 10" - 18" | Property Line |



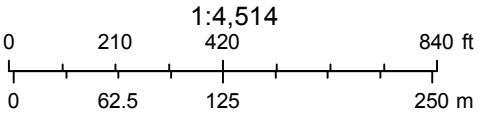
The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user, and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive the tort immunity set forth under Arkansas law.

N. Starr Dr.



May 19, 2017

- | | | | | | | | | | |
|--|------------------|--|--------------|--|------------|--|------------|--|---------------|
| | Hydrant | | 10" - 42" | | Commercial | | Industrial | | Property Line |
| | Unknown Diameter | | Lateral Line | | Domestic | | Irrigation | | Fire |
| | 1" - 8" | | Unidentified | | Fire | | Water Tank | | |



The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user, and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive the tort immunity set forth under Arkansas law.

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)



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0269

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: D. 2

NWA CAPITAL INVESTMENTS, LLC:

A RESOLUTION TO SELL ABOUT 3 ACRES OF LAND IN THE COMMERCE DISTRICT TO NWA CAPITAL INVESTMENTS, LLC FOR \$45,000.00

WHEREAS, NWA Capital Investments, LLC has offered to purchase approximately 3 acres in the Commerce District and plans to build a 12,000-square foot facility to be used by PushPlastic.com, LLC for the manufacture of filament used in 3D printing; and

WHEREAS, the proposed project would lead to the hiring of workers with average wages above the state and national averages, meets the Fayetteville First target sector of Specialized Technologies, and is supported by the Fayetteville Chamber of Commerce; and

WHEREAS, the City is selling this 3 acre parcel at a discount of about \$5,000.00 per acre from its normal selling price but the contract with NWA Capital Investments, 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 3 acres to NWA Capital Investments, LLC for \$45,000.00, and authorizes Mayor Jordan to sign the Land Sale Agreement, Warranty Deed and any other documents necessary to convey this 3 acre parcel.

City of Fayetteville Staff Review Form

2017-0269

Legistar File ID

6/6/2017

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

Andrew Garner

5/16/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution to sell approximately 3 acres of land (part of parcel 765-16578-001) in the Fayetteville Commerce Park located east of 2435 S.Industrial Drive to Steve Booth, Owner/Operator of Push Plastic for \$55,000.

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:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 6, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Andrew Garner, City Planning Director

DATE: May 16, 2017

SUBJECT: Sale of 3 acres of land in the Commerce District to Steve Booth, Owner/Operator of Push Plastic

RECOMMENDATION:

City Staff recommends approval of a contract with Steve Booth, Owner/Operator of Push Plastic for the sale of approximately 3 acres of land owned by the City of Fayetteville east and south of 2435 Industrial Drive in the Fayetteville Commerce Park, for a purchase price of \$55,000 and \$3,500 of earnest money.

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 Steve Booth to purchase a portion of this property. Mr. Booth is the Owner/Operator of Push Plastic, a manufacturer of filament used in the 3D printing industry. Filament is the "ink" that is used in a specific type of 3D printers. Push Plastic has outgrown their existing 5,000 sq. ft. leased facility in Prairie Grove. The company's plans include the following:

- Construction of a 12,000 sq. ft. facility.
- Current employees:
 - o 4 full-time
 - o 2 part time
- Hiring the following employees with the proposed expansion:
 - o 2 salaried employees with a typical annual salary in the \$50,000 range
 - o Hiring hourly employees as business requires at \$15.00/hour

DISCUSSION:

The attached land sale agreement has been reached through negotiations between the City and Steve Booth, representing the entity purchasing the property. The proposal is to sell the property for approximately \$18,333.33 per acre, at a total price of \$55,000. 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:

\$55,000 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 NWA Capital Investments, LLC ("NWA Capital").

The City of Fayetteville agrees to sell a parcel of about 3 acres in the Fayetteville Commerce District to NWA Capital for FORTY-FIVE THOUSAND DOLLARS (\$45,000.00) and NWA Capital's performance of all of the terms, conditions and promises set forth in this Agreement.

NWA Capital agrees to pay to the City of Fayetteville FORTY-FIVE THOUSAND DOLLARS (\$45,000.00) for this 3-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 3 acres (hereinafter the "**Development Site**") located in the Fayetteville Commerce District by warranty deed to NWA Capital for the amount of FORTY-FIVE THOUSAND DOLLARS (\$45,000.00). This Development Site is shown on the map attached as Exhibit A and shall be more particularly described in a survey obtained by NWA Capital prior to closing.

The Development Site shall be located immediately to the east of a 35-foot utility easement in favor of Arkansas Western Gas Company, now known as Black Hills Energy. The City shall retain ownership of the land subject to the utility easement and shall grant NWA Capital an easement for access at one point along South Industrial Drive. Access across the utility easement shall be subject to approval by Black Hills Energy or its successor.

The Development Site shall include access easements in favor of the City of Fayetteville, its successors and assigns, the general public, and any future owners of the remaining property identified in the Washington County land records as Parcel Nos. 765-16578-001, 765-15312-001 and 765-16578-000. A 30-foot access easement shall extend from the northwest corner of the Development Parcel to the southwest corner and a 15-foot access easement shall extend from the northwest corner to the northeast corner as shown in Exhibit A.

2. *Purchase*

Subject to the terms and conditions, mutual promises and covenants of this Agreement, NWA Capital agrees to buy the Development Site for FORTY-FIVE THOUSAND DOLLARS (\$45,000.00) 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 THREE THOUSAND FIVE-HUNDRED DOLLARS (\$3,500.00) shall be paid by NWA Capital to the City of Fayetteville at the time this Agreement, signed by NWA Capital, 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 NWA Capital 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 FORTY-ONE THOUSAND FIVE HUNDRED DOLLARS (\$41,500.00) 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 NWA Capital 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 NWA Capital. 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 NWA Capital'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, NWA Capital 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 NWA Capital.

6. *Deed and Other Documents*

NWA Capital shall obtain a survey at least seven days prior to closing at its sole cost containing a legal description of the Development Site as well as the legal description of the access easements described in Section 1 of this agreement and 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. NWA Capital 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 NWA Capital 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. *NWA Capital's Due Diligence*

NWA Capital 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 NWA Capital discovers any problems that would adversely impact its development and use of the Development Site for its facility, NWA Capital 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 NWA Capital. Likewise, if the City does not remediate the problem, NWA Capital 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*

NWA Capital 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 NWA Capital 's intended use of the Development Site for its facility. The City shall reasonably cooperate with NWA Capital in NWA Capital's request for development approval of its facility. NWA Capital must present its development proposal through the normal City process and follow the Unified Development Code requirements. NWA Capital 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, NWA Capital 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.

NWA Capital agrees to construct a driveway to the City's specifications from South Industrial Drive to the northwest corner of the Development Site. Construction of the driveway (including approval by the City) shall be completed prior to the issuance of a final certificate of occupancy. Any further driveway extension shall be the responsibility of the City or future property owners or developers.

NWA Capital shall not block or otherwise prevent access through any access easements to the remaining property by the City or any future owner of property currently owned by the City.

10. *Compensation to City of Fayetteville if Development Site is Sold Within 10 Years*

NWA Capital 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 NWA Capital 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 NWA Capital, and that allocable to the improvements subsequently added by NWA Capital. NWA Capital shall pay 75% of the increase in appraised value of the raw land (with prorated sales cost deducted) to the City of Fayetteville. NWA Capital 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.

11. *Contingencies*

This contract is further contingent upon a satisfactory Phase 1 environmental audit.

12. *Notices*

Notices required by this Agreement shall be in writing and shall be delivered to:

NWA Capital Investments, LLC
ATTN: Steve Booth
605 Bain Street, Suite B
Springdale, AR 72764

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 NWA Capital at closing.

NWA CAPITAL INVESTMENTS, LLC

**CITY OF FAYETTEVILLE,
ARKANSAS**

Date: 5/23/17

Date: _____

By: 
STEVE BOOTH, Manager/Owner

By: _____
LIONELD JORDAN, Mayor

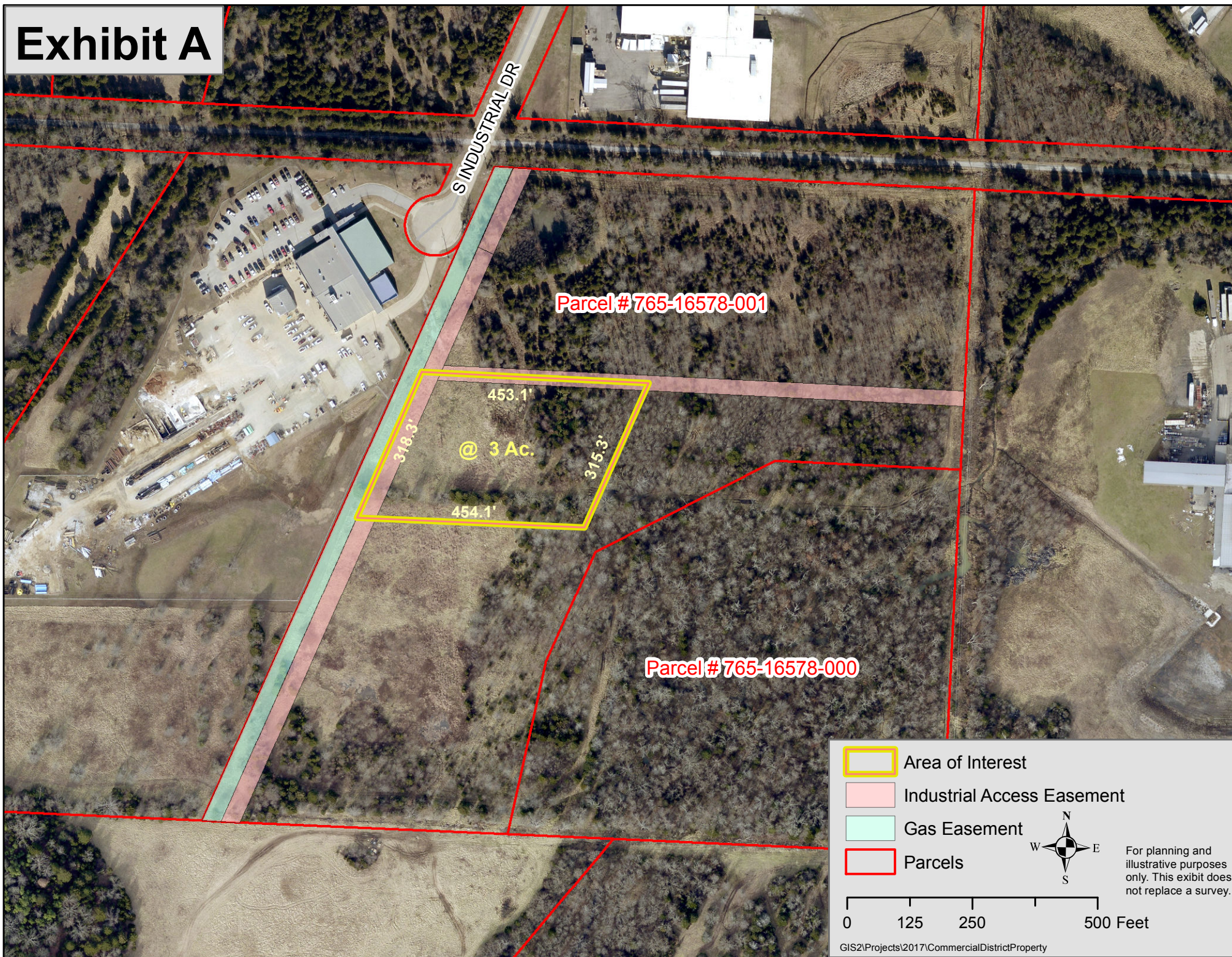
WITNESS:

ATTEST:

By: 

By: _____
Sondra E. Smith, City Clerk

Exhibit A





605 BAIN STREET, SUITE B
SPRINGDALE, AR 72764
PH 479-725-0842
EMAIL: INFO@PUSHPLASTIC.COM

MEMO TO: Fayetteville City Council

FROM: Steve Booth, Owner/Operator PushPlastic.com LLC

SUBJECT: LAND PARCEL 765-16578-001 3 Acre

DATE: 5/23/2017

PushPlastic.com is a manufacturer of filament used in the 3D printing industry. Filament is the “ink” that is used in FDM style 3D printers. We are also currently developing technology for filament free FDM printing, and robotic finishing of 3D printed parts.

PushPlastic was founded in 2013 after the sale of a successful injection molding company in Prairie Grove AR. Since inception we have experienced growth at or above the industry average of 30%-100%. We have outgrown our 5000 sqft leased facility, and wish to build a 12,000 sqft facility matched to our production requirements. The building will be owned by NWA Capital LLC, and leased to PushPlastic.com LLC. We have been in discussions with an Engineering firm capable of doing the “Large Scale Development Plan”, and will engage as soon as the land is procured. We expect to start construction as soon as the planning and permitting process will allow. The expected budget for this project is \$750,000.

Currently PushPlastic employees; 4 full time employees, and 2 part time employees. We are looking for 2 more salaried employees, and hiring hourly positions as business requires. The wage for typical salaried position is \$50,000+/yr, and \$15/hr for hourly. Full employment for the space planned will be approximately 20.

The filament manufacturing process is environmentally low impact, with almost no process water used, and little to no air emissions. The primary plastic used is made from renewable resources (corn), and can be recycled within the plant.

NWA Capital LLC will offer \$45,000 for the 3 acers shown in Exhibit “A”. \$3,500 is offered as earnest money, contingent on successful conclusion to the items below.

CONTINGENCIES

- Cost of road way to access to property over city owned land will not exceed \$50,000.
- Satisfactory Phase 1 environmental audit.
- Satisfactory land and geologic surveys confirming land is suitable for intended purpose without remediation.

CERTIFICATE OF SIGN POSTING



I, Andrew Harrison

*attest that the above sign was posted on May 12, 2017 adjacent to
Industrial Dr. & Pump Station Rd.*

(signature of person completing the sign posting)

City File No. 17-5801 ADM



CITY OF
FAYETTEVILLE
ARKANSAS

May 12, 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 PushPlastic, LLC. about 3.0 acres (a portion of parcel 765-16578-001) it owns on S. Industrial Dr. for \$55,000. 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 filament manufacturing facility.

This possible sale will be considered by the City Council during its 5:30 p.m. meeting held on June 6, 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 June 6, 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

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 12th day of May, 2017, and

addressed as follows:

Name: Matrix Investments, LLC
Street: 1197 Happy Hollow Rd.
City, State, Zip: Fayetteville, AR 72701

Name: Marshalltown Tools
Street: 2200 S. Industrial Dr.
City, State, Zip: Fayetteville, AR 72701

Name: HFNWA, LLC
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 Harison
(name of person completing the mailing)



(signature of person completing the mailing)

City File No. /Name: ADM 17-5801

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
Public Hearing

Was inserted in the Regular Edition on:

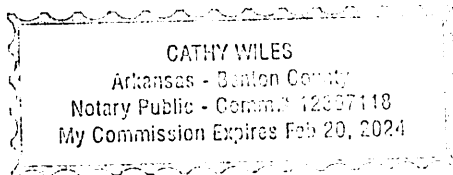
May 8, 2017

Publication Charges: \$ 54.60

Karen Caler
Karen Caler

Subscribed and sworn to before me
This 11 day of May, 2017.

Cathy Wiles
Notary Public
My Commission Expires: 2/20/2024



****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 June 6, 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 June 6, 2017 Fayetteville City Council meeting. 17-5801: SALE OF MUNICIPALLY OWNED REAL PROPERTY, 642): Submitted by CITY STAFF for property located EAST AND SOUTH OF 2435 INDUSTRIAL DRIVE. The Fayetteville City Council is considering the sale of about 3 acres it owns EAST AND SOUTH OF 2435 INDUSTRIAL DRIVE to Steve Booth, Owner/Operator of PushPlastic, LLC for \$55,000.00. The proposed use of the property is for a filament manufacturing facility. This possible sale will be considered by the City Council during its June 6, 2017 meeting at 113 W. Mountain Street, Room 219.
74125223 May 8, 2017

ADM 17-5801

Current Land Use

CITY OWNED PROPERTY SALE



2016 Imagery

- 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

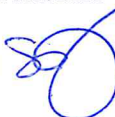
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



To: Mayor Lioneld Jordan
City of Fayetteville

CC: Don Marr, Chief of Staff
Devin Howland, Director of Economic Vitality

From: Steve Clark, CEO & President 

Date: May 23, 2017

Subject: Recommendation to approve the sale of 3 acres of city-owned land, Parcel # 765-16578-001 to Push Plastic

PushPlastic.com LLC is a 4 year old, Springdale-based manufacturing business owned by Steve Booth of Fayetteville. During this time, the business grew at a rate above the industry average and as a result, it outgrew its current 5,000 SF manufacturing and office space.

The need for expansion drove PushPlastic to look at properties in Washington County, namely Springdale and Fayetteville. The Fayetteville Chamber assisted PushPlastic in looking at a couple of city-owned properties in the Fayetteville Commerce District. PushPlastic decided to make an offer on a 3 acre portion of Parcel # 765-16578-001. The parcel originally has 24 acres and 5 acres of it is now conditionally sold to AR-Canna, LLC. The 3 acres PushPlastic is offering to buy is located south of AR-Canna's site. Attached is the letter of offer from PushPlastic and a map of the property.

PushPlastic plans to construct a 12,000 SF facility on this property to meet its production needs. It is in discussion with a local engineering firm and is ready to start the development upon City Council's approval of the sale. Construction will begin as soon as the planning and permitting process is approved. The project is budgeted at a cost of \$750,000.

PushPlastic currently has 6 employees (4 FT and 2 PT). This expansion project will initially create 2 new salaried positions and additional hourly positions as needed to meet production demand.

The company invests in automation and advanced technology equipment to manage consistency and the ability to control production remotely. Average salaries match the higher level of skill sets needed. Average wage for the salaried positions is good; it exceeds \$50,000 a year while hourly positions average \$15/hr. PushPlastic envisions the company to grow to about 20 employees when the new facility is at capacity.

We recommend that the City leadership supports this project by approving the sale of the land to PushPlastic.

This project:

- 1) Meets the City's and State's goal of creating new and good paying jobs for Fayetteville and Arkansas
- 2) Contributes to the economic base of Fayetteville and has the potential to grow. The owner is an engineer by training and has the expertise and passion to develop technology used in 21st century products. For example, PushPlastic is currently developing technology for filament free FDM printing, and robotic finishing of 3D printed parts
- 3) Helps Fayetteville in its efforts to brand itself as the StartUp City of the South.
- 4) Helps bring businesses with Fayetteville roots home.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0279

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: D. 3

APPEAL VAR 17-5782 (1541 W. MLK BLVD./PANERA BREAD):

A RESOLUTION TO PARTIALLY GRANT THE VARIANCE REQUEST SUBMITTED BY BATES & ASSOCIATES, INC. TO ALLOW A MORE COMPLETE CURB CUT ACCESS FOR 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD

WHEREAS, an owner whose property abuts a city street has a right to access such street even if the property also abuts another street; and

WHEREAS, a variance from our preferred access management standards shall be granted to protect such street access rights of the property owner; and

WHEREAS, West Martin Luther King, Jr. Boulevard has a dedicated left turn center lane to increase the safety of left turns into a business; and

WHEREAS, if there is no safe full access location on an abutting street, the City may limit such access by potentially denying left out turns.

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 partially grants the variance request by the applicant by granting a three quarters access for 1541 West Martin Luther King, Jr. Boulevard, but denies the left turn out access where it has been determined that such access is unsafe and that this property has easy access to adjoining streets that will more safely allow such left turn out access.

5/1/2017

John H Davidson
Monroe Eaton LLC
PO Box 10647
Fayetteville AR 72703

RECEIVED
MAY 01 2017
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Fayetteville City Council
Attn: City Clerk
113 W Mountain St - Suite 302
Fayetteville AR

To whom it may concern:

Please accept this letter requesting an appeal to the City Council of Fayetteville from the April 27th Planning Commission meeting. Monroe Eaton LLC, as applicant, requested a variance from the Access Management Ordinance for a curb cut on MLK Blvd.

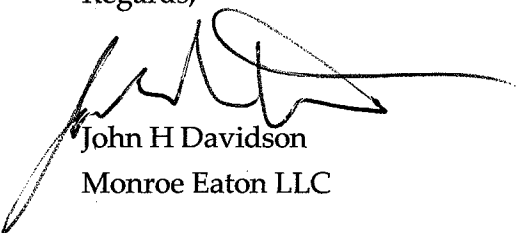
The property currently has four curb cuts long MLK. The new development would reduce that number to one. Due to the fact that we have streets on both the East and West of the property, there is not a location along MLK that would meet the spacing requirements of the Access Management Code; therefore, we need a variance for the single curb cut.

In the design phase of the project, the former director of development services explained that we would need the variance for the single curb cut, but that with almost 300 feet of frontage along MLK and the fact we currently had four curb cuts, he could support the variance. Additionally, the City Attorney's office assured the applicant that Arkansas law constitutionally protected access to MLK.

The denial of the requested variance would result in our anchor tenant canceling its lease. The tenant made clear when signing the lease that full access to MLK was a must. I spoke with the tenant after the planning commission meeting and was assured the same.

I can be reached at 479-841-4296.

Regards,



John H Davidson
Monroe Eaton LLC

MEETING OF JUNE 6, 2017

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: April 28, 2017

SUBJECT: **VAR 17-5782: Variance Item (1541 W. MLK BLVD./PANERA BREAD, 521):** Submitted by BATES & ASSOCIATES, INC. for properties located at 1541 W. MLK BLVD. The properties are zoned CS, COMMUNITY SERVICES and contain approximately 1.80 acres. The request is for a variance to the Access Management Ordinance for a new driveway on an arterial.

RECOMMENDATION:

The Planning Commission approved a limited access driveway (right in, right out only) on Martin Luther King Boulevard, where a full access drive was proposed. The decision has been appealed by the developer. City Planning Division staff recommends in favor of a variance to allow access to Martin Luther King Boulevard, consistent with the advice of the City Attorney.

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. Existing buildings on this site have been removed recently in preparation for redevelopment. The site currently contains four full access driveways from the previous development, in addition to access from both Eastern Avenue and Arbuckle Street, a condition which does not conform to current code requirements.

On Friday April 21, the Assistant City Attorney provided Planning staff with a memo (attached) citing case law and arriving at the following conclusion:

"A blanket denial of Panera Bread's request for access to or from Martin Luther King, Jr. Blvd., even for important traffic safety issues and even though it has access by way of Eastern Avenue and South Arbuckle Lane, might be deemed a taking by a Court for which the City of Fayetteville would have to pay just compensation. "

As a result of this memo, City Planning Division staff modified their initial recommendation and advised the Planning Commission to approve a variance.

Request: The proposal is for a full access driveway on Martin Luther King Drive.

Public Comments: No public comment has been presented.

DISCUSSION:

At the April 24, 2017 Planning Commission, discussion was centered on traffic safety and the constitutionality of limiting access to City streets. After a considerable amount of discussion the variance was granted approval of a limited access curb cut by a vote of 6-2-0. Commissioners Hoffman and Autry voted 'No'.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- City Attorney Memo
- Planning Commission Staff Report
- VAR 17-5782 Application
- April 24, 2017 Planning Commission minutes



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Planning Commission**

CC: **Andrew Garner**, City Planning Director
Quin Thompson, Current Planner

FROM: **Blake Pennington**, Assistant City Attorney

DATE: **April 21, 2017**

RE: **Potential financial liability for denying Panera Bread access to MLK, Jr. Blvd.**

I have some concerns about the recommendation to deny a variance for Panera Bread to directly access Martin Luther King, Jr. Blvd. from its property. In short, cutting off a landowner's access to a street, even for reasons of traffic safety, could very well lead to a damage award against the City because the landowner has a property interest in that access. I am attaching two previous memos from City Attorney Kit Williams on this subject.

The last time this issue arose was during the large scale development review of Casey's General Store on Wedington in 2013, though it had arisen at least twice within two years before that. On an appeal of the Planning Commission's 5-3 denial of Casey's LSD, the City Council voted 7-0 to allow a right turn in only.

In 2012, the City Council considered an appeal by the applicant for the Kum & Go on Martin Luther King, Jr. Blvd at the Hill Avenue intersection. The Planning Commission had voted to deny a full access driveway onto MLK but approved a right in-right out only driveway along with a connection to the street just west of the development. After considering the advice of City Attorney Kit Williams, the City Council unanimously voted to approve a compromise with the applicant to allow the right in-right out with some additional improvements and removal of the connection west.

Arkansas law has remained unchanged since the City Attorney's 2011, 2012 and 2013 memos on this issue. When the City Council considered the Casey's General Store issue in 2013, Kit included in his memo portions of his memo dated December 6, 2011, about Liberty Bank on Joyce Avenue. Relevant portions of that 2011 memo follow:

“(There is) very well established law that an abutting property owner has a legally protected access easement onto a city street. Eighty years ago, the Arkansas Supreme Court explicitly recognized an access easement as a property right.

‘Under our decisions, the owner of property abutting upon a street or highway has an easement in such street or highway for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself; and any subsequent act, by which that easement is substantially impaired for the benefit of the public, is a damage to the lot itself within the meaning of the constitutional provision for which the owner is entitled to compensation.’ *Campbell v. Arkansas State Highway Commission*, 183 Ark. 780, 38 S.W. 2d 753, 753-754 (1931).

“Four decades later, the Arkansas Supreme Court reaffirmed this access easement right as a property right for a lot abutting a street.

‘The owner of property abutting upon a street has an easement in such street for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself.’ *Flake v. Thompson*, 249 Ark. 713, 460 S.W. 2d 789, 795 (1970).

“In that case, the City of Little Rock had passed an ordinance that would have denied access to University Avenue to the property owner and argued that it could do so because the property owner had access to another (lower level) city street. The Arkansas Supreme Court held “that the ordinance constituted an unwarranted invasion of private rights and was discriminatory and oppressive, and thus it is unreasonable and arbitrary.” *Id.* at 796

‘The property right of ingress and egress of appellants in the easement was one that could not be taken from them by the city, at least without the payment of just compensation.’ *Id.*

“Ten years ago, the Arkansas Supreme Court yet again affirmed the property owner’s right to access a city street and found that interference with that right by the city would require compensation to be paid to the property owner.

‘We have held that the owner of property abutting upon a street has an easement in such street for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself. *Flake v. Thompson, Inc.*, 249 Ark. 713, 460 S.W. 2d 789 (1970). **We have also noted that this property right is not diminished merely because the property owner has alternative means of ingress and egress.**’ *Wright v. City of Monticello*, 345 Ark. 420, 47 S.W. 3d 851, 857 (2001).”

CONCLUSION

A blanket denial of Panera Bread's request for access to or from Martin Luther King, Jr. Blvd., even for important traffic safety issues and even though it has access by way of Eastern Avenue and South Arbuckle Lane, might be deemed a taking by a Court for which the City of Fayetteville would have to pay just compensation.



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

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

FROM: **Kit Williams**, City Attorney

DATE: **March 27, 2013**

RE: **Casey's General Store's Appeal**
of its Large Scale Development denied

I believe the three newly elected Aldermen may not have faced this street access issue before and have not received my memos explaining that a property owner has legally protected access easement rights to an abutting street. I hope that the Mayor and the five other Aldermen forgive me for repeating my concerns expressed in previous memos when a Large Scale Development is proposed for denial or otherwise denied access easement rights. This is especially concerning when Casey's seeks a very limited right-in only access along an abutting street.

The City Council adopted standards for streets and access management a few years ago to enhance traffic safety and discourage too frequent curb cuts. Prior to passage of the Access Management ordinance, I cautioned that the City should provide a variance to ensure we would not violate established property rights of a landowner abutting a street to access this street. Accordingly, the following specific variance was enacted along with the rest of the Access Management requirements. During an appeal from the Planning Commission's 5-3 denial of Casey's LSD, you sit with the same (but no greater) powers than the Planning Commission. Therefore, you are required to follow all the regulations of the Unified Development Code including this variance:

"(e) Variance. In order to protect the ingress and egress access rights to a street of an abutting property owner, a variance to the curb cut minimums shall be granted by the Planning Commission to allow an ingress/egress curb cut at the safest functional location along the property. Such a curb cut may be required to be shared with an adjoining parcel of feasible. If a parcel on the corner of

an arterial or collector street provides such short frontage along a major street that there is no safe ingress/egress functional location on that street, the Planning Commission may deny the curb cut or may limit such curb cut to ingress or egress only.” §116.08 (F)(1)(e) of the UDC.

Please note that the mandatory “**shall**” is used to **require** a variance be allowed with the only exception being when the parcel “provides such short frontage along a major street that there is no safe ingress/egress functional location on that street” I believe our Planning and Engineering divisions have stated that they believe even the very restrictive right-in only access from Wedington is too dangerous to allow. As the finders of fact on this issue, you should carefully consider the City Staff’s opinions, but also consider well reasoned opinions and arguments of the applicant for Casey’s General Stores, Inc. and citizen input.

Both in 2011 and 2012, the City Council faced street access variance issues for which I provided the results of my legal research. In the Liberty Bank on Joyce Street issue, I presented that research in a memo dated December 6, 2011, from which I will quote some relevant parts:

“(There is) very well established law that an abutting property owner has a legally protected access easement onto a city street. Eighty years ago, the Arkansas Supreme Court explicitly recognized an access easement as a property right.

‘Under our decisions, the owner of property abutting upon a street or highway has an easement in such street or highway for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself; and any subsequent act, by which that easement is substantially impaired for the benefit of the public, is a damage to the lot itself within the meaning of the constitutional provision for which the owner is entitled to compensation.’ *Campbell v. Arkansas State Highway Commission*, 183 Ark. 780, 38 S.W. 2d 753, 753-754 (1931).

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“In that case, the City of Little Rock had passed an ordinance that would have denied access to University Avenue to the property owner and argued that it could do so because the property owner had access to another (lower level) city street. The Arkansas Supreme Court held “that the ordinance constituted an unwarranted invasion of private rights and was discriminatory and oppressive, and thus it is unreasonable and arbitrary.” *Id.* at 796

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‘We have held that the owner of property abutting upon a street has an easement in such street for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself. *Flake v. Thompson, Inc.*, 249 Ark. 713, 460 S.W. 2d 789 (1970). We have also noted that this property right is not diminished merely because the property owner has alternative means of ingress and egress.’ *Wright v. City of Monticello*, 345 Ark. 420, 47 S.W. 3d 851, 857 (2001).’

CONCLUSION

There is at least a possibility that denial of Casey’s General Stores, Inc.’s request for its right-in only access from Wedington even for important traffic safety issues might be deemed a takings by a Court for which the City of Fayetteville would have to pay fair compensation.



TO: Mayor Jordan
City Council

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Andrew Garner, Senior Planner – Current Planning

FROM: Kit Williams, City Attorney

DATE: January 12, 2012

RE: Potential financial liability for denying Kum & Go's curb cut appeal

DANGEROUS TRAFFIC CONDITIONS HAVE BEEN A CONSIDERATION FOR 37 YEARS

When the Access Management Ordinance was passed by the City Council on August 5, 2008, it did not fundamentally change the Unified Development's Code's regulations concerning "dangerous" street access from proposed developments. Since at least September 17, 1974, a proposed large scale development could be denied if "(t)he proposed development would create or compound a dangerous traffic condition." Ordinance No. 2044, September 17, 1974 (attached). That ordinance regulating developments has remained within the Fayetteville City Code and/or the Unified Development Code for the last 37 years. It defines "dangerous traffic condition" as follows:

"For the purpose of this section, a "dangerous" traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern."

I believe that virtually all of the commercial developments along Martin Luther King Boulevard have been constructed or redeveloped since 1974 (which

predates I-540 and the five laning of MLK and Razorback Road). Many of these would have been large scale developments with full access easements to MLK (and some with full access to Razorback Road, the frontage road, Hollywood or other cross streets) and were evidently permitted to be developed by the City as not presenting the "dangerous traffic condition" that could have caused a development's rejection.

The 2008 adoption of the Access Management Ordinance included a clear variance section which **requires** that the Planning Commission grant a variance to a property owner for access to a street unless "there is no safe ingress/egress functional location on that street" This is a higher standard of "dangerousness" for the City to meet than the old "create or compound a dangerous traffic condition" under which the existing development was approved along MLK. And yet much of that development along Martin Luther King Boulevard, North College Avenue and other arterial streets in Fayetteville have much closer to the intersection (and thus less safe) full access easements than the three quarters access easement requested by Kum & Go,

In 2008, the City of Fayetteville rebuilt sidewalks and curbs along North College from Rock Street to Maple and constructed numerous full access easements on this arterial street for a gas station/convenience store, auto parts store, grocery store, etc. much closer to major street intersections than Kum & Go's proposal. This is true even though these businesses also had full curb cuts on a collector street. It could certainly hurt us in Court if these inconsistencies are pointed out to a jury. Most concerning to me as City Attorney (if the City Council does not grant Kum & Go's request for the three-quarters access curb cut) is the apparently unequal treatment of Kum & Go versus its business competitors who have not been denied full access curb cuts closer to intersections between higher volume streets. This could inflate any damage award our taxpayers would have to pay.

The law that an abutting property owner has a property right to a curb cut which cannot be deprived without the state or city paying just compensation to the property owner has been consistently applied by the Arkansas Supreme Court for at least 80 years. The City of Fayetteville cannot change or ignore this law which is embedded in constitutional provisions by passing an Access Management Ordinance, nor its earlier "dangerous traffic situation" regulation. We can and should work with developers to try to find the safest and best access possible for an abutting property owner. Kum & Go has agreed to voluntarily give up 25% of its

access rights to MLK by removing its request for a left turn out. The City Council should think very hard before rejecting this compromise proposal.

I should note that during my decade as City Attorney, access or curb cut issues have all been worked out between developers and the Planning Department (except for Liberty Bank). I am not aware of any suit in which the city of Fayetteville has had to pay a damage award for denying a curb cut. I obviously hope this will not be the first, especially since potential damages would be higher here than for other smaller projects on smaller parcels.

COMPENSATION HAS BEEN ASSESSED FOR DAMAGING ACCESS EASEMENT RIGHTS IN THE PAST

I was requested to do more research by the Administration about whether Fayetteville could actually be liable and have to pay for a restrictive curb cut in this case. Further research has only supported my earlier conclusion that the property owner has a property interest to access an abutting street and the requirement of compensation if the government deprives or damages such access.

“However, we think the commission, in making this argument, overlooks a basic right of an abutting property owner, **for the right of access to a street or highway is one of the incidents of the ownership or occupancy of land abutting thereon.** In Volume 25, *Am. Jur.*, Section 154, Page 448, it is said:

“Such right is appurtenant to the land **It is a property right of which the owner cannot be deprived without just compensation.**” *Arkansas State Highway Commission v. Kesner*, 239 Ark. 270, 388 S.W. 2d 905, 909 (1965) (emphasis added).

I should note that I believe constructing a **median in the street** is not a taking of an abutting owner’s property interest and falls within the power of the state or city to control its streets. I believe that a median affects **all** drivers and should be controlled by the rule of circuitry because abutting owners have no greater rights than the driving public and do not suffer the particular and unique harm that a restrictive curb cut inflicts upon the landowner. Thus, I do not believe

that construction of a median for a boulevard endangers our taxpayers like denying or restricting an abutting property owner's access rights to a street.

The Arkansas Court of Appeals rejected the State Highway Commission's contention that it could restrict or deny a property owner's access easement rights without compensation. It discussed the *Kesner* decision (quoted above) and the rule of circuitry. The rule of circuitry holds that a state or city can move a road or highway causing a longer drive for a property owner without any liability for such inconvenience.

"In *Kesner*, the Supreme Court noted the general rule that circuitry of travel is not compensable. Unlike the situation here, the landowners in *Kesner* suffered no actual taking of their land. Even so, the court held the evidence established the landowners suffered damages peculiar to themselves and therefore it **awarded compensation.**" *Arkansas State Highway Commission v. Cottrell*, 9 Ark. App. 359, 660 S.W. 2d 179, 182 (1983) (emphasis added)

CONCLUSION

I do not like to intrude upon the City Council's policy prerogatives, but felt your responsibilities required the knowledge of this area of law before your decision because the applicant stated the access easement issue was the "deal breaker" or deciding factor. That elevated this decision and its potential ramifications on Fayetteville's taxpayers. Therefore, my duty as Fayetteville City Attorney is to advise you, as the protectors and conservators of taxpayer revenues, that denying Kum & Go's appeal and its compromise three quarters access easement to Martin Luther King, Jr. Boulevard could result in a substantial judgment against Fayetteville's taxpayers.

1974

FILED
FOR RECORD

'74 SEP 27 AM 8:03

WASHINGTON COUNTY
ARKANSAS
ALMA KOLLMAYER
CIRCUIT CLERK

ORDINANCE NO. 2044

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 1998; TO CLARIFY THE REQUIREMENTS FOR APPROVAL OF A LARGE-SCALE DEVELOPMENT; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That Section 4 of Ordinance No. 1998 is hereby amended by adding Subsection e to read as follows:

e) The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a "dangerous" traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.

Section 2. That all ordinances and resolutions, or parts thereof, in conflict herewith, be, and are hereby, repealed.

Section 3. It is hereby found and determined by the Board of Directors that the requirements for the development of a lot or parcel larger than one acre required by Ordinance No. 1998 are in need of clarification in order to avoid unnecessary loss of time to property owners and to the Planning Commission; and that the immediate passage of this ordinance is necessary to clarify the requirements for the development of a lot or parcel larger than one acre. Therefore, an emergency is hereby declared to exist, and this ordinance being necessary for the immediate preservation of the public health, safety, and welfare, shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 17th DAY OF September, 1974.

APPROVED:

Russell J. Purdy
MAYOR

ATTEST:

Arlemer Westbrook
CITY CLERK

DEED 874 PAGE 887

MICROFILMED
DATE OCT 16 1978
REEL 174

Fayetteville Code of Ordinances

Plat Review Committee: Lot Split, Small Site Improvement Plans, Large Site Improvement Plans, Large Scale Development, Planned Zoning District, Preliminary Plat, Final Plat, and Concurrent Plat. After the Technical Plat Review Committee meeting staff may administratively approve Lot Splits, Final Plats, Small Site Improvement Plans, and Large Site Improvement Plans after review for compliance with all applicable codes subject to UDC 166.02(C).

- (2) *Subdivision Committee.* The following development applications are required to be reviewed by the Subdivision Committee: Large Scale Development, Planned Zoning District with Development, Preliminary Plat, and Concurrent Plat. From these applications, the Subdivision Committee may approve only Large Scale Developments.

- (3) *Planning Commission.* The following development applications are required to be reviewed by the Planning Commission: Preliminary Plat, Concurrent Plat, and Planned Zoning District with Development. The Planning Commission may approve, deny, table, or approve development applications with conditions. A Planned Zoning District cannot be approved by the Planning Commission, but may be forwarded to City Council.

(C) Approval and Denial Criteria

- (1) *Administrative Approval.* The following applications shall be approved administratively by the Planning Division as long as the proposal meets all requirements of the Unified Development Code: Property Line Adjustment, Lot Split, Final Plat, Small Site Improvement Plan, and Large Site Improvement Plan. Approval by the Planning Commission for these applications is not required unless an appeal is filed in accordance with Ch. 156 of the UDC.

- (a) *Reasons for denial.* The Planning Division may refuse administrative approval based on the following criteria:

- (i) *Property Line Adjustment; Lot Split.* The application does not comply with zoning and development requirements including, but not limited to: lot width, lot area, setback requirements, buildable area, required parking, impervious surface, dedication of required right-of-way or easements, etc., or the requested action would make

an existing non-conforming property or structure more non-conforming.

- (ii) *Final Plat.* The conditions of approval of the preliminary plat have not been met, the proposed plat does not meet the zoning and development requirements of the UDC, and/or the required improvements have not been completed or guaranteed in accordance with Fayetteville Unified Development Code Chapter 158.

- (iii) *Small or Large Site Improvement Plans.* The Planning Division may refuse to approve a Small or Large Site Improvement Plan for any of the following reasons:

- a. The development plan is not submitted in accordance with the requirements of this chapter.
- b. The proposed development would violate a city ordinance, a state statute, or a federal statute.
- c. The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.
- d. The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a dangerous traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factor such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.
- e. City water and sewer is not readily available to the property within the site improvement plat area and the developer has made no provision for extending such service to the development.
- f. The developer refused to comply with ordinance requirements or condition of

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Planner

MEETING DATE: ~~April 24, 2017~~ **UPDATED 4/26/2017**

SUBJECT: **VAR 17-5782: Variance Item (1541 W. MLK BLVD./PANERA BREAD, 521):** Submitted by BATES & ASSOCIATES, INC. for properties located at 1541 W. MLK BLVD. The properties are zoned CS, COMMUNITY SERVICES and contain approximately 1.80 acres. The request is for a variance to the Access Management Ordinance for a new driveway on an arterial.

RECOMMENDATION:

Staff recommends denial of **VAR 17-5782** based on the findings discussed herein.

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. Existing buildings on this site have been removed recently in preparation for redevelopment. The site currently contains four full access driveways from the previous development, in addition to access from both Eastern Avenue and Arbuckle Street, a condition which does not conform to current code requirements. 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

DISCUSSION:

Request: The applicant proposes to entirely redevelop the site with a new multi-tenant commercial project with approximately 9,000 square feet. The proposed curb cut on Martin Luther King, a 'principal Arterial' street, requires a variance of the City's Access Management Ordinance (Fayetteville Unified Development Code 166.08.F) which requires that if a property has access to two streets, access should only be taken from the lower classification street; in this case Eastern Avenue and Arbuckle Street rather than Martin Luther King Boulevard.

The Access Management Ordinance also requires minimum separation for 250 feet from a driveway or intersection. In this case, the proposed driveway on Martin Luther King Boulevard is located approximately 67 feet from Eastern Avenue and 138 feet from Arbuckle Lane. The minimum separation distance is not met by this proposal. The minimum separation distance is intended to provide safe access to properties by reducing the number of vehicle turning movements and vehicle interactions, and is dependent on traffic speed and volume. The 250 foot separation distance is applied to those streets with highest speeds and traffic volumes.

This site is not appropriate for a curb cut on Martin Luther King for several reasons. The proposed curb cut would create and exacerbate a dangerous traffic condition. A new development for a restaurant and drive-thru will generate much more traffic and turning movements than the previous small church/non-profit use and car wash. This section of MLK contains high volumes of regional traffic and is the major east-west connector directly into the University of Arkansas and the greater downtown area. MLK will at times be very congested with bumper-to-bumper vehicles on eastbound lanes from the major intersection of Razorback Road further to the east, while vehicles travel at higher speeds on westbound lanes. This situation creates a dangerous situation for vehicles turning on and off of the thoroughfare. To minimize traffic danger and protect the public interest, access to this site should be limited to the adjacent local streets. These local streets are spaced approximately 260 apart providing very convenient and acceptable access for the applicant's proposed development while mitigating the potential for traffic and pedestrian accidents.

Recommended Motion:

Staff recommends denial of **ADM 17-5782**, finding that the site is adjacent to local streets on two sides which provide opportunity for safe and functional access to the property.

Condition of Approval:

1. Planning Commission determination of a variance of UDC Section 166.08(F) for the proposed driveway on Martin Luther King Boulevard. *Staff denial of the variance based on the findings discussed in this staff report.*

PLANNING COMMISSION ACTION: Required

Date: April 24, 2017 ☒ Approved ☐ Forwarded ☐ Denied

Motion: - **QUINLAN, MOTION TO APPROVE VARIANCE WITH A LIMITED RIGHT IN / RIGHT OUT ACCESS.**

Second: **HOFFMAN**

Vote: — **6-2-0, with Commissioners Hoffman and Autry voting 'No'**

BUDGET/STAFF IMPACT:

None

Attachments:

- UDC Section 166.08 (Access Management)
- Applicant's letter
- Site plan
- Existing conditions exhibit
- Close up map
- One mile map

Fayetteville Unified Development Code

166.08 Street Design and Access Management Standards

(F) Access Management. Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one public street shall place a higher priority on accessing the street with the lowest functional classification, ex. Local and Collector. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.

(2) Separation for two-family, three-family, multi-family and nonresidential development.

(a) Principal and Minor Arterial Streets. Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along arterial streets shall be shared between two or more lots. Where a curb cut must access the arterial street, it shall be located a minimum of 250 feet from an intersection or driveway.

(b) Collector Streets. Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along collector streets shall be shared between two or more lots.

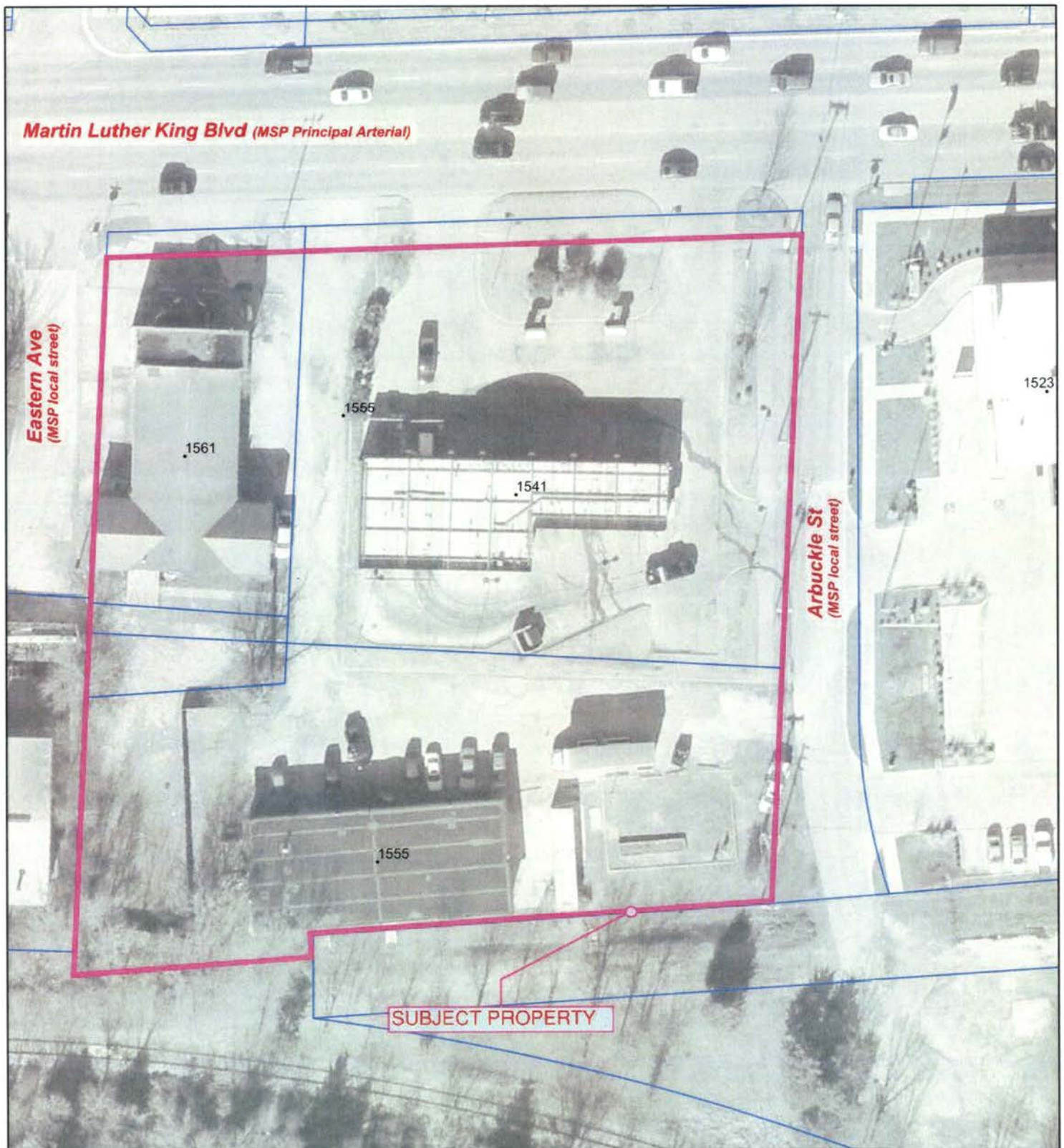
(c) Local and Residential Streets. Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

(3) Separation for single-family homes.

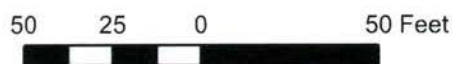
(a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5 foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.

(b) Arterial and Collector Streets. Individual curb cuts for along arterial and collector streets shall be discouraged. When necessary, curb cuts along arterial and collector streets shall be shared between two or more lots.

(4) Variance. In order to protect the ingress and egress access rights to a street of an abutting property owner, a variance to the curb cut minimums shall be granted by the Planning Commission to allow an ingress/egress curb cut at the safest functional location along the property. Such a curb cut may be required to be shared with an adjoining parcel if feasible. If a parcel on the corner of an arterial or collector street provides such short frontage along a major street that there is no safe ingress/egress functional location on that street, the Planning Commission may deny the curb cut or may limit such curb cut to ingress or egress only.



EXISTING ACCESS CONDITIONS





7230 S. Pleasant Ridge Dr / Fayetteville, AR 72704
PH: 479-442-9350 * FAX: 479-521-9350

March 31, 2017

Planning Commission
City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

RE: Access Management Ordinance Variance Request – LSIP 17-5740 / Panera Bread Co

Dear Commissioners,

Bates & Associates, Inc, on behalf of John Davidson, requests a variance from The City of Fayetteville Unified Development Code XV.166.08.F.2.a, regarding minimum separation of curb cuts in Nonresidential developments, for the proposed Large Site Improvement Plan at 1541 W Martin Luther King Blvd.

Per the ordinance, minimum separation of curb cuts is required to be 250' for Nonresidential developments accessing Principal and Minor Arterial Street.

The proposed development has one proposed entrance on the north side of the property's street frontage.

The property in question lies between Eastern Avenue to the West, and South Arbuckle lane to the East, both designated as Local Streets per the Fayetteville Master Street Plan.-The proposed curb cut for access to Martin Luther King Blvd is 67.49' from the curb line of Eastern Avenue, and 138.47' from the proposed curb line of South Arbuckle Land after street improvements.

The Applicant feels that the variance is justified, considering the existing configuration of 4 access points to Martin Luther King Blvd will be reduced to only 1 access point after development.

Please contact Bates & Associates with any questions or concerns regarding this variance request.

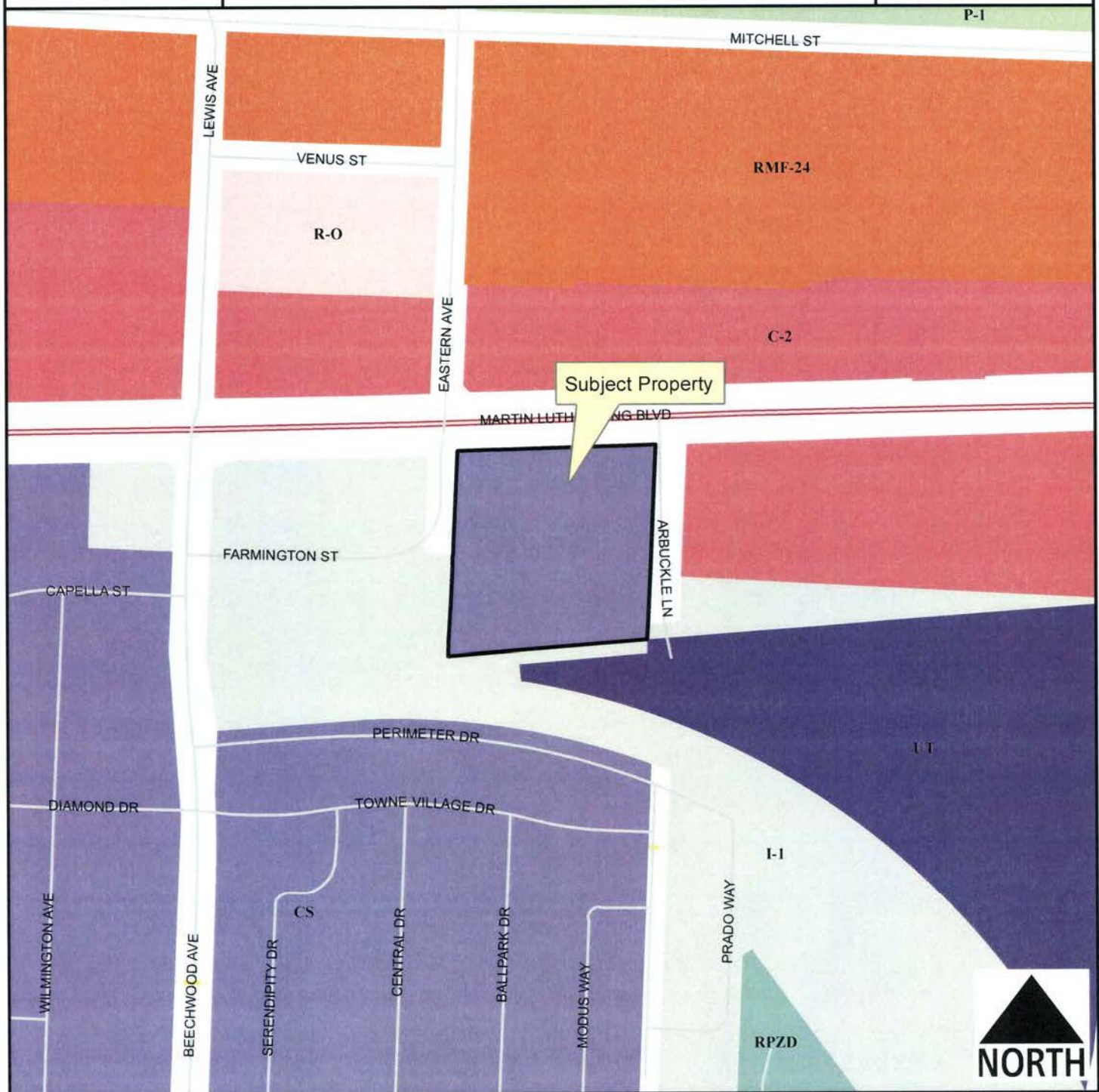
Sincerely,

Jason Young
Bates & Associates, Inc

VAR 17-5782

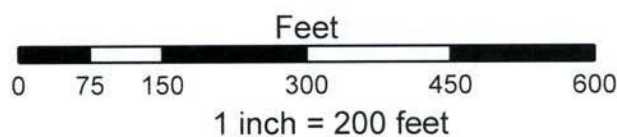
PANERA DRIVEWAY

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

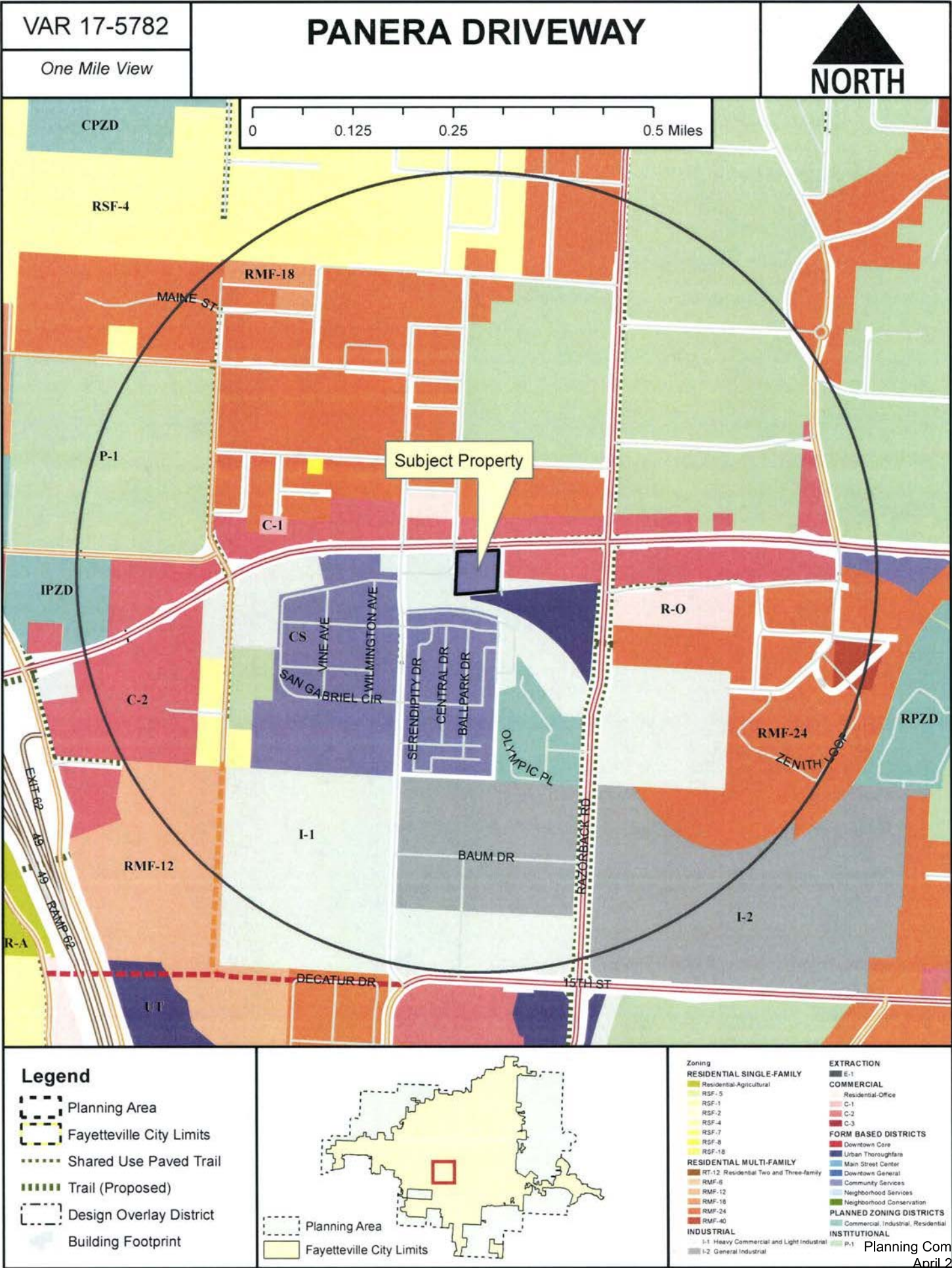
Planning Commission

April 24, 2017

Agenda Item 5

17-5782 (Panera Bread Drive)

Page 8 of 10



VAR 17-5782

Current Land Use

PANERA DRIVEWAY



2015 Imagery

- VAR17-5782
- Street
- PRINCIPAL ARTERIAL
- Shared Use Paved Trail
- Trail (Proposed)
- 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



Excerpted from :
Planning Commission Meeting
April 24, 2017
5:30 PM
113 W. Mountain, Room 219

6. VAR 17-5782: Variance Item (1541 W. MLK BLVD./PANERA BREAD, 521): Submitted by BATES & ASSOCIATES, INC. for properties located at 1541 W. MLK BLVD. The properties are zoned CS, COMMUNITY SERVICES and contain approximately 1.80 acres. The request is for a variance to the Access Management Ordinance for a new driveway on an arterial.

Quin Thompson, Planner: Gave the staff report.

John Davidson, Applicant: Said that the discussion should be centered on the access and form-based zoning concerns should not be considered. He said that the design team has met with staff on multiple occasions, and that the former Director of Development services has suggested that a property with 300' of frontage probably could not be prevented. He said that two projects would certainly abandon the contract if the variance is denied.

Public Comment:

No public comment was presented.

Blake Pennington, Asst. City Attorney: Said that it is clear upon review of the case law, that a property owner has a right to access from an adjacent road. He said that the discussion tonight should be about what kind of access the applicant should have.

Leslie Belden, Commissioner: Said that she was in complete agreement with the applicant, and that she appreciates the attempt to improve the area. She noted that the development does not meet the intent of the code, and she regrets the proposed layout. She acknowledged that the proposed access was in the safest location in her opinion.

Matthew Hoffman, Commissioner: Said that he is concerned with pedestrian safety, and thinks that saying that one curb cut is better than four and so this access should be approved is a dangerous road to go down. He spoke about form-based zoning and its beneficial effects on pedestrian traffic and safety. He said he would be in favor of a condition of approval if the building is paced within the build-to-zone.

Matt Johnson, Commissioner: Cited traffic accident records at this location, and noted that at typical MLK traffic speeds it takes approximately 250 feet to stop.

Alison Quinlan, Commissioner: Asked staff to show the similar access arrangement at MLK and Hill. She said that the conditions are different enough based on separation and traffic signal, that this condition should not be used as an example.

Tom Brown, Commissioner: Asked staff to the overall distance of street frontage for the site.

Thompson: Said that it was between 250 and 300 feet.

Brown: Discussed traffic safety studies that he has researched in relation to the City Access Management Code. He said that in terms of accident levels, MLK falls somewhere between Crossover Road and Highway 71b. He said we must not reinforce bad precedent, and yet must provide access that meets the requirements of the law. He said that the site has adequate access from Eastern and Arbuckle. He said that the access management code should be applied in a disciplined way to provide citizen safety. He said that the City Attorney should support the ordinance if we are to provide safe traffic conditions in future.

Pennington: Said that according to case law, removing access to MLK is unconstitutional, and that doing so would open the City to being liable to significant damages.

Zara Niedermann, Commissioner: Said that in looking at access to this road, we are vacating land with considerable value, and that this is a high demand area. He said that he was confused by a project which gives up developable land with a great deal of value along MLK.

Hoffman: Asked Pennington if a 200 foot curb cut would be allowed along this property.

Pennington: Said that providing access to the property is required, but that that does not mean that the entire property does not need to provide access.

Hoffman: Said that the variance should be denied for the reasons outlined by Mr. Brown.

Quinlan: Said that she supports the variance, but that she has concerns about the pedestrian access which does not go anywhere. She said that an adverse impact to pedestrians on MLK exists and should be improved.

Pennington: Said that no conditions may be placed on a variance of 166.08.

Quinlan: Said that improved pedestrian access should be provided. She said she would support the variance. She recommended approval of the variance if access be limited to right in and right out only.

Davidson: Said that he has met with Planning Staff and the Development Services Director for months in order to make sure that he was in compliance with development codes. He said that he was aware that a variance would be required, but understood that the variance would be supported by staff.

Ron Autry, Chair: Said that constitutional law requires this approval, and that that could not be escaped.

Quinlan: Asked Pennington if in his opinion, a limited access could be required.

Pennington: Said he could not give a definitive answer, but that certainly a limited access would remove value from the property. How much value is difficult to determine.

Davidson: Said that he would be potentially willing to accept a three-quarter access in this case, but that if it was limited to right in and right out then his client will cancel the project.

Garner: Discussed the history of the project, including the many conversations between the applicant and staff that had led to this development proposal. He said that in early meetings the applicant understood that staff would support the variance, but that he did not recall that particular conversation.

Brown: Said that he is opposed to the variance, but that he respects the opinion of the Attorneys office and will vote to approve.

Motion:

Commissioner Quinlan made a motion to **approve VAR 17-5782** as a right-in right-out curb cut only. **Commissioner Belden** seconded the motion. **Upon roll call the motion passed with a vote of 6-2-0. Commissioners Hoffman and Autry voted 'no'.**



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0267

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: D. 4

LSD 17-5771 (MASTER STREET PLAN AMENDMENT BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE/SPRINGHOUSE VILLAGE):

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY CHANGING THE ALIGNMENT OF AN UNNAMED STREET BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE AND BY RECLASSIFYING IT FROM A COLLECTOR STREET TO A LOCAL STREET

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 amends the Master Street Plan by realigning an unnamed street between Crossover Road and Bridgewater Lane and by reclassifying it from a collector street to a local street, as depicted on Exhibit "A" attached hereto and made a part hereof.

City of Fayetteville Staff Review Form

2017-0267

Legistar File ID

6/6/2017

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

Andrew Garner

5/12/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

LSD 17-5771: Large Scale Development (MASTER STREET PLAN AMENDMENT BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE/SPRINGHOUSE VILLAGE, 216): Submitted by FOSTER DEVELOPMENT for properties on the east side of Crossover Road across from the Paradise View Estates Subdivision (Par Court). The properties are zoned P-1, Institutional and RT-12, Residential Two and Three Family and contain approximately 21.56 acres. The request is to amend the Master Street Plan to downgrade a planned Collector Street to a Local Street between Crossover Road and Bridgewater Lane.

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 JUNE 6, 2017

TO: Mayor and City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Planner

DATE: May 10, 2017

SUBJECT: Master Street Plan Amendment between Crossover Road and Bridgewater Lane (LSD 17-5711 Springhouse Village)

RECOMMENDATION:

City Planning Division staff and the Planning Commission recommend approval of a Master Street Plan amendment to downgrade an unnamed Collector Street between Crossover Road and Bridgewater Lane to a Local Street.

BACKGROUND:

The property contains 21.56 acres on the east side of Crossover Road across the street from Paradise View Estates subdivision and Par Court. A Master Street Plan 'Collector' Street is planned to cross the site from east to west, connecting Crossover Road to Bridgewater Lane at some point in the future. The applicant proposes a Large Scale Development with 68 assisted living beds, 34 memory care beds, and 68 beds of independent living in 34 two and three-family buildings. A new east-west public street is proposed through the site and would be stubbed out to the east for future connectivity.

MASTER STREET PLAN AMENDMENT:

The applicant does not propose to construct the new internal street as a Collector or dedicate right-of-way for such construction as indicated on the Master Street Plan. Rather, they propose the City Council amend the Master Street Plan to downgrade this unnamed Collector Street to a Local Street between Crossover Road and Bridgewater Lane as depicted on the attached Exhibit 'A'.

DISCUSSION:

Staff recommends in favor of the applicant's request, finding that while east-west connectivity is needed in this region of the City, a Collector street section is not necessary in this location. Local street connectivity between Crossover Road and Bridgewater Lane will be adequate for traffic flow and safety. The Local Street is more compatible with the proposed senior living facility where slower traffic speeds and pedestrian safety are a priority. Additionally, a Local Street is more appropriate with the context of the area to the east of the subject property that is currently rural and designated to stay as Rural on the Future Land Use Plan. This

recommendation is also based on review of the Master Street Plan by Engineering and Planning staff in conjunction with the on-going Citywide Transportation Master Plan.

On May 8, 2017 the Planning Commission approved the Large Scale Development for Springhouse Village Retirement Community (LSD 17-5771) and forwarded this Master Street Plan amendment to the City Council with a recommendation for approval with a vote of 7-0-0.

BUDGET/STAFF IMPACT:

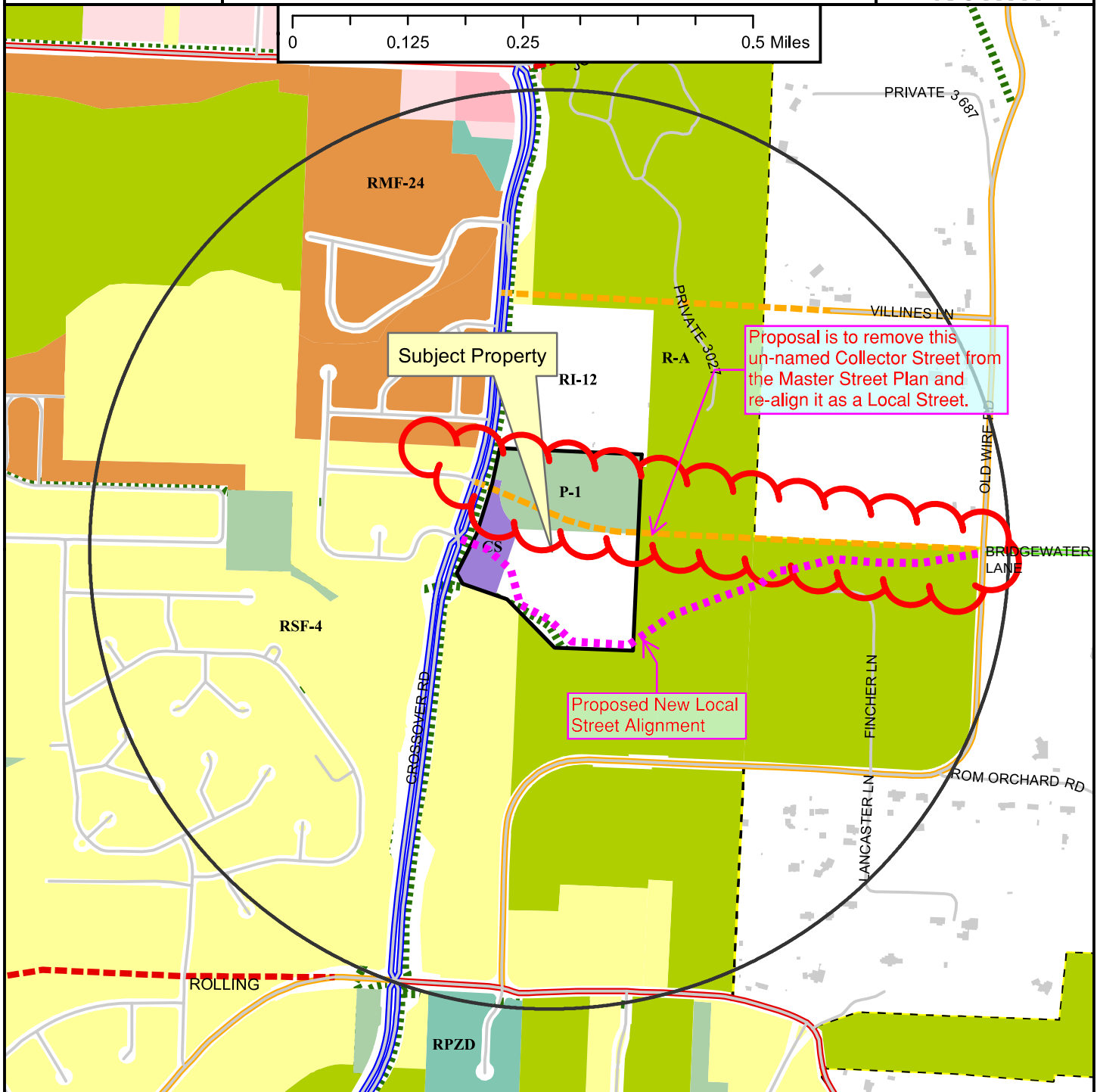
None

Attachments:

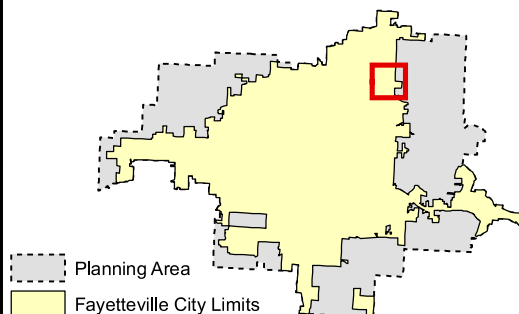
- Exhibit A
- Application
- Planning Commission Staff Report

One Mile View

SPRINGHOUSE VILLAGE RETIREMENT COMMUNITY



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



- Zoning**

 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial

RESIDENTIAL SINGLE-FAMILY

 - RSF-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - 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 Townhouse
 - Main Street Center
 - Neighborhood General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation

PLANNED ZONING DISTRICTS

 - Commercial, Industrial, Residential

INSTITUTIONAL

 - P-1

CITY OF FAYETTEVILLE, ARKANSAS
LARGE SCALE DEVELOPMENT

FOR STAFF USE ONLY

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

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

S-T-R:
PP#:
Zone:

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

APPLICATION:

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

Applicant (person making request):

Name: John Foster

E-mail: john@fosterseniiorliving.com

Address: 1615 A. Ingram Mill Rd.
Springfield, MO 65809

Phone: 417-755-7770

Fax: 417 755-7772

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

Name: Elizabeth Link

E-mail: lizlink7@gmail.com

Address: 8 Hadley Lane
Edwardsville, IL 62025

Phone: 618-407-3502

Fax: _____

Site Address / Location: 3434 Crossover Rd
Fayetteville, AR

Current Zoning District: P1-Institutional, District RT-12

Date of Preliminary Plat: _____

Assessor's Parcel Number(s) for property: 765-13251-000 + 765-13257-000

Total Acreage: _____ Number of Lots: 1 Number of Dwelling Units: P1-100

RT-12-33

FINANCIAL INTERESTS

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

FOSTER DEVELOPMENT INC.
MILDRED WINBORN, FRANCES BAILEY

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

Name (printed): Elizabeth Link Date: 3.24.2017

Signature: Elizabeth Link

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

Name (printed): Mildred Winborn Address: 3139 N. Old Wire Rd

Signature: Fayetteville, AR

Date: _____ Phone: 479 443 0205

Name (printed): Frances Bailey Address: 3211 N. Oakland Zion Rd

Signature: Fayetteville, AR

Date: _____ Phone: 479.200.0632

LSD Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Planner
 Corey Granderson, Staff Engineer

MEETING DATE: May 8, 2017 (Updated with Planning Commission results)

SUBJECT: **LSD 17-5771: Large Scale Development (3434 N. CROSSOVER RD./SPRINGHOUSE VILLAGE RETIREMENT COMMUNITY, 216):**
 Submitted by FOSTER DEVELOPMENT, INC. for properties located at 3434 N. CROSSOVER RD. The properties are zoned P-1, INSTITUTIONAL and RT-12, RESIDENTIAL TWO & THREE FAMILY and contain approximately 21.56 acres. The request is for 68 assisted living units, 34 memory care units, 34 independent living units.

RECOMMENDATION:

Staff recommends approval **LSD 17-5771** with conditions of approval.

BACKGROUND:

The subject 21.56 acre property is located on the east side of Crossover Road across the street from Paradise View Estates subdivision. The property is undeveloped pasture and contains a small amount of protected stream in the southwest corner, as well as some designated wetland area associated with this creek. A Master Street Plan 'Collector' Street is planned to cross the site from east to west, connecting Crossover Road to Bridgewater Lane at some point in the future. The applicant is processing a property line adjustment application to create an approximately 21.56 acre site for the proposed development. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped/Agricultural	RI-12, Residential Intermediate / 12 units per acre
South	Undeveloped/Agricultural	R-A, Residential / Agricultural and RSF-4, Residential Single-family / 4 units per acre
East	Undeveloped/Agricultural	R-A, Residential / Agricultural
West	Single-family Residential	RSF-4, Residential Single-family / 4 units per acre

Request: The applicant requests large scale development approval to construct a senior housing facility containing 69 assisted living beds, 34 memory care beds, 68 beds of independent living units in 34 two and three-family buildings, and a clubhouse building. Two commercial outlots on

Crossover Road are reserved for services catering to residents' needs. A new public street is proposed through the site stubbing out to the east for future connectivity.

Water and Sewer System: The property has access to existing public water service. A sewer main extension is required.

Adjacent streets and right-of-way dedication: This site has direct access to Crossover Road, a Master Street Plan designated 'Principal Arterial'. A Collector street is shown to provide east-west connectivity through the site. Adequate right-of-way exists along Crossover Road and no additional dedication is needed. Right-of-way dedication is required for the new proposed public street in the amount of 50 feet, assuming the street is re-classified as a local street as the applicant has requested and staff recommends.

Master Street Plan Amendment: The applicant does not propose to construct a Collector street as indicated on the relevant Master Street Plan section. Rather, they propose an amendment to the Master Street Plan to provide a new east-west Local street between Crossover Road and the eastern property line. *Staff recommends in favor of the applicant's request, finding that while east-west connectivity is needed in this region of the City, in staff's opinion a Collector street section is not necessary in this location. Local street connectivity between Crossover Road and Bridgewater Lane will be adequate for traffic flow and safety. The Local Street is more compatible with the proposed senior living facility where slower traffic speeds and pedestrian safety are a priority. Additionally, a Local Street is more appropriate with the context of the area to the east of the subject property that is currently rural and designated to stay as Rural on the Future Land Use Plan. This recommendation is also based on review of the Master Street Plan by Engineering and Planning staff in conjunction with the on-going Citywide Transportation Master Plan.*

Street Improvements: Staff recommends that a Local Street section with on-street parking shall be constructed in accordance with the Master Street Plan, including pavement, curb, gutter, storm drainage, sidewalk on both sides, and streetlights in accord with code as indicated on the applicant's plan. A future street extension sign shall be installed at the street stub-out location to indicate a future through street.

Parks Fees: On April 3, 2017, the Parks and Recreation Advisory Board recommended accepting money in-lieu in the amount of \$74,480.00 for 133 multi-family units to satisfy the park land dedication ordinance. This is due to the development's proximity to Braden, Sweetbriar, and Gulley Parks and the Mud Creek and Niokaska Trails.

Multi-use Trail Improvement: The Fayetteville Active Transportation Plan (ATP) identifies a 12-foot wide concrete shared use paved trail, an extension of the Niokaska Multi-use Trail, to be constructed within the project running east and west between Crossover Road and Old Wire Road along the stream and drainage area. *Staff recommends dedication of a 30 foot wide trail easement be dedicated with this project, as shown in the staff trail easement exhibit, attached. Construction of the trails construction is not recommended in association with the development.*

Tree Preservation:

CS Zone:

Existing Canopy: 18.6%

Preserved Canopy: 5.0%

Required Canopy: 20%

Tree Mitigation: 13,175 square feet of tree canopy.

P1 Zone:

Existing Canopy: 21.0%

Preserved Canopy: 2.6%

Required Canopy: 25%

Tree Mitigation: 65,518 square feet of tree canopy.

RI-12 Zone:

Existing Canopy: 64.1%

Preserved Canopy: 24.4%

Required Canopy: 20%

Tree Mitigation: 0.0 square feet of tree canopy.

Total Tree Mitigation: 258 two-inch caliper trees to be planted on site.

RECOMMENDATION: Staff recommends approval of LSD 17-5771 with the following conditions:

Conditions of Approval:

1. Planning Commission determined in favor of street improvements, recommending in favor of a Master Street Plan amendment for a Local Street as requested. (05-08-17)

1. Subdivision Committee recommendation of street improvements. *Staff recommends that a Local Street section with on-street parking shall be constructed in accordance with the Master Street Plan, including pavement, curb, gutter, storm drainage, sidewalk on both sides, and streetlights in accordance with code. This street shall have a left turn lane where it intersects Crossover Road as shown on the plan.*

Subdivision Committee recommended in favor.

2. Subdivision Committee recommendation of compliance with Urban Residential Design Standards. *Staff cannot determine whether the proposed building elevations and plans meet minimum design standards along the new Local Street. Prior to building permit approval, the two- and three-family dwellings shall meet Urban Residential Design Standards.*

Subdivision Committee did not make a recommendation..

2. Planning Commission determined in favor of this condition as written. (05-08-17)

- ~~3. Subdivision Committee recommendation of dedication of a 30 foot wide trail easement for a future extension of the Niokaska Multi-use Trail. *Staff recommends in favor of the easement dedication, as shown within Staff Engineer's comments as the exhibit 'Niokaska Multi-use Trail Easement'.*~~

~~**Subdivision Committee recommended in favor of a 20 foot wide easement, which has been corrected to 30', a standard trail easement width.**~~

~~3. Planning Commission modified this condition as indicated below. (05-08-17)~~

4. Subdivision Committee recommendation of money-in-lieu of park land dedication. *Staff and the Parks and Recreation Advisory Board recommend accepting money in-lieu for 133 multi-family units in the amount of \$75,040. The amount shall be paid prior to building permit approval.*

Subdivision Committee recommended in favor.

4. Planning Commission determined in favor of accepting parkland dedication for the 30-foot wide multi-use trail corridor through the project site, and payment of fees in lieu of land dedication for the remaining balance. The Commission made note that the parkland fees need to be re-calculated for accuracy prior to building permit because the attached memo from the Parks Department appears to consider the assisted living/memory care/nursing home part of the project as standard multi-family dwellings which is not accurate. (05-08-17)

5. *Right-of-way dedication is not required along Crossover Road, as adequate right-of-way exists. The right-of-way dedication associated with the proposed street shall be completed by easement plat prior to building permit approval.*
6. All City Engineering, tree preservation, landscape, and fire department conditions included herein shall apply. All revisions shall be addressed prior to construction plan approval.
7. All structures containing dwelling units shall be provided with an approved automatic sprinkler system. [AFPC 2012 §D104, §D106, §D107]
8. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area and all utility easements.
 - d. Project Disk with all final revisions
 - e. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
 - f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Standard conditions of approval:

9. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
10. If applicable, a business license shall be obtained prior to opening the business to the public.
11. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
12. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
13. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit.
14. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. A note shall be clearly placed on the plat and all construction documents indicating this requirement.

15. Trash enclosures shall be screened on three sides with materials complimentary to and compatible with the principle structure. Containers may also be screened from view of the street by the principal structure or vegetation. Elevations of the proposed dumpster enclosure shall be submitted to the Planning and Solid Waste Divisions for review prior to building permit.
 16. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the Design Overlay District.
 17. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.
 18. Large scale development shall be valid for one calendar year.
 19. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
 20. Easements necessary to serve the development as required by the utility providers and the City shall be dedicated by easement plat or by separate easement documents with approval of the Planning Division prior to building permit.
-

PLANNING COMMISSION ACTION: ☒ **Approved** ☐ **Denied**

Date: May 8, 2017

Motion: Belden

Second: Hoffman

Vote: 7-0-0

Note: Planning Commission approved the project with conditions as recommended by staff except modifying conditions #3 and #4 as noted.

3. Prior to building permit the applicant shall deed land to the City for a 30-foot wide multi-use trail corridor through the site following the alignment generally as indicated on the attached and as approved by City Engineering staff. The City shall give the applicant parkland credit for the land dedicated for the trail. (05-08-17)

BUDGET/STAFF IMPACT:

None.

Attachments:

- City Engineering Division Comments
- Urban Forestry Comments
- Park Planner Comments
- Fire Marshal Comments
- Master Street Plan Exhibit
- Applicant's Letter
- Plans
- Elevations
- Close Up Map
- One Mile Map



Date: May 1, 2017

Planning Commission Staff Memo

To: Quin Thompson, Planner

From: Corey Granderson, Staff Engineer

Re: Plat Review Comments

Development: LSD 17-5771 SPRINGHOUSE VILLAGE RETIREMENT COMMUNITY

Engineer: Collins Engineers, Inc.

Plan Comments:

1. Engineering recommends a multi-use trail easement be dedicated on the southern side of this development's property at this time. The easement should be 30FT wide and follow the alignment as shown on the exhibit attached to this memo.
2. The Engineering Division supports the applicant's proposal to amend the master street plan to downgrade the collector street through this site to a "local" street designation. This would adjust the overall street section, reducing pavement and greenspaces and right-of-way width.
 - a. The intersection with HWY-265 should remain wide enough for proper turn lanes and intersection function.
 - b. Master Street Plan amendments require city council approval.
 - c. The pavement design section for the "local" street, if approved, should match with collector design standards so that future traffic volumes can be accommodated. Please see the Minimum Street Standards for more information about pavement design requirements.
3. Hydraulic design and calculations are needed at construction level to determine adequate system flows for the proposed 8" commercial fireline. Please verify that the proposed 8" waterline loop through this site can provide adequate flows.

Drainage Comments:

1. The culvert under Highway 265 should be checked for overall basin capacity. This will be a stand-alone check for all areas draining to the culvert under POST-developed conditions for your project. Please refer to Chapter 1 of the Drainage Criteria Manual. This analysis is a quick check requested based on the submittal requirement to "Check for Existing Downstream Flooding."
2. The 12FT maintenance/access easement shown for the southern detention pond will not be required due to pond proximity to the r/w. This may provide more room for pond grading tie-in.
3. Propose a level spreader feature at the outlet to the southern pond. Use city standard details, and propose/design length of feature custom to the outflow conditions. Typically this is 1 linear foot per CFS exiting the pond during 100-yr event.

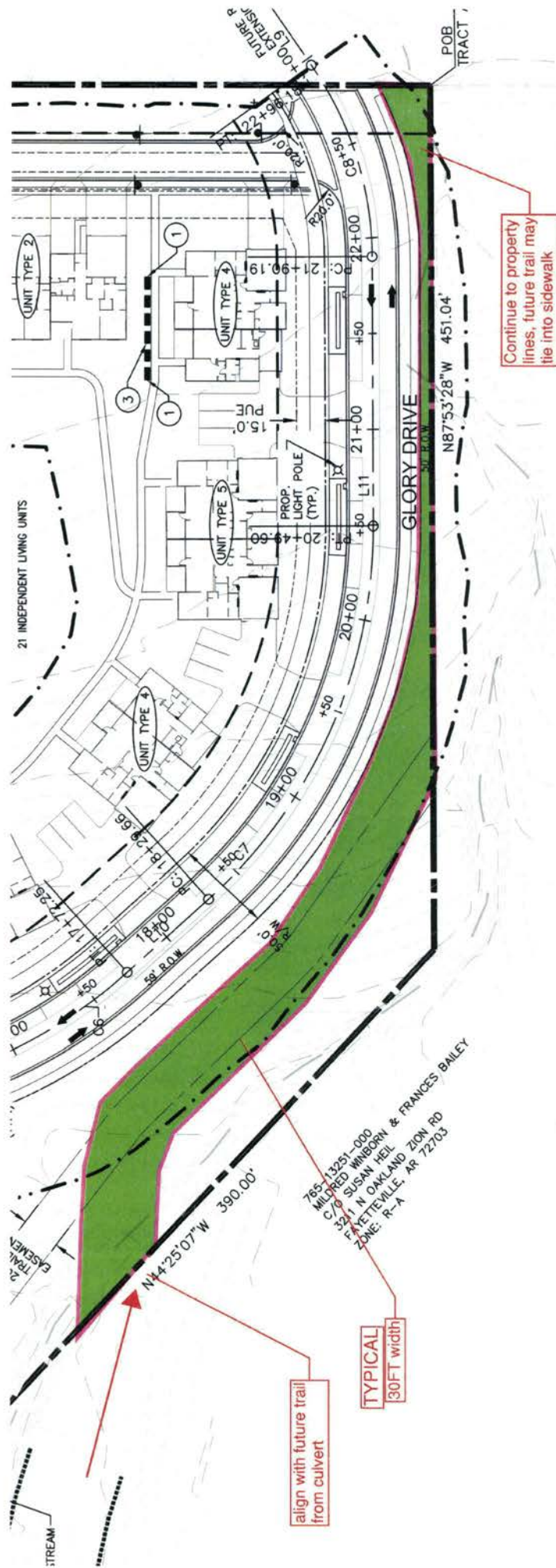
Standard Comments:

Mailing Address:
113 W. Mountain Street
Fayetteville, AR 72701

ENGINEERING
www.fayetteville-ar.gov

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense
3. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.
4. Fire Line monthly fees will be applied based on the size of the riser penetrating the slab. See Chapter 51.136 of the Unified Development Code for table of fees associated with pipe diameter.
5. Commercial structures that may require a fire sprinkler system must obtain a fire flow study submitted and approved by the fire department prior to approval of the project.
6. Prior to engineering approval of the **building permit**, either the required public improvements must be installed and accepted, or performance bonds in the amount of 150% of the construction cost for all public improvements must be submitted, accompanied by a unit price estimate approved by the Engineering Division.
7. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
 - o Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
 - o Sanitary Sewer pipe sizing, profiles, or utility conflicts
 - o Waterline fittings, callouts, or utility conflicts
 - o Street profiles
 - o Fine grading/spot elevations
8. The Engineer of Record shall:
 - a. Review and approve material submittals. Approved submittals shall be submitted to the City for concurrence before grading permit is issued.
 - b. Perform "Full Time" Inspection for the utility installation and shall be "In- Charge" of the approval testing.
 - c. Provide a qualified representative for all testing and inspection.
 - d. Schedule testing with the Public Works Inspector.
 - e. Authorize geotechnical testing laboratory to provide reports directly to City in PDF format. Reports shall be submitted in a timely manner.
 - f. Prepare material data sheets and test reports required by the specifications.
 - g. Insure that daily inspection reports and data sheets are submitted to the City of Fayetteville's public works inspector weekly in PDF format.
9. 2012 Standard Water & Sanitary Sewer Specifications & Details apply
10. Demolition shall not begin until the appropriate erosion control measures and required tree preservation fencing are installed
11. Prior to **Project Acceptance** (Certificate of Occupancy, or Temporary Certificate of Occupancy) the following items must be performed or provided to the satisfaction of the Engineering Department:
 - h. The work shown on the civil site package must be complete and the items on the final punch list completed.
 - i. Vegetation must be established and perimeter erosion controls removed.
 - j. One (1) set of as-built drawings of the complete project (excluding details) as a hard copy, digital file .dwg, and PDF format;
 - i. Public infrastructure and services shall be surveyed after installation in relation to easements, property lines, and rights-of-way.

- 1. More than 2 ft deviation of design alignment of shall require new easement dedication or adjustment of the utility/storm drain.
- ii. Sanitary Sewer, and Storm Drainage (Including Private) elevations must be verified and updated. (Elevations out of design tolerance must be corrected)
- iii. Street Centerline, Width, Profiles and Cross slopes shall be verified.
 - 1. More than 6 inches deviation of design alignment of shall require new right of way dedication or adjustment of the street section.
- iv. Adequate verification survey to confirm accuracy of drainage report.
- v. As-builts should include the following information in a table; Linear Feet of new public streets, sidewalk (categorized by width), waterline, and sanitary sewer. Square feet of newly dedicated right-of-way.
- k. Unit price construction costs for review and approval and a single 2 year maintenance bonds in the amount of 25% of the public improvements;
- l. Certification that the streets, sidewalk, storm sewer, water, fire line, and sewer lines, etc., were installed per approved plans and City of Fayetteville requirements;
 - i. Provide all Inspection Reports; approved submittals; Data Forms from Utility Specifications (Including Consultants sewer TV report); compaction test results, etc...
- m. Certification that the designed retaining walls were installed per approved plans and City of Fayetteville requirements(Inspection and Testing Reports required);
- n. Cross Sections, Volume Calculations, and Certification Retention/Detention Ponds are in accordance with the approved Drainage Report.
- o. Surveyor's Certification of Compliance for monuments and property pins.
- p. The As- Built Final Drainage Report in PDF format updated per as-built invert, slope, inlet opening, road profile, cross slope, etc...



Continue to property lines, future trail may tie into sidewalk

Recommended Multi-Use Trail
Easement dedication

align with future trail from culvert

TYPICAL
30FT width

765-13251-000
MILDRED WINBORN & FRANCES BAILEY
C/O SUSAN HEEL
321 N OAKLAND ZION RD
FAYETTEVILLE, AR 72703
ZONE: R-A



STAFF REPORT FOR TREE PRESERVATION AND PROTECTION – Chapter 167

To: Foster Development, Inc. H Design Group, Collins Engineers, Inc. Frank Z Design Landscape Architecture

From: John J. Scott, Urban Forestry

CC: Harry Davis, Planner

Date: April 24, 2017

Subject: LSD 17-5771: 3434 Crossover Rd. | Springhouse Village Retirement Comm. | Tech Plat Review Comments

Requirements Submitted:

Y	Initial Review with the Urban Forester
NA	Site Analysis Map Submitted (if justification is needed)
NA	Site Analysis Written Report Submitted (justification is needed)
Y	Complete Tree Preservation Plan Submitted
Y	Tree Mitigation Table on Plans
NA	Tree Preservation Wavier Submitted (only use if no trees onsite or near P/L)

CS Zoning Calculations

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	97,415	100%
Zoning Designation * Select Below with drop down arrow		
CS, Community Services	19,483	20%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	19,483	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	18,072	18.6%
Tree Canopy Preserved	4,897	5.0%
Tree Canopy Removed *On Site	13,175	13.5%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	13,175	13.5%
Removed Below Minimum	14,586	
Mitigation Requirements	13,175	

Zoning P1

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	350,543	100%
Zoning Designation * Select Below with drop down arrow		
P-1, Institutional	87,636	25%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	87,636	25.0%
Existing Tree Canopy * Minus Right of Way and Easements	73,640	21.0%
Tree Canopy Preserved	9,122	2.6%
Tree Canopy Removed *On Site	64,518	18.4%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	64,518	18.4%
Removed Below Minimum	78,514	
Mitigation Requirements	64,518	

RT-12

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	463,287	100%
Zoning Designation * Select Below with drop down arrow		
RT-12, Two and Three-Family Residential	92,657	20%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	92,657	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	296,737	64.1%
Tree Canopy Preserved	113,050	24.4%
Tree Canopy Removed *On Site	183,687	39.6%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	183,687	39.6%
Removed Below Minimum	0	
Mitigation Requirements	0	

- Total Site Area* is property line minus Master Street Plan ROW, existing easements, and Dedicated Parkland
- Existing Tree Canopy* is total tree canopy minus Master Street Plan ROW and existing easements

• Canopy Below Required	Preservation Priority/Type	Forestation Base Density (ft2)	Number of 2" caliper trees to be planted
56,286 ft2	High Priority	218	258
0	Mid Priority	290	0
	Low Priority	436	0
Total Mitigation			258

Mitigation Type Requested	Qty	Each	Total Cost
On-site Mitigation			
Off-site Mitigation			
Tree Escrow			
Total Mitigation			

Mitigation Type Requested:
☒ On-Site ☐ Off-Site ☐ Tree Escrow ☐ Not Requested Yet

Mitigation Type Requested Approved: ☒ YES ☐ NO

TREE PROTECTION PLAN CHECKLISTS AND COMMENTS:

Plan Checklist:

NA = not applicable

Yes = submitted by applicant

I = incomplete

No = required by City Code but not included on submitted plan

The Site Analysis Plan [167.04(H)(1)]

Tech Plat	SD	PC	Site Analysis Plan Components
Y	Y		5 year aerial check on existing trees
Y	Y		Property Boundary
Y	Y		Natural Features 100ft beyond property line shown
Y	Y		Existing Topography with slopes $\leq$ 15% highlighted
Y	Y		Soils
Y	Y		Significant Tree(s): 24", 18" and 8" DBH
Y	Y		Table listing Sig. Trees with species, size, health, priority
Y	Y		Grouping of Trees: all other trees that do not meet significant requirements
Y	Y		Table listing Grouped Trees with average species, size, health, priority
Y	Y		All existing utilities
Y	Y		All perennial and intermittent streams with approximate center line
Y	Y		Floodplains/Floodways
Y	Y		Existing street, sidewalk or bike path ROW
NA	N/A	N/A	Submitted Site Analysis Plan

The Analysis Plan Report [167.04(H)(4)]

Tech Plat	SD	PC	Analysis Plan Report Components
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N/A	N/A	N/A	Detail Design Approaches used to minimize damage to OR removal of existing canopy
N/A	N/A	N/A	Justification for removal of individual or groupings of trees/canopy
N/A	N/A	N/A	Details providing information on on-site mitigation OR off-site alternatives
N/A	N/A	N/A	Submitted Analysis Report/Statement – Note the process, iterations, and approaches with tree preservation in mind. Use email from owner/developer that was provided as reference.

Tree Preservation Plan [167.04(H)(2)]

Tech Plat	SD	PC	Tree Preservation Plan Components
Y	Y		Shows ALL Proposed Site Improvements
Y	Y		Delineates trees/canopy to be preserved and removed
Y	Y		Delineates existing and proposed grading
Y	Y		Depict limits of soil disturbance
			Detail methods that will be used to protect trees during construction:
Y	Y		1. Tree Protection Fencing
NA	N/A	N/A	2. Limits of Root Pruning
Y	Y		3. Traffic flow on work site
Y	Y		4. Location of material storage
Y	Y		5. Location of concrete wash out – move outside of trees to be saved
Y	Y		6. Location of construction entrance/exit
Y	Y		Location of ALL existing and new utility/drainage easements

Urban Forestry recommends approval with the following conditions:

1. Address items above marked "No" and all Redlines provided.
2. Please show the entire tree preservation area.
3. Staff is working with developers on tree preservation areas in the middle of the site near the pond.



LANDSCAPE REGULATIONS – Chapter 177

To: Foster Development, Inc. H Design Group, Collins Engineers, Inc. Frank Z Design Landscape Architecture

From: John J. Scott, Urban Forestry

CC: Harry Davis, Planner

Date: April 24, 2017

Subject: LSD 17-5771: 3434 Crossover Rd. | Springhouse Village Retirement Comm. | Tech Plat Review Comments

Applicable Requirements:

N	Site Development & Parking Lot Standards
Y	Street Tree Planting Standards
Y	Stormwater Facilities

Plan Checklist:

Yes = submitted by applicant

No = required by City Code but not included on submitted plan

N/A = not applicable

Tech Plat	SC	PC	All Landscape Plans
N	Y		Irrigation notes either automatic or hose bib 100' o.c. (177.03A.7.g & 177.04.B.3.a) Use COF tree Planting Detail
Y	Y		Species of plant material identified (177.03.A.7.d & e)
Y	Y		Size of plant material at time of installation indicated minimum size 2" caliper for trees and 3 gal. shrubs (177.03.A.7.b & c)
N	Y		Soil amendments notes include that soil is amended and sod removed (177.03.C.6.b)
N	Y		Mulch notes indicate organic mulching around trees and within landscape beds (177.03.C.6.c & d)
N	N		LSD and Subdivisions plans stamped by a licensed Landscape Architect, others by Landscape Designer (177.03.B)
Na	N/A	N/A	Planting bed contained by edging (177.03.C.6.f)
N	N		Planting details according to Fayetteville's Landscape Manual (177.03.C.6.g)

Tech Plat	SC	PC	Site Development & Parking Lot Standards
Y	Y		Wheel stops/ curbs (177.04.B.1)
Y	Y		Interior landscaping (177.04.C) – only required and provided for customer/staff parking around proposed building Narrow tree lawn (8' min width, 37.5' min length/ 1 tree per 12 spaces) <u>OR</u> Tree island (8' min. width, 18.7' min. length/1 tree per 12 spaces) All parking lot trees must be deciduous (177.04.C.3)
NA	NA	NA	Placement of Trees (177.04.C.2) – Either side at points of access (entrance/exit)
Y	Y		Perimeter landscaping (177.04.D) Side and rear property lines (5' wide landscaped) –Front property line (15' wide landscape or 10' in urban zoning district) (177.04.D.2.a) Shade trees planted on south and west sides of parking lots (177.04.D.2.e) Parking lot adjacent to R.O.W. - continuous row planting of shrubs - 50% evergreen. Remaining landscaping to be ground cover and / or turf.) (177.04.D.4a) NOTE: Shade trees are described in street tree planting standards
Tech Plat	SC	PC	Street Tree Planting Standards (time of F.P. or permit) (177.05)
NA	N/A	N/A	Residential Subdivisions- 1 large species shade tree/ lot tree planted within R.O.W. if possible
N	N		Nonresidential Subdivision- 1 large species shade tree/30 L.F. tree planted within 15-25' greenspace
Na	N/A	N/A	Urban Tree Wells-urban streetscape only- 8' sidewalk , trees every 30 L.F. (177.05.B.3.a-f)
NA	N/A	N/A	Structural Soil-if urban wells are used, a note or detail of structural soil must be indicated on the landscape plan and inspected at time of construction.
NA	N/A	N/A	Timing of planting indicated on plans (subdivisions only) (177.05.A.4)
NA	N/A	N/A	Written description of the method for tracking plantings (177.05.A.4.e)
N	Y		Plan contains 3-year Maintenance and Monitoring Agreement. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. (177.05.A.2.e)
Tech Plat	SC	PC	Stormwater Facilities (time of F.P. or permit) (177.06.A – C)
NA	NA	NA	1 deciduous or evergreen tree/ 3000 square feet
NA	Na	NA	4 large shrubs or small trees (3 gal) / 3000 square feet
NA	NA	NA	6 shrubs or grasses (1 gal) / 3000 square feet
Na	N/A	N/A	Ground cover unless seed or sod is specified
Na	N/A	N/A	50% of facility planted with grass or grass like plants

Landscape Requirements Table		
258	Mitigation Trees	3-year bond required
33	Street Trees 1/30'	3-year bond required
15	Parking Trees	
5	Detention Large Trees	
20	Detention Small Trees / Large Shrubs	
30	Detention Small Shrubs	

Conditions of Approval:

Urban Forestry recommends approval of the landscape plan with the following conditions:

1. Address any redlines and items above marked "N".
2. Please double check the spacing on street trees for Foster Circle and Springhouse Ave.
3. Street frontage is both sides of the street minus drive ways. 1 tree every thirty feet on each side of the street.
167.05 3 A.
4. Staff will continue to work with the applicant on tree preservation easements to meet the applicant's goals.
5. Please use the City of Fayetteville's details for tree planting. There is one for slope but not tree planting.
6. Please Include the Landscape Architects stamp.

TO: Planning Division
FROM: Ken Eastin, Park Planner II
DATE: May 1, 2017
SUBJECT: Parks & Recreation Planning Commission Review Comments

Meeting Date: May 8, 2017
Item: 17-5771 LSD 3434 Crossover Rd. (Springhouse Village Retirement Community) 216
Park District: NE
Zoned: CS, P-1, RI-12
Billing Name & Address: John Foster
Foster Senior Living
1615 A. Ingram Mill Rd.
Springfield, MO 65809

	<u>Current Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ 0.023 acre per unit = _____ acres	_____ @ \$920 per unit = \$ _____
Multi Family	_____ @ 0.014 acre per unit = _____ acres	133 @ \$560 per unit = <u>\$74,480</u>

REQUIRED PARK FEES ARE CURRENTLY \$74,480 (See analysis below)

COMMENTS:

- On April 3, 2017, PRAB reviewed the project and recommended accepting money in-lieu for 133 multi-family units to satisfy the park land dedication ordinance due to the development's proximity to Braden, Sweetbriar, and Gulley Parks and the Mud Creek and Niokaska Trails.
- The actual amount of acreage and/or fees will be determined by the actual number of units and the park land formula at Planning Commission approval of the Large-Scale Development.
- Fees must be paid prior to issuing of building permits.

Fire Marshal Comments 17-5771 LSD

LSD 17-5771: Large Scale Development (3434 N. CROSSOVER RD./SPRINGHOUSE VILLAGE RETIREMENT COMMUNITY, 216): Submitted by FOSTER DEVELOPMENT, INC. for properties located at 3434 N. CROSSOVER RD. The properties are zoned P-1, INSTITUTIONAL and RT-12, RESIDENTIAL TWO & THREE FAMILY and contain approximately 21.56 acres. The request is for 67 assisted living units, 33 memory care units, 34 independent living units, and 14,000 square feet of commercial services with associated parking.

The Fire Department has the following conditions for approval of LSD 17-5771. The requirements are based on the 2012 Edition of the Arkansas Fire Prevention Code (AFPC), Volume I.

1. No parking signs are required in the following locations throughout the proposed project.
 - a. **AFPC 2012 §D103.6.1 Roads 20 to 26 feet in width.** Fire lane signs as specified in D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide. In addition signs must meet spacing requirements of AFPC 2012 503.3
 - b. **AFPC 2012 §D103.6.2 Roads more than 26 feet in width.** Fire lane signs as specified in D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide and less than 32 feet wide. In addition signs must meet spacing requirements of AFPC 2012 503.3
2. All structures containing dwelling units shall be provided with an approved automatic sprinkler system.
 - a. **AFPC 2012 §D104, §D106, §D107**

Regards,

Battalion Chief B. Sloat

Deputy Fire Marshal

Fayetteville Fire Department



MASTER STREET PLAN AMENDMENT

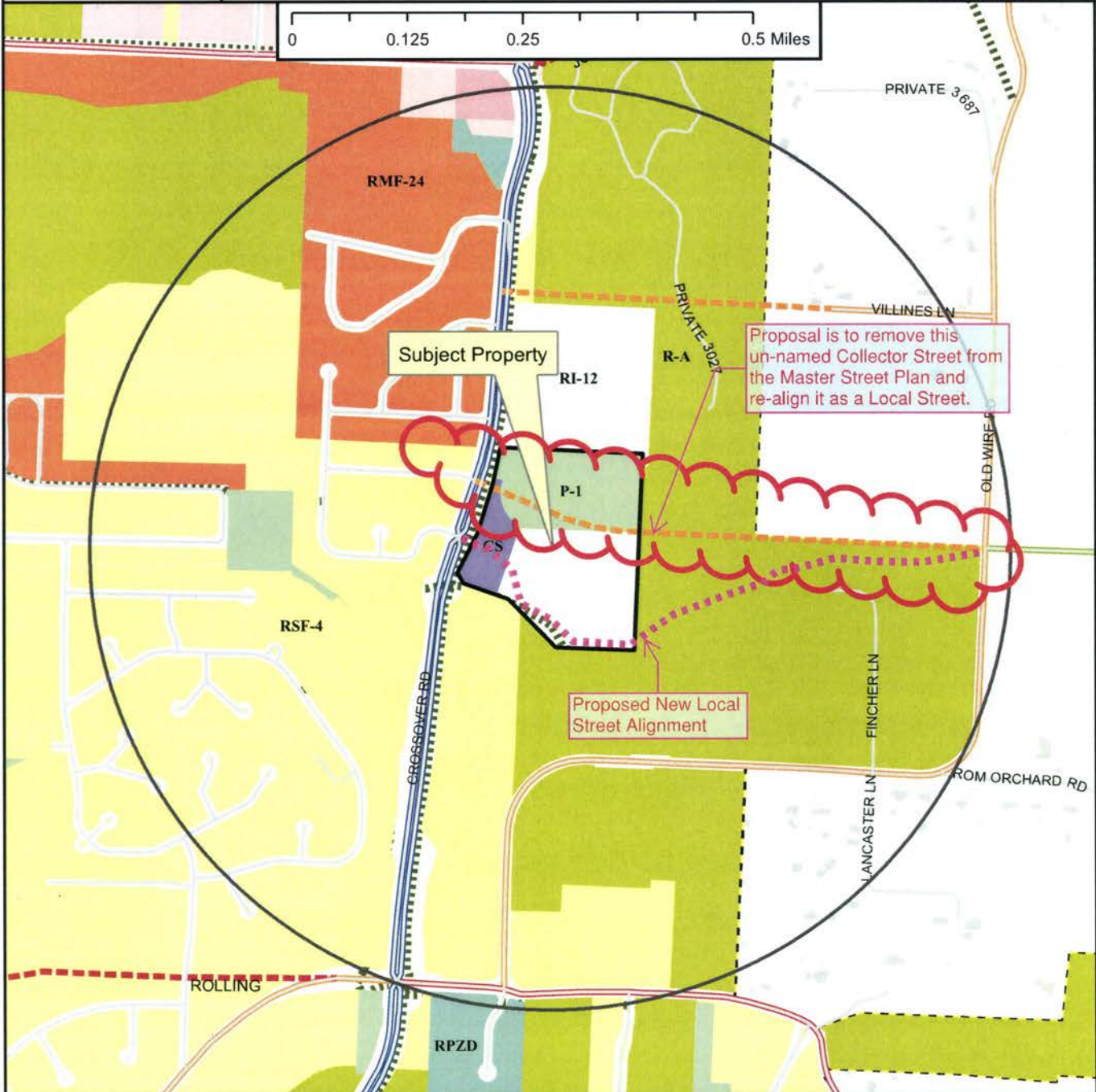
LSD 17-5771

One Mile View

SPRINGHOUSE VILLAGE RETIREMENT COMMUNITY

NORTH

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

- COMMERCIAL**
 - E-1
 - Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
 - Urban Core
 - Urban Thoroughfare
 - Main Street Center
 - Down Town General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
 - Commercial, Industrial, Residential
- INSTITUTIONAL**
 - P-1

Mr. Quin Thompson
City of Fayetteville
Planning Division
125 West Mountain Street
Fayetteville, AR 72701

Marche 28, 2017

RE: LSD Application: Springhouse Village, 3434 Crossover Rd, Fayetteville, AR

Dear Mr. Thompson;

Please find enclosed the application for Large Scale Development of Springhouse Village, a Foster Active Living Community. The applicant is John Foster, Foster Development Inc., represented by Elizabeth Link, and the project address is 3434 Crossover Road, Fayetteville, AR .

Market studies demonstrate the increasing need for assisted living and memory care as well as independent senior living in Fayetteville. The proposed project combines these three types of accommodations, as well as commercial uses to increase the quality of life for the residents. Conceptually a resident would move to the community, choose an independent living villa, and remain there until a greater need for care arises. At that time additional care could be obtained by choosing assisted living or memory care living, without moving outside of the community. Seniors will be comforted with the same schedules and caregivers and surroundings in a time of uncertainty for them.

This community will allow residents the ability to be as mobile and social as they want to be. Enhanced landscaping will make this community an enjoyable walking experience, and the planned courtyards will take advantage of the weather and growing season to provide a safe yet inviting outdoor experience for residents. But if mobility becomes an issue, changing to a unit which provides more assistance can be easily accomplished with less stress and worry for the resident.

Design: The community provides small home living inspired by the modern farmhouse, featuring:

Independent Living

- Two bedroom homes, typically within duplex or triplex configurations
- Pocket neighborhoods, with front porches facing village greens and neighbors, encouraging social interaction
- Walkable community, with beautiful landscaping to enjoy the outdoors as well as visit neighbors. Pathways will also be accessible for golf carts.
- Clubhouse for social engagements and community meals
- Neighborhood personal service retail on site
- Creative Floor Plan to Maximize Layout.

Assisted Living

- One bedroom apartments with ample space for queen size bed and full size furniture in the living room and bedroom, in lieu of small “nursing home style” studio apartments that exist in much of the Fayetteville inventory – large enough for family/guest or grandchildren to stay overnight.
- Modern walk in/ wheel in shower access and a large walk in closet.
- Kitchenette featuring refrigerator with icemaker and granite counter tops with room for dining table and chairs
- Large private patios for enjoying the outdoors with family and friends.
- Individual, quiet heat pumps and air conditioning units versus room PTAC units as a hotel room would have.
- Energy efficient design cutting utility costs by 50% compared to traditional construction
- Hearthside Fireplace enjoyment in multiple locations in the community.
- Warm friendly atmosphere for families and residents to call home.
- On Site Beauty Shop.
- On Site Theater Room
- On Site Bistro/Bar Area.

Memory Care

- Two small neighborhoods that consist of 16 private apartments and private bathroom.
- Family Style dining personalized for each neighborhood.
- Individual family entrance areas into the Memory Care Neighborhood.
- On site Licensed Nurse staff and Certified Nurse Aide staff for personalized care to meet the residents’ needs.
- Common areas decorated to create a warm family friendly home for the residents.
- Salon and Spa in each neighborhood
- Hearthside fireplace in each neighborhood.

Continuum of Care: Fosters’ campus will allow for the residents to transition in place from independent living villas, to assisted living to memory care creating a “stay connected” compassion for caring for seniors versus moving them from location to location as their needs change.

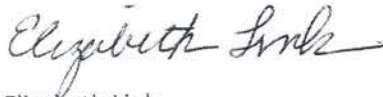
Corridor Access: With direct access from Crossover Road, visitors and residents will have easy access to the community. We would like our family members to be within a 7-mile radius of our location so the families can visit at the beginning and end of their workday. This would allow the families to reconnect with their loved ones on a daily basis, driving on streets that are not congested.

No variances are requested. Of note, in the RT-12 multifamily zone, with the exception of approximately 20 feet on either side of the protected ephemeral stream, units occupy slightly more than 50% of the public road frontage (Public Street length = 958 feet, Stream avoidance = 40 feet, 50% of street frontage = $0.50 * (958 - 40) = 459$ feet, Building frontage = 479 feet).

As no land is readily accessible from the public road for the creation of a public park, we have requested approval of payment in lieu of park dedication from the City of Fayetteville Parks and Recreation Department. The letter requesting same is attached.

I look forward to reviewing our plans with staff and Planning Commission.

Sincerely;

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

Elizabeth Link
Owner's Representative
Foster Development Inc.

COLLINS ENGINEERS
2033 West Howard Avenue
Milwaukee, WI 53221
Phone: 414-282-4955
Fax: 414-282-4955

Client
Foster Development, Inc.
1615 N. Morgan Road
Springfield, MO 65809
Owner's Representative
Elizabeth Lusk
618-457-3302

Consultants
Cotton Engineers, Inc. - Civil
2033 W. Howard Avenue
Milwaukee, WI 53221
414-282-4955
Mattern Engineering - Structural
2101 W. Chesterfield Blvd
Springfield, MO 65807
417-877-1100
CID Engineering LLC - MEP
2101 W. Chesterfield Blvd
Springfield, MO 65807
417-877-1100
Harsco Design, LLC - Landscape Architect
203 Park Center East, Suite 106
Springfield, MO
417-888-3722

BENCHMARKS

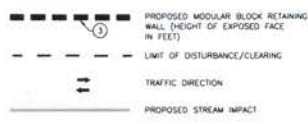
BM-1
CP CX N BING ARV
NAVD83 DATUM
N=654827.3360
E=686573.6360
Z=1291.86

BM-2
ARV B' O' CONC
NAVD83 DATUM
N=654827.3360
E=686573.6360
Z=1291.86

SITE INFORMATION TABLE

TOTAL SITE AREA	31.58 AC
BUILDING COVERAGE	8.11 AC
SURFACED AREA	8.20 AC

SITE PLAN LEGEND



BUILDING UNITS

UNIT #	EFFICIENCY	QUANTITY	BEDROOMS	TOTAL
UNIT A - 1 BR	11	1	1	11 BEDROOMS
UNIT B - 1 BR	22	1	1	22 BEDROOMS
UNIT C - 1 BR	26	1	1	26 BEDROOMS
UNIT D - 1 BR	6	1	1	6 BEDROOMS
UNIT E - 2 BR	2	2	2	4 BEDROOMS
TOTAL	67			69 BEDROOMS

UNIT #	QUANTITY	BEDROOMS	TOTAL
UNIT F - 1 BR	18	1	18 BEDROOMS
UNIT G - 1 BR	18	1	18 BEDROOMS
UNIT H - 2 BR	1	1	2 BEDROOMS
TOTAL	37		38 BEDROOMS

ASSISTED LIVING/MEMORY CARE = 98,607 S.F.

UNIT #	QUANTITY	BEDROOMS	TOTAL
UNIT A	13	2	26 BEDROOMS
UNIT B	8	2	16 BEDROOMS
UNIT C	8	2	16 BEDROOMS
UNIT D	5	2	10 BEDROOMS
TOTAL	34		68 BEDROOMS

PARKING - PER CITY CODE SECTION 172.05, TABLE 3

ZONING	USE	SPACE REQUIREMENT	STANDARDS OR BEDROOMS	MIN SPACES REQUIRED	MAX SPACES REQUIRED	TOTAL REGULAR SPACES PROVIDED	TOTAL ADA STALLS REQUIRED	TOTAL ADA STALLS PROVIDED	BICYCLE RACK SPACES	MOTO PARKING
P-1	RESIDENTIAL, SINGLE-FAMILY	1 PER 2 BEDS	100	50	38	56	3	3	8	0
RT-12	RESIDENTIAL, MULTI-FAMILY	1 PER BEDROOM	88	88	78	65	0	0	0	0

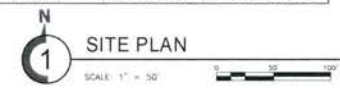
• 24 STALLS ON-STREET PARKING ALSO PROVIDED FOR RT-12 ZONING

NOTES

- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB, UNLESS NOTED OTHERWISE.
- SEE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS.
- PER FLOODPLAIN FIRM MAP NO. 051430230 DATED MAY 16, 2008, THE SITE IS LOCATED WITHIN "ZONE A" OUTFLOWS OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- PER THE "DELINEATION OF POTENTIAL SECTION 404 ISSUES OF THE PROPOSED BAILEY FARM DEVELOPMENT PROJECT, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS" DATED NOV. 11, 2016 BY FTM ASSOCIATES, LTD, THERE ARE NOT WETLANDS ON THE SITE.
- PER THE "DELINEATION OF POTENTIAL SECTION 404 ISSUES OF THE PROPOSED BAILEY FARM DEVELOPMENT PROJECT, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS" DATED NOV. 11, 2016 BY FTM ASSOCIATES, LTD.
- ALTA SURVEY PER SURVEY BY MULLHOLLAND LAND SURVEYING, DATED 03/03/2017
- ALL RETAINING WALLS OVER 30" REQUIRE HANDRAILS.
- ALL BUILDINGS CONTAINING DWELLING UNITS SHALL BE PROVIDED WITH AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM.

Glory Drive

Number	Length	Radius	Line/Chord Direction	Start Station	End Station
L6	178.978		S71° 01' 37.70"E	10+00.00	11+78.98
C4	129.782	500.000	S63° 35' 28.31"E		
L7	110.744		S56° 09' 18.91"E	13+08.76	14+19.50
C5	214.535	264.000	S32° 52' 30.09"E		
L8	1.485		S09° 35' 41.26"E	16+34.04	16+35.52
C6	136.721	261.000	S24° 36' 05.62"E		
L10	57.410		S39° 36' 29.98"E	17+72.25	18+29.66
C7	219.943	261.000	S63° 44' 58.96"E		
L11	140.592		S87° 53' 27.94"E	20+49.60	21+90.19
C8	105.985	173.500	N74° 36' 31.99"E		
L9	109.343		N57° 06' 31.92"E	22+96.18	24+05.52



Revisions

No.	Description	Date
1	Address City Comments	04/18/17
2	Address City Comments	05/01/17

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New Project for:
Springhouse Village - a Foster Active Living Community
J&M & Co. Builders, Inc.
Fayetteville, AR 72701

SITE PLAN

Project No.	80-960	Sheet
Drawn By	MSB	
Reviewed By	MSB	
Date	05/01/2017	

C1.4

COLLINS ENGINEERS
 2033 West Howard Avenue
 Milwaukee, WI 53221
 Phone: 414-282-6903
 Fax: 414-282-6955

Client

Foster Development, Inc.
 5615-A Oregon Road
 Springfield, MO 65809
 Owner's Representative
 Elizabeth Link
 618-407-1350

Consultants

Collins Engineers, Inc. - Civil
 2033 W Howard Avenue
 Milwaukee, WI 53221
 414-282-6903
 Macomber Engineering - Structural
 2101 W Chestfield Blvd
 Springfield, MO 65807
 417-895-0021
 ESD Engineering LLC - MEP
 2101 W Chestfield Blvd
 Springfield, MO 65807
 417-877-1300
 Trans2Design, LLC - Landscape Architect
 205 Park Central East, Suite 406
 Springfield, MO
 417-849-3723

Revisions

No.	Description	Date
1	Address City Comments	04/18/17
2	Address City Comments	05/01/17
3		

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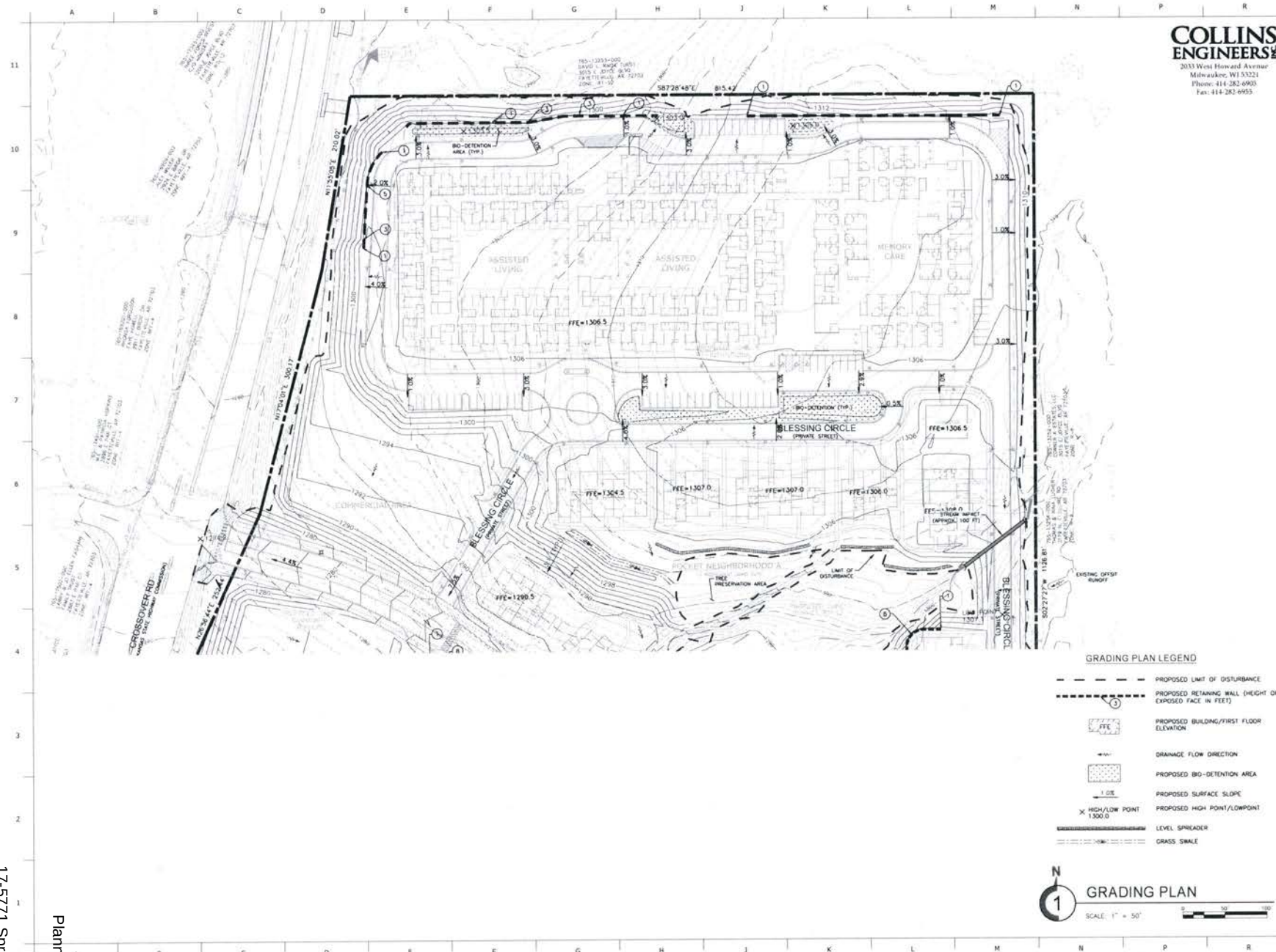
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New Project for:

Springhouse Village - a Foster Active Living Community
 2424 N. Crossover Road
 Fayetteville, AR 72703

Grading Plan

Project No: 16-0040
 Drawn By: HSB
 Reviewed By: BAT
 Date: 05/01/2017
 Sheet
C1.5



COLLINS ENGINEERS
2033 West Howard Avenue
Milwaukee, WI 53221
Phone: 414-382-6905
Fax: 414-282-6905

Client

Postel Development, Inc.
1615 A Ingram Hill Road
Springfield, MO 65807
Owner's Representative
Crestbrook LLC
618-407-1502

Consultants

Collins Engineers, Inc. Civil
2033 W Howard Avenue
Milwaukee, WI 53221
+1-414-382-6905
Heldtweyer Engineering - Structural
2101 W Charleston Blvd
Springfield, MO 65807
+1-417-872-1700
Frank Design, LLC - Landscape Architect
205 Park Central East, Suite 400
Springfield, MO
+1-314-943-7273

Revisions

No.	Description	Date
1	Address City Comments	04/18/17
2	Address City Comments	04/18/17

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2. New Project for:
Springhouse Village - a Foster Active Living Community
3424 N. Crosswater Road
Fayetteville, AR 72701

GRADING PLAN

Project No.: 60-0040 Sheet
Drawn By: HDE Reviewed By: HAT
Date: 05/09/2017 **C1.6**



GRADING PLAN LEGEND

- PROPOSED LIMIT OF DISTURBANCE
- - - - - PROPOSED RETAINING WALL (HEIGHT OF EXPOSED FACE IN FEET)
- FFE PROPOSED BUILDING/FIRST FLOOR ELEVATION
- DRAINAGE FLOW DIRECTION
- PROPOSED BIO-RETENTION AREA
- 1.0% PROPOSED SURFACE SLOPE
- X/HIGH/LOW POINT PROPOSED HIGH POINT/LOWPOINT
- LEVEL SPREADER
- GRASS SWALE





Client

Foster Development, Inc.
1615 A Ingram Hill Road
Springfield, MO 65809

Owner's Representative
Elizabeth Line
618-407-3302

Consultants

Colson Engineers, Inc. - Civil
2033 N Howard Avenue
Minneapolis, WI 53221
414-282-6901

Hettner Engineering - Structural
2101 W Charleston Blvd
Springfield, MO 65807
417-890-8002

CID Engineering LLC - MEP
2101 W Charleston Blvd
Springfield, MO 65807
417-871-1200

FrankDesign, LLC - Landscape Architect
205 Park Central East, Suite 406
Springfield, MO 65806
417-949-1721

Professional Seal

Pratt J. Zarembki, Jr., ASLA
Professional Title: Landscape Architect
AR-18945

Revisions

No.	Description	Date
1	Address City Comments	6/18/17
2	Address City Comments	5/8/17

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New Project for:
SpringHouse Village, a Foster Active Living Community
3404 N. Crosser Road
Fayetteville, AR 72701

Tree Preservation Plan

Project No: 16-033
Drawn By: TIZ
Reviewed By: TIZ
Date: 03/29/2017

Sheet
TTP1.1

FAIR TO GOOD TREES, ON SITE, SAVED

TAG # ON SITE	SAVED	SPECIES	SIZE
1	N	SAVED	PORT OAK
2	N	SAVED	PORT OAK
3	N	SAVED	PORT OAK
4	N	SAVED	PORT OAK
5	N	SAVED	PORT OAK
6	N	SAVED	PORT OAK
7	N	SAVED	PORT OAK
8	N	SAVED	PORT OAK
9	N	SAVED	PORT OAK
10	N	SAVED	PORT OAK
11	N	SAVED	PORT OAK
12	N	SAVED	PORT OAK
13	N	SAVED	PORT OAK
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91	N	SAVED	PORT OAK
92	N	SAVED	PORT OAK
93	N	SAVED	PORT OAK
94	N	SAVED	PORT OAK
95	N	SAVED	PORT OAK
96	N	SAVED	PORT OAK
97	N	SAVED	PORT OAK
98	N	SAVED	PORT OAK
99	N	SAVED	PORT OAK
100	N	SAVED	PORT OAK

FAIR TO GOOD TREES, ON SITE, REMOVED

TAG # ON SITE	ZONE	SPECIES	SIZE
1	N	BLACK WALNUT	40
2	N	PORT OAK	40
3	N	WHITE ASH	47
4	N	PORT OAK	40
5	N	PORT OAK	40
6	N	PORT OAK	40
7	N	PORT OAK	40
8	N	PORT OAK	40
9	N	PORT OAK	40
10	N	PORT OAK	40
11	N	PORT OAK	40
12	N	PORT OAK	40
13	N	PORT OAK	40
14	N	PORT OAK	40
15	N	PORT OAK	40
16	N	PORT OAK	40
17	N	PORT OAK	40
18	N	PORT OAK	40
19	N	PORT OAK	40
20	N	PORT OAK	40
21	N	PORT OAK	40
22	N	PORT OAK	40
23	N	PORT OAK	40
24	N	PORT OAK	40
25	N	PORT OAK	40
26	N	PORT OAK	40
27	N	PORT OAK	40
28	N	PORT OAK	40
29	N	PORT OAK	40
30	N	PORT OAK	40
31	N	PORT OAK	40
32	N	PORT OAK	40
33	N	PORT OAK	40
34	N	PORT OAK	40
35	N	PORT OAK	40
36	N	PORT OAK	40
37	N	PORT OAK	40
38	N	PORT OAK	40
39	N	PORT OAK	40
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41	N	PORT OAK	40
42	N	PORT OAK	40
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44	N	PORT OAK	40
45	N	PORT OAK	40
46	N	PORT OAK	40
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48	N	PORT OAK	40
49	N	PORT OAK	40
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60	N	PORT OAK	40
61	N	PORT OAK	40
62	N	PORT OAK	40
63	N	PORT OAK	40
64	N	PORT OAK	40
65	N	PORT OAK	40
66	N	PORT OAK	40
67	N	PORT OAK	40
68	N	PORT OAK	40
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71	N	PORT OAK	40
72	N	PORT OAK	40
73	N	PORT OAK	40
74	N	PORT OAK	40
75	N	PORT OAK	40
76	N	PORT OAK	40
77	N	PORT OAK	40
78	N	PORT OAK	40
79	N	PORT OAK	40
80	N	PORT OAK	40
81	N	PORT OAK	40
82	N	PORT OAK	40
83	N	PORT OAK	40
84	N	PORT OAK	40
85	N	PORT OAK	40
86	N	PORT OAK	40
87	N	PORT OAK	40
88	N	PORT OAK	40
89	N	PORT OAK	40
90	N	PORT OAK	40
91	N	PORT OAK	40
92	N	PORT OAK	40
93	N	PORT OAK	40
94	N	PORT OAK	40
95	N	PORT OAK	40
96	N	PORT OAK	40
97	N	PORT OAK	40
98	N	PORT OAK	40
99	N	PORT OAK	40
100	N	PORT OAK	40

POOR AND DEAD TREES, ON SITE, REMOVED

TAG # ON SITE	CONDITION	SPECIES	SIZE
1	BRAD	PORT OAK	40
2	BRAD	BLACK WALNUT	40
3	BRAD	PORT OAK	40
4	BRAD	BLACK WALNUT	40
5	BRAD	BLACK OAK	40
6	BRAD	PORT OAK	40
7	BRAD	PORT OAK	40
8	BRAD	BLACK OAK	40
9	BRAD	BLACK OAK	40
10	BRAD	BLACK OAK	40
11	BRAD	BLACK OAK	40
12	BRAD	BLACK OAK	40
13	BRAD	BLACK OAK	40
14	BRAD	BLACK OAK	40
15	BRAD	BLACK OAK	40
16	BRAD	BLACK OAK	40
17	BRAD	BLACK OAK	40
18	BRAD	BLACK OAK	40
19	BRAD	BLACK OAK	40
20	BRAD	BLACK OAK	40
21	BRAD	BLACK OAK	40
22	BRAD	BLACK OAK	40
23	BRAD	BLACK OAK	40
24	BRAD	BLACK OAK	40
25	BRAD	BLACK OAK	40
26	BRAD	BLACK OAK	40
27	BRAD	BLACK OAK	40
28	BRAD	BLACK OAK	40
29	BRAD	BLACK OAK	40
30	BRAD	BLACK OAK	40
31	BRAD	BLACK OAK	40
32	BRAD	BLACK OAK	40
33	BRAD	BLACK OAK	40
34	BRAD	BLACK OAK	40
35	BRAD	BLACK OAK	40
36	BRAD	BLACK OAK	40
37	BRAD	BLACK OAK	40
38	BRAD	BLACK OAK	40
39	BRAD	BLACK OAK	40
40	BRAD	BLACK OAK	40
41	BRAD	BLACK OAK	40
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43	BRAD	BLACK OAK	40
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50	BRAD	BLACK OAK	40
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52	BRAD	BLACK OAK	40
53	BRAD	BLACK OAK	40
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55	BRAD	BLACK OAK	40
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64	BRAD	BLACK OAK	40
65	BRAD	BLACK OAK	40
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69	BRAD	BLACK OAK	40
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73	BRAD	BLACK OAK	40
74	BRAD	BLACK OAK	40
75	BRAD	BLACK OAK	40
76	BRAD	BLACK OAK	40
77	BRAD	BLACK OAK	40
78	BRAD	BLACK OAK	40
79	BRAD	BLACK OAK	40
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81	BRAD	BLACK OAK	40
82	BRAD	BLACK OAK	40
83	BRAD	BLACK OAK	40
84	BRAD	BLACK OAK	40
85	BRAD	BLACK OAK	40
86	BRAD	BLACK OAK	40
87	BRAD	BLACK OAK	40
88	BRAD	BLACK OAK	40
89	BRAD	BLACK OAK	40
90	BRAD	BLACK OAK	40
91	BRAD	BLACK OAK	40
92	BRAD	BLACK OAK	40
93	BRAD	BLACK OAK	40
94	BRAD	BLACK OAK	40
95	BRAD	BLACK OAK	40
96	BRAD	BLACK OAK	40
97	BRAD	BLACK OAK	40
98	BRAD	BLACK OAK	40
99	BRAD	BLACK OAK	40
100	BRAD	BLACK OAK	40

REFER TO TREE SURVEY PLAN FOR COMPLETE TREE CHART

REFER TO SHEET TTP 1.2 FOR CITY OF FAYETTEVILLE NOTES AND DETAILS

REFER TO TREE PLANTING PLANS FOR PROPOSED MITIGATION TREES SPECIES, SIZES AND LOCATIONS

TYPICAL AREAS OF TREE PRESERVATION
TYPICAL AREAS WHERE ALL EXISTING PRIME TREES WILL BE PRESERVED

0 30 60 120
NORTH

TREE PRESERVATION PLAN
1"=60'-0"

Planning Commission

May 8, 2017
Agenda Item 8

1.7-5771 Springhouse Village
Page 28 of 38

[illegible]

SPY	SPECIFIC NAME/COMMON NAME - TREE	DATE	NOTES
ACC 346	ACER SACCHARINUM SUGAR MAPLE	F 1 CA	
DET 140	DETICA NIGRA DETROIT	F 1 CA	
CEP 344	CELESTIS CHARENSE REDWOOD	B 1 DET	MULTI TRUNK
CEP 106	CELOS CAMPAULON TORREI PACHY PACHY TORREI	F 1 CA	
CEV 108	CELOMAGNUS VIRGINIANUS PENICE 1087	F 1 CA	
COE 106	COENUS FLORIDA LOU-ROSE	B 1 DET	MULTI TRUNK
GOV 340	GOMO BONA GAMGO	F 1 CA	
GO 116	GLORIOSA FRAGRANTISS MORRANE MORRANE LOCO 101	F 1 CA	
MAD 316	MONDEIA STEPH STEP MONDIA	B 1 DET	MULTI TRUNK
MA 501	MILUS SUTCHMAN SUTCHMAN TREE	B 1 DET	
NYS 316	NYSOR STEPH MANIFER WOLFE STEPH MANIFER	F 1 CA	
PA 101	PAULI CORNATA SOUTHERN	B 1 DET	LOW BRANCHING
PH 101	PHILUS STEPHUS WHITE PINE	B 1 DET	LOW BRANCHING
PLA 102	PLATANUS OCCIDENTALIS AMERICAN LINDEN	F 1 CA	
QUT 106	QUERCUS ROBUR THINIFLORA COLUMBIAN FLYING SNAKE	F 1 CA	
QUT 316	QUERCUS SPICATA SPICATED	F 1 CA	
RAF 316	RAFAELIA DETROITII THINIFLORA DETROITII THINIFLORA	F 1 CA	LOW BRANCHING
RAM 101	RAMUS AMERICANUS AMERICAN ELM	F 1 CA	
SPY 101	SPECIFIC NAME/COMMON NAME - PLANT		
SPY 300	COMMON NAME/COMMON PLANT	500	ALL PLANTS 300



Yetteville Detail)



UNSATURATED REQUIREMENTS: PAVING (10) FEET
NUMBER OF STAGNANT STALLS: 143
NUMBER OF ADA STALLS: 3
NUMBER OF ADA LADING ZONES: 2
NUMBER OF MIXED USE DOCKING/LODS: 2
CARGO FEET: 152 STALLS * 3.8 = 578.56 SQ FT = 4.87 * 15 FEET
15 FEET PROVIDED

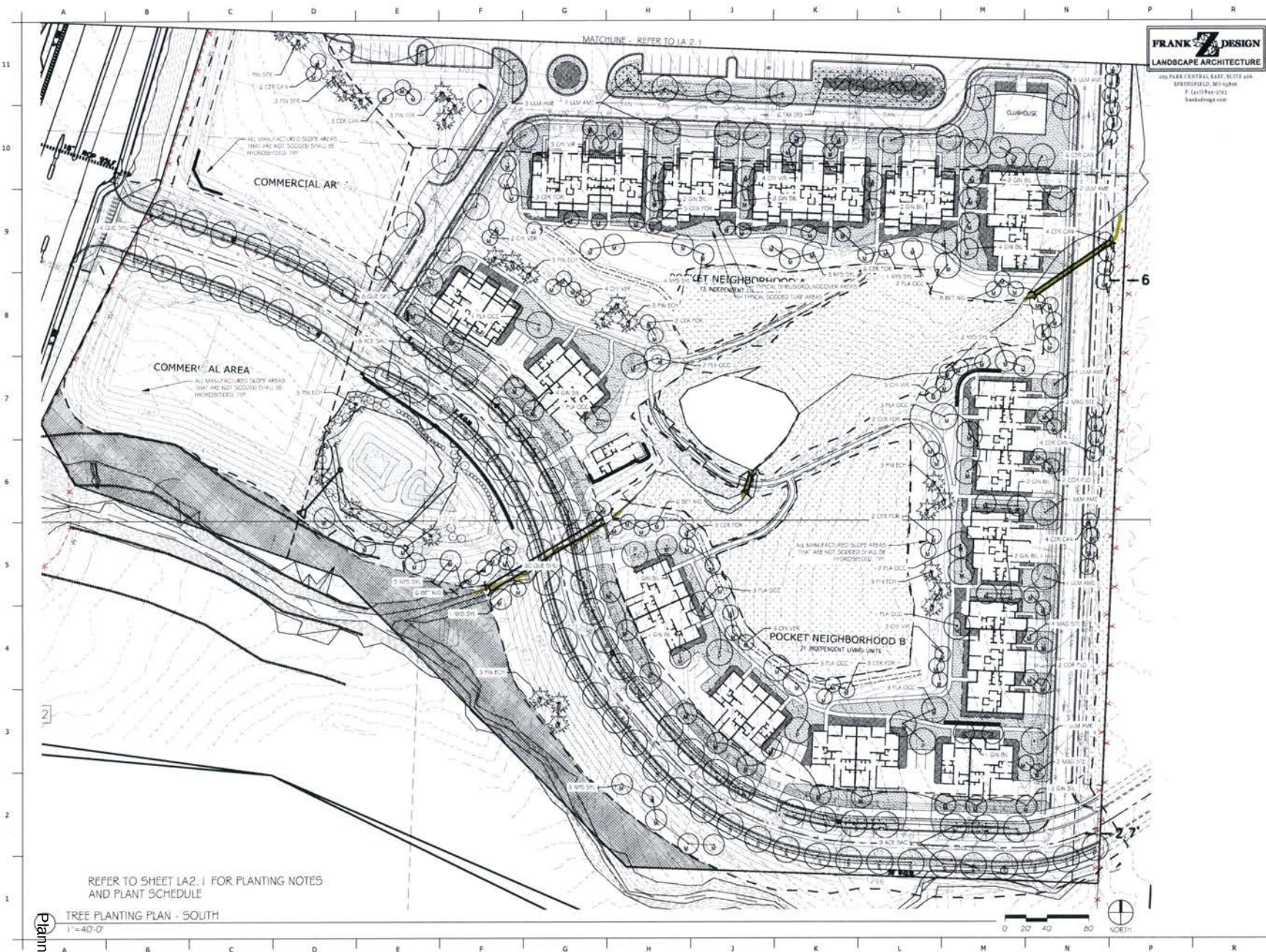
UNSATURATED REQUIREMENTS: INFORMATIONAL NEEDS
NUMBER OF STAGNANT STALLS: 143
FEET REQUIRED: 9 FEET PROVIDED: 5
CARGO FEET: 20 STALLS PROVIDED: 80
CARGO FEET PROVIDED: CARGO FEET PROVIDED: 30

UNSATURATED REQUIREMENTS: STORES: 18000
NEAR PIER BUILDING PROVIDED:
NORTH SIDE: 1,661 SQ FT * 34.0 FT = 56,674 SQ FT
NORTH SIDE SQ FT PROVIDED: 56,674 SQ FT
NORTH SIDE SQ FT REQUIRED: 56,674 SQ FT
SOUTH SIDE: 2,000 SQ FT * 34.0 FT = 68,000 SQ FT
NORTH SIDE SQ FT PROVIDED: 68,000 SQ FT
SOUTH SIDE PROVIDED ON SOUTH SIDE

UNSATURATED REQUIREMENTS: MITIGATION
ANALYSIS OF LOW AVERAGE RATED: 56,786 SQ FT REQUIRED
HIGH PRIORITY GRADE DENSITY: 2.75 * 2 CAN TRIPS REQUIRED
56,786 SQ FT / 2.75 = 20,649 SQ FT
25% MITIGATION FEET PROVIDED

Tree Planting Plan

Project No:	16-035	Sheet
Drawn By:	FJZ	LA2.1
Reviewed By:	FJZ	
Date:	03/29/2017	



FRANK Z DESIGN
LANDSCAPE ARCHITECTURE
300 PARK CENTRAL EAST, SUITE 400
SPRINGFIELD, MO 65809
P: (417) 848-7323
fzdesigngroup.com



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Owner's Representative
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Mattemeyer Engineering - Structural
2101 W Chesterfield Blvd
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417-890-8002
CID Engineering LLC - MEP
2105 W Chesterfield Blvd
Springfield, MO 65807
417-873-1200
FrankZDesign, LLC - Landscape Architect
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Springfield, MO 65809
417-848-7323

Professional Seal
Frank Z. Zarabian, Jr., ASLA
Professional Title: Landscape Architect
AR: 18945

Revisions

No.	Description	Date
1	Address City Comments	6/18/17
2	Address City Comments	8/5/17

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New Project for:
Springhouse Village, a Foster Active Living Community
3604 N. Crossover Road
Payetteville, AR 72701

Tree Planting Plan
Project No: 16-033
Drawn By: FZD
Reviewed By: FZD
Date: 03/29/2017
Sheet
LA2.2

A B C D E F G H I J K L M N O P R



9A Type 2 - Street Elevation
A4.4
Scale: 1/8" = 1'-0"

Painted Fiber Cement Siding Stone Veneer Arch. Asphalt Shingles Painted Fiber Cement Siding



9J Type 2 - Side 2 Elevation
A4.4
Scale: 1/8" = 1'-0"

Stone Veneer Arch. Asphalt Shingles Painted Fiber Cement Siding

James Hardie Fiber Cement
4, 5, or 6" Exposure
Painted w/ SW Snowfall



6A Type 2 - Front Elevation
A4.4
Scale: 1/8" = 1'-0"

Painted Fiber Cement Siding Arch. Asphalt Shingles Stone Veneer Painted Fiber Cement Siding Stone Veneer



6J Type 2 - Side 1 Elevation
A4.4
Scale: 1/8" = 1'-0"

Stone Veneer Arch. Asphalt Shingles Painted Fiber Cement Siding

James Hardie Fiber Cement
Board and Batt
Batts @ 16" or 20" o.c.
Painted w/ BM Country Life

James Hardie Fiber Cement
6 or 7" Exposure
Painted w/ BM Country Life



4A Type 1 - Street Elevation
A4.4
Scale: 1/8" = 1'-0"

Painted Fiber Cement Siding Arch. Asphalt Shingles Painted Fiber Cement Siding Stone Veneer



4J Type 1 - Side 2 Elevation
A4.4
Scale: 1/8" = 1'-0"

Painted Fiber Cement Siding Arch. Asphalt Shingles Stone Veneer Painted Fiber Cement Siding

Tamko Heritage Shingles
Rustic Slate

Schwartz Stone
Native Fieldstone



1A Type 1 - Front Elevation
A4.4
Scale: 1/8" = 1'-0"

Painted Fiber Cement Siding Arch. Asphalt Shingles Stone Veneer Arch. Asphalt Shingles Painted Fiber Cement Siding



1J Type 1 - Side 1 Elevation
A4.4
Scale: 1/8" = 1'-0"

Painted Fiber Cement Siding Arch. Asphalt Shingles Stone Veneer

Sioux City Brick
Hearthside Vellour



Client

Poster Development, Inc.
1615 A Soper Rd
Springfield, MO 65809
Owner's Representative
Brent H. Steinhilber
417-407-7302

Consultants

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417-890-8362
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Professional Seal

Brent H. Steinhilber, AIA
Professional Title: Architect
AIA

Revisions

No.	Description	Date

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New Project for:

Springhouse Village, a Foster Active Living Community
1424 N. Crossview Road
Raytown, MO 64133

Exterior Elevations - 11 Buildings

Project No. 18-070
Drawn By: [Name]
Reviewed By: [Name]
Date: 6/1/2017

Sheet
A4.4



9A Type 3B - Street Elevation

SCALE: 1/8" = 1'-0"



6A Type 3B - Front Elevation

SCALE: 1/8" = 1'-0"



4A Type 3A - Street Elevation

SCALE: 1/8" = 1'-0"



1A Type 3A - Front Elevation

SCALE: 1/8" = 1'-0"



9H Type 3B - Side 2 Elevation

SCALE: 1/8" = 1'-0"



6H Type 3B - Side 1 Elevation

SCALE: 1/8" = 1'-0"



4H Type 3A - Side 2 Elevation

SCALE: 1/8" = 1'-0"



1H Type 3A - Side 1 Elevation

SCALE: 1/8" = 1'-0"

James Hardie Fiber Cement
4, 5, or 6" Exposure
Painted w/ SW Snowfall

James Hardie Fiber Cement
Board and Batt
Batts @ 16" or 20" o.c.
Painted w/ BM Country Life

James Hardie Fiber Cement
6 or 7" Exposure
Painted w/ BM Country Life

Tamko Heritage Shingles
Rustic Slate

Schwartz Stone
Native Fieldstone

Sioux City Brick
Hearthside Vellour



HDS Group
3679 N. National Avenue
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hdsdesigngroup.com

Client

Potter Development, Inc.
1555 A Ingram Hill Road
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Elizabeth Lutz
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Consultants

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2023 W. Howard Avenue
Kittsburg, MO 65221
417.252.6800
Hestemeyer Engineering - Structural
2103 W. Chesapeake Blvd.
Springfield, MO 65807
417.890.8062
CSD Engineering LLC - MEP
2103 W. Chesapeake Blvd.
Springfield, MO 65807
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Professional Seal

Brand M. Stevens, ASA
Professional Title: ARCHITECT
ASA

Revisions

No.	Description	Date

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New Project for:
Springhouse Village, a Potter Active Living Community
3424 N. Crosswater Blvd.
Fayetteville, AR 72702

Exterior Elevations - IL Buildings

Project No: 18-030
Drawn By: HDS
Reviewed By: HDS
Date: 01/26/2017

A4.5



9A
A4.6 Type 5 - Street Elevation
Scale: 1/8" = 1'-0"



6A
A4.6 Type 5 - Front Elevation
Scale: 1/8" = 1'-0"



4A
A4.6 Type 4 - Street Elevation
Scale: 1/8" = 1'-0"



1A
A4.6 Type 4 - Front Elevation
Scale: 1/8" = 1'-0"



9H
A4.6 Type 5 - Side 2 Elevation
Scale: 1/8" = 1'-0"



6H
A4.6 Type 5 - Side 1 Elevation
Scale: 1/8" = 1'-0"



4H
A4.6 Type 4 - Side 2 Elevation
Scale: 1/8" = 1'-0"



1H
A4.6 Type 4 - Side 1 Elevation
Scale: 1/8" = 1'-0"

James Hardie Fiber Cement
4, 5, or 6" Exposure
Painted w/ SW Snowfall

James Hardie Fiber Cement
Board and Batt
Batts @ 16" or 20" o.c.
Painted w/ BM Country Life

James Hardie Fiber Cement
6 or 7" Exposure
Painted w/ BM Country Life

Tamko Heritage Shingles
Rustic Slate

Schwartz Stone
Native Fieldstone

Sioux City Brick
Hearthside Vellour



Client

Forster Development, Inc.
1615 W. Ingram Road
Springfield, MO 65809
General Representative
Elizabeth Lutz
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Consultants

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Newspaper, MO 65221
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Hester Engineering - Structural
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Springfield, MO 65807
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CJO Engineering LLC - MEP
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Springfield, MO 65807
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Professional Seal

Brent N. Stevens, AIA
Professional Title: Architect
AIA#

Revisions

No.	Description	Date

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New Project for:
Springhouse Village, a Forster Active Living Community
2434 N. Crossway Road
Paysonville, AR 72752

Exterior Elevations - II Buildings

Project No: 18-005
Drawn By: Hds
Reviewed By: Hds
Date: 03/29/2017

Sheet
A4.6



9A Type 7 - Street Elevation
A4.7
Scale: 1/8" = 1'-0"



6A Type 7 - Front Elevation
A4.7
Scale: 1/8" = 1'-0"



4A Type 6 - Street Elevation
A4.7
Scale: 1/8" = 1'-0"



1A Type 6 - Front Elevation
A4.7
Scale: 1/8" = 1'-0"



9H Type 7 - Side 2 Elevation
A4.7
Scale: 1/8" = 1'-0"



6H Type 7 - Side 1 Elevation
A4.7
Scale: 1/8" = 1'-0"



4H Type 6 - Side 2 Elevation
A4.7
Scale: 1/8" = 1'-0"



1H Type 6 - Side 1 Elevation
A4.7
Scale: 1/8" = 1'-0"

James Hardie Fiber Cement
4, 5, or 6" Exposure
Painted w/ SW Snowfall

James Hardie Fiber Cement
Board and Batt
Batts @ 16" or 20" o.c.
Painted w/ BM Country Life

James Hardie Fiber Cement
6 or 7" Exposure
Painted w/ BM Country Life

Tamko Heritage Shingles
Rustic Slate

Schwartz Stone
Native Fieldstone

Sioux City Brick
Hearthside Velour



Client

Foster Development, Inc.
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Consultants

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Brent H. Stevens, AIA
Professional Title: Architect
AIA

Revisions

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New Project for:

Springfield Village - a Foster Active Living Community
2224 N. Crossway Road
Fayetteville, AR 72701

Exterior Elevations - IL Buildings

Project No. 16-011
Drawn By: ndg
Reviewed By: ndg
Date: 05/01/2017

Sheet
A4.7



4A
A4.8 Type 4B - Street Elevation
Scale: 1/8" = 1'-0"



1A
A4.8 Type 4B - Front Elevation
Scale: 1/8" = 1'-0"



4H
A4.8 Type 4B - Side 2 Elevation
Scale: 1/8" = 1'-0"



1H
A4.8 Type 4B - Side 1 Elevation
Scale: 1/8" = 1'-0"

James Hardie Fiber Cement
4, 5, or 6" Exposure
Painted w/ SW Snowfall

James Hardie Fiber Cement
Board and Batt
Batts @ 16" or 20" o.c.
Painted w/ BM Country Life

James Hardie Fiber Cement
6 or 7" Exposure
Painted w/ BM Country Life

Tamko Heritage Shingles
Rustic Slate

Schwartz Stone
Native Fieldstone

Sioux City Brick
Hearthside Valour



hodelinggroup
5079 S National Avenue
Springfield, MO 65810
417.887.4355
hodelinggroup.com

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1611A Ingram Rd. Road
Springfield, MO 65801
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Elizabeth Lutz
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Consultants

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Superior Engineering - Structural
2101 W Chesterfield Blvd
Springfield, MO 65807
417.880.8802
CBO Engineering LLC - MEP
2101 W Chesterfield Blvd
Springfield, MO 65807
417.877.1700

Professional Seal

Brent M. Stowers, AIA
Professional Title: Architect
AR 4

Revisions

No.	Description	Date

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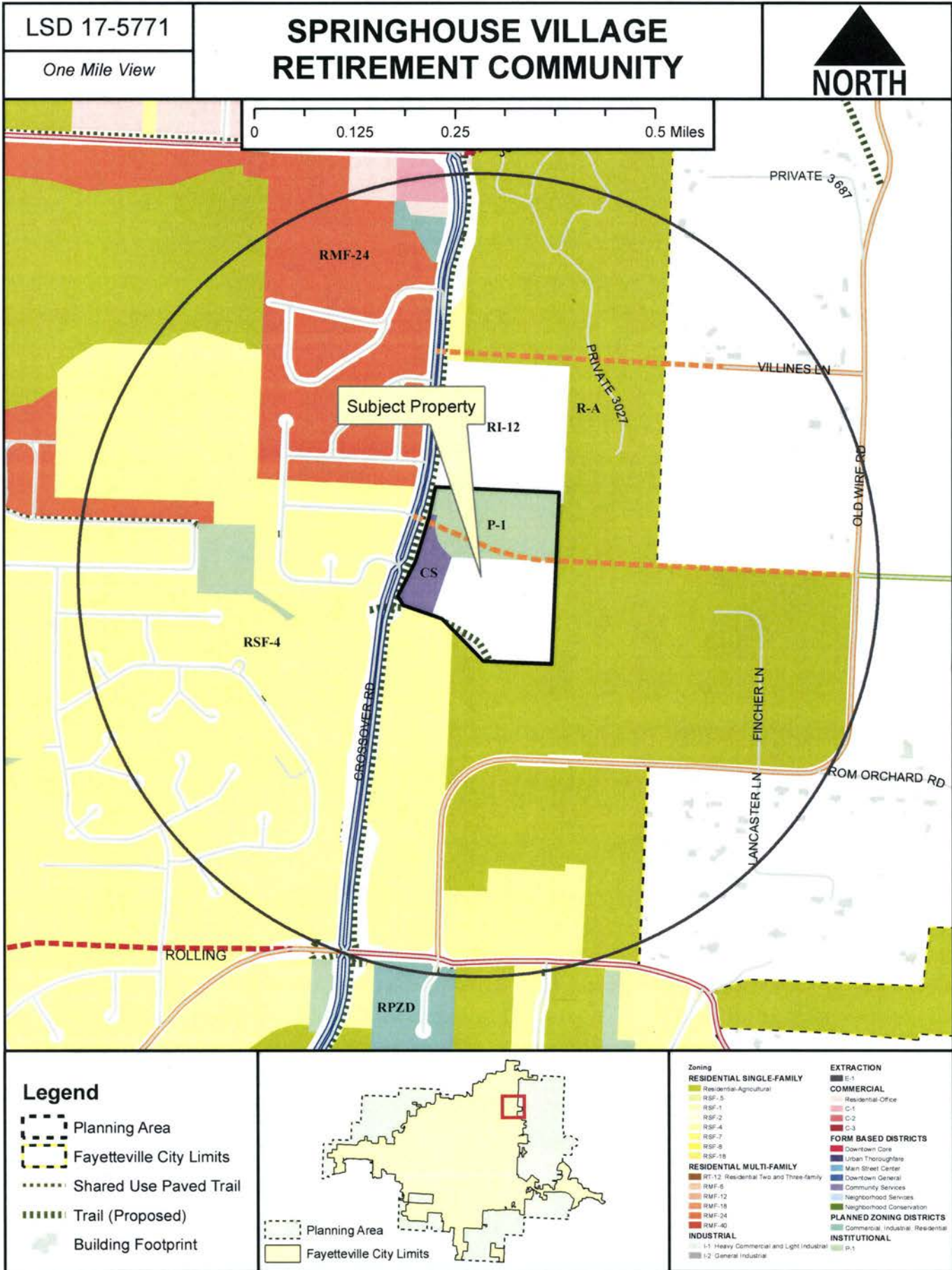
New Project for:

Springhouse Village - a Foster Active Living Community
2424 N. Christopher Road,
Payetteville, AR 72761

Exterior Elevations - JL Buildings

Project No. 14-033
Drawn By: HLG
Reviewed By: HLG
Date: 05/01/2017

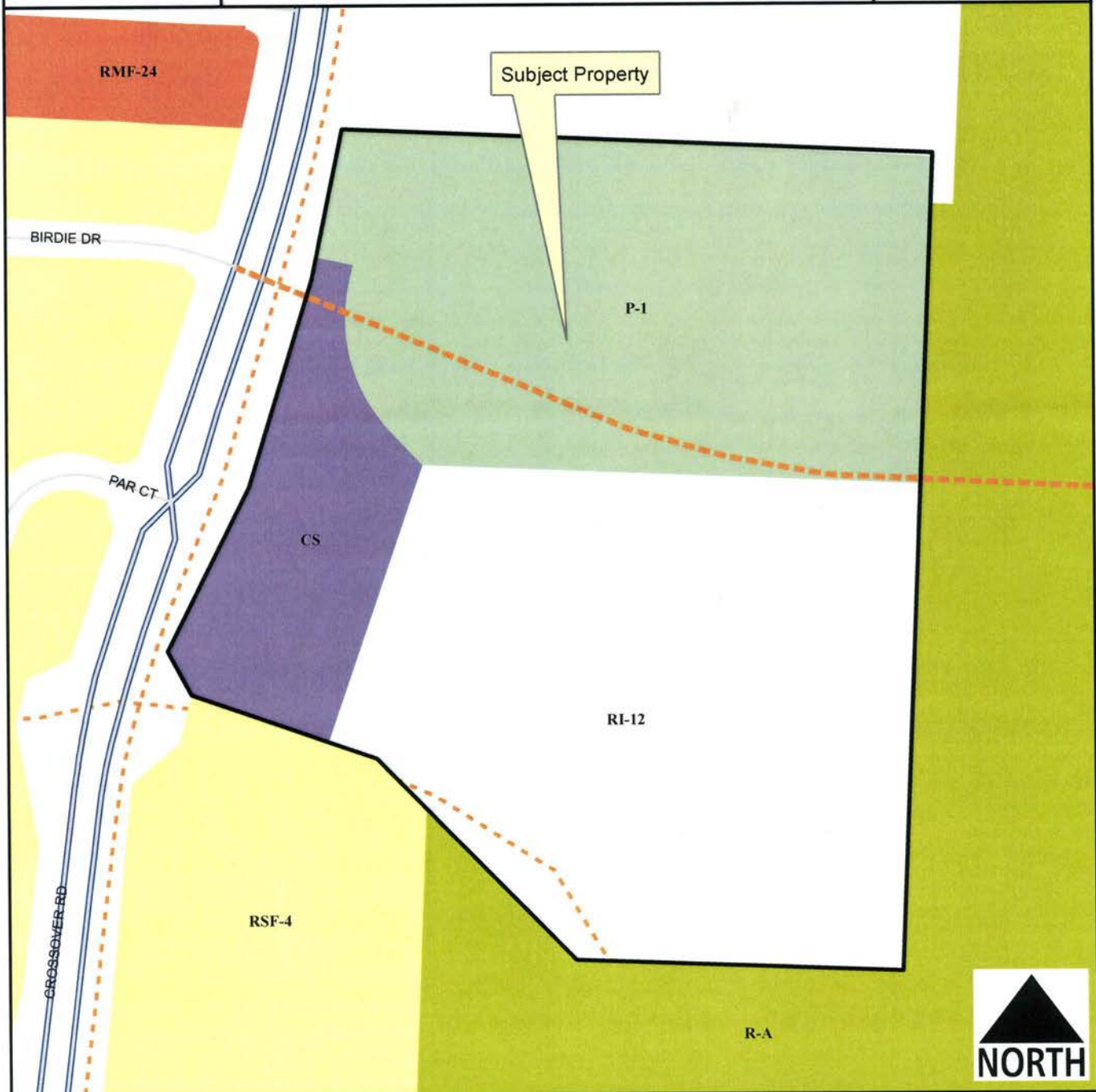
Sheet
A4.8



LSD 17-5771

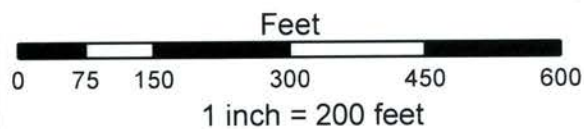
Close Up View

SPRINGHOUSE VILLAGE RETIREMENT COMMUNITY



Legend

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



- Residential-Agricultural
- RSF-4
- RMF-24
- Community Services
- P-1





City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0266

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 5

RZN 17-5772 (810 S. CHERRY LN./ SWEETSER PROPERTIES):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5772 FOR APPROXIMATELY 0.53 ACRES LOCATED AT 810 SOUTH CHERRY LANE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-4, Residential Single Family, 4 units per acre to RMF-24, Residential Multi-Family, 24 units per acre.

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

City of Fayetteville Staff Review Form

2017-0266

Legistar File ID

6/6/2017

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

Andrew Garner

5/19/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5772: Rezone (810 S. CHERRY LN./SWEETSER PROPERTIES, 565): Submitted by JORGENSEN & ASSOCIATES INC. for property at 810 S. CHERRY LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 0.53 acres. The request is to rezone the properties to RMF-24, RESIDENTIAL SINGLE FAMILY, 24 UNITS PER ACRE.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 6, 2017

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: May 19, 2017

SUBJECT: RZN 17-5772: Rezone (810 S. CHERRY LN./SWEETSER PROPERTIES, 565):
Submitted by JORGENSEN & ASSOCIATES INC. for property at 810 S. CHERRY LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 0.53 acres. The request is to rezone the properties to RMF-24, RESIDENTIAL SINGLE FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to RMF-24, Residential Multi-Family, 24 Units per Acre, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is approximately 0.53 acres and is located on the northeast corner of Huntsville Road and Cherry Lane, approximately equidistant between Crossover and Happy Hollow Roads. The property is currently split-zoned, with the northwestern corner, totaling 0.34 acres, zoned as RMF-24, Residential Multi-family, 24 Units per Acre, and the southern portion with a strip along the eastern property line zoned RSF-4, Residential Single-family, 4 Units per Acre. Along with the existing 4-family attached dwelling on the northern portion of the property, a single-family dwelling previously stood on the southern portion and faced Huntsville Road. The 4-family dwelling has a driveway with access to Cherry Lane.

Request: The request is to rezone the balance of the property that is not currently RMF-24, totaling 0.19 acres, from RSF-4 to RMF-24. The applicant's letter indicates that they intend to develop the property for 2-family residential use.

Land Use Compatibility: In staff's opinion, the uses permitted with the proposed RMF-24 zoning district are compatible with surrounding uses and the adjacent Principal Arterial, Huntsville Road. The subject property is currently developed with a 4-family dwelling, while to the north, east, and south are single-family dwellings of various sizes. The adjacent property to the north is single-family in use, but is zoned RI-12, Residential Intermediate, 12 Units per Acre, which permits single-, 2-, 3-, and 4-family dwellings, and acts to transition densities and intensities from Huntsville Road in the south to the single-family uses and zoning districts to the north. The requested zoning is less compatible with the existing uses on the property to the east, which is

currently developed with a single-family home and used for agricultural purposes. That said, and given its Future Land Use Map designation as a City Neighborhood Area, the property to the east has the potential to be rezoned and developed to greater density and intensity that would be compatible with the proposed zoning on the subject property.

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. This designation encourages the widest mix of uses, including single-family, multi-family, and non-residential uses. Although the uses permitted under RMF-24 do not necessarily promote mixed-use development by right, the zoning district does allow for the widest array of residential uses. The requested RMF-24 zoning district 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 RMF-24 zoning district and its wide variety of residential uses can encourage greater densities along a major thoroughfare with ready access to City services.

In staff's opinion, the requested RMF-24 zoning district is justified at this time given adjacency to a Principal Arterial and the current Future Land Use Map designation of City Neighborhood Area. Furthermore, the current split-zoned nature of the property greatly limits the ability for development to gradually transition away from Huntsville Road to the lower density residential uses and zoning to the north.

DISCUSSION:

On May 8, 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

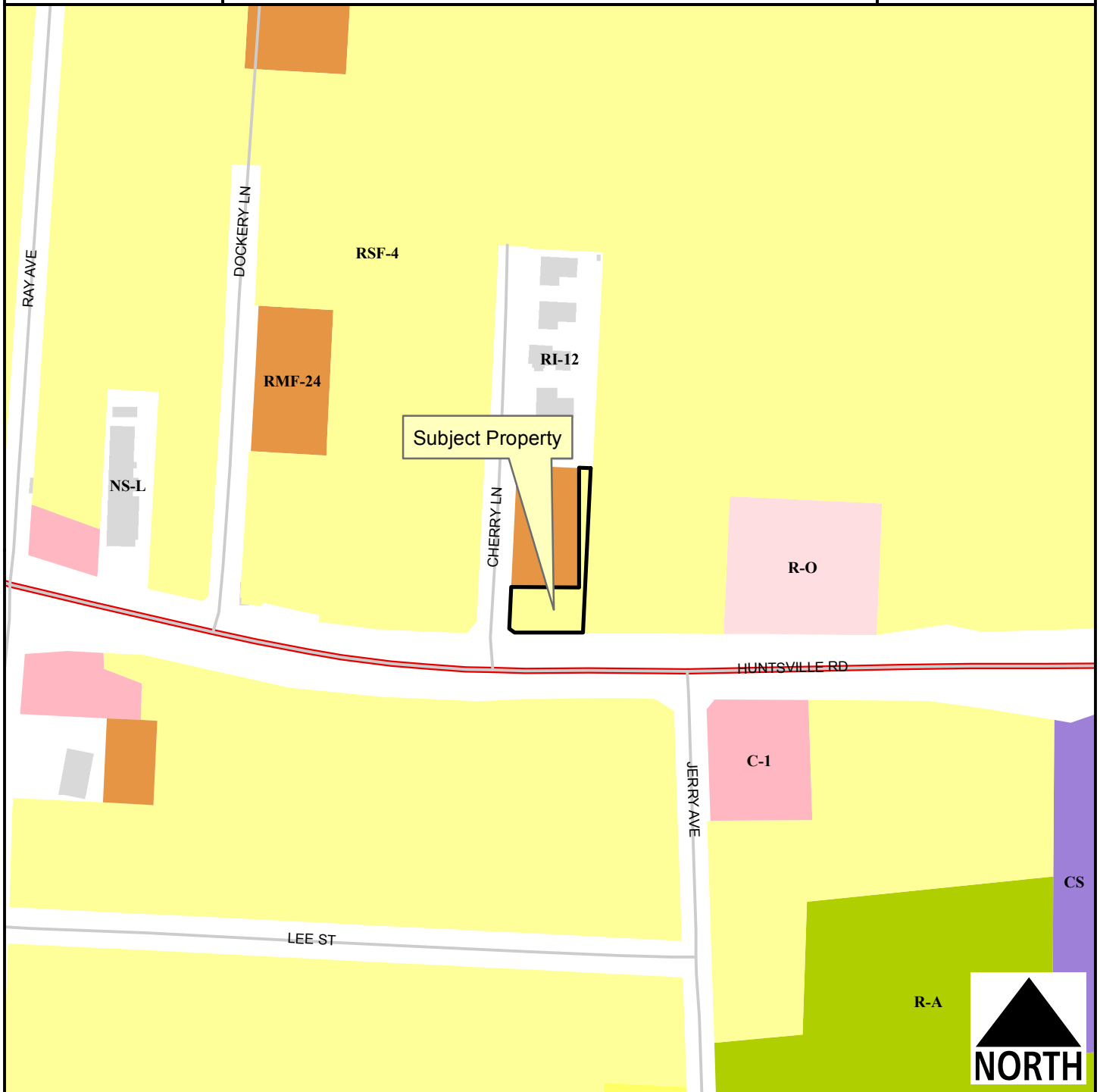
RZN 17-5772

Close Up View

SWEETSER PROPERTIES

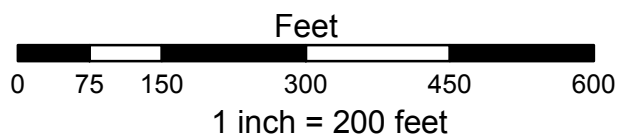
17-5772

EXHIBIT 'A'



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



- Residential-Agricultural
- RSF-4
- RSF-7
- RMF-24
- Residential-Office
- C-1
- Community Services

17-5772
EXHIBIT 'B'

LEGAL DESCRIPTION:

A part of the NW1/4 of the NE1/4 of Section 23, T16N, R30W in Washington County, Arkansas, and being described as follows:
Commencing at the NW Corner of said NW1/4, NE1/4, thence
S02°42'42"W 549.79 feet, thence S88°42'05"E 39.52 feet, thence
N02°25'53"E 25.77 feet to the POINT OF BEGINNING, thence
N02°29'22"E 225.52 feet, thence S87°07'42"E 102.50 feet, thence
S02°40'55"W 225.85 feet, thence N89°59'23"W 94.04 feet, thence
N54°21'57"W 9.30 feet to the POINT OF BEGINNING, Containing 0.53
acres, more or less, subject to easements and right of ways of
record.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

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

Application:

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

Applicant (person making request):

Name: Sweeter Properties

Address: 730 N. Levee
Fayetteville, Ar 72701

E-mail: _____

Phone: _____
() _____
() _____

Fax: _____
() _____

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

Name: Jorgensen & Assoc

Address: 124 W. Sunbridge
FAYETTEVILLE AR 72703

E-mail: dave@jorgensen-assoc.com

Phone: _____
() 442-9127
() _____

Fax: _____
() _____

Site Address / Location: Cherry Lane

Current Zoning District: RSF-4 Requested Zoning District: RMF-24

Assessor's Parcel Number(s) for subject property: 765-15194-000

FINANCIAL INTERESTS

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

Sweeter 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): Mike Sweetser 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): Mike Sweetser Address: _____
Signature: _____
Date: 3-10-17 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.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: May 8, 2017 (Updated with Planning Commission Results)

SUBJECT: **RZN 17-5772: Rezone (810 S. CHERRY LN./SWEETSER PROPERTIES, 565):** Submitted by JORGENSEN & ASSOCIATES INC. for property at 810 S. CHERRY LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 0.53 acres. The request is to rezone the properties to RMF-24, RESIDENTIAL SINGLE FAMILY, 24 UNITS PER ACRE

RECOMMENDATION:

Staff recommends forwarding of **RZN 17-5772** to the City Council with a recommendation for approval based on the findings herein.

BACKGROUND:

The subject property is approximately 0.53 acres and is located on the northeast corner of Huntsville Road and Cherry Lane, approximately equidistant between Crossover and Happy Hollow Roads. The property is currently split-zoned, with the northwestern corner, totaling 0.34 acres, zoned as RMF-24, Residential Multi-family, 24 Units per Acre, and the southern portion with a strip along the eastern property line zoned RSF-4, Residential Single-family, 4 Units per Acre. Along with the existing 4-family attached dwelling on the northern portion of the property, a single-family dwelling previously stood on the southern portion and faced Huntsville Road. The 4-family dwelling has a driveway with access to Cherry Lane. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	RI-12, Residential Intermediate, 12 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Agricultural; Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the balance of the property that is not currently RMF-24, totaling 0.19 acres, from RSF-4 to RMF-24. The applicant's letter indicates that they intend to develop the property for 2-family residential use.

Public Comment: Staff has received some public comment regarding the request, with most expressing curiosity about future development plans, which are not currently available. One

resident noted that they thought this was City property, and would prefer to see it remain undeveloped.

INFRASTRUCTURE:

- Streets:** The subject property has access to Cherry Lane, which is an unimproved Local Street. The parcel also fronts Huntsville Road/Highway 16, which is a fully improved Principal Arterial Street. 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 6-inch public watermain along the western side of the Cherry Lane right-of-way.
- Sewer:** Sanitary sewer is available to the site. There is an existing 6-inch public sewer main in the Cherry Lane and Huntsville Road rights-of-way.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. No portions of this parcel are identified as 100-year FEMA regulated floodplains or floodways, and no protected streams are present. Furthermore, no portion of this parcel is within the Hillside-Hilltop Overlay District.
- Fire:** The Fire Department did not express any concerns with this request.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 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: ***Surrounding Land Use Compatibility:*** In staff's opinion, the uses permitted with the proposed RMF-24 zoning district are compatible with surrounding uses and the adjacent Principal Arterial, Huntsville Road. The subject property is currently developed with a 4-family dwelling, while to the north, east, and south are single-family dwellings of various sizes. The adjacent property to the north is single-family in use, but is zoned RI-12, Residential Intermediate, 12 Units per Acre, which permits single-, 2-, 3-, and 4-family dwellings, and acts to transition densities and intensities from Huntsville Road in the south to the single family uses and zoning districts to the north. The requested zoning is less compatible with the existing uses on the property to the east, which is currently developed with a single-family home and used for agricultural purposes. That said, and given its Future Land Use Map designation as a City Neighborhood Area, the property to the east has

the potential to be rezoned and developed to greater density and intensity that would be compatible with the proposed zoning on the subject property.

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. This designation encourages the widest mix of uses, including single-family, multi-family, and non-residential uses. Although the uses permitted under RMF-24 do not necessarily promote mixed-use development by right, the zoning district does allow for the widest array of residential uses. The requested RMF-24 zoning district 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 RMF-24 zoning district and its wide variety of residential uses can encourage greater densities along a major thoroughfare with ready access to City services.

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

Finding: In staff's opinion, the requested RMF-24 zoning district is justified at this time given adjacency to a Principal Arterial and the current Future Land Use Map designation of City Neighborhood Area. Furthermore, the current split-zoned nature of the property greatly limits the ability for development to gradually transition away from Huntsville Road to the lower density residential uses and zoning to the north.

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

Finding: Rezoning the property RMF-24 is not likely to increase traffic danger or congestion in this location, although the request will allow a higher intensity of development and use than that allowed under the existing RSF-4 zoning district. Any additional development on the property will be subject to the City's access management standards, which dictate that 2-, 3-, and multi-family development access a lower classification street when available, which in this case is Cherry Lane.

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

Finding: Rezoning the property from RSF-4 to RMF-24 will increase the potential population density, but is unlikely to undesirably increase the load on public services. As mentioned, there was previously one detached single-family home on the portion of the property proposed for rezoning, and under the RMF-24 zoning district's requirements there is potential for two 2-family dwellings or one 3-family dwelling. Given the property's current access to existing City water, sewer, and streets, staff does not believe an adverse impact will occur. Even if a redevelopment of the subject property were to

occur, the maximum possible density, given the size of the subject property, is 12 units.

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 of **RZN 17-5772** 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>May 8, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Hoffman</u>	Second: <u>Belden</u>	Vote: <u>7-0-0</u>	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>June 6, 2017 (Tentative)</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.07, RSF-4, Residential Single-family, 4 Units per Acre
 - o §161.16 RMF-24, Residential Multi-family, 24 Units per Acre
- Request Letter
- Rezone Exhibit
- 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)

161.16 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	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 park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	30/45/60 feet*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10—20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 feet.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

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

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16)



**JORGENSEN
+ASSOCIATES**
Civil Engineering + Surveying

RZN 17-5772

Request Letter

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

3-8-17

City of Fayetteville
113 W Mountain
Fayetteville, AR. 72701

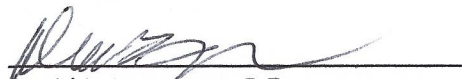
Att: Planning Dept.
Re: Rezoning of Sweetser Property on Cherry Lane

Attached please find information pertaining to a rezoning request for property owned by Sweetser located at the NE Corner of Hwy 16 and Cherry Street. The owner would like to build a duplex but needs the reduced setbacks allowed by RMF-24. Therefore the owner would like to rezone from RSF-1 to RMF-24.

Please review the attached information and let me know of any questions you may have.

Thank you.

Sincerely;



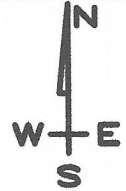
David L. Jorgensen, P.E.

Rezoning Exhibit

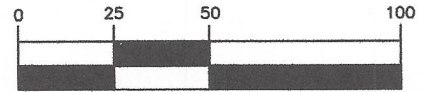
RZN 17-5772

LEGEND

- × CALCULATED POINT
- FOUND IRON PIN
- SET IRON PIN & CAP
- CENTERLINE STREET
- UTILITY EASEMENT



GRAPHIC SCALE



(IN FEET)

1 inch = 50 ft.

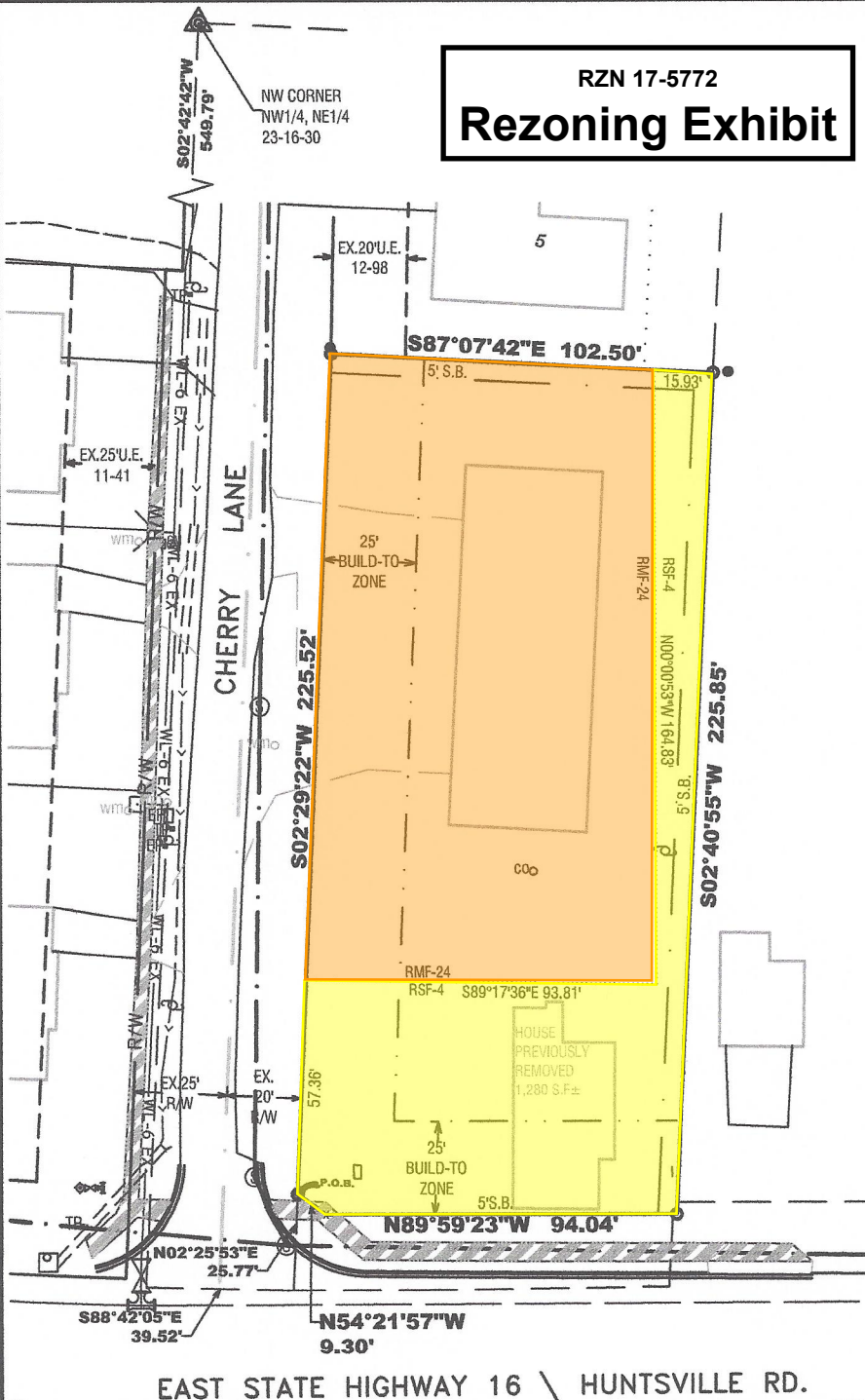
LEGAL DESCRIPTION:

A part of the NW1/4 of the NE1/4 of Section 23, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said NW1/4, NE1/4, thence S02°42'42"W 549.79 feet, thence S88°42'05"E 39.52 feet, thence N02°25'53"E 25.77 feet to the POINT OF BEGINNING, thence N02°29'22"E 225.52 feet, thence S87°07'42"E 102.50 feet, thence S02°40'55"W 225.85 feet, thence N89°59'23"W 94.04 feet, thence N54°21'57"W 9.30 feet to the POINT OF BEGINNING, Containing 0.53 acres, more or less, subject to easements and right of ways of record.

LEGAL DESCRIPTION - REZONING RSF-4 TO RMF-24:

A part of the NW1/4 of the NE1/4 of Section 23, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said NW1/4, NE1/4, thence S02°42'42"W 549.79 feet, thence S88°42'05"E 39.52 feet, thence N02°25'53"E 25.77 feet to the POINT OF BEGINNING, thence N02°29'22"E 57.36 feet, thence S89°17'36"E 93.81 feet, thence N00°00'53"W 164.83 feet, thence S87°07'42"E 15.93 feet, thence S02°40'55"W 225.85 feet, thence N89°59'23"W 94.04 feet, thence N54°21'57"W 9.30 feet to the POINT OF BEGINNING, Containing 0.19 acres, more or less, subject to easements and right of ways of record.

RMF-24 ZONE SETBACKS
FRONT: 25' BUILD-TO ZONE
SIDE: 8' OTHER USES
SIDE: 5' SINGLE OR 2-FAMILY
REAR: 20' OTHER
REAR: 5' SINGLE FAMILY



EAST STATE HIGHWAY 16 \ HUNTSVILLE RD.



**JORGENSEN
+ ASSOCIATES**
Civil Engineering · Surveying
Landscape Architecture Services

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

SCALE: 1"=50'

DATE REVISED

CHECKED BY:

DRAWN BY: PMM

DATE: 08FEB17

DLJ

Z:\LSD\2016126\CherrySt

BOUNDARY SURVEY

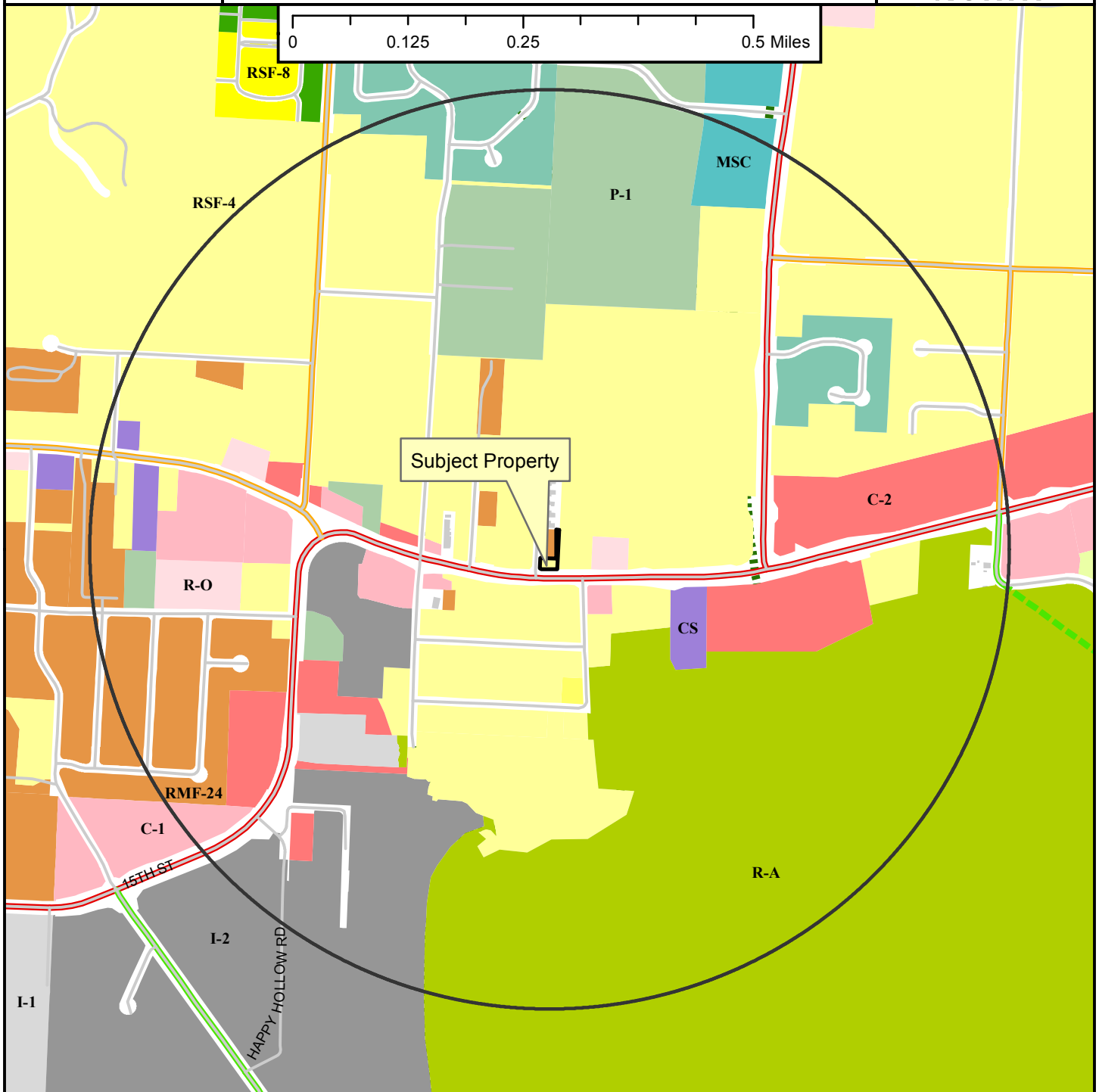
RZN 17-5772

SWEETSER PROPERTIES



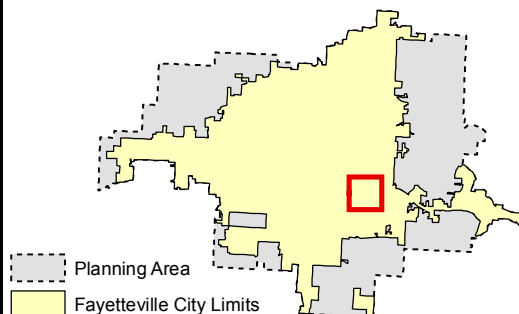
One Mile View

0 0.125 0.25 0.5 Miles



Legend

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



- Planning Area
- Fayetteville City Limits

Zoning

RESIDENTIAL SINGLE-FAMILY

- RSF-5 Residential-Agricultural
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY

- RT-12 Residential Two and Three-family
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL

- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION

E-1

COMMERCIAL

- C-1 Residential-Office
- C-2
- C-3

FORM BASED DISTRICTS

- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

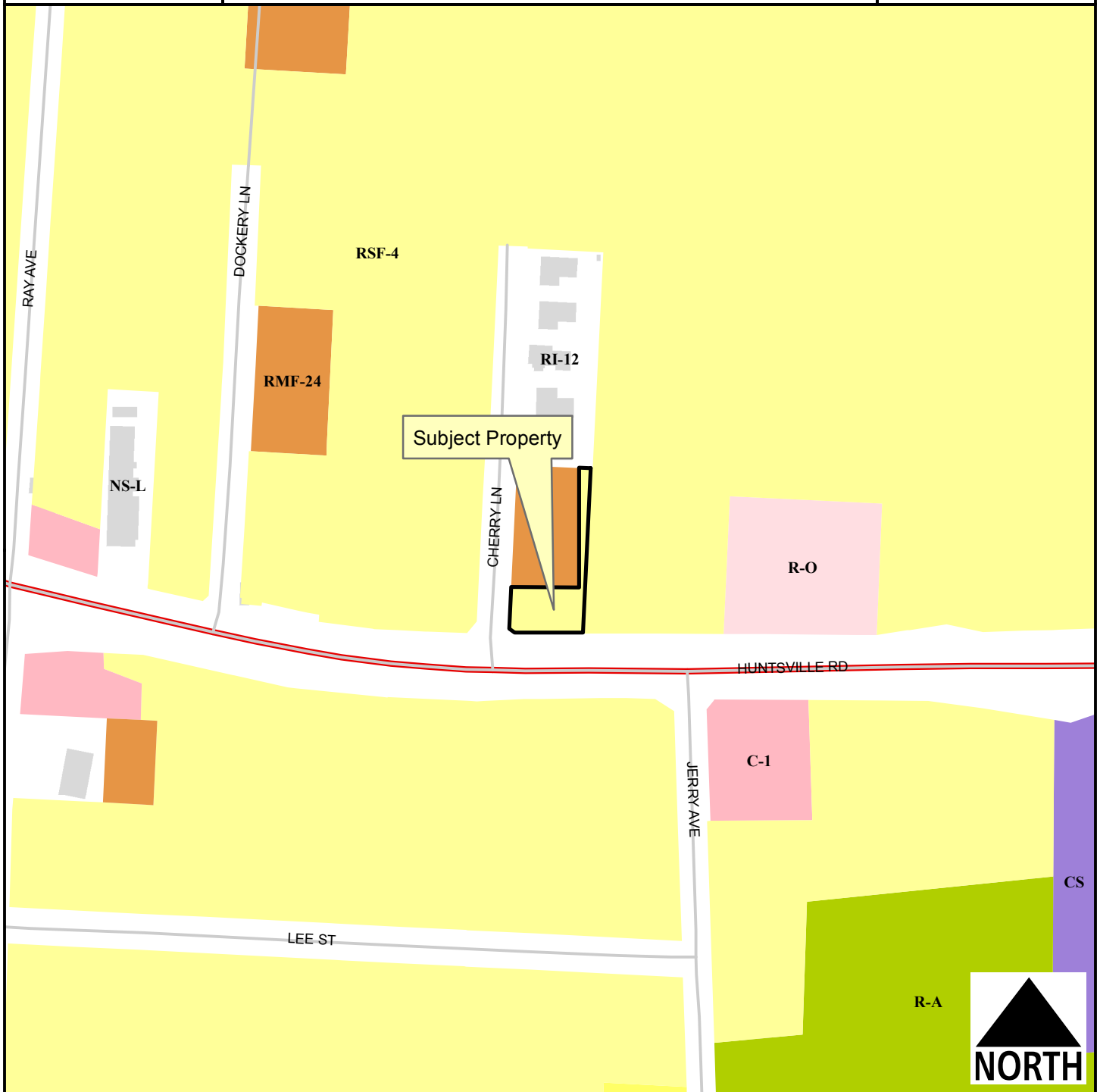
PLANNED ZONING DISTRICTS

- Commercial, Industrial, Residential
- INSTITUTIONAL
- P-1

RZN 17-5772

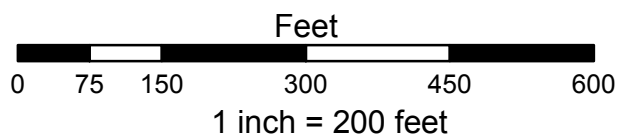
SWEETSER PROPERTIES

Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



- Residential-Agricultural
- RSF-4
- RSF-7
- RMF-24
- Residential-Office
- C-1
- Community Services

RZN 17-5772

Current Land Use

SWEETSER PROPERTIES



2015 Imagery



RZN17-5772



Street



PRINCIPAL ARTERIAL



County Parcels

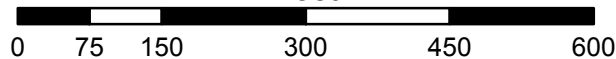


Planning Area



Fayetteville City Limits

Feet



1 inch = 200 feet

FEMA Flood Hazard Data



100-Year Floodplain

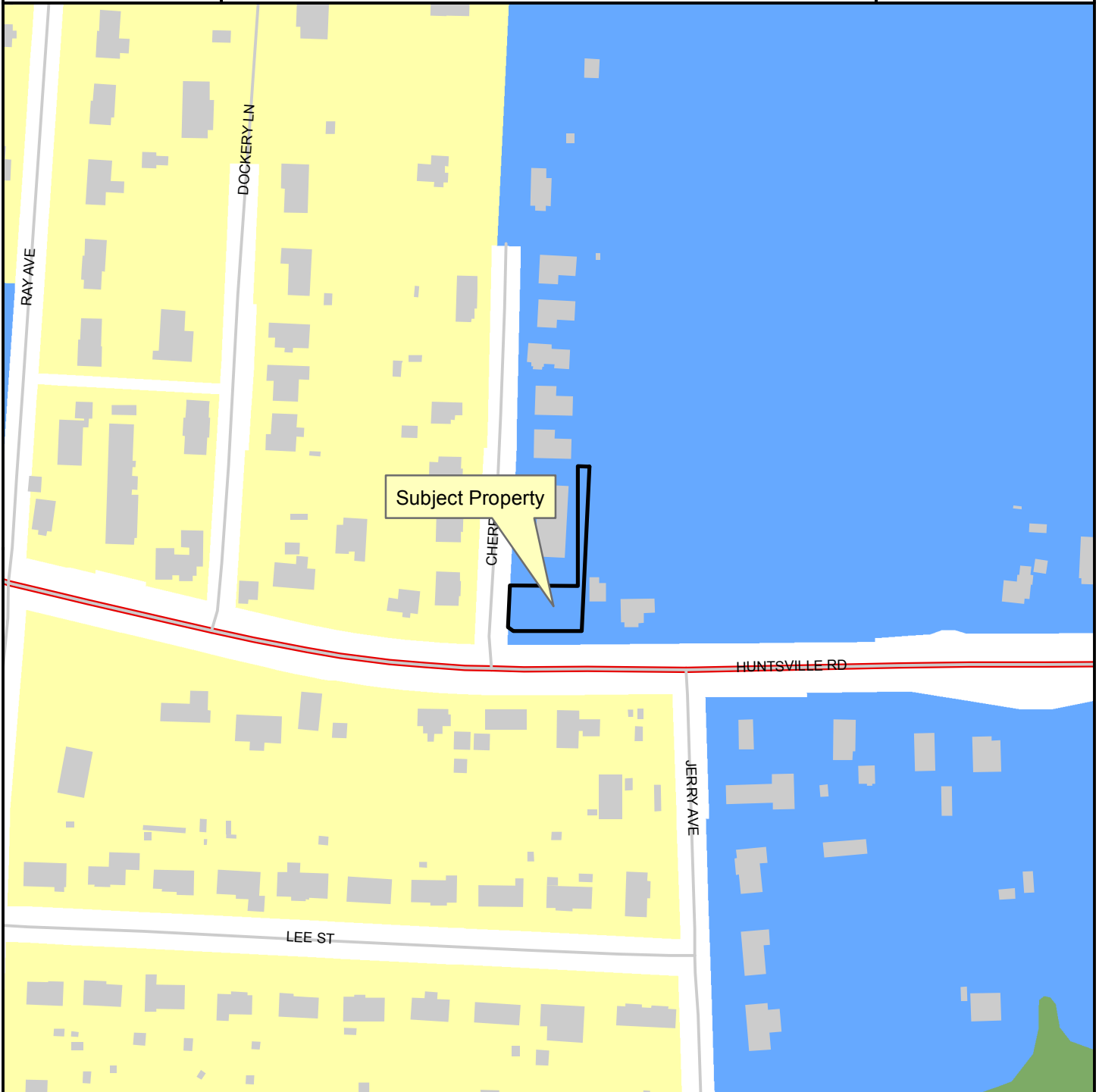


Floodway

RZN 17-5772

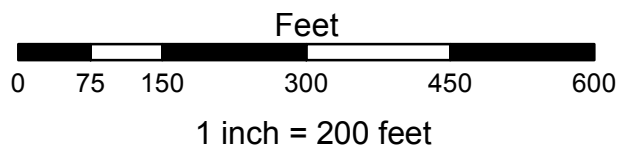
Future Land Use

SWEETSER PROPERTIES



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- City Neighborhood Area



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0268

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 6

RZN 17-5776: (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5776 FOR APPROXIMATELY 0.31 ACRES LOCATED AT 1320 SOUTH COLLEGE AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE, URBAN

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban.

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

City of Fayetteville Staff Review Form

2017-0268

Legistar File ID

6/6/2017

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

Andrew Garner

5/19/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5776: Rezone (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES, 563): Submitted by INFILL GROUP, LLC. for properties at 1320 S. COLLEGE AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.31 acres. The request is to rezone the properties to RI-U, RESIDENTIAL INTERMEDIATE, URBAN.

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 JUNE 6, 2017

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jonathan Curth, Current Planner

DATE: May 19, 2017

SUBJECT: **RZN 17-5776: Rezone (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES, 563):** Submitted by INFILL GROUP, LLC. for properties at 1320 S. COLLEGE AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.31 acres. The request is to rezone the properties to RI-U, RESIDENTIAL INTERMEDIATE, URBAN.

RECOMMENDATION:

The City Planning staff recommends denial and the Planning Commission recommend approval of an ordinance to rezone the subject property to RI-U, Residential Intermediate, Urban, as shown in the attached Exhibits 'A' and 'B' and subject to a Bill of Assurance attached as Exhibit 'C'.

BACKGROUND:

The subject property includes 2 parcels totaling approximately 0.31 acres on the east side of College Avenue, between 13th Street to the north and Ella Street to the south. Immediately to the west of the property is Walker Park. These parcels are zoned NC, Neighborhood Conservation, comprising Lots 3 and 4 of the Berl Dodd Addition, which was platted in 1926. Previously, there was a one single-family dwelling on the site, which was built in 1957 and served by a concrete drive off of College Avenue. This structure was recently demolished.

In July of 2008, the subject property, along with approximately 300 acres of the wider Walker Park Neighborhood, were rezoned in accordance with the Walker Park Neighborhood Master Plan. Among other changes, this rezoning removed the existing RMF-24, Residential Multi-family, 24 Units per Acre, designation on the subject property, and replaced it with the current NC, Neighborhood Conservation, zoning district. The subject property is surrounded on three sides by small single-family homes (see attached exhibit) in the NC zoning district and Walker Park is located to the west, across College Avenue.

Request: The request is to rezone the subject properties from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban, subject to a bill of assurance. The bill of assurance indicates that development will be limited to permitted and conditional uses allowed in the RI-U zoning district, except Use Unit 26, Multi-family dwellings, and that all development, including single-family houses, shall comply with the City's Urban Residential Design Standards. The

applicant has indicated that the rezoning is needed to allow a greater flexibility in meeting future housing demand.

Land Use Compatibility: Aside from Walker Park to the west, land use in immediate adjacency to the subject property is uniformly small single-family dwellings. This is largely the condition throughout the area. While the proposed RI-U zoning district permits single-family dwellings, it also permits 2-, 3-, and 4-family dwellings. It is certainly possible to develop attached residential housing in a manner that is compatible with detached single-family housing. However, a transition in building types should generally occur at the block level or at a mid-block alley to maintain compatibility. This maintains the immediate adjacency of similar building types with the transition occurring in backyards or across the street or street corner. The proposed zoning would insert the potential for significant change in building type and scale in the middle of a group of small, single-family homes, which would not be compatible. Furthermore, the exceptionally small lot widths allowed under RI-U, with only 18 feet required for any dwelling versus 40 feet for a single-family dwelling and 80 for a two-family dwelling under NC, can create an indisputably divergent development pattern when compared with immediately surrounding homes. Permitting attached dwellings by right also removes the conditional use permit requisite under the NC zoning. By requiring a conditional use permit, neighbors, staff, and the Planning Commission are all able to review and comment upon whether a proposal is compatible and complimentary.

Land Use Plan Analysis: Fayetteville's overarching City Plan 2030 and the more localized Walker Park Neighborhood Master Plan appear to be in agreement with staff's recommendation regarding the proposed rezoning.

When reviewing the Walker Park Neighborhood Master Plan in greater detail, it states that a diversity of housing is indeed desired, but that attached housing should be developed "in strategic areas, such as neighborhood commercial areas or major thoroughfares", rather than mid-block in a single-family residential area as proposed. Although College Avenue through southern Walker Park is classified as a Collector in the City's Master Street Plan, and therefore may constitute a major thoroughfare, it is an overwhelmingly single-family corridor between the commercially-zoned properties on Martin Luther King Boulevard and 15th Street, which are both classified as Principal Arterials.

City Plan 2030 states that "*appropriate infill*" is a priority. The plan acknowledges the value of increasing density in locations where City services and utilities already exist, but only where it "reflects the existing community character." Along the same lines, the Walker Park Neighborhood Master Plan details that a balance and diversity of housing created through infill is desired and can take advantage of existing infrastructure and the neighborhood's proximity to downtown. The Walker Park Neighborhood Master Plan goes on to note that attached housing can represent this balance and diversity of housing, but envisioned as a buffer between commercial corridors and single-family areas in order to ensure "that future development follows the traditional pattern of growth." In both of these examples, there is a clear call for infill, but in a manner that preserves community character. Staff does not feel that the proposed rezoning achieves this.

DISCUSSION:

On May 8, 2017, the Planning Commission forwarded the proposal to City Council with a recommendation for approval passed by a vote of 6-1-0. Commissioner Niederman voted 'no'.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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



17-5776
EXHIBIT 'B'

A part of Lots 3 and 4, all in Block 5, Berl Dodd Addition, to the City of Fayetteville, Washington County, Arkansas, as per Plat of said Addition recorded in Plat Record Book 4 at Pages 219 and 220, being more particularly described as follows: Beginning at the NW Corner of said Lot 3, said point being a set 1/2" iron rebar; thence North 89°44'16" East 140.00 feet to a set 1/2" iron rebar at the NE Corner of said Lot 3; thence South 00°03'17" West 96.32 feet along the East line of said Lots 3 and 4 to a set 1/2" iron rebar; thence South 89°05'32" West 140.02 feet to a set 1/2" iron rebar on the West line of said Lot 4; thence North 00°03'17" East 97.90 feet to the Point of Beginning, containing 0.31 acres (13,595.4 square feet), more or less. Also known as Tract A of a Property Line Adjustment recorded as File number 2007-00026486, by G. Alan Reid, Registered Professional Land Surveyor.

Subject to recorded instruments, covenants, rights of way, and easements. Subject to all prior mineral reservations and oil and gas leases, if any.

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner (hereinafter "Petitioner"), Sugarland Properties LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to permitted and conditional uses allowed in Residential Intermediate - Urban zoning except for Use Unit 26 Multi-family dwellings.
2. Other restrictions including number and type of structures upon the property are limited to _____
_____.
3. Specific activities will not be allowed upon petitioner's property include _____
_____.
4. (Any other terms or conditions) All development on the property, including single-family houses, shall comply with the City's Urban Residential Design Standards.

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

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Sugarland Properties LLC by Lan Branton Managing Member, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

4-19-17
Date

1320 S. College
Address
Ave. Fayetteville, AR

Sugarland Properties LLC by Lan Branton Managing Member
Printed Name

[Signature]
Signature

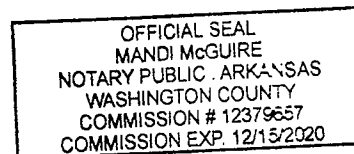
NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 19 day of April, 2017, 2016, appeared before me, Mandi McGuire, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Mandi McGuire
NOTARY PUBLIC

My Commission Expires:
12/15/2020



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: Lan Brandon

Sugarland Properties LLC

Address:

E-mail:

Phone:

() (479) 790-7858

Fax:

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

Name: Matthew Petty

Infill Group LLC

Address: 100 West Center Street

Suite 202

Fayetteville, AR 72701

E-mail: matthew@infillgroup.com

Phone:

() 479 595 8703

Fax:

Site Address / Location: 1320 South College Avenue

Current Zoning District: NC

Requested Zoning District: RI-U

Assessor's Parcel Number(s) for subject property: 765-03358-000 and 765-03359-000

FINANCIAL INTERESTS

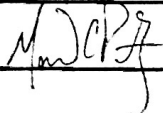
The following entities and / or people have financial interest in this project:

Lan Brandon, Sugarland Properties 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): Matthew Petty

Date: March 21, 2017

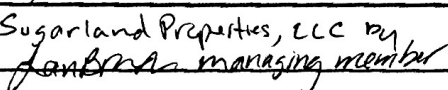
Signature: 

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): Sugarland Properties, LLC

Address: P.O. Box 197

Signature: Sugarland Properties, LLC by  managing member

Fayetteville, AR 72702

Date: 3-24-17

Phone: (479) 790-7858

Name (printed): _____

Address: _____

Signature: _____

Date: _____

Phone: ()

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: May 8, 2017 (**Updated with Planning Commission Results**)

SUBJECT: **RZN 17-5776: Rezone (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES, 563):** Submitted by INFILL GROUP, LLC. for properties at 1320 S. COLLEGE AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.31 acres. The request is to rezone the properties to RI-U, RESIDENTIAL INTERMEDIATE, URBAN.

RECOMMENDATION:

Staff recommends denial of **RZN 17-5776** based upon the findings herein.

BACKGROUND:

The subject property includes 2 parcels totaling approximately 0.31 acres on the east side of College Avenue, between 13th Street to the north and Ella Street to the south. Immediately to the west of the property is Walker Park. These parcels are zoned NC, Neighborhood Conservation, comprising Lots 3 and 4 of the Berl Dodd Addition, which was platted in 1926. Previously, there was a one single-family dwelling on the site, which was built in 1957 and served by a concrete drive off of College Avenue. This structure was recently demolished.

In July of 2008, the subject property, along with approximately 300 acres of the wider Walker Park Neighborhood, were rezoned in accordance with the Walker Park Neighborhood Master Plan. Among other changes, this rezoning removed the existing RMF-24, Residential Multi-family, 24 Units per Acre, designation on the subject property, and replaced it with the current NC, Neighborhood Conservation, zoning district. The subject property is surrounded on three sides by small single-family homes (see attached exhibit) in the NC zoning district and Walker Park is located to the west, across College Avenue. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential Single-family	NC, Neighborhood Conservation
South	Residential Single-family	NC, Neighborhood Conservation
East	Residential Single-family	NC, Neighborhood Conservation
West	Walker Park	P-1, Institutional

Request: The request is to rezone the subject properties from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban, subject to a bill of assurance. The bill of assurance indicates that development will be limited to permitted and conditional uses allowed in the RI-U

zoning district, except Use Unit 26, Multi-family dwellings, and that all development, including single-family houses, shall comply with the City's Urban Residential Design Standards. The applicant has indicated that the rezoning is needed to allow a greater flexibility in meeting future housing demand.

Public Comment: Staff has received public comment from numerous residents who oppose the rezoning request, most of whom participated in the Walker Park Neighborhood Master Plan. Concerns largely center around a perceived disregard for that plan and a fear that the neighborhood's character is 'under attack,' with current residents under pressure to sell their properties against the best interest of the larger neighborhood. Comments have also been made about the lack of compatibility between the existing uses and those permitted under the RI-U zoning district. Others have expressed an enthusiasm for the development and redevelopment that is occurring in Walker Park, as long as it is single-family in use in areas zoned for it.

INFRASTRUCTURE:

Streets: The subject parcels have access to College Avenue, a partially improved Collector Street with curb/gutter, but no sidewalk along the parcels' frontage. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to these parcels. There is an existing 6-inch water main in the College Avenue right-of-way that is available for service.

Sewer: Public sewer is available to these parcels. There is an existing 8-inch sewer main in the College Avenue Right of way that is available for service.

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 floodplain. No protected streams are on-site and no portion of this parcel lies within the Hillside-Hilltop Overlay District.

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

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

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

FINDINGS OF THE STAFF:

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

Finding: ***Land Use Compatibility:*** **Aside from Walker Park to the west, land use in immediate adjacency to the subject property is uniformly small single-family dwellings. This is largely the condition throughout the area. While the proposed RI-U zoning district permits single-family dwellings, it also permits 2-, 3-, and 4-family dwellings. It is certainly possible to develop attached**

residential housing in a manner that is compatible with detached single-family housing. However, a transition in building types should generally occur at the block level or at a mid-block alley to maintain compatibility. This maintains the immediate adjacency of similar building types with the transition occurring in backyards or across the street or street corner. The proposed zoning would insert the potential for significant change in building type and scale in the middle of a group of small, single-family homes, which would not be compatible. Furthermore, the exceptionally small lot widths allowed under RI-U, with only 18 feet required for any dwelling versus 40 feet for a single-family dwelling and 80 for a two-family dwelling under NC, can create an indisputably divergent development pattern when compared with immediately surrounding homes. Permitting attached dwellings by right also removes the conditional use permit requisite under the NC zoning. By requiring a conditional use permit, neighbors, staff, and the Planning Commission are all able to review and comment upon whether a proposal is compatible and complimentary.

There are several structures of mixed density sprinkled throughout this portion of Walker Park, with a one-story, four-family dwelling located on the same block to the immediate northeast of the subject property, and numerous 2-, 3-, and 4- family dwellings within 1/8th of a mile. Many of these are of a scale and character that is comparable to, and compatible with the predominantly single-family character of the neighborhood.

Land Use Plan Analysis: When considered together, Fayetteville's overarching City Plan 2030 and the more localized Walker Park Neighborhood Master Plan appear to be in agreement with staff's recommendation regarding the proposed rezoning.

One principal area where the Plans agree is the identified need for increasing opportunities for attainable housing and offering a variety of housing types. Rezoning the subject property would undoubtedly address these goals by increasing the spectrum of housing that can be developed. At the same time, this claim could be made about any property with single-family zoning in Walker Park, or the rest of Fayetteville for that matter. When reviewing the Walker Park Neighborhood Master Plan in greater detail, it states that a diversity of housing is indeed desired, but that attached housing should be developed "in strategic areas, such as neighborhood commercial areas or major thoroughfares", rather than mid-block in a single-family residential area as proposed. Although College Avenue through southern Walker Park is classified as a Collector in the City's Master Street Plan, and therefore may constitute a major thoroughfare, it is an overwhelmingly single-family corridor between the commercially-zoned properties on Martin Luther King Boulevard and 15th Street, which are both classified as Principal Arterials.

City Plan 2030 states that "*appropriate infill*" is a priority. The plan acknowledges the value of increasing density in locations where City services and utilities already exist, but only where it "reflects the existing community character." Along the same lines, the Walker Park Neighborhood Master Plan details that a balance and diversity of housing created through infill is desired and can take advantage of existing infrastructure and the

neighborhood's proximity to downtown. The Walker Park Neighborhood Master Plan goes on to note that attached housing can represent this balance and diversity of housing, but envisioned as a buffer between commercial corridors and single-family areas in order to ensure "that future development follows the traditional pattern of growth." In both of these examples, there is a clear call for infill, but in a manner that preserves community character. Staff does not feel that the proposed rezoning achieves this.

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

Finding: Based on the applicant's perspective, the requested rezoning is justified and needed to allow redevelopment of the parcels for greater flexibility in meeting the City's future housing needs. The existing NC zoning district only permits single-family dwellings by right, and 2-, 3-, and 4-family dwellings by conditional use. The proposed RI-U zoning district will allow single-, 2-, 3-, and 4-family dwellings by right, and on lots as narrow as 18 feet. However, from staff's perspective, the existing zoning is suitable and the rezoning is not justified.

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

Finding: Rezoning the property to RI-U, with its lack of density requirements, has the potential to increase traffic in this area as the site develops. Given the size of the development however, any increase in vehicular trips in the area will not appreciably increase traffic danger or congestion.

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

Finding: The 18-foot minimum lot widths of the RI-U zoning district and the overall size of the property will limit the total density of future development, thereby also limiting undesirable increases on the burden of schools or City services.

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

Finding: N/A

RECOMMENDATION:

Planning staff recommends denial of **RZN 17-5776**, finding that the proposed zone allows development that is incompatible with surrounding uses, neighborhood character, and elements of both City Plan 2030 and the Walker Park Neighborhood Master Plan.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>May 8, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Hoffman	Second: Scroggin	Vote: 6-1-0 (Commissioner Nierderman voted 'no'.)	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>June 6, 2017 (Tentative)</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.29, NC, Neighborhood Conservation (Existing)
 - o §161.12, RI-U, Residential Intermediate, Urban (Proposed)
- Request Letter
- Adjacent Property Images
- Walker Park Neighborhood Illustrative Map
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.29 - Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

ADM 16-5631 EXHIBIT “A”
From Ordinance 5945
Not Yet Codified

§161.12 - District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory Dwellings
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 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family Dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

ADM 16-5631 EXHIBIT "A"

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	30/45 feet
-------------------------	------------

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

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

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

Request Letter

Written description of rezoning request

Prepared 3/27/2017 for parcels: 765-03358-000 and 765-03359-000.

a) Current ownership information and any proposed or pending property sales.

The current owner Sugarland Properties LLC and there are no pending sales.

b) Reason (need) for requesting the zoning change.

The owner is planning to develop single-family housing with narrow lot widths.

attached

c) Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

The proposed rezoning is consistent with surrounding properties. In terms of land use, the surrounding properties are single family detached units. In terms of traffic, South College Avenue has excess capacity. In terms of appearance and signage, the design standards of RI-U will ensure that any new development is contextually sensitive to the existing neighborhood character.

d) Availability of water and sewer (state size of lines).

The site is served by a 6" water line and a 6" sewer line in the College Avenue ROW.

e) The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

The proposed zoning is consistent with City Plan 2030 and the Walker Park Neighborhood Master Plan. Given the surrounding land uses, RI-U allows for appropriate infill and advances Fayetteville's goal to grow a livable transportation network.

f) Whether the proposed zoning is justified and/or needed at the time of the request.

The proposed rezoning is needed to allow for a financially feasible number of single-family detached and to be developed on the site. It is justified by the proximity to a major transportation corridors and Walker Park.

g) Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

The proposed rezoning will not create a traffic danger or appreciably increase congestion.

h) Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

While the proposed rezoning will alter the population density, it will not undesirably increase the load on public services. A moderate increase in density increases the operating and/or maintenance efficiencies of public services: it allows more children to be bussed per mile and more residents to be served per linear foot of water or sewer line.

i) Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

NC does not allow for narrow lot widths or flexibility in meeting future housing demand.

RZN 17-5776

Adjacent Properties with Square Footages of Structures



1318 S. College (860 s.f.)



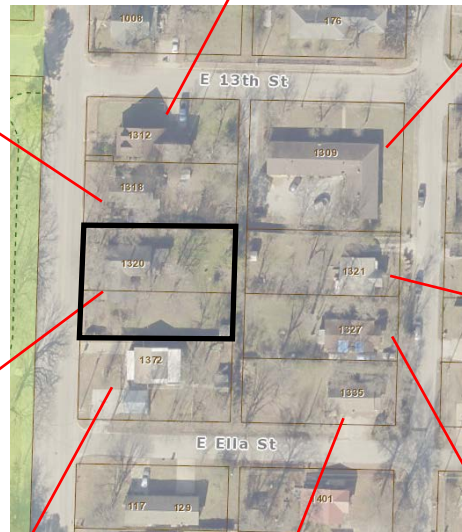
Subject Property



1372 S. College (754 s.f.)



1312 S. College (828 s.f.)



1335 S. Washington (784 s.f.)



1309 S. Washington
(4-Family; 3,328 s.f.)



1321 S. Washington (1,038 s.f.)



1327 S. Washington (1,118 s.f.)

All structure sizes based on Washington County Assessor data.

Walker Park Neighborhood Illustrative Plan

Senior
Center

Walker
Park

Subject
Parcels

9th St.

11th St.

12th St.

13th St.

Ella St.

15th St.

College Ave.

Washington Ave.

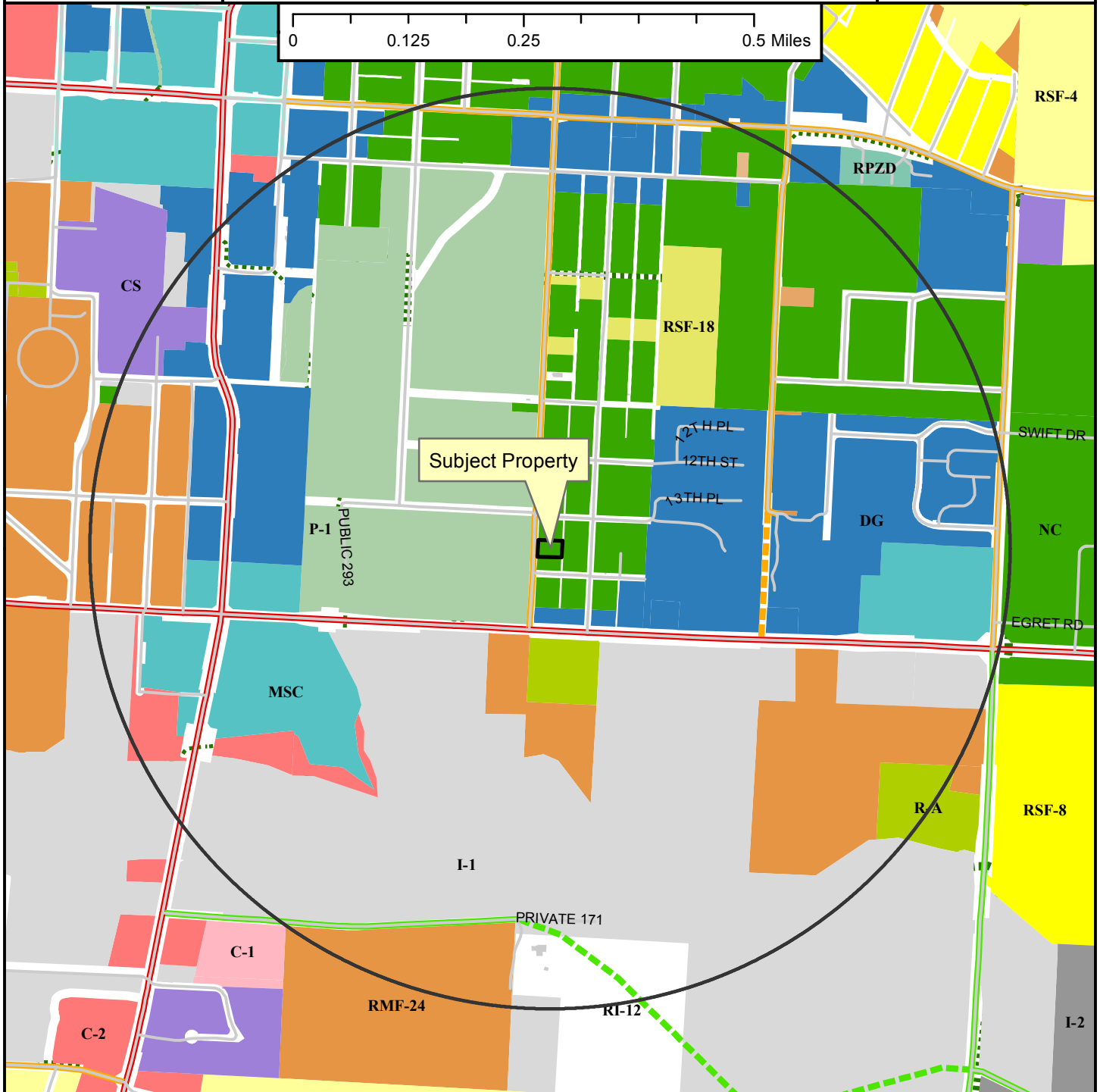
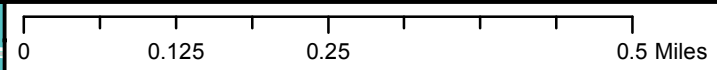


RZN 17-5776

SUGARLAND PROPERTIES

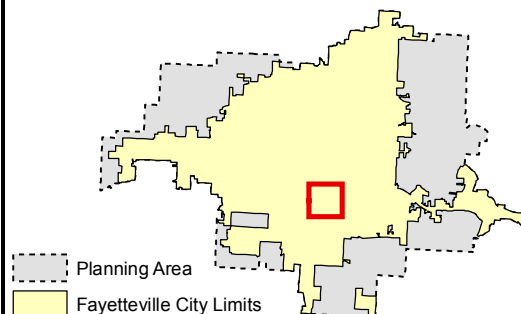


One Mile View



Legend

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



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - 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 17-5776

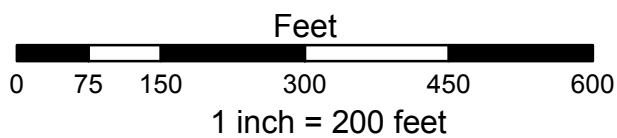
SUGARLAND PROPERTIES

Close Up View



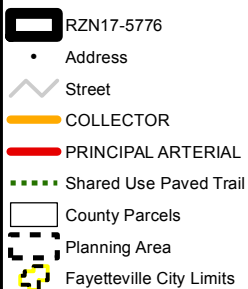
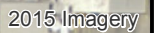
Legend

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

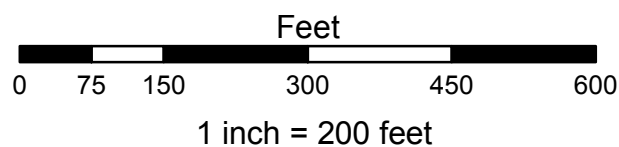


- Residential-Agricultural
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- Downtown General
- Neighborhood Conservation
- P-1

Current Land Use



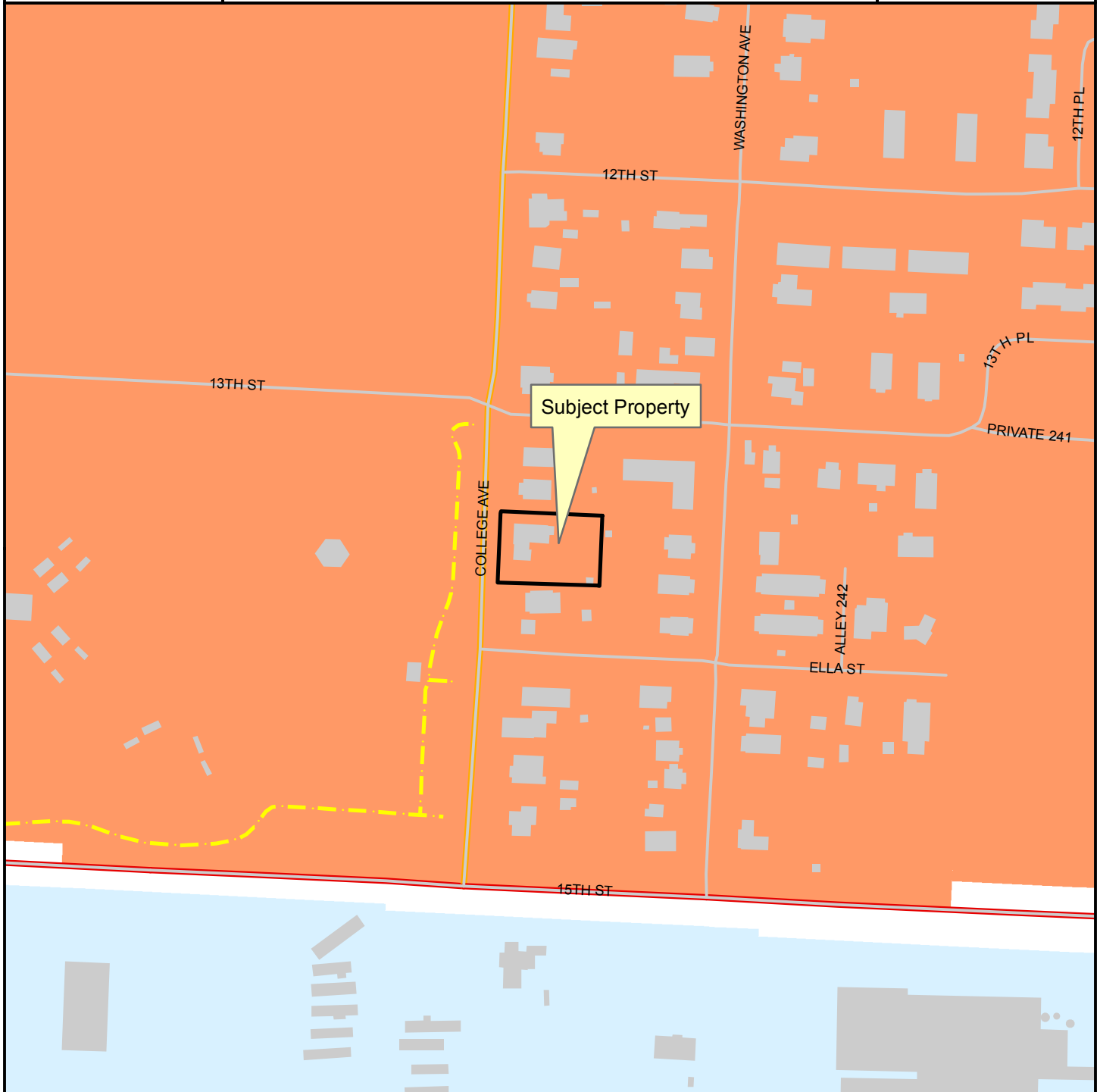
 100-Year Floodplain
 Floodway



RZN 17-5776

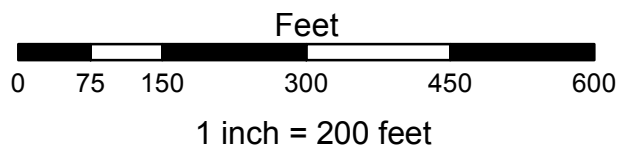
SUGARLAND PROPERTIES

Future Land Use



Legend

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



FUTURE LAND USE 2030

- Industrial
- Complete Neighborhood Plan



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0271

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 7

RZN 17-5770 (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5770 FOR APPROXIMATELY 0.45 ACRES LOCATED AT 769 AND 785 SOUTH WASHINGTON AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE, URBAN

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban.

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

City of Fayetteville Staff Review Form

2017-0271

Legistar File ID

6/6/2017

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

Andrew Garner

5/19/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5770: Rezone (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES, 563): Submitted by FLYER REAL ESTATE for properties at 769 & 785 S. WASHINGTON AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.45acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

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 JUNE 6, 2017

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Harry Davis, Planner

DATE: May 19, 2017

SUBJECT: RZN 17-5770: Rezone (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES, 563): Submitted by FLYER REAL ESTATE for properties at 769 & 785 S. WASHINGTON AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.45acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:

The City Planning staff recommends denial and the Planning Commission recommend approval of an ordinance to rezone the subject property to RI-U, Residential Intermediate-Urban as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject three properties totaling 0.45 acres are located at 769 and 785 South Washington Avenue near the intersection of Washington and 7th Street. These parcels are zoned NC, Neighborhood Conservation, comprising Block 1, Lots 35-40 of the historic and original plat of Glenwood Park Subdivision, which was recorded in 1912. There are currently single-family homes on two of the three parcels. As depicted in the attached photographs by staff (found in the PC report), the property is surrounded on three sides by relatively small, one-story single-family homes in NC, Neighborhood Conservation and DG, Downtown General districts. To the east is a 1,200 square foot commercial building and more single-family homes across Washington Avenue.

In July of 2008, the subject property, along with approximately 300 acres of the wider Walker Park Neighborhood, were rezoned in accordance with the Walker Park Neighborhood Master Plan. Among other changes, this rezoning removed the existing RMF-24, Residential Multi-family, 24 Units per Acre, designation on the subject property, and replaced it with the current NC, Neighborhood Conservation, zoning district.

Request: The request is to rezone the parcel from NC, Neighborhood Conservation to RI-U, Residential Intermediate-Urban. The applicant stated the rezoning is needed to allow flexibility in lot widths and area to meet housing demands in South Fayetteville.

Public Comment: There is considerable public comment from citizens of Fayetteville and residents of the neighborhood who are opposed to the rezone. Concerns are largely centered around a perceived disregard for Walker Park and a fear that the neighborhood's character is 'under attack,' with current residents under being pressure to sell their properties against the best interest of the larger neighborhood. Neighbors have expressed opposition to uses stating compatibility issues for development other than single-family homes, increases in density, the lack of a density cap in RI-U, and traffic associated with developing these lots with anything above single-family. There is some enthusiasm for development and redevelopment that is occurring in Walker Park, as long as it is single-family in character and use in wherever areas zoned for it.

Land Use Compatibility: The proposed zoning is generally not compatible in this location. The immediately surrounding properties are single-family, detached residences in a well-established neighborhood of Fayetteville. It is certainly possible to develop attached residential housing in a manner that is compatible and even complimentary to detached single-family housing, but the exceptionally small lot widths allowed under RI-U, with only 18 feet required for any dwelling versus 40 feet for a single-family dwelling and 80 for a two-family dwelling under NC, can create an indisputably divergent development pattern when compared with most properties in the immediate and greater vicinity. The neighbors who have provided public comment have a significantly strong argument, as they understand at an intimate level what could and could not be compatible to their neighborhood. Based on the proposed RI-U, the applicant could very quickly densify this area with four-plexes by utilizing the adjoining alley right-of-way and constructing unit types that may or may not be context sensitive to the rest of the neighborhood. Permitting attached dwellings by right also removes the conditional use permit requisite under the NC zoning. By requiring a conditional use permit, neighbors, staff, and the Planning Commission are all able to review and comment upon whether a proposal is compatible and complimentary. The applicant also owns the properties at the corner of 7th and Washington, which are zoned DG. All the properties owned by the applicant at this location are up for sale as of writing this report. It is completely reasonable and possible that, with the proposed rezone, development is imminent for this part of the neighborhood.

There are a fair number of structures with mixed density sprinkled throughout Walker Park, with numerous 2-, 3-, and 4- family dwellings within a short walk of the subject parcels. Many of these are of a size and character that is comparable to, and compatible with, the predominantly single-family character of the neighborhood.

Land Use Plan Analysis: Fayetteville's overarching City Plan 2030 and the more localized Walker Park Neighborhood Master Plan appear to be in agreement with staff's recommendation regarding the proposed rezoning. It is staff's opinion that the proposal is generally incompatible with the intended future land use for this location.

When reviewing the Walker Park Neighborhood Master Plan in greater detail, it states that a diversity of housing is indeed desired, but that attached housing should be developed "in strategic areas, such as neighborhood commercial areas or major thoroughfares", rather than in an established single-family residential area as proposed.

City Plan 2030 states that "appropriate infill" is a priority. The City's comprehensive plan acknowledges the value of increasing density in locations where City services and utilities already exist, but only where it "reflects the existing community character." Along the same lines, the Walker Park Neighborhood Master Plan details that a balance and diversity of housing created through infill is desired and can take advantage of existing infrastructure and the neighborhood's

proximity to downtown. The Walker Park Neighborhood Master Plan goes on to note that attached housing can represent this balance and diversity of housing, but envisioned as a buffer between commercial corridors and single-family areas in order to ensure “that future development follows the traditional pattern of growth.” In both of these examples, there is a clear call for infill, but in a manner that preserves community character. Staff does not feel that the proposed rezoning achieves this. The parcels zoned DG at the corner of 7th and Washington are intended to be the buffer zone between Jefferson Square’s higher-densities of residential and small commercial uses, constricted by the limited size of the lots, and gradually taper to the established and functioning single-family neighborhoods behind them.

Staff believes that the applicant’s intention of developing this site for denser residential, while still allowing only single-family homes, could be done under a different zoning district, such as RSF-18, Residential Single-family, 18 Units per Acre. This district would retain detached single-family function and form.

DISCUSSION:

On May 8, 2017, the Planning Commission forwarded the proposal to City Council with a recommendation for approval passed by a vote of 6-0-1. Commissioner Niederman recused.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

RZN 17-5770

Close Up View

WARFORD PROPERTIES

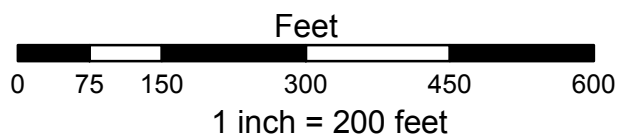
17-5770

EXHIBIT 'A'



Legend

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



- RSF-18
- Downtown General
- Neighborhood Conservation
- P-1

17-5770
EXHIBIT 'B'

Legal Description of Subject Property:

Lots Thirty five (35), Thirty six (36), Thirty seven (37), Thirty eight (38), Thirty nine (39), and Forty (40) in Block One of Glenwood Park Addition to the City of Fayetteville, Arkansas, as per Plat of said Addition, on file in the office of the Circuit Clerk and Ex-Officio Register of Deeds of Washington County, Arkansas.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

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

Application:

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

Applicant (person making request):

Name: Kevin Warford

Address: 12396 S Harris Dr.

Fayetteville, AR 72701

E-mail: _____

Phone: _____

(479) 236-1568

() _____

Fax: _____

() _____

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

Name: Michael Ward

Flyer Real Estate

Address: 205 N College Ave

Fayetteville, AR 72701

E-mail: michael@michaelwardnwa.com

Phone: _____

(479) 790-6303

() _____

Fax: _____

() _____

Site Address / Location: 769, 785 S Washington Ave.

Current Zoning District: NC

Requested Zoning District: RI-U

Assessor's Parcel Number(s) for subject property: 765-05669-000, 765-05668-000,
765-05667-000

FINANCIAL INTERESTS

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

Warford Family Trust

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

Name (printed): Michael Ward Flyer Real Estate Date: _____
Signature: [Signature]

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

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

Name (printed): <u>Kevin Warford</u>	Address: <u>12396 S Harris Dr.</u>
Signature: <u>[Signature]</u>	<u>Fayetteville, AR 72701</u>
Date: <u>3/21/11</u>	Phone: <u>()</u>

Name (printed): _____	Address: _____
Signature: _____	_____
Date: _____	Phone: <u>()</u>

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: Harry Davis, Planner

MEETING DATE: May 8, 2017 **UPDATED WITH PC RESULTS**

SUBJECT: **RZN 17-5770: Rezone (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES, 563):** Submitted by FLYER REAL ESTATE for properties at 769 & 785 S. WASHINGTON AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.45 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE, URBAN.

RECOMMENDATION:

Staff recommends denial of **RZN 17-5770** based upon the findings herein.

BACKGROUND:

The subject three properties totaling 0.45 acres are located at 769 & 785 South Washington Avenue near the intersection of Washington and 7th Street. These parcels are zoned NC, Neighborhood Conservation, comprising Block 1, Lots 35-40 of the historic and original plat of Glenwood Park Subdivision, which was recorded in 1912. There are currently single-family homes on two of the three parcels. As listed in *Table 1* and depicted in the attached photographs by staff, the property is surrounded on 3 sides by relatively small, one-story single-family homes in Neighborhood Conservation and DG, Downtown General districts. To the east is a 1,200 square foot commercial building and more single-family homes across Washington Avenue.

In July of 2008, the subject property, along with approximately 300 acres of the wider Walker Park Neighborhood, were rezoned in accordance with the Walker Park Neighborhood Master Plan. Among other changes, this rezoning removed the existing RMF-24, Residential Multi-family, 24 Units per Acre, designation on the subject property, and replaced it with the current NC, Neighborhood Conservation, zoning district.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-Family Residential	DG, Downtown General
South	Single-Family Residential	NC, Neighborhood Conservation
East	Single-Family Residential; Commercial	NC, Neighborhood Conservation; DG, Downtown General
West	Single-Family Residential	NC, Neighborhood Conservation

Request: The request is to rezone the parcel from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban. The applicant stated the rezoning is needed to allow flexibility in lot widths and area to meet housing demands in South Fayetteville.

Public Comment: There is considerable public comment from citizens of Fayetteville and residents of the neighborhood who are opposed to the rezone. Concerns are largely centered around a perceived disregard for Walker Park and a fear that the neighborhood's character is 'under attack,' with current residents under being pressure to sell their properties against the best interest of the larger neighborhood. Neighbors have expressed opposition to uses stating compatibility issues for development other than single-family homes, increases in density, the lack of a density cap in RI-U, and traffic associated with developing these lots with anything above single-family. There is some enthusiasm for development and redevelopment that is occurring in Walker Park, as long as it is single-family in character and use in wherever areas zoned for it.

INFRASTRUCTURE:

Streets: The subject parcel has access to Washington Avenue, an improved local street with curb/gutter, sidewalk at back of curb, and storm drainage. 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 6-inch main along the western side of the Washington Avenue right of way.

Sewer: Sanitary Sewer is available to the site. There is an existing 8-inch main in Washington Avenue available for service connections.

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 exist 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 2030 FUTURE LAND USE PLAN: City Plan 2030 Future Land Use Plan designates this site as a **Complete Neighborhood Plan** Area associated with the Walker Park Neighborhood Plan. A central goal of the plan was to preserve single-family neighborhoods while encouraging additional housing types and a mix of uses.*

Walker Park neighborhood adopted a plan in 2008. That plan states that the neighborhood should have a balance of non-residential uses and housing. Stakeholders wanted zoning and other city regulations to reflect and encourage that balance while conserving the existing single-family fabric where it is intact. This means the neighborhood will retain and develop a variety of housing types for different income levels and retain and develop neighborhood commercial nodes that serve the neighborhood residents as well as the nearby employment centers. There is also an emphasis on connectivity and walkability. Connection of the street grid and improved pedestrian mobility between key destinations will unify the neighborhood, making it sustainable over time. Third, creating Jefferson Square as a core of the neighborhood will help to preserve some of the rich history embedded in the Jefferson Building and create a neighborhood center. Last, accessible greenspace in the form of community gardens throughout the neighborhood and additional uses

and access points to Walker Park will capitalize on existing resources within the neighborhood and provide function and beauty for both residents and visitors.

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 not compatible with the existing neighborhood. Although the applicant has made some valid points in the request letter about compatibility between adjacent and nearby lots, the immediately surrounding properties are single-family, detached residences in a well-established neighborhood of Fayetteville. It is certainly possible to develop attached residential housing in a manner that is compatible and even complimentary to detached single-family housing, but the exceptionally small lot widths allowed under RI-U, with only 18 feet required for any dwelling versus 40 feet for a single-family dwelling and 80 for a two-family dwelling under NC, can create an indisputably divergent development pattern when compared with most properties in the Walker Park Neighborhood. If this were a new neighborhood without significant context, the situation and compatibility would be different. The neighbors who have provided public comment have a significantly strong argument, as they understand at an intimate level what could and could not be compatible to their neighborhood. Based on the proposed RI-U, the applicant could very quickly densify this area with four-plexes by utilizing the adjoining alley right-of-way and constructing unit types that may or may not be context sensitive to the rest of the neighborhood. Permitting attached dwellings by right also removes the conditional use permit requisite under the NC zoning. By requiring a conditional use permit, neighbors, staff, and the Planning Commission are all able to review and comment upon whether a proposal is compatible and complimentary. The applicant also owns the properties at the corner of 7th and Washington, which are zoned DG. All the properties owned by the applicant at this location are up for sale as of writing this report. It is completely reasonable and possible that, with the proposed rezone, development is imminent for this part of the neighborhood.

In fairness to the applicant, it is worth noting there are numerous structures of mixed density sprinkled throughout Walker Park, with numerous 2-, 3-, and 4- family dwellings within a short walk of the subject parcels. Many of these are of a style and character that is comparable to, and compatible with, the predominantly single-family character of the neighborhood.

Land Use Plan Analysis: When considered together, Fayetteville's overarching City Plan 2030 and the more localized Walker Park Neighborhood Master Plan appear to be in agreement with staff's recommendation regarding the proposed rezoning. It is staff's opinion that the proposal is generally incompatible with the intended future land use for this location.

One principal area where the Plans agree is the identified need for increasing opportunities for attainable housing and offering a variety of housing types.

Rezoning the subject property would undoubtedly address these goals by increasing the spectrum of housing that can be developed. At the same time, this claim could be made about any property with single-family zoning in Walker Park, or the rest of Fayetteville for that matter. When reviewing the Walker Park Neighborhood Master Plan in greater detail, it states that a diversity of housing is indeed desired, but that attached housing should be developed “in strategic areas, such as neighborhood commercial areas or major thoroughfares”, rather than in an established single-family residential area as proposed.

City Plan 2030 states that “appropriate infill” is a priority. The City’s comprehensive plan acknowledges the value of increasing density in locations where City services and utilities already exist, but only where it “reflects the existing community character.” Along the same lines, the Walker Park Neighborhood Master Plan details that a balance and diversity of housing created through infill is desired and can take advantage of existing infrastructure and the neighborhood’s proximity to downtown. The Walker Park Neighborhood Master Plan goes on to note that attached housing can represent this balance and diversity of housing, but envisioned as a buffer between commercial corridors and single-family areas in order to ensure “that future development follows the traditional pattern of growth.” In both of these examples, there is a clear call for infill, but in a manner that preserves community character. Staff does not feel that the proposed rezoning achieves this. The parcels zoned DG at the corner of 7th and Washington are intended to be the buffer zone between Jefferson Square’s higher-densities of residential and small commercial uses, constricted by the limited size of the lots, and gradually taper to the established and functioning single-family neighborhoods behind them.

Although the applicant’s arguments for infill and a mixture of residential types in one area are well-received, the key to infill and mixed unit types are appropriateness. Fayetteville does not have any ordinances that significantly impact design of infill projects when relating to contextual properties and buildings.

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

Finding: Based on the applicant’s perspective, the requested rezoning is justified and needed to allow redevelopment of the parcels for greater flexibility in meeting the City’s future housing needs. The existing NC zoning district only permits single-family dwellings by right, and 2-, 3-, and 4-family dwellings by conditional use. The proposed RI-U zoning district will allow single-, 2-, 3-, and 4-family dwellings by right, and on lots as narrow as 18 feet. However, staff does not believe there are sufficient reasons to rezone the properties to a zone other than single-family.

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

Finding: Rezoning the property to RI-U, with its lack of density requirements, has the potential to increase traffic in this area as the site develops. Given the size of the potential development, higher densities could appreciably increase traffic and congestion along Washington Avenue. Public comment has already drawn attention to the difficulties of maneuvering vehicles up and down Washington, where there is little room to drive if people park on-street. Pedestrians use the street as a footpath in this location, which will contribute to any traffic danger or congestion.

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

Finding: Rezoning this property from NC to RI-U would potentially increase the density, but it is not expected to undesirably create or increase any burden on schools or City services.

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

Finding: Staff believes that the applicant's intention of developing this site for denser residential, while still allowing only single-family homes, could be done under a different zoning district, such as RSF-18, Residential Single-family, 18 Units per Acre. This district would retain detached single-family function and form.

RECOMMENDATION: Planning staff recommends denial of RZN 17-5770, finding that the proposed zone allows development that is incompatible with surrounding uses, neighborhood character, and elements of both City Plan 2030 and the Walker Park Neighborhood Master Plan.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>May 8, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Hoffman	Motion to forward with recommendation of approval		
Second: Noble			
Vote: 6-0-1	Motion passes; Neiderman recused		

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.27 & RI-U Exhibit
- Staff Photos
- Public Comment
 - o Notes (Walk-ins and Voicemails)
 - o Emails
- Request letter
- Rezone exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

PLANNING COMMISSION MEMO

- 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
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(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>)

ADM 16-5631 EXHIBIT “A”

§161.12 - District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory Dwellings
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 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family Dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

ADM 16-5631 EXHIBIT "A"**(E) Setback Requirements.**

Front	Side Other Uses	Side Single & Two (2) family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

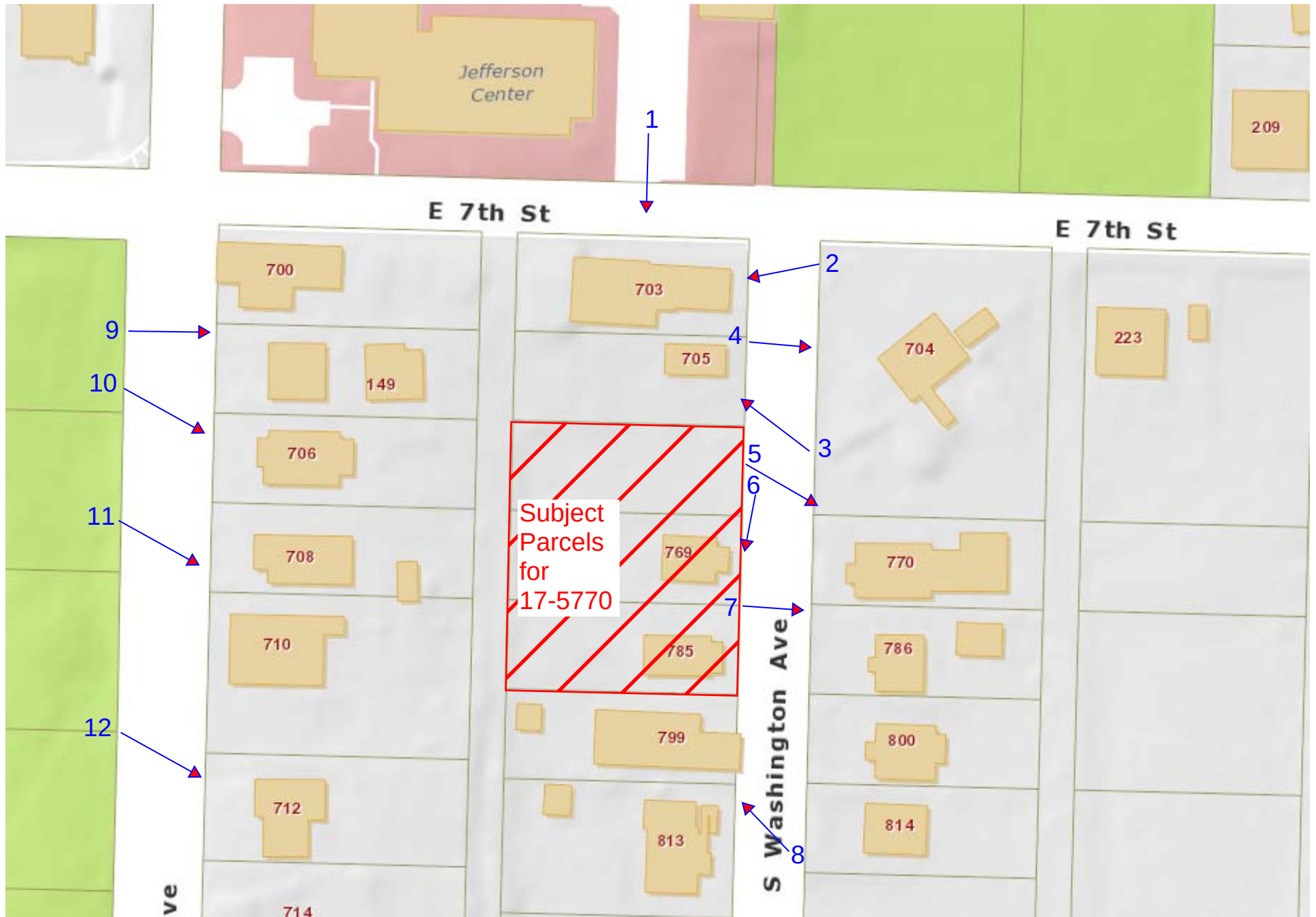
(F) Building Height Regulations.

Building height maximum	30/45 feet
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

(G) Building Area. The area occupied by all buildings shall not exceed 60% of the total lot area.

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



17-5770 RZN - Staff Photograph Location Map



1. Staff Photo - 17-5770 RZN - Looking at 703 S Washington at corner of 7th and Washington from Jefferson Center



2. Staff Photo - 17-5770 RZN - Looking at 703 & 705 S Washington (north of proposal) from 704 S Washington



3. Staff Photo - 17-5770 RZN - Looking at 705 S Washington (north of proposal) and the empty lot from rezone proposal



4. Staff Photo - 17-5770 RZN - Looking at 704 S Washington from 705 S Washington; Across from rezone



5. Staff Photo - 17-5770 RZN - Looking at 770 S Washington from 705 S Washington; Across from rezone



6. Staff Photo - 17-5770 RZN - Looking at 769 & 785 S Washington, which are part of the rezone proposal



7. Staff Photo - 17-5770 RZN - Looking at 786 & 800 S Washington from 785 S Washington; Across from rezone



8. Staff Photo - 17-5770 RZN - Looking at 799 & 813 S Washington from 814 S Washington; South of rezone



9. Staff Photo - 17-5770 RZN - Looking at 700 & 702 S College from Walker Park; NW of rezone



10. Staff Photo - 17-5770 RZN - Looking at 706 S College from Walker Park; Across alley ROW from rezone



11. Staff Photo - 17-5770 RZN - Looking at 708 & 710 S College from Walker Park; Across alley ROW from rezone



12. Staff Photo - 17-5770 RZN - Looking at 712 S College from Walker Park; SW from rezone

Walk-in Public Comment Notes for RZN 17-5770:

Nancy Kahonek

Concerns over increased density to neighborhood

Concerns over uses different from single-family

Concerns over traffic from density and the current way S. Washington performs with traffic and on-street parking

Marian Kunetka

Concerned over how tall new structures would be in relation to nearby homes

Concerns over compatibility between single-family and other uses

Concerns over increased density in the neighborhood

Concerns over the impact of density on traffic

David Williamson

Concerns over uses other than single-family

Concerns over increased density

Voicemail Notes for RZN 17-5770:

Darla Newman

Concerns over traffic due to small streets

Concerns over change in use away from single-family

Concerns over changes in character with development other than single-family

Davis, Harry

From: Khalisa Kitz <dkitz@uark.edu>
Sent: Monday, May 01, 2017 8:44 AM
To: Davis, Harry
Subject: Concerned about rezoning proposal on S. Washington Ave

Good morning Mr. Davis,

I live at 1127 S. Washington Avenue in Fayetteville, and understand that there is a request for several properties in the 700 block to be re-zoned RIU – Residential Intermediate – Urban.

I oppose allowing the building of another block of multifamily units at that location. The street is narrow and the traffic load is already climbing as more development back behind the 900 block will deeply affect that traffic. There are no speed bumps or features to slow the traffic down.

I want to speak in favor of keeping the zoning Neighborhood Conservation (NC) – and allow for the building of more single family homes. The south Fayetteville (“Tin Cup”) and surrounding neighborhoods are a **special part of living in Fayetteville** for me, and I really want continue to **have more of the quality of good old fashioned neighbors** living in one of the precious little pockets of Fayetteville.

When I first bought my home there in 2010, an acquaintance found out where I was buying, and she voiced concern for my moving into “that” neighborhood... that is, until she drove to my house. Then she changed her mind. “When I was driving here, I have to say I’ve never seen so many people out on their porches or walking the neighborhood and visiting...Now I see why you wanted to move here!”. To me that is one quality that I deeply value here on South Washington. Children play in the street... neighbors help each other... visit... and become friends.

Please help us keep it that way for years to come! We value our unique neighborhood!!

Thank you for considering this.

Khalisa Kitz
University of Arkansas
Administrative Specialist
479-575-8423

Davis, Harry

From: Nancy Kahanak <nananak27@gmail.com>
Sent: Tuesday, May 02, 2017 1:16 PM
To: Davis, Harry; Karen Bley; Khalisa Kitz
Subject: zoning

I have been thinking a lot about the zone change requests in our neighborhood, and here are my current observations:

The double lot at 1320 S. College cannot hold enough homes to cause real traffic congestion, and well-thought-out small apartments or small homes would be a good addition to our neighborhood, as affordable places in the area are getting harder to find.

However, the property at 7th St. and down Washington Ave. is actually comprised of at least 5 lots, perhaps more when you count the end ones zoned DG. The owner is interested in selling, I understand, but whether they sell or build, that area, if rezoned to RIU could be combined and possibly be developed into a large apartment complex. My concern is that such a large area could be built without the interest of the neighborhood in mind, and generate a lot of traffic, and students or other short-term residents.

--

Nancy Kahanak
479 935-5013

JEMI Facebook address: **Judicial Equality for Mental Illness (JEMI)**

Davis, Harry

From: Davis, Harry
Sent: Tuesday, April 18, 2017 10:49 AM
To: 'Combs, Paula'
Cc: paula_research@yahoo.com; Garner, Andrew (agarner@fayetteville-ar.gov)
Subject: RE: South Washington Project

Ms. Combs,

Good morning, and thank you so much for your email. Your knowledge and connection to your neighborhood appears to be very deep and I greatly appreciated reading your story. Your concerns about increased density, compatibility issues between existing single-family and current and potential new development, and traffic have been noted and we will be sure to attach your letter to my report.

One thing I would like to state is that the Planning Department is expected to be neutral and objective in matters that come before City of Fayetteville planners. Our recommendations are based primarily on facts regarding compatibility between zoning districts and existing conditions both on-site and contextual to the subject property. Planners are professionally, ethically, and legally obligated to not be personally involved in a project. To do so would render the opinion or recommendation biased and tip the scale against the applicant. Therefore, we must give our full attention and fair or impartial consideration to both citizens and developers, otherwise our integrity as professional planners could be questioned.

We have not done a thorough analysis of the project, which will be publically available Thursday afternoon (5/4/17) before the meeting the following Monday (5/8/17) and heard in its entirety at Planning Commission. Between now and then, I encourage you and other neighbors to write-, come-, or call-in about the rezone, whether you or your neighbors are for, against, or merely curious about the request. I also encourage you and your neighbors to come to the Planning Commission for your best chance to ask questions to the entire Commission and have concerns be heard individually from each resident and citizen. Please do call me if you have any further concerns or questions about the proposal. Thank you again for sharing your knowledge and perspective.

Sincerely,
Harry Davis

Harry Davis
Planner
City of Fayetteville, Arkansas
(479) 575-8263
www.fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

From: Combs, Paula [mailto:pcombs@KeyTronicEMS.com]
Sent: Tuesday, April 18, 2017 9:55 AM
To: Davis, Harry <hdavis@fayetteville-ar.gov>
Cc: paula_research@yahoo.com
Subject: South Washington Project

Mr. Davis,

It is my understanding that you are willing to stand up for the S. Washington Ave. residences to keep single family homes on our street. First of all, I want to thank you for standing up for us and trying to help keep our neighborhood as single family homes as it has been for many, many years. There are residents that have lived on this street for 30 or more years and we want to keep it our little neighborhood quiet, friendly and safe for our children, grandchildren and elderly folks. Fighting with the City and Developers is really not what we want to do, but feel like we are being railroaded out of our homes for some new "great" development idea. I just want to provide a little history of the changes after the multi-family structures were built in the area 20 years ago and how much our little neighborhood started becoming the "ghetto" as many outsiders see it.

Our neighborhood is a very old neighborhood and most of the residents have either passed away or moved into nursing homes. Most of the people that lived here when I moved here in 1981 have passed away. The homes were sold and became rent houses, which is a problem many times. The house across from me was built in 1911 and I knew the little woman that lived there very well until her passing. My 88 year old mother lived on this street when she was in her 20's along with her sister. When this project was first proposed in 2010, we were promised the homes would be built to fit in with the way the older homes were built and the looked. There would be no apartments or duplex type dwellings. Everything was going to be homes that were modeled after the style of housing already in the neighborhood. There were many discussions on how the area where the new homes were being built would be affected by the creek that runs through the wooded area now and when the heavy spring rains start, there has been flooding. Pictures have been provided that show the lower end of my property with water. The garden usually didn't get planted until June because of the soggy wet mud. I have many concerns about this whole project to begin with because of the drainage, crime, overcrowded, etc.

My late husband, Doug Williford, worked for the City of Fayetteville street department as the Assistant Street Superintendent for 22 years. He built and maintained many of the streets in the City of Fayetteville and knew them better than most that work there today will ever know. There is a reason that the area behind our house was never developed and built up and a street was never built. When the property was first platted out there were plans for a house on the two back lots that we own. However, our forefathers knew what they were doing. The small creek running where the street would be, always has water in it, even when it is dry, dry and our back yards have wide cracks. There will be crawdad mounds that will kill the lawn mower when you run over them. Even the cleared areas are super wet during the spring months. Who in their right mind, would want to build a house on that wet soupy land. When you haul in the red fill dirt for the houses, then all that water will end up on the back side of my land and it will for sure be nothing but a mosquito breeding place.

The crime in our area was null and void until the construction of Morgan Manor. Once that area was built with multifamily structures, then our crime rate went way up and the neighborhood became the "ghetto" as some seem to think of it. So, please, please do what you can to discourage the construction of any more multi-family structures. I have some real concerns about moving the Willow Heights residents into the Morgan Manor area as well. I remember when the Willow Heights structures were built, also. There seems to be no respect for those type buildings. There is no sense of ownership so they could care less if the place is kept up or not. You want the "new project" to be attractive to low to medium income families, but you want to throw in these poverty level apartments and duplexes that make people not want to live in this area. Ask around and you will hear people say they would not live in the "ghetto". They can move into a much nicer neighborhood just east of town in the Baldwin community where new homes are being constructed now and are more affordable than these that are planned in this project. I would buy in Baldwin before I would buy in the swamp behind my current house for sure.

My children grew up on this street and my grandchildren are now growing up on this street. My daughter was able to purchase the home next door to her childhood home and wants to continue to live there. However, she has had her tires slashed, cars broken into, mail boxes ran over three times by speeding cars that use the street as a drag strip from the old Jefferson school to Morgan Manor. Why we can have speed bumps in every other neighborhood in the city and not on this street is beyond me. The metal plate covering the street now does help the situation! Traffic is non-stop all hours of the night. It is very difficult to back out of your drive or try to back a boat down your drive, without having a

vehicle waiting until you are out of the way. Adding more houses is not going to help the traffic at all. Adding apartments will do nothing either. And I'm sure those nice little curbs for the street parkers will be associated with those apartments as well. That will be another cluster like you have at 15th and Razorback. Would hate for a firetruck to have to turn down Washington Ave. with those cars lined up in front of the apartments because widening out the street is not really an option as I see it.

The parking on the streets is another major issue. Either park on one side or the other. There used to be signs that you can park on one side but not the other. It is hard enough to back out of your driveways without having to dodge all the cars parked up and down the streets. Whoever, Engineered the Beechwood Ave. apartment parking was absolutely dumb as a box of rocks. I have worked at what used to be Baldwin Piano, now KeyTronic for 45 years and only since the apartments were built has it been a problem to get to work because of the cars parked along the street when you meet a big truck or even another vehicle. Those big trucks go up and down that street all day long every day to the Schaefer Foods facility. So, let's narrow the street and park cars along the street with those cute curbs! Again, at the corner of Razorback Road and Fifteenth Street. Let's park cars along the street where, again those big trucks turn and are in and out all day long. I wouldn't park my car there!!

I was waiting to back out of my drive when I had to wait on a dump truck full of dirt from the street project on 11th street. He pulled out and headed north on S. Washington and couldn't get through because of the cars that were parked every which way from Sunday, and then he finally had to back all the way up to where he started and go down the street. You couldn't get a fire truck down S. Washington Ave. most of the time now. I'm not sure what happened to the NO PARKING ON THIS SIDE OF THE STREET signs that have been up and down that street for YEARS. Only during the ice storm of 2010 do I ever remember seeing a fire truck that could not get through. Just recently a firetruck running HOT could not get through. That is a real shame!

I know that I have just written you a book and I do apologize if it is TOO MUCH information. I'm sure you can sense the frustration of feeling like our quiet little neighborhood is being turned upside down. I do appreciate your help and if I can do anything to help you, please let me know. I really do like the newer houses that have been built to replace many of the very old homes that torn down, burnt, etc. The newer ones at the 9th street area are not exactly what we wanted to see, as they really don't fit. Most are in line with what we want to see. Let's keep our area nice, quiet and a neighborhood we can be proud to live in and not the "ghetto" as even my son calls our area now. My stepson and his friend called it the "ghetto" the first time they came to my house. The newer homes need to have character like many of the older homes instead of every one of them looking exactly alike.

Have a great day!

Regards,

Paula Williford-Combs
Program Manager
[KeyTronicEMS](#)
1101 S. Beechwood Ave.
Fayetteville, AR 72701
Phone #: 479-684-2302
Cell #: 479-841-9807

Davis, Harry

From: Sandra Easley <sandra-easley@sbcglobal.net>
Sent: Monday, April 17, 2017 5:05 PM
To: Davis, Harry
Subject: Zoning on S. Washington

Was made aware of the rezoning on Washington Street. I am totally against this. The "projects" that are under construction now is going to bring in more traffic than the streets can accommodate. They use it as a race track now. The crime in this area, tires slashed, vehicles broken into, on street parking to the point you can't get through sometimes. A few weeks ago a fire truck came from 15th Street with lights and sirens going and they had to wait for someone to move a vehicle to get through. Several of us attended meeting when the Willow Bend started up and we were assured no apartments would be put in our neighborhood. Seen an article in the newspaper where they are moving Willow Heights to Morgan Manor so with that it brings MORE crime to the area.

I have lived here since 1977 and have seen several changes to the area. The "projects" are going to be bad enough as I believe it will flood my property. Nobody seems to care that the area "back in the woods" floods. I have pics to prove my point but they don't care.

If this zoning change comes about it will open up the door for more of this. Nip it in the bud NOW and keep our neighborhood with single dwellings.

Sandra Easley
sandra-easley@sbcglobal.net
Home (479)582-4080
Cell (479)601-4375

Davis, Harry

From: Alan Ostner <alan.72701@gmail.com>
Sent: Thursday, April 13, 2017 9:56 PM
To: Harrison, Andy
Subject: Neighbor's Opinion on Rezoning

Hello Mr. Harrison,

I would like to share with the Planning Department my opinion that the RI-U rezoning requests at 769-785 South Washington and 1320 South College do not fit and are not compatible for our neighborhood. They will cause major traffic dangers. I live a few blocks away from these 2 properties. In 2008 we managed to move a mountain when we got away from multi-family zoning in South Fayetteville. The new NC zoning is working wonders today! Redevelopment on small lots is everywhere in the form of brand-new and heavily-renovated, lovely, single family homes. The 2008 Walker Park Neighborhood Plan and its massive, 700-acre downzoning from multi-family to single-family should be a nationally-respected, shining example of neighborhood revitalization. Let's keep following that plan set forth by dozens of neighbors over months of hard work! No more zoning such as RI-U. The zoning we have today is working miracles.

Please share this note with the Planning Commissioners. I will also attend the public meeting on these rezoning requests.

Best,
Alan Ostner
312 South Block Ave.

Davis, Harry

From: Harrison, Andy
Sent: Friday, April 07, 2017 8:18 AM
To: Davis, Harry; Curth, Jonathan
Subject: FW: APARTMENTVILLE

I guess this applies to both rezone applications, 5770 and 5776.

Andy Harrison
Development Coordinator
Planning Division
125 W. Mountain
City of Fayetteville, Arkansas 72701
aharrison@fayetteville-ar.gov)
T 479.575.8267 | F 479.575.8202
Website | Facebook | Twitter | Instagram | YouTube

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

From: Mark Hatwig [mailto:wineboy101@sbcglobal.net]
Sent: Thursday, April 06, 2017 3:39 PM
To: Harrison, Andy <aharrison@fayetteville-ar.gov>
Subject: APARTMENTVILLE

As long time residents of the Washington Willow neighborhood I am against any and all new zonings that involve the College Avenue rezoning for multi living as well the Washington Ave rezoning on three lots.
No more giant oversized behemoth apartment developments. We are quickly losing the notoriety of being some of the best places to live in the US.

I

Mark Hatwig
wineboy101@sbcglobal.net
479.790.9463

Davis, Harry

From: John Remmers <jremmers@pgtc.com>
Sent: Wednesday, May 03, 2017 9:59 AM
To: Davis, Harry
Subject: rezoning of lots on S. Washington

Greetings Mr. Davis, I would like to express my opinion regarding the proposed Rezoning of some lots on S. Washington. I urge that this Rezoning not be granted. To change the zoning status from NC to RIU, in my opinion, would potentially degrade the atmosphere of this neighborhood with excess traffic. My wife and I purchased a lot on S. Washington to build our retirement home. The thought of the possibility of large apartment complexes and the related traffic moving in to the area is disheartening.

Thanks for your time. John Remmers

Davis, Harry

From: Karen Bley <kbley@pgtc.com>
Sent: Wednesday, May 03, 2017 1:12 PM
To: Davis, Harry
Subject: Rezoning

Mr. Davis,

I am writing to voice my concern about the proposed rezoning request for the property near the corner of 7th and Washington.

My husband and I own the lot at 1067 S Washington, which we are slowly improving before building a home. I am concerned about the potential impact increased traffic will have on this street if this property is rezoned to RIU and apartments are built. Access to the Willow Bend homes will be on Washington, and I believe any additional traffic will be extremely detrimental. I am also concerned about the effect this could have on the neighborhood if this should turn into student housing.

Thank you!
Karen Bley

Marian Kunetka
706 South College Ave.
Fayetteville, AR 72701
847-644-6510

May 5, 2017

Re: Request of Zoning change from NC to RI-U
769 - 789 South Washington &
1320 South College Ave

Harry Davis, Jonathan Curt & Planning Commission - Fayetteville

I have owned and occupied my home, 706 South College for 17 years. The current zoning is NC (neighborhood conservation), single family homes. The requested change to both properties listed above is RI-U, which would allow multi-family structures. This request does not fit with our neighborhood. I attended meetings for the 2008 Walker Park Neighborhood Plan which designated 700 acres in South Fayetteville to NC. This change from multi-family to single family homes, has revitalized South Fayetteville, a great example of providing the neighborhood with safety for families, especially with young children.. Numerous new single family structures have already been built in South Fayetteville, complementing our neighborhood. RI-U, multi-family is not in our best interest and will create traffic problems, which we already have on South College*.

Developers of the Willow Bend project as well as the 240 homes to be built east of Morningside between Huntsville Rd and 15th street have respected the current zoning illustrated by their plans for building single family homes. Please help us to maintain a safe neighborhood.

Sincerely,



Marian Kunetka

*A good majority of daily traffic is over the speed limit as they pass my home. The speed picks up after they cross MLK blvd.

Written description of request per the City of Fayetteville Rezoning Application

a. Current ownership information and any proposed or pending property sales.

The subject properties are currently owned by the Warford Family Trust. The properties are currently for sale.

b. Reason (need) for requesting the zoning change.

The primary reason for the zoning change request is to increase flexibility in lot widths and areas to meet demand for housing in South Fayetteville.

c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

The proposed zoning change will remain consistent with the surrounding neighborhood because it is a residential use. The proposed zoning is consistent with Walker Park neighborhood plan, which designates this area as City Neighborhood Area, calling for a moderately dense residential urban fabric. The properties to the north are currently zoned Downtown General.

d. Availability of water and sewer (state size of lines).

A 6" water main and 8" sewer main are available along Washington Ave.

e. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

The proposed zoning is compatible with the Walker Park master plan and the City Plan 2030. The properties directly to the north are zoned Downtown General. The properties to the south are currently Neighborhood Conservation. The Walker Park plan designates this area as City Neighborhood Area, and the proposed RI-U zoning offers flexibility for a range of housing types. The proposed zoning becomes an excellent example of how to encourage the transect development model because it offers an appropriate transition between the denser, mixed-use zoning, Downtown General, and the less dense, single-use category, Neighborhood Conservation. The proposed zoning category, RI-U, remains residential in use, consistent with NC, but allows for smaller lots and greater density, consistent with DG. The proposed zoning will encourage a range of housing types and successfully demonstrate the transect model of urbanism.

f. Whether the proposed zoning is justified and/or needed at the time of the request.

The proposed zoning is needed at this time to meet market demand for housing.

g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

The proposed zoning would not appreciably increase traffic danger or congestion any more than the current zoning, Downtown General, to the north.

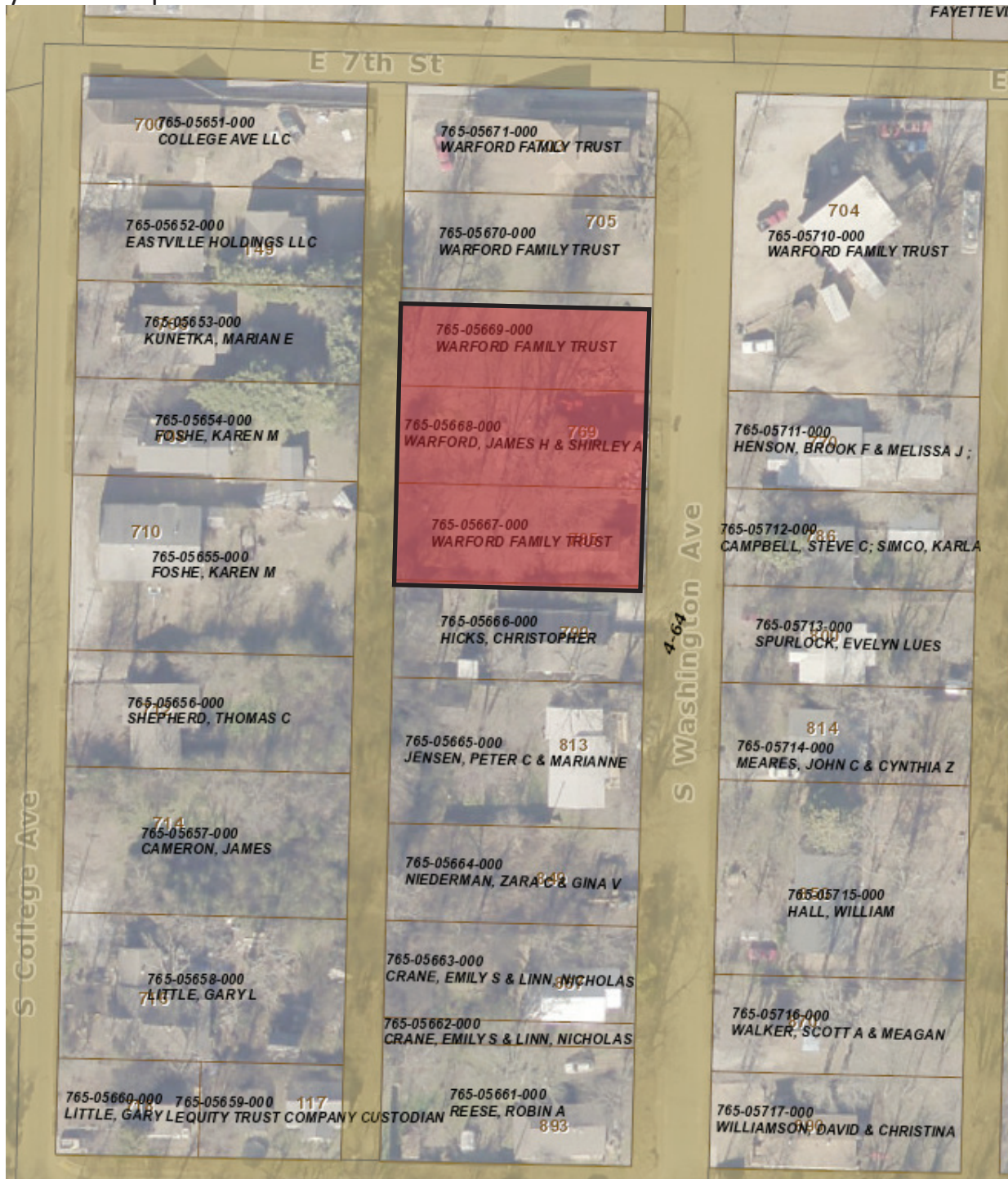
h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

The proposed zoning would potentially double the number of households currently allowed, which would not have a significant effect on public services. The proposed zoning would in fact increase efficiencies of public infrastructure and resources.

i. *Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.*

The current zoning is a residential use zoning and the proposed zoning is also a residential use that encourages smaller lots for detached or attached homes.

County Parcel Map



765-05666-000
Hicks, Christopher
799 S Washington Ave
Fayetteville, AR 72701

765-05655-000
Foshe, Karen
14506 Director Rd
West Fork, AR 72774

765-05654-000
Foshe, Karen
14506 Director Rd
West Fork, AR 72774

765-05653-000
Kunetka, Marian
706 S College Ave
Fayetteville, AR 72701

765-05652-000
Eastville Holdings, LLC
149 E 7th St
Fayetteville, AR 72701

765-05710-000
Warford Family Trust
12369 S Harris Dr
Fayetteville, AR 72701

765-05670-000
Warford Family Trust
12369 S Harris Dr
Fayetteville, AR 72701

765-05711-000
Henson, Brook & Melissa
770 S Washington Ave
Fayetteville, AR 72701

765-05712-000
Campbell, Steve; Karla Simco
PO Box 93
Goshen, AR 72735

765-05713-000
Spurlock, Evelyn
800 S Washington Ave
Fayetteville, AR 72701

765-05717-000
WILLIAMSON, DAVID & CHRISTINA

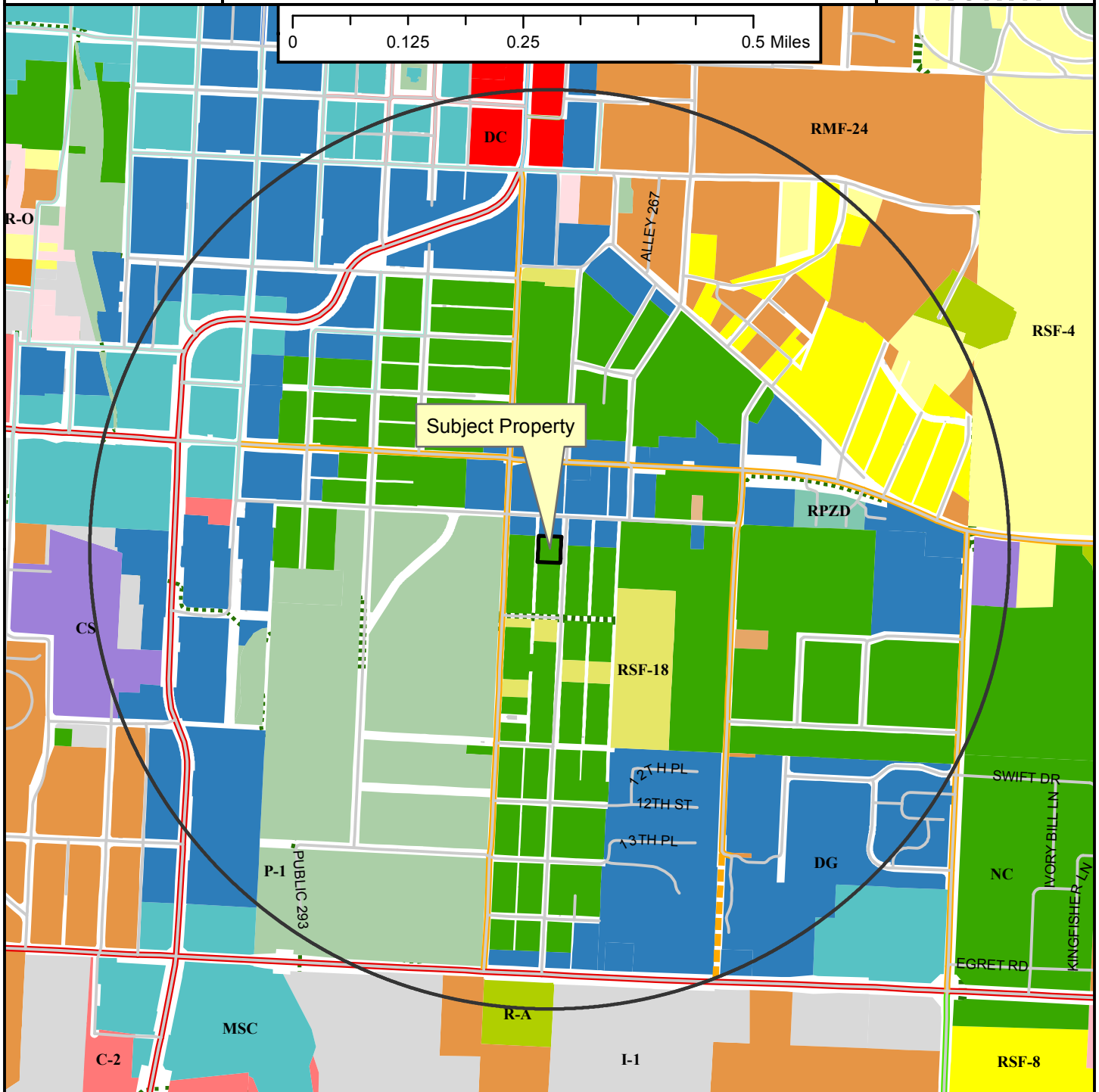
RZN 17-5770

One Mile View

WARFORD PROPERTIES

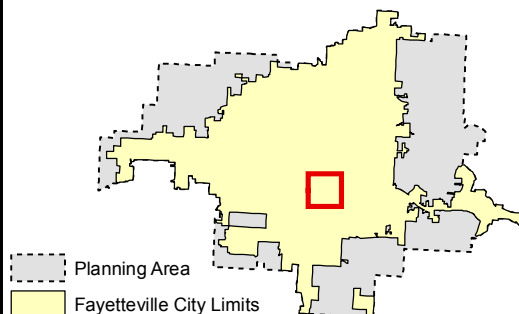


0 0.125 0.25 0.5 Miles



Legend

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



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - 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 17-5770

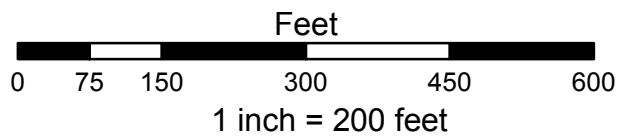
Close Up View

WARFORD PROPERTIES



Legend

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



- RSF-18
- Downtown General
- Neighborhood Conservation
- P-1

RZN 17-5770

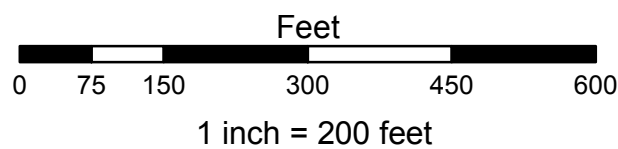
Current Land Use

WARFORD PROPERTIES



2015 Imagery

- RZN17-5770
- Streams
- Street
- COLLECTOR
- Trail (Proposed)
- County Parcels
- Planning Area
- Fayetteville City Limits



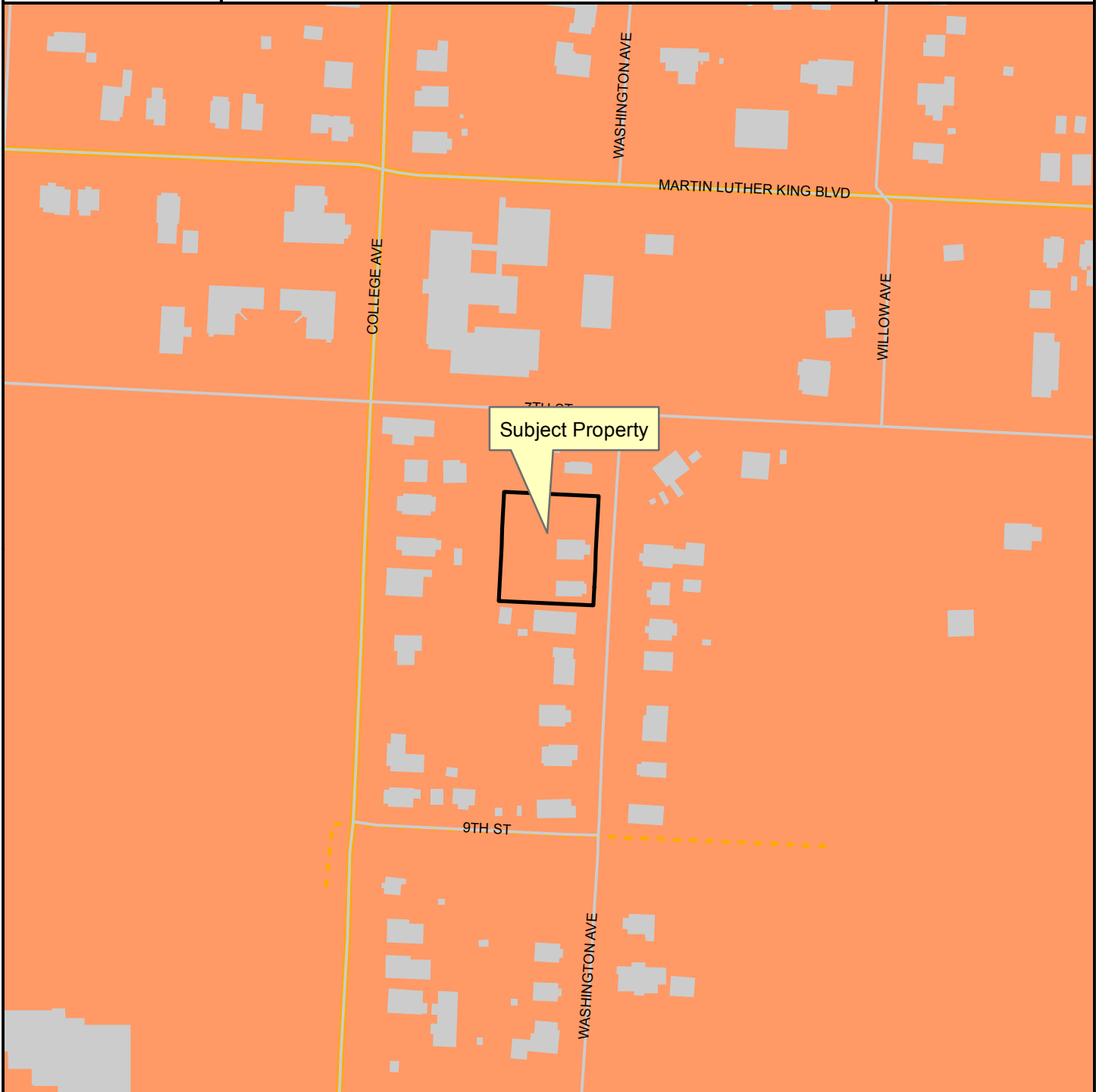
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN 17-5770

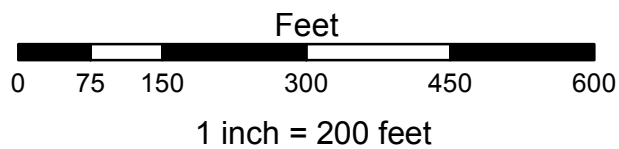
Future Land Use

WARFORD PROPERTIES



Legend

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



FUTURE LAND USE 2030

- Complete Neighborhood Plan



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0286

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 8

AMEND UDC AND REZONE - RZN 17-5713 (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE.):

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CREATE A NEW ZONING DISTRICT, URBAN THOROUGHFARE LIGHT; UT-L, TO CHANGE OR AMEND DEFINITIONS OF "BUILDING HEIGHT" AND "STORIES" AND TO REZONE LOTS ALONG AND ON BOTH SIDES OF COLLEGE AVENUE RUNNING FROM NORTH STREET TO MAPLE STREET CONTAINING ABOUT 24.62 ACRES AS SHOWN ON EXHIBIT A OF THE PLANNING DEPARTMENT'S MEMO

WHEREAS, the Planning Commission requested that the Planning Department examine the zoning districts along College Avenue from North Street to Maple Street and recommend rezoning these parcels; and

WHEREAS, the Planning Department presented its proposed rezoning to the Planning Commission on April 10, 2017 and received much public comment opposing the possibility of tall apartment buildings being constructed adjoining the historic single family neighborhoods; and

WHEREAS, the Planning Department adjusted its recommendations and proposed the creation of new zoning district, Urban Thoroughfare Light, which reduces the allowed height of the current Urban Thoroughfare to lessen potential density; and

WHEREAS, at the end of the third Planning Commission meeting on this issue, the Planning Commission recommend approval of the proposed rezoning and the creation of a new zoning district, Urban Thoroughfare - Light.

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 enacts a new zoning district, Urban Thoroughfare Light; UT-L, as shown on Exhibit B of the Planning Departments' memo.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 151.01 Definitions to change or add definition of "building height" and "stories" as shown on Exhibit D of Planning Department's memo.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone

classification of several properties composing about 24.62 acres located along and on both sides of College Avenue from North Street to Maple Street as shown on the map, Exhibit A of the Planning Department's memo.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville, Arkansas pursuant to the rezonings authorized in Section 3.

City of Fayetteville Staff Review Form

2017-0286

Legistar File ID

6/6/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Andrew Garner

5/19/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5713: Rezone (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE. REZONE, 445-446): Submitted by CITY STAFF for properties along COLLEGE AVE. FROM NORTH ST. TO MAPLE ST. The properties are zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE; R-O, RESIDENTIAL-OFFICE; C-1, NEIGHBORHOOD COMMERCIAL; C-2, THOROUGHFARE COMMERCIAL; AND DG, DOWNTOWN GENERAL, and contain approximately 24.62 acres. The request is to rezone the properties to RSF-4; RMF-24; NS-L; NS-G; DG; and UT-L, URBAN THOROUGHFARE-LIGHT.

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 JUNE 6, 2017

TO: Mayor, Fayetteville City Council
FROM: Andrew Garner, Planning Director
DATE: May 19, 2017

SUBJECT: RZN 17-5713: Rezone (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE. REZONE, 445-446): Submitted by CITY STAFF for properties along COLLEGE AVE. FROM NORTH ST. TO MAPLE ST. The properties are zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE; R-O, RESIDENTIAL-OFFICE; C-1, NEIGHBORHOOD COMMERCIAL; C-2, THOROUGHFARE COMMERCIAL; AND DG, DOWNTOWN GENERAL, and contain approximately 24.62 acres. The request is to rezone the properties to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE; RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE; NS-L, NEIGHBORHOOD SERVICES-LIMITED; NS-G, NEIGHBORHOOD SERVICES-GENERAL; DG, DOWNTOWN GENERAL; and UT-L, URBAN THOROUGHFARE-LIGHT.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of ordinances to create a new zoning district entitled UT-L, Urban Thoroughfare-Light, and rezone the subject property as shown in the attached *Exhibit 'A'*. The Planning Commission and staff have slightly different recommendations for the details of the new UT-L district as depicted in the attached *Exhibits 'B' and 'C'*.

BACKGROUND:

Background: The City is in the process of installing pedestrian improvements along College Avenue between North Street to the north and Maple Street to the south. The City's improvement project will install new 10-foot sidewalk, decorative street lights, trees in grated tree wells, and other pedestrian improvements including a signalized pedestrian crossing in the vicinity of Trenton Boulevard and Rebecca. The eastern side of College Avenue (Phase 1) has been recently completed. The western side of College Avenue (Phase 2) is scheduled for completion in 2017.

Property Description: The study area is almost entirely in commercial or non-residential use (with a few exceptions) and most of the building are at, or past their expected lifespan. A majority of the subject property was developed prior to current zoning and development regulations from the early 1900's through the 1950's. This neighborhood was eventually and effectively split with the gradual enlargement of College Avenue, a major north-south four lane arterial roadway. As a result, almost all of the properties are existing non-conforming in terms of building placement, parking and landscaping. This means that if a building were removed, a structure would not be permitted to redevelop to its previous location. Many of the buildings are in close proximity to

College Avenue and within the front 50-foot building setback of the underlying zoning district. The existing zoning of the proposed rezoning area is indicated in *Table 1* and the surrounding land use and zoning is depicted in *Table 2*.

Table 1

Existing Zoning	Acres (approximate)
RSF-4, Residential Single Family Four Units per Acre	1.83
R-O, Residential Office	7.43
C-1, Neighborhood Commercial	0.30
C-2, Thoroughfare Commercial	13.68
DG, Downtown General	1.33
UT, Urban Thoroughfare	0.64
TOTAL	25

Table 2

Direction from Site	Land Use	Zoning
North	VA Hospital; commercial	P-1; C-2; RSF-4
South	Commercial	MSC; DG
East	Residential	RSF-4
West	Residential; office	R-O; RSF-4; RMF-24

DISCUSSION:

Request: The City Planning Division requests to rezone the College Avenue pedestrian improvement corridor to the following zoning districts listed in *Table 3*, depicted in the attached rezoning *Exhibit A*, and generally described as follows:

Table 3

Proposed Zoning	Acres (approximate)
RSF-4, Residential Single Family Four Units per Acre	2.48
RMF-24, Residential Multi-Family 24 Units per Acre	0.16
NS-L, Neighborhood Services-Limited	1.63
NS-G, Neighborhood Services-General	0.48
UT-L, Urban Thoroughfare-Light**	19.87
DG, Downtown General	0.34
TOTAL	25

**Note: The numbers in Tables 2 and 3 do not match precisely due to rounding.*

***UT-L is a new proposed zoning district (see attached)*

The UT-L zoning district is a new zoning district to be created by ordinance. The maximum building height is to be measured in stories (as opposed to feet) so an addition to Chapter 151 is proposed to define how to measure stories (see attached *Exhibit 'D'*).

Land Use Compatibility: In general, the parcels are fairly shallow and not conducive for typical big-box commercial development. The UT-L, Urban Thoroughfare-Light zoning is proposed along a majority of the corridor to limit the building height to a maximum of four stories when compared to the maximum of 45 feet (3-4 stories) in the RSF-4 neighborhoods near some areas of the corridor. Additionally, the staff proposed UT-L has a density cap at 18 dwelling units per acre to prevent large, high density multi-family buildings. The UT-L district provides development potential for commercial anchors, typically in buildings over 25,000 sq. ft. This is consistent with the urban retail industry standard that anchors should generally occur every 1,000 linear feet. Anchors are a primary draw to a shopping district and provide enough shoppers to support smaller businesses in between and around the anchors. UT-L is also proposed to allow several existing business in the current C-2, Commercial Thoroughfare zoning to remain conforming uses. Along the periphery of the corridor some existing residential homes and split-zoned parcels are proposed to be partially downzoned to match surrounding zoning in the historic Washington/Willow or Wilson Park neighborhoods. There are a few parcels between College Avenue and adjoining residential neighborhoods that are proposed to be rezoned to one of the Neighborhood Services districts. This would provide appropriate transition of scale, mass and use between the more intense commercial uses on College Avenue and the surrounding single family neighborhoods immediately adjacent to the corridor.

Land Use Plan Analysis: The proposed zoning is fully consistent with the Future Land Use Map (FLUM) of the City Plan 2030 and the City's adopted land use goals and policies. This area has long been indicated on the City's adopted land use plans to remain an intense commercial corridor. Over the last decade or so the City's land use policies have changed to encourage mixed use and form-based zoning, instead of single use commercial areas. Staff's proposal is to rezone the area to form-based, mixed use zoning, consistent with the FLUM and city's current land use policies.

DISCUSSION AND PUBLIC COMMENT:

Planning staff initially sent letters via certified mail to each property owner in the rezoning area asking for input. Staff held an open house and also met in person at the city offices and corresponded via phone calls and emails with several property owners. After this initial input, staff formulated the zoning proposal and sent subsequent notification letters to the owners in the rezoning area, as well as all surrounding property owners noting the public hearing date, time, and location. *Staff has spoken with several of the property owners that are proposed to be rezoned with no objections to the current proposal.*

This item was discussed at Planning Commission meetings on April 10, April 24, and May 8, 2017. There was substantial public input at all three meetings. While many people were in favor of creating a walkable commercial district along the corridor, concerns were expressed that a mixed use zoning that would allow large, high density, off-campus student housing projects. As a result of this public dialog, a new zoning district is proposed entitled UT-L, Urban Thoroughfare-Light. This zoning would allow walkable, mixed commercial uses, while limiting residential density at 18 units per acre and a building height of four stories. This will allow mixed uses and residential infill in this area while preventing large, high density multi-family residential projects. The measurement of building height in stories instead of feet will encourage varying roof forms and commercial uses on the ground floor. This is a direct response to negative comments from the public and commission about flat-roofed buildings without any commercial uses on the ground floor.

On May 8, 2017 the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 7-0-0. The Planning Commission's motion recommended the following changes to staff's proposed UT-L zoning district:

- Move *Use Unit 18 (Gas Stations and Drive Through Restaurants)* from a permitted use to a conditional use
- Modify building height to a maximum of 3 stories, with up to 4 stories if 75% of the ground floor is active space, and up to 4 stories if 100% of the ground floor is commercial space.

A copy of both the staff and Planning Commission recommendations are attached.

BUDGET/STAFF IMPACT:

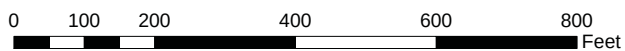
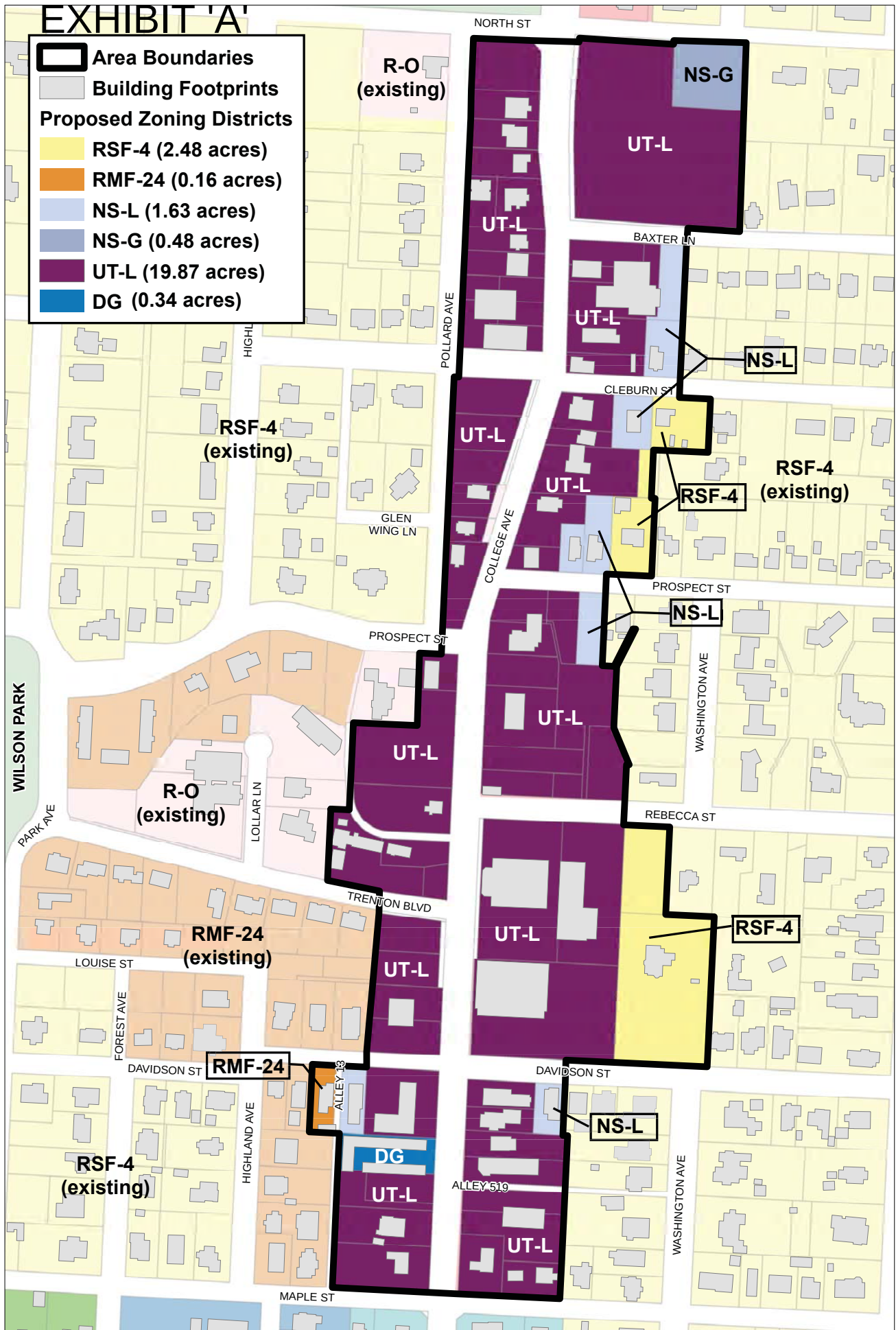
N/A

Attachments:

- Exhibit A (proposed zoning map)
- Exhibit B (staff proposed UT-L district)
- Exhibit C (Planning Commission proposed UT-L district)
- Exhibit D (proposed modification to UDC 151 to define stories and building height)
- Planning Commission Staff Report

EXHIBIT 'A'

-  Area Boundaries
-  Building Footprints
- Proposed Zoning Districts**
-  RSF-4 (2.48 acres)
-  RMF-24 (0.16 acres)
-  NS-L (1.63 acres)
-  NS-G (0.48 acres)
-  UT-L (19.87 acres)
-  DG (0.34 acres)



North College Avenue Rezone Proposed Zoning Districts



EXHIBIT 'B'

STAFF RECOMMENDATION - NEW PROPOSED ZONING DISTRICT

161.21 UT-L Urban Thoroughfare - Light

(A) *Purpose.* The Urban Thoroughfare - Light District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along commercial corridors, while maintaining a compatible building height with smaller scale residential buildings. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare-Light 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 and four family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

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

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.*

Units per acre	18 or less
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STAFF RECOMMENDATION - NEW PROPOSED ZONING DISTRICT

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

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

(F) *Building height regulations.*

Building Height Maximum	4 stories
-------------------------	-----------

(G) *Minimum buildable street frontage.* 50% of the lot width.

EXHIBIT 'C'

PLANNING COMMISSION RECOMMENDATION - NEW PROPOSED ZONING DISTRICT

161.21 UT-L Urban Thoroughfare - Light

(A) *Purpose.* The Urban Thoroughfare - Light District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along commercial corridors, while maintaining a compatible building height with smaller scale residential buildings. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare-Light district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

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

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive in/drive through restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

PLANNING COMMISSION RECOMMENDATION - NEW PROPOSED ZONING DISTRICT

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

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

(F) *Building height regulations.*

Building Height Maximum	3 stories
Building Height Maximum	4 stories (if 75% or more of the ground floor is active space)
Building Height Maximum	5 stories (if 100% of the ground floor is commercial space)

(G) *Minimum buildable street frontage.* 50% of the lot width.

EXHIBIT 'D'

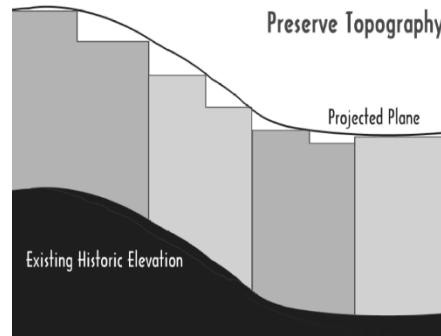
Proposed Code Changes in Strikeout

CHAPTER 151: DEFINITIONS

151.01 Definitions

B

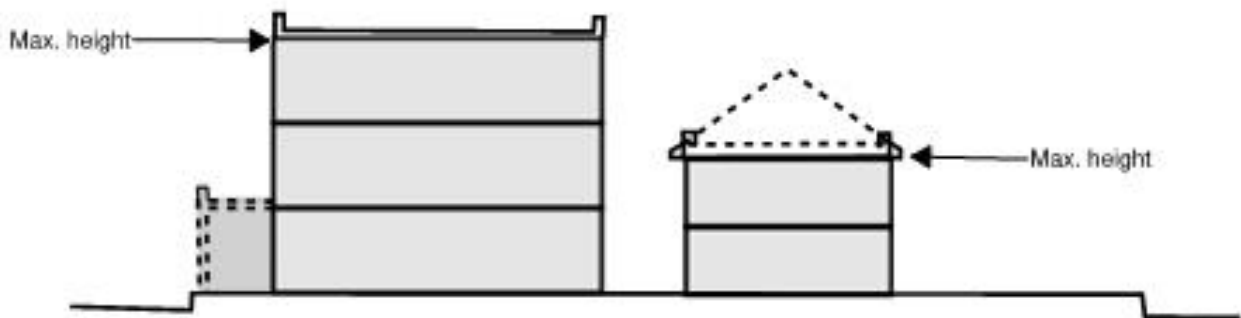
Building Height (*when measured in feet*): Building height shall be measured vertically from the existing natural grade to any part of the structure, excluding spires, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances not intended for human occupancy. To verify whether the height of a proposed structure is below the maximum height allowed, project a parallel plane above the existing natural grade and across the entire parcel. If the structure is below the upper line, then the height limitation has been satisfied.



Proposed Code Changes in Strikeout

S

Story (when building height is measured in stories). A habitable floor level within a building. When building height is measured in stories it shall exclude attics and basements. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor commercial or non-residential function which shall have a maximum of 25 feet. To allow flexibility in design and encourage varying rooflines, height shall be measured to the eave or roof deck as depicted in the following diagram.



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director and City Planning Division staff

MEETING DATE: May 8, 2017 (Updated with Planning Commission results)

SUBJECT: **RZN 17-5713: Rezone (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE. REZONE, 445-446):** Submitted by CITY STAFF for properties along COLLEGE AVE. FROM NORTH ST. TO MAPLE ST. The properties are zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE; R-O, RESIDENTIAL-OFFICE; C-1, NEIGHBORHOOD COMMERCIAL; C-2, THOROUGHFARE COMMERCIAL; AND DG, DOWNTOWN GENERAL, and contain approximately 24.62 acres. The request is to rezone the properties to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE; RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE; NS-L, NEIGHBORHOOD SERVICES-LIMITED; NS-G, NEIGHBORHOOD SERVICES-GENERAL; SERVICES; and UT-L, URBAN THOROUGHFARE-LIGHT.

RECOMMENDATION:

Staff recommends forwarding **RZN 17-5713** to the City Council with a recommendation for approval.

BACKGROUND:

April 10, 2017 Planning Commission: This item was discussed at the April 10, 2017 Planning Commission meeting. There were several members of the public that spoke at the meeting with some positive comments, but multiple concerns with potential negative impacts to the surrounding Wilson Park and Washington neighborhoods. Numerous topics were discussed but the primary issues seemed to be centered around building height of potential multi-family dwellings that would be allowed under the proposed form-based zoning districts.

April 24, 2017 Planning Commission: At the April 24, 2017 Planning Commission staff presented an alternative zoning proposal for consideration. This proposal is labeled as "Alternative 2". "Alternative 2" is an attempt to address many neighbors' concerns with building height and would cap the building height at approximately five stories or 56 feet with the CS, Community Services zoning. It would also cap the building square footage at 25,000 sq. ft. and provides large areas of lower classification zoning along the eastern edge of the corridor to provide additional buffer between directly adjoining residences. "Alternative 1" is the same proposal that was presented at the April 10, 2017 meeting.

At the April 24, 2017 meeting several members of the public spoke: two spoke in favor of the rezoning with either alternative and approximately seven spoke with concerns related primarily to building height and traffic. Discussion by the commission was centered around comments from

one commissioner outlining detailed code changes desired in two zoning districts which are generally summarized as follows:

- Amend the maximum building height in the CS, Community Services zoning district from the current maximum of 56 feet, to a new maximum of three stories above grade; with a fourth story granted if at least 75% of the ground floor façade is comprised of active uses and a fifth story allowed if the entire ground floor façade is comprised of commercial space with active façade.
- Amend the maximum building height in the UT, Urban Thoroughfare zoning district from the current maximum of 56/84 feet to a maximum height of four stories above grade; with a fifth story allowed if at least 75% of the ground floor façade is comprised of active uses and a sixth story allowed if the entire ground floor is comprised commercial space with an active façade.

May 8, 2017 Planning Commission Alternative Zoning Proposal: Staff proposes a third zoning alternative labeled and attached as "Alternative 3". This alternative creates a new zoning district and proposes it along the College Avenue corridor in all areas previously proposed for CS and UT zoning in "Alternative 1". The new district titled UT-L, Urban Thoroughfare-Light is identical to the current UT zoning except it has a maximum building height of 50 feet instead of 56/84 feet. This proposal would maintain the conforming commercial/retail uses in this corridor, provide the potential for an urban retail anchor, while establishing a maximum building height that is compatible with the single family district to the east that allows a maximum building height of 45 feet.

Staff agrees with the benefits of the code changes discussed at the April 24th Planning Commission meeting. However, there are potential issues that should be evaluated such as: (1) How to measure building height in stories amongst different building features (what about an atrium, basement, or mezzanine, etc.); (2) Potential confusion, inconsistency, and inequity of measuring building height in stories in only two zoning districts while measuring building height in feet in all other districts; (3) One of the purposes for a maximum building height is to protect adjoining properties from buildings that are too tall. An incentive for a taller building would negate the primary purpose of the zoning district/building height restriction to protect adjoining properties; (4) What constitutes an "active" façade; (5) How to enforce that the façade is "active" after it is built.

While the ideas discussed at the April 24th meeting may all merit code changes, staff would prefer these legislative items be reviewed and vetted thoroughly before adoption. Such a legislative review may take a fairly long process and a comprehensive set of amendments to the UDC. Staff's proposal would work within our existing development rules and promote the City's desired development pattern for College Avenue.

Background: The City is in the process of installing pedestrian improvements along College Avenue between North Street to the north and Maple Street to the south. The City's improvement project will install new 10-foot sidewalk, decorative street lights, trees in grated tree wells, and other pedestrian improvements including a signalized pedestrian crossing in the vicinity of Trenton Boulevard and Rebecca. The eastern side of College Avenue (Phase 1) has been recently completed. The western side of College Avenue (Phase 2) is scheduled for completion in 2017.

Property Description: The study area is almost entirely in commercial or non-residential use (with a few exceptions) and most of the building are at, or past their expected lifespan. A majority of the subject property was developed prior to current zoning and development regulations from the early 1900's through the 1950's. This neighborhood was eventually and effectively split with the gradual enlargement of College Avenue, a major north-south four lane arterial roadway. As a result, almost all of the properties are existing non-conforming in terms of building placement, parking and landscaping. This means that if a building were removed, a structure would not be permitted to redevelop to its previous location. Many of the buildings are in close proximity to College Avenue and within the front 50-foot building setback of the underlying zoning district. The existing zoning of the proposed rezoning area is indicated in *Table 1* and the surrounding land use and zoning is depicted in *Table 2*.

Table 1

Existing Zoning	Acres (approximate)
RSF-4, Residential Single Family Four Units per Acre	1.83
R-O, Residential Office	7.43
C-1, Neighborhood Commercial	0.30
C-2, Thoroughfare Commercial	13.68
DG, Downtown General	1.33
UT, Urban Thoroughfare	0.64
TOTAL	25

Table 2

Direction from Site	Land Use	Zoning
North	VA Hospital; commercial	P-1; C-2; RSF-4
South	Commercial	MSC; DG
East	Residential	RSF-4
West	Residential; office	R-O; RSF-4; RMF-24

DISCUSSION:

Request: The City Planning Division requests to rezone the College Avenue pedestrian improvement corridor to the following zoning district listed in *Table 3*, depicted in the attached rezoning exhibit, and generally described as follows:

Table 3

Proposed Zoning	Acres (approximate)
RSF-4, Residential Single Family Four Units per Acre	2.48
RMF-24, Residential Multi-Family 24 Units per Acre	0.16
NS-L, Neighborhood Services-Limited	1.63
NS-G, Neighborhood Services-General	0.48
UT-L, Urban Thoroughfare-Light**	20.51
TOTAL	25

*Note: The numbers in Tables 2 and 3 do not match precisely due to rounding.

**UT-L is a new proposed zoning district (see attached)

In general, the parcels are fairly shallow and not conducive for typical big-box commercial development. The UT-L, Urban Thoroughfare-Light zoning is proposed along a majority of the corridor to limit the building height to a maximum of 50 feet when compared to the maximum of 45 feet in the RSF-4 neighborhoods near much of the corridor. The UT-L district provides development potential for commercial anchors, typically in buildings over 25,000 sq. ft. This is consistent with the urban retail industry standard that anchors should generally occur every 1,000 linear feet. Anchors are a primary draw to a shopping district and provide enough shoppers to support smaller businesses in between and around the anchors. UT-L is also proposed to allow several existing business in the current C-2, Commercial Thoroughfare zoning to remain conforming uses. Along the periphery of the corridor some existing residential homes and split-zoned parcels are proposed to be partially downzoned to match surrounding zoning in the historic Washington/Willow or Wilson Park neighborhoods. There are a few parcels between College Avenue and adjoining residential neighborhoods that are proposed to be rezoned to one of the Neighborhood Services districts. This would provide appropriate transition of scale, mass and use between the more intense commercial uses on College Avenue and the surrounding single family neighborhoods immediately adjacent to the corridor.

Existing Non-conforming situations: All land uses present at the time of rezoning will be protected under *UDC Section 164.12 Non-conforming Structures, Uses, and Lots*. As described earlier in this report, almost all of the properties are existing non-conforming in terms of building placement, parking and landscaping. The proposed form-based zoning would bring many of the existing buildings into compliance with the front build-to zone.

Notification and Public Comment: Planning staff initially sent letters via certified mail to each property owner in the rezoning area asking for input. Staff held an open house and also met in person at the city offices and corresponded via phone calls and emails with several property owners. After this initial input, staff formulated the zoning proposal and sent subsequent notification letters to the owners in the rezoning area, as well as all surrounding property owners noting the public hearing date, time, and location. Staff has spoken with several of the property owners that are proposed to be rezoned with no objections to the current proposal. Planning staff has spoken with several surrounding property owners in the rezoning area with objections to the proposal primarily because of concerns with building height. Many members of the public spoke at the Planning Commission meeting and staff has also included copies of email comments from the public.

INFRASTRUCTURE:

Streets: Access to the subject properties varies. Most have access to College Avenue, while others have access to side streets such as Trenton, Rebecca, and Prospect. Each of these roadways have different levels of improvements completed. Some have open ditches with no sidewalks, while some are fully improved with curb, gutter, drainage sidewalks and street lights. Because of the gridded street system along the corridor, side and rear-loading new development is feasible with limited access to College Avenue.

Water/Sewer: There is a network of existing water and sewer mains all along the corridor that serve the existing businesses and residents in the area. Main sizes and availability for connection vary on a property by property basis. In general, water main sizes in the area range from 2-inch diameter, up to 8-inch diameter, while most sewer mains in the area range between 6-inch diameter and 10-inch diameter.

Drainage: A portion of the area included in the proposed rezoning is within FEMA regulated floodplains. The area impacted is primarily along College Avenue, between Trenton Blvd, and Rebecca Street, where Upper Scull Creek (a protected stream) flows westward toward Wilson Park. No portion of the properties being considered are located within the Hilltop Hillside Overlay District.

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

PLANNING COMMISSION ACTION: Required

Date: May 8, 2017

☐ Tabled

☒ Forwarded

☐ Denied

Motion: Belden

Second: Hoffman

Vote: 7-0-0 (commissioners Brown and Quinlan were absent)

Note: Motion to forward the request with the following recommendation:
Recommend approval of rezoning the College Avenue corridor with staff's proposed Alternative #3, except modifying the new proposed UT-L zoning district to move Use Unit 18 (Gas Stations and Drive Through Restaurants) from a permitted use to a conditional use, and modify the building height from a maximum of 50 feet to a maximum height of three stories, with up to four stories if 75% of the ground floor is active space, and up to five stories if 100% of the ground floor is commercial space.

CITY PLAN 2030 FUTURE LAND USE PLAN:

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area almost entirely as a **City Neighborhood Area**, with some of the existing single family homes along the eastern edge of the corridor as **Residential 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, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

- **Residential Neighborhood Areas** are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. **Residential Neighborhood** encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

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: This area has been a primary commercial corridor in the City for many decades and as such, rezoning to allow the continuation of commercial use with the addition of mixed use and multi-family is appropriate and compatible in the busy core of the City, within walking distance to many destinations.

In general, the parcels are fairly shallow and not conducive for typical big-box commercial development. The UT-L, Urban Thoroughfare-Light zoning is proposed along a majority of the corridor to limit the building height to a maximum of 50 feet when compared to the maximum of 45 feet in the RSF-4 neighborhoods near much of the corridor. The UT-L district provides development potential for commercial anchors, typically in buildings over 25,000 sq. ft. This is consistent with the urban retail industry standard that anchors should generally occur every 1,000 linear feet. Anchors are a primary draw to a shopping district and provide enough shoppers to support smaller businesses in between and around the anchors. UT-L is also proposed to allow several existing business in the current C-2, Commercial Thoroughfare zoning to remain conforming uses. Along the periphery of the corridor some existing residential homes and split-zoned parcels are proposed to be partially downzoned to match surrounding zoning in the historic Washington/Willow or Wilson Park neighborhoods. There are a few parcels between College Avenue and adjoining residential neighborhoods that are proposed to be rezoned to one of the Neighborhood Services districts. This would provide appropriate transition of scale, mass and use between the more intense commercial uses on College Avenue and the

surrounding single family neighborhoods immediately adjacent to the corridor.

The proposed zoning is fully consistent with the Future Land Use Map (FLUM) of the City Plan 2030 and the City's adopted land use goals and policies. This area has long been indicated on the City's adopted land use plans to remain an intense commercial corridor. Over the last decade or so the City's land use policies have changed to encourage mixed use and form-based zoning, instead of single use commercial areas. Staff's proposal is to rezone the area to form-based, mixed use zoning, consistent with the FLUM and city's current land use policies.

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 highly justified and needed. Many of the buildings along this corridor are at, or past, their expected lifespan. Major renovations and additions to existing structures can be expected, and in some cases entire demolition and redevelopment is likely. Many of the buildings are in close proximity to College Avenue and within the front 50-foot building setback of the underlying zoning district. The rezoning would bring many of the existing buildings into compliance with the front build-to zone and would require redevelopment in a pedestrian-oriented and traditional pattern, consistent with adopted land use policy. The existing primarily C-2 zoning, and other suburban zoning districts, along this corridor are inappropriate given the building location and proximity to many walkable destinations.

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

Finding: This rezoning should not result in a large volume of increased traffic or impacts to public infrastructure and services compared to the existing high-intensity commercial districts. As discussed above, the City's planned street improvement project will be completed in the near future to accommodate pedestrian enhancements. The proposed form-based zoning would require redevelopment with a more sensitive approach to pedestrians than the existing zoning, consistent with adopted City policy and public investment in the corridor. The development pattern resulting from the proposed rezoning would likely result in traffic calming because buildings will be closer to the street and more oriented for pedestrians. Additionally, the request may reduce overall congestion compared to the existing single use zoning by allowing mixed use, where not all destinations require vehicle trips from outside the neighborhood. The request would increase pedestrian safety compared to the existing zoning.

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

Finding: The proposed rezoning will substantially increase potential population density over the current single use zoning that forbids residential dwellings as a primary use. However, the potential population density increase will not be undesirable. This is an ideal location for development and redevelopment for commercial and mixed use. The proposed rezoning should not increase potential impacts to public services over the existing zoning.

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

Finding: N/A

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Existing and proposed zoning criteria
- Staff's request letter
- Public comment
- Proposed rezoning exhibit
- Age of structures map
- Current land use map
- Close up map; Future land use map; One mile map

161.07 District RSF-4, Residential Single-Family – Four 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-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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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, (ord. # 4858).

(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. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

161.15 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet

Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	30/45/60 feet*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10—20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

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

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

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

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)

161.18 Neighborhood Services - Limited

(A) *Purpose.* The Neighborhood Services - Limited district is designed to serve as a mixed use area of low intensity. Neighborhood Services- Limited 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-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cottage Housing Development

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

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes
Unit 45	Small scale production

(C) *Density.*

Units per acre	10 or less
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(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	35 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot. (Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

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 Services, 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-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 permit
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 Regulations.*

(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(s) 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.

161.17 District R-O, Residential Office

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.

Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.
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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 one foot for each foot of height in excess of 20 feet.

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

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

161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	56 ft.*
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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 one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 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. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.19 Community Services

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

(B) *Uses.*

(1) *Permitted uses.*

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

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
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 ft.
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(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.20 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	75 ft.*
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*Any building which exceeds the height of 20 feet shall be set back from a boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

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

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

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

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

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

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*
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*A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet.

Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.25 Downtown General

(A) *Purpose.* *Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center*. *Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation*. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the *Downtown General* district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

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

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
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(2) *Lot area minimum.* None.

(E) *Setback regulations.*

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

(F) *Minimum buildable street frontage.* 50% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56 ft.
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(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

NEW PROPOSED ZONING DISTRICT

161.?? UT-L Urban Thoroughfare - Light

(A) *Purpose.* The Urban Thoroughfare - Light District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along commercial corridors, while maintaining a compatible building height with smaller scale residential buildings. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare-Light 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 and four family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

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

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

NEW PROPOSED ZONING DISTRICT

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

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

(F) *Building height regulations.*

Building Height Maximum	50 ft.
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Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.



March 1, 2017

City of Fayetteville, City Planning Division
Fayetteville, AR 72701

Kyle Cook, Chair
Fayetteville Planning Commission
City of Fayetteville, Arkansas
113 W. Mountain St.
Fayetteville, AR 72701

Re: *Rezone Request of the College Avenue Corridor*

Dear Planning Commission Chair:

Please accept this letter as a request to rezone property located along the College Avenue improvement area bounded by North Street to the north and Maple Street to the south.

The City's improvement project will install new 10-foot sidewalk, decorative street lights, trees in grated tree wells, and other pedestrian improvements including a signalized pedestrian crossing in the vicinity of Trenton Boulevard and Rebecca. The eastern side of College Avenue (Phase 1) has been recently completed. The western side of College Avenue (Phase 2) is scheduled for completion in 2017.

In anticipation of increased development pressure resulting from the College Avenue improvements, City staff proposes to rezone the area referenced above along either side of College Avenue. The intent of the rezoning will be to allow a wide variety of urban uses along this corridor. The current zoning of much of this area is outdated and not consistent with several of the primary goals of City Plan 2030. In particular, goals #1-3 discourage suburban sprawl while encouraging infill, revitalization, and traditional town form development patterns. The subject property is almost entirely zoned in suburban districts such as C-2, C-1, and R-O. These districts are primarily single use commercial zonings that dictate a development pattern that is auto-oriented. This is in direct opposition to the aforementioned goals of City Plan 2030 that encourage compact, complete (mixed use), and pedestrian-oriented development.

A majority of the subject property was developed prior to current zoning and development regulations from the early 1900's through the 1950's. This neighborhood was eventually and effectively split with the gradual enlargement of College Avenue, a major north-south four lane arterial roadway. As a result, almost all of the properties are existing non-conforming in terms of building placement, parking and landscaping. This means that if a building were removed, a structure would not be permitted to redevelop to its previous location. Many of the buildings are in close proximity to College Avenue and within the front 50-foot building setback of the underlying zoning district. Staff proposes to rezone the corridor to a variety of form-based zoning districts. This would bring many of the existing buildings into compliance with the front build-to zone and would require redevelopment in a pedestrian-oriented and traditional pattern. Further, the form-based districts provide a broader array of uses than the existing single use districts. This

introduces the option for vertical or horizontal mixed use including multi-family residential. The existing uses and businesses on the subject property will also be allowed under the proposed form-based rezoning.

A detailed exhibit showing the proposed zoning districts is attached. In general, the parcels are fairly shallow and not conducive for typical big-box commercial development. The CS, Community Services zoning is proposed along many of these shallow lots and adjacent to more residential areas to the west of Pollard Avenue. The UT, Urban Thoroughfare zoning is proposed at primary intersections and blocks of land that may have more development potential for commercial anchors, typically in buildings over 25,000 sq. ft. This is consistent with the urban retail industry standard that anchors should generally occur every 1,000 linear feet. Anchors are a primary draw to a shopping district and provide enough shoppers to support smaller businesses in between and around the anchors. UT is also proposed to allow several existing business in the current C-2, Commercial Thoroughfare zoning to remain conforming uses. Along the periphery of the corridor some existing residential homes and split-zoned parcels are proposed to be partially downzoned to match surrounding zoning in the historic Washington/Willow or Wilson Park neighborhoods. There are a few parcels between College Avenue and adjoining residential neighborhoods that are proposed to be rezoned to one of the Neighborhood Services districts. This would provide appropriate transition of scale, mass and use between the more intense commercial uses on College Avenue and the surrounding single family neighborhoods immediately adjacent to the corridor.

This rezoning should not result in a large volume of increased traffic or impacts to public infrastructure and services compared to the existing high-intensity commercial districts. As discussed above, the City's planned street improvement project will be completed in the near future to accommodate pedestrian enhancements. The proposed form-based zoning would require redevelopment with a more sensitive approach to pedestrians than the existing zoning, consistent with adopted City policy and public investment in the corridor. Finally, the proposed zoning districts permit a flexibility of uses that allow for reuse of buildings over time to adapt with changing market conditions and economic cycles.

Thank you for time and consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Garner".

Andrew Garner, AICP
City Planning Director
City of Fayetteville Development Services

Garner, Andrew

From: DByron <dbyron321@aol.com>
Sent: Thursday, April 20, 2017 2:49 PM
To: Garner, Andrew
Subject: College Ave. Re-zoning

Dear Mr. Garner,

We are property owners adjacent to an area of the proposed Urban Thoroughfare (or now possibly Community Services) re-zoning of College Ave.

The permitted building heights of 56-84 feet, the inevitable noise, and increased traffic that will be routed into the immediate neighborhood are going to have enormous permanent impacts on us. We are very worried about a resulting decline in our property value and the financial blow that we, as senior citizens, will certainly suffer. We are distressed that we will be dealt a blow from which we will be unable to recover.

I have heard that a more limited category of zoning might be a possibility for properties like ours - which otherwise will literally be in the shadows of some of the tallest buildings in Fayetteville. I urge you to please create and implement such a revised category to the current plan - one that will include our block.

If, however, the choice turns out to be between Urban Thoroughfare and Community Services zoning, I would strongly prefer that you keep Urban Thoroughfare with its more tolerable set backs from adjacent owners' rear property lines.

Thank you and sincerely,

Deborah Byron & Stephen Vallus
747 N Washington Ave.

Garner, Andrew

From: Zara Niederman <zniederman.planningcommission@gmail.com>
Sent: Wednesday, April 19, 2017 1:15 AM
To: Curth, Jonathan; Garner, Andrew
Subject: College ave Rezone
Attachments: College Ave Rezone.pdf

Hi Jonathan and Andrew

I took a look at a number of cities that I have lived in: New Orleans and, Berkeley, Palo Alto & Santa Barbara and visited: Encinitas, CA

I didn't really have an agenda to prove, just wanted to see what was out there.

I put together some street pictures (attached) as well as aerials of streets that seemed somewhat similar to College Avenue, in regards to traffic, and future potential for development. I don't have traffic counts on these, some are busier than others

Encinitas is Highway 101, which I'm sure is much busier than College, and Shattuck Ave and San Pablo Ave in Berkeley are probably busier too. Magazine St in New Orleans, State Street in Santa Barbara and University Ave in Palo Alto might not be as busy, as they are more shopping destinations. However, I would bet they get similar traffic as College, just a little slower due to the amenities.

Some things I noticed -

1) 2 stories is sort of the norm on most of these streets. 5 stories seems like the max on most. There are a few places with taller buildings, but they seem pretty out of place.

2) There is generally on street parking on both sides of the street except Santa Barbara which has wide sidewalks and long parallel streets with lots of parking lots on those streets .

3) There are often many small buildings all attached and at the front of the street. There are not always lot of large anchor stores. It seems that if we make the street a walkable street, without giant parking lots but with on-street parking, and well filled out, there is not so much of a need for large anchor stores (at least with regard to the smaller stores thriving - maybe there might be that need for anchor stores to minimize need to drive uptown for example).

4) I thought they were all going to have parallel streets where people could enter parking lots from the rear, (a potential challenge for College Ave) however, this was not necessarily the case.

5) There are no drive-throughs.

Drive throughs seem to create auto-demand, and mid-block curb cuts which can be a traffic issue and a safety issue for both cars and pedestrians. It also seems to create separate buildings, and separate parking lots, rather than having shared parking lots in the rear, and having the frontage fully filled in along the street, .

These are just streets that I am acquainted with, and others may have other streets that seem more relevant. Anyway, I don't want to give my opinions here on how we should move forward, only give you some examples I have found that seem relevant.

-Z

Garner, Andrew

From: Mike Owings <MOwings@ATSFleet.com>
Sent: Monday, April 24, 2017 2:37 PM
To: Garner, Andrew
Cc: Mayor; Davis, Harry
Subject: College re-zoning from Maple to North

Hello Andrew –

While I understand I have missed the deadline with regard to the comments below being included in a packet for tonight (April 24th), I'd like to request that they be placed in the formal record and included in any new packet distributed. I'll be attending the meeting in the hopes that some of these concerns are addressed.

1. CHANGE –

- a. I believe that action does indeed need to be taken by the city to encourage re-development of the affected properties in a manner that reduces curb cuts and therefore direct access to College avenue. I understand that under the proposed form based zoning changes traffic must enter/leave from a side street; not directly to/from College. I commend the city for taking pro-active action. Change WILL happen. Efforts to control it for the benefit of all are welcome.
- b. I acknowledge that the concerns below all relate to each other. Height/floor restrictions included in any proposed zoning imply density. Depending on parking requirements, density implies the degree of traffic as well as noise and light pollution.
- c. Given those concerns (detailed below), I believe the only way to limit the impact on adjacent property and neighborhoods is to limit density in some form. Limits on density, and therefore traffic, light and noise pollution should be at a level that is responsive to the needs of adjacent property owners and neighborhoods while encouraging redevelopment. Effective measures that address light and noise pollution need to be in place at the moment of construction.

Any development of large apartment complexes or even some of the business allowed under UT/CS, without required parking, will be a disaster for adjacent owners and neighborhoods. That will in turn lead to the eventual devaluation of these properties and neighborhoods. I don't believe this is good for the city, particularly when we are talking about 'historical' neighborhoods.

2. COMMERCIAL INTEGRATION –

- a. I support the idea of encouraging and even requiring shops/commercial enterprises at the front of new development.
- b. I am concerned however about the effect of noise and light pollution to adjacent properties and neighborhoods. Due to the form based nature of the proposed zoning, parking for businesses will have parking to the rear of the building. With parking at the rear, business are likely to put entrances to the rear of the property.

Traffic counts/noise, the lack of traffic control on College, and parking required to be in back lead me to believe that developers will integrate any public areas as permitted by UT and/or CS in the back part of these properties also. These might include gardens, pools, recreation space, etc. Additionally both UT and CS allow "cultural and recreational facilities, drive through restaurants, gasoline service stations and drive-in/drive through restaurants".

I would hate to see Washington/Willow and Wilson Park residential areas turn into an environment similar to the area bounded by the parking lots behind Dickson Street and Lafayette. The proposal given at the Planning meeting seem to encourage just that.

3. DENSITY - I am concerned about the implied density that could be built under UT or indeed CS zoning. As I understand it, density with this zoning is only limited by the number of units or businesses that a developer can fit on the property. The maximum density allowed with UT or CS implies a tremendous impact on existing neighborhoods with respect to parking, traffic, light and noise pollution. Of course total height implies density under any particular zoning. I don't believe either the currently proposed UT (84' scaling down as it nears adjacent residential) or indeed CS (56' immediately from setback) as currently respond to the needs of these areas with regard to height or other restrictions/implications.
4. PARKING CONCERNS – I am concerned about the potential impact to adjacent properties and neighborhoods with zoning UT and/or CS.
 - a. I understand that the current proposed form based zoning requires parking on the back of the property or covered (parking garage). I further understand that any covered parking must be 50% 'open air screened'. I understand this to mean that 50% of the 'wall' on a parking garage must be 'open' I am concerned about the effect on neighbors due to lights and noise.
 - b. Do I understand correctly that businesses no longer need to provide a minimum number of parking spaces for their customers? If correct, does this lack of requirement apply to potential apartment complexes? If so, what will be done to prevent apartment residents and visitors and/or business visitors from parking on side streets?
5. TRAFFIC CONCERNS – How do we protect Washington/Willow, Wilson Park etc. from through traffic?
 - a. With regard to the East side of College, I remain very concerned about the effect on both adjacent neighbors and (on the East side) traffic that will without doubt funnel to Washington/Willow (north/south) and Maple/Rebecca for example (East/West). Similar issues surely exist on the West side of College.
 - b. During walks of the affected areas with neighbors we noticed that the current traffic on College makes it almost impossible to converse. With College being a state highway, it would seem that we will not be able to get additional lights installed until traffic counts support the need. And we will not see access traffic counts rise to that level until properties are re-developed. These circumstances and the requirement that access be on side streets drive traffic through existing neighborhoods that deserve protection.
 - c. For any zoning proposed, we need a 'worst case' scenario of increased traffic counts relative to implied potential density. Using Davidson and College as an example, will there be a new light? If not turning left towards the University will be impossible. If one is installed, for residents trying to get to College, about 5 cars will back up from College while the light is red. Under the worst case that property could perhaps a few hundred apartments. With Fayetteville's average of 1.6 cars per abode the sixth car will not wait in the parking lot for the light to change. They will go East to Washington, Willow, Rebecca or beyond (East or North). Many of these streets are not through streets and virtually none of them are designed to carry the traffic we could see.
6. GREENSPACE and SCREENING INTEGRATION – As a result of all the above, any zoning change should support greenspace and aggressive requirements relative to light and noise pollution screening. Particularly at the back of the property and any side street.
7. LEGAL ISSUES - In talking to Harry Davis in Planning I understand that most of the properties included in the rezoning are currently zoned C2 and that those property owners have certain rights. My understanding is that implied in those rights is a right to develop their property to the maximum extant their current zoning allows. I further understand from Mr. Davis that concern exists that there are potential legal issues with regard to

modifying those rights. Which is why the city met with existing owners and received those owners unanimous approval for the proposed zoning changes to UT and CS as shown in the proposal.

However it is my understanding that another local resident met with Andrew Garner who seemed to state that, "it is possible with strong neighborhood support to change existing zoning and create new rezoning on new construction regarding living density.

8. TIME – Please don't rush this re-zoning recommendation to the city council. I do understand the need to rezone prior to a developer making a proposal to work under current zoning, but time needs to be given to ensure that everyone affected has a chance to absorb the changes afoot and try to help develop something 'workable' for all. In my opinion presentations such as the one made at the first Planning Commission meeting regarding this topic do not help. With College being a state highway the look and feel of College is unlikely develop anything like the presentation (with entrances and foot traffic on College).

Mike Owings

419 North Washington Avenue
479.283.3614 (mobile)

Encinitas CA – Highway 101 4-5 Lanes, On street parking on both sides, 2-3 Stories, Next to Commuter Train Depot, Large Anchors



A Google Street View image of a street in Encinitas, California. The street is lined with palm trees and parked cars. A white van is driving down the road. The address 855 S Coast Hwy 101 is visible in the top left corner.





San Pablo Ave, Berkeley – Major Thoroughfare, 4 Lane with Median/Turn lane, On Street Parking, 1-2 Story, On-street Parking



San Pablo Avenue, Berkeley, Aerial



Shattuck Avenue, Berkeley – Residential Portion – 4 lane with Median/turning lane, 1-2 story, On street parking



Shattuck Avenue – Downtown portion, very wide street, on street buffered parking, 2-10 story, major anchors (Bank, Target), Near Transit Stop (BART)

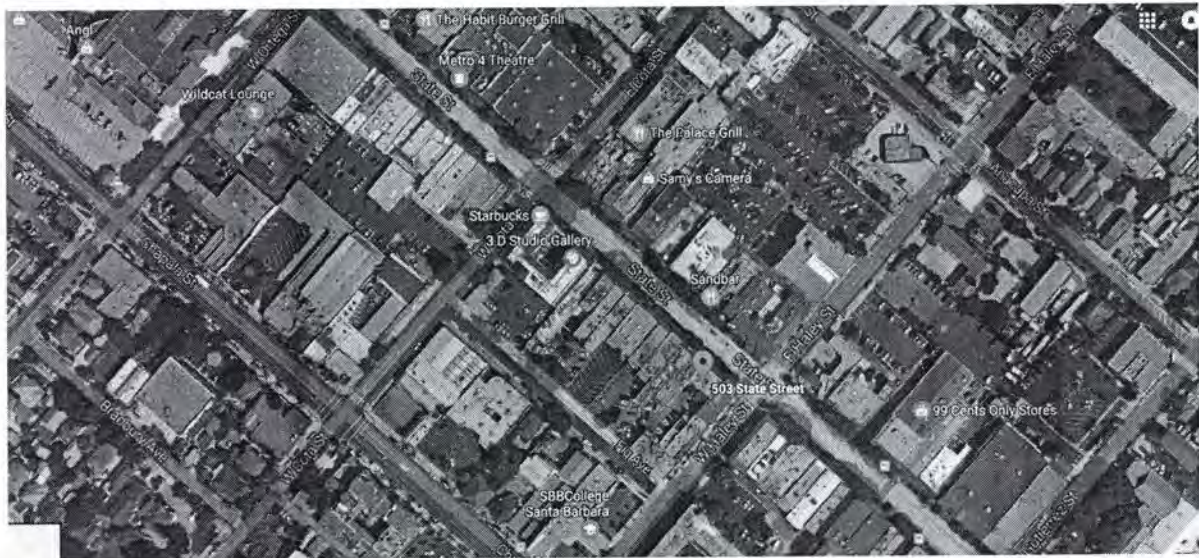


Shattuck Ave. Downtown Berkeley



State St. Santa Barbara – 1-3 Stories. 3 lanes, No onstreet parking, but continuous parallel streets with considerable interior parking lots, Wide sidewalks





Telegraph Ave, Berkeley, Right next to UC Berkeley, 2-5 Story, 1 way, Parking both sides of street, 2 lane



University Ave, Palo Alto, CA – Shopping District and entryway to Stanford University, 2 lane, on street parking both sides 2-3 story buildings



University Ave, Palo Alto, CA – 2 story, with ~15 story building in background



University Ave, Palo Alto, CA



Garner, Andrew

From: Planning
Sent: Friday, April 07, 2017 1:56 PM
To: Garner, Andrew
Subject: FW: April 10 meeting, item 10

Can you please respond to this?

Andy Harrison
Development Coordinator
Planning Division
125 W. Mountain
City of Fayetteville, Arkansas 72701
aharrison@fayetteville-ar.gov)
T 479.575.8267 | F 479.575.8202
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Sarah Sparkman [mailto:sparkman@gmail.com]
Sent: Friday, April 07, 2017 1:41 PM
To: Planning <planning@fayetteville-ar.gov>
Subject: April 10 meeting, item 10

I know that item 10 on next week's agenda, a proposed rezoning on College Ave, has gotten a lot of attention from the community. I don't have an opinion to voice right now, I just have a question.

Are there additional/different commercial design standards for the part of town where this rezoning is proposed? In other words, is this in an overlay district? I'm not entirely familiar with Fayetteville's zoning scheme - if you could point me in the right direction, I'd appreciate it.

Thank you for what you do for the city of Fayetteville!

Sincerely,
Sarah Sparkman

Garner, Andrew

From: Harrison, Andy
Sent: Wednesday, April 12, 2017 2:47 PM
To: Garner, Andrew; Curth, Jonathan
Subject: FW: College Ave Corridor Rezone

FYI

Andy Harrison
Development Coordinator
Planning Division
125 W. Mountain
City of Fayetteville, Arkansas 72701
aharrison@fayetteville-ar.gov
T 479.575.8267 | F 479.575.8202
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: michael langford [mailto:bostonisland2012@gmail.com]
Sent: Wednesday, April 12, 2017 2:43 PM
To: Harrison, Andy <aharrison@fayetteville-ar.gov>
Subject: Re: College Ave Corridor Rezone

Thanks for that. Still appears that the Community Services and Urban Thoroughfare zoning open the door to *Unit 26* which means apartment buildings unless I'm mis-reading something. As it is now, for several years we've been watching outside investors come into our little town, building apartments and condominiums for more outside investors to speculate on. A classic real estate bubble in the making (think Dallas in the 80's), and our city council and city planning department appear to think that this sort of irresponsible development is desirable.

Meanwhile, real estate prices in my neighborhood have risen well beyond \$200/square foot in the past year, as we watch unchecked demolition to facilitate bigger and bigger houses, infill is being crammed into every available empty lot, and the city routinely invests in infrastructure for outlying growth areas instead of maintaining existing neighborhood streets and sidewalks.

And so, with what I'm sure are the best of intentions, you appear to be setting the stage for more of the same sort of churn, as investors buy and sell in an inflated market, build as big as possible to "maximize return on investment", and continue to abuse cheap commercial credit to create what is essentially residential housing, in which the occupants have absolutely no chance of acquiring equity. You should know better.

On Apr 12, 2017, at 10:36 AM, Harrison, Andy <aharrison@fayetteville-ar.gov> wrote:

Sir,

Thank you for your call. Attached are some of the items that have been on display at public meetings and in this office. They all address the zoning of the property, which dictates the types of development that can come in. Andrew Garner in this office can answer questions and explain the zoning to you if you have further questions.

These links will take you to our code section that gives details about the proposed zoning districts and the uses allowed in those districts.

This link will take you to the new zoning districts (NS-L, NS-G) that have not updated into our code book yet.

Please let me know if you have any problems with these links.

Thank you.

Andy Harrison

Development Coordinator

Planning Division

125 W. Mountain

City of Fayetteville, Arkansas 72701

aharrison@fayetteville-ar.gov

T 479.575.8267 | F 479.575.8202

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

<image001.png>

<Existing Zoning.pdf><Potential Zoning.pdf><Mailing Map - Zoning.pdf><N College RZN
Prop Zones LG FOR PC.pdf>

Garner, Andrew

From: Davis, Harry
Sent: Wednesday, April 19, 2017 10:33 AM
To: Garner, Andrew
Cc: Mayor; MOwings@ATSFleet.com
Subject: FW: North College re-zoning

Andrew,

The email below was intended to reach you from Mike Owings, who came in yesterday to discuss the rezoning from Maple to North along College Avenue.

Sincerely,
Harry

From: Mike Owings [mailto:MOwings@ATSFleet.com]
Sent: Wednesday, April 19, 2017 10:00 AM
To: agardner@fayetteville-ar.gov
Cc: Davis, Harry <hdavis@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>
Subject: North College re-zoning

Hello Andrew,

I had told Harry that I would be able to have some comments to you this a.m. Just a quick note that I'm not going to be able to meet that commitment as I am continuing to try to understand the re-zoning issue from the perspective of the city, current property owners (commercial, adjacent residential, neighborhood affected).

But I have a couple of questions that I believe would help us all greatly:

1) Do I understand correctly that the only way for citizen comments to go on the official record is to either send them directly to you or appear at the Planning Commission meeting? I understand that any comments post yesterday will not make the deadline to be in the official record for the meeting on the 24th.

I want to understand how citizens can get their comments in the official record prior to any recommendation Planning makes.

2) How can I and others either get a copy or review on line the presentation/illustration presented at the last meeting.

I do feel like this process is being rushed from the perspective of posting of the rezoning signs along College. I understand there can be reasons for this, including but not limited to preventing a developer from acquiring a property and submitting something under the current zoning (not form based). But residents deserve time to discuss and develop their view of the re-zoning request. I believe a 'slow-down' would be in Planning's best interest.

Until I am able to provide more comprehensive comments here are a few issues that are of the biggest concern to the me and the residents I have talked to:

1) Density and what that implies from a traffic perspective into Washington/Willow. Hundreds of residents will not be able to access College from the side street (residents find it difficult even now) and will therefore pour into the area

East. This is problematic traveling East as well as North South for various reasons; some streets are not through streets, others such as Washington/Willow will become alternatives to College (as they are becoming already).

2) Set-backs/height and all that implies to current property owners; views from and into their properties, noise, etc.

3) The presentation given at the last meeting appeared to present the most optimistic idea of what the zoning change might imply. It did not represent what MIGHT happen under the new zoning and did not address either density or neighbor impact on the back side of the properties.

I've taken the time to organize walks of the affected properties with anyone that wants to 'walk and discuss' and have at least one more scheduled. I anticipate that you will have far greater attendance at the meeting the 24th. If you have the time and want to discuss any of these issues please let me know and I'll stop by.

Please let me know how residents such as myself can get our comments on the record and how I can access the presentation.

Thanks for trying to make the city a better place!

Mike Owings

479.283.3614 (mobile)

Garner, Andrew

From: Russell Sharman <russell.sharman@gmail.com>
Sent: Friday, April 07, 2017 5:07 PM
To: Garner, Andrew
Cc: Cheryl Sharman
Subject: IN FAVOR of Proposed Re-Zoning from Maple to North

As residents of the historic district, my wife, Cheryl, and I would like to express our support for the proposed re-zoning of College Ave from Maple to North from largely C-2 to Urban Thoroughfare. There has been a lot of misinformation about what the area is currently zoned, and what is proposed. We hope clarity will prevail and the new zoning will bring the urban infill development we so desperately need along College Avenue. And hopefully, they will one day extend north as far as possible.

Sincerely,
Russell and Cheryl Sharman

writer ~ filmmaker ~ anthropologist
<https://vimeo.com/russellsharman>

Garner, Andrew

From: Claudette Lunsford <claudettelunsford@me.com>
Sent: Saturday, April 22, 2017 4:08 PM
To: Harrison, Andy; Garner, Andrew
Subject: College rezoning

I hope to return to town from Little Rock in time for the meeting but in case I don't I would like my comments included in the discussion.

Thanks

First of all thanks to everyone participating, this is allowing our neighborhood to have a stronger voice.

1) I live on Washington Ave. My backyard meets the rezoning. I think the height should be no more than 3 stories where the lots abut existing single family neighborhoods.

Where there isn't this close proximity I think 4 stories should be max.

2) Designs should contribute to the character of the neighborhood. The historic district has "historic qualities" which should be considered.

3) A strong yes on a traffic light on Rebecca. I would like a crosswalk to be included to make walking to Wilson Park a safer venture.

4) No to large scale anchor stores. I can't imagine the adverse repercussions in traffic. It is already heavy.

5) I would like to address the zoning density. I think 24 living units is way too heavy. Duplexes, triplexes over existing businesses would be better in this corridor.

A couple of weeks ago I had a conversation with Andrew Garner in charge of planning about # 5. He said it is possible with strong neighborhood support to change existing zoning and create new rezoning on new construction regarding living density. Especially at risk are the Wilson Park single family-homes. They are in the orange section not in the proposed plan.

I personally know how devastating putting apartment complexes in close proximity to single home neighborhoods. We own a rent house off of Garland not far from the U of A. As people sell properties near apartment buildings to build more apartments there are eventually fewer and fewer homes. The diversity of homes in this neighborhood, and in the historic district (tiny to big, all unique) is one thing that makes this neighborhood so great. After 38 years of living in the historic district I hate to think that scenario might repeat here.

Sent from my iPhone

Garner, Andrew

From: gayle <gayle_ed@att.net>
Sent: Wednesday, April 12, 2017 11:45 AM
To: Garner, Andrew
Subject: North to Maple College Rezoning

Hi! My name is Gayle Draughon. I attended the planning meeting on April 11th. The drawings you presented of your vision of College were wonderful. I was wondering if there was a possibility of having drawings prepared in time for the April 24th meeting that would illustrate College Avenue with all possibilities of growth (the 8 story buildings) that would be legally allowed in that section of rezoning. Thank you, Gayle

Garner, Andrew

From: Mike Owings <MOwings@ATSFleet.com>
Sent: Wednesday, April 19, 2017 1:54 PM
To: Garner, Andrew
Cc: Mayor
Subject: RE: North College re-zoning

Thanks Andrew, I KNOW you are busy, but how do other residents ensure that their comments are part of the public record? Not all can be present for the meeting and want to ensure they are on official record.

How do I get a copy of the rendering you presented?

Mike Owings

From: Garner, Andrew [mailto:agarner@fayetteville-ar.gov]
Sent: Wednesday, April 19, 2017 1:51 PM
To: Mike Owings <MOwings@ATSFleet.com>
Subject: RE: North College re-zoning

Mr. Owings,
Thank you for your comments. I will include these in the official comments on the record and will include them in the packet for the project.

Andrew

From: Mike Owings [mailto:MOwings@ATSFleet.com]
Sent: Wednesday, April 19, 2017 10:04 AM
To: Garner, Andrew
Subject: FW: North College re-zoning

Andrew –

My apologies – I miss-spelled your email address and it was returned. You were to be the primary addressee of this email.

Mike Owings
419 North Washington Avenue

From: Mike Owings
Sent: Wednesday, April 19, 2017 10:00 AM
To: 'agardner@fayetteville-ar.gov' <agardner@fayetteville-ar.gov>
Cc: 'hdavis@fayetteville-ar.gov' <hdavis@fayetteville-ar.gov>; Lioneld Jordan <mayor@ci.fayetteville.ar.us>
Subject: North College re-zoning

Hello Andrew,

I had told Harry that I would be able to have some comments to you this a.m. Just a quick note that I'm not going to be able to meet that commitment as I am continuing to try to understand the re-zoning issue from the perspective of the city, current property owners (commercial, adjacent residential, neighborhood affected).

But I have a couple of questions that I believe would help us all greatly.

1) Do I understand correctly that the only way for citizen comments to go on the official record is to either send them directly to you or appear at the Planning Commission meeting? I understand that any comments post yesterday will not make the deadline to be in the official record for the meeting on the 24th.

I want to understand how citizens can get their comments in the official record prior to any recommendation Planning makes.

2) How can I and others either get a copy or review on line the presentation/illustration presented at the last meeting.

I do feel like this process is being rushed from the perspective of posting of the rezoning signs along College. I understand there can be reasons for this, including but not limited to preventing a developer from acquiring a property and submitting something under the current zoning (not form based). But residents deserve time to discuss and develop their view of the re-zoning request. I believe a 'slow-down' would be in Planning's best interest.

Until I am able to provide more comprehensive comments here are a few issues that are of the biggest concern to the me and the residents I have talked to:

1) Density and what that implies from a traffic perspective into Washington/Willow. Hundreds of residents will not be able to access College from the side street (residents find it difficult even now) and will therefore pour into the area East. This is problematic traveling East as well as North South for various reasons; some streets are not through streets, others such as Washington/Willow will become alternatives to College (as they are becoming already).

2) Set-backs/height and all that implies to current property owners; views from and into their properties, noise, etc.

3) The presentation given at the last meeting appeared to present the most optimistic idea of what the zoning change might imply. It did not represent what MIGHT happen under the new zoning and did not address either density or neighbor impact on the back side of the properties.

I've taken the time to organize walks of the affected properties with anyone that wants to 'walk and discuss' and have at least one more scheduled. I anticipate that you will have far greater attendance at the meeting the 24th. If you have the time and want to discuss any of these issues please let me know and I'll stop by.

Please let me know how residents such as myself can get our comments on the record and how I can access the presentation.

Thanks for trying to make the city a better place!

Mike Owings

479.283.3614 (mobile)

Garner, Andrew

From: jennifer prewitt <jenniferprewitt1@gmail.com>
Sent: Monday, April 17, 2017 7:54 PM
To: dog13gregg@aol.com; rautry333@gmail.com; zniederman@gmail.com; lesliebeld@aol.com; atq@flintlocklab.com; noble@crcrawford.com; matthew.johnson@mercy.net; matt@mbf-arch.com; sloan@homesofnwa.com; Garner, Andrew
Subject: Rezoning of properties along College Avenue

April 17, 2017

Re: Rezoning on College Avenue

Dear Commissioners Autry, Hoffman, Quinlan, Belden, Niederman, Brown, Scroggin, Noble and Johnson:

Thank you so much for your time and consideration on this very large project. We appreciate all of the effort you and the city staff have put into trying to keep Fayetteville progressive, yet retaining its incredible charm.

We live at the corner of Prospect and Pollard on the Wilson Park side and have owned our house for almost 14 years. My husband was born and raised in Fayetteville and after working in Washington, DC and New York City after college, we married and moved back to Fayetteville for the better quality of life; which included having a yard, living in a park surrounding, having beautiful views of the mountain and being close to a variety of amenities, including Dickson Street.

We would love for the run down buildings on College near our house to be nice shops and restaurants, however we are totally against 4+ story buildings or high-density apartment buildings and possible big box urban stores like Target and Walmart.

When we attended the meeting on Monday, April 10th we went into it thinking we were probably for the proposed rezoning and were just there to hear what was in the plan. We left panicked and wondering what direction our neighborhood would take.

Like many of the people that spoke at the meeting we do not want any more large-scale, high-density rental apartments like the ones that have gone up around town. It was mentioned that lower rent apartments were needed in our area. This may be true, but I don't see how that will even happen in an area where the per square foot price is some of the highest in the city. We would be more in favor of smaller condo projects where people would be investing in our neighborhood, not just here for a short-term rental.

It was mentioned that 27,000 people drive College per day and they want to attract those people. We are very concerned about what will happen to the small streets around our house and the high volume of traffic and parked cars this may attract. Our streets do not have any sidewalks or curbs and are already hard to navigate. It is hard to imagine having lots of people trying to park on them and more people using the neighborhood as a cut through. It is very hard for us now to have our own gatherings and have guests park around our house.

We encourage you to please limit the height requirements of buildings to be no more than 2 or 3 levels, limit the density of those buildings and some how attract a nicer group of owners like restaurants and shops. Not big box stores, strip clubs, vapor shops and service stations. Also, please make sure each development can sustain their own parking...for their residents and guests, so that they are not allowed to park on our narrow streets. This may be different on the East side of College because they have wider roads, curbs and sidewalks.

We do not wish to become a large city; we love our *town* of Fayetteville.

Thank you again for all of your time and effort.

Sincerely,

Edward and Jennifer Prewitt

815 North Pollard Avenue

Fayetteville, AR 72701

479.283.2573

--

Garner, Andrew

From: Scott Hill <razorbackscott@gmail.com>
Sent: Monday, April 03, 2017 8:26 PM
To: Garner, Andrew
Subject: RZN 17-5713 College Avenue rezone

Andrew,

I've seen some discussion of this on NextDoor and online, and I had a few ideas I'd like to share.

I think the primary fear of the adjacent neighborhoods is that big modernist complexes like the ones downtown might be developed.

Given that this section of College Ave sits between two historic districts, perhaps a workable solution is to consider it a special zoning district, similar to how Historic District zonings are handled in some cities. Granting the form-based zoning could be contingent upon future development meeting certain enhanced aesthetic standards, intended to compliment the historic neighborhoods nearby.

This could include minimum masonry requirements, window muntin/casing requirements, first floor awnings, and other traditional elements to create harmony between Washington Willow and Wilson Park. Signage could be specified to be similar to how it is being done in downtown Bentonville square, etc.

Just a few ideas I have had while reading all the negative comments about the possible rezoning.

Thanks!

Garner, Andrew

From: jennifer prewitt <jenniferprewitt1@gmail.com>
Sent: Monday, April 10, 2017 12:02 PM
To: Garner, Andrew
Subject: Tonight's meeting

Good afternoon!!

I live at the corner of Prospect and Pollard in Wilson Park...I have seen all the chatter regarding the rezoning of College and plan to attend the meeting tonight!

I was wondering if tonight's meeting is an open discussion with residents? Or is this a formality and the decision has already been made?

My main concerns are having an 8 story building next to my house and the nightmare parking it will for sure provide! We already have such narrow streets we can hardly have our own guests!

I also don't understand how this will make College safer? We don't even walk across College to Sassy's bc the cars race 40+ miles an hour over the hill...will there be anything new to address that?

I am sure this is a very daunting task for you all to take on! We appreciate your hard work and consideration! I think many people in Wilson Park are just freaked out about the students taking over with large apartment buildings...and not just co-existing with us!

Thanks so much!

Sent from my iPhone

Garner, Andrew

From: Marc Reif <marc.pricereif@gmail.com>
Sent: Tuesday, April 18, 2017 6:31 PM
To: Garner, Andrew
Subject: UT on N College

Hi Mr. Garner,

I live in the Washington-Willow neighborhood and I am very much in favor of the UT designation/development plan for College Ave. between North Street and Maple. I may not make it to all of the meetings, but I would like to encourage the city to pursue this plan. I do have some concerns: will high quality, sensitive design be encouraged? Will there be any housing of low to moderate cost? Can we preserve the general atmosphere and quality of life of the surrounding area while building much larger buildings nearby?

Sincerely,
Marc Reif
607 N Walnut Ave
72701

--
Sent from Gmail Mobile

Garner, Andrew

From: eden price reif <eden.price.reif@gmail.com>
Sent: Tuesday, April 18, 2017 2:52 PM
To: Garner, Andrew
Subject: Zoning changes along N. College between Maple & North

Mr. Garner -

Everyone is in a tizzy on our Washington-Willow Neighborhood list serve - I haven't had time to read the zoning proposal language (sorry) but heard that today was perhaps the last day to give the planning dept timely input, so I'm throwing in my 2 cents. I hear there is a meeting on the 24th, I hope to be there.

We own 3 houses in downtown east of College, we've lived here off and on for 25 (myself) and 50+ years (husband - grew up here) - there have been a lot of changes, and property values (& taxes) have gone up a lot! We love the eclectic mix of housing and people that make up our neighborhood.

We can't expect things to stay the same if we want to be a vibrant, healthy part of the city - and we can't expect things to go back to the way they were 50 years ago (what some seem to want) so, in ignorance of the actual proposal, I'll rattle off what I would hope for along that stretch of College Ave, and downtown in general. Mixed Use! Density! a walkable zone of commercial that keeps parking off the street frontage, street design that slows traffic as much as possible. My dream ingredient would be an actual crossing point for pedestrians so we can get to the other side of college/the park @ Trent. People seem all upset about 8 stories - I can't see that the market would support that anytime soon regardless of the zoning, but if it calms people down, a compromise of 4 (or 5!) stories seems fine to me. I hate the commercial strip type stuff that seems to be the standard issue. This is downtown, not a "highway".

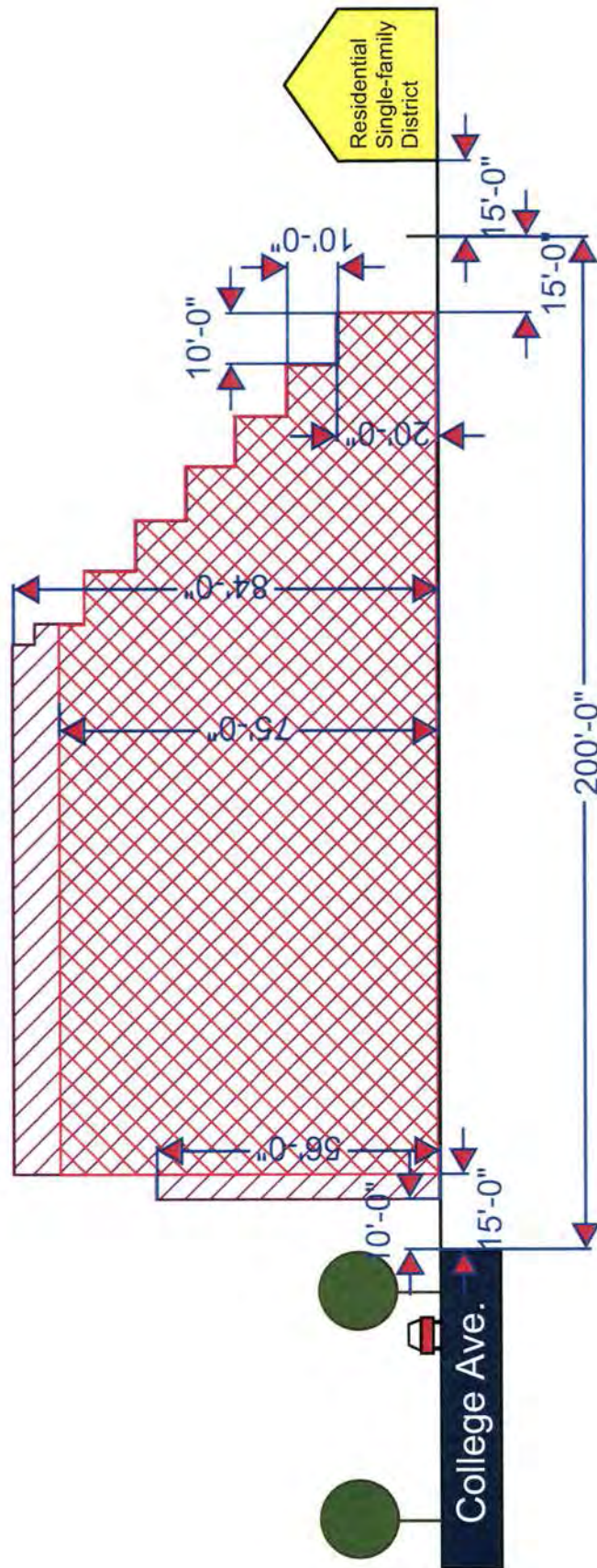
I am so thrilled with the improvements to the streetscape along college to date, and look forward to the project being done ;))

Thanks,

Eden Reif
607 N. Walnut Ave.

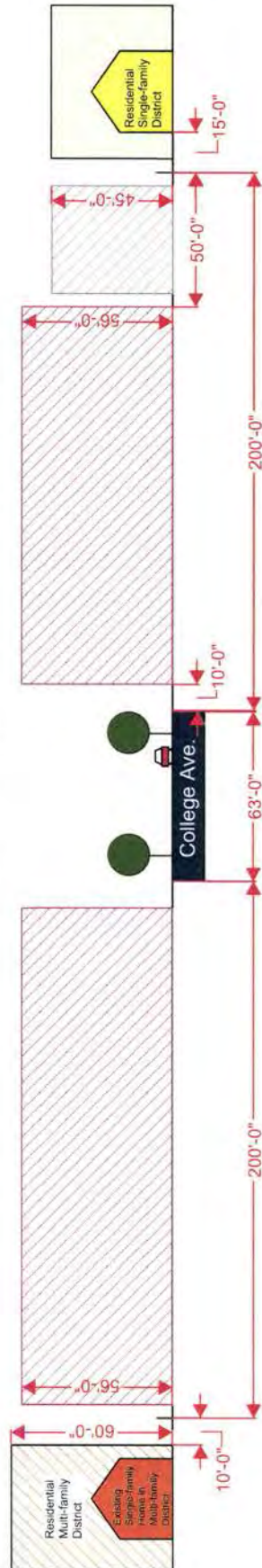
Building Height Cross Section Comparison

 UT, Urban Thoroughfare
  C-2, Thoroughfare Commercial



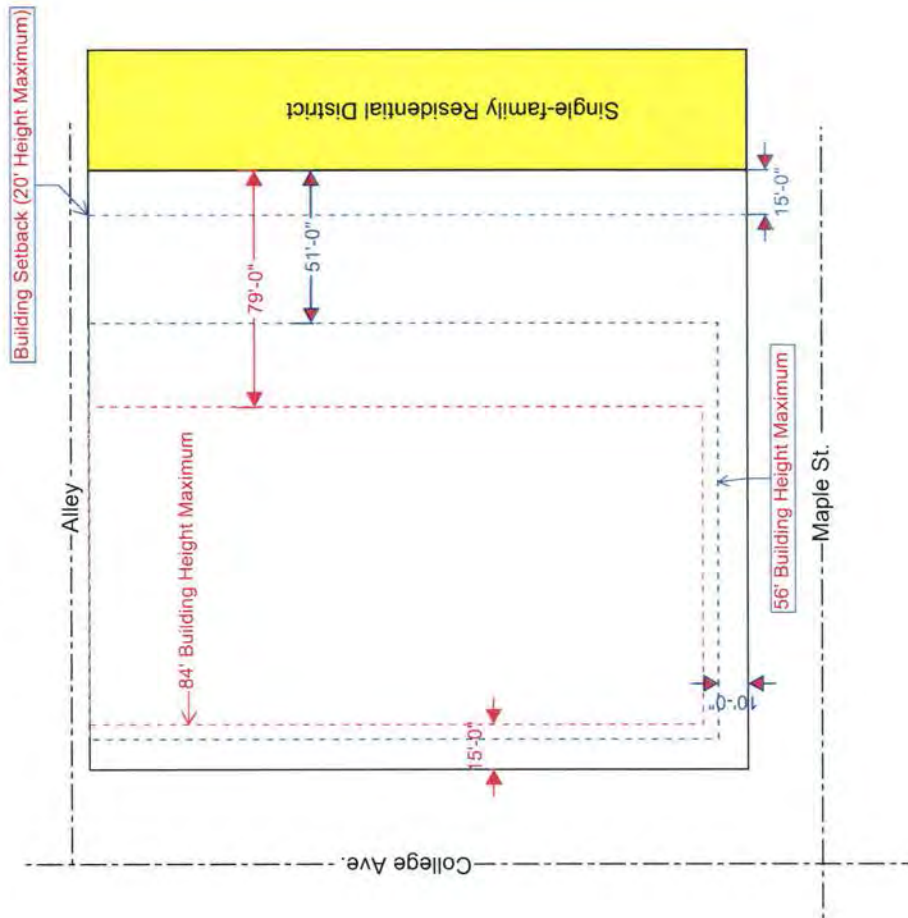
Building Height Cross Section Comparison

- ☒ Residential Multi-family District
- ☒ CS: Community Services
- ☐ NS-L: Neighborhood Services, Limited
- ☐ Residential Single-family District

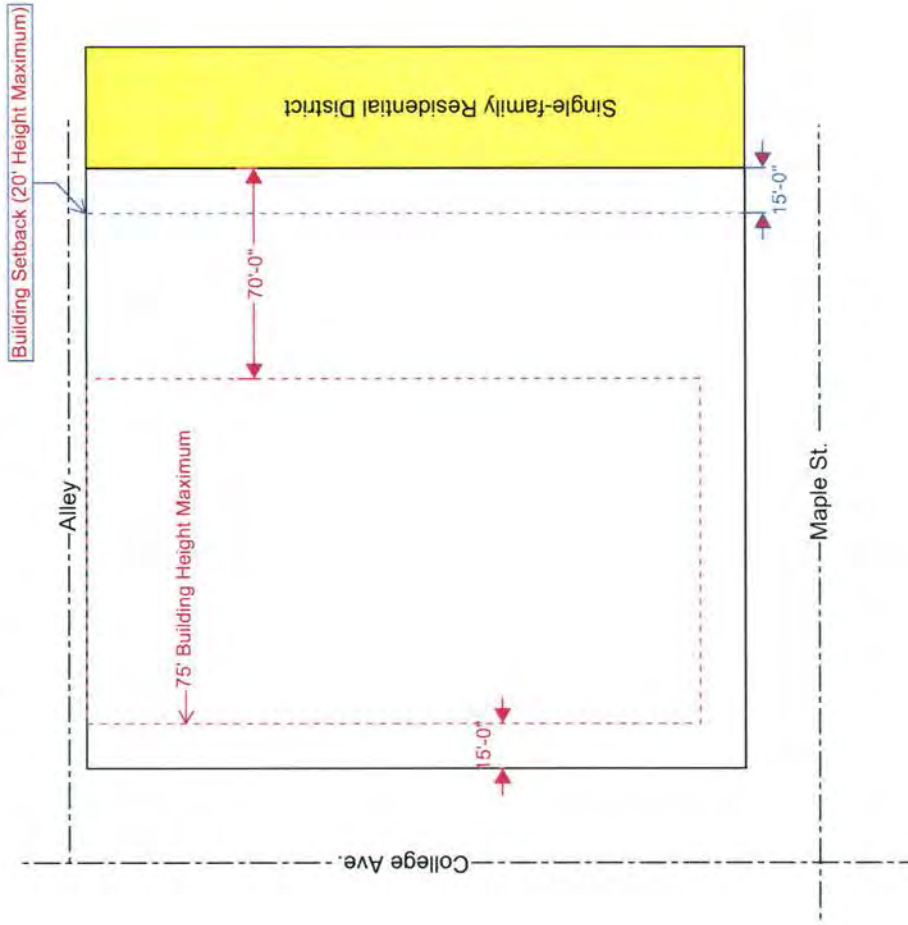


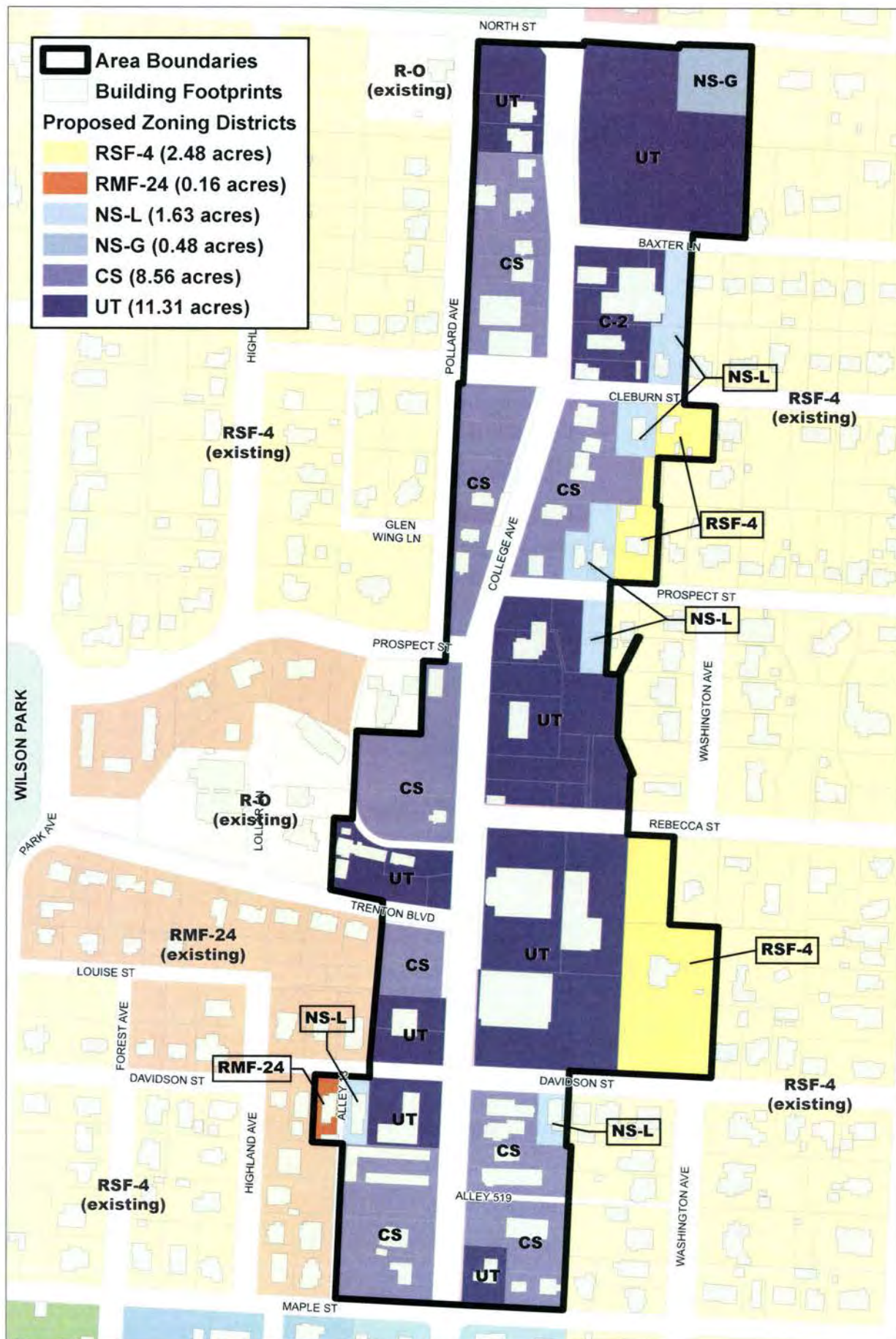
Height Setback Comparison Diagram

UT, Urban Thoroughfare

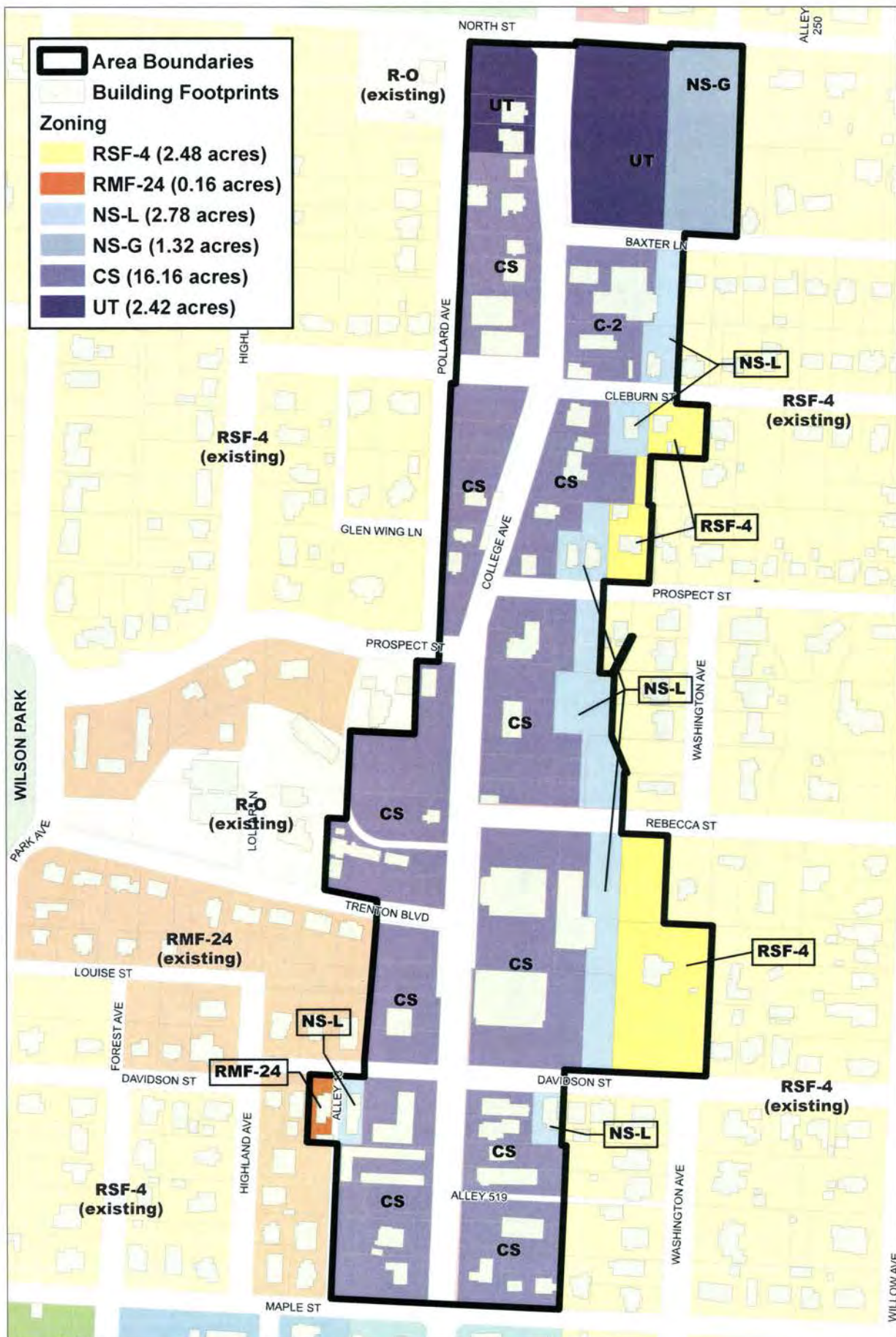


C-2, Thoroughfare Commercial



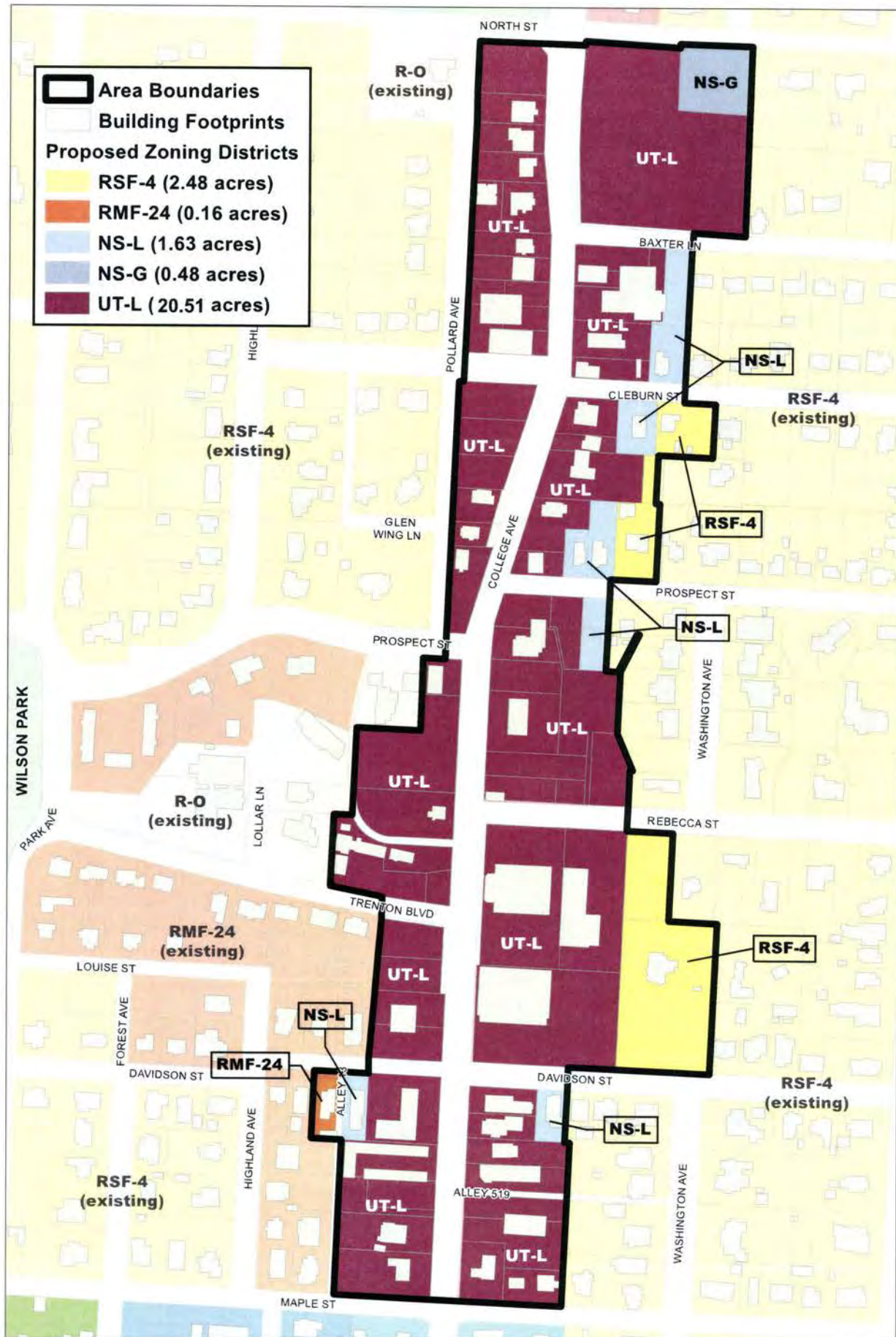


Alternative 1



Alternative 2





Alternative 3



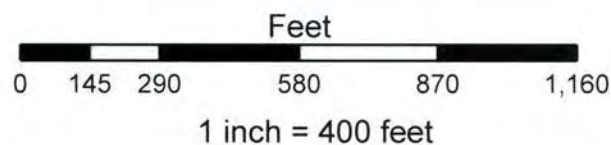
RZN 17-5713

Current Land Use

COLLEGE AVE. CORRIDOR REZONE



- Area Boundaries
- Streams
- Street
- Downtown Master Plan**
- MSP Class**
- MAIN STREET 63
- STREET 45
- PRINCIPAL ARTERIAL
- Trail (Proposed)
- County Parcels
- Planning Area
- Fayetteville City Limits



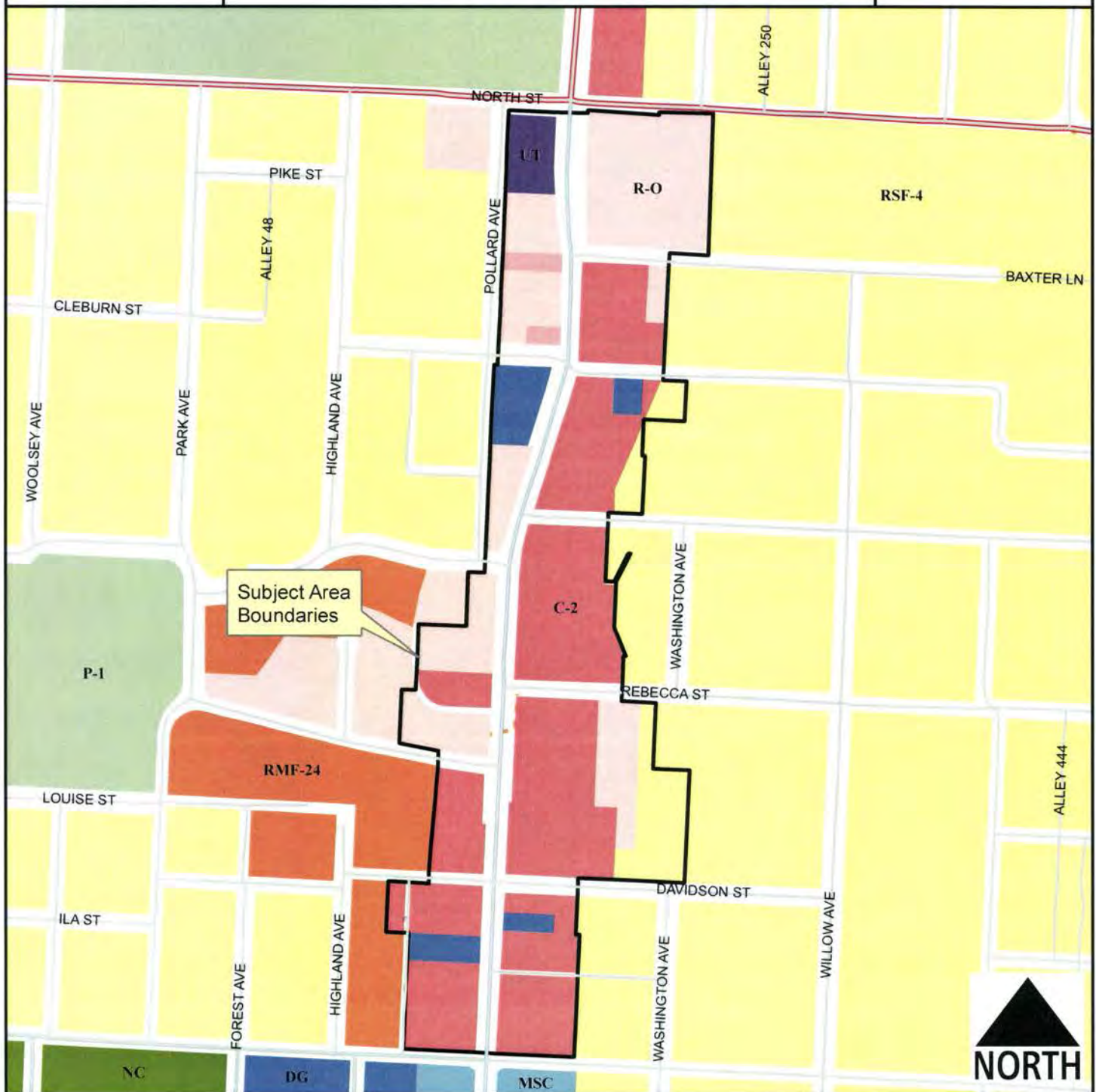
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN 17-5713

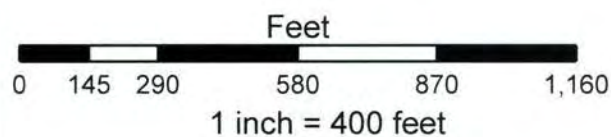
Close Up View

COLLEGE AVE. CORRIDOR REZONE



Legend

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



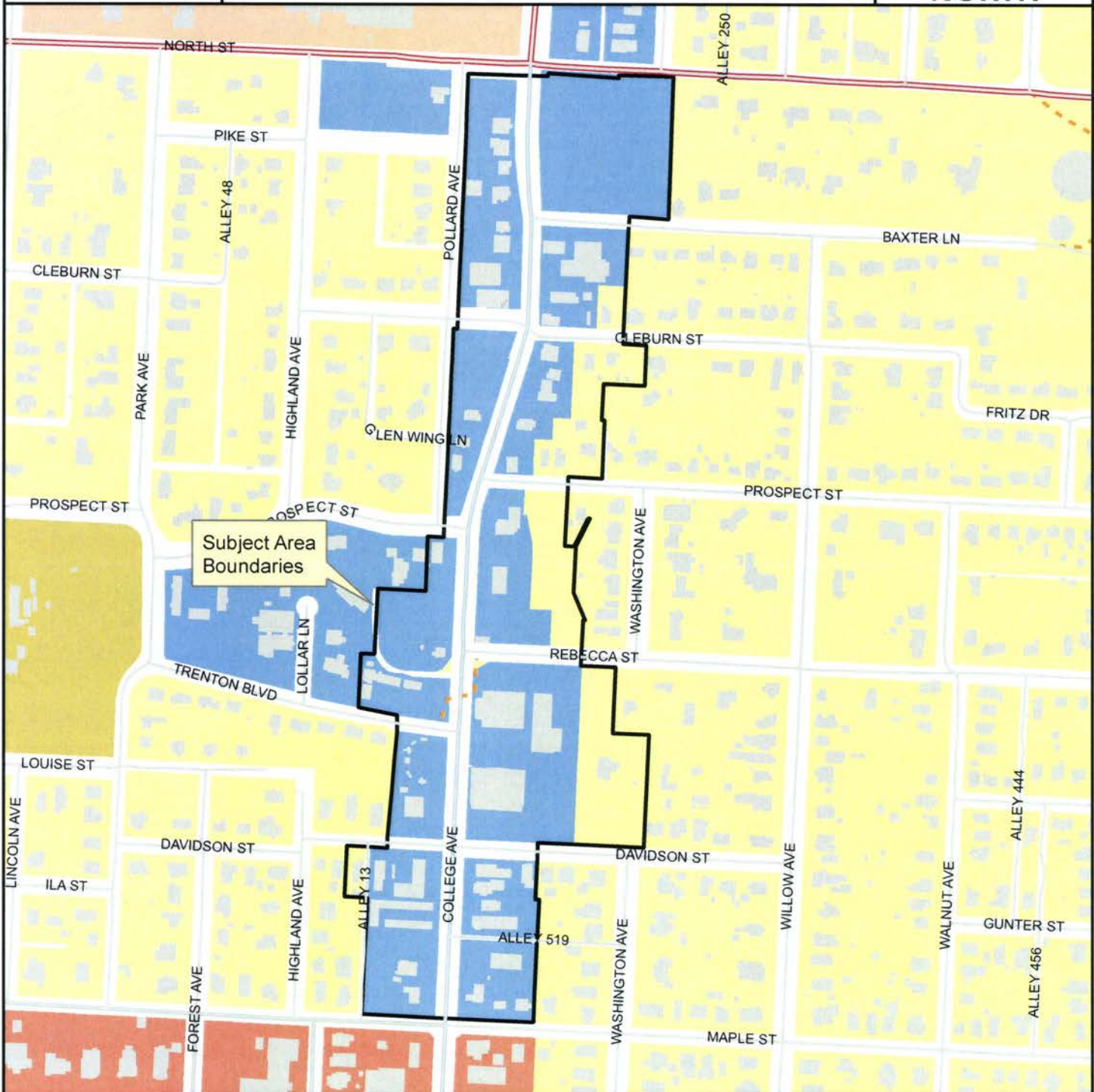
- RSF-4
- RMF-24
- Residential-Office
- C-1
- C-2
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

Planning Commission
May 8, 2017

RZN 17-5713

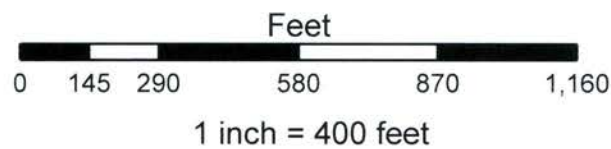
Future Land Use

COLLEGE AVE. CORRIDOR REZONE



Legend

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



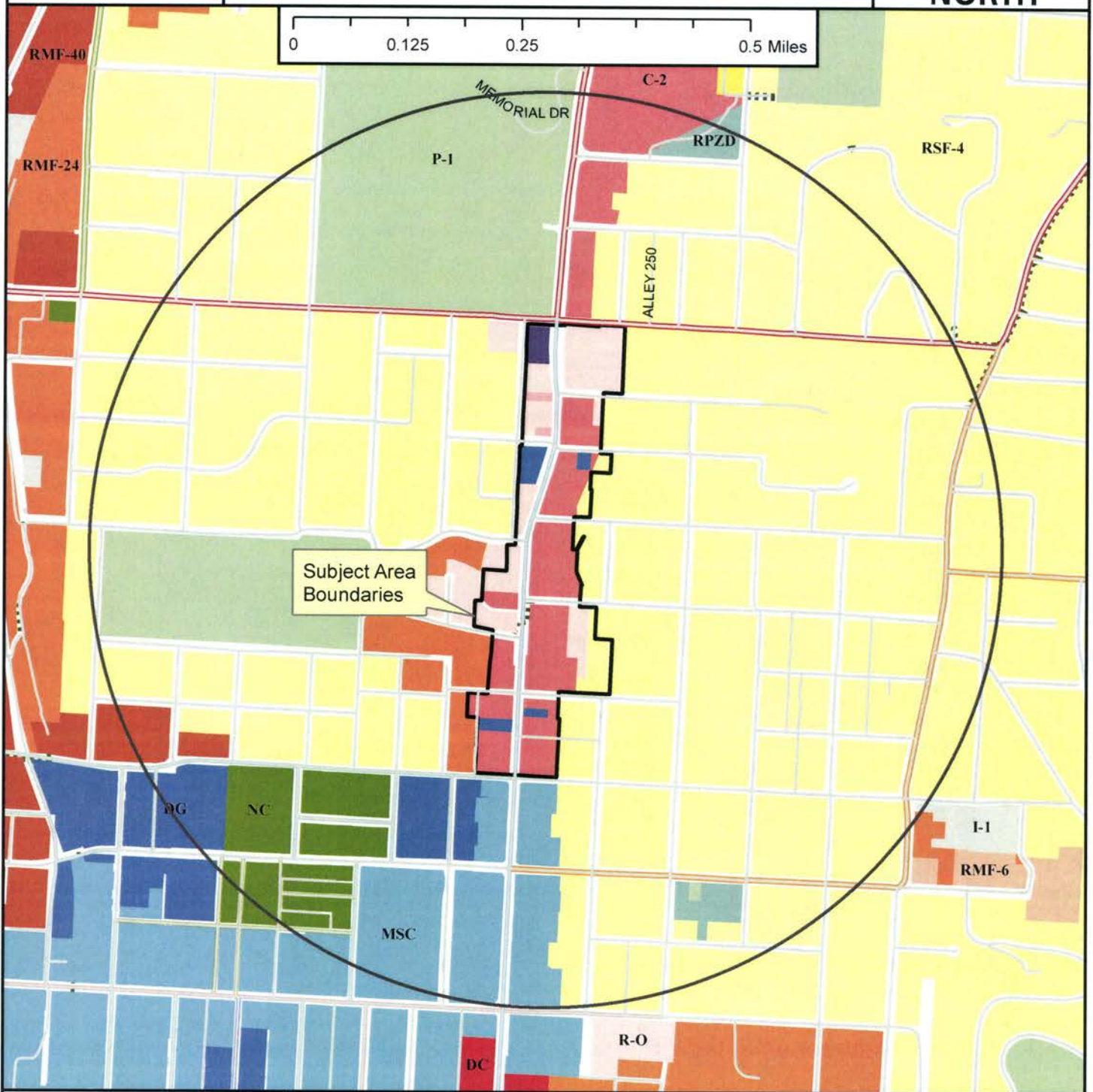
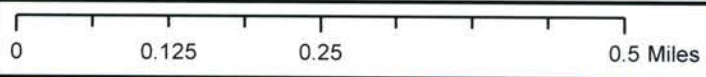
FUTURE LAND USE 2030

- Residential Neighborhood Area
- City Neighborhood Area
- Complete Neighborhood Plan
- Civic and Private Open Space/Parks
- Non-Municipal Government

RZN 17-5713

One Mile View

COLLEGE AVE. CORRIDOR REZONE



Legend

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



Zoning

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

EXTRACTION

- 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



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0299

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: D. 9

AMEND THE RULES OF ORDER AND PROCEDURE:

A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL A. **CITY COUNCIL MEETINGS 7. PRESENTATION OF AGENDA ITEMS** BY AMENDING SUBSECTION d.(2) **PUBLIC COMMENTS**

WHEREAS, the Fayetteville City Council has long welcomed public comments, questions and information on agenda items being considered by the City Council; and

WHEREAS, in rare occasions speakers have had to be limited to three minutes so that the large number of citizens wishing to speak could all express their concerns and comments; and

WHEREAS, a general time limit of five minutes should give any members of the public adequate time to present their thoughtful and organized comments to the City Council while ensuring overly lengthy and repetitious statements of a few speakers do not impinge on the rights of their fellow citizens to present their own views.

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 amends the Rules of Order and Procedure of the Fayetteville City Council A. **City Council Meetings 7.d.(2) Public Comments** by adding new second and third sentences as follows:

“Speakers shall be limited to a maximum of (5) five minutes so that all other citizens desiring to speak on that agenda item or a later item will not be unnecessarily inconvenienced. By a majority vote of the City Council Members present and voting, this time limitation may be altered for a specific agenda item.”

Added at Agenda Session 5-30-17
last NB

Legistar ID No.: 2017-0299

AGENDA REQUEST FORM

FOR: Council Meeting of June 6, 2017

FROM:

City Council Member Adella Gray

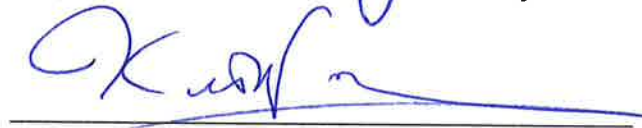
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL A. **CITY COUNCIL MEETINGS 7. PRESENTATION OF AGENDA ITEMS BY AMENDING SUBSECTION d.(2) PUBLIC COMMENTS**

APPROVED FOR AGENDA:


City Council Member Adella Gray

May 25, 2017
Date


City Attorney Kit Williams
(as to form)

May 25, 2017
Date

RESOLUTION NO. _____

A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL A. CITY COUNCIL MEETINGS 7. PRESENTATION OF AGENDA ITEMS BY AMENDING SUBSECTION d.(2) PUBLIC COMMENTS

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PASSED and APPROVED this 6th day of June, 2017.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

- (1) **Staff agenda items.** If the City staff requests to “walk-on” an agenda item for the City Council Agenda during the City Council Agenda Session, the memo from the City staff shall begin with a clear and compelling reason why this proposed agenda item could not have been included within the Tentative Agenda and cannot wait for City Council consideration at a later City Council meeting. Any member of the City Council including the Mayor can then place this item on the Final Agenda.
- (2) **City Council Member agenda items.** City Council Members should also strive to include any agenda item a Council Member wishes the City Council to consider be included within the Tentative Agenda. If that is not possible, the City Council Member should explain during the Agenda Session why the proposed agenda item should be included in the Final Agenda rather than postponed to the next meeting. Any member of the City Council including the Mayor can then place this item on the Final Agenda.”
- b. **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.
- c. **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.
- d. **Old Business and New Business.**
 - (1) **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.
 - (2) **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.

Add
here



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0262

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

Agenda Number: E. 1

AGENDA SESSION PRESENTATION - PARKING STUDY RECOMMENDATIONS BY NELSON
NYGAARD



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0274

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

Agenda Number: E. 2

AGENDA SESSION PRESENTATION - SEVEN HILLS FINANCIAL UPDATE

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.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Sarah Bunch, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

Ozark Regional Transit Periodic Report

Jeff Hatley, Public Information Officer presented the Ozark Regional Transit report.

Mayor Jordan requested for Mr. Hatley to come and visit with him more about Ozark Regional Transit.

2017 First Quarter Financial Report

Paul Becker, Chief Financial Officer gave a brief summary of the 1st Quarter, 2017 Financial Report. He stated at this point in time we are doing very well and increasing in the General Fund.

He stated we are not up as much as last year, but still positive for the year. He is looking forward to some good results in the next quarter.

Consent:

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

Approved

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.

Resolution 105-17 as recorded in the office of the City Clerk

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.

Resolution 106-17 as recorded in the office of the City Clerk

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.

Resolution 107-17 as recorded in the office of the City Clerk

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.

Resolution 108-17 as recorded in the office of the City Clerk

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.

Resolution 109-17 as recorded in the office of the City Clerk

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.

Resolution 110-17 as recorded in the office of the City Clerk

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

Public Hearing:

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.

City Attorney Kit Williams: We have a public hearing scheduled and the person whose property it is has asked that he have the opportunity to table the item. I ask that you suspend the rules so we can go straight to the public hearing.

Alderman Marsh moved to suspend the rules and move the Public Hearing before Unfinished Business. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

Harold Harmon, Property Owner requested for the item to be rescheduled to the June 6, 2017 City Council meeting.

Alderman Marsh: What is the reason for your request?

Harold Harmon: I had an operation and I'm not in the position to do this. I just got out of the doctor's office.

Alderman Marsh moved to table the resolution to the June 6, 2017 City Council meeting. Alderman La Tour seconded the motion. Upon roll call the motion to table passed unanimously.

This resolution was tabled to the June 6, 2017 City Council meeting.

Agenda Additions:

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

Alderman Kinion requested for the resolution to be removed from the table and added to the agenda.

Alderman Kinion moved to suspend the rules and add to the agenda. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

Tim Nyander, Utilities Director gave a brief description of the resolution. The Water & Sewer Committee voted 3-1 to forward this item to the City Council for consideration with the recommendation of approval.

Justin Cullers, Applicant stated he is proposing to do a single family home subdivision.

Alderman Kinion: The Water & Sewer Committee agreed to send this forward without a recommendation, but for discussion.

Alderman La Tour: Tell us where in relation to your property there is sewer connections?

Justin Cullers: Adjacent to our property are two sewer connections to the northeast at the Lierly Lane subdivision and at the southeast Clabber Creek subdivision. Hughmount subdivision was granted water and sewer services a couple of years ago from the city. There is a manhole access at the southwest portion of our property.

Alderman La Tour: The sewer connections are very close to your property?

Justin Cullers: Yes, as well as water services. There is a six inch main that loops all the way around both points of ingress and egress.

Alderman La Tour: Do you think it would be better for our environment if we put our raw sewage into a system where it goes through treatment before it is released into the environment or if we put it into a septic system that could leech onto the ground? Which is a more sanitary system?

Justin Cullers: That was our reason for requesting sewer service on this development given the requested density. We are uphill directly from Clabber Creek. With property permitting we can do a collective on site STEP system or septic system. It is our preference for an environmental standpoint to provide sewer service.

Yolanda Fields, 3034 Hughmount Road: I'm on the northeast boundary of a project that was proposed and was not approved by the county. What project are we talking about? Is it the one the county did not approve or is it a different one?

Andrew Garner, City Planning Director: The applicant requested a variance to allow for street frontages to be smaller than the county would allow and that was denied. In talking with Mr.

Cullers, they are still going to pursue the conditional use permit which would allow for lots less than one acre. That has not been formally voted on at the county. We received a letter from the county and we sent it out to the City Council. At this point it has been denied. Their conditional use permit will be discussed at a later meeting.

Yolanda Fields: There was a variance requested for 74 houses. There was contingency of connection to the sewer and annexation. That failed, so the conditional use had no movement forward. The variances has to be approved first, then the conditional use. This is a sewer connection to what project? A future project or this same project that is going to go back to the county again?

Mayor Jordan: Andrew, can you answer that?

Andrew Garner: No, I can't answer that. This is getting into the county's process which we don't have the authority over those types of approvals.

Don Marr, Chief of Staff: We don't have a project in front of us now. This is a request for the city to provide sewer for a future project that I guess will be submitted. The project that was originally discussed is not in front of the county.

Yolanda Fields: I would like to know what the specific project is and be able to comment on it.

Justin Cullers stated it is a very difficult process they are going through because of the proximity to the city limits. He gave a brief historical description of the project. He stated when applying for a variance at the county, the project was not denied. He stated the conversation at the Planning Board meeting veered off course from what they were actually meeting about, which was a variance for lot frontages, minimum lot sizes, and square footage. He has redesigned the project and the lots to meet the county criteria. He stated he is not going to have to apply for a variance, only a conditional use which meets all the county criteria. He stated that meeting would be further in the future. He stated he was advised by city staff and county staff to go ahead and proceed with the procurement of water and sewer services.

Liz Lester, 3052 North Hughmount stated her concern about density of houses. She requested to know why there was a recommendation from the Water & Sewer Committee to run the sewer outside of the city limits when it is not the policy.

Alderman Marsh: I want to clarify and Alderman Kinion mentioned it earlier that the Water & Sewer Committee did not forward this with a recommendation. It was forwarded without a recommendation. There was a typo in the packet.

Alderman Kinion: This went through the Water & Sewer Committee. We have one project adjacent to this that does have a connection. At that time the City Council approved it. There was already infrastructure and a plan in Hughmount Village to build. We had a sewer main that went through the property and was adjacent to Clabber Creek. That specific item was connected into the city sewer. What is in front of us tonight is, do we want to look at the long term management of wastewater on the edges of the city or in the immediate stages do we want to not accept these

additional hookups. It is a tough decision because there is a need for affordable housing. We also know that according to our City Code we are not going to allow hookups. Only the City Council can approve that. County properties are not paying property tax into the city. There are a lot of implications we have to discuss as we move forward in considering these type of request. We have to look at a fair and balanced way of managing runoff that will impact the quality of water into the watersheds.

Mayor Jordan: On the resolution it says to approve an extension of the city's sewerage system beyond the city limits to a proposed development near Hughmount Road and Lierly Lane. Is somebody going to have to make a motion to approve and a second? I thought there was a decision made by the Water & Sewer Committee.

City Attorney Kit Williams: If I had realized without the typo that it had just been forwarded, I would still have drafted the resolution that way. It is the affirmative duty to get five votes in order to pass a resolution to allow sewer service beyond the city limits.

Alderman Petty: The issue for me is the financial sustainability of the extension. I'm not convinced the development would pay its fair share of the cost of maintenance if we do the extension, in terms of our rate structure and the tax revenue that might be generated from it. With the lot sizes and the variance being denied by the county, I don't see any way the math works out for this proposal to pay its fair share of the maintenance that will be required in the future.

Alderman La Tour: Policies are broad guidelines to guide our thinking. They aren't hard and fast rules. We can make exceptions to policies. I've been practicing accounting for 37 years. I haven't seen the numbers and it is hard to make a decision based on conjecture. If we don't allow them to hookup to our sanitary sewer, that waste is going to go directly into the ground. The raw sewage should go into a sanitary sewer and be treated properly. The developments that are downhill from this will be impacted in negative ways. I support letting this development attach to our sanitary sewer system as a matter of keeping the environment clean.

Alderman Marsh: When considering decisions I look first to our guiding principles of our 2030 City Plan. The second guiding principle is that we shall discourage suburban sprawl and this is textbook suburban sprawl. It is outside of our city limits, it is outside the Mayor's box around our city which is supposed to be our urban growth boundary, and it is not served by transit. It would be expensive to serve it with transit and other city services. We are supposed to be growing a livable transportation network. In Northwest Arkansas the cost of transportation exceeds the cost of housing for most households. The cost of maintaining the infrastructure in services beyond the city is not going to make sense with the potential amount of property tax revenue we would generate from this development. Goal five is assembling an enduring green network. I will be voting against this development.

Alderman Bunch: I'm a Real Estate agent and I've had to tell people they are going to have to go outside of Fayetteville for a certain price range. Affordable housing is always a challenge. I have concerns about the cost of this in terms of increasing sprawl, the connecting streets aren't very wide, the city's cost to maintain this, and the county denied the lot sizes. I will be voting against this.

Alderman Kinion moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the resolution failed 1-7. Alderman La Tour voting yes. Alderman Long, Gray, Marsh, Kinion, Petty, Tennant, and Bunch voting no.

This resolution failed.

Unfinished Business:

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

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

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director: Mayor, I don't have any additional information to present. If you have any questions I will be happy to answer them.

Alderman La Tour: I am against changing the zoning. Generally, I am very pro-growth and pro-development. I want variety in the marketplace. I want people who have nice single family neighborhoods without commercial development in the neighborhood.

Andrew Garner gave a brief description of what could possibly be built on the property as it is currently zoned.

Alderman Tennant: There is a large brick wall that backs up into some houses. A building could be set back, but there would be a buffer zone between the brick wall and any building and/or parking lot that is there under the current zoning?

Andrew Garner: That is correct.

Alderman Tennant: It could go up, but the building could not go straight up 60 feet because of the setback rules, correct?

Andrew Garner: Correct.

Alderman Tennant: It would be stair stepped by however many feet it's going up accordingly?

Andrew Garner: Yes.

Alderman Tennant: Likely it would not be close to the street or we couldn't force that. It would probably be back with a parking lot out front, similar to a lot of the other developments along the area. If someone wanted to build multiple 2,000 square foot buildings to house restaurants or whatever, could they be connected by a roofline or covered walk way between each building?

Andrew Garner: No, they could not do that. If they are connected through a roofline we would say that is all one building. If there is a breezeway in between that would not be allowed under the existing zoning.

Alderman Tennant: It would have to be separate buildings and whatever the Planning Commission agreed upon from a look of the plat?

Andrew Garner: That is correct.

City Attorney Kit Williams: There are two lots. If it was separate ownership, would they have to do lot splits to have more than two businesses established?

Andrew Garner: No, they wouldn't. They could have more than one building on this same lot.

City Attorney Kit Williams: With two different owners of the buildings?

Andrew Garner: Yes. That would be handled through a horizontal property regime. That's not too uncommon in commercial settings.

City Attorney Kit Williams: When this property was rezoned and platted back in 1999 and these individuals built their houses, Residential Office did not allow any commercial at that point. Is that right?

Andrew Garner: That is correct. Not as a permitted use. It was a conditional use only at that point.

City Attorney Kit Williams: The only conditional use that could be commercial was a restaurant?

Andrew Garner: Yes.

City Attorney Kit Williams: That was true until April, 2010 when the City Council changed the zoning for Residential Office and allowed limited business, which now does not make this such a great buffer as it had been prior to the change in the zoning code. In 2010 a large percentage of houses had already been built in reliance on the original R-O zoning that did not allow this commercial use. It concerns me a little bit.

Alderman La Tour: In meeting with the residents yesterday it was apparent they were under the impression that when they bought their property it was going to remain R-O. The definition changed since the time the houses were built. It is kind of like we are changing the deal in the middle of the game. I encourage us to not change the rules.

Alderman Petty: Andrew, please explain how our lighting ordinances might address some of the concerns we have heard from the neighbors about lighting in a parking lot coming into the backyard.

Andrew Garner: The city has an exterior lighting ordinance. It is required to have lights fully shielded and light should be only shining straight down. The code states that you can't have light trespass onto another property. When we review building permits we look at the catalog cut sheet of the light fixtures to make sure they are shielded, shining downwards and not shining onto the neighboring properties.

Alderman Tennant: Whether it is light pollution or sound pollution that would be revisited no matter what development goes in and what we do on the rezoning at the Planning Commission level later. A noise ordinance is different from the entertainment district to a neighborhood zoning district?

Andrew Garner: Yes. In the Neighborhood Services zoning that is proposed, we wrote into the zoning code for purposes of enforcing the noise ordinance. It is a lower decibels than in an entertainment district.

A discussion followed about the noise ordinance.

Don Marr, Chief of Staff: I was on the Planning Commission in 1999 and I voted for this zoning. Our discussion was about Residential Office. At the time before our current codes, we did transitional planning of zoning. When we discussed the R-O zoning it did not have the uses by right, but by conditional use at the time. When we talk about lighting pollution, it addresses fixture lighting such as in a parking lot. When you get a 45 to 60 foot building that is lit up at night, you will see light going into properties from the building itself, not the fixtures of the parking lot. There is an impact that comes from the use of the building based on the hours of operation.

City Attorney Kit Williams: I was a little remiss at the last meeting to allow people to talk about pizza places or other specific developments. In a rezoning you can only talk about the potential uses on this property. It could be restaurants, commercial buildings, residences, and office buildings. Don't talk about particular projects.

Jerry Busken, 3057 Waterstone Drive stated his concerns about compatibility issues. He spoke in opposition of the rezoning.

Stevan Vowell, 4868 Trails End Lane requested to present a Powerpoint presentation.

Alderman Petty: How long is the presentation?

Mayor Jordan: It is supposed to be five minutes.

Stevan Vowell: There are 10 slides, but since the Council has visited the site I can do away with five of the slides.

Alderman Petty: Is it new information?

Stevan Vowell: It consists of the same slides I showed City Council last time, but two members of the Council were not present.

A discussion followed about the rules of a presentation.

Alderman La Tour moved to approve a citizen presentation. Alderman Gray seconded the motion. Upon roll call the motion to approve the citizen presentation passed unanimously.

Stevan Vowell spoke about the peaceful neighborhood he lives in. He presented a Powerpoint presentation and spoke in opposition of the rezoning.

Alderman Petty: I am a bit confused about this 2,000 square foot versus 8,000 square foot limitation. In Residential Office could a duplex with a restaurant below it be built by right?

Andrew Garner: That is correct. The residential uses would be excluded.

Alderman Petty: In R-O, is the density limitation 24 units per acre?

Andrew Garner: Correct.

Alderman Petty: In NS-G, is it 18 units per acre?

Andrew Garner: Yes.

Mike Morisette, 1606 North Jordan spoke in favor of the rezoning.

Peter Tonnessen, 3500 Hearthstone Drive spoke about square footage building usage, parking spaces, and zonings. He spoke in opposition of the rezoning.

Mark Scalise, 3268 Hearthstone Drive stated anything you can build on NS-G zoned lots, you can build on R-O lots, just not as big. He requested Council to honor the R-O zoning that was agreed upon when residents purchased their lots. He spoke in opposition of the rezoning.

Alderman La Tour: How safe is any neighborhood in this city if we vote to change this zoning at your neighborhood?

Mark Scalise: If this one goes, I don't think anything is safe.

Alderman Bunch: We haven't seen a plat, plan or drawing. Is that normal at this stage in the process or is it to be expected that they should have provided these things?

Andrew Garner: This is just considering the rezoning of the property. The City Council is not allowed to consider development, plans or plat. If the developer had something we would tell the Council that they could not consider it. It is not appropriate to be talking about development.

Don Marr: The only time we consider a development with a zoning is when we have a Planned Zoning District.

Max Parker, Owner stated it would be the first property to receive the new NS-G zoning designation. He stated there are over 20,000 cars per day on the busy road and adjacent to a city attraction that has events of over 4,000 people at one event. He stated there are currently no services. He stated he is not gaining monetarily if the rezoning is approved. He spoke about zoning designations. He spoke in favor of the rezoning.

Blake Jorgensen, Jorgensen & Associates stated he could request a conditional use at the Planning Commission level, but with the new zoning he believed it was the key to what they wanted to do.

Miles James, Chef spoke about pizzerias, connecting to the neighborhood and the trail system. He believes the corner of this property is significant in the development of Fayetteville. He stated he wants to develop business in Fayetteville. He spoke about landscaping, lighting, and noise ordinances. He spoke in favor of the rezoning.

Philip Cameron, Owner at 1663 Viewpoint stated he's not trying to do anything underhanded. He stated that he thought the rezoning was going to be a positive thing for the neighborhood. He requested Council to think about what made best sense for Fayetteville in the long term. He spoke in favor of the rezoning.

Carol Chamberlain, 3267 Waterstone spoke in opposition of the rezoning.

Tammy Cagle, Copper Creek stated her concerns with traffic. She spoke in opposition of the rezoning.

Pam Forrester, 3044 Waterstone spoke about the family atmosphere in the neighborhood. She spoke in opposition of the rezoning.

Karen Stevens, 3116 High Meadows spoke in opposition of the rezoning.

Bethany Collins, 3089 Waterstone stated her concerns about lighting. She spoke in opposition of the rezoning.

Alderman Marsh: This parcel is along a major regional transportation corridor. It is across the street from the Botanical Garden of the Ozarks and Lake Fayetteville Park, which are regional tourist destinations. Community feedback from our city wants us to grow a livable transportation network to encourage transit oriented development. They want us to pull the buildings up to the street. Do we want the Crossover corridor to look like North College, where the predominant feature along the street are cars and parking lots or do we want to set a new standard where what we see are buildings and places for people and businesses. If you compare the two units, Neighborhood Services adds three additional uses units. It is setting a new standard for urban form. This will encourage buildings to be put at the road and further away from the residents.

Alderman La Tour: What is important here more than technical terms and zoning classifications is are we going to keep our word or breech our word. The neighborhood bought in at R-O. We are talking about changing the deal on them. I fundamentally have disagreements with that. No neighborhood in the city is safe from a rezoning classification. We need to honor our word to our citizens. Normally, I argue for development, but what trumps my development and growth strategy is variety. Variety serves our people the best, not a stated goal which makes cookie cutter neighborhoods.

Alderman Tennant: In a democracy type situation I've believed that what's good for the majority of people is probably the way you should lean. A lot of times I will agree with Alderman La Tour and lot of times I will agree with Alderman Marsh. They are both talking about variety, but it is the way the variety happens that we are talking about. If I was voting based on the majority of the people, I would have pushed two weeks ago to get this voted on. To overturn city staff and the Planning Commission almost never happens. If we do overturn it, then why do we have the process that we have in place. There are a lot of people who move to that area and people want services of some sort. They would like to see a restaurant or other things go in there. That is not to say that couldn't be done through R-O. I believe the market here is much better for development and for business entities to go in commercial space than it was years a few years ago. If you put your bike on the trail in the parking lot across the street and you ride to the other end of the trail, you see restaurants and other businesses that are thriving. It stands to reason someone is going to come in at some point and say this makes total sense.

I drove down North College and saw a whole bunch of 2,000 square foot buildings pushed back with the parking lots in front. Is that what we want? I wouldn't think so. I would rather have something that is pushed up to encourage proper development. No matter what we do, the people on Waterstone are the most affected by this. If it is going to be developed, let's control it now. I wish we would have planned better on Crossover where Harps is sitting. It is a lousy area for pedestrians and it is not that great for cars. We are now faced with trying to fix some of those things. I don't want to create the same kind of problem up and down that road. East Fayetteville doesn't have the services needed. We are not at the planning stage of anything. There has been a tremendous amount of misinformation given on this entire project. Kit, can we as a Council approve this zoning and restrict the light pollution, noise pollution, and odor intrusion? Do we have the power to restrict what the Planning Commission can then approve or does that have to be done at Planning?

City Attorney Kit Williams: You can't condition a rezoning on things like that. The Unified Development Code has regulations about light restrictions and requiring light not to escape the location. The noise ordinance is part of the Fayetteville Code and is enforced by the Fayetteville Police Department. We don't have many restrictions we can do on smell. Smells are beyond our power to do much with. None of that is related to zoning. Apart from what you have already done we can't do anything else. Zoning is a decision of yes or no. An applicant can occasionally put some conditions on with a Bill of Assurance. It has to be voluntary and offered. It has not been offered in this case and I'm not asking for one. This is the only kind of restriction that can be placed on a zoning.

Alderman Tennant: Since there is not a development, there is no way to get a Bill of Assurance because we don't even know who is going to own it.

City Attorney Kit Williams: If an applicant wanted to present their concept for this development, they could present a Planned Zoning District. It doesn't have development approval, but it does have some parts of the development and show how the development will be done. It's not as complicated as the PZD's used to be.

Alderman Tennant: I don't want the next development to turn into North College that looks absolutely horrible when people drive into our city. We are stuck now between two zonings, neither one of them are very good. The R-O zoning provides potential for some bad future use. The other zoning is better, but it bothers me because of what it does to these six people. Anything that is brought forward better have some concern for landscape, noise pollution, and light pollution. I promise I will be there to fight for it. I believe we can make this work and develop it in a proper way that will create a better way of moving forward in the area and all the way up Highway 265.

Alderman Kinion: We are looking at future development and we have enforced form based development. Every neighborhood has a different character and I respect the character of that neighborhood. When you make a decision on zoning, especially rezoning, you ask the people at the neighborhood. The neighborhood has clearly spoken that they want to continue with the R-O. There may be unintended consequences. It may not meet the vision I have personally as we move forward because I know what has happened on College Avenue. An R-O zoning is what they bought their property with and it is what they want. I will be supporting the R-O out of respect for those that have spoken.

Alderman Gray: There has been a lot of change in the neighborhood where I bought into 12 years ago. There is a large Catholic Church, school, and development across the street from where we live. Change happens. We have heard from about 100 people out of 365 homes. I have heard from several of the 365 households who are excited about the proposition. In 26 years Mr. James has never had an eating establishment go under. We need to remember that we haven't heard from near all the folks who live there. The point that it is a regional development is very significant. I'll be supporting this project.

Alderman la Tour requested a citizen to the podium to speak.

Female Citizen: I don't want to see that corner turned into a noisy and messy area. It is exactly what happens when you put large commercial buildings in a spot that small. I would like to see it have the same kind of offices and buildings that Joyce Boulevard has. It is completely quiet at night, there are no lights, and no people there. Do not change it from R-O. The people have spoken.

Alderman Petty: I could not care less who the applicant is on this rezoning or any other rezoning. I'm very reluctant to overturn a Planning Commission and staff recommendation. Anybody that thinks this rezoning is going to create an urban and walkable neighborhood by the rezoning is kidding themselves. The nature of Crossover Road today prevents that. So much more has to happen before that kind of vision can happen and this may be a baby step. I don't think this rezoning has a meaningful impact on whether that intersection is walkable or not. It is a better

rezoning for a lot of reasons that have already been said tonight. Back when this was done, one of the weaknesses of the 90's and early 2000's in the rezoning decisions we had is that we didn't have some essential parts of the UDC that we have today. Back then we had to rely on conditional use permits because we didn't have things like a lighting ordinance, urban residential design standards or a well written landscaping ordinance. The developments that have occurred since those regulations have been in place are so much different than the ones that occurred before we had them. I trust those because I have seen the impact they have. This proposed zoning is better. It is important we consider the whole city when we make decisions because that is what we are tasked to do.

Alderman Bunch: I have talked to the developer and many of the people in the neighborhood. As a City Council member I don't just consider one neighborhood. I have to consider what is going to be the best move for the entire city. This could be a part of the regional destination. This is a good zoning and it provides needed services in this location. Fire and Police have no opposition to this rezoning. This is not going to be like College Avenue and we don't encourage that type of zoning anymore. This is a good choice for this area. R-O has a lot of hidden things that might not turn out to be what you think it was going to be and not be agreeable to your neighborhood. I have received calls from people who were in support, but they didn't feel comfortable coming out in support. It is hard to get into the offices at Joyce Boulevard because there is not a stoplight and they turn their lights off at 5:00 p.m. I am going to vote in favor of this.

Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-1. Alderman Long, Gray, Marsh, Kinion, Petty, Tennant, and Bunch voting yes. Alderman La Tour voting no.

City Attorney Kit Williams read the ordinance.

Alderman Long stated he was going to defer to the Ward 3 Aldermen. He stated he would be supporting the rezoning.

Mayor Jordan talked about the zonings in the past. He stated they built and changed the way they did things at the city. He stated they picked the R-O zoning in the past because they felt it was transitional zoning and it would be a buffer. He stated there are more protections now than what they had in the past. He thanked the Council for their comments.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. Alderman Long, Gray, Marsh, Petty, Tennant, and Bunch voting yes. Alderman La Tour and Alderman Kinion voting no.

Ordinance 5972 as Recorded in the office of the City Clerk

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

Alderman Long moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman La Tour, Long, Gray, Marsh, Kinion, Petty, and Tennant voting yes. Alderman Bunch was absent during the vote.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. The utility companies have recommended in favor of vacating the portion of the easement. The Planning Commission and staff recommended unanimously to approve the vacation.

Alderman Marsh: Alderman Petty and I were not present at the last City Council meeting. We were attending the Congress for New Urbanism on behalf of the City of Fayetteville.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5973 as Recorded in the office of the City Clerk

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

Chung Tan, Fayetteville Chamber of Commerce gave a brief description of the resolution. She requested the City Council to approve the resolution.

Alderman La Tour: My wife and I own interest in a farm and our farm is not in the municipality. We find buying land in a rural setting much more economical for growing crops. Why do you choose to grow your crops inside a municipal government?

Brian Faught, Applicant: It is in a greenhouse for indoor growing, not outdoor growing. In an outdoor setting you get far less production of a cannabis crop than you would indoor due to having the use of commercial lighting.

Alderman La Tour: Can you not build a greenhouse in a rural setting?

Brian Faught: You could build one, but this is a very polarizing product. I'm sensitive to the investment this takes. Inside of the City of Fayetteville has great support and far less likely that down the road I'm going to encounter public backlash against the product. Inside the city will be

easier for my labor pool because of the horticulture at the University of Arkansas and be closer for them to come to work.

Alderman La Tour: Do you plan to ship your product worldwide or statewide?

Brian Faught: Statewide. The amendment allows us to supply the 32 approved dispensaries in the State of Arkansas.

Alderman La Tour: What would be your main mode of transportation for those shipments?

Brian Faught: Security is a detailed part of the whole program. I have contacted several different specialty security companies. This is a mature industry in many areas of the country. It is legal in 28 states and has been legal for 20 years in some states. The proceeds from the sale of the product go back to my facility.

Alderman La Tour: Do you have a background in medicine or agriculture?

Brian Faught: I do not.

Alderman La Tour: What is your background?

Brian Faught: I have been a very successful businessman for 30 years. I don't have to know how to grow cannabis. I have to know how to find the people that do know how to grow it. I've already hired an application company, cultivation company, and processing company. I hired my maintenance supervisor today.

Alderman La Tour: When you say cannabis, you mean marijuana?

Brian Faught: Yes.

Alderman La Tour: Are those two names synonymous?

Brian Faught: Yes.

Alderman La Tour: I had a conversation with a lady who works for the Arkansas Department of Human Services. She's worked there for 35 years and has seen cannabis ruin a lot of lives. What have people been doing for the relief of pain and Parkinson's disease for the last 60 years? Why do we need to turn to cannabis now?

Brian Faught: That is not for me to decide. The people of the State of Arkansas have voted for this product. I'm here to bring an economic opportunity to the City of Fayetteville. It's not if medical cannabis is going to be legal, it is here. The city voted 65 to 35 and it is going to be in your community. I'm offering the Council and the City of Fayetteville to see the process from seed to sale. It will provide 50 really good jobs. In every state that this is legal it is a highly successful industry. I have a friend with cancer and out of the 13 daily medications he takes every day, cannabis is the only one that gives him normalcy.

Don Marr, Chief of Staff: This is a contingent offer of purchase based on successful application of a cultivation license. We can't have an operation unless it is licensed by the state.

Alderman Marsh: I am excited you have chosen Fayetteville to launch this new business venture in our state. I look forward to 50 new jobs in my Ward, especially good paying living wage jobs. My stepfather's stage four internal melanoma was cured by cannabis. There is great economic potential with this product.

Citizen stated she moved from Denver Colorado where cannabis is legal. She stated marijuana drew in drug addicts to the area. She spoke about a pill that cancer patients can take and has the chemical compound from marijuana that has a medicinal fact on cancer. She stated cannabis facilities are a cash business and cannabis creates crime. She stated cannabis does not cure cancer and only deals with symptoms, it is not a cure. She stated everything you put in your body leaves a trace. She stated lives are being ruined by cannabis and every scum bag from every major city will show up in Fayetteville because of the pot. She spoke in opposition of the resolution.

Tom Brown, Citizen gave a brief description about his experience with marijuana. He believes it is going to be safe since the city is going to provide land in the Industrial Park for the growing, packaging of marijuana under state license. He encouraged Council to add addendums in the contract to ensure healthy and organically produced herb for medicine. He spoke in favor of the resolution.

Alderman Tennant: This is contingent on the state approving the license for this location?

Don Marr: Yes.

Alderman Tennant: Do we know when that is going to be?

Brian Faught: Applications start being submitted on July 1, 2017. It is a 90 day submittal period. At the end of September they will start reviewing the cultivation applications first. I believe it will be a 30 day period. It might be sometime before Thanksgiving when they award the license.

Don Marr: In the negotiation of this offer that was given to us, we countered with not leaving it open-ended for an application. This contract is contingent through December 31, 2017. At the next meeting we have another piece of land coming forward. It is not for this type of business, but for a plastics manufacturing business that is a sub-divided portion of this property.

Alderman Tennant: This particular piece of land has multiple lots?

Don Marr: This is the land that Council originally approved for purchase for PVG. When it was re-sold back to the city, we received the first offer for five acres. We got a second offer for three acres. Brian Faught has also made his request.

Alderman Tennant: This particular group wants this property, but they can't officially close on it until after they get their license?

Mayor Jordan: Correct.

Alderman Tennant: What happens if someone comes forward August 1st, wants this land and they have the money and don't have to wait for a license? Are we going to hold this land?

City Attorney Kit Williams: Yes. This contract guarantees them the right to execute and do the closing once they have the license. They have until December 31, 2017.

Alderman Tennant: This is the taxpayers' property. We are going to sell it below market value and we are going to hold it on the chance that the person who wants it will be able to buy it at the end of the year. I would like to see something saying if someone comes forward and wants the land right now and pays more money for it, that we have a way to do that. You have probably spent money on the licensing fees and other things moving forward with the state?

Brian Faught: Yes, sir.

Alderman Tennant: You have already invested a lot of money that you may or may not get back.

Brian Faught: Correct.

Don Marr: The city's land sale ordinance requires us to advertise when we are going to sell a piece of property. Anyone who was interested in this particular five acres of property has had that opportunity to bring a counter offer for an immediate cash offer, either at a higher price or for immediacy of development. We have received none to date.

Brian Faught: Hasn't the land been available for quite some time?

Don Marr: Yes. This is a piece of property that has been undeveloped for over 25 years, until PVG acquired it and then returned it.

Alderman Tennant: I'm not against them doing what they want to do on it. I'm just making sure it is on record about my concern of holding anything.

Alderman La Tour: The beauty of the Industrial Park is that you can spread the fixed cost of additional infrastructure over a variety of businesses, instead of just one business. Do we want to grow a greenhouse in our Industrial Park when we could better utilize that for cost sharing purposes with larger factories? My vision for Fayetteville and NW Arkansas is a technology super center. There is no reason why we shouldn't be the Silicon Valley of America. Do we really want to use our five acres to grow cannabis? We don't need any specialized transportation, other than security. You could do the same thing on five acres on the edge of town, not in our Industrial Park. I will be voting against this.

Mayor Jordan: When I made the decision to bring this forward I knew the people of the State of Arkansas had passed this. It became legal and I wanted to be on the ground floor. When I looked at the vote in this city for medical marijuana, it was 65.6 % in favor. We had the Fayetteville First Economic Development plan, which talks about specialized technologies. This fits in the category.

We have had the land for 25 years and it is time we start doing something with it. I think there are all kinds of businesses that can come in here. We should open it up and be diverse. We are able to control how it is produced. I have had staff, Chamber of Commerce, and the Economic Vitality Director look into it. It produces good paying jobs and that is something we need in this town. I believe we should do the business because we will be one of the first in the state. There will be good economic value for this business in this city.

Alderman Marsh moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed 7-1. Alderman Long, Gray, Marsh, Kinion, Petty, Tennant, and Bunch voting yes. Alderman La Tour voting no.

Resolution 111-17 as recorded in the office of the City Clerk

New Business:

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.

City Attorney Kit Williams read the ordinance.

Tim Nyander, Utilities Director gave a brief description of the ordinance. The Water & Sewer Committee voted 4-0 to forward the item to the City Council with a recommendation of approval.

Alderman Kinion: This is in the area of town where we are especially interested in the infrastructure since it is aging. We want to expand it into areas where it doesn't exist. It is a good deal.

Alderman Kinion moved to suspend the rules and go to the second reading. Alderman La Tour seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Marsh spoke about appropriate infill of different housing types.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5974 as Recorded in the office of the City Clerk

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.

City Attorney Kit Williams read the ordinance.

Chris Brown, City Engineer gave a brief description of the ordinance. Staff is recommending approval.

Alderman Kinion spoke about the continual problem in the area and the opportunity for resolving the issue.

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

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams thanked City Engineer, Chris Brown for his time at the City Council meeting.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5975 as Recorded in the office of the City Clerk

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.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. Staff recommends approval. The Planning Commission voted unanimously in favor of the request.

Mary McGetrick, ERC Holdings, LLC stated her company focuses on urban mixed use walkable development.

City Attorney Kit Williams: Thank you for being here.

Mayor Jordan: Thank you.

Alderman Tennant: This being where it is and doing what you are going to do is so welcomed. It is compatible and needed in that area.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan: This will be a really good project. I am looking forward to it.

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

Ordinance 5976 as Recorded in the office of the City Clerk

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.

City Attorney Kit Williams read the ordinance.

Andrew Garner, Planning Director gave a brief description of the ordinance. Staff recommends approval. The Planning Commission voted in favor of the request.

Alderman Tennant: Is there a limitation on size for what these are?

Andrew Garner: The lot size is 4,000 square feet and 45 foot wide lots.

Alderman Tennant: Is it feasible there will be multiple smaller homes?

Andrew Garner: Correct.

Richie Lamb, Applicant stated he was available for questions.

City Attorney Kit Williams: How many houses are you going to build?

Richie Lamb: As many as possible.

Alderman Tennant: That area of town is in need and we need all different levels of housing. This is a good thing.

Alderman La Tour: What kind of houses are you going to build?

Richie Lamb: Single family.

Alderman La Tour: Is anybody building micro-houses in Fayetteville?

Richie Lamb: I'm not familiar with a micro-house. I believe I can fit three or four homes on the property.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5977 as Recorded in the office of the City Clerk

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.

City Attorney Kit Williams: This afternoon my office notified Council members that we had a slight amendment to this vacation ordinance. There was a second condition that an easement shall be provided around a down guy-wire. We have gotten information that it has been taken care of and it no longer needs to be a condition of this vacation. I would like for you to amend the one that was before you to the one you now have in your hand.

Alderman Long moved to amend to the ordinance in hand. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Andrew Garner, Planning Director gave a brief description of the ordinance. Staff recommends approval. The Planning Commission voted in favor of the request.

Alderman Marsh stated she had received no negative comments from her Ward.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5978 as Recorded in the office of the City Clerk

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.

City Attorney Kit Williams read the ordinance.

Alderman Petty gave a brief description of the ordinance. He stated 19 permits went to the Planning Commission and every one of them had been approved. He stated they thought by removing some of the barriers of getting started as a food truck might be the right thing to do.

Andrew Garner, Planning Director Staff stated they are trying to loosen up the rules a little bit for mobile vending. He stated the intent is to encourage these types of businesses to create a livelier street scape, tax base, and a lot of the goals we have.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5979 as Recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: May is bike month. We had many citizens participate in our Square 2 Square Bicycle Ride this past weekend. We had a Bike to Baum Day on May 14, 2017. On May 19, 2017 is National Bike to Work Day. You can stop at an Energizer Station at the Razorback Regional Greenway (Frisco Trail) and the Dickson Street trail crossing from 7:00 a.m. to 9:00 a.m. for a free breakfast, giveaways, and minor mechanical support for your bike. Mayor Jordan will issue a Bike of the Month Proclamation at 8:00 a.m. at the Energizer Station. We are having a Life is a Cycle Memorial Day Ride on May 29, 2017.

The Transfer Station at the Waste & Recycling Center will be closed on May 20, 2017 for repairs. It will reopen on May 22, 2017.

Alderman Long: We will not have a Ward 4 meeting on May 29, 2017. It falls on Memorial Day. The next meeting will be on June 26, 2017.

City Council Agenda Session Presentations:

Agenda Session Presentation - FPTV (Public Access) operations update, presented by Dan Robinson, Executive Director of Your Media.

City Council Tour:

There was a City Council tour on May 15, 2017 at 4:00 p.m.

Adjournment: 10:19 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

From: [CityClerk](#)
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: NWA Capital Investments: Tabled Indefinitely
Date: Friday, June 02, 2017 8:05:26 PM
Attachments: [image003.png](#)
[image001.png](#)

FYI

Office of the City Clerk Treasurer

113 W. Mountain Street, Suite 308

Fayetteville, AR 72701

479.575.8323

cityclerk@fayetteville-ar.gov



From: Howland, Devin
Sent: Friday, June 02, 2017 4:26 PM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Cc: Marr, Don <dmarr@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: NWA Capital Investments: Tabled Indefinitely

Good Afternoon,

NWA Capital Investments LLC is requesting that their item on the upcoming City Council Agenda be tabled indefinitely. Thank you.

Regards,

Devin Howland, CEcD

Director of Economic Vitality

Economic Vitality

113 W. Mountain Street

City of Fayetteville, AR 72701

T 479.575.8221 M 479.601.7860

[Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



CityClerk

From: Curth, Jonathan
Sent: Tuesday, May 09, 2017 8:28 AM
To: Cade Harding
Cc: CityClerk
Subject: RE: Cherry Lane rezoning

Categories: Follow Up

Mr. Harding,

Thank you for sharing your concerns and opposition; I conveyed this to the Planning Commissioner at the 5:30 PM meeting yesterday along with those comments from your neighbors.

That said, the Planning Commission voted in favor of the request, and it was forwarded to the City Council. The item is slated to be heard at the June 6, 2017 City Council meeting, and if you would like your comments shared with the Council, please contact your aldermen or the City Clerk's office (cityclerk@fayetteville-ar.gov).

Thank you again,

Jonathan Curth
Senior Planner
City Planning Division
City of Fayetteville, Arkansas
jcurth@fayetteville-ar.gov
479.575.8308

[Website](#) | [Facebook](#) | [Twitter](#) | [Youtube](#)

From: Cade Harding [mailto:cade.harding@gmail.com]
Sent: Monday, May 08, 2017 5:57 PM
To: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: Cherry Lane rezoning

Mr. Curth,

I live in 849 S Cherry Lane, Fayetteville, AR. I strongly oppose the rezoning for commercial property at the end of Cherry Lane. It will greatly reduce the value of all the comfortable family homes on this street. It will also tarnish the atmosphere, comfort, and safety of this residential neighborhood. Most homes on this street are owned by the residents and take pride in the upkeep of our neighborhood. Please do not allow an apartment complex or other commercial business to be built in this neighborhood.

Thank you,

--

Cade I. Harding
University of Arkansas
Mechanical Engineering/Nanotechnology Student

Smith, Lorinda

From: CityClerk
Sent: Monday, June 05, 2017 12:16 PM
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: 1320 S College rezoing - scheduling conflict

FYI

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

From: Curth, Jonathan
Sent: Monday, June 05, 2017 7:47 AM
To: CityClerk
Subject: FW: 1320 S College rezoing - scheduling conflict

Good Morning,

Per my conversation with Sondra last week, I informed an applicant that they must submit in writing their request to be tabled by the Council. That said, below is the emailed request by the applicant to table RZN 17-5776 (Council item D.6 - 2017-0268) at the June 6th meeting.

Please let me know if there is anything else needed and I will let the applicant know.

Thanks,

Jonathan Curth
Senior Planner
City Planning Division
City of Fayetteville, Arkansas
jcurth@fayetteville-ar.gov
479.575.8308

Website | Facebook | Twitter | Youtube

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

From: Sugarland Properties [mailto:sugarlandpropertiesllc@gmail.com]
Sent: Sunday, June 04, 2017 2:00 PM
To: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: 1320 S College rezoing - scheduling conflict

Mr. Curth,

I received your voicemail. Thank you for reaching out. Per your instructions, this email is my written request to table my June 6th rezoing request with the City Council. If available, I would like to be placed on the docket for next scheduled City Council meeting.

Thank you,

Lan Brandon
Sugarland Properties Managing Member
479-790-7858

Sent from my iPhone

CityClerk*Spoke to Kit. Lite
in his memo is okay.*

From: Lynch, Rhonda
Sent: Friday, June 02, 2017 8:22 AM
To: Jordan, Lioneld; Gray, Adella; Kinion, Mark; La Tour, John; longward4@gmail.com;
Marsh, Sarah; Petty, Matthew; Bunch, Sarah; Tennant, Justin
Cc: Marr, Don; Garner, Andrew; Williams, Kit; Pennington, Blake; Smith, Sondra; CityClerk;
Stacy Ryburn
Subject: Memo RE: Urban Thoroughfare Lite
Attachments: 0929_001.pdf
Categories: Completed

Please see attached memo from Kit regarding Urban Thoroughfare Lite zoning.

Thank you,
Rhonda

Rhonda Lynch

Paralegal

Office of the City Attorney

City of Fayetteville, Arkansas

rlynch@fayetteville-ar.gov

T 479.575.8313

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



**CITY OF
FAYETTEVILLE
ARKANSAS**



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

FROM: Kit Williams, City Attorney

DATE: June 1, 2017

RE: Urban Thoroughfare Lite

Pursuant to the request of several City Council Members, I have redrafted the ordinance which is included in your Final Agenda to have it refer only to enacting the new zoning district and amending or adding the necessary definitions for this new zoning district as proposed by the Planning Department.

If still desired to only consider enacting this new zoning district and not get into the rezoning issue, please move to amend the ordinance supplied with the Final Agenda to the ordinance attached to this memo.

Potential changes to this proposed new zoning district may be made at the meeting or the proposed ordinance could be referred to the Ordinance Review Committee.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CREATE A NEW ZONING DISTRICT, URBAN THOROUGHFARE LIGHT; UT-L AND TO CHANGE OR AMEND DEFINITIONS OF "BUILDING HEIGHT" AND "STORIES"

WHEREAS, the Planning Commission requested that the Planning Department examine the zoning districts along College Avenue from North Street to Maple Street and recommend rezoning these parcels; and

WHEREAS, the Planning Department presented its proposed rezoning to the Planning Commission on April 10, 2017 and received much public comment opposing the possibility of tall apartment buildings being constructed adjoining the historic single family neighborhoods; and

WHEREAS, the Planning Department adjusted its recommendations and proposed the creation of new zoning district, Urban Thoroughfare Light, which reduces the allowed height of the current Urban Thoroughfare to lessen potential density; and

WHEREAS, at the end of the third Planning Commission meeting on this issue, the Planning Commission recommend approval of the proposed rezoning and the creation of a new zoning district, Urban Thoroughfare – Light.

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 enacts a new zoning district, Urban Thoroughfare Light; UT-L, as shown on Exhibit B of the Planning Departments' memo.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 151.01 Definitions to change or add definition of "building height" and "stories" as shown on Exhibit D of Planning Department's memo.

PASSED and APPROVED this 6th day of June, 2017.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

Smith, Sondra

From: Rosa Edwards <rosajedwards@gmail.com>
Sent: Monday, June 05, 2017 9:08 AM
To: Longward4@gmail.com; La Tour, John; Mayor; Smith, Sondra
Subject: City Council speaker limits proposal

Good morning,

I write to urge the city council to vote NO on Adella Gray's proposal of a five minute limit on residents speaking at council meetings.

While I can certainly empathize with the occasional long meetings, the policy currently in place allows the mayor to place limits if needed. Perhaps that policy needs to be tweaked so that it is implemented earlier in a debate, but the importance of hearing from citizens should outweigh an arbitrary, across-the-board "5 minute rule". I can easily foresee a situation where there is a specialized circumstance, with one or two expert residents addressing council, and the council could want to engage with them to ask questions and learn more about the situation. Does the council then throw out its own 5 minute rule arbitrarily?

Fayetteville is unique. We truly never know what issue is going to become a hot-button issue but one thing we always know is that we can talk to our council about it. It's great to reach out in emails to council members but also nice to be able to come talk to the entire council. Please retain the openness and dialogue that is so much of what we love about Fayetteville.

--

Rosa Edwards

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, May 30, 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. [2017-0232](#)**

NOMINATING COMMITTEE REPORT

Attachments: [NOMINATING COMMITTEE REPORT](#)**2. [2017-0233](#)**

ADVERTISING AND PROMOTION COMMISSION APPOINTMENT

3. [2017-0294](#)

HISTORIC DISTRICT COMMISSION - MAYOR APPOINTMENT

Agenda Additions**A. Consent:****A. 1 [2016-0576](#)**

APPROVAL OF THE MAY 16, 2017 CITY COUNCIL MEETING MINUTES.

A. 2 [2017-0261](#)**STEVE LANDERS TOYOTA OF NWA:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TOYOTA CAMRY HYBRID FROM STEVE LANDERS TOYOTA OF NWA IN THE AMOUNT OF \$25,517.00 PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE POLICE DEPARTMENT

Attachments: [STEVE LANDERS TOYOTA OF NWA](#)

A. 3 [2017-0235](#)**MCCLELLAND CONSULTING ENGINEERS, INC.:**

A RESOLUTION TO APPROVE A CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$250,793.00 FOR ENGINEERING SERVICES ASSOCIATED WITH THE KITTY CREEK SEWER LINE IMPROVEMENT PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$25,079.30

Attachments: [MCCLELLAND CONSULTING ENGINEERS, INC.](#)

A. 4 [2017-0282](#)**NORTH STARR DRIVE SEWERAGE SYSTEM EXTENSION:**

A RESOLUTION TO APPROVE AN EXTENSION OF THE CITY'S SEWERAGE SYSTEM BEYOND THE CITY LIMITS TO PROPERTY LOCATED ON NORTH STARR DRIVE

Attachments: [NORTH STARR DRIVE SEWERAGE SYSTEM EXTENSION](#)

A. 5 [2017-0285](#)**UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES LEASE AGREEMENT:**

A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE UNOCCUPIED BANQUET AREA IN THE AIRPORT TERMINAL BUILDING TO BE USED BY THE OSHER LIFELONG LEARNING INSTITUTE TO CONDUCT CLASSES DURING THE FALL 2017 SEMESTER IN THE AMOUNT OF \$25.00 FOR EACH DAY THE SPACE IS USED

Attachments: [UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES LEASE AGREEMENT](#)

A. 6 [2017-0270](#)**BENCHMARK CONSTRUCTION OF NWA, INC. CHANGE ORDER NO. 3:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 3 TO THE CONTRACT WITH BENCHMARK CONSTRUCTION OF NWA, INC. IN THE AMOUNT OF \$42,021.00 FOR THE CONSTRUCTION OF A GRAVEL ACCESS DRIVE, CONCRETE PIER PADS AND IRRIGATION SYSTEM AT THE FIRE DEPARTMENT TRAINING FACILITY, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$4,202.10

Attachments: [BENCHMARK CONSTRUCTION OF NWA, INC. CHANGE ORDER NO. 3](#)

A. 7 [2017-0280](#)**ARKANSAS STATE POLICE MATCHING GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF AN 80/20 MATCHING GRANT FROM THE ARKANSAS STATE POLICE IN THE AMOUNT OF \$24,160.00 FOR THE DEVELOPMENT OF AN ACCIDENT REPORTING INTERFACE BETWEEN THE CITY OF FAYETTEVILLE AND ARKANSAS STATE POLICE PUBLIC SAFETY SOFTWARE SYSTEMS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [ARKANSAS STATE POLICE MATCHING GRANT](#)
 [BA_ ARKANSAS STATE POLICE MATCHING GRANT](#)

A. 8 [2017-0281](#)**TYLER TECHNOLOGIES, INC. AMENDMENT:**

A RESOLUTION TO APPROVE AN AMENDMENT TO THE CONTRACT WITH TYLER TECHNOLOGIES, INC. IN THE AMOUNT OF \$27,329.00 FOR THE DEVELOPMENT OF AN ACCIDENT REPORTING INTERFACE BETWEEN THE CITY OF FAYETTEVILLE AND ARKANSAS STATE POLICE PUBLIC SAFETY SOFTWARE SYSTEMS

Attachments: [TYLER TECHNOLOGIES, INC. AMENDMENT](#)

A. 9 [2017-0260](#)**BID #17-38 SHOR-LINE:**

A RESOLUTION TO AWARD BID #17-38 AND AUTHORIZE THE PURCHASE OF CAT ADOPTION CAGES AND VET CLINIC RECOVERY CAGES FROM SCHROER MANUFACTURING CO. D/B/A SHOR-LINE IN THE AMOUNT OF \$30,382.52 PLUS APPLICABLE TAXES FOR THE LIB HORN ANIMAL SHELTER OF FAYETTEVILLE

Attachments: [BID #17-38 SHOR-LINE:](#)

A. 10 [2017-0265](#)**TSA LA GI TRAIL OF TEARS MURAL:**

A RESOLUTION TO APPROVE A CONTRACT FOR THE COMMISSION OF PUBLIC ART WITH STACY BATES IN THE AMOUNT OF \$5,000.00 FOR A TRAIL OF TEARS MURAL ON THE TSA LA GI TRAIL, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [TSA LA GI TRAIL OF TEARS MURAL](#)
 [BA TSA LA GI TRAIL OF TEARS MURAL](#)

B. Public Hearing:**B. 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:](#)

At the May 16, 2017 City Council Meeting this resolution was tabled to the June 6, 2017 City Council Meeting.

C. Unfinished Business: None**D. New Business:**

D. 1 [2017-0269](#)**NWA CAPITAL INVESTMENTS, LLC:**

A RESOLUTION TO SELL ABOUT 3 ACRES OF LAND IN THE COMMERCE DISTRICT TO NWA CAPITAL INVESTMENTS, LLC FOR \$45,000.00

Attachments: [NWA CAPITAL INVESTMENTS, LLC:](#)

D. 2 [2017-0263](#)**VAR 17-5800: 1541 W. MLK BLVD. (PANERA BREAD):**

A RESOLUTION TO AFFIRM THE PLANNING COMMISSION'S APPROVAL OF A VARIANCE OF THE PENALTY PROVISION OF **THE TREE PRESERVATION AND PROTECTION** CHAPTER OF THE UNIFIED DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD

Attachments: [VAR 17-5800: 1541 W. MLK BLVD. \(PANERA BREAD\)](#)

D. 3 [2017-0279](#)**APPEAL VAR 17-5782 (1541 W. MLK BLVD./PANERA BREAD):**

A RESOLUTION TO PARTIALLY GRANT THE VARIANCE REQUEST SUBMITTED BY BATES & ASSOCIATES, INC. TO ALLOW A MORE COMPLETE CURB CUT ACCESS FOR 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD

Attachments: [APPEAL VAR 17-5782 \(1541 W. MLK BLVD./PANERA BREAD\)](#)

D. 4 [2017-0267](#)**LSD 17-5771 (MASTER STREET PLAN AMENDMENT BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE/SPRINGHOUSE VILLAGE):**

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY CHANGING THE ALIGNMENT OF AN UNNAMED STREET BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE AND BY RECLASSIFYING IT FROM A COLLECTOR STREET TO A LOCAL STREET

Attachments: [LSD 17-5771 \(MASTER STREET PLAN AMENDMENT BETWEEN CROSSOVER\]](#)

D. 5 [2017-0266](#)**RZN 17-5772 (810 S. CHERRY LN./ SWEETSER PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5772 FOR APPROXIMATELY 0.53 ACRES LOCATED AT 810 SOUTH CHERRY LANE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI- FAMILY, 24 UNITS PER ACRE

Attachments: [RZN 17-5772 \(810 S. CHERRY LN./SWEETSER PROPERTIES\)](#)

D. 6 [2017-0268](#)**RZN 17-5776: (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5776 FOR APPROXIMATELY 0.31 ACRES LOCATED AT 1320 SOUTH COLLEGE AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE, URBAN

Attachments: [RZN 17-5776: \(1320 S. COLLEGE AVE./SUGARLAND PROPERTIES\)](#)

D. 7 [2017-0271](#)**RZN 17-5770 (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5770 FOR APPROXIMATELY 0.45 ACRES LOCATED AT 769 AND 785 SOUTH WASHINGTON AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE, URBAN

Attachments: [RZN 17-5770 \(769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES\)](#)

D. 8 [2017-0286](#)**AMEND UDC AND REZONE - RZN 17-5713 (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE.):**

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CREATE A NEW ZONING DISTRICT, URBAN THOROUGHFARE LIGHT; UT-L, TO CHANGE OR AMEND DEFINITIONS OF "BUILDING HEIGHT" AND "STORIES" AND TO REZONE LOTS ALONG AND ON BOTH SIDES OF COLLEGE AVENUE RUNNING FROM NORTH STREET TO MAPLE STREET CONTAINING ABOUT 24.62 ACRES AS SHOWN OF EXHIBIT A OF THE PLANNING DEPARTMENT'S MEMO

Attachments: [RZN 17-5713 \(COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AV](#)

E. City Council Agenda Session Presentations:

E. 1 [2017-0262](#)

AGENDA SESSION PRESENTATION - PARKING STUDY RECOMMENDATIONS BY
NELSON NYGAARD

E. 2 [2017-0274](#)

AGENDA SESSION PRESENTATION - SEVEN HILLS FINANCIAL UPDATE

F. City Council Tour:

G. Announcements:

H. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0232

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Report

Agenda Number: 1.

NOMINATING COMMITTEE REPORT

Chair
Alderman Mark Kinion
Ward 2 Position 1

Alderman Sarah Marsh
Ward 1 Position 2



Alderman Sarah Bunch
Ward 3 Position 2

Alderman Alan T. Long
Ward 4 Position 2

Nominating Committee Report May 22, 2017

Members Present – Chair Mark Kinion, Sarah Marsh, Sarah Bunch and Alan Long

The Advertising and Promotion Commissioners recommend the following appointment:

ADVERTISING AND PROMOTION COMMISSION

Todd Martin – One owner or manager of a business in the tourism industry partial term ending 03/31/21

The Mayor recommends the following appointments to the Historic District Commission:

HISTORIC DISTRICT COMMISSION

Angela Albright - citizen at large term ending 06/30/20
Rhianon DeLeeuw - citizen at large term ending 06/30/20

The Nominating Committee recommends the following candidates for appointment:

ANIMAL SERVICES ADVISORY BOARD

Lea Criss - One citizen at large term ending 06/30/20
Jill Shade - One citizen at large term ending 06/30/20

ENVIRONMENTAL ACTION COMMITTEE

Ryan Mills - One citizen at large term ending 06/30/20
Erin E. Scott - One Science Discipline term ending 06/30/20

FAYETTEVILLE ARTS COUNCIL

Ashley L. Byers - One working artist term ending 06/30/20
Justin R. Hunter - One arts and cultural/citizen at large term ending 06/30/20

TELECOMMUNICATIONS BOARD

Justin Van Hoose – One citizen at large term ending 06/30/21
Zakaria Tamijani – One citizen at large term ending 06/30/21
Vacant/did not receive a sufficient amount of applications – One citizen at large term ending 06/30/21

WALTON ARTS CENTER COUNCIL

Sarah E. Lewis – One citizen at large term ending 06/30/20
Casey Hamaker – One citizen at large term ending 06/30/20



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0233

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Report

Agenda Number: 2.

ADVERTISING AND PROMOTION COMMISSION APPOINTMENT



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0294

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Report

Agenda Number: 3.

HISTORIC DISTRICT COMMISSION - MAYOR APPOINTMENT



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0576

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE MAY 16, 2017 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0261

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

STEVE LANDERS TOYOTA OF NWA:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TOYOTA CAMRY HYBRID FROM STEVE LANDERS TOYOTA OF NWA IN THE AMOUNT OF \$25,517.00 PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE POLICE DEPARTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of a Toyota Camry Hybrid from Steve Landers Toyota of NWA in the amount of \$25,517.00 pursuant to a state procurement contract for use by the Police Department.

City of Fayetteville Staff Review Form

2017-0261

Legistar File ID

6/6/2017

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

Jesse Beeks/ Sara Glenn

5/10/2017

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of a Toyota Camry Hybrid is available for the state contract price of \$25,517.00 through Steve Landers Toyota of NWA in Rogers, AR for use in the Police Department.

Budget Impact:

9700.770.1920-5802.00

Shop

Account Number

Fund

02081.2017

Police/Passenger

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 176,787.94

Funds Obligated \$ -

Current Balance \$ 176,787.94

Does item have a cost? Yes

Item Cost \$ 25,517.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 151,270.94

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF JUNE 6, 2017

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: May 10, 2017

SUBJECT: Purchase of one Hybrid Sedan for the Police Department

RECOMMENDATION:

City Council approve the purchase of a Toyota Camry Hybrid is available for the state contract price of \$25,517.00 through Steve Landers Toyota of NWA in Rogers, AR for use in the Police Department.

BACKGROUND:

Unit 1163 was a 2007 Ford Taurus that was in an accident, totaling the vehicle. 1163 was in the budget to be replaced in 2018. Because it was near the end of its life, we have already collected enough funds to replace it now, without waiting for the insurance funds. Due to other items coming in under budget, there is sufficient budget for this replacement as well.

DISCUSSION:

Fleet recommends the purchase of a Toyota Camry Hybrid is available for the state contract price of \$25,517.00 through Steve Landers Toyota of NWA in Rogers, AR for use in the Police Department.

BUDGET/STAFF IMPACT:

Sufficient funds are in the budget and have been collected for this purchase. This purchase was approved by the Equipment Committee on May 9, 2017.

Attachments:



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0235

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

MCCLELLAND CONSULTING ENGINEERS, INC.:

A RESOLUTION TO APPROVE A CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$250,793.00 FOR ENGINEERING SERVICES ASSOCIATED WITH THE KITTY CREEK SEWER LINE IMPROVEMENT PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$25,079.30

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with McClelland Consulting Engineers, Inc. in the amount of \$250,793.00 for engineering services associated with the Kitty Creek Sewer Line Improvement Project, and further approves a project contingency in the amount of \$25,079.30.

City of Fayetteville Staff Review Form

2017-0235

Legistar File ID

6/6/2017

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

Tim Nyander

4/25/2017

Water & Sewer Maintenance /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION TO APPROVE AN AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$250,793.00 FOR ENGINEERING SERVICES RELATED TO THE KITTY CREEK SEWER IMPROVEMENTS, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$25,079.30 FOR A TOTAL OF \$275,872.30

Budget Impact:

5400.720.5700-5314.00

Water & Sewer

Account Number

Fund

02017.1

Sanitary Sewer Rehabilitation

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 5,326,606.00

Funds Obligated \$ 454,000.92

Current Balance \$ 4,872,605.08

Does item have a cost? Yes

Item Cost \$ 275,872.30

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 4,596,732.78

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF JUNE 6, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Tim Nyander, Utilities Director
Water & Sewer Committee, May 9, 2017 Meeting

FROM: Jim Beavers, P.E. Utilities Engineer

DATE: April 25, 2017

SUBJECT: Approval of the engineering contract and contingency with McClelland Consulting Engineers (MCE) Inc. for professional engineering services associated with the sanitary sewer improvements from Mud Creek, south of Joyce Boulevard, north to Zion Road, aka the Kitty Creek sewer improvements.

RECOMMENDATION:

Fayetteville City Staff recommends approval of (1) the engineering contract with McClelland Consulting Engineers (MCE) Inc. in the not to exceed amount of \$250,793.00 and (2) a ten percent engineering contract contingency of \$25,079.30. The total request is \$275,872.30.

BACKGROUND:

The sanitary sewer improvements, including increasing line size and located generally adjacent to Kitty Creek is a recommended CIP project in the Wastewater Collection System 2014 Master Plan Update. A pre-design preliminary opinion of the future construction and easement costs is \$2,000,000.00.

The proposed engineering contract will provide design and construction administration services.

DISCUSSION:

McClelland Consulting Engineers, Inc. (MCE) was selected for this task in a formal engineering selection committee meeting on February 23, 2016, City of Fayetteville RFQ 16-01, Engineer and Architect - Selection #9. The contract scope and the not to exceed costs were negotiated by City Utilities staff.

BUDGET/STAFF IMPACT:

Budgeted funds are available in the Sanitary System Rehabilitation project.

Attachments:

Staff Review Form
Agreement
Vicinity Map

AGREEMENT
For
PROFESSIONAL ENGINEERING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And

MCCLELLAND CONSULTING ENGINEERS, INC.

Kitty Creek Sanitary Sewer Relocation/Rehabilitation - Zion Road to south of Joyce Boulevard

THIS AGREEMENT is made as of _____, 2017, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and McClelland Consulting Engineers, Inc. with offices located in the City of Fayetteville (hereinafter called ENGINEER).

CITY OF FAYETTEVILLE from time to time requires professional engineering services in connection with the evaluation, planning, design, and/or construction administration of capital improvement projects. Therefore, CITY OF FAYETTEVILLE and ENGINEER in consideration of their mutual covenants agree as follows:

ENGINEER shall serve as CITY OF FAYETTEVILLE's professional engineering consultant in those assignments to which this Agreement applies, and shall give consultation and advice to CITY OF FAYETTEVILLE during the performance of ENGINEER's services. All services shall be performed under the direction of a professional engineer registered in the State of Arkansas and qualified in the particular field. If Construction Phase Services are to be provided by ENGINEER under this Agreement, the construction shall be executed under the observation of a professional engineer registered in the State of Arkansas in accordance with Arkansas Code Amended §22-9-101.

SECTION 1 - AUTHORIZATION OF SERVICES

- 1.1 Services on any assignment shall be undertaken only upon written Authorization of CITY OF FAYETTEVILLE and agreement of ENGINEER.
- 1.2 Assignments from CITY OF FAYETTEVILLE to ENGINEER may include services described hereafter as Basic Services or as Additional Services of ENGINEER.
- 1.3 Changes, modifications or amendments in scope, price or fees to this contract shall **not** be allowed without a formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, costs, fees, or delivery schedule.

SECTION 2 - BASIC SERVICES OF ENGINEER

- 2.1 Perform professional design services in connection with the Project as hereinafter stated.
 - 2.1.1 The Scope of Services to be furnished by ENGINEER during this project is included in Appendix A attached hereto and made part of this Agreement.
- 2.2 ENGINEER shall coordinate their activities and services with the CITY OF FAYETTEVILLE. ENGINEER and CITY OF FAYETTEVILLE agree that ENGINEER has full responsibility for the engineering services.

SECTION 3 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

- 3.1 CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of ENGINEER.
 - 3.1.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.
 - 3.1.2 Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.

- 3.1.3 Assist ENGINEER in obtaining access to property reasonably necessary for ENGINEER to perform its services under this Agreement.
- 3.1.4 Examine all studies, reports, cost opinions, Bid Documents, Drawings, proposals, and other documents presented by ENGINEER and render in writing decisions pertaining thereto.
- 3.1.5 The Utilities Director is the CITY OF FAYETTEVILLE's project representative with respect to the services to be performed under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.
- 3.1.6 CITY OF FAYETTEVILLE will review all documents and provide written comments to ENGINEER in a timely manner.

SECTION 4 - PERIOD OF SERVICE

- 4.1 This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.
- 4.2 The provisions of this Agreement have been agreed to in anticipation of the orderly progress of the Project through completion of the services stated in the Agreement. ENGINEER will proceed with providing the authorized services immediately upon receipt of written authorization from CITY OF FAYETTEVILLE. Said authorization shall include the scope of the services authorized and the time in which the services are to be completed.
- 4.3 ENGINEER shall provide a schedule of its services and include such schedule with the scope in Appendix A.

SECTION 5 - PAYMENTS TO ENGINEER

- 5.1 The maximum not-to-exceed amount authorized for this Agreement is \$250,793.00.
- 5.2 The CITY OF FAYETTEVILLE shall compensate ENGINEER based upon a unit price or lump sum basis as described in Appendix A.
 - 5.2.1 The maximum not-to-exceed amount authorized for this Agreement is based upon the estimated fee scope, hours, costs and expenses per phase. The estimated fee spreadsheets shall be included in Appendix A. The amount for any phase may be more or less than the estimate, however the maximum not-to-exceed amount shall not be exceed without a formal contract amendment.
- 5.3 Statements
 - 5.3.1 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE consistent with ENGINEER's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by ENGINEER and approved by CITY OF FAYETTEVILLE. Applications for payment shall be accompanied each month by the updated project schedule. Final payment for professional services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the professional engineering services.
- 5.4 Payments
 - 5.4.1 All statements are payable upon receipt and generally due within thirty (30) days. If a portion of ENGINEER's statement is disputed by CITY OF FAYETTEVILLE, the undisputed portion shall be paid by CITY OF FAYETTEVILLE by the due date. CITY OF FAYETTEVILLE shall advise ENGINEER in writing of the basis for any disputed portion of any statement. CITY OF FAYETTEVILLE will make reasonable effort to pay invoices within 30 days of date the invoice is approved, however, payment within 30 days is not guaranteed.

5.5 Final Payment

- 5.5.1 Upon satisfactory completion of the work performed under this Agreement, as a condition before final payment under this Agreement, or as a termination settlement under this Agreement, ENGINEER shall execute and deliver to CITY OF FAYETTEVILLE a release of all claims against CITY OF FAYETTEVILLE arising under or by virtue of this Agreement, except claims which are specifically exempted by ENGINEER to be set forth therein. Unless otherwise provided in this Agreement or by State law or otherwise expressly agreed to by the parties to this Agreement, final payment under this Agreement or settlement upon termination of this Agreement shall not constitute a waiver of CITY OF FAYETTEVILLE's claims against ENGINEER or ENGINEER's sureties under this Agreement or applicable performance and payment bonds, if any.

SECTION 6 - GENERAL CONSIDERATIONS

6.1 Insurance

- 6.1.1 During the course of performance of these services, ENGINEER will maintain (in United States Dollars) the following minimum insurance coverages:

<u>Type of Coverage</u>	<u>Limits of Liability</u>
Workers' Compensation Employers' Liability	Statutory \$500,000 Each Accident
Commercial General Liability Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Automobile Liability: Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Professional Liability Insurance	\$1,000,000 Each Claim

ENGINEER will provide to CITY OF FAYETTEVILLE certificates as evidence of the specified insurance within ten days of the date of this Agreement and upon each renewal of coverage.

- 6.1.2 CITY OF FAYETTEVILLE and ENGINEER waive all rights against each other and their officers, directors, agents, or employees for damage covered by property insurance during and after the completion of ENGINEER's services.
- 6.2 Professional Responsibility
- 6.2.1 ENGINEER will exercise reasonable skill, care, and diligence in the performance of ENGINEER's services and will carry out its responsibilities in accordance with customarily accepted professional engineering practices, CITY OF FAYETTEVILLE Standards, Arkansas State Law and the Rules and regulations of the Arkansas Board of Licensure For Professional Engineers and Professional Surveyors. CITY OF FAYETTEVILLE will promptly report to ENGINEER any defects or suspected defects in ENGINEER's services of which CITY OF FAYETTEVILLE becomes aware, so that ENGINEER can take measures to minimize the consequent of such defect. ENGINEER agrees not to seek or accept any compensation or reimbursements from the CITY OF FAYETTEVILLE for engineering work it performs to correct any errors, omissions or other deficiencies caused by ENGINEER's failure to meet customarily accepted professional engineering practices. CITY OF FAYETTEVILLE retains all other remedies to recover for its damages caused by any negligence of ENGINEER.
- 6.2.2 In addition ENGINEER will be responsible to CITY OF FAYETTEVILLE for damages caused by its negligent conduct during its activities at the Project Site to the extent covered by ENGINEER'S's Commercial General Liability and Automobile Liability Insurance policies.
- 6.3 Cost Opinions and Projections
- 6.3.1 Cost opinions and projections prepared by ENGINEER relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on ENGINEER's experience, qualifications, and judgment as a design professional. Since ENGINEER has no control over weather, cost and availability of labor, material and equipment, labor

productivity, construction Contractors' procedures and methods, unavoidable delays, construction Contractors' methods of determining prices, economic conditions, competitive bidding or market conditions, and other factors affecting such cost opinions or projections, ENGINEER does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost opinions and projections prepared by ENGINEER.

6.4 Changes

6.4.1 CITY OF FAYETTEVILLE shall have the right to make changes within the general scope of ENGINEER's services, with an appropriate change in compensation and schedule only after Fayetteville City Council approval of such proposed changes and, upon execution of a mutually acceptable amendment or change order signed by the Mayor of the CITY OF FAYETTEVILLE and the duly authorized officer of ENGINEER.

6.5 Termination

6.5.1 This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

6.5.1.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

6.5.1.2 An opportunity for consultation with the terminating party prior to termination.

6.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that ENGINEER is given:

6.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

6.5.2.2 An opportunity for consultation with the terminating party prior to termination.

- 6.5.3 If termination for default is effected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but
- 6.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,
- 6.5.3.2 Any payment due to ENGINEER at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of ENGINEER's default.
- 6.5.4 If termination for default is effected by ENGINEER, or if termination for convenience is effected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to ENGINEER for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by ENGINEER relating to commitments which had become firm prior to the termination.
- 6.5.5 Upon receipt of a termination action under Paragraphs 6.5.1 or 6.5.2 above, ENGINEER shall:
- 6.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),
- 6.5.5.2 Deliver or otherwise make available to CITY OF FAYETTEVILLE all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by ENGINEER in performing this Agreement, whether completed or in process.
- 6.5.6 Upon termination under Paragraphs 6.5.1 or 6.5.2 above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.
- 6.5.7 If, after termination for failure of ENGINEER to fulfill contractual obligations, it is determined that ENGINEER had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of CITY OF

FAYETTEVILLE. In such event, adjustments of the agreement price shall be made as provided in Paragraph 6.5.4 of this clause.

6.6 Delays

6.6.1 In the event the services of ENGINEER are suspended or delayed by CITY OF FAYETTEVILLE or by other events beyond ENGINEER's reasonable control, ENGINEER shall be entitled to additional compensation and time for reasonable costs incurred by ENGINEER in temporarily closing down or delaying the Project.

6.7 Rights and Benefits

6.7.1 ENGINEER'S services will be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

6.8 Dispute Resolution

6.8.1 Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and ENGINEER which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of CITY OF FAYETTEVILLE or ENGINEER in the performance of this Agreement, and disputes concerning payment.

6.8.2 Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given under Paragraph 6.8.3, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in Paragraphs 6.8.3 and 6.8.4 have been complied with.

6.8.3 Notice of Dispute

6.8.3.1 For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a claim is based, the party seeking relief shall serve the other party with a written Notice;

- 6.8.3.2 For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give ENGINEER written Notice at the address listed in Paragraph 6.14 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.
- 6.8.4 Negotiation: Within seven days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and ENGINEER shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President of ENGINEER and the Mayor of CITY OF FAYETTEVILLE or his designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 days of the written request to resolve the dispute.
- 6.9 CITY OF FAYETTEVILLE represents that it has sufficient funds or the means of obtaining funds to remit payment to ENGINEER for services rendered by ENGINEER.
- 6.10 Publications
- 6.10.1 Recognizing the importance of professional development on the part of ENGINEER's employees and the importance of ENGINEER's public relations, ENGINEER may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to ENGINEER's services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to ENGINEER. CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise CITY OF FAYETTEVILLE will not unreasonably withhold approval. The cost of ENGINEER's activities pertaining to any such publication shall be for ENGINEER's account.

6.11 Indemnification

6.11.1 CITY OF FAYETTEVILLE agrees that it will require all construction Contractors to indemnify, defend, and hold harmless CITY OF FAYETTEVILLE and ENGINEER from and against any and all loss where loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Contractors, or their employees, agents, Subcontractors, and Suppliers.

6.12 Ownership of Documents

6.12.1 All documents provided by CITY OF FAYETTEVILLE including original drawings, disks of CADD drawings and cross sections, estimates, specification field notes, and data are and remain the property of CITY OF FAYETTEVILLE. ENGINEER may retain reproduced copies of drawings and copies of other documents.

6.12.2 The CITY OF FAYETTEVILLE acknowledges the ENGINEER's plans and specifications, including documents on electronic media ("delivered documents"), as instruments of professional services. Nevertheless, the delivered documents prepared under this Agreement shall be delivered to and become the property of the CITY OF FAYETTEVILLE upon completion of the services and payment in full of all monies due to ENGINEER. Except for the ENGINEER's services provided for by this Agreement as related to the construction and completion of the Project, the ENGINEER accepts no liability arising from any reuse of the delivered documents by the CITY OF FAYETTEVILLE, unless ENGINEER is retained by CITY OF FAYETTEVILLE to make modifications or otherwise reuse the delivered documents. Except where the CITY OF FAYETTEVILLE reuses the delivered documents subsequent to the completion of the Project, nothing contained in this paragraph shall alter the ENGINEER's responsibilities and obligations under this Agreement.

6.12.3 Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. ENGINEER makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a

conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

6.13 Notices

6.13.1 Any Notice required under this Agreement will be in writing, addressed to the appropriate party at the following addresses:

CITY OF FAYETTEVILLE's address:

113 West Mountain
Fayetteville, AR 72701

ENGINEER's address:

1810 North College Avenue
Fayetteville, Arkansas 72701

6.14 Successor and Assigns

6.14.1 CITY OF FAYETTEVILLE and ENGINEER each binds himself and his successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither CITY OF FAYETTEVILLE nor ENGINEER shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

6.15 Controlling Law

6.15.1 This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas without regard to any conflicts of law provisions.

6.16 Entire Agreement

- 6.16.1 This Agreement represents the entire Agreement between ENGINEER and CITY OF FAYETTEVILLE relative to the Scope of Services herein. Since terms contained in purchase orders do not generally apply to professional services, in the event CITY OF FAYETTEVILLE issues to ENGINEER a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether or not signed by ENGINEER, shall be considered as a document for CITY OF FAYETTEVILLE's internal management of its operations.

SECTION 7 - SPECIAL CONDITIONS

7.1 Additional Responsibilities of ENGINEER:

- 7.1.1 CITY OF FAYETTEVILLE's or any Federal or State Agency's review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder shall not in any way relieve ENGINEER of responsibility for the technical adequacy of the work. Neither CITY OF FAYETTEVILLE's nor any Federal or State Agency's review,, approval or acceptance of, nor payment for any of the services shall be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.
- 7.1.2 ENGINEER shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by ENGINEER's negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.
- 7.1.3 ENGINEER 's obligations under this clause are in addition to ENGINEER's other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against ENGINEER for faulty materials, equipment, or work.

7.2 Remedies

7.2.1 Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between CITY OF FAYETTEVILLE and ENGINEER arising out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

7.3 Audit: Access to Records

7.3.1 ENGINEER shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices consistently applied in effect on the date of execution of this Agreement. ENGINEER shall also maintain the financial information and data used by ENGINEER in the preparation of support of the cost submission required for any negotiated agreement or change order and send to CITY OF FAYETTEVILLE a copy of the cost summary submitted. CITY OF FAYETTEVILLE, the State or any of their authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. ENGINEER will provide proper facilities for such access and inspection.

7.3.2 Records under Paragraph 7.3.1 above, shall be maintained and made available during performance on assisted work under this Agreement and until three years from the date of final payment for the project. In addition, those records which relate to any controversy arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

7.3.3 This right of access clause (with respect to financial records) applies to:

7.3.3.1 Negotiated prime agreements:

- 7.3.3.2 Negotiated change orders or agreement amendments in excess of \$10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement:
- 7.3.3.3 Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not apply to a prime agreement, lower tier subagreement or purchase order awarded after effective price competition, except:
 - 7.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of ENGINEER;
 - 7.3.3.3.2 If there is any indication that fraud, gross abuse or corrupt practices may be involved;
 - 7.3.3.3.3 If the subagreement is terminated for default or for convenience.
- 7.4 Covenant Against Contingent Fees
 - 7.4.1 ENGINEER warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by ENGINEER for the purpose of securing business. For breach or violation of this warranty, CITY OF FAYETTEVILLE shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.
- 7.5 Gratuities
 - 7.5.1 If CITY OF FAYETTEVILLE finds after a notice and hearing that ENGINEER or any of ENGINEER's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE, in an attempt to secure an agreement or favorable treatment in

awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to ENGINEER terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

7.5.2 In the event this Agreement is terminated as provided in Paragraph 7.5.1, CITY OF FAYETTEVILLE may pursue the same remedies against ENGINEER as it could pursue in the event of a breach of the Agreement by ENGINEER. As a penalty, in addition to any other damages to which it may be entitled by law, CITY OF FAYETTEVILLE may pursue exemplary damages in an amount (as determined by CITY OF FAYETTEVILLE) which shall be not less than three nor more than ten times the costs ENGINEER incurs in providing any such gratuities to any such officer or employee.

7.6 Arkansas Freedom of Information Act

7.6.1 City contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, ENGINEER will provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

7.6.2 Pursuant to Arkansas Code Ann. § 25-19-105(b)(20), the personal information of CITY OF FAYETTEVILLE water system customers must be treated as confidential information and shall not be made available for inspection except by ENGINEER's employees as required to fulfill the terms of this Agreement. Upon completion of ENGINEER's contractual duties and after approval of ENGINEER's documents, the ENGINEER agrees to destroy or return to CITY OF FAYETTEVILLE any copies of

records containing information about CITY OF FAYETTEVILLE water system customers.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE, ARKANSAS by and through its Mayor, and ENGINEER, by its authorized officer have made and executed this Agreement as of the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Mayor, Lioneld Jordan

ATTEST:
By: _____
City Clerk

McClelland Consulting Engineers, Inc.

By:  _____
Daniel Barnes, P.E.

Title: President, Fayetteville

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

APPENDIX 'A-1'

SCOPE OF SERVICES

PROFESSIONAL SERVICES AGREEMENT

CITY OF FAYETTEVILLE, ARKANSAS

KITTY CREEK SANITARY SEWER UPGRADE; ZION ROAD TO SOUTH OF JOYCE AVENUE

1. Scope of Project

- a. Increase the capacity of the existing sanitary sewer line along Kitty Creek from Zion Road to South of Joyce Avenue. Specifically, increase the capacity of approximately 5,400 linear feet (LF) of existing 10-inch sanitary sewer from Manhole I-(17)044 to Manhole I-(17)108. Approximately 2,200 LF will be increased to an 18-inch diameter line, while the remaining 3,200 LF will be increased to a 15-inch diameter line as recommended in the Wastewater Collection System 2014 Master Plan update by RJN Group.
- b. The upgrade will be completed to replace existing line segments from Manhole I-(17)044 to Manhole I-(17)108. The tie-in point at the upstream project limit at Manhole I-(17)108 will be coordinated with the sewer improvements that have been designed for the Zion Road Phase II Project.
- c. Evaluate trenchless technologies to complete construction in the areas with limited access, in addition to environmentally sensitive areas.
- d. Obtain required regulatory agency permits (including Arkansas Department of Health and U.S. Army Corps of Engineers). In addition, follow the requirements outlined in the CITY OF FAYETTEVILLE's Streamside Protection Ordinance.
- e. Prepare construction phasing plans necessary to maintain continued traffic flow at all times for road crossings, unless agreed otherwise with the CITY OF FAYETTEVILLE. It is anticipated all roadway crossings will be bored as to not damage existing pavement.

2. Basic Services

The Scope of Services of the ENGINEER as described in the Agreement are further defined and described hereinafter.

3. Preliminary Engineering Report

- a. Complete a field evaluation of the existing sanitary sewer alignment and identify potential conflicts. These shall include, but not be limited to ingress/egress, bypass pumping, stream side management, existing improvements within easement limits, etc.
- b. Perform up to five (5) rock soundings at critical locations along the alignment. Prepare summary report and logs, which will also be included in the Project Manual.
- c. Evaluate upgrade options for upgrade. The same technique may not be used for the project in its entirety.
- d. Prepare estimates of probable construction costs for options evaluated.
- e. Present a written report with recommendations to the CITY OF FAYETTEVILLE for review and approval.
- f. Review report with CITY OF FAYETTEVILLE.

4. Property Resolution/Exhibit A Map Preparation

- a. CITY OF FAYETTEVILLE will provide ownership information for properties along project route including copies of recorded plats, legal descriptions for unplatted tracts and easements and right of way information.
- b. Prepare Exhibit A maps for any additional right of way, easements, and/or temporary construction easements required.
- c. All survey work and related right-of-way work will be conducted with the standards of care as outlined in the Standards of Practice No. 1 (Revised May 21, 2009, updated 8-25-08) Arkansas Standards of Practice for Property Boundary Surveys and Plats.

5. Conceptual Design Phase - 30%

- a. Prepare plan drawings (horizontal alignment) showing all existing facilities.
- b. Prepare plans and data including the following information:

- (1) Survey data, centerline and stations, existing improvements, boring locations, bench marks, existing and proposed easements and right-of-way, temporary construction easements and structures.
- (2) Proposed horizontal alignment.
- (3) Prepare estimate of probable construction costs for primary and alternate designs (trenchless construction methods) including unit cost and total cost.

6. Final Design Phase - 100%

- a. Prepare plan and profile drawings showing all existing facilities. Horizontal scale of drawings to be 1 inch equals 20 feet or larger and vertical scale to be 1 inch equals 5 feet. Prepare final design plans to incorporate 30% design comments and include the following:
 - (1) Design and layout all proposed sanitary sewer horizontal and vertical alignment on plan and profile sheets. Show existing utilities and associated depths.
 - (2) Draft notes on plans to fully describe the construction work to be performed.
 - (3) Prepare recommendations for sequence of construction and prepare layout of construction phasing and use of trenchless technologies.
- b. Prepare right-of-way plans to include the following:
 - (1) Plans to be drawn at 1" = 50' scale or larger scale.
 - (2) Identify property subdivisions, existing and proposed rights-of-way and easements, ownership names, addresses, utility easements, temporary construction easements and related information.
 - (3) Provide complete information on plans for, and prepare legal descriptions for, acquisition of rights-of-way and easements including residual or severed tracts. Prepare easement and right of way acquisition documents utilizing standard CITY OF FAYETTEVILLE forms.
 - (4) Provide tabulation of tracts, ownerships, and areas (permanent and temporary construction easements) for each acquisition.

- c. Prepare construction details which depict all typical items utilizing the CITY OF FAYETTEVILLE format and standard detail drawings where applicable.
- d. Prepare non-standard construction details and specifications as required.
- e. Provide construction bid proposal form. Provide a computer disk containing the bid proposal form in accordance with CITY OF FAYETTEVILLE format(s).
- f. Prepare a recommendation of construction contract time.
- g. Submit to the Arkansas Department of Health for review/approval.
- h. Prepare and submit permit application to the US Army Corps of Engineers.
- i. Complete storm water pollution prevention plan.
- j. Assemble Project Manual and provide to CITY OF FAYETTEVILLE for bidding purposes.
- k. Prepare estimate of probable construction costs.
- l. Attend monthly design progress meeting with CITY OF FAYETTEVILLE.

7. Bidding Services

- a. Respond to questions from Bidders.
- b. Prepare addenda as required and provide to CITY OF FAYETTEVILLE for distribution to Bidders.
- c. Attend pre-bid meeting. It is assumed that the CITY OF FAYETTEVILLE will conduct the meeting.
- d. Attend bid opening.
- e. Prepare bid tabulation and recommendation of award letter.

8. Construction Administration

- a. Assist City with issuing the Notice to Proceed (NTP) and obtaining executed Contract Documents from the selected Contractor, if requested by the CITY OF FAYETTEVILLE.
- b. Attend the pre-construction meeting. It is assumed that the CITY OF FAYETTEVILLE will conduct the meeting and issue meeting minutes.
- c. Review and respond to Contractor submittals for conformance to the Contract Documents, Drawings, and Specifications. Up to ten (10) submittals are anticipated on this project. The initial review and one (1) re-submittal review is included in this scope of services. Additional re-submittal reviews will be considered Additional Services.
- d. Review Contractor's Requests for Information (RFIs) and issue clarifications as required. Up to ten (10) RFIs are anticipated on this project.
- e. Assist the CITY OF FAYETTEVILLE with the evaluation, negotiation, and processing of Contractor change order requests, if required.
- f. Review monthly Pay Estimates from the Contractor and provide recommendation for payment. A total of eight (8) pay estimates are assumed.
- g. Engineer of Record shall conduct periodic site visits and attend progress meetings as required to observe the progress and quality of the executed work to determine compliance with approved plans and specifications in accordance with Arkansas State Law 22-9-101. A total of sixteen (16) site visits/progress meetings are estimated over the course of the assumed 210 calendar day construction contract.
- h. Assist the CITY OF FAYETTEVILLE with the final inspection walk-through. Develop a punch list of outstanding items, and review project closeout documents.
- i. Prepare record drawings based upon information furnished by the Contractor and field representatives.

9. Construction Observation

- a. Provide a field representative to perform comprehensive construction observation if requested by the CITY OF FAYETTEVILLE. Field representative shall meet with CITY OF FAYETTEVILLE field representative at least once weekly to stay informed on construction progress and any issues that may arise.

- b. It is estimated that the level of observation required by the ENGINEER to provide comprehensive services will equate to an average of 30 hours per week for the duration of the assumed 210 calendar day construction contract. Partial observation will be conducted on non-critical construction items such as, but not limited to general site cleanup, seeding, sodding, etc.
- c. CITY OF FAYETTEVILLE shall provide adequate notice to ENGINEER when a field representative is required. Minimum notice shall be three (3) business days, with one (1) week notice preferred.

10. Surveying Services

- a. At the request of the CITY OF FAYETTEVILLE, provide up to 32 hours of field surveying to assist in reviewing the Contractor's work and/or to address property owner questions.

11. Project Deliverables

- a. Three copies of the Concept Plans (30%), design report and cost estimates.
- b. One copy of the Preliminary Plans to each potentially affected utility company.
- c. Three copies of the Final Plans, design report, cost estimates and other supporting documents.
- d. Three copies of the revised Final Plans, design summary, cost estimates and other supporting documents.
- e. One copy of the construction bid proposal on a computer disc.
- f. One copy of the revised Final Plans to each potentially affected utility company.
- g. Three copies of the Final Plans and Specifications to the Contractor.
- h. Three copies of the right-of-way plans, easements and acquisition documents.
- i. One (1) hard copy and a PDF copy (if applicable) of the approved shop drawings and submittals from the Contractor.
- j. One (1) hard copy set and a PDF copy of the Record Drawings.

- k. Other electronic files as requested.

12. General

- a. All sewer construction shall follow the guidelines described in the CITY OF FAYETTEVILLE Sewer Design Standards.
- c. Plans shall be reducible, and legible, to scalable half size plans on 11" x17" sheets. One set of reproducible plans will be provided for right-of-way. In addition, provide preliminary and final plans on computer disk in a format compatible with the current AutoCAD release used by the CITY OF FAYETTEVILLE.
- d.
- c. Record drawings shall be provided on computer disc in AutoCAD format in addition to the reproducible drawings.
- d. Attend meetings with Owner and Agencies for plan review, project coordination and right-of-way.

- 13.** The services specified for the various phases of the Agreement shall be completed and all stipulated documents shall be submitted to the OWNER in accordance with the project schedule below:

Begin Design	Notice to Proceed Issued by Owner
Submit Preliminary Engineering Report	4 weeks from notice to proceed
Submit 30% Design for Review/Comment	16 weeks from approved PER
Submit 100% Design for Review/Comment	26 weeks from 30% approval
Submit to ADH for review and approval	2 weeks from 100% approval
Advertise for Bids	2 weeks from ADH approval

- 14.** The ENGINEER should anticipate a 30 calendar day review period by the CITY OF FAYETTEVILLE between the completion of one phase and the beginning of the following phase. Additional time may be required for review by agencies.
- 15.** The plans, specifications and contract documents authorized by this Agreement shall be prepared to allow construction bids to be received and construction to be performed under one construction contract.
- 16.** Subcontracting of services by the ENGINEER shall have prior approval of the OWNER.

APPENDIX 'A-2'

COMPENSATION

PROFESSIONAL SERVICES AGREEMENT

CITY OF FAYETTEVILLE, ARKANSAS

KITTY CREEK SANITARY SEWER UPGRADE; ZION ROAD TO SOUTH OF JOYCE AVENUE

- CITY OF FAYETTEVILLE shall pay ENGINEER for Basic Services rendered an amount equal to the cumulative hours charged to the Project for each class of ENGINEER's employees multiplied by ENGINEER'S Hourly Rates as shown on the attached Exhibit "1", plus approved Reimbursable Expenses and ENGINEER's Consultant charges, if any. ENGINEER's Hourly Rates as shown on the attached Exhibit "1" shall be adjusted annually each January 1. For ENGINEER's Consultant charges, the CITY OF FAYETTEVILLE shall pay the ENGINEER the amount billed to the ENGINEER times a factor of 1.00.
- Basic Services: Payment by CITY OF FAYETTEVILLE based on ENGINEER's Hourly Rates shall approximate the following schedule. Payment for a specific phase shall not exceed the scheduled amount prior to completion of that phase. Underruns in one phase may be used to offset overruns in another phase as long as the contract amount is not exceeded.

Preliminary Engineering Report	\$16,140.00
Property Resolution/Exhibit A Map Preparation	\$10,480.00
Conceptual Design Phase - 30% Design	\$32,840.00
Final Design Phase - 100% Design	\$76,780.00
Bidding Services	\$5,300.00
Construction Administration	\$38,040.00
Construction Observation	\$63,000.00
Surveying Services	\$5,088.00
SUB-TOTAL Basic Services	\$247,668.00

- Additional Services: Any and all Additional Services must be approved, and maximum amount to be paid for said services agreed to, in writing by CITY OF FAYETTEVILLE prior to rendering of same. CITY OF FAYETTEVILLE shall pay ENGINEER for Additional Services rendered an amount equal to the cumulative hours charged to the Project for each class of ENGINEER's employees multiplied by ENGINEER'S Hourly Rates as shown on the

Attached Exhibit “1”, plus approved Reimbursable Expenses and ENGINEER’S Consultant charges, if any. For ENGINEER’S Consultant charges, the CITY OF FAYETTEVILLE shall pay the ENGINEER the amount billed to the ENGINEER times a factor of 1.00.

- CITY OF FAYETTEVILLE shall pay ENGINEER the actual cost of Reimbursable Expenses incurred in connection with Basic and Additional Services. Reimbursable Expenses must be approved by the CITY OF FAYETTEVILLE prior to the incurrence of such expenses. The estimated amount of Reimbursable Expenses to be incurred in connection with Basic Services is:

SUB-TOTAL Reimbursable Expenses	\$3,125.00
---------------------------------	------------

- The maximum payment to the ENGINEER for Basic Services and Reimbursable Expenses under this Agreement shall not exceed \$250,793.00
- ENGINEER shall submit invoices monthly for services rendered and expenses borne. The invoices shall be accompanied by a copy of the timesheets for all ENGINEER’S personnel working on the project.
- The Hourly Rates used as a basis for payment mean salaries and wages (basic and incentive) paid to all personnel engaged directly on the PROJECT, including, but not limited to, engineers, architects, surveyors, designers, draftsman, specification writers, estimators, other technical personnel, stenographers, typists and clerks; plus the cost of customary and statutory benefits including, but not limited to, social security contributions, unemployment, excise and payroll taxes, workers’ compensation, health and retirement benefits, bonuses, sick leave, vacation and holiday pay applicable thereto; plus operating margin or profit, non-project operating costs, and all general and administrative overhead costs, including but not limited to, furnishing and maintaining office facilities, furniture, utilities, vehicles and equipment.

Reimbursable Expenses mean the actual expenses incurred directly or indirectly in connection with the PROJECT for printing and reproduction costs and ENGINEER’S consultant charges. Any and all expenditures for reimbursable expenses must be approved by the CITY OF FAYETTEVILLE prior to rendering or obtaining same. Overtime salary costs are not considered Reimbursable Expenses.

FEE ESTIMATE

Fayetteville Kitty Creek Sanitary Sewer Relocation/Rehabilitation

Manhour Fee Estimate
Date: 4-24-17



Task Description	Principal Engineer	Sr Project Manager V	Project Engineer II	Project Designer III	Constr. Ob. VI	Const. Ob. I	Chief Draftsman	Draftsman II	Survey Tech. II	Reg. Land Surveyor IV	Survey (2-Man or Robotic)	Field Survey 1-Man	Office Admin	Extended Cost
	\$190.00	\$200.00	\$120.00	\$85.00	\$110.00	\$65.00	\$90.00	\$65.00	\$68.00	\$120.00	\$143.00	\$78.00	\$70.00	
Preliminary Engineering Report														
Review report from RJN		2.00		4.00										\$740.00
Field evaluation		8.00		8.00										\$2,280.00
Evaluate upgrade options		4.00		16.00										\$2,160.00
Prepare estimate of probable construction costs	1.00	2.00		16.00										\$1,950.00
Prepare written report	1.00	2.00		16.00									4.00	\$2,230.00
Review with Owner	2.00	2.00												\$780.00
Perform 5 Rock Soundings, Generate Report and Logs														\$6,000.00
Sub total Manhours / Fee	4.00	20.00	0.00	60.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.00	\$16,140.00
Property Resolution / Exhibit A Map Preparation														
Exhibit A Map Preparation (Estimate of 20)		4.00							30.00	20.00				\$5,240.00
Prepare easement description (Estimate of 20)		4.00							30.00	20.00				\$5,240.00
Sub total Manhours / Fee	0.00	8.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00	40.00	0.00	0.00	0.00	\$10,480.00
Conceptual Design Phase - 30% Design														
Conduct field evaluation		8.00		8.00										\$2,280.00
Prepare horizontal alignment	1.00	8.00		24.00			48.00							\$8,150.00
Evaluate trenchless technologies	2.00	12.00		24.00										\$4,820.00
Prepare estimate of probable construction costs	1.00	4.00		16.00										\$2,350.00
Prepare plan sheets	4.00	16.00		48.00			80.00							\$15,240.00
Sub total Manhours / Fee	8.00	48.00	0.00	120.00	0.00	0.00	128.00	0.00	0.00	0.00	0.00	0.00	0.00	\$32,840.00
Final Design Phase - 100% Design														
Adjust horizontal alignment	1.00	10.00		24.00			40.00							\$7,830.00
Prepare vertical alignment	1.00	16.00		48.00			100.00							\$16,470.00
Prepare construction plan notes		2.00		4.00			8.00							\$1,460.00
Prepare recommendation for sequence of construction	2.00	8.00		16.00										\$3,340.00
Review right of way plans		2.00		8.00										\$1,080.00
Develop erosion control plans		4.00		24.00			48.00							\$7,160.00
Prepare non standard construction details	1.00	4.00		16.00			16.00							\$3,790.00
Prepare non standard construction specs	1.00	8.00		24.00									12.00	\$4,670.00
Develop quantity and bid form		2.00		8.00									4.00	\$1,360.00
Assemble Project Manual	2.00	4.00		8.00									16.00	\$2,980.00
Prepare permit application to Corps of Engineers	1.00	4.00		24.00			4.00						4.00	\$3,670.00
Prepare estimate of probable construction cost	1.00	4.00		16.00										\$2,350.00
Submit to ADH for review/approval	1.00	2.00		4.00										\$930.00
Reply to ADH comments		2.00		8.00			4.00							\$1,440.00
Complete SWPPP	1.00	4.00		32.00										\$3,710.00
Utility coordination		8.00		24.00									4.00	\$3,920.00
Meetings with Owner	4.00	8.00		4.00										\$2,700.00
Project management	8.00	32.00												\$7,920.00
Sub total Manhours / Fee	24.00	124.00	0.00	292.00	0.00	0.00	220.00	0.00	0.00	0.00	0.00	0.00	40.00	\$76,780.00
Bidding Services														
Respond to Questions during Bidding		2.00		8.00										\$1,080.00
Prepare/Issue Addenda		4.00		16.00			8.00							\$2,880.00
Pre-bid meeting		2.00												\$400.00
Bid Opening		2.00												\$400.00
Bid tabulation and recommendation		2.00											2.00	\$540.00
Sub total Manhours / Fee	0.00	12.00	0.00	24.00	0.00	0.00	8.00	0.00	0.00	0.00	0.00	0.00	2.00	\$5,300.00
Construction Administration														
Pre construction meeting		2.00												\$400.00
Review Submittals		8.00		40.00									8.00	\$5,560.00
Respond to RFIs		4.00		24.00			4.00							\$3,200.00
Evaluate Change Order Requests	4.00	8.00		16.00			4.00							\$4,080.00
Pay request review/preparation		16.00												\$3,200.00
Periodic site visits (16 estimated)		48.00												\$9,600.00
Final inspection/punch list preparation		12.00												\$2,400.00
As- built construction documents		8.00		16.00			60.00							\$8,360.00
Project close out		2.00		4.00			4.00						2.00	\$1,240.00
Sub total Manhours / Fee	4.00	108.00	0.00	100.00	0.00	0.00	72.00	0.00	0.00	0.00	0.00	0.00	10.00	\$38,040.00

FEE ESTIMATE

Fayetteville Kitty Creek Sanitary Sewer Relocation/Rehabilitation

Manhour Fee Estimate
Date: 4-24-17



Task Description	Principal Engineer	Sr Project Manager V	Project Engineer II	Project Designer III	Constr. Ob. VI	Const. Ob. I	Chief Draftsman	Draftsman II	Survey Tech. II	Reg. Land Surveyor IV	Survey (2-Man or Robotic)	Field Survey 1-Man	Office Admin	Extended Cost
Construction Observation														
Comprehensive Field Observation Services					90.00	764.00								\$59,560.00
Pre construction meeting					2.00	2.00								\$350.00
Pay request review/preparation					4.00	16.00								\$1,480.00
Final inspection						8.00								\$520.00
As- built construction documents					2.00	6.00								\$610.00
Project close out					2.00	4.00								\$480.00
Sub total Manhours / Fee	0.00	0.00	0.00	0.00	100.00	800.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$63,000.00
Surveying Services														
Review Contractor's work and address property owner questions, as required									4.00	2.00	32.00			\$5,088.00
Sub total Manhours / Fee	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.00	2.00	32.00	0.00	0.00	\$5,088.00
Total Estimated Manhours / Professional Fees	40.00	320.00	0.00	596.00	100.00	800.00	428.00	0.00	64.00	42.00	32.00	0.00	56.00	\$247,668.00
Estimated Reimbursable Expenses														
Mileage														\$1,000.00
ArkUps														\$500.00
Printing														\$500.00
Easement Search - \$125 per parcel - 5 parcels														\$625.00
ADH Review Fee														\$500.00
Total Estimated Reimbursable Expenses														\$3,125.00



"Kitty Creek"
Sanitary Sewer





City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0282

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

NORTH STARR DRIVE SEWERAGE SYSTEM EXTENSION:

A RESOLUTION TO APPROVE AN EXTENSION OF THE CITY'S SEWERAGE SYSTEM BEYOND THE CITY LIMITS TO PROPERTY LOCATED ON NORTH STARR DRIVE

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 Larry Long for an extension of the City's sewerage system beyond the city limits to property located on the east side of North Starr Drive as shown on the maps attached to the City Council agenda memo.

City of Fayetteville Staff Review Form

2017-0282

Legistar File ID

6/6/2017

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

Tim Nyander

5/19/2017

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution approving a request by Larry Long to extend sewer service outside the City limits to his property on N. Starr Dr.

Budget Impact:

N/A

N/A

Account Number

Fund

N/A

N/A

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 JUNE 6, 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: May 19, 2017

SUBJECT: Request for Sewer Service Outside the City Limits – N. Starr Dr.

RECOMMENDATION:

The Water, Sewer & Solid Waste Committee recommends approval of a request to extend sewer service outside the City limits. The Committee voted 4-0 to forward the request to the City Council for consideration, with a recommendation for approval.

BACKGROUND:

Larry Long, owner of a lot located on N. Starr Dr. (see attached map) has requested that the City of Fayetteville provide sewer service to his property located just outside 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.

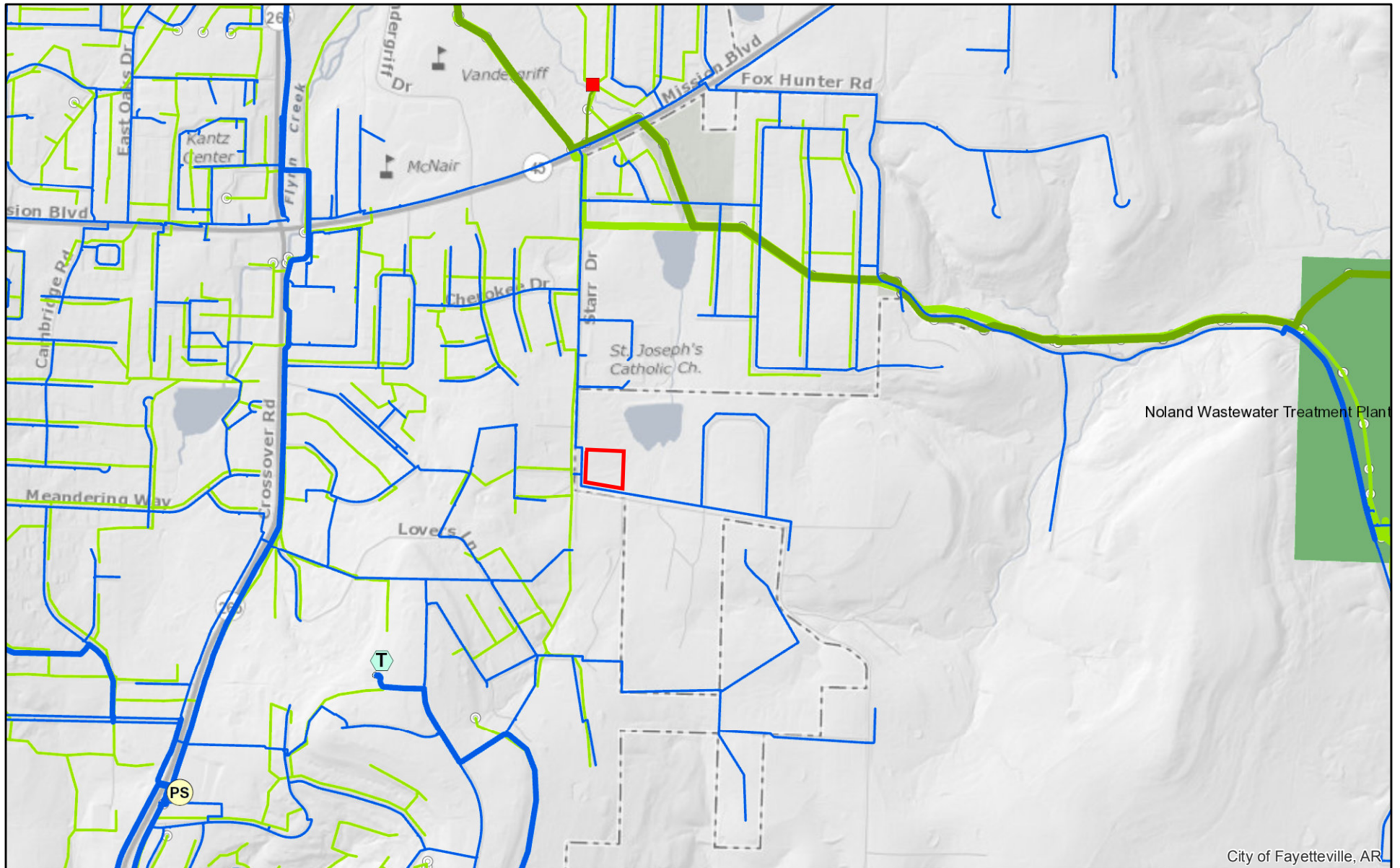
DISCUSSION:

The property owned by Larry Long is located on the east side of N. Starr Dr. The City limits line is on the west side of N. Starr Dr., only a few feet away from the property. Areas directly to the north and south are also within City limits. There is an 8-inch sewer main on the west side of N. Starr Dr. that would provide ample capacity for the proposed sewer service request. After discussion with the Water, Sewer & Solid Waste Committee, the Committee voted 4-0 to recommend approval of this request. The request is therefore presented to the City Council for consideration.

Attachments:

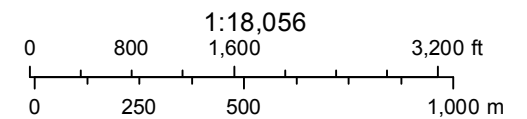
Vicinity Map
City Code Section 51.113 – Sewer Service and Extension Policy

Vicinity Map - N. Starr Dr.



May 19, 2017

- | | | | |
|------------------|---------------------|-------------------------------|-----------------------|
| Unknown Diameter | Water Tank | Sewer Pressurized Main | 20" - 36" |
| 1" - 8" | Pump Station | 2" - 8" | Sewer Main 18" and up |
| 10" - 42" | Lift Station | 10" - 18" | Property Line |

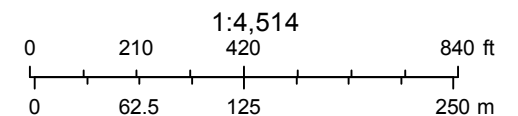


The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user, and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive the tort immunity set forth under Arkansas law.

N. Starr Dr.



May 19, 2017



The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user, and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive the tort immunity set forth under Arkansas law.

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)



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0285

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES LEASE AGREEMENT:

A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE UNOCCUPIED BANQUET AREA IN THE AIRPORT TERMINAL BUILDING TO BE USED BY THE OSHER LIFELONG LEARNING INSTITUTE TO CONDUCT CLASSES DURING THE FALL 2017 SEMESTER IN THE AMOUNT OF \$25.00 FOR EACH DAY THE SPACE IS USED

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a lease agreement with the Board of Trustees of the University of Arkansas for the unoccupied banquet area in the Airport Terminal building to be used by the Osher Lifelong Learning Institute to conduct its classes during the Fall 2017 semester in the amount of \$25.00 for each day the space is used.

City of Fayetteville Staff Review Form

2017-0285

Legistar File ID

6/6/2017

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

Terry Gulley

5/19/2017

Aviation /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval and signature of the Mayor on a lease agreement between the City of Fayetteville and the University of Arkansas Osher Lifelong Learning Institute.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF JUNE 6, 2017

TO: Mayor Lioneld Jordan
Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Terry Gulley, Transportation Services Director

DATE: May 19, 2017

SUBJECT: University of Arkansas Osher Lifelong Learning Institute Lease Agreement

RECOMMENDATION:

Staff recommends approval and signature of the Mayor on a lease agreement between the City of Fayetteville and the University of Arkansas Osher Lifelong Learning Institute.

BACKGROUND:

The University of Arkansas Osher Lifelong Learning Institute was founded by the Bernard Osher Foundation and provides affordable education opportunities to its members.

DISCUSSION:

The University of Arkansas Osher Lifelong Learning Institute requests space in the Airport Terminal Building to conduct classes for the fall 2017 semester.

BUDGET/STAFF IMPACT:

The University of Arkansas Osher Lifelong Learning Institute will pay rent of \$25 per day to use the space based on the Airport's standard meeting room rental rate.

ATTACHMENTS:

Staff Review Form
City Council Memo
Lease Agreement

Lease Agreement
between The City of Fayetteville, Arkansas
And
University of Arkansas, OSHER Lifelong Learning Institute

The purpose of this Lease Agreement is to establish an agreement between the City of Fayetteville, Arkansas ("City") and The University of Arkansas, OSHER Lifelong Learning Institute ("OLLI") for the use of space available in the City's Drake Field terminal building to conduct classes for the Fall 2017 semesters.

1. **Leased Premises.** For and in consideration of the rents, covenants and agreements herein entered into and agreed upon by OLLI as obligations to the City, the City lets, leases and demises unto OLLI, subject to the terms and conditions contained herein, the following described property situated in Washington, County, Arkansas: Drake Field Terminal Building banquet area.

2. **Term.** This term shall commence on June 17, 2017, and shall end on December 31, 2017. The term of this lease may be terminated early by the City without cause only upon sixty (60) days prior written notice. The term of this lease may be extended only upon the mutual agreement of OLLI and the City.

3. **Rent.** OLLI agrees to pay to City of Fayetteville as rental for the term of this lease the sum of \$25.00 for each day it uses the Leased Premises. OLLI is not required to use the Leased Premises for any minimum number of days each month. The Airport Administration Office will prepare an invoice following the end of each calendar month based on the number of days the Leased Premises are used by OLLI. Each monthly payment is due on or before the last day of the month in which the invoice is received. A late fee shall be imposed, at the highest rate allowable by law, on all payments which are not received by City of Fayetteville within sixty (60) business days from the due date.

4. **Use.** OLLI agrees to use the lease premises for classes, seminars or other events during regular operating hours of the Airport Terminal, which are 6:00 a.m – 10:00 p.m. Monday through Friday and 8:00 a.m – 8:00 p.m Saturday through Sunday. OLLI shall coordinate with the Airport Administration Office if the Leased Premises are required after 4:00 p.m Monday through Thursday or at any time Friday through Sunday. Classes and events shall be scheduled through the Airport Administration Office at least two weeks in advance. OLLI will notify the Airport Administration Office of any cancelled classes as soon as possible. An OLLI staff member or representative will be present at the beginning of a day's classes to set up needed items and at the end of the day to clean up. OLLI is not required to dismantle or move its tables and chairs at the end of the day unless notified by the Airport Administration Office.

5. **Preemptive Use or Access by the City.** OLLI acknowledges that the Transportation Security Administration may require use of the Leased Premises for certain chartered flights that may interfere with OLLI's use. In the event of such preemption, the Airport

Administration Office will make every effort to locate an alternative site at no additional cost to OLLI but makes no guarantees. OLLI shall not be responsible for the payment of rent for any days the Leased Premises are unavailable for a previously scheduled class or event, nor shall the City be liable to OLLI for any costs or expenses involved in rescheduling or relocating a class when the Leased Premises are required for use by the Transportation Security Administration or for maintenance issues.

6. **Access to Airport Terminal Amenities.** OLLI staff shall have access to the attached unused kitchen area to store tables and chairs for its classes and events and OLLI further agrees that its tables and chairs may be used by the City or other organizations utilizing the Leased Premises at times not scheduled for OLLI's use. OLLI understands that this area is not secured at times when the Terminal Building is open to the public. The City also agrees to allow storage of media and other electronic equipment in the secured closet area in the Airport Terminal storage room as space allows. OLLI agrees that the City shall not be responsible for theft or damage of any OLLI property that is stored at the Airport Terminal.

The restrooms near the post office are available for OLLI use. OLLI agrees to provide toilet paper, paper towels and other supplies as needed for the restrooms to cover faculty, staff, student and guest use.

7. **Restricted Areas.** Access by OLLI faculty, staff, students and guests to the Airport Flight Line (including but not limited to the apron, runway, hangars) is strictly prohibited.

OLLI faculty, staff, students and guests shall not enter any offices, rooms or areas not specifically designated for their use in paragraphs 4 and 6 above. This includes, but is not limited to, the flight planning area, pilot lounge areas, TV lounge and beverage station.

OLLI staff and students are not allowed the use the restrooms in the lobby area. OLLI staff and students will not gather or loiter in the Airport Terminal lobby area and shall enter into the Leased Premises as expeditiously as possible.

8. **Parking.** OLLI faculty, staff, students and guests will park only in the third row of the Drake Field parking lot furthest from the Airport Terminal. This area is identified in the map attached as Exhibit A.

9. **Cleaning and Maintenance.** The City shall provide regular janitorial and maintenance services for the Leased Premises.

10. **Assignment.** OLLI shall not assign this lease or sublet the Leased Premises without prior written consent of the City of Fayetteville. Consent for any assignment or subletting shall only be considered at the same rates as established in Paragraph 3 above. Any such assignment or subletting shall in no way relieve OLLI from liability for the obligations imposed by this lease. OLLI may only be released from liability by a specific written release executed by the City.

11. **Holdover.** OLLI hereby agrees that upon termination of this lease by expiration or by earlier termination for any reason whatsoever, it will remove its property from the Airport Terminal immediately.

12. **Termination.** The City hereby reserves the right to terminate this lease at any time during the term of this lease if payment of rent in accordance with Paragraph 3 above is not received within five (5) business days from the due date. If the lease is terminated, OLLI will remove its property from the Airport Terminal immediately.

13. **Non-Waiver.** It is agreed that the failure of City to invoke any of the available remedies under this lease or under law in the event of one or more breaches or defaults by OLLI under the lease shall not be construed as a waiver of such provisions and conditions and shall not prevent the City from invoking such remedies in the event of any future breach or default.

14. **Succession.** This lease agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

15. **Severability.** Each paragraph of this lease agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs will remain in full force and effect.

16. **Interpretation.** This lease agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

17. **Entire Agreement.** This lease agreement contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto. This lease agreement supersedes all prior agreements, contracts and understandings of any kind between the parties relating to the subject matter hereof. This agreement may be executed in all or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

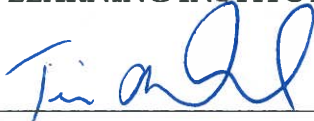
CITY OF FAYETTEVILLE:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

UNIVERSITY OF ARKANSAS, OSHER
LIFELONG LEARNING INSTITUTE

By:  _____

Printed Name: Timothy J. O'Donnell
VICE CHANCELLOR FOR

Title: FINANCE & ADMINISTRATION

Exhibit A

OLLI Designated Parking Area





City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0270

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

BENCHMARK CONSTRUCTION OF NWA, INC. CHANGE ORDER NO. 3:

A RESOLUTION TO APPROVE CHANGE ORDER NO. 3 TO THE CONTRACT WITH BENCHMARK CONSTRUCTION OF NWA, INC. IN THE AMOUNT OF \$42,021.00 FOR THE CONSTRUCTION OF A GRAVEL ACCESS DRIVE, CONCRETE PIER PADS AND IRRIGATION SYSTEM AT THE FIRE DEPARTMENT TRAINING FACILITY, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$4,202.10

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Change Order No. 3 to the contract with Benchmark Construction of NWA, Inc. in the amount of \$42,021.00 for the construction of a gravel access drive, concrete pier pads and irrigation system at the Fire Department Training Facility, and further approves a project contingency in the amount of \$4,202.10.

City of Fayetteville Staff Review Form

2017-0270

Legistar File ID

6/6/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer

5/17/2017

Fire /
Fire Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of Change Order #3 and a 10% Contingency to the contract with Benchmark Construction for a gravel access drive to the river, additional concrete pier pads, and irrigation for trees.

Budget Impact:

<u>4470.300.8300-5804.00</u>		<u>Sales Tax Capital</u>	
<u>Account Number</u>		<u>Fund</u>	
<u>17001.1</u>		<u>Fire Training Grounds</u>	
<u>Project Number</u>		<u>Project Title</u>	
Budgeted Item?	<u>Yes</u>	Current Budget	\$ 948,684.00
		Funds Obligated	\$ 819,218.18
		Current Balance	\$ 129,465.82
Does item have a cost?	<u>Yes</u>	Item Cost	\$ 46,223.10
Budget Adjustment Attached?	<u>No</u>	Budget Adjustment	
		Remaining Budget	\$ 83,242.72

V20140710

Previous Ordinance or Resolution # #03-17

Original Contract Number: _____

Approval Date: _____

Comments: City Council approved on January 3, 2017 through Resolution No. 03-17 awarding Bid Number 16-64 authorizing a contract with Benchmark Construction of NWA, Inc. in the amount of \$485,058.00. Change Order #1 added \$32,603.56 to the contract. Change Order #2 added \$195,377 to the contract. Proposed Change Order #3 will add \$42,021 to the contract. This will make the total contract amount with Benchmark \$755,059.56 as reflected in the Change Order Summary.



MEETING OF JUNE 6, 2017

TO: Mayor Jordan and City Council

FROM: David Dayringer, Fire Chief

DATE: May 17, 2017

SUBJECT: Approval of Change Order #3—Fire Training Grounds and approval of a 10% Contingency

RECOMMENDATION:

Staff recommends approval of Change Order #3 and a 10% Contingency to the contract with Benchmark Construction for a gravel access drive to the river, additional concrete pier pads, and irrigation for trees.

BACKGROUND:

City Council approved on January 3, 2017 through Resolution No. 03-17 awarding Bid Number 16-64 authorizing a contract with Benchmark Construction of NWA, Inc. in the amount of \$485,058.00. Change Order #1 was approved in February, 2017 in the amount of \$32,603.56. Change Order #2 was approved in April, 2017 in the amount of \$195,377 plus a contingency of \$29,307 utilizing IMPACT FEE funds. Proposed Change Order #3 will add \$42,021 to the contract plus a contingency of \$4,202.10. This will make the contract with Benchmark \$755,059.56 (\$485,058 + \$32,603.56 + \$195,377 + \$42,021)

DISCUSSION:

Benchmark Construction has provided a cost for a 1500 ft. gravel access drive to the river, additional concrete pier pads, and irrigation for trees which totals \$42,021.00 plus a 10% Contingency. The gravel drive will allow access to the White River for Fire Department swift water rescue training. The additional pier pads were recommended per the manufacturer. The irrigation system will ensure the proper care and longevity of the trees planted at the Fire Training Grounds.

BUDGET/STAFF IMPACT:

The finances required for this project are already budgeted in the Fire Sales Tax Project: Fire Training Grounds

Attachments:

Change Order #3 Document



CHANGE ORDER

Contract Title Fire Department Training Facility

Change Order No. 3

Date of Issuance

To Contractor: Benchmark Construction of NWA, Inc.

ORDINANCE/RESOLUTION: 03-17

The Contract is changed as follows:

Effective January 3, 2017

Bid	Bid	Previous	Unit	Contract	Revised	Revised	Original	Revised
Item	Item	Estimated	of	Unit	Estimated	Unit	Estimated	Estimated
No.	Description	Quantity	Measure	Price	Quantity	Price	Cost	
38	Gravel Access Drive to River	0	LS	\$0.00	1	\$24,535.00	\$0.00	\$24,535.00
39	Additional Concrete Pier Pads	0	LS	\$0.00	1	\$1,956.00	\$0.00	\$1,956.00
40	Irrigation for Trees	0	LS	\$0.00	1	\$15,530.00	\$0.00	\$15,530.00

Summation of Cost \$0.00 \$42,021.00

Net Cost for this Change Order \$42,021.00

Not valid until signed by the Owner

The original Contract Price was	\$	485,058.00
Net change by previously authorized change orders	\$	227,980.56
The Contract Price prior to this Change Order was	\$	713,038.56
The Contract Price will increased by decreased by remain unchanged	\$	42,021.00
The new Contract Price including this Change Order will be	\$	755,059.56
The Contract Time(s) will be increased by decreased by remain unchanged		calendar days
Required dates of Completion as of the date of this Change Order therefore are:		
Substantial Completion		4/21/17
Final Completion		8/15/17

NOTE: This summary does not reflect changes in the Contract Price or Time(s) which have been authorized by Work Change Directives not incorporated in this or previous Change Orders. **The additional 57 days is for the change order work only. The concrete pad will still be required to meet the 4/7/17**

Benchmark Construction of NWA, Inc.

CITY OF FAYETTEVILLE

Stephen Smith 5-1-17
BY DATE

BY DATE



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0280

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

ARKANSAS STATE POLICE MATCHING GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF AN 80/20 MATCHING GRANT FROM THE ARKANSAS STATE POLICE IN THE AMOUNT OF \$24,160.00 FOR THE DEVELOPMENT OF AN ACCIDENT REPORTING INTERFACE BETWEEN THE CITY OF FAYETTEVILLE AND ARKANSAS STATE POLICE PUBLIC SAFETY SOFTWARE SYSTEMS, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of an 80/20 matching grant from the Arkansas State Police in the amount of \$24,160.00 for the development of an accident reporting interface between the City of Fayetteville and Arkansas State Police public safety software systems.

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

City of Fayetteville Staff Review Form

2017-0280

Legistar File ID

6/6/2017

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

Mike Reynolds

5/19/2017

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends acceptance of a 20% matching grant award funded by the Arkansas State Police (ASP) for the development of an accident reporting interface between Tyler Technologies and ASP's e-Crash software and approval of a budget adjustment in the amount of \$24,160.

Budget Impact:

1010.200.2920-5315.00

General

Account Number

Fund

TBD

Police ASP Accident Interface Grant

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 24,160.00

Remaining Budget \$ 24,160.00

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 6, 2017

TO: Mayor and City Council

A handwritten signature in cursive script, likely belonging to Mike Reynolds.

FROM: Mike Reynolds, Deputy Chief of Police

DATE: May 19, 2018

SUBJECT: Grant Award from Arkansas State Police for Accident Reporting Interface

RECOMMENDATION:

Staff recommends acceptance of a 20% matching grant award funded by the Arkansas State Police (ASP) for the development of an accident reporting interface between Tyler Technologies and ASP's e-Crash software and approval of a budget adjustment in the amount of \$24,160.

BACKGROUND:

The Fayetteville Police Department purchased the Accident Module from Tyler Technologies, and Tyler Technologies has developed the ASP accident form in the new police Records Management System (RMS). The ASP utilizes an electronic accident report submission program called e-Crash. The police department needs an interface between Tyler Technologies and ASP's e-Crash to electronically submit accident reports from the new RMS to the ASP.

DISCUSSION:

At this time, the police department copies and mails paper accident reports to the ASP. The ability to electronically submit accident reports to the ASP would greatly improve efficiency.

BUDGET/STAFF IMPACT:

There is currently \$127,446 in the Capital Improvement Program (CIP) for project contingency related to the new police RMS project to fund the 20% grant match requirement in the amount of \$6,040.

Attachments:

Budget Adjustment
Arkansas State Police Grant Award Documents



Asa Hutchinson
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"



William J. Bryant
Director

May 10, 2017

**ARKANSAS
STATE POLICE
COMMISSION**

Dr. Lewis Shepherd
Chairman
Arkadelphia

John Allison
Vice-Chairman
Conway

Bob Burns
Secretary
Little Rock

Jane Dunlap Christenson
Harrison

Neff Basore
Bella Vista

Bill Benton
Heber Springs

Stephen Edwards
Marianna

Mr. Willie Newman
Project Coordinator
Fayetteville Police Dept.
100 W. Rock St.
Fayetteville, AR 72701

RE: M3DA-2017-03-03-12
eCrash System

Dear Mr. Newman:

The above referenced FY 2017 Subgrant Agreement is enclosed for your review and signature. The Subgrant Agreement/Contract Terms for this program are made a part of this agreement and should be kept in your agency's file with your copy of the signed agreement. The agreement may not include all items presented in your proposal. Only those activities included in the agreement are eligible for reimbursement.

Please return the signed agreement (keep the enclosed Subgrant Agreement/Contract Terms) to our office as soon as possible. We will send you a copy of the fully executed agreement.

We look forward to working with your agency this year.

Sincerely,

Bridget White
Administrator
Highway Safety Office

Enclosure

C: Agreement/Contract File



Asa Hutchinson
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"



William J. Bryant
Director

2017 HIGHWAY SAFETY SUBGRANT AGREEMENT TRAFFIC RECORDS PROGRAM

RECIPIENT

Fayetteville Police Dept.
100 W. Rock Street
Fayetteville, AR 72701
Telephone: (479) 587-3579
Fax: (479) 587-3570

TAX ID NO. 71-6018462

GOVERNMENTAL UNIT

Fayetteville Police Dept.
100 W. Rock Street
Fayetteville, AR 72701

PROJECT NO.

M3DA-2017-03-03-12
FAIN No: (See Invoice Form page 6)
DUNS No: 075657742

TYPE OF APPLICATION

Initial: X
Revision:
Continuation:

INITIAL PROJECT STARTING DATE

May 1, 2017

PROJECT TITLE

eCrash System

OPERATIONAL AREA OF PROJECT

City of Fayetteville, AR

<u>COST CATEGORY</u>	<u>AMOUNT</u>		
	<u>FEDERAL</u>	<u>STATE</u>	<u>LOCAL</u>
Personal Services			
Equipment			
Maintenance & Operation			
Other Direct Costs	\$24,160.00		\$6,040.00
Contractual Services			
Indirect Costs			
Total	\$24,160.00		\$6,040.00

<u>PROJECT PERIOD</u>	<u>FUNDING PERIOD</u>
From: <u>05-08-2017</u>	From: <u>05-08-2017</u>
To: <u>09-30-2017</u>	To: <u>09-30-2017</u>

FUNDING

<u>SOURCE</u>	<u>AMOUNT</u>
Federal	\$24,160.00
State	
Local	\$ 6,040.00
Total	\$30,200.00

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

INDEX

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AGREEMENT PREPARED BY:	Karen Bonds
TITLE:	Traffic Records Program Manager
ADDRESS:	Arkansas State Police 1 State Police Plaza Drive Little Rock, AR 72209
PHONE:	(501) 618 - 8405
FAX:	(501) 618 - 8124

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

SCOPE OF WORK

PROJECT GOAL: To electronically capture, verify and transmit traffic crash data (e-Crash System).

SUMMARY OF PROJECT OBJECTIVES: To hire a contractor/vendor to develop an interface between Fayetteville Police Department's crash data reporting system and the State of Arkansas crash system (e-Crash) software which will enable the agency to electronically capture and verify crash data which includes the exact information on the ASP approved e-Crash report form and to enable transmission of the electronic crash reports to the State eCrash central repository.

METHOD OF EVALUATION BY ASP

ADMINISTRATIVE: X
IMPACT EVALUATION:

REIMBURSEMENT - ACTUAL COST ONLY

 ASP will reimburse the recipient an amount equal to % of all eligible cost.

 X ASP will reimburse the recipient an amount equal to all eligible costs as identified in work statement.

REIMBURSEMENT LIMITS

1. Maximum amount eligible for reimbursement:

Federal Funds: \$24,160.00

State Funds: -0-

2. Only those orders placed and costs incurred during the following time period shall be eligible for reimbursement:
(Date) 05/08/2017 to (Date) 09/30/2017
3. The recipient must bear all costs not eligible for Federal reimbursement.

Federal and State regulations shall be the basis for determining eligibility of costs, as detailed in the General Provisions and Subgrant Agreement/Contract Terms.

This agreement may be amended only by written notice in advance in accordance with ASP policy. (See Subgrant Agreement/Contract Terms)

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

WORK STATEMENT

A. The recipient, Fayetteville Police Department, in exchange for consideration offered by the Arkansas State Police (ASP) Highway Safety Office, hereafter referred to as the Arkansas Highway Safety Office (AHSO), and in the interest of improving traffic safety, hereby agrees to pursue the achievement of the following objectives:

- 1) Hire a contractor/vendor to develop an interface between Fayetteville Police Department's crash data reporting system and the State of Arkansas electronic crash system (e-Crash) software to electronically capture and verify crash data which includes exact information on the ASP approved eCrash report form. Transmit electronic crash report data to the State eCrash central repository on a daily basis.
 - a.) Develop an interface to meet ASP, ASP contractor – University of Alabama – CAPS (UA-CAPS), and AHSO specifications;
 - b.) Make modifications to the existing City of Fayetteville system to accommodate the interface to eCrash;
 - c.) Maintain interface to meet ASP, UA-CAPS, & AHSO standards and criteria; and
 - d.) Be responsible for any future updates/revisions/changes required by the ASP AHSO.
- 2) Submit reimbursement request only after AHSO verification of successful completion of the project objectives.
- 3) Submit project reports and reimbursement requests in accordance with formats provided by the ASP. Submit a report summarizing project activities/purchases along with a cover letter and supporting documentation, by the 30th of the subsequent month in which activities are completed and expenditures are incurred.
- 4) Submit a final report and a final reimbursement request to the AHSO within 30 days following the end of the project period. Final payment will not be made until a satisfactory final report is submitted and all activities are successfully completed as stated in the work statements.
- 5) Maintain a project file for the agreement and financial documents. The file will contain a copy of the agreement, agreement terms, policies and procedures of the recipient related to this project's activities, related AHSO policies and procedures, reimbursement requests and correspondence relating to this project. Maintain the file in one location and it must be available for review by State and Federal authorities responsible for oversight of this project.

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

WORK STATEMENT

- B. The Arkansas Highway Safety Office (AHSO) hereby agrees to perform the following activities:
1. Reimburse the recipient for all eligible costs incurred in accordance with the provisions stated in the Subgrant Agreement/Contract Terms. An analysis of allowable costs is provided in the attached recipient invoice forms.
 2. Provide reasonable consultative assistance to the recipient to aid in the achievement of project objectives.
 3. Conduct administrative and/or on-site evaluations to assess the effectiveness of the project. Evaluations will include, but are not limited to, a review of activity reports examining progress toward objectives stated in the work statement, reimbursement requests, fiscal management and on-site monitoring visits.



GRANT #: M3DA-2017-03-03-12		AWARD PERIOD: 05/08/2017 - 09/30/2017	
EIN (Tax ID #): 71-6018462		CFDA TITLE: Safety Belt Performance Grant	
FAIN # 18X9204020AR17		AWARD AMOUNT:	\$24,160.00
			CFDA# 20.616
Request Period:			
Project: e-Crash System			

Subgrantee Name:	Fayetteville Police Department	Telephone	(479) 587-3579
Mailing Address:	100 W. Rock Street, Fayetteville, AR 72701		

[illegible]

On behalf of the subgrantee listed above, I certify that the items for which payment is claimed were furnished under the authority of the law and in accordance with the terms of our grant with the Arkansas State Police, Highway Safety Program and that the charges are reasonable, proper, and no part of this claim has been paid.

Signature of Subgrantee:		Date:	
Title:			
Contact Person:		Contact Phone:	

ARKANSAS STATE POLICE USE ONLY			OUTLINE AGREEMENT #:	
VENDOR #:	AGENCY CODE:	0960	DOC#:	
PO #:	GOODS REC.#:		MATERIAL #:	

General Ledger #	Fund	Fund Center	Funds Reservation #	Cost Center	IO/WBS	AMOUNT
5100001000	SMP3021	1FJ		456729	F.0960.405-17-M3DA-S	-
					TOTAL	

REVIEWED & APPROVED TO PAY BY:	DATE:
Funds available:	

Funds available:	
Attach Completed Detail Sheet and Mail To:	Karen Bonds Arkansas State Police Highway Safety Office #1 State Police Plaza Drive Little Rock, AR 72209

FAXED BILLS WILL NOT BE ACCEPTED

LINE-ITEM DETAIL

Attach to Page 6*

Fayetteville Police Department

e-Crash System

FY2017

FOR THE PERIOD:

Transfer
Totals to
Page 6*

Other Direct Costs

Contractor/Vendor Services

TOTAL BILLED

* Refers to page 6 of the Invoice.



Arkansas State Police

FY2017



Subgrantee State Match Reporting Form

GRANT #:	M3DA-2017-03-03-12	AWARD PERIOD: 05/08/2017 - 09/30/2017		
		CFDA TITLE: Safety Belt Performance Grant		
EIN (Tax ID #):	71-6018462	AWARD AMOUNT:	24,160.00	CFDA # 20.616
Reporting Period:				
Project:	e-Crash System			
Subgrantee Name:	Fayetteville Police Department			Telephone #: (479) 587 3579
Mailing Address:	100 W. Rock Street, Fayetteville, AR 72701			

Budget Categories	APPROVED BUDGET	REVISED BUDGET	Previous Expenditures	Expenditures This Period	Total Expenditures	Remaining Budget
				-	-	
Other Direct Costs	24,160.00				-	24,160.00
Total				-	-	-
						Amount of this Report

Signature of Subgrantee:		Date:	
Title:			
Contact Person:	Willie Newman	Contact Phone:	(479) 587-3579

Submit to:	Karen Bonds Arkansas State Police Highway Safety Office 1 State Police Plaza Drive Little Rock, Arkansas 72209
-------------------	--

CERTIFICATIONS AND ASSURANCES

(Each fiscal year the Sub-grantee for Highway Safety must sign these Certifications and Assurances affirming that the agency complies with all requirements, including applicable Federal statutes and regulations that are in effect during the grant period. Requirements that also apply to subrecipients are noted under the applicable caption.)

Agency: Fayetteville Police Department Fiscal Year: 2017

By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906 the Subgrantee acknowledges and agrees to the following conditions and requirements. In my capacity as the authorizing official for Fayetteville Police Department, I hereby provide the following Certifications and Assurances.

GENERAL REQUIREMENTS

Applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended.
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300—Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201—Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

Non-Discrimination

The Sub-grantee will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, *et seq.*; PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42U.S.C. §§), which prohibits discrimination on the basis of age; (e) the Civil Rights Restoration Act of 1987 Pub. L. 100-259), which requires Federal-aid recipients and all sub recipients to prevent discrimination and ensure non-discrimination in all of their programs and activities (f) the Drug Abuse Office and

Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970(Pub. L. 91-616), as amended, relating to

CERTIFICATIONS AND ASSURANCES

nondiscrimination on the basis of alcohol abuse or alcoholism; (h) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, et seq.) relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

BUY AMERICA ACT

The Sub-grantee will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

POLITICAL ACTIVITY (HATCH ACT).

The Sub-grantee will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

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

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this

CERTIFICATIONS AND ASSURANCES

Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

Instructions for Primary Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

CERTIFICATIONS AND ASSURANCES

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and Information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

CERTIFICATIONS AND ASSURANCES

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

CERTIFICATIONS AND ASSURANCES

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

CERTIFICATIONS AND ASSURANCES

Policy on Seat Belt Use

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16 1997, the Grantee is encouraged to adopt and enforce on-the job seat belt use policies and programs for its employees when operating company-owned, rented, or personally owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at www.Nhtsa.dot.gov. Additional resources are available from the Network of Employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit its website at www.trafficsafety.org.

POLICY TO BAN TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to:

- (1) Adopt and enforce workplace safety policies to decrease crashed caused by distracted driving including policies to ban text messaging while driving--
 - a. Company-owned or – rented vehicles, or Government-owned, leased or rented vehicles; or
 - b. Privately-owned when on official Government business or when performing any work on or behalf of the Government.
- (2) Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as –
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

ENVIRONMENTAL IMPACT

The authorizing official for this project has reviewed this agreement and hereby declares that no significant environmental impact will result from implementing this project. If, under a future revision, this project will be modified in such a manner that it would be instituted and could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517)

CERTIFICATIONS AND ASSURANCES

Section 402 Requirements (as amended by Pub. L. 112-141)

The Governor is responsible for the administration of the State highway safety program through a State highway safety agency which has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program (23 USC 402(b) (1) (A));

The political subdivisions of this State are authorized, as part of the State highway safety program, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation (23 USC 402(b) (1) (B));

At least 40 percent of all Federal funds apportioned to this State under 23 USC 402 for this fiscal year will be expended by or for the benefit of the political subdivision of the State in carrying out local highway safety programs (23 USC 402(b) (1) (C)), unless this requirement is waived in writing;

This State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks (23 USC 402(b) (1) (D));

The State Highway Safety Program provides for an evidence-based traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents (23 U.S.C. 402 (b)(1)(E))

The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process, and the Sub-grantee will support these activities including:

- **Participation in the National high-visibility law enforcement mobilizations,**
- **Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;**
- **An annual statewide seat belt use survey in accordance with 23 CFR Part 1340 for the measurement of State safety belt use rates;**
- **Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;**
- **Coordination of Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in section 23 U.S.C. 148 (a). 148(a).**
(23 U.S.C. 402 (b)(1)(F))

CERTIFICATIONS AND ASSURANCES

Law enforcement agencies only- the Subgrantee is hereby encouraged to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j)).

Other Federal Requirements

Cash drawdowns will be initiated only when actually needed for disbursement. 49 CFR 18.20

Cash disbursements and balances will be reported in a timely manner as required by NHTSA. 49 CFR 18.21.

The same standards of timing and amount, including the reporting of cash disbursement and balances, will be imposed upon any secondary recipient organizations. 49 CFR 18.41.

Failure to adhere to these provisions may result in the termination of drawdown privileges.

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs);

Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes 23 CFR 1200.21. The Sub-grantee will comply with this provision.

The Subgrantee will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20.

AUDIT REQUIREMENTS

The recipient will arrange for an organization-wide financial and compliance audit, if required by 2 CFR Part 200.501 (Formerly OMB Circular A-133), within the prescribed audit reporting cycle. The audit report must separately identify highway safety funds from other Federal funds. One (1) copy of the report will be furnished to the Arkansas State Police Highway Safety Office (ASP-HSO) within three months of the report date. Failure to furnish an acceptable audit as determined by the cognizant Federal audit agency may be a basis for denial and/or refunding of Federal funds. A copy of 2 CFR Part 200.501 is available at www.ecfr.gov. The recipient has been made aware of audit requirements. **The recipient is required to inform the ASP-HSO if subject to these audit requirements.**

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

ACCEPTANCE AND AUTHORIZATION TO PROCEED

It is understood and agreed by the undersigned that a subgrant received for this agreement is subject to the Fixing America's Surface Transportation (FAST) Act and subsequent U.S. Department of Transportation funding reauthorization; and all administrative regulations governing this grant established by the U.S. Department of Transportation approved in accordance with 23 CFR Part 1301 subject to the availability of Federal funds. It is further understood that any State funds utilized within are subject to all applicable State regulations and are likewise subject to their availability. It is expressly agreed that this agreement including the Appendix (Subgrant Agreement/Contract Terms and Attachment), constitute an official part of the State's Highway Safety Program and that said recipient will meet the requirements as set forth herein.

The recipient has appointed the following official representatives with legal authority to accept this subgrant agreement acknowledge the certifications and assurances on pages 9 – 17 and provide such additional information as may be required.

A. SUBGRANT DIRECTOR

B. AUTHORIZING OFFICIAL

Signature: _____	Signature: _____
Name: <u>Chief Greg Tabor</u>	Name: <u>Honorable Lioneld Jordan</u>
Title: <u>Chief of Police</u>	Title: <u>Mayor</u>
_____	_____
Date: _____	Date: _____

Approval to proceed, effective 05-08-2017 to 09-30-2017 with committed Federal funds of \$24,160 and State funds of \$ -0-, given by the State Official responsible to the Governor for administration of the State Highway Safety Program:

Approved:

Director, Arkansas State Police
and
Governor's Highway Safety Representative

Date

Budget Year	Division	Adjustment Number
2017	POLICE (200)	
	/Org2	
	Requestor: W. Newman	

Recognize and establish revenue and expense budgets related to the Arkansas State Police (ASP) grant award for the development of an accident reporting interface between Tyler Technologies and ASP's e-Crash.

	COUNCIL DATE:	6/6/2017
	LEGISTAR FILE ID#:	2017-0280
	<i>Barbara Fell</i> 5/19/2017 10:05 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: 2017-0281

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 8

TYLER TECHNOLOGIES, INC. AMENDMENT:

A RESOLUTION TO APPROVE AN AMENDMENT TO THE CONTRACT WITH TYLER TECHNOLOGIES, INC. IN THE AMOUNT OF \$27,329.00 FOR THE DEVELOPMENT OF AN ACCIDENT REPORTING INTERFACE BETWEEN THE CITY OF FAYETTEVILLE AND ARKANSAS STATE POLICE PUBLIC SAFETY SOFTWARE SYSTEMS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an amendment to the contract with Tyler Technologies, Inc. in the amount of \$27,329.00 for the development of an accident reporting interface between the City of Fayetteville and Arkansas State Police public safety software systems.

City of Fayetteville Staff Review Form

2017-0281

Legistar File ID

6/6/2017

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

Mike Reynolds

5/19/2017

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a contract amendment with Tyler Technologies for the development of an accident reporting interface between Tyler Technologies and Arkansas State Police's (ASP) e-Crash software in the amount of \$27,329.

Budget Impact:

1010.200.2920-5315.00 /
4470.200.8200-5315.00

General / Sales Tax Capital Improvements

Account Number

Fund

TBD / 14009.1

Police ASP Accident Interface Grant /
Police Records Mgmt System

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 185,723.00

Funds Obligated \$ 34,116.50

Current Balance \$ 151,606.50

Does item have a cost? Yes

Item Cost \$ 27,329.00

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ 124,277.50

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Related to grant funding within Legistar #2017-0280.



CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 6, 2017

TO: Mayor and City Council *Mike Reynolds*
FROM: Mike Reynolds, Deputy Chief of Police
DATE: May 19, 2018
SUBJECT: Contract Amendment with Tyler Technologies for Accident Reporting Interface

RECOMMENDATION:

Staff recommends approval of a contract with Tyler Technologies for the development of an accident reporting interface between Tyler Technologies and Arkansas State Police's (ASP) e-Crash software in the amount of \$27,329.

BACKGROUND:

The Fayetteville Police Department purchased the Accident Module from Tyler Technologies, and Tyler Technologies has developed the ASP Accident Form in the new police Records Management System (RMS). The ASP utilizes an electronic accident report submission program called e-Crash. The police department needs an interface between Tyler Technologies and ASP's e-Crash to electronically submit accident reports from the new RMS to the ASP.

DISCUSSION:

At this time, the police department copies and mails paper accident reports to the ASP. The ability to electronically submit accident reports to the ASP would greatly improve efficiency.

BUDGET/STAFF IMPACT:

This contract will be funded via an 80/20 matching grant from the Arkansas State Police. Grant funds (80% grant) will pay \$21,863 of the total contract price of \$27,329. The remaining contract amount of \$5,466 (20% local match) will be funded by the Police RMS project contingency which currently has a remaining balance of \$127,446.

Attachments:

Tyler Technologies Amendment



Document #: 0743-17A3B

AMENDMENT

This amendment ("Amendment") is effective as of the date of signature of the last party to sign as indicated below ("Amendment Effective Date") by and between Tyler Technologies, Inc., a Delaware corporation with offices at 840 West Long Lake Road, Troy, MI 48098 ("Tyler") and Fayetteville Police Department, AR, with offices at 100 West Rock Street, Fayetteville, AR 72701 ("Client").

WHEREAS, Tyler and the Client are parties to a License Agreement with an effective date of June 1, 1997 (the "Agreement");

WHEREAS, Tyler and Client now desire to amend the Agreement;

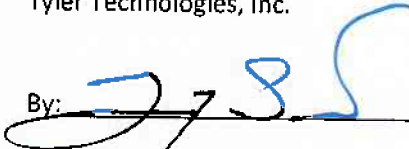
NOW THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and the Client agree as follows:

1. The services set forth in Exhibit 1, and Schedule 1, to this Amendment are hereby added to the Agreement. Any additional adjustments to scope not set forth herein must be reflected in another amendment to the Agreement.
2. The following payment terms, as applicable, shall apply:
 - a. Requested custom software interfaces are invoiced 100% upon initial delivery of the interface.
 - b. Third Party Software License Fees: License fees for Third Party Software, if any, are invoiced when we make it available to you for downloading.
 - c. Travel expenses shall be invoiced as incurred, if applicable.
3. This Amendment shall be governed by and construed in accordance with the terms and conditions of the Agreement.
4. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below.

Tyler Technologies, Inc.

Fayetteville Police Department, AR

By: 

By: _____

Name: Greg Sebastian

Name: Lioneld Jordan

Title: President, Public Safety Division

Title: Mayor

Date: 5/19/12

Date: _____

Exhibit 1
Investment Summary

A. PROFESSIONAL SERVICES		
ITEM	DESCRIPTION	INVESTMENT

PROFESSIONAL SERVICES

- | | | |
|----|---|-------|
| 1. | Up to 40 hours of Implementation and Training Services are included to install the custom eCrash AR Interface for Fayetteville only, as first in state. Each additional installation will require 24 hours for a remote installation. | 5,800 |
|----|---|-------|

- | | | |
|----|---|--------|
| 2. | CUSTOM SOFTWARE/CUSTOM SOFTWARE INTERFACES (Estimate) | 19,200 |
|----|---|--------|

Third Party Software Product (Custom Interfaces)

RMS Interfaces

- | | | |
|---|--------------------------------------|--------|
| - | Custom eCrash AR Interface (one-way) | 19,200 |
|---|--------------------------------------|--------|

** Development Software covers the following Customers:*

- 1) Fayetteville
- 2) Rogers
- 3) Bentonville
- 4) Russellville
- 5) Sebastian County

TOTAL IMPLEMENTATION SERVICES	\$25,000
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B. THIRD PARTY PRODUCTS AND SERVICES		
ITEM	DESCRIPTION	INVESTMENT

1. THIRD PARTY PRODUCTS AND SERVICES

THIRD PARTY SOFTWARE

- | | | |
|----|---|-----|
| a. | Diagramming Software (Scene PD) (includes 1st yr maintenance) | |
| | 1 unit for Fayetteville | 329 |

TOTAL THIRD PARTY PRODUCTS AND SERVICES	\$329
---	-------

C. TRAVEL AND LIVING EXPENSES (Estimate)		
ITEM	DESCRIPTION	INVESTMENT

1. TRAVEL AND LIVING EXPENSES (Estimate)

- | | | |
|--|---------------------------------------|---------|
| | Estimated 1 trip at \$2,000 per trip. | \$2,000 |
|--|---------------------------------------|---------|

TOTAL ONE TIME COST	<u>\$27,329</u>
---------------------	-----------------

PRICING VALID THROUGH AUGUST 15, 2017.

Pricing Assumptions

Personal Computers must meet the minimum hardware requirements for New World products. Microsoft Windows 7/8 or later is required for all client machines. Windows 2008/2012 Server and SQL Server 2008/2012 are required for the Application and Database Server(s).

New World product requires Microsoft Windows 2008/2012 Server and SQL Server 2008/2012 including required Client Access Licenses (CALs) for applicable Microsoft products. Servers must meet minimum hardware requirements provided by Tyler.

New World product requires Microsoft Excel or Windows Search 4.0 for document searching functionality; Microsoft Word is required on the application server for report formatting.

Tyler recommends a 100/1000MB (GB) Ethernet network for the local area network. Wide area network requirements vary based on system configuration, Tyler will provide further consultation for this environment.

Does not include any required 3rd party hardware or software unless specified in Section C of this Investment Summary. Customer is responsible for any 3rd party support.

Licensed Software, and third party software embedded therein, if any, will be delivered in a machine readable form to Customer via an agreed upon network connection. Any taxes or fees imposed are the responsibility of the purchaser and will be remitted when imposed.

Custom interface will be operational with existing third party software. Any subsequent changes to third party applications may require additional services.

Schedule 1

Customer Requested Standard Software Enhancements and/or Custom Software

1. Definition

We will provide you requested standard software enhancements and/or custom software services as discussed below. You agree to cooperate in limiting the scope of those modifications and enhancements, as described below.

An analysis and assessment to verify the scope of effort for these services will be conducted. A revised estimate for the enhancements/customizations may be provided at the conclusion of the assessment. You may elect to cancel or proceed with the enhancements/customizations based on the revised estimate.

Capabilities included in the initial scope:

a) Custom Software/Interface(s)

While we will provide reasonable consultation, you are responsible for obtaining technical contacts and/or technical specifications from the third parties involved.

(1) Custom One-Way eCrash AR Interface:

- The interface will export data from a New World accident record, including associated subject and vehicle records, into the State accident database
- The interface will adhere to the latest AR accident export schema as provided by the State of Arkansas at the time of the interface development. Tyler Technologies is not responsible for any changes in the State of Arkansas software.
- The interface will translate existing LERMS accident information, and create the XML for submission, to either the State's Live or Test side, depending on functionality available to us, to use from the State of Arkansas
- The interface will also run the translated XML file, against the existing AR State accident edits, as provided by the State, along with updating the submission status, to designate whether it was accepted by the State's web service
- Crash diagrams will be included with the submission, as long as they are in .sce, or .spd format, generated from Scene PD
- The interface will be limited to fields that exist in the New World accident module for the state of Arkansas. No new fields will be added to the New World database or user screen.

2. Methodology to Provide Enhancements and/or Custom Software

a) Our Responsibility

As part of our delivery of these services, we will:

- (1) Review the required features for the items set forth in paragraph 1, above, with you.
- (2) Prepare a Requirements Document (RD) to include:
 - Detailed description of the required feature
 - menu samples
 - screen samples
 - report samples

0743-17A3B 0503 eCrash Custom IF & Scene PD.doc

- (3) Conduct the programming and programming test.
- (4) Provide the associated in-scope training, testing and/or other support services.

For an enhancement or custom software requiring over seven (7) days of services, we will utilize the design document procedure described below. For enhancements or custom software that require less than seven (7) days of services, we will use a Request For Service (RFS) procedure. Both procedures are reviewed with you at a pre-installation planning meeting. The RFS procedure utilizes a form with a narrative description and supporting documentation if applicable to define the work to be done.

b) Design and Development Procedure

<u>Activity</u>	<u>Targeted Time Period</u>
(1) We will work with your staff in completing the RD. You agree to be reasonable and flexible in not attempting to design the modifications to be more extensive than called for in the scope (cost and schedule) of this project.	To be determined
(2) We submit completed RD to you.	To be determined
(3) You will review and sign off on the RD. Once you sign off on the RD, any subsequent changes must be documented along with the impact on pricing and schedule, if any. No programming will be done by us until the formal sign-off and your authorization to proceed in writing.	To be determined
(4) We complete programming from RD and provide the associated deliverable to you.	To be determined
(5) You test software modification based on RD.	To be determined

3. Third Party Responsibilities

- a) The third-party will provide a documented API that will allow access to required data via a file transfer, web service, or TCP/IP.
- b) We will not be responsible for making any modification in the 3rd party software to support this interface.
- c) The third-party will work with us and you to test the interface.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0260

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 9

BID #17-38 SHOR-LINE:

A RESOLUTION TO AWARD BID #17-38 AND AUTHORIZE THE PURCHASE OF CAT ADOPTION CAGES AND VET CLINIC RECOVERY CAGES FROM SCHROER MANUFACTURING CO. D/B/A SHOR-LINE IN THE AMOUNT OF \$30,382.52 PLUS APPLICABLE TAXES FOR THE LIB HORN ANIMAL SHELTER OF FAYETTEVILLE

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 #17-38 and authorizes the purchase of cat adoption cages and vet clinic recovery cages from Schroer Manufacturing Co. d/b/a Shor-Line in the amount of \$30,382.52 plus applicable taxes for the Lib Horn Animal Shelter of Fayetteville.

City of Fayetteville Staff Review Form

2017-0260

Legistar File ID

6/6/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Anthony Rankin

5/9/2017

Animal Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Acceptance of a bid from Shor-Line (Schroer Mfg.) for the purchase of new cat adoption area cages and new veterinary clinic recovery cages in the amount of \$30,382.52, plus all applicable taxes.

Budget Impact:

1010.671.2740-5210.00

Animal Sevices minor equipment donations

Account Number

Fund

33048-1

Animal Services donations

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 2,492.00

Funds Obligated \$ -

Current Balance \$ 2,492.00

Does item have a cost? Yes

Item Cost \$ 30,382.52

Budget Adjustment Attached? No

Budget Adjustment \$ 30,000.00

Remaining Budget \$ 2,109.48

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Acceptance of a bid from Shor-Line (Schroer Mfg.) for the purchase of new cat adoption area cages and new veterinary clinic recovery cages, in the amount of \$30,382.52, plus all applicable taxes.



MEETING OF 6/6/2017

TO: Mayor and City Council

THRU: Yolanda Fields, Community Resources Director
Justine Lentz, Fayetteville Animal Services Superintendent

FROM: Anthony Rankin, Fayetteville Animal Services Programs Manager

DATE: 5/9/2017

SUBJECT: Acceptance of bid from Shor-Line (Schroer Mfg.) for the purchase of new adoption cat cages and vet clinic recovery cages.

RECOMMENDATION:

Staff recommends the acceptance of a bid from Shor-Line (Schroer Mfg.) for the purchase of new cat area adoption cages and new animal recovery cages for the shelter's veterinary clinic in the amount of \$30,382.52, plus all applicable taxes.

BACKGROUND:

Animal Services wishes to purchase these cages to finish renovations of the facility.

DISCUSSION:

Fayetteville Animal Services is in the process of renovating the cat adoption and the veterinary clinic animal recovery area of the Lib Horn Animal Shelter of Fayetteville, utilizing donation monies donated to the shelter. The purchase of these cages will finalize the renovations to both of these areas. These renovations will increase the holding capacity of the cat adoption area and will provide our veterinary clinic with necessary cages for the treatment of ill or injured animals.

BUDGET/STAFF IMPACT:

The funds for this purchase exist already in the Animal Services donation account. A budget adjustment will go to Budget to move the funds to the proper account. There is no staff impact expected, assembly can be done in house.

ATTACHMENTS:

Bid



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

INVITATION TO BID

INVITATION TO BID: Bid 17-38, Cat Adoption and Recovery Equipment

DEADLINE: Tuesday, May 02, 2017 before 2:00 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: Monday, April 17, 2017

INVITATION TO BID

Bid 17-38, Cat Adoption and Recovery Equipment

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.

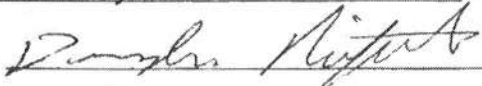
Name of Firm: Shor-Line (Schroer Mfg.)

Contact Person: Douglas Nietfeld Title: Sales Representative

E-Mail: Dougn@Shor-Line.com Phone: 913-281-1500 x 2214

Business Address: 511 Osage Avenue

City: Kansas City State: Kansas Zip: 66105

Signature:  Date: 05/02/2017

City of Fayetteville
Bid 17-38, Cat Adoption and Recovery Equipment
Advertisement

City of Fayetteville, Arkansas
INVITATION TO BID
Bid 17-38, Cat Adoption and Recovery Equipment

The City is seeking bids from qualified vendors for the purchase of Cat adoption kennels and recovery room equipment.

All sealed bids are due by Tuesday, May 02, 2017 before 2:00 PM, Local Time. All bids are due before the time stated. Late bids shall not be accepted. City of Fayetteville reserves the right to deviate from the estimated purchase quantities. Bids will be opened and read aloud immediately following the stated deadline.

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

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

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

City of Fayetteville
By: Les McGaugh, Purchasing Agent
P: 479.575.8220
lmcgaugh@fayetteville-ar.gov
TDD (Telecommunications Device for the Deaf): (479) 521-1316
Date of advertisement: 04/17/2017

DELIVERY DATE REQUIRED: 60 CALENDAR DAYS FROM DATE OF ORDER

F.O.B. Fleet Operations Division, 1525 S. Happy Hollow Road, Fayetteville, AR 72701

Bid Form - Bid 17-38, Cat Adoption and Recovery Equipment

Bids shall be submitted on this bid package providing information products being bid. The City reserves the right to award this bid based on the City's best interest at the time of product order.

Item #	Description	Manufacturer	Estimated Quantity		Price Per Each		Total Line Item Price
1	30"x30" Laminate cat condo with resting shelf, grill door and clear back		9	x	\$ \$556.60	=	\$ \$5009.40
2	12"x30" Laminate litter areas		6	x	\$ \$368.00	=	\$ \$2,208.00
3	24"x30" Laminate cat condo with resting shelf & grill door		4	x	\$ \$478.80	=	\$ \$1,915.20
4	Laminate cat condo corner unit with grill door, 2 living areas per unit		4	x	\$ \$1,081.00	=	\$ \$4,324.00
5	Corner unit storage areas		4	x	\$ \$517.04	=	\$ \$2,068.16
6	Corner unit mobile bases with toe kick		4	x	\$ \$276.00	=	\$ \$1,104.00

THIS BID FORM CONTINUES ON THE NEXT PAGE.

7	24" Mobile bases with toe kick		2	x	\$ \$202.40	=	\$ \$404.80
8	24"x30" storage areas		2	x	\$ \$409.40	=	\$ \$818.80
9	24" Mobile base with toe kick		1	x	\$ \$202.40	=	\$ \$202.40
10	42" Mobile base with toe kick		1	x	\$ \$230.00	=	\$ \$230.00
11	72" Mobile base with toe kick		1	x	\$ \$276.00	=	\$ \$276.00
12	36"x24" Stainless steel kennels		2	x	\$ \$502.32	=	\$ \$1,004.64
13	36"x30" Stainless steel kennel		1	x	\$ \$509.68	=	\$ \$509.68
14	36" Mobile kennel base, 4" tall		1	x	\$ \$230.00	=	\$ \$230.00
15	24"x24" Mobile kennel base, 4" tall		1	x	\$ \$198.72	=	\$ \$198.72
16	36"x24" Oxygen door		1	x	\$ \$540.96	=	\$ \$540.96
17	60" wide puppy kennel with mobile base		1	x	\$ \$5,237.00	=	\$ \$5,237.00
18	46" Stainless steel exam top for Tub/table		1	x	\$ \$161.00	=	\$ \$161.00
19	46" Stainless steel tub/table with grill top		1	x	\$ \$3,546.00	=	\$ \$3,546.00

THIS BID FORM CONTINUES ON THE NEXT PAGE.

20	Deck mounted mixing faucet with hose and spray head		1	x	\$ \$366.16	=	\$ \$366.16
21	3.5" Stainless steel drain assembly		1	x	\$ \$27.60	=	\$ \$27.60
Total Base Bid :							\$ \$29,976.12

Bids shall be submitted on this bid form in its entirety AND accompanied by descriptive literature on the products being bid. The City reserves the right to award this bid based on the City's best interest at the time of product order.

THIS BID FORM CONTINUES ON THE NEXT PAGE.

EXECUTION OF BID -

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

Upon signing this Bid, the bidder certifies that:

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

X 1.) NO KNOWN RELATIONSHIP EXISTS

2.) RELATIONSHIP EXISTS (Please explain): _____

7. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.
8. As A bidder on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.
 - a. Federal Executive Order (E.O.) 12549 “Debarment and Suspension” requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
 - b. Your signature below certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

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

*NAME OF FIRM: Shor-Line

Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name Schroer Mfg.

*BUSINESS ADDRESS: 511 Osage Avenue

*CITY: Kansas City

*STATE: KS

*ZIP: 66105

*PHONE: 913-281-1500

FAX: 913-281-5339

*E-MAIL: Dougn@Shor-Line.com

*BY: (PRINTED NAME) Douglas Nietfeld

*AUTHORIZED SIGNATURE: 

*TITLE: Sales Representative

DUNS NUMBER: _____

CAGE NUMBER: _____

*TAX ID NUMBER: 44-0510045

Acknowledge Addendums:

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

ALL BIDDERS SHALL COMPLETE THE "TECHNICAL SPECIFICATION" SECTION WITH BID.
FAILURE TO SUBMIT A RESPONSE ON THE PROVIDED "TECHNICAL SPECIFICATION" FORM
IN A COMPLETED FORMAT CAN RESULT IN BID REJECTION.

1. SUBMISSION OF BID & BID EVALUATION:

- a. Bids shall be reviewed following the stated deadline, as shown on the cover sheet of this document.
- b. Bidders shall submit bids based on documentation published by the Fayetteville Purchasing Division.
- c. Bids shall be enclosed in sealed envelopes or packages addressed to the City of Fayetteville, Purchasing Division, Room 306, 113 W. Mountain, Fayetteville, AR 72701. The name, address of the firm and Bid, RFP, or RFQ number shall be on the outside of the packaging as well as on any packages enclosed in shipping containers or boxes.
- d. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at 479.575.8220 to ensure correct receipt of bidding documents prior to opening time and date listed on the bid form.
- e. Bidders shall have experience in providing products and/or services of the same or similar nature.
- f. Bidder is advised that exceptions to any of the terms contained in this bid must be identified in its response to the bid. Failure to do so may lead the City to declare any such term non-negotiable. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.
- g. Local time is defined as the time in Fayetteville, Arkansas on the due date of the deadline. Bids shall be received before the time as shown by the atomic clock located in the Purchasing Division Office.
- h. Bids will be evaluated and awarded based on the best interest of the City of Fayetteville. The City reserves the right to award bids in their entirety, none, or by line item.

2. WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:

No oral interpretations will be made to any firms as to the meaning of specifications or any other contract documents. All questions pertaining to the terms and conditions or scope of work of this bid must be sent in writing via e-mail to the Purchasing Agent. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the bid. All such addenda shall become part of the contract documents. The City will not be responsible for any other explanation or interpretation of the proposed bid made or given prior to the award of the contract.

3. DESCRIPTION OF SUPPLIES AND SERVICES:

Any reference to a particular brand or manufacturer is done in an effort to establish an acceptable level of quality for this project. Brands or manufacturers that are included in bid that are of at least equal quality, size, design, and specification as to what has been specified, will be acceptable for consideration only if approved by the City of Fayetteville Purchasing Division. The City of Fayetteville reserves the right to accept or reject any requested equal.

4. RIGHTS OF CITY OF FAYETTEVILLE BID PROCESS:

In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the following:

- a. The City of Fayetteville reserves the right to select the bid that it believes will serve the best interest of the City.
- b. The City of Fayetteville reserves the right to accept or reject any or all bids.
- c. The City of Fayetteville reserves the right to cancel the entire bid.
- d. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the invitation to bid or in bids submitted.
- e. The City of Fayetteville reserves the right to request any necessary clarifications, additional information, or data without changing the terms of the bid.

5. COSTS INCURRED BY BIDDERS:

All expenses involved with the preparation and submission of bids to the City, or any work performed in connection therewith, shall be borne solely by the bidder(s). No payment will be made for any responses received, or for any other effort required of, or made by, the bidder(s) prior to contract commencement.

6. CONFLICT OF INTEREST:

- a. The bidder represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder, as provided in City of Fayetteville Code Section 34.26 titled "Authority of City Employee to Contract with the City".
- b. All bidders shall promptly notify Les McGaugh, City Purchasing Agent, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstance which may influence or appear to influence the bidder's judgment or quality of services being provided. Such written notification shall identify the prospective business association, interest or circumstance, the nature of which the bidder may undertake and request an opinion to the City as to whether the association, interest or circumstance would, in the opinion of the City, constitute a conflict of interest if entered into by the bidder. The City agrees to communicate with the bidder its opinion via e-mail or first-class mail within thirty days of receipt of notification.

7. WITHDRAWAL OF PROPOSAL:

A bid may be withdrawn prior to the time set for the bid submittal, based on a written request from an authorized representative of the firm; however, a bid shall not be withdrawn after the time set for the bid unless approved by the Purchasing Division.

8. LATE PROPOSAL OR MODIFICATIONS:

Bid modifications received after the time set for the bid submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected bids. Bidders should call the Purchasing Division at (479) 575-8220 to insure receipt of their submittal documents prior to opening time and date listed.

9. LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

- a. The laws of the State of Arkansas apply to any purchase made under this bid. Bidders shall comply with all local, state, and federal directives, orders and laws as applicable to this proposal

and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Disadvantaged Business Enterprises (DBE), & OSHA as applicable to this contract.

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

10. PROVISION FOR OTHER AGENCIES:

Unless otherwise stipulated by the bidder, the bidder agrees to make available to all Government agencies, departments, municipalities, and counties, the proposal prices submitted in accordance with said proposal terms and conditions therein, should any said governmental entity desire to buy under this proposal. Eligible Users shall mean all state of Arkansas agencies, the legislative and judicial branches, political subdivisions (counties, local district school boards, community colleges, municipalities, counties, or other public agencies or authorities), which may desire to purchase under the terms and conditions of the contract.

11. COLLUSION:

The Proposer, by affixing his or her signature to this proposal, agrees to the following: "bidder certifies that his or her bid is made without previous understanding, agreement, or connection with any person, firm or corporation making a proposal for the same item(s) and/or services and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action."

12. RIGHT TO AUDIT, FOIA, AND JURISDICITON:

- a. The City of Fayetteville reserves the privilege of auditing a vendor's records as such records relate to purchases between the City and said vendor.
- b. Freedom of Information Act: City contracts and documents prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the (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 AND INVOICING:

The bidder must specify in their bid the exact company name and address which must be the same as invoices submitted for payment as a result of award of this bid. Further, the successful bidder is responsible for immediately notifying the Purchasing Division of any company name change, which would cause invoicing to change from the name used at the time of the original bid. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest, fees, or penalty for untimely payments. Payments can be processed through bidder's acceptance of Visa at no additional costs to the City for expedited payment processing. The City will not agree to any nonrefundable deposit or retainer that would remain property of the bidder even if the hourly work actually performed by the bidder would not justify such fee.

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. OTHER GENERAL CONDITIONS:

- a. Bidder is presumed to be familiar with all federal, state, and city laws, ordinances, and regulations which in any manner affect those engaged or employed in the Work, or the materials or equipment used, or that in any way affect the Work and shall in all respects comply with said laws, ordinances, and regulations. No claim of misunderstanding or ignorance on the part of Bidder or Proposer will in any way serve to modify the provisions of the contract. No representations shall be binding unless embodied in the contract.
- b. Prices shall include all labor, materials, overhead, profit, insurance, shipping, freight, etc., to cover the products and services presented. *Sales tax shall not be included in the bid price.* Applicable Arkansas sales tax laws will apply when necessary but will not be considered in award of this project.
- c. Each bidder should state the anticipated number of days from the date of receipt of an order for delivery of services to the City of Fayetteville.
- d. Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
- e. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
- f. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the bidder's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.
- g. If products, components, or services other than those described in this bid document are proposed, the bidder must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.
- h. NOTE: Any uncertainties shall be brought to the attention to Les McGaugh immediately via telephone (479.575.8220) or e-mail (lmcgaugh@fayetteville-ar.gov). It is the intent and goal of the City of Fayetteville Purchasing Division to provide documents providing a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all bidders to be on equal bidding terms.
- i. Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Les McGaugh, City of Fayetteville, Purchasing Agent via e-mail (lmcgaugh@fayetteville-ar.gov) or telephone (479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.
- j. Any information provided herein is intended to assist the bidder in the preparation of proposals necessary to properly respond to this bid. The bid is designed to provide qualified Proposers with

sufficient basic information to submit proposals meeting minimum specifications and/or test requirements, but is not intended to limit a bid's content or to exclude any relevant or essential data.

- k. Bidders irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be prevailed by Arkansas law. Proposer hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.
 - l. The successful bidder shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful bidder assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that is agreed that the right of the assignee in and to any monies due or to become due to the successful bidder shall be subject to prior liens of all persons, firms, and corporations for services rendered or materials supplied for the performance of the services called for in this contract.
 - m. The successful bidder's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful bidder shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in these Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to City of Fayetteville.
26. INVOICING: All invoices shall be presented to the City with the minimum information listed below.
- a. City Department that ordered the materials or services
 - b. Order Date
 - c. Delivery date or the date of services
 - d. Name of the City Employee that requested or picked up the goods, materials, or service
 - e. Bid Number that applies to the purchase and invoices. Amounts in the bid shall match invoicing.
27. ATTACHMENTS TO BID DOCUMENTS: N/A

City of Fayetteville
Bid 17-38, Cat Adoption and Recovery Equipment
Technical Specification

1. GENERAL:

- 1.1 All unit(s) bid shall meet or exceed the minimum requirements or they will be deemed incomplete and will not be considered for bid award.
- 1.2 All specifications written are to minimums unless otherwise noted.
- 1.3 The City intends to order the estimated quantity presented in the bid form in a single order.
- 1.4 Pricing bid shall be inclusive of all items, shipping, and warranty. Bid pricing shall NOT include sales tax. Applicable taxes will apply upon invoicing but will not be considered for bid evaluation.

2. DESIGN SPECIFICATIONS:

2.1 Cat condos

Qty. of 9 - 30"x30" Laminate cat condo with resting shelf, grill door and clear back

Qty. of 6 - 12"x30" Laminate litter areas

Qty. of 4 - 24"x30" Laminate cat condo with resting shelf & grill door

Qty. of 4 - Laminate cat condo corner unit with grill door, 2 living areas per unit

Qty. of 4 - Corner unit storage areas

Qty. of 4 - Corner unit mobile bases with toe kick

Qty. of 2 - 24" Mobile bases with toe kick

Qty. of 2 - 24"x30" storage areas

Qty. of 1 - 24" Mobile base with toe kick

Qty. of 1 - 42" Mobile base with toe kick

Qty. of 1 - 72" Mobile base with toe kick

2.2 Animal Recovery Room Equipment

Qty. of 2 - 36"x24" Stainless steel kennels

Qty. of 1 - 36"x30" Stainless steel kennel

Qty. of 1 - 36" Mobile kennel base, 4" tall

Qty. of 1 - 24"x24" Mobile kennel base, 4" tall

Qty. of 1 - 36"x24" Oxygen door

Qty. of 1 - 60" wide puppy kennel with mobile base

Qty. of 1 - 46" Stainless steel exam top for Tub/table

Qty. of 1 - 46" Stainless steel tub/table with grill top

Qty. of 1 - Deck mounted mixing faucet with hose and spray head

Qty. of 1 - 3.5" Stainless steel drain assembly



**CITY OF
FAYETTEVILLE
ARKANSAS**

Bid: 17-38
DATE: 05.02.2017
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 17-38, Equipment Bid

****Official Bid Tabulation****

		Shor-Line		
		Manufacturer		
Item	Description	Estimated Qty.	Unit Price	Extended Price
1	30" x 30" Laminate cat condo with resting shelf, grill door and clear back	9	\$ 556.60	\$ 5,009.40
2	12" x 30" laminate litter areas	16	\$ 368.00	\$ 2,208.00
3	24" x 30" laminate litter areas	4	\$ 478.80	\$ 1,915.20
4	Laminate Cat Condo Corner Unit with Grill Door, 2 Living Areas per Unit	4	\$ 1,081.00	\$ 4,324.00
5	Corner unit storage areas	4	\$ 517.04	\$ 2,068.16
6	Corner unit mobile bases with toe kick	4	\$ 276.00	\$ 1,104.00
7	24" Mobile bases with toe kick	2	\$ 207.40	\$ 404.80
8	24" x 30" storage areas	2	\$ 409.40	\$ 818.80
9	24" Mobile base with toe kick	1	\$ 202.40	\$ 202.40
10	42" Mobile base with toe kick	1	\$ 230.00	\$ 230.00
11	72" Mobile base with toe kick	1	\$ 276.00	\$ 276.00
12	36" x 24" Stainless steel kennels	2	\$ 502.32	\$ 1,004.64
13	36" x 30" Stainless steel kennel	1	\$ 509.68	\$ 509.68
14	36" Mobile kennel base, 4" tall	1	\$ 230.00	\$ 230.00
15	24" x 24" Mobile kennel base, 4" tall	1	\$ 198.72	\$ 198.72
16	36" x 24" Oxygen door	1	\$ 540.96	\$ 540.96
17	60" wide puppy kennel with mobile base	1	\$ 5,237.00	\$ 5,237.00
18	46" Stainless steel exam top for tub/table	1	\$ 161.00	\$ 161.00
19	46" Stainless steel tub/table with grill top	1	\$ 3,546.00	\$ 3,546.00
20	Deck mounted mixing faucet with hose and spray head	1	\$ 366.16	\$ 366.16
21	3.5" Stainless steel drain assembly	1	\$ 27.60	\$ 27.60
Total Base Bid			\$	30,382.52

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

CERTIFIED:

Andrea Rennie
A. Rennie, Purchasing Manager

Witness

05/08/2017
Date



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0265

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 10

TSA LA GI TRAIL OF TEARS MURAL:

A RESOLUTION TO APPROVE A CONTRACT FOR THE COMMISSION OF PUBLIC ART WITH STACY BATES IN THE AMOUNT OF \$5,000.00 FOR A TRAIL OF TEARS MURAL ON THE TSA LA GI TRAIL, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a Contract for the Commission of Public Art with Stacy Bates in the amount of \$5,000.00 for a Trail of Tears mural on the east-facing wall of a railroad tunnel located on the Tsa La Gi Trail.

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

City of Fayetteville Staff Review Form

2017-0265

Legistar File ID

6/6/2017

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

Dede Peters

5/12/2017

Communications & Marketing /
Communications & Marketing Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approve a contract in the amount of \$5,000 with artist, Stacy Bates, to provide professional services for painting a Trail of Tears mural on east-facing wing wall of the railroad tunnel located on the Tsa La Gi Trail and to approve a Budget Adjustment.

Budget Impact:

1010.090.6600-5315.00

Account Number

Fund

31701.1

Project Number

Project Title

Budgeted Item? No

Current Budget

Funds Obligated

Current Balance

\$ -

Does item have a cost? Yes

Item Cost

\$ 5,000.00

Budget Adjustment Attached? Yes

Budget Adjustment

\$ 5,000.00

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF JUNE 6, 2017

TO: Mayor and City Council

THRU: Paul Becker, Chief Financial Officer
Susan Norton, Communications Director
Byron Humphry, Parks Maintenance Superintendent

FROM: Dede Peters

DATE: April 20, 2017

SUBJECT: Trail of Tears Mural on the Tsa La Gi Trail

RECOMMENDATION:

Approve a contract in the amount of \$5,000 with artist, Stacy Bates, to provide professional services for painting a Trail of Tears mural on east-facing wing wall of the railroad tunnel located on the Tsa La Gi Trail and to approve a Budget Adjustment.

BACKGROUND:

Funding public art meets the purposes of both the Fayetteville Arts Council and the economic development strategic plan, Fayetteville First, approved by City Council in 2016.

Fayetteville Arts Council – The purpose of the Arts Council shall be to promote and to encourage the appreciation and enhancement of the arts and culture resources of Fayetteville. The continued vitality of the arts in the City of Fayetteville is a vital part of the future of the City as well as of its citizens. The arts are an important part of the cultural and economic life of the entire community of Fayetteville and enrich the participants in the arts as well as those who observe them. Several organizations that exist in Fayetteville are active in the arts and provide leadership to the community on arts related matters. The creation of the Fayetteville Arts Council will assist those organizations and individuals. The Arts Council shall be advisory only and provide recommendations to City staff and the City Council.

Fayetteville First – The nonprofit arts and culture sector is a significant “industry” in the Northwest Arkansas area, generating over \$45 million in total economic activity....The support and further enhancement of the Fayetteville arts and cultural environment is critical.

- o *Fayetteville First Strategic Priorities [one of four]: Continue to support existing programs that enhance arts and culture locally.*
 - *Action Item: Pursue grant funding to support programs for the arts*
 - *Action Item: Encourage public art installations*

DISCUSSION:

The City of Fayetteville issued a Request for Proposals (RFP) in February 2017 for a mural with a theme addressing the journey of the Cherokee people along the Trail of Tears. The Fayetteville Arts Council reviewed more than 45 proposals submitted from across the country and selected Stacy Bates' proposal (attached) on March 22, 2017.

In 2014, the City opened a multi-use path (trail) section south of and parallel to Martin Luther King Jr. Boulevard (MLK). The trail is named the Tsa La Gi Trail in remembrance of the Cherokee passage. "Tsa La Gi" translates as "Cherokee" in the Cherokee language. A portion of the trail runs through a tunnel underneath the Arkansas Missouri Railroad rail line. City staff has identified the exterior wing walls on the east side of the tunnel as an ideal place for a mural that will serve as an aesthetic educational tool for the public about the Trail of Tears through Fayetteville. Approximately 94,000 trips are made annually on this section of trail according to a 2015 trail count.

The United States government's forced relocation of Native Americans is called the Trail of Tears because of the journey's devastating effects. Fayetteville, Arkansas was a stop on the journey. In January of 1839, the Benge detachment of Cherokee camped along a creek and up the hill from what is currently the intersection of Arkansas Highway 16/Martin Luther King Jr. Boulevard and Stadium Drive. On the north side of MLK – a historical marker was placed in 1998 and in 2002 noted artist Pat Musick placed one of her 22 sculpture installations titled "Stone Songs on the Trail of Tears" in the same area. The Musick installation is part of the University of Arkansas's public art collection.

BUDGET/STAFF IMPACT:

Parks and Recreation Department has accepted the following responsibilities and will use money from their operations fund:

- Power wash the mural walls prior to paint application
- Application of an overcoat to protect the mural
- Removal of graffiti or similar damage for a minimum of five years

Attachments:

Budget Adjustment

Purchase Order

Contract (with Artist's Proposal and RFP Terms & Conditions)



CONTRACT FOR THE COMMISSION OF PUBLIC ART

THIS AGREEMENT, dated as of the 21st day of March, 2017, is made by and between the City of Fayetteville, an Arkansas municipal corporation (the "City"), and Stacy Bates the "Artist").

WHEREAS, the City has allocated funds for the acquisition of artwork (the "Work") to be installed on the east-facing exterior wing walls of railroad tunnel along the Tsa La Gi Trail, Fayetteville, Arkansas; and

WHEREAS, a request for proposal was issued by the City on February 10, 2017 and the City selected the proposal submitted by Stacy Bates.

NOW THEREFORE, the parties mutually agree as follows:

1. **Description of the Artwork.** The parties hereby incorporate Artist's proposal, attached hereto as Exhibit A, with specific reference to the Project Narrative, Site Rendering, Technical and Description of Materials/Medium
2. **Permanent Location.** The east-facing exterior wing walls of railroad tunnel along the Tsa La Gi Trail, Fayetteville, Arkansas.
3. **Changes in Design.** The Artist shall create the Work in accordance with the proposed and approved design, attached hereto as Exhibit A. Recognizing that the change in scale from sketch to full scale may require adjustments, the Artist has the right to make minor changes in the Work that are structurally and aesthetically necessary. Any change in scope, design, or material that significantly alters the original and approved concept and design of the Work or affects installation, scheduling, site preparation, location or maintenance for the Work shall require the prior review and written approval of the City. Approval of the design shall be in writing addressed to Artist.
4. **Site Preparations.** The City shall power wash the wall surfaces. The Artist shall be responsible for the delivery and transportation of the Work to the site, and for all expenses, labor and equipment to prepare the Site for the timely installation of the Work. Artist shall be responsible for ensuring that the site is sufficient to support the Work prior to installation. Once installation has begun, the site shall be deemed approved by the Artist. The City shall also apply a protective clear coat on the mural after it is complete.
5. **Price.** As payment for the services of the Artist and for the completed Work, the City will pay the Artist a total of \$5,000 which shall constitute full compensation from the City to the Artist for all costs incurred in the design and creation of the Work, including, but not limited to fees, materials, labor of the Artist and the Artist's assistants and contractors, studio and operating costs applicable to this project, travel and lodging costs for the Artist to visit, research, and create at the Site, transportation of the materials to the Site, and any costs incurred by the Artist for installation of the Work at the Site.

6. **Installation and Time Schedule.** The Artist will coordinate all Site preparation, installation plans, and timetables with the City. The Artist shall complete installation of the Work no later than October 2, 2017 (the "Completion Date"). All arrangements for, and costs of insurance and transportation of the materials to the Site are the responsibility of the Artist.

In the event that, through the fault of the Artist (as determined by the City), the Work is not completed and installed by the Completion Date, the amount of 10% of the balance due shall be deducted every fourteen calendar days until the installation is completed. The Artist may request an extension of the Completion Date from the City. Requests for extensions must be in writing and be submitted within 10 days of Artist's knowledge of a delay, but no later than fourteen calendar days prior to the Completion Date. If the extension is granted, a new Completion Date shall be agreed upon in writing and such change shall not affect any other provisions of this Agreement.

7. **Official Acceptance.** Payment to the Artist may not occur until the City has accepted the Work. Such acceptance by the City may occur only after the Artist has complied with all of Artist's obligations hereunder. The City will examine the final installed Work and take official ownership by sending a letter of acceptance of the Work to the Artist.
8. **Inspection and Review.** The City reserves the right to inspect and review the Work upon reasonable notice at any time while materials for the Work are on the Artist's premises or in transit.
9. **Artist as Independent Contractor.** The Artist agrees to perform all work and services under this Agreement as an independent contractor and not as an agent or employee of the City. Any and all employees of the Artist engaged in the performance of any work or services required by the Artist under this Agreement shall be considered employees of the Artist only. The Artist shall furnish all supervision, labor, supplies, materials, insurance, and other incidentals needed to complete this Agreement.
10. **Public Notice.** The City shall prepare and install at the site a plaque identifying the Artist and title of the work.
11. **Warranties.** The Artist warrants that the Work is the original product of the Artist's own creative efforts. The Artist also warrants that the Work is unique and that the Work or a duplicate thereof has not been accepted for sale elsewhere, unless, as stipulated to the City at the time this Agreement is signed, the Work is known by the City as one of a limited edition.

The Artist warrants that the execution and fabrication of the Work will be performed in a professional manner and that the Work, as fabricated and installed, will be free of defects in material and workmanship, including any defects consisting of "inherent vice" or qualities which cause or accelerate deterioration of the Work. The Artist shall guarantee and maintain the Work from faults of material and workmanship for a period of one year after the acceptance date.

The Artist warrants that reasonable maintenance of the Work will not require procedures substantially in excess of those described in the maintenance instructions submitted in the proposal for the Work previously approved.

12. **Assignment of Work.** The Work and services required of the Artist under this Agreement are personal and shall not be assigned, sublet, or transferred. This shall not prohibit the Artist from employing or subcontracting qualified personnel who shall work directly under the Artist's supervision.
13. **Indemnity and Liability.** The Artist does release and agree to save and hold harmless the City, and its officers, officials, members, agents, and employees from any and all causes of action, suits in law of equity, or demands or claims, or from any liability of any nature arising out of the construction and creation of the Work and from any obligations made by the Artist or the Artist's agents and/or employees. All risks for damages, theft, vandalism, and Acts of God to the Work are the responsibility of the Artist during any and all operations, including creation, transit and storage by the Artist, which take place on other than the Site. In case of accident to, or destruction, or damage to the Work while the Work is being created, by or on behalf of the Artist, the Artist shall re-fabricate the Work under the same terms and conditions as set forth in this agreement. The Artist shall be responsible for all damage, claims, and liability arising from, growing out of damages caused by the Artist or the Artist's employees or claims that may occur as a result of the Artist's breach of warranties provided in Section 11.
14. **Compliance with Laws.** The Artist shall observe and comply with all applicable statutes, orders, ordinances and regulations of the City, the County of Washington, the State of Arkansas, the federal government and any other governmental authority having jurisdiction over the site or the Work.
15. **Copyright.** The Artist hereby transfers to the City every right available to the Artist in common law, under the Federal Copyright Act, or other applicable state or federal law, and all other rights in and to the work. The City shall have the right to reproduce photographically or mechanically the Work for marketing, publication, and sale without written agreement of the artist. All reproductions of the Work by the City shall contain a credit to the Artist. The City agrees that Artist may use photographs of the Work for purposes of advertising and promotion, or inclusion in publications about Artist or Artist's works. The Artist agrees to give credit in the following form: "Original owned by City of Fayetteville, Arkansas" in any public showing of any reproductions or photographs of the Work.
16. **Alteration of the Work.** The City agrees that it will not intentionally alter, modify, or change the Work without the prior written approval of the Artist. If any changes, alterations or modifications occur to the Work after it has been completed and installed, including any change in the interrelationship or relative locations of parts of the Work, the Work will no longer be represented as the Work of the Artist upon receipt of a written request to that effect from the Artist.
- Nothing in this section shall preclude any right of the City to: 1) remove the Work from public display or 2) destroy the Work. Artist hereby expressly waives all moral rights as defined by the Visual Artists Rights Act, 17 U.S.C. § 106A, to the Work.
17. **Relocation.** The Work shall be placed on the Site designated in Section 2 of this Agreement. Should the Site prove to be unacceptable or unavailable to the City after the signing of this Agreement, an alternative site may be chosen by the City.
18. **Termination.** In the event this Agreement is terminated by the City for any reason, the Artist

shall be entitled to a final payment or settlement in an amount equal to the percentage of the Work completed at the time the Agreement is terminated as determined by mutual agreement between the City and the Artist. The Artist shall deliver to the City the Work in whatever form it exists at the time of termination, which shall then become the property of City for use without restriction, except that it shall not be represented to be the completed Work of the Artist.

19. **Modifications of this Agreement.** No alterations, changes or modification of the terms of this Agreement shall be valid unless made in writing and signed by all parties hereto.
20. **Payment.** Payment shall be issued to the Artist within thirty days after official acceptance by the City. A completed IRS Form W-9 must be provided to the City prior to any payment being issued.
21. **No Waiver.** No failure to exercise and no delay in exercising, any right, power, or remedy hereunder on the part of the City or Artist shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power, or remedy preclude any other or further exercise thereof or the exercise of any other right, power, or remedy. No express waiver shall affect any event or default other than the event or default specified in such waiver, and any such waiver, to be effective, must be in writing and shall be operative only for the time and to the extent expressly provided by the City or Artist therein. A waiver of any covenant, term, or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition.
22. **Controlling Law.** This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas.
23. **Entire Agreement.** This Agreement, which includes the Artist's Proposal, attached as Exhibit A and the City's Request for Proposal Documents attached as Exhibit B, represents the entire agreement between City and Artist.

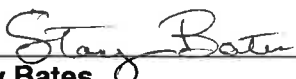
IN WITNESS WHEREOF, the undersigned hereunto set our hands and seals on the dates below:

STACY BATES, ARTIST

CITY OF FAYETTEVILLE

APPROVED:

APPROVED:

By: 
Stacy Bates

By: _____
Lioneld Jordan, Mayor

Date: 3-27-17

Date: _____

ATTEST:

By: _____
Sondra E. Smith, City Clerk/Treasurer

Exhibit A

STACY BATES

stacybeeart@yahoo.com

3406 South N Fort Smith, AR

479-883-2571

www.stacybeeart.com

“Holding On and Letting Go: The Struggles and Strength of the Tsa La Gi”

Project Narrative

“Holding on and Letting Go” is an artwork that is focused on the culture, traditions and strength of the Cherokee people. The image will include a Cherokee Indian's hands grasping onto an eagle feather wand. The feather wand, the feathers and the hands will be the focus of the work. Behind the feather wand, in the background, you will find an extremely detailed rivercane basket weaving pattern. The artwork will consist of five main colors and those include: white, black, a variety of browns, faded orange and faded yellow.

Throughout the artwork, there will be lots of story and symbols embedded. The feather wand is a very important part of Cherokee tradition. The golden eagle tail feathers used in making the feather wand are extremely revered and sacred to the Cherokee. In this case, it's used in coordination with sticks to create a wand that is used during many events, one specifically being the eagle dance. The eagle dance is one of the most important dances in Cherokee culture and is the welcoming of the eagle spirit along with the celebration of killing an eagle. I've selected the image of the Cherokee hands holding onto the feather wand because I feel it represents the Cherokee desperately holding onto their important traditions, as well as trying to hold onto their strength (the golden eagle feathers). The hands will also be placed near the ground which will also show the need to try to grasp tightly to their lands while being forced out.

The eagle feathers importance to the work is integral. There will be a total of seven feathers on the feather wand. Two of the feathers will be gone in the middle of the artwork where the tunnel is located. The missing feathers will represent those Cherokee that passed on during the journey on the Trail of Tears. There will be a remaining two and a half feathers on each side. Four of those feathers will be whole. The numbers of feathers are very significant to the Cherokee. The Cherokee place seven feathers on their wand because seven is one of the Cherokee people's favorite numbers. They use this number quite a bit throughout their traditions. After all, they have seven clans, seven councilors, they made a sacrifice on the seventh day, would make a sacrifice every seventh year and they believe there are seven different directions. There will be four whole feathers painted

on the mural because the number four is the Cherokee's second favorite number. It represents wholesomeness and the four directions north, south, east and west.

In the background, there will be a detailed pattern, using inspiration from the Cherokee rivercane baskets. The Cherokee used these baskets for gathering, storing, transporting and food preparation. The women were said to create these baskets with no preparation of pattern. Using their creativity, they wove them so tightly that some baskets could hold water. The strength of these baskets and their beautiful pattern of weaving really represents the strength of the Cherokee during this terrible time while walking the Trail of Tears along with showing the beauty of their culture. The colors that will be used to create this artwork will be directly inspired by the natural dyed colors of the rivercane baskets.

Artist Statement

My love of line and patterning is always present when using pen and ink or paint when creating my work. Most of my art depicts vintage and surreal imagery that is created with hatching and cross-hatching, which often resembles that of a woodcut print. The detailed, and old-fashioned style of my art really brings a historical feel to each piece of work. Combine that with the deep symbolism and back story that I love to include in each artwork, and it not only makes for a great visual, but an image that can be interpreted in many ways and leave you wanting to know more.

Resume

STACY BATES

stacybeeart@yahoo.com
3406 South N Fort Smith, AR
479-883-2571
www.stacybeeart.com

EDUCATION

2007 *BA in Art, University of the Ozarks, Clarksville, AR*

2005 *AA in Art, Carl Albert State College, Poteau, OK*

AWARDS

2007 *Most Outstanding Artist , University of the Ozarks*

2005 *Vincent Van Gogh Student Art Award, Carl Albert State College*

EXHIBITIONS

Spring 2007 Group Exhibition, The Stephens Gallery, University of the Ozarks, Clarksville, AR

Fall 2007 Group Exhibition, Center for Art and Education, Van Buren, AR

Fall 2013 Group Exhibition, Center for Art and Education, Van Buren, AR

Fall 2015 Group Exhibition, Cre8tive Arts Network, Barling, AR

Summer-Fall 2016 Juried Group Exhibition, RAM Invitational, Fort Smith, AR

Summer 2016 Juried Group Exhibition, MCA DAY, Brooklyn, NY

Fall 2016 Juried Group Exhibition, Artists of Northwest Arkansas, Fayetteville, AR

MURALS

Fall 2015 Noah's Ark, Greenwood, AR

Fall 2016 Day of the Dead Contest, Tulsa, OK

Fall 2016 Golgotha, Greenwood, AR

Winter 2017 Now The Monkey's On Your Back, Bentonville, AR

PRINT MEDIA

Caddel, Jinxi. Echanted: Fairytales, Folktales and Fables Artistically Explored. Out of Step Publishing, 2015. Print. Pages 198-199

Caddel, Jinxi. Echanted: Black and White: Volume 3. Out of Step Publishing, 2016. Print.

Caddel, Jinxi. Echanted: Slithers and Scales of Inspiration. Out of Step Publishing, 2016. Print.

ART FESTIVALS

Fall 2016 Juried Group Show, Art on the Creeks, Rogers, AR

TEACHING EXPERIENCE

2008-2014 Art, Darby Junior High, Fort Smith, AR

2014-Present Art, Woods and Beard Elementary, Fort Smith, AR

2016 "Day of the Dead Mural" Tulsa, Oklahoma 4' x 16' 30 Hours – 3 Day Competition



2016-2017 "Now the Monkey's on Your Back" Bentonville, Arkansas 8' x 7', 35 Hours



Site Rendering



Technical Description of Materials/Medium

This artwork is a rough sketch of the final design. I'd like to make sure both sides are very symmetrical and the color palette consists of the main 5 colors. The final artwork will be blended much more thoroughly but the main design you see here will remain.

Materials needed for this mural will include:

- 2 Gallons - Masonry Primer
- Gallon – White Exterior Paint
- Gallon – Black Exterior Paint
- Gallon – Brown Exterior Paint
- Quart – Yellow Exterior Paint
- Quart – Orange Exterior Paint
- Big Paint Roller
- Small Paint Brushes
- Scissor Lift
- Protective Clear Coat to seal work upon completion
- Drop Cloths

Suggested Maintenance

Yearly Budget for Cleaning and Repair: \$100

I suggest sealing mural with an anti-graffiti non-yellowing sealant that will help with cleaning and aging of artwork. One of the best varnishes is called Soluvar. If someone graffiti's over it, you can use mineral spirits to remove the top later without damaging the mural too bad. The varnish has to be reapplied when the graffiti is removed.

Yearly maintenance shouldn't require too much as long as the mural hasn't been vandalized. The mural could handle a simple wash with soap and water or a light power wash.

If the mural has been painted over or marked on with a marker, it will need to be removed within the week for best results.

If for any reason the mural is to be defaced to the point of needing to repaint, I can most certainly repaint areas if needed.

Budget - \$4,926.33

Artist Fee	335 sq ft. x \$9 = \$3015
Materials	Total: \$411.33
2 Gallons Primer	\$57.29 x 2 = \$114.58
1 Gallon Brown	\$65.99
1 Gallon Black	\$65.99
1 Gallon White	\$65.99
1 Quart Orange	\$24.39
1 Quart Yellow	\$24.39
Paint Roller and Tray	\$20.00
Brushes	\$20.00
Drop Cloths	\$10.00
	Quotes are based on exterior Acrylic Latex Resilience Paint and supplies from Sherwin Williams
Travel	\$800 from Fort Smith to Fayetteville for 20 Days
Scaffolding Equipment	\$700 Monthly Rate

Project Timeline : June 12th – July 7th

Exhibit B

ART IN PUBLIC PLACES: TRAIL OF TEARS MURAL AT THE TSA LA GI TRAIL TUNNEL REQUEST FOR PROPOSAL

Terms and Conditions

REQUEST FOR PROPOSAL (RFP): Trail of Tears Mural
DEADLINE: March 20, 2017 (5 p.m. Central Standard Time)
BY EMAIL: communications@fayetteville-ar.gov

This RFP is intended to solicit artists, designers, and craft persons for a public art mural. Project information can be found here: www.fayetteville-ar.gov/TrailOfTearsMural. PROPOSERS ARE STRONGLY ENCOURAGED TO REVIEW THE CONTRACT [HERE](#).

No late proposals will be accepted. RFPs shall be submitted as a PDF document via email titled "Trail of Tears Mural Proposal."

RFPs shall be submitted in accordance with the attached City of Fayetteville specifications and RFP 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.

The undersigned hereby offers to furnish and deliver the articles or services as specified, at the prices and terms stated herein.

Name of Artist(s): Stacy Bates
Contact Person: Stacy Bates Title: Artist
E-Mail: stacybeeart@yahoo.com Phone: 479-883-2511
Business Address: 3406 S. N
City: Fort Smith State: AR Zip: 72903
Signature: Stacy Bates Date: 3-27-17

Budget:

\$5,000. This includes artist/design fees, materials, installation, etc.

Eligibility:

Any artist or team of artists with public art, mural or large-scale painting experience. Artists of Native American heritage are encouraged to apply. Artists may submit multiple applications.

Trail of Tears Mural Timeline:

RFP issued: February 16, 2017

RFP deadline: March 20, 2017 (5 p.m. Central Standard Time)

Notification to Artist: March 24, 2017

Artist Contract Completion: April 28, 2017

Project Completion: Artist must complete mural during a four-week period from May 8 through October 2, 2017

Background and Project Summary:

The City of Fayetteville received an appropriation from the State of Arkansas in 1999 “for improvements to Trail of Tears sites in Washington County, Arkansas.” The forced relocation route of the Cherokee is called the Trail of Tears because of the journey’s devastating effects. In January of 1839, a detachment of Cherokee camped along a creek and up the hill from what is currently the intersection of Highway 16/Martin Luther King Jr. Boulevard (MLK) and Stadium Drive. On the north side of Martin Luther King Jr. Boulevard – a historical marker was placed in 1998 and in 2002 noted artist Pat Musick placed one of her 22 sculpture installations titled “Stone Songs on the Trail of Tears” in the same area.

In 2014, the City opened a section of multi-use path (trail) section south of and parallel to MLK. The trail is named the Tsa La Gi Trail in remembrance of the Cherokee journey. “Tsa La Gi” translates as “Cherokee” in the Cherokee language. A portion of the trail runs through a tunnel underneath the Arkansas Missouri Railroad rail line. City staff has identified the exterior wing walls on the east side of the tunnel as an ideal place for a mural that will fulfill the requirements of the state appropriation while also acting as an aesthetic educational tool for the public. Approximately 94,000 individuals use this section of trail annually according to a 2015 trail count.

The City of Fayetteville and Fayetteville Arts Council seeks Request for Proposals (RFP) for a mural. The theme of the mural should address the journey of the Cherokee people along the Trail of Tears.

Site Location Details and Description:

The east-facing exterior wing walls of railroad tunnel along the Tsa La Gi Trail. The tunnel is located on the trail, adjacent to Martin Luther King, Jr. Boulevard between Stadium Drive and S. Royal Oaks Parkway. Total wall surface measures approximately 335 square feet.

City Responsibilities:

The City will power wash the concrete surface. The artist will need to apply a masonry primer prior to painting the mural. The City will also apply a protective clear coat on the mural after it is complete.

Selections Criteria - All proposals will be evaluated against the following:

- 25% Qualifications in Relation to Specific Project to be Performed:** Information reflecting qualifications and professionalism of the Proposer. Indicated experience and competence of the firm or individual(s) in connection with the type and complexity of the project required. Includes how each proposal is coherent and well presented.

- 20% Experience, Competence, and Capacity for Performance:** Information reflecting the names, titles, and qualifications (including experience and technical competence) of the major personnel assigned to this specific project.
- 35% Proposed Method of Doing Work:** A proposed work plan including a detailed scale drawing with artwork oriented for placement. This also includes aesthetics such as consideration of site structure and surface material, thematic use of site, exhibiting strong artistic concept, design, artisanship, innovative and creative exploration of Trail of Tears theme.
- Sustainability to the site is extremely important! Design evaluation will also include compatibility with uses of the site (which includes a high level of pedestrian and bicycle traffic) efficient use of space, durability of design, maintenance requirements.
- 10% Past Performance/Previous Work:** If previous evaluations with the City are not available, the firm's/individual's past performance records with a City and others will be used, including quality of work, timely performance, diligence, ability to meet past budgets, and any other pertinent information. Firm will provide a list of similar jobs performed and person whom we can contact for information.
- 10% Cost:** Complete cost charged for the project. Note: proposals that exceed budget are subject to rejection.
-

Materials to be Submitted:

Please submit the following materials via email to communications@fayetteville-ar.gov by the deadline. All written materials must be typed and submitted as a single PDF document.

The project proposal must contain the following:

- project narrative, including an artist statement (no more than 2 pages or 1,000 words)
- resume/curriculum vitae
- up to five examples of previously completed paintings or murals
- site rendering – scaled drawings, sketches, or other documents as necessary to present a meaningful representation of the concept – color, content, technique, and any other details should be conveyed
- technical description of materials/medium
- suggested five-year scheduled maintenance plan which includes suggest annual budget and information about cleaning and repair (City of Fayetteville staff will be responsible for anti-graffiti treatment and graffiti removal)
- preliminary itemized budget, such as – artist fee, materials, travel-related expenses, and any other associated costs such as installation equipment or sub-contractors
- project timeline - artist must complete mural during a 4-week time period from May 8 through October 2, 2017

Submission Information:

1. Proposals must be received at the email address listed below and are due by March 20, 2017 (5 p.m. Central Standard Time) to: communications@fayetteville-ar.gov
2. It is the responsibility of the Proposer to send the proposal by email **prior to the date and time of deadline**. No late proposals will be accepted. Proposals received after the scheduled proposal deadline will remain unopened and will not be considered.
3. The City will not be responsible for misdirected proposals. Proposer should call the Community Engagement Manager at 479.575.8302 or [email](#) via to insure receipt of their proposal documents prior to opening time and date listed above.
4. The City of Fayetteville reserves the right to reject any or all proposals, waive formalities, and make the award based on the best interest of the City.
5. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the Proposer's own risk and expense as a cost of doing business, and the City is not liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.
6. Any conditions or expectation on the part of the Proposer for performance by the City must be set forth in the proposal. The City is not obligated to consider the Proposer's post submittal terms and conditions.
7. Any inquiries or requests for explanation about the City's requirements should be made promptly to Dede Peters, City of Fayetteville's Community Engagement Manager via [email](#) or telephone 479.575.8302. 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 that have indicated an interest or intention to submit proposals, but the names of any firms submitting any questions, clarifications, or requests will not be disclosed until after the deadline for submitting proposals.
8. Any information provided herein is intended to assist the Proposer in the preparation of proposals necessary to properly respond to this RFP. The RFP is designed to provide qualified Proposers with sufficient basic information to submit proposals meeting minimum specifications and test requirements, but is not intended to limit a RFP's content or to exclude any relevant or essential data.
9. The RFP and any addenda issued may be obtained from at www.fayetteville-ar.gov/TrailOfTearsMural. Proposers are at liberty and are encouraged to expand upon the details, qualifications, and proposals to give additional evidence of their ability to perform and provide artwork as described in this RFP. All updates and changes to the RFP will be posted on the website and Proposers are encouraged to check for new information or updates. Each Proposer is required, before submitting a proposal, to be thoroughly familiar with the requirements and specifications listed in this RFP. Additional allowances will not be made due to Proposers lack of knowledge relating to the terms, conditions, and specifications contained within this RFP. It is the responsibility of the Proposer to determine if any component(s) of this specification do not meet the required standards of applicable federal, state, and municipal law or specifications.

10. The proposal must contain the signature of a duly authorized officer or agent of the Proposer's company empowered with the right to bind and negotiate on behalf of the Proposer for the amounts and terms proposed.

11. The Proposer is required to submit proposal as an Adobe PDF document.

12. It is intended that the all documents pertaining to this request for proposal shall define and describe the complete services to which they relate.

13. The Proposer is advised to examine all documents and current parameters of the services in becoming fully informed as to their conditions. This includes the conformity with specific standards and the character, quality, and quantity of the reports and services required. Failure to examine these areas will not relieve the successful Proposer of his obligation to furnish all deliverables and services necessary to carry out the provisions of the contract.

14. The City of Fayetteville will consider the degree to which each Proposer has submitted a complete proposal without irregularities, excisions, special conditions, or alternative proposals for any item unless specifically requested in the RFP.

15. The successful Proposer shall not assign the whole or any part of this Contract, any monies due, or to become due hereunder without written consent of City of Fayetteville. In case the successful Proposer 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 Proposer 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.

16. The successful Proposer'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 Proposer 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.

17. Proposer shall at all times observe and comply with all such existing and future laws, ordinances, and regulations, and shall protect and indemnify City of Fayetteville and its agents against the violation of any such law, ordinance, regulation, order or decree, whether by himself/herself or by his/her employees. Licenses of a temporary nature, necessary for the prosecution of the services shall be secured and paid for by the successful Proposer.

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

Proposer Information:

*ARTIST NAME: Stacy Bates (Stacy Bee Art)

*BUSINESS ADDRESS: 3406 South N

*CITY: FORT SMITH *STATE: AR *ZIP: 72903

*PHONE: (479) 883-2571

*E-MAIL ADDRESS: stacybeeart@yahoo.com

ITEM #: 1 DESCRIPTION: *Trail of Tears Mural* QUANTITY: 1 TOTAL PRICE: \$5,000
NOTE: TOTAL PRICE SHALL NOT EXCEED \$5,000

EXECUTION: Upon signing this Proposal, the Proposer certifies that he/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on. *Proposals must be submitted on this form in its entirety AND accompanied by descriptive literature on the products being proposed.* Unless otherwise noted and explained, Proposer agrees to items presented in this document. The Proposer can and will comply with all specifications and requirements for delivery, documentation and support as specified herein. Items marked * are mandatory for consideration.

Stacy Bates
*AUTHORIZED BY (PRINTED NAME)

Stacy Bates
*AUTHORIZED SIGNATURE

ARTIST
*TITLE

3-27-17
*DATE

Budget Year	Division	Adjustment Number
2017	COMMUNICATIONS/MARKETING /Org2 (055)	
	Requestor: Bonnie Bolinger	

Request funds in the amount of \$5,000 to enter into a contract with artist, Stacy Bates, to provide professional services for painting a Trail of Tears mural on east-facing wing wall of the railroad tunnel located on the Tsa La Gi Trail.

	COUNCIL DATE:	6/3/2017
	LEGISTAR FILE ID#:	2017-0265
	<i>Barbara Fell</i> 5/16/2017 3:31 PM	
	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: 2017-0237

Agenda Date: 6/6/2017

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Resolution

Agenda Number: B. 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

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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[®]

4.25.17

Postmark
Here



**PROCESS SUMMARY
RAZE & REMOVAL**

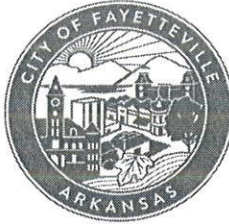
Property Address: 265 W Nonnamaker

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



SCHOOL AVE

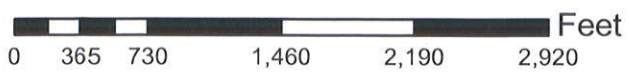
RESEARCH CENTER BLVD

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

[Handwritten Signature]

☐ Agent
☐ Addressee

B. Received by (Printed Name) *[Handwritten Name]* Co. Date of Delivery

[Handwritten 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

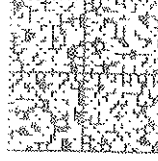
CR DIVISION

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

NLXLE

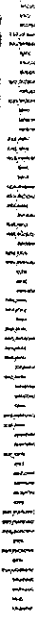
142 DE 1

0003/4/17

RETURN TO SENDER
NO SUCH STREET
UNABLE TO FORWARD

NSS
727015374536083

EC: 72701508399 *2755-02620-15-28



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☐ Return Receipt (electronic)

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☐ Adult Signature Required

\$

☐ 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

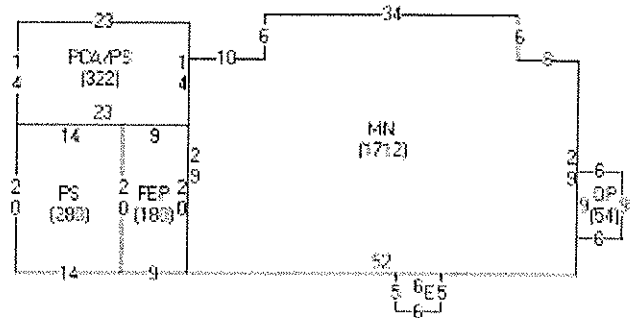
Style: N/A

Not a Legal Document.

Subject to terms and conditions.

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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

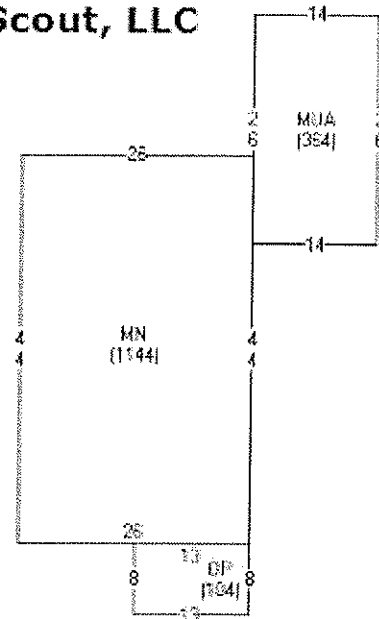
Basement: N/A

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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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

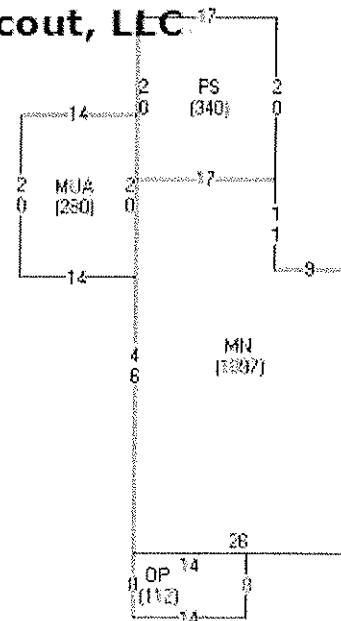
Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

DataScout, LLC



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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

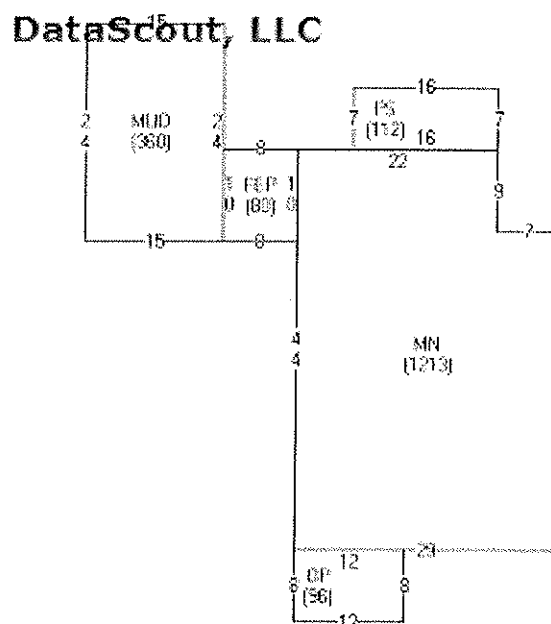
Year Remodeled: N/A

Style: N/A

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com



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

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

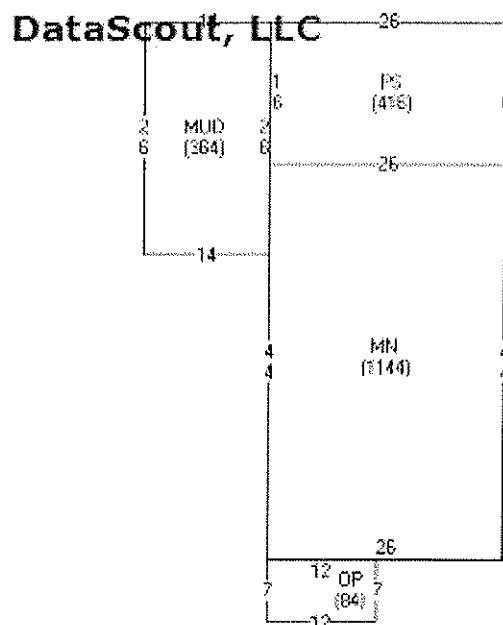
Heat / Cool: F/W/Furn

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

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

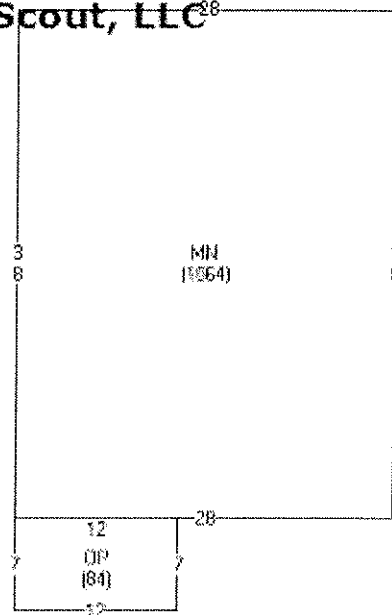
Basement: N/A

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

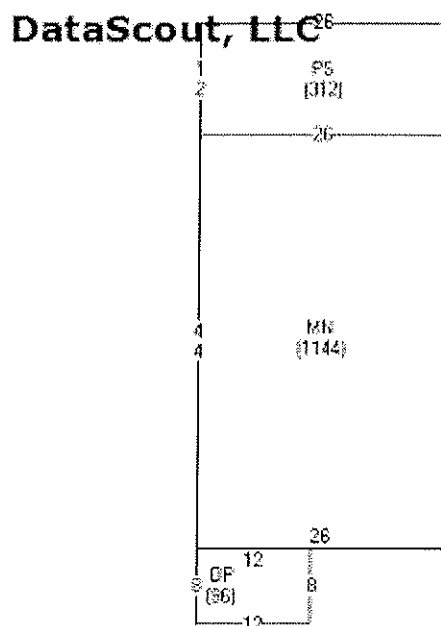
Heat / Cool: F/W/Furn

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A



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

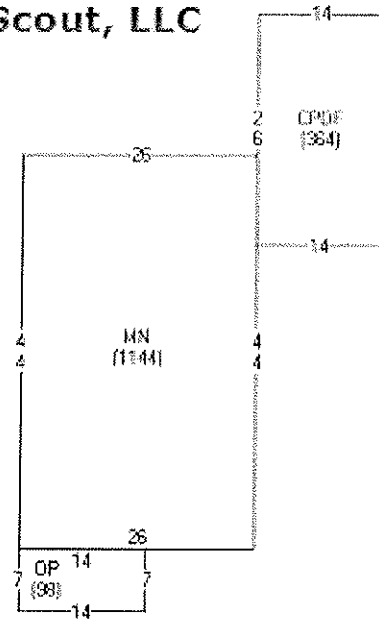
Style: N/A

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

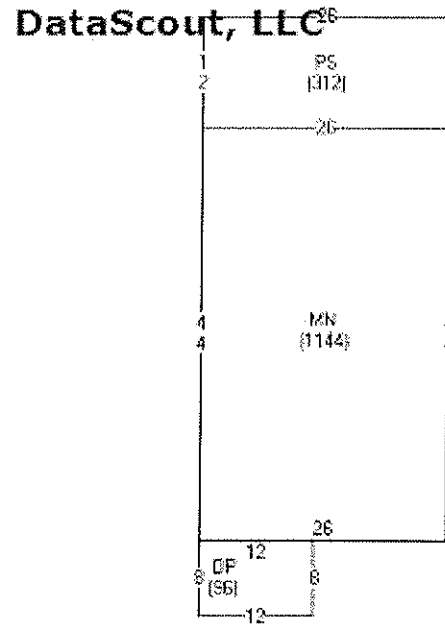
Parcel: 765-15010-000
 Prev. Parcel: 148086-000-00
 As of: 4/20/2017

Washington County Report

ID: 51730

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

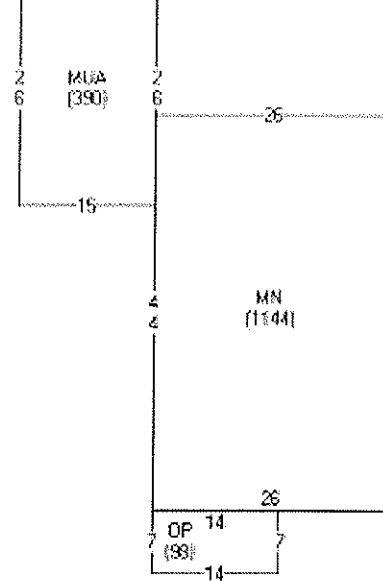
Basement: N/A

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: 2017-0269

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: D. 1

NWA CAPITAL INVESTMENTS, LLC:

A RESOLUTION TO SELL ABOUT 3 ACRES OF LAND IN THE COMMERCE DISTRICT TO NWA CAPITAL INVESTMENTS, LLC FOR \$45,000.00

WHEREAS, NWA Capital Investments, LLC has offered to purchase approximately 3 acres in the Commerce District and plans to build a 12,000-square foot facility to be used by PushPlastic.com, LLC for the manufacture of filament used in 3D printing; and

WHEREAS, the proposed project would lead to the hiring of workers with average wages above the state and national averages, meets the Fayetteville First target sector of Specialized Technologies, and is supported by the Fayetteville Chamber of Commerce; and

WHEREAS, the City is selling this 3 acre parcel at a discount of about \$5,000.00 per acre from its normal selling price but the contract with NWA Capital Investments, 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 3 acres to NWA Capital Investments, LLC for \$45,000.00, and authorizes Mayor Jordan to sign the Land Sale Agreement, Warranty Deed and any other documents necessary to convey this 3 acre parcel.

City of Fayetteville Staff Review Form

2017-0269

Legistar File ID

6/6/2017

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

Andrew Garner

5/16/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution to sell approximately 3 acres of land (part of parcel 765-16578-001) in the Fayetteville Commerce Park located east of 2435 S.Industrial Drive to Steve Booth, Owner/Operator of Push Plastic for \$55,000.

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:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 6, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Andrew Garner, City Planning Director

DATE: May 16, 2017

SUBJECT: Sale of 3 acres of land in the Commerce District to Steve Booth, Owner/Operator of Push Plastic

RECOMMENDATION:

City Staff recommends approval of a contract with Steve Booth, Owner/Operator of Push Plastic for the sale of approximately 3 acres of land owned by the City of Fayetteville east and south of 2435 Industrial Drive in the Fayetteville Commerce Park, for a purchase price of \$55,000 and \$3,500 of earnest money.

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 Steve Booth to purchase a portion of this property. Mr. Booth is the Owner/Operator of Push Plastic, a manufacturer of filament used in the 3D printing industry. Filament is the "ink" that is used in a specific type of 3D printers. Push Plastic has outgrown their existing 5,000 sq. ft. leased facility in Prairie Grove. The company's plans include the following:

- Construction of a 12,000 sq. ft. facility.
- Current employees:
 - o 4 full-time
 - o 2 part time
- Hiring the following employees with the proposed expansion:
 - o 2 salaried employees with a typical annual salary in the \$50,000 range
 - o Hiring hourly employees as business requires at \$15.00/hour

DISCUSSION:

The attached land sale agreement has been reached through negotiations between the City and Steve Booth, representing the entity purchasing the property. The proposal is to sell the property for approximately \$18,333.33 per acre, at a total price of \$55,000. 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:

\$55,000 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 NWA Capital Investments, LLC ("NWA Capital").

The City of Fayetteville agrees to sell a parcel of about 3 acres in the Fayetteville Commerce District to NWA Capital for FORTY-FIVE THOUSAND DOLLARS (\$45,000.00) and NWA Capital's performance of all of the terms, conditions and promises set forth in this Agreement.

NWA Capital agrees to pay to the City of Fayetteville FORTY-FIVE THOUSAND DOLLARS (\$45,000.00) for this 3-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 3 acres (hereinafter the "**Development Site**") located in the Fayetteville Commerce District by warranty deed to NWA Capital for the amount of FORTY-FIVE THOUSAND DOLLARS (\$45,000.00). This Development Site is shown on the map attached as Exhibit A and shall be more particularly described in a survey obtained by NWA Capital prior to closing.

The Development Site shall be located immediately to the east of a 35-foot utility easement in favor of Arkansas Western Gas Company, now known as Black Hills Energy. The City shall retain ownership of the land subject to the utility easement and shall grant NWA Capital an easement for access at one point along South Industrial Drive. Access across the utility easement shall be subject to approval by Black Hills Energy or its successor.

The Development Site shall include access easements in favor of the City of Fayetteville, its successors and assigns, the general public, and any future owners of the remaining property identified in the Washington County land records as Parcel Nos. 765-16578-001, 765-15312-001 and 765-16578-000. A 30-foot access easement shall extend from the northwest corner of the Development Parcel to the southwest corner and a 15-foot access easement shall extend from the northwest corner to the northeast corner as shown in Exhibit A.

2. *Purchase*

Subject to the terms and conditions, mutual promises and covenants of this Agreement, NWA Capital agrees to buy the Development Site for FORTY-FIVE THOUSAND DOLLARS (\$45,000.00) 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 THREE THOUSAND FIVE-HUNDRED DOLLARS (\$3,500.00) shall be paid by NWA Capital to the City of Fayetteville at the time this Agreement, signed by NWA Capital, 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 NWA Capital 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 FORTY-ONE THOUSAND FIVE HUNDRED DOLLARS (\$41,500.00) 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 NWA Capital 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 NWA Capital. 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 NWA Capital'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, NWA Capital 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 NWA Capital.

6. *Deed and Other Documents*

NWA Capital shall obtain a survey at least seven days prior to closing at its sole cost containing a legal description of the Development Site as well as the legal description of the access easements described in Section 1 of this agreement and 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. NWA Capital 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 NWA Capital 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. *NWA Capital's Due Diligence*

NWA Capital 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 NWA Capital discovers any problems that would adversely impact its development and use of the Development Site for its facility, NWA Capital 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 NWA Capital. Likewise, if the City does not remediate the problem, NWA Capital 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*

NWA Capital 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 NWA Capital 's intended use of the Development Site for its facility. The City shall reasonably cooperate with NWA Capital in NWA Capital's request for development approval of its facility. NWA Capital must present its development proposal through the normal City process and follow the Unified Development Code requirements. NWA Capital 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, NWA Capital 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.

NWA Capital agrees to construct a driveway to the City's specifications from South Industrial Drive to the northwest corner of the Development Site. Construction of the driveway (including approval by the City) shall be completed prior to the issuance of a final certificate of occupancy. Any further driveway extension shall be the responsibility of the City or future property owners or developers.

NWA Capital shall not block or otherwise prevent access through any access easements to the remaining property by the City or any future owner of property currently owned by the City.

10. *Compensation to City of Fayetteville if Development Site is Sold Within 10 Years*

NWA Capital 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 NWA Capital 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 NWA Capital, and that allocable to the improvements subsequently added by NWA Capital. NWA Capital shall pay 75% of the increase in appraised value of the raw land (with prorated sales cost deducted) to the City of Fayetteville. NWA Capital 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.

11. *Contingencies*

This contract is further contingent upon a satisfactory Phase 1 environmental audit.

12. *Notices*

Notices required by this Agreement shall be in writing and shall be delivered to:

NWA Capital Investments, LLC
ATTN: Steve Booth
605 Bain Street, Suite B
Springdale, AR 72764

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 NWA Capital at closing.

NWA CAPITAL INVESTMENTS, LLC

**CITY OF FAYETTEVILLE,
ARKANSAS**

Date: 5/23/17

Date: _____

By: 
STEVE BOOTH, Manager/Owner

By: _____
LIONELD JORDAN, Mayor

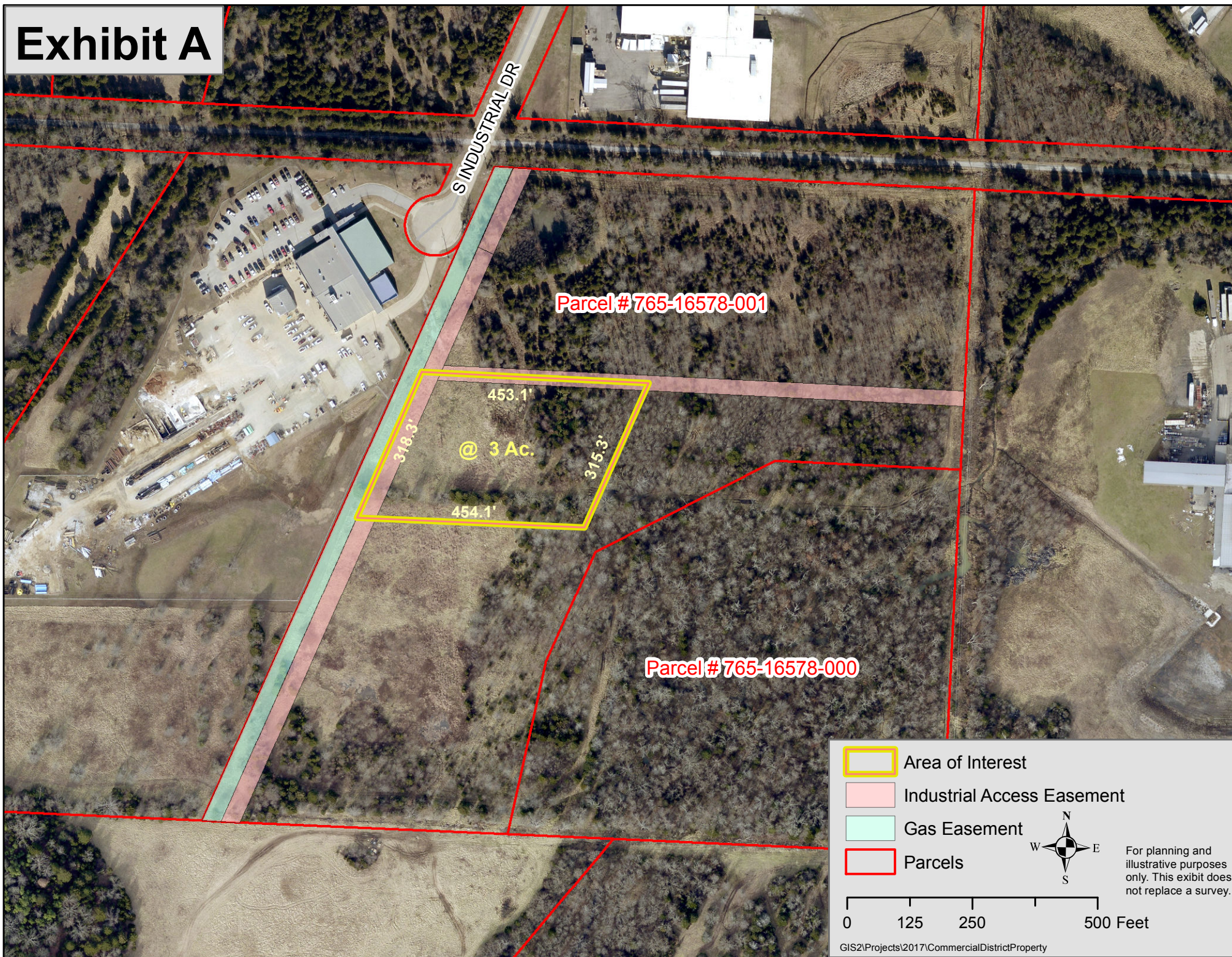
WITNESS:

ATTEST:

By: 

By: _____
Sondra E. Smith, City Clerk

Exhibit A





605 BAIN STREET, SUITE B
SPRINGDALE, AR 72764
PH 479-725-0842
EMAIL: INFO@PUSHPLASTIC.COM

MEMO TO: Fayetteville City Council

FROM: Steve Booth, Owner/Operator PushPlastic.com LLC

SUBJECT: LAND PARCEL 765-16578-001 3 Acre

DATE: 5/23/2017

PushPlastic.com is a manufacturer of filament used in the 3D printing industry. Filament is the “ink” that is used in FDM style 3D printers. We are also currently developing technology for filament free FDM printing, and robotic finishing of 3D printed parts.

PushPlastic was founded in 2013 after the sale of a successful injection molding company in Prairie Grove AR. Since inception we have experienced growth at or above the industry average of 30%-100%. We have outgrown our 5000 sqft leased facility, and wish to build a 12,000 sqft facility matched to our production requirements. The building will be owned by NWA Capital LLC, and leased to PushPlastic.com LLC. We have been in discussions with an Engineering firm capable of doing the “Large Scale Development Plan”, and will engage as soon as the land is procured. We expect to start construction as soon as the planning and permitting process will allow. The expected budget for this project is \$750,000.

Currently PushPlastic employees; 4 full time employees, and 2 part time employees. We are looking for 2 more salaried employees, and hiring hourly positions as business requires. The wage for typical salaried position is \$50,000+/yr, and \$15/hr for hourly. Full employment for the space planned will be approximately 20.

The filament manufacturing process is environmentally low impact, with almost no process water used, and little to no air emissions. The primary plastic used is made from renewable resources (corn), and can be recycled within the plant.

NWA Capital LLC will offer \$45,000 for the 3 acers shown in Exhibit “A”. \$3,500 is offered as earnest money, contingent on successful conclusion to the items below.

CONTINGENCIES

- Cost of road way to access to property over city owned land will not exceed \$50,000.
- Satisfactory Phase 1 environmental audit.
- Satisfactory land and geologic surveys confirming land is suitable for intended purpose without remediation.

CERTIFICATE OF SIGN POSTING



I, Andrew Harrison

*attest that the above sign was posted on May 12, 2017 adjacent to
Industrial Dr. & Pump Station Rd.*

(signature of person completing the sign posting)

City File No. 17-5801 ADM



CITY OF
FAYETTEVILLE
ARKANSAS

May 12, 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 PushPlastic, LLC. about 3.0 acres (a portion of parcel 765-16578-001) it owns on S. Industrial Dr. for \$55,000. 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 filament manufacturing facility.

This possible sale will be considered by the City Council during its 5:30 p.m. meeting held on June 6, 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 June 6, 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

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 12th day of May, 2017, and

addressed as follows:

Name: Matrix Investments, LLC
Street: 1197 Happy Hollow Rd.
City, State, Zip: Fayetteville, AR 72701

Name: Marshalltown Tools
Street: 2200 S. Industrial Dr.
City, State, Zip: Fayetteville, AR 72701

Name: HFNWA, LLC
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 Harison
(name of person completing the mailing)



(signature of person completing the mailing)

City File No. /Name: ADM 17-5801

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
Public Hearing

Was inserted in the Regular Edition on:

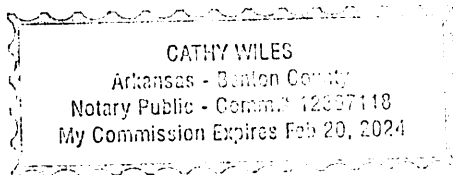
May 8, 2017

Publication Charges: \$ 54.60

Karen Caler
Karen Caler

Subscribed and sworn to before me
This 11 day of May, 2017.

Cathy Wiles
Notary Public
My Commission Expires: 2/20/2024



****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 June 6, 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 June 6, 2017 Fayetteville City Council meeting. 17-5801: SALE OF MUNICIPALLY OWNED REAL PROPERTY, 642): Submitted by CITY STAFF for property located EAST AND SOUTH OF 2435 INDUSTRIAL DRIVE. The Fayetteville City Council is considering the sale of about 3 acres it owns EAST AND SOUTH OF 2435 INDUSTRIAL DRIVE to Steve Booth, Owner/Operator of PushPlastic, LLC for \$55,000.00. The proposed use of the property is for a filament manufacturing facility. This possible sale will be considered by the City Council during its June 6, 2017 meeting at 113 W. Mountain Street, Room 219.
74125223 May 8, 2017

ADM 17-5801

Current Land Use

CITY OWNED PROPERTY SALE



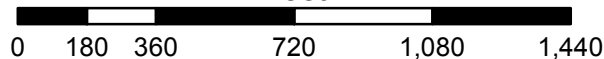
- Streams
- Street

Streets Planned

MSP Class

- MINOR ARTERIAL
- MINOR ARTERIAL
- Shared Use Paved Trail
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet



1 inch = 500 feet

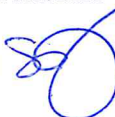
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



To: Mayor Lioneld Jordan
City of Fayetteville

CC: Don Marr, Chief of Staff
Devin Howland, Director of Economic Vitality

From: Steve Clark, CEO & President 

Date: May 23, 2017

Subject: Recommendation to approve the sale of 3 acres of city-owned land, Parcel # 765-16578-001 to Push Plastic

PushPlastic.com LLC is a 4 year old, Springdale-based manufacturing business owned by Steve Booth of Fayetteville. During this time, the business grew at a rate above the industry average and as a result, it outgrew its current 5,000 SF manufacturing and office space.

The need for expansion drove PushPlastic to look at properties in Washington County, namely Springdale and Fayetteville. The Fayetteville Chamber assisted PushPlastic in looking at a couple of city-owned properties in the Fayetteville Commerce District. PushPlastic decided to make an offer on a 3 acre portion of Parcel # 765-16578-001. The parcel originally has 24 acres and 5 acres of it is now conditionally sold to AR-Canna, LLC. The 3 acres PushPlastic is offering to buy is located south of AR-Canna's site. Attached is the letter of offer from PushPlastic and a map of the property.

PushPlastic plans to construct a 12,000 SF facility on this property to meet its production needs. It is in discussion with a local engineering firm and is ready to start the development upon City Council's approval of the sale. Construction will begin as soon as the planning and permitting process is approved. The project is budgeted at a cost of \$750,000.

PushPlastic currently has 6 employees (4 FT and 2 PT). This expansion project will initially create 2 new salaried positions and additional hourly positions as needed to meet production demand.

The company invests in automation and advanced technology equipment to manage consistency and the ability to control production remotely. Average salaries match the higher level of skill sets needed. Average wage for the salaried positions is good; it exceeds \$50,000 a year while hourly positions average \$15/hr. PushPlastic envisions the company to grow to about 20 employees when the new facility is at capacity.

We recommend that the City leadership supports this project by approving the sale of the land to PushPlastic.

This project:

- 1) Meets the City's and State's goal of creating new and good paying jobs for Fayetteville and Arkansas
- 2) Contributes to the economic base of Fayetteville and has the potential to grow. The owner is an engineer by training and has the expertise and passion to develop technology used in 21st century products. For example, PushPlastic is currently developing technology for filament free FDM printing, and robotic finishing of 3D printed parts
- 3) Helps Fayetteville in its efforts to brand itself as the StartUp City of the South.
- 4) Helps bring businesses with Fayetteville roots home.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0263

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: D. 2

VAR 17-5800: 1541 W. MLK BLVD. (PANERA BREAD):

A RESOLUTION TO AFFIRM THE PLANNING COMMISSION'S APPROVAL OF A VARIANCE OF THE PENALTY PROVISION OF **THE TREE PRESERVATION AND PROTECTION** CHAPTER OF THE UNIFIED DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD

WHEREAS, aerial imagery revealed that during the last five years one significant tree and one minor tree, totaling about 850 square feet (less than .02 of an acre) of canopy had been removed prior to development review; and

WHEREAS, this removal was likely done by the applicant's predecessor in title and would constitute barely 1% of the 1.8 acre site; and

WHEREAS, the Urban Forester and the Planning Commission properly determined that strict application of § 167.04(D)(1) which could require 30% of the 1.8 acre site be planted as canopy for the removal of 1% of the lot's previous canopy would be an injustice; and

WHEREAS, the City Council should affirm the Urban Forester's and the Planning Commission's support for this variance.

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 affirms the Planning Commission's approval of the variance to the **Tree Preservation and Protection** Chapter as recommended by the Urban Forester for the property located at 1541 West Martin Luther King, Jr. Boulevard.

City of Fayetteville Staff Review Form

2017-0263

Legistar File ID

6/6/2017

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

Lee Porter

5/10/2017

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a variance of Chapter 167.04(D)(1) to excuse the Applicant of being charged with the Prior Tree Removal Penalty.

Budget Impact:

N/A

N/A

Account Number

Fund

N/A

N/A

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 JUNE 6, 2017

TO: Mayor and City Council

THRU: Quin Thompson, Planner

FROM: Lee Porter, Urban Forester

MEETING DATE: June 6, 2017

SUBJECT: **VAR 17-5800: 1541 W. MLK Blvd. (Panera Bread, 521):** Submitted by John Davidson for property located at 1541 W. MLK Blvd. The property is zoned CS, COMMUNITY SERVICES, and contains approximately 1.80 acres. The request is for a variance of the Prior Tree Removal Penalty.

RECOMMENDATION:

Staff recommends approval of a variance of Chapter 167.04(D)(1) to excuse the Applicant of being charged with the Prior Tree Removal Penalty.

BACKGROUND:

The subject property is located south of West Martin Luther King Boulevard between Arbuckle Lane and Eastern Avenue, and contains approximately 1.8 acres.

Prior to development review one significant tree and one minor tree, consisting of approximately 850 square feet of canopy total, were removed on site.

The tree removal was detected during development review in March of 2017. Additionally, the original tree survey submitted to Urban Forestry was incomplete (See Attachment D); the two trees removed, along with other trees still existing on site were not shown. The incomplete survey made the prior tree removal amount seem larger than it was in reality.

Through a combination of aerial imagery, conversations with the demolition company and a proper tree survey, an updated Tree Preservation Plan (See Attachment E) has been submitted and reviewed.

DISCUSSION:

Request: The Applicant is requesting a variance from the Tree Preservation Plan as afforded in the Unified Development Code Chapter 156.03 (C)(6) (See Attachment A). In order to excuse the applicant from being charged with the Prior Tree Removal Penalty, the applicant is requesting a variance of the Unified Development Code Chapter 167.04 (D)(1) (See Attachment B).

Variance: A variance of Chapter 167.04(D)(1), Tree Preservation and Protection, to not charge the applicant with the Prior Tree Removal Penalty amount.

The Prior Tree Removal Penalty is intended to ensure the reforestation of properties that have had significant deforestation prior to development review. In this case, the trees removed do not fit the intention of the code, nor did the applicant conduct removal with intentions of circumnavigating the Tree Preservation and Protection Code.

According to the Prior Tree Removal Penalty code, if prior tree removal has occurred within five (5) years prior to development review, the Applicant is responsible for reforesting to the Minimum Canopy Requirements for the site (twenty percent (20%) for Community Services), plus an additional ten percent (10%) penalty. In this case, the total amount of penalty would necessitate the reforestation of thirty percent (30%) of the site (See Attachment F), equivalent to approximately eighty seven (87) trees.

Staff's opinion is that this project does not fit the intention of the code requiring a penalty for prior tree removal (167.04 (D)(1)). Staff believes removal of the trees in question requiring the potential planting of approximately eighty seven (87) trees, plus additional mitigation trees with normal development review, puts an unfair burden on the developer.

It should be noted that, the Applicant will still be required to mitigate for all canopy removed in association with the project, in accordance with Chapter 167.04(I).

RECOMMENDATION: Staff recommends in favor of the variance to excuse the applicant from the Prior Tree Removal Penalty, 167.04(D)(1).

Attachments:

- A) Chapter 156.03 (C)(6)
- B) Chapter 167.04(D)(1)
- C) Request Letter
- D) Original Tree Preservation Plan
- E) Updated Tree Preservation Plan
- F) Prior Tree Removal Penalty Explained

156.03 - Development, Parking And Loading

(C) Consideration by the Planning Commission.

- (6) *Tree Preservation Plan.* A developer may petition the Planning Commission for a variance from the requirements of Chapter 167, Tree Preservation and Protection, in those cases where their strict application would work an injustice as applied to the proposed development due to a situation unique to the subject real property; provided that such variance shall not have the effect of nullifying the intent and purpose of the chapter. The Planning Commission's approval of said variance must be affirmed by the City Council to become effective, and a denial of the requested variance may be appealed to the City Council.

167.04 - Tree Preservation And Protection During Development

(D) *Prior tree removal.*

- (1) If trees have been removed below the required minimum within the five (5) years preceding application for development approval, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional ten percent (10%) of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the Base Density for High Priority trees.
- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.



7230 S. Pleasant Ridge Dr / Fayetteville, AR 72704
PH: 479-442-9350 * FAX: 479-521-9350

April 17, 2017

Planning Commission
City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

RE: Prior Tree Removal Variance Request – LSIP 17-5740 / Panera Bread Co

Dear Commissioners,

Bates & Associates, Inc, on behalf of John Davidson, requests a variance from the requirement of full site mitigation due to Prior Tree Removal (Unified Development Code, Chapter 167.04 D) for the proposed Large Site Improvement Plan at 1541 W Martin Luther King Blvd.

Per the ordinance, if there has been prior tree removal within the past 5 years, the site must be brought up to the Minimum Canopy requirements for its zoning designation (Community Services – 20%), plus an additional 10% of the total area of the property.

During removal of the existing buildings and parking lot on this site to prepare for the new development in late Winter of 2016, one large-species tree, determined to be an Oak, with a canopy diameter of approximately 35' was removed from western area of the site. Another tree, which appears to be a clustered Maple with a canopy diameter of approximately 15', was removed from the eastern area of the site along the property's street frontage of S. Arbuckle Lane. Other small trees removed were not significant enough to necessitate mitigation had they been documented as part of the usual LSIP process.

After review by Urban Forestry, it was determined that in order to mitigate for the additional 10% of the site area, the Applicant would be required to plant 36 trees, in addition to the usual required interior landscaping and street frontage landscape as required as part of the LSIP.

The Landscape Plan prepared as part of the LSIP proposes extensive plantings, and a majority of the site will be canopied solely by the development requirements, even before the Prior Tree Removal mitigation. Due to the Applicant's requirements of the site's parking and building configuration, there is not enough room on-site to allow 36 additional trees to be planted without proposed tree canopies encroaching on one another, preventing the healthy growth of these trees over time.

After working with Urban Forestry, it has been proposed that application of the Prior Tree Removal mitigation requirements could be considered to be an excessive penalty for the removal of two trees that would have been removed as part of the LSIP. The Applicant understands the spirit of the ordinance, as well as the desire to retain as much canopy in the City as possible during development, and regrets that there was tree removal unsupervised by Urban Forestry.

The developer proposes that the Prior Removed Trees be included in the mitigation calculations, as if they were removed as part of the LSIP. Bates & Associates Engineering has also reconfigured the drainage areas to retain as much existing canopy as possible in the Southwest corner, in an effort to retain native canopy on-site. The Site will be extensively canopied after installation of the landscaping as required by the conditions of LSIP approval, and the Applicant will ensure that everything is done to protect the existing canopy during the development process.

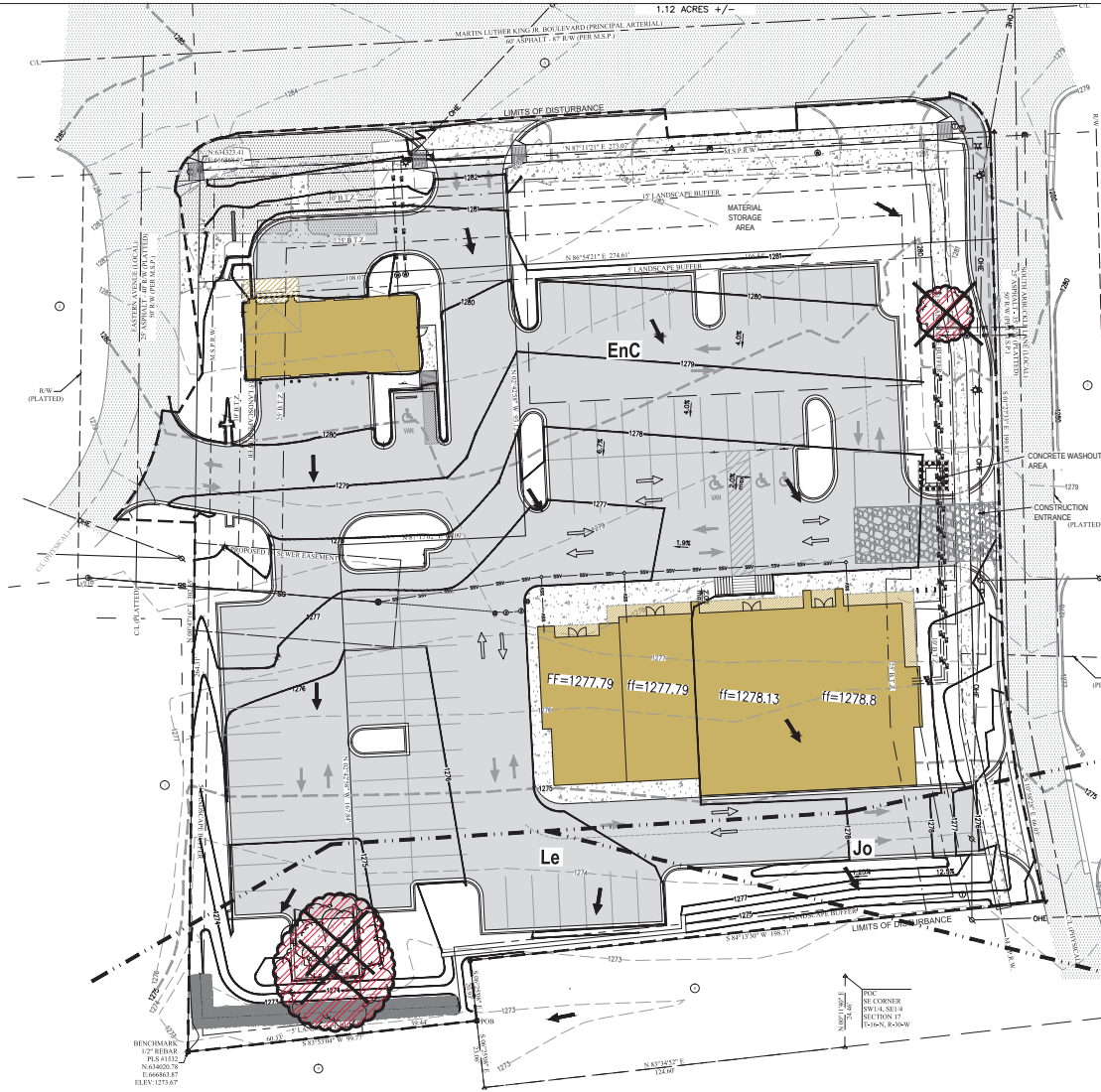
Please contact Bates & Associates with any questions or concerns regarding this variance request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Young', is positioned above the printed name.

Jason Young
Bates & Associates, Inc

Time: 9:40 am
Drawing Number: 151000114-001 (Schematic) - Tree Preservation and Landscape Plan.dwg
Drawn: [redacted]
Date: 7/27/2014



TREE PRESERVATION LEGEND

- PROPERTY LINE
- UTILITY EASEMENT LINE
- LIMITS OF DISTURBANCE
- EXISTING CONTOURS
- PROPOSED CONTOURS

- EXISTING TREE CANOPY
- EXISTING TREE CANOPY TO BE REMOVED
- EXISTING TREE (SEE TYPE AND SIZES AT SYMBOLS AND TREE LIST)
- EXISTING TREE TO BE REMOVED
- CONSTRUCTION TRAFFIC FLOW ARROW
- DRAINAGE FLOW ARROW

TREE LIST

No.	Dish	Type	Status	Health	Priority	On/Off Property
1	12	Minors	Remove	Good	Low	On
2	12	Minors	Remove	Good	Low	On

Tree Preservation Calculations			Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements			78,478	100%
Zoning Designation * Select Below with drop down arrow				
C-1: Neighborhood Commercial			15,696	20%
HHDD * Select Below with Drop Down Arrow				
No			0	0%
Total Canopy for Minimum Preservation Requirements			15,696	20.0%
Existing Tree Canopy * Minus Right of Way and Easements			1,763	2.2%
Tree Canopy Preserved			0	0.0%
Tree Canopy Removed *On Site			1,763	2.2%
Tree Canopy Removed *Off Site			0	0.0%
Tree Canopy Removed Total			1,763	2.2%
Removed Below Minimum			15,696	
Mitigation Requirements			1,763	

SOILS TYPES

EnC
Enters gravelly loam, 3 to 8 percent slopes

Jo
Johnsburg silt loam, 0 to 2 percent slopes

Le
Leaf silt loam

Site Analysis

The proposed Pizzeria restaurant is located south of Martin Luther King Blvd. on 2.80 acres. The proposed Pizzeria restaurant will be approximately 7,000 sq ft and will have 50 parking spaces. The site was previously a commercial site but has been razed and contains no building, parking or roads. The site is bounded to the east by South Arkansas Ln, a local road, to the west by Eastern Ave. a local road as well, and to the south by a commercial development. The site drains to the south at about 3%. There are no streams or wetlands on the site. The property is currently zoned CS.

There currently are only three trees on the site. Two are volunteer minors trees, which is an invasive species and have canopies of 30 and 40 feet and the other appears to be a red maple with about a 12 foot canopy. All three of these trees are proposed to be removed to make way for detention on the property and the new sidewalk/parking lot.

DATE: 9/7/15
REVISIONS:
FIRST SUBMITTAL

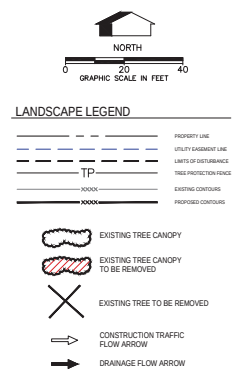
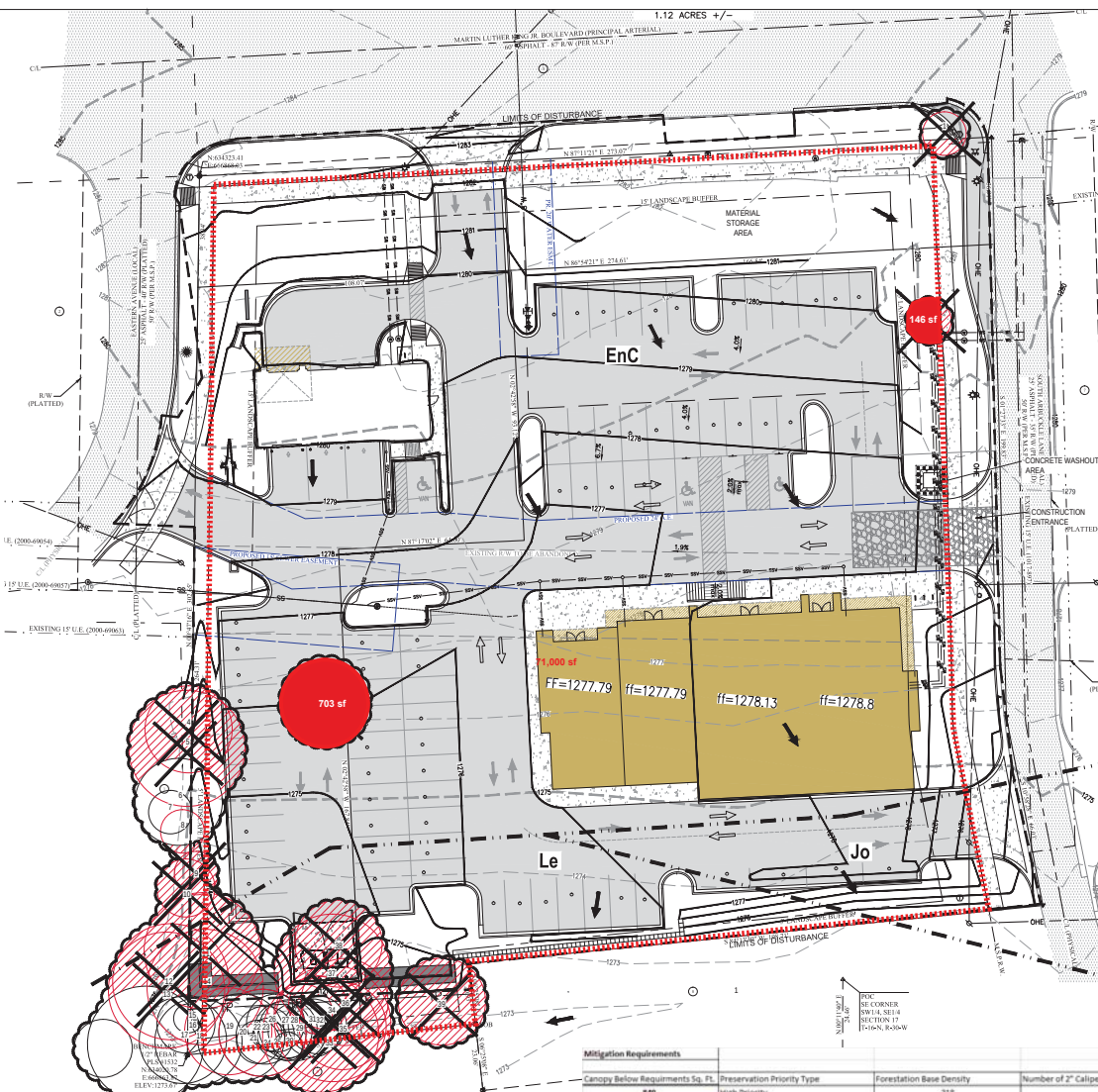
LANDTEK STUDIOS
2503 SWEETBRIAR DR.
FAYETTEVILLE, AR 72703
PH: 479.283.9721

ENGINEER: G. BATES
5/17/2017

MOUNTAIN VISTA SUBDIVISION
PRELIMINARY PLAN
TREE PRESERVATION PLAN
PLAT PAGE 640 FAYETTEVILLE, AR

Bates & Associates, Inc.
www.batesandassociates.com
911 W. Oak Square Dr. • Fayetteville, Arkansas 72703 • 479.242.3333 • Fax: 479.231.1519

DRAWING NO:
TREE PRESERVATION
PLAN
TP-01



EXISTING TREE LIST

No	DBH	Type	Health	Status	Priority	On/Off Property
1	30	CATALPA	GOOD	REMOVE	MED	OFF
2	6	TREE	GOOD	REMOVE	MED	ON
3	6	TREE	GOOD	REMOVE	MED	ON
4	14	ELM	GOOD	REMOVE	MED	ON
5	30	ELM	GOOD	REMOVE	MED	ON
6	14	ELM	GOOD	SAVE	MED	ON
7	4	REDBUD	GOOD	SAVE	MED	ON
8	6	ELM	GOOD	SAVE	MED	ON
9	4	ELM	GOOD	REMOVE	MED	ON
10	6	ELM	GOOD	REMOVE	MED	ON
11	14	OAK	GOOD	REMOVE	MED	ON
12	12	ELM	GOOD	REMOVE	MED	OFF
13	12	ELM	GOOD	REMOVE	MED	ON
14	14	OAK	GOOD	REMOVE	MED	ON
15	4	CEDAR	GOOD	SAVE	MED	ON
16	30	ELM	GOOD	SAVE	MED	OFF
17	12	ELM	GOOD	SAVE	MED	OFF
18	14	ELM	GOOD	SAVE	MED	ON
19	12	ELM	GOOD	SAVE	MED	ON
20	14	ELM	GOOD	SAVE	MED	ON
21	6	OAK	GOOD	SAVE	MED	ON
22	8	OAK	GOOD	SAVE	MED	ON
23	4	OAK	GOOD	SAVE	MED	ON
24	6	ELM	GOOD	SAVE	MED	ON
25	3	OAK	GOOD	SAVE	MED	ON
26	6	ELM	GOOD	SAVE	MED	ON
27	6	ELM	GOOD	SAVE	MED	ON
28	8	ELM	GOOD	SAVE	MED	ON
29	8	ELM	GOOD	SAVE	MED	ON
30	6	CEDAR	GOOD	SAVE	MED	ON
31	6	ELM	GOOD	SAVE	MED	ON
32	6	ELM	GOOD	SAVE	MED	ON
33	12	ELM	GOOD	REMOVE	MED	ON
34	12	ELM	GOOD	REMOVE	MED	ON
35	12	ELM	GOOD	REMOVE	MED	ON
36	8	OAK	GOOD	REMOVE	MED	ON
37	18	MIMOSA	FAIR	REMOVE	MED	ON
38	14	MIMOSA	FAIR	REMOVE	MED	ON
39	8	MIMOSA	FAIR	REMOVE	MED	ON

Mitigation Requirements

Canopy Below Requirements Sq. Ft.	Preservation Priority Type	Forestation Base Density	Number of 2" Caliper Trees to be Planted
800	High Priority	238	4
400	Mid Priority	290	17
0	Low Priority	436	0

Site Analysis

The proposed Panera restaurant is located south of Martin Luther King Blvd. on 1.0 acre. The proposed Panera restaurant will be approximately 2,500 sf and will have 10 parking spaces. The site was previously a commercial site but has been razed and contains no building, parking or roads. The site is bounded to the east by South Ardwick Ln, a local road, to the west by Eastern Ave, a local road as well, and to the south by a commercial development. The site drains to the south at about 3%. There are no streams or wetlands on the site. The property is currently zoned C3.

There currently are only three trees on the site. Two are volunteer mimosa trees, which is an invasive species and have canopies of 20 and 40 feet and the other appears to be a red maple with about a 12 foot canopy. All three of those trees are proposed to be removed to make way for detention on the property and the new sidewalk/parking lot.

SOILS TYPES

Enders gravelly loam, 3 to 8 percent slopes
 Jo: Johnsonburg silt loam, 0 to 2 percent slopes
 Le: Leet silt loam

PRIOR TREE REMOVAL PENALTY AMOUNT:
 Reforesting to 20% = 51 Trees
 10% Prior Tree Removal Penalty = 36 Trees
TOTAL = 87

URBAN FORESTRY RECOMMENDATION:
 Mitigate for Trees Removed at High/Mid Priority Level
TOTAL = 21

Tree Preservation Calculations

	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	71,000	100%
Zoning Designation * Select Below with drop down arrow		
SL Community Services	14,200	20%
H400 * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	14,200	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	4,614	6.5%
Tree Canopy Preserved	703	1.1%
Tree Canopy Removed *On Site	3,845	5.4%
Tree Canopy Removed *Off Site	1,899	
Tree Canopy Removed Total	5,744	8.1%
Removed Below Minimum	11,411	
Mitigation Requirements	5,744	

April 14, 2017
 Redlines + Comments
 Lee Porter
 Urban Forester

ENGINEER: G. Bates

LANDTEK STUDIOS
 2503 SWEETBRIAR DR.
 FAYETTEVILLE, AR 72703
 PHF 479.283.9721

DATE: 4/7/2017

REVISIONS

DATE	BY	REVISION
03/07/17	ST/SM/TA	15% OF TECHNICAL REVIEW
03/07/17	ST/SM/TA	REVISION PER 3/29/17 TECHNICAL REVIEW

PANERA BREAD
 LARGE SCALE DEVELOPMENT PLANS
 TREE PRESERVATION PLAN
 FAYETTEVILLE, ARKANSAS

Bates & Associates, Inc.
 www.batesandassociates.com
 7230 S. Pleasant Ridge Dr. Fayetteville, Arkansas 72704-4734 JAZZ 479.254.1560

DRAWING NO.
 TREE PRESERVATION
 PLAN
 TP-01

Prior Tree Removal Penalty

(D) *Prior tree removal.*

PART 1

- (1) If trees have been removed below the required minimum within the five (5) years preceding application for development approval, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional ten percent (10%) of the total area of the property for which the Applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the Base Density for High Priority trees.

PART 2

- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

PART 1: REFORESTING

Total Site Area = 78,478 sq ft

Percent Minimum Canopy Requirements = 20%

20% of Site = 15,695 sq ft*

*Site already has 6.5% canopy coverage. 6.5% is 4,614 square feet of canopy. The amount above is 15,695 minus 4,614, totaling 11,081 sq ft.

Mitigation Requirements			
Canopy Below Requirments Sq. Ft.	Preservation Priority Type	Forestation Base Density	Number of 2" Caliper Trees to be Planted
11,081	High Priority	218	51
0	Mid Priority	290	0
0	Low Priority	436	0

PART 2: 10% PENALTY

Total Site Area = 78,478 sq ft

10% of Site = 7,847 sq ft

Mitigation Requirements			
Canopy Below Requirments Sq. Ft.	Preservation Priority Type	Forestation Base Density	Number of 2" Caliper Trees to be Planted
7,847	High Priority	218	36
0	Mid Priority	290	0
0	Low Priority	436	0

TOTAL

51+36 = 87 trees



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0279

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: D. 3

APPEAL VAR 17-5782 (1541 W. MLK BLVD./PANERA BREAD):

A RESOLUTION TO PARTIALLY GRANT THE VARIANCE REQUEST SUBMITTED BY BATES & ASSOCIATES, INC. TO ALLOW A MORE COMPLETE CURB CUT ACCESS FOR 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD

WHEREAS, an owner whose property abuts a city street has a right to access such street even if the property also abuts another street; and

WHEREAS, a variance from our preferred access management standards shall be granted to protect such street access rights of the property owner; and

WHEREAS, West Martin Luther King, Jr. Boulevard has a dedicated left turn center lane to increase the safety of left turns into a business; and

WHEREAS, if there is no safe full access location on an abutting street, the City may limit such access by potentially denying left out turns.

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 partially grants the variance request by the applicant by granting a three quarters access for 1541 West Martin Luther King, Jr. Boulevard, but denies the left turn out access where it has been determined that such access is unsafe and that this property has easy access to adjoining streets that will more safely allow such left turn out access.

5/1/2017

John H Davidson
Monroe Eaton LLC
PO Box 10647
Fayetteville AR 72703

RECEIVED
MAY 01 2017
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Fayetteville City Council
Attn: City Clerk
113 W Mountain St - Suite 302
Fayetteville AR

To whom it may concern:

Please accept this letter requesting an appeal to the City Council of Fayetteville from the April 27th Planning Commission meeting. Monroe Eaton LLC, as applicant, requested a variance from the Access Management Ordinance for a curb cut on MLK Blvd.

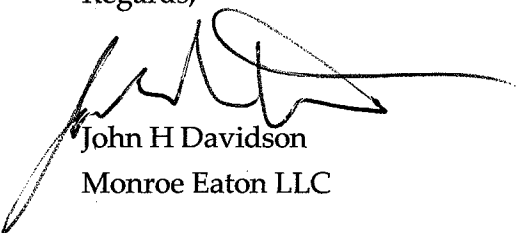
The property currently has four curb cuts long MLK. The new development would reduce that number to one. Due to the fact that we have streets on both the East and West of the property, there is not a location along MLK that would meet the spacing requirements of the Access Management Code; therefore, we need a variance for the single curb cut.

In the design phase of the project, the former director of development services explained that we would need the variance for the single curb cut, but that with almost 300 feet of frontage along MLK and the fact we currently had four curb cuts, he could support the variance. Additionally, the City Attorney's office assured the applicant that Arkansas law constitutionally protected access to MLK.

The denial of the requested variance would result in our anchor tenant canceling its lease. The tenant made clear when signing the lease that full access to MLK was a must. I spoke with the tenant after the planning commission meeting and was assured the same.

I can be reached at 479-841-4296.

Regards,



John H Davidson
Monroe Eaton LLC

MEETING OF JUNE 6, 2017

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: April 28, 2017

SUBJECT: **VAR 17-5782: Variance Item (1541 W. MLK BLVD./PANERA BREAD, 521):** Submitted by BATES & ASSOCIATES, INC. for properties located at 1541 W. MLK BLVD. The properties are zoned CS, COMMUNITY SERVICES and contain approximately 1.80 acres. The request is for a variance to the Access Management Ordinance for a new driveway on an arterial.

RECOMMENDATION:

The Planning Commission approved a limited access driveway (right in, right out only) on Martin Luther King Boulevard, where a full access drive was proposed. The decision has been appealed by the developer. City Planning Division staff recommends in favor of a variance to allow access to Martin Luther King Boulevard, consistent with the advice of the City Attorney.

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. Existing buildings on this site have been removed recently in preparation for redevelopment. The site currently contains four full access driveways from the previous development, in addition to access from both Eastern Avenue and Arbuckle Street, a condition which does not conform to current code requirements.

On Friday April 21, the Assistant City Attorney provided Planning staff with a memo (attached) citing case law and arriving at the following conclusion:

"A blanket denial of Panera Bread's request for access to or from Martin Luther King, Jr. Blvd., even for important traffic safety issues and even though it has access by way of Eastern Avenue and South Arbuckle Lane, might be deemed a taking by a Court for which the City of Fayetteville would have to pay just compensation. "

As a result of this memo, City Planning Division staff modified their initial recommendation and advised the Planning Commission to approve a variance.

Request: The proposal is for a full access driveway on Martin Luther King Drive.

Public Comments: No public comment has been presented.

DISCUSSION:

At the April 24, 2017 Planning Commission, discussion was centered on traffic safety and the constitutionality of limiting access to City streets. After a considerable amount of discussion the variance was granted approval of a limited access curb cut by a vote of 6-2-0. Commissioners Hoffman and Autry voted 'No'.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- City Attorney Memo
- Planning Commission Staff Report
- VAR 17-5782 Application
- April 24, 2017 Planning Commission minutes



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Planning Commission**

CC: **Andrew Garner**, City Planning Director
Quin Thompson, Current Planner

FROM: **Blake Pennington**, Assistant City Attorney

DATE: **April 21, 2017**

RE: **Potential financial liability for denying Panera Bread access to MLK, Jr. Blvd.**

I have some concerns about the recommendation to deny a variance for Panera Bread to directly access Martin Luther King, Jr. Blvd. from its property. In short, cutting off a landowner's access to a street, even for reasons of traffic safety, could very well lead to a damage award against the City because the landowner has a property interest in that access. I am attaching two previous memos from City Attorney Kit Williams on this subject.

The last time this issue arose was during the large scale development review of Casey's General Store on Wedington in 2013, though it had arisen at least twice within two years before that. On an appeal of the Planning Commission's 5-3 denial of Casey's LSD, the City Council voted 7-0 to allow a right turn in only.

In 2012, the City Council considered an appeal by the applicant for the Kum & Go on Martin Luther King, Jr. Blvd at the Hill Avenue intersection. The Planning Commission had voted to deny a full access driveway onto MLK but approved a right in-right out only driveway along with a connection to the street just west of the development. After considering the advice of City Attorney Kit Williams, the City Council unanimously voted to approve a compromise with the applicant to allow the right in-right out with some additional improvements and removal of the connection west.

Arkansas law has remained unchanged since the City Attorney's 2011, 2012 and 2013 memos on this issue. When the City Council considered the Casey's General Store issue in 2013, Kit included in his memo portions of his memo dated December 6, 2011, about Liberty Bank on Joyce Avenue. Relevant portions of that 2011 memo follow:

“(There is) very well established law that an abutting property owner has a legally protected access easement onto a city street. Eighty years ago, the Arkansas Supreme Court explicitly recognized an access easement as a property right.

‘Under our decisions, the owner of property abutting upon a street or highway has an easement in such street or highway for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself; and any subsequent act, by which that easement is substantially impaired for the benefit of the public, is a damage to the lot itself within the meaning of the constitutional provision for which the owner is entitled to compensation.’ *Campbell v. Arkansas State Highway Commission*, 183 Ark. 780, 38 S.W. 2d 753, 753-754 (1931).

“Four decades later, the Arkansas Supreme Court reaffirmed this access easement right as a property right for a lot abutting a street.

‘The owner of property abutting upon a street has an easement in such street for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself.’ *Flake v. Thompson*, 249 Ark. 713, 460 S.W. 2d 789, 795 (1970).

“In that case, the City of Little Rock had passed an ordinance that would have denied access to University Avenue to the property owner and argued that it could do so because the property owner had access to another (lower level) city street. The Arkansas Supreme Court held “that the ordinance constituted an unwarranted invasion of private rights and was discriminatory and oppressive, and thus it is unreasonable and arbitrary.” *Id.* at 796

‘The property right of ingress and egress of appellants in the easement was one that could not be taken from them by the city, at least without the payment of just compensation.’ *Id.*

“Ten years ago, the Arkansas Supreme Court yet again affirmed the property owner’s right to access a city street and found that interference with that right by the city would require compensation to be paid to the property owner.

‘We have held that the owner of property abutting upon a street has an easement in such street for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself. *Flake v. Thompson, Inc.*, 249 Ark. 713, 460 S.W. 2d 789 (1970). **We have also noted that this property right is not diminished merely because the property owner has alternative means of ingress and egress.**’ *Wright v. City of Monticello*, 345 Ark. 420, 47 S.W. 3d 851, 857 (2001).”

CONCLUSION

A blanket denial of Panera Bread's request for access to or from Martin Luther King, Jr. Blvd., even for important traffic safety issues and even though it has access by way of Eastern Avenue and South Arbuckle Lane, might be deemed a taking by a Court for which the City of Fayetteville would have to pay just compensation.



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

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

FROM: **Kit Williams**, City Attorney

DATE: **March 27, 2013**

RE: **Casey's General Store's Appeal**
of its Large Scale Development denied

I believe the three newly elected Aldermen may not have faced this street access issue before and have not received my memos explaining that a property owner has legally protected access easement rights to an abutting street. I hope that the Mayor and the five other Aldermen forgive me for repeating my concerns expressed in previous memos when a Large Scale Development is proposed for denial or otherwise denied access easement rights. This is especially concerning when Casey's seeks a very limited right-in only access along an abutting street.

The City Council adopted standards for streets and access management a few years ago to enhance traffic safety and discourage too frequent curb cuts. Prior to passage of the Access Management ordinance, I cautioned that the City should provide a variance to ensure we would not violate established property rights of a landowner abutting a street to access this street. Accordingly, the following specific variance was enacted along with the rest of the Access Management requirements. During an appeal from the Planning Commission's 5-3 denial of Casey's LSD, you sit with the same (but no greater) powers than the Planning Commission. Therefore, you are required to follow all the regulations of the Unified Development Code including this variance:

"(e) Variance. In order to protect the ingress and egress access rights to a street of an abutting property owner, a variance to the curb cut minimums shall be granted by the Planning Commission to allow an ingress/egress curb cut at the safest functional location along the property. Such a curb cut may be required to be shared with an adjoining parcel of feasible. If a parcel on the corner of

an arterial or collector street provides such short frontage along a major street that there is no safe ingress/egress functional location on that street, the Planning Commission may deny the curb cut or may limit such curb cut to ingress or egress only.” §116.08 (F)(1)(e) of the UDC.

Please note that the mandatory “**shall**” is used to **require** a variance be allowed with the only exception being when the parcel “provides such short frontage along a major street that there is no safe ingress/egress functional location on that street” I believe our Planning and Engineering divisions have stated that they believe even the very restrictive right-in only access from Wedington is too dangerous to allow. As the finders of fact on this issue, you should carefully consider the City Staff’s opinions, but also consider well reasoned opinions and arguments of the applicant for Casey’s General Stores, Inc. and citizen input.

Both in 2011 and 2012, the City Council faced street access variance issues for which I provided the results of my legal research. In the Liberty Bank on Joyce Street issue, I presented that research in a memo dated December 6, 2011, from which I will quote some relevant parts:

“(There is) very well established law that an abutting property owner has a legally protected access easement onto a city street. Eighty years ago, the Arkansas Supreme Court explicitly recognized an access easement as a property right.

‘Under our decisions, the owner of property abutting upon a street or highway has an easement in such street or highway for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself; and any subsequent act, by which that easement is substantially impaired for the benefit of the public, is a damage to the lot itself within the meaning of the constitutional provision for which the owner is entitled to compensation.’ *Campbell v. Arkansas State Highway Commission*, 183 Ark. 780, 38 S.W. 2d 753, 753-754 (1931).

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‘The owner of property abutting upon a street has an easement in such street for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself.’ *Flake v. Thompson*, 249 Ark. 713, 460 S.W. 2d 789, 795 (1970).

“In that case, the City of Little Rock had passed an ordinance that would have denied access to University Avenue to the property owner and argued that it could do so because the property owner had access to another (lower level) city street. The Arkansas Supreme Court held “that the ordinance constituted an unwarranted invasion of private rights and was discriminatory and oppressive, and thus it is unreasonable and arbitrary.” *Id.* at 796

‘The property right of ingress and egress of appellants in the easement was one that could not be taken from them by the city, at least without the payment of just compensation.’ *Id.*

“Ten years ago, the Arkansas Supreme Court yet again affirmed the property owner’s right to access a city street and found that interference with that right by the city would require compensation to be paid to the property owner.

‘We have held that the owner of property abutting upon a street has an easement in such street for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself. *Flake v. Thompson, Inc.*, 249 Ark. 713, 460 S.W. 2d 789 (1970). We have also noted that this property right is not diminished merely because the property owner has alternative means of ingress and egress.’ *Wright v. City of Monticello*, 345 Ark. 420, 47 S.W. 3d 851, 857 (2001).’

CONCLUSION

There is at least a possibility that denial of Casey’s General Stores, Inc.’s request for its right-in only access from Wedington even for important traffic safety issues might be deemed a takings by a Court for which the City of Fayetteville would have to pay fair compensation.



TO: Mayor Jordan
City Council

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Andrew Garner, Senior Planner – Current Planning

FROM: Kit Williams, City Attorney

DATE: January 12, 2012

RE: Potential financial liability for denying Kum & Go's curb cut appeal

DANGEROUS TRAFFIC CONDITIONS HAVE BEEN A CONSIDERATION FOR 37 YEARS

When the Access Management Ordinance was passed by the City Council on August 5, 2008, it did not fundamentally change the Unified Development's Code's regulations concerning "dangerous" street access from proposed developments. Since at least September 17, 1974, a proposed large scale development could be denied if "(t)he proposed development would create or compound a dangerous traffic condition." Ordinance No. 2044, September 17, 1974 (attached). That ordinance regulating developments has remained within the Fayetteville City Code and/or the Unified Development Code for the last 37 years. It defines "dangerous traffic condition" as follows:

"For the purpose of this section, a "dangerous" traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern."

I believe that virtually all of the commercial developments along Martin Luther King Boulevard have been constructed or redeveloped since 1974 (which

predates I-540 and the five laning of MLK and Razorback Road). Many of these would have been large scale developments with full access easements to MLK (and some with full access to Razorback Road, the frontage road, Hollywood or other cross streets) and were evidently permitted to be developed by the City as not presenting the "dangerous traffic condition" that could have caused a development's rejection.

The 2008 adoption of the Access Management Ordinance included a clear variance section which **requires** that the Planning Commission grant a variance to a property owner for access to a street unless "there is no safe ingress/egress functional location on that street" This is a higher standard of "dangerousness" for the City to meet than the old "create or compound a dangerous traffic condition" under which the existing development was approved along MLK. And yet much of that development along Martin Luther King Boulevard, North College Avenue and other arterial streets in Fayetteville have much closer to the intersection (and thus less safe) full access easements than the three quarters access easement requested by Kum & Go,

In 2008, the City of Fayetteville rebuilt sidewalks and curbs along North College from Rock Street to Maple and constructed numerous full access easements on this arterial street for a gas station/convenience store, auto parts store, grocery store, etc. much closer to major street intersections than Kum & Go's proposal. This is true even though these businesses also had full curb cuts on a collector street. It could certainly hurt us in Court if these inconsistencies are pointed out to a jury. Most concerning to me as City Attorney (if the City Council does not grant Kum & Go's request for the three-quarters access curb cut) is the apparently unequal treatment of Kum & Go versus its business competitors who have not been denied full access curb cuts closer to intersections between higher volume streets. This could inflate any damage award our taxpayers would have to pay.

The law that an abutting property owner has a property right to a curb cut which cannot be deprived without the state or city paying just compensation to the property owner has been consistently applied by the Arkansas Supreme Court for at least 80 years. The City of Fayetteville cannot change or ignore this law which is embedded in constitutional provisions by passing an Access Management Ordinance, nor its earlier "dangerous traffic situation" regulation. We can and should work with developers to try to find the safest and best access possible for an abutting property owner. Kum & Go has agreed to voluntarily give up 25% of its

access rights to MLK by removing its request for a left turn out. The City Council should think very hard before rejecting this compromise proposal.

I should note that during my decade as City Attorney, access or curb cut issues have all been worked out between developers and the Planning Department (except for Liberty Bank). I am not aware of any suit in which the city of Fayetteville has had to pay a damage award for denying a curb cut. I obviously hope this will not be the first, especially since potential damages would be higher here than for other smaller projects on smaller parcels.

COMPENSATION HAS BEEN ASSESSED FOR DAMAGING ACCESS EASEMENT RIGHTS IN THE PAST

I was requested to do more research by the Administration about whether Fayetteville could actually be liable and have to pay for a restrictive curb cut in this case. Further research has only supported my earlier conclusion that the property owner has a property interest to access an abutting street and the requirement of compensation if the government deprives or damages such access.

“However, we think the commission, in making this argument, overlooks a basic right of an abutting property owner, **for the right of access to a street or highway is one of the incidents of the ownership or occupancy of land abutting thereon.** In Volume 25, *Am. Jur.*, Section 154, Page 448, it is said:

“Such right is appurtenant to the land **It is a property right of which the owner cannot be deprived without just compensation.**” *Arkansas State Highway Commission v. Kesner*, 239 Ark. 270, 388 S.W. 2d 905, 909 (1965) (emphasis added).

I should note that I believe constructing a **median in the street** is not a taking of an abutting owner’s property interest and falls within the power of the state or city to control its streets. I believe that a median affects **all** drivers and should be controlled by the rule of circuitry because abutting owners have no greater rights than the driving public and do not suffer the particular and unique harm that a restrictive curb cut inflicts upon the landowner. Thus, I do not believe

that construction of a median for a boulevard endangers our taxpayers like denying or restricting an abutting property owner's access rights to a street.

The Arkansas Court of Appeals rejected the State Highway Commission's contention that it could restrict or deny a property owner's access easement rights without compensation. It discussed the *Kesner* decision (quoted above) and the rule of circuitry. The rule of circuitry holds that a state or city can move a road or highway causing a longer drive for a property owner without any liability for such inconvenience.

"In *Kesner*, the Supreme Court noted the general rule that circuitry of travel is not compensable. Unlike the situation here, the landowners in *Kesner* suffered no actual taking of their land. Even so, the court held the evidence established the landowners suffered damages peculiar to themselves and therefore it **awarded compensation.**" *Arkansas State Highway Commission v. Cottrell*, 9 Ark. App. 359, 660 S.W. 2d 179, 182 (1983) (emphasis added)

CONCLUSION

I do not like to intrude upon the City Council's policy prerogatives, but felt your responsibilities required the knowledge of this area of law before your decision because the applicant stated the access easement issue was the "deal breaker" or deciding factor. That elevated this decision and its potential ramifications on Fayetteville's taxpayers. Therefore, my duty as Fayetteville City Attorney is to advise you, as the protectors and conservators of taxpayer revenues, that denying Kum & Go's appeal and its compromise three quarters access easement to Martin Luther King, Jr. Boulevard could result in a substantial judgment against Fayetteville's taxpayers.

1974

FILED
FOR RECORD

'74 SEP 27 AM 8:03

WASHINGTON COUNTY
ARKANSAS
ALMA KOLLMAYER
CIRCUIT CLERK

ORDINANCE NO. 2044

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 1998; TO CLARIFY THE REQUIREMENTS FOR APPROVAL OF A LARGE-SCALE DEVELOPMENT; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That Section 4 of Ordinance No. 1998 is hereby amended by adding Subsection e to read as follows:

e) The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a "dangerous" traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.

Section 2. That all ordinances and resolutions, or parts thereof, in conflict herewith, be, and are hereby, repealed.

Section 3. It is hereby found and determined by the Board of Directors that the requirements for the development of a lot or parcel larger than one acre required by Ordinance No. 1998 are in need of clarification in order to avoid unnecessary loss of time to property owners and to the Planning Commission; and that the immediate passage of this ordinance is necessary to clarify the requirements for the development of a lot or parcel larger than one acre. Therefore, an emergency is hereby declared to exist, and this ordinance being necessary for the immediate preservation of the public health, safety, and welfare, shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 17th DAY OF September, 1974.

APPROVED:

Russell J. Purdy
MAYOR

ATTEST:

Arlemer Westbrook
CITY CLERK

DEED 874 PAGE 887

MICROFILMED
DATE OCT 16 1978
REEL 174

Fayetteville Code of Ordinances

Plat Review Committee: Lot Split, Small Site Improvement Plans, Large Site Improvement Plans, Large Scale Development, Planned Zoning District, Preliminary Plat, Final Plat, and Concurrent Plat. After the Technical Plat Review Committee meeting staff may administratively approve Lot Splits, Final Plats, Small Site Improvement Plans, and Large Site Improvement Plans after review for compliance with all applicable codes subject to UDC 166.02(C).

(2) *Subdivision Committee.* The following development applications are required to be reviewed by the Subdivision Committee: Large Scale Development, Planned Zoning District with Development, Preliminary Plat, and Concurrent Plat. From these applications, the Subdivision Committee may approve only Large Scale Developments.

(3) *Planning Commission.* The following development applications are required to be reviewed by the Planning Commission: Preliminary Plat, Concurrent Plat, and Planned Zoning District with Development. The Planning Commission may approve, deny, table, or approve development applications with conditions. A Planned Zoning District cannot be approved by the Planning Commission, but may be forwarded to City Council.

(C) Approval and Denial Criteria

(1) *Administrative Approval.* The following applications shall be approved administratively by the Planning Division as long as the proposal meets all requirements of the Unified Development Code: Property Line Adjustment, Lot Split, Final Plat, Small Site Improvement Plan, and Large Site Improvement Plan. Approval by the Planning Commission for these applications is not required unless an appeal is filed in accordance with Ch. 156 of the UDC.

(a) *Reasons for denial.* The Planning Division may refuse administrative approval based on the following criteria:

- (i) *Property Line Adjustment; Lot Split.* The application does not comply with zoning and development requirements including, but not limited to: lot width, lot area, setback requirements, buildable area, required parking, impervious surface, dedication of required right-of-way or easements, etc., or the requested action would make

an existing non-conforming property or structure more non-conforming.

(ii) *Final Plat.* The conditions of approval of the preliminary plat have not been met, the proposed plat does not meet the zoning and development requirements of the UDC, and/or the required improvements have not been completed or guaranteed in accordance with Fayetteville Unified Development Code Chapter 158.

(iii) *Small or Large Site Improvement Plans.* The Planning Division may refuse to approve a Small or Large Site Improvement Plan for any of the following reasons:

- a. The development plan is not submitted in accordance with the requirements of this chapter.
- b. The proposed development would violate a city ordinance, a state statute, or a federal statute.
- c. The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.
- d. The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a dangerous traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factor such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.
- e. City water and sewer is not readily available to the property within the site improvement plat area and the developer has made no provision for extending such service to the development.
- f. The developer refused to comply with ordinance requirements or condition of

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Planner

MEETING DATE: ~~April 24, 2017~~ **UPDATED 4/26/2017**

SUBJECT: **VAR 17-5782: Variance Item (1541 W. MLK BLVD./PANERA BREAD, 521):** Submitted by BATES & ASSOCIATES, INC. for properties located at 1541 W. MLK BLVD. The properties are zoned CS, COMMUNITY SERVICES and contain approximately 1.80 acres. The request is for a variance to the Access Management Ordinance for a new driveway on an arterial.

RECOMMENDATION:

Staff recommends denial of **VAR 17-5782** based on the findings discussed herein.

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. Existing buildings on this site have been removed recently in preparation for redevelopment. The site currently contains four full access driveways from the previous development, in addition to access from both Eastern Avenue and Arbuckle Street, a condition which does not conform to current code requirements. 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

DISCUSSION:

Request: The applicant proposes to entirely redevelop the site with a new multi-tenant commercial project with approximately 9,000 square feet. The proposed curb cut on Martin Luther King, a 'principal Arterial' street, requires a variance of the City's Access Management Ordinance (Fayetteville Unified Development Code 166.08.F) which requires that if a property has access to two streets, access should only be taken from the lower classification street; in this case Eastern Avenue and Arbuckle Street rather than Martin Luther King Boulevard.

The Access Management Ordinance also requires minimum separation for 250 feet from a driveway or intersection. In this case, the proposed driveway on Martin Luther King Boulevard is located approximately 67 feet from Eastern Avenue and 138 feet from Arbuckle Lane. The minimum separation distance is not met by this proposal. The minimum separation distance is intended to provide safe access to properties by reducing the number of vehicle turning movements and vehicle interactions, and is dependent on traffic speed and volume. The 250 foot separation distance is applied to those streets with highest speeds and traffic volumes.

This site is not appropriate for a curb cut on Martin Luther King for several reasons. The proposed curb cut would create and exacerbate a dangerous traffic condition. A new development for a restaurant and drive-thru will generate much more traffic and turning movements than the previous small church/non-profit use and car wash. This section of MLK contains high volumes of regional traffic and is the major east-west connector directly into the University of Arkansas and the greater downtown area. MLK will at times be very congested with bumper-to-bumper vehicles on eastbound lanes from the major intersection of Razorback Road further to the east, while vehicles travel at higher speeds on westbound lanes. This situation creates a dangerous situation for vehicles turning on and off of the thoroughfare. To minimize traffic danger and protect the public interest, access to this site should be limited to the adjacent local streets. These local streets are spaced approximately 260 apart providing very convenient and acceptable access for the applicant's proposed development while mitigating the potential for traffic and pedestrian accidents.

Recommended Motion:

Staff recommends denial of **ADM 17-5782**, finding that the site is adjacent to local streets on two sides which provide opportunity for safe and functional access to the property.

Condition of Approval:

1. Planning Commission determination of a variance of UDC Section 166.08(F) for the proposed driveway on Martin Luther King Boulevard. *Staff denial of the variance based on the findings discussed in this staff report.*

PLANNING COMMISSION ACTION: Required

Date: April 24, 2017 ☒ Approved ☐ Forwarded ☐ Denied

Motion: - **QUINLAN, MOTION TO APPROVE VARIANCE WITH A LIMITED RIGHT IN / RIGHT OUT ACCESS.**

Second: **HOFFMAN** —

Vote: — **6-2-0, with Commissioners Hoffman and Autry voting 'No'**

BUDGET/STAFF IMPACT:

None

Attachments:

- UDC Section 166.08 (Access Management)
- Applicant's letter
- Site plan
- Existing conditions exhibit
- Close up map
- One mile map

Fayetteville Unified Development Code

166.08 Street Design and Access Management Standards

(F) Access Management. Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one public street shall place a higher priority on accessing the street with the lowest functional classification, ex. Local and Collector. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.

(2) Separation for two-family, three-family, multi-family and nonresidential development.

(a) Principal and Minor Arterial Streets. Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along arterial streets shall be shared between two or more lots. Where a curb cut must access the arterial street, it shall be located a minimum of 250 feet from an intersection or driveway.

(b) Collector Streets. Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along collector streets shall be shared between two or more lots.

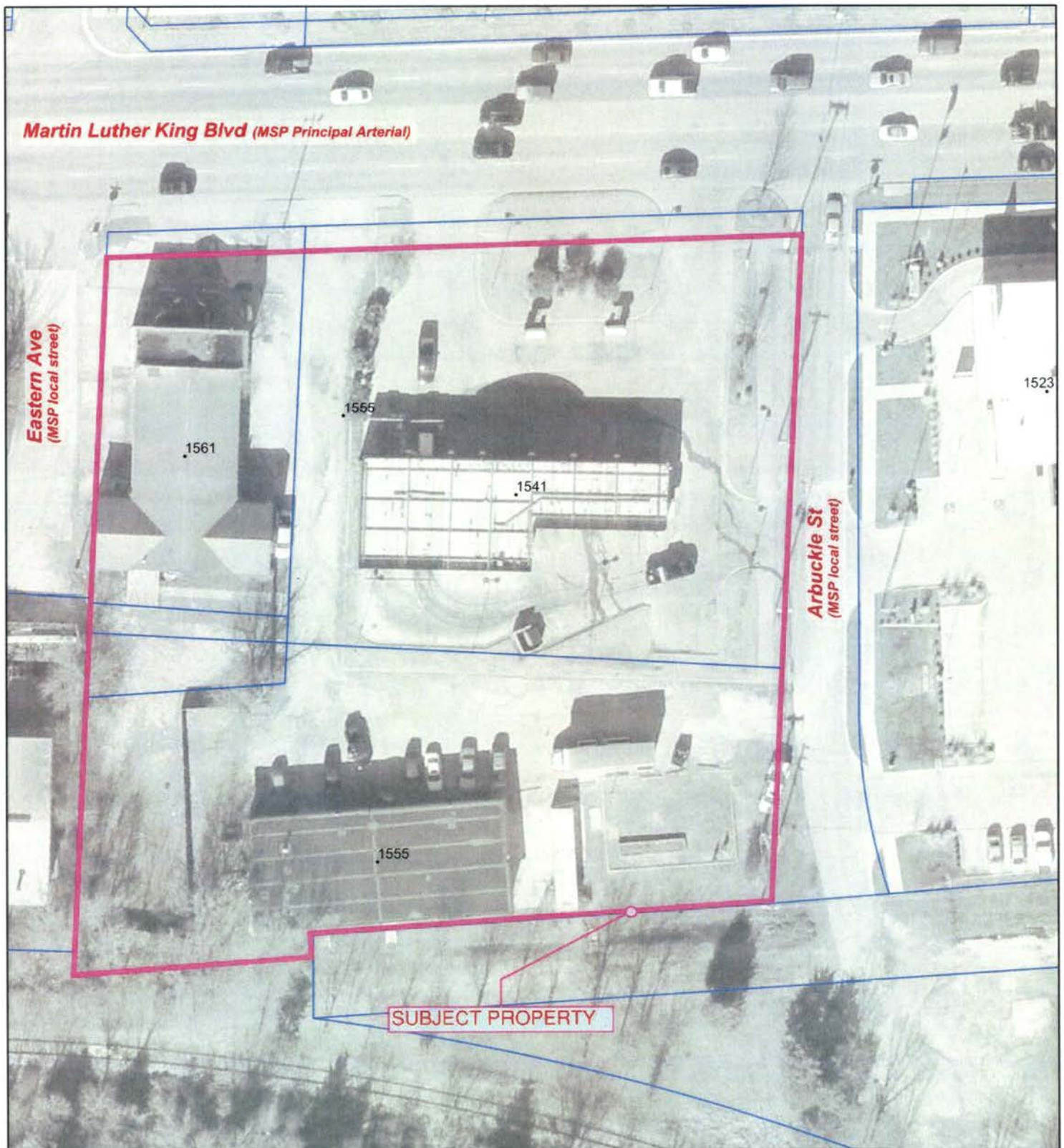
(c) Local and Residential Streets. Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

(3) Separation for single-family homes.

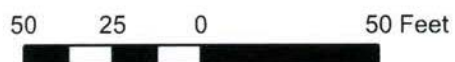
(a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5 foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.

(b) Arterial and Collector Streets. Individual curb cuts for along arterial and collector streets shall be discouraged. When necessary, curb cuts along arterial and collector streets shall be shared between two or more lots.

(4) Variance. In order to protect the ingress and egress access rights to a street of an abutting property owner, a variance to the curb cut minimums shall be granted by the Planning Commission to allow an ingress/egress curb cut at the safest functional location along the property. Such a curb cut may be required to be shared with an adjoining parcel if feasible. If a parcel on the corner of an arterial or collector street provides such short frontage along a major street that there is no safe ingress/egress functional location on that street, the Planning Commission may deny the curb cut or may limit such curb cut to ingress or egress only.



EXISTING ACCESS CONDITIONS





7230 S. Pleasant Ridge Dr / Fayetteville, AR 72704
PH: 479-442-9350 * FAX: 479-521-9350

March 31, 2017

Planning Commission
City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

RE: Access Management Ordinance Variance Request – LSIP 17-5740 / Panera Bread Co

Dear Commissioners,

Bates & Associates, Inc, on behalf of John Davidson, requests a variance from The City of Fayetteville Unified Development Code XV.166.08.F.2.a, regarding minimum separation of curb cuts in Nonresidential developments, for the proposed Large Site Improvement Plan at 1541 W Martin Luther King Blvd.

Per the ordinance, minimum separation of curb cuts is required to be 250' for Nonresidential developments accessing Principal and Minor Arterial Street.

The proposed development has one proposed entrance on the north side of the property's street frontage.

The property in question lies between Eastern Avenue to the West, and South Arbuckle lane to the East, both designated as Local Streets per the Fayetteville Master Street Plan.-The proposed curb cut for access to Martin Luther King Blvd is 67.49' from the curb line of Eastern Avenue, and 138.47' from the proposed curb line of South Arbuckle Land after street improvements.

The Applicant feels that the variance is justified, considering the existing configuration of 4 access points to Martin Luther King Blvd will be reduced to only 1 access point after development.

Please contact Bates & Associates with any questions or concerns regarding this variance request.

Sincerely,

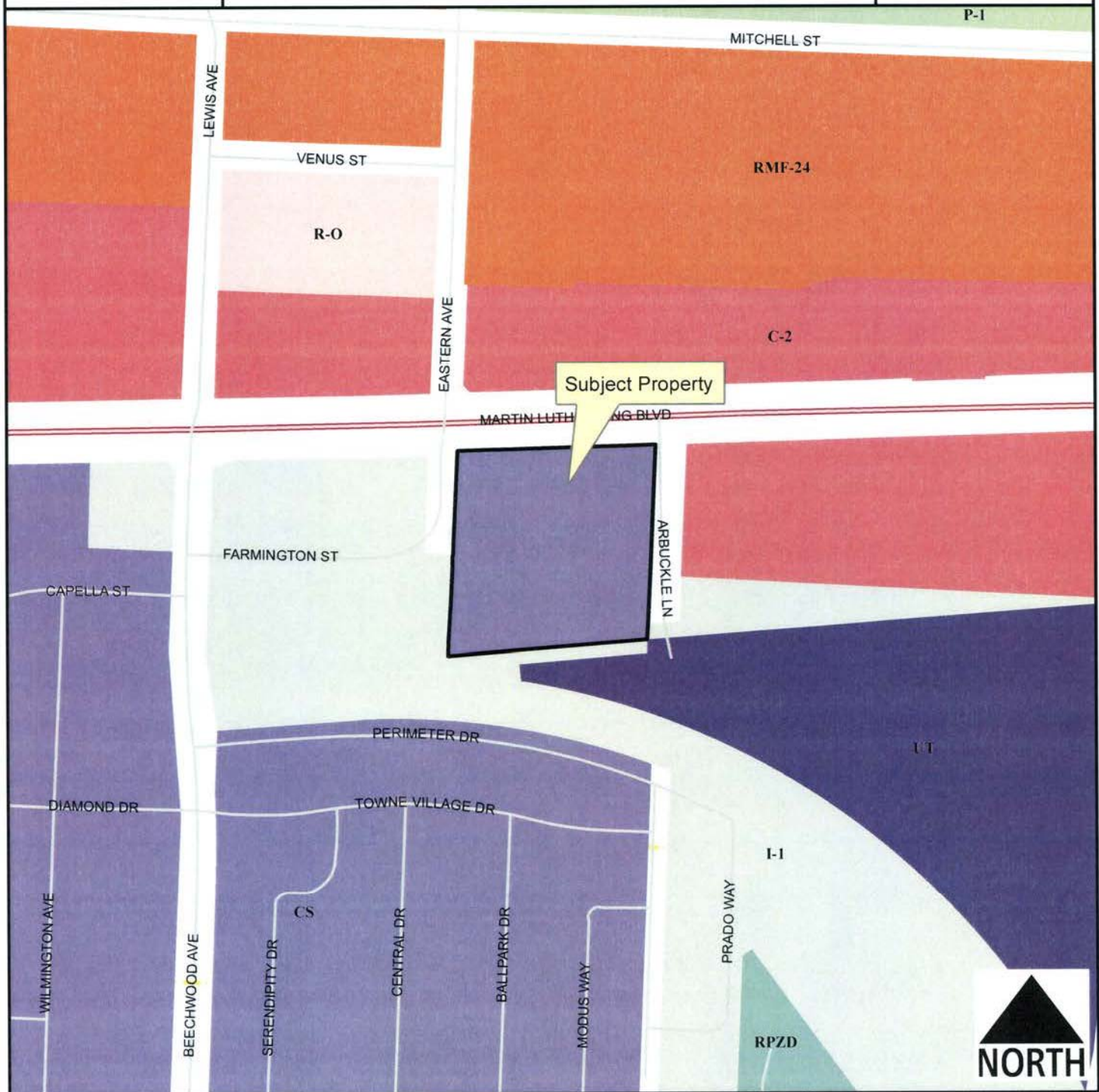
A handwritten signature in black ink, appearing to read 'J. Young'.

Jason Young
Bates & Associates, Inc

VAR 17-5782

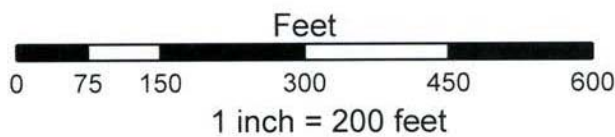
PANERA DRIVEWAY

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

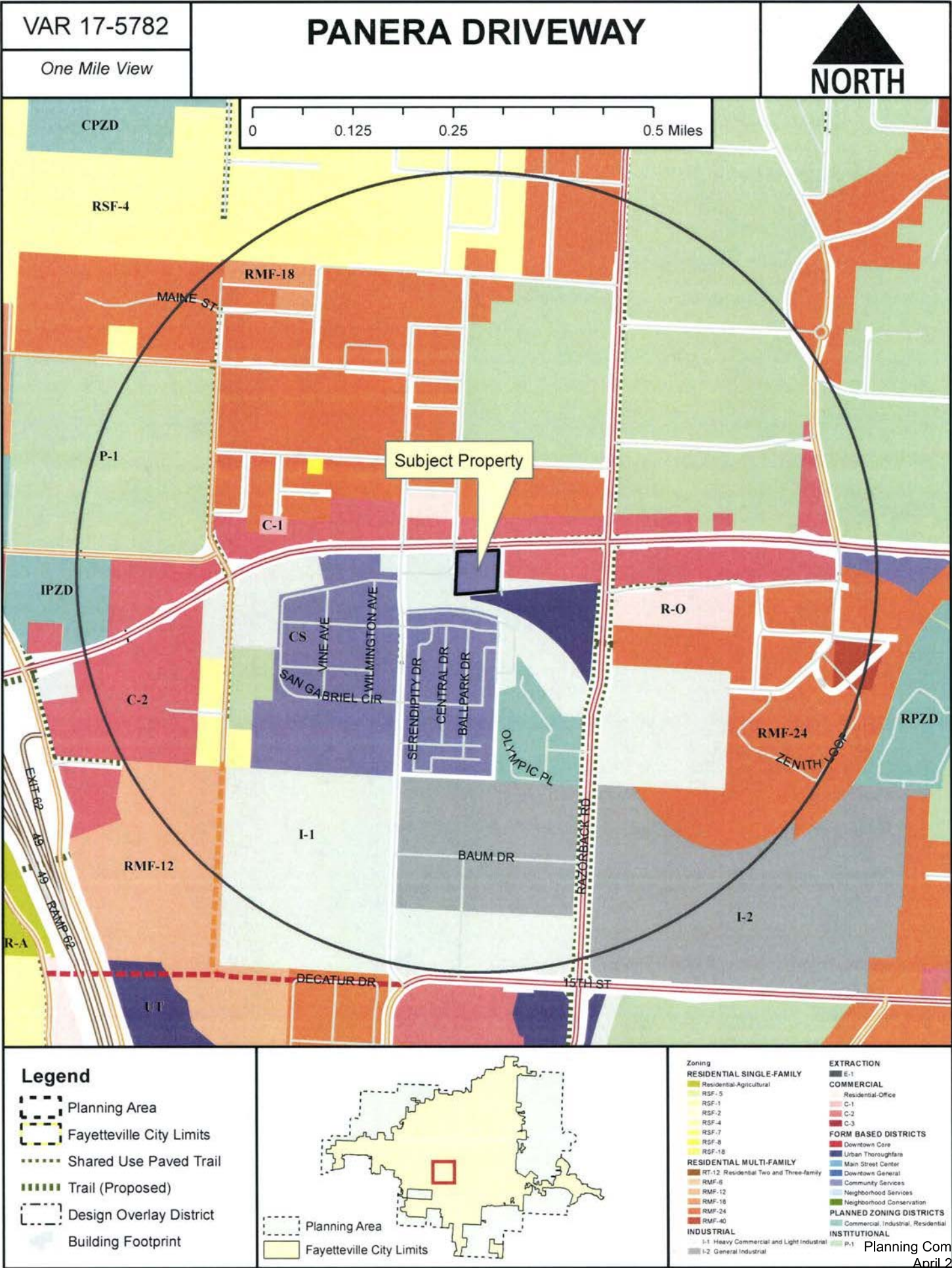
Planning Commission

April 24, 2017

Agenda Item 5

17-5782 (Panera Bread Drive)

Page 8 of 10



VAR 17-5782

Current Land Use

PANERA DRIVEWAY



2015 Imagery

- VAR17-5782
- Street
- PRINCIPAL ARTERIAL
- Shared Use Paved Trail
- Trail (Proposed)
- 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



Excerpted from :
Planning Commission Meeting
April 24, 2017
5:30 PM
113 W. Mountain, Room 219

6. VAR 17-5782: Variance Item (1541 W. MLK BLVD./PANERA BREAD, 521): Submitted by BATES & ASSOCIATES, INC. for properties located at 1541 W. MLK BLVD. The properties are zoned CS, COMMUNITY SERVICES and contain approximately 1.80 acres. The request is for a variance to the Access Management Ordinance for a new driveway on an arterial.

Quin Thompson, Planner: Gave the staff report.

John Davidson, Applicant: Said that the discussion should be centered on the access and form-based zoning concerns should not be considered. He said that the design team has met with staff on multiple occasions, and that the former Director of Development services has suggested that a property with 300' of frontage probably could not be prevented. He said that two projects would certainly abandon the contract if the variance is denied.

Public Comment:

No public comment was presented.

Blake Pennington, Asst. City Attorney: Said that it is clear upon review of the case law, that a property owner has a right to access from an adjacent road. He said that the discussion tonight should be about what kind of access the applicant should have.

Leslie Belden, Commissioner: Said that she was in complete agreement with the applicant, and that she appreciates the attempt to improve the area. She noted that the development does not meet the intent of the code, and she regrets the proposed layout. She acknowledged that the proposed access was in the safest location in her opinion.

Matthew Hoffman, Commissioner: Said that he is concerned with pedestrian safety, and thinks that saying that one curb cut is better than four and so this access should be approved is a dangerous road to go down. He spoke about form-based zoning and its beneficial effects on pedestrian traffic and safety. He said he would be in favor of a condition of approval if the building is paced within the build-to-zone.

Matt Johnson, Commissioner: Cited traffic accident records at this location, and noted that at typical MLK traffic speeds it takes approximately 250 feet to stop.

Alison Quinlan, Commissioner: Asked staff to show the similar access arrangement at MLK and Hill. She said that the conditions are different enough based on separation and traffic signal, that this condition should not be used as an example.

Tom Brown, Commissioner: Asked staff to the overall distance of street frontage for the site.

Thompson: Said that it was between 250 and 300 feet.

Brown: Discussed traffic safety studies that he has researched in relation to the City Access Management Code. He said that in terms of accident levels, MLK falls somewhere between Crossover Road and Highway 71b. He said we must not reinforce bad precedent, and yet must provide access that meets the requirements of the law. He said that the site has adequate access from Eastern and Arbuckle. He said that the access management code should be applied in a disciplined way to provide citizen safety. He said that the City Attorney should support the ordinance if we are to provide safe traffic conditions in future.

Pennington: Said that according to case law, removing access to MLK is unconstitutional, and that doing so would open the City to being liable to significant damages.

Zara Niedermann, Commissioner: Said that in looking at access to this road, we are vacating land with considerable value, and that this is a high demand area. He said that he was confused by a project which gives up developable land with a great deal of value along MLK.

Hoffman: Asked Pennington if a 200 foot curb cut would be allowed along this property.

Pennington: Said that providing access to the property is required, but that that does not mean that the entire property does not need to provide access.

Hoffman: Said that the variance should be denied for the reasons outlined by Mr. Brown.

Quinlan: Said that she supports the variance, but that she has concerns about the pedestrian access which does not go anywhere. She said that an adverse impact to pedestrians on MLK exists and should be improved.

Pennington: Said that no conditions may be placed on a variance of 166.08.

Quinlan: Said that improved pedestrian access should be provided. She said she would support the variance. She recommended approval of the variance if access be limited to right in and right out only.

Davidson: Said that he has met with Planning Staff and the Development Services Director for months in order to make sure that he was in compliance with development codes. He said that he was aware that a variance would be required, but understood that the variance would be supported by staff.

Ron Autry, Chair: Said that constitutional law requires this approval, and that that could not be escaped.

Quinlan: Asked Pennington if in his opinion, a limited access could be required.

Pennington: Said he could not give a definitive answer, but that certainly a limited access would remove value from the property. How much value is difficult to determine.

Davidson: Said that he would be potentially willing to accept a three-quarter access in this case, but that if it was limited to right in and right out then his client will cancel the project.

Garner: Discussed the history of the project, including the many conversations between the applicant and staff that had led to this development proposal. He said that in early meetings the applicant understood that staff would support the variance, but that he did not recall that particular conversation.

Brown: Said that he is opposed to the variance, but that he respects the opinion of the Attorneys office and will vote to approve.

Motion:

Commissioner Quinlan made a motion to **approve VAR 17-5782** as a right-in right-out curb cut only. **Commissioner Belden** seconded the motion. **Upon roll call the motion passed with a vote of 6-2-0. Commissioners Hoffman and Autry voted 'no'.**



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0267

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: D. 4

LSD 17-5771 (MASTER STREET PLAN AMENDMENT BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE/SPRINGHOUSE VILLAGE):

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY CHANGING THE ALIGNMENT OF AN UNNAMED STREET BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE AND BY RECLASSIFYING IT FROM A COLLECTOR STREET TO A LOCAL STREET

**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 amends the Master Street Plan by realigning an unnamed street between Crossover Road and Bridgewater Lane and by reclassifying it from a collector street to a local street, as depicted on Exhibit "A" attached hereto and made a part hereof.

City of Fayetteville Staff Review Form

2017-0267

Legistar File ID

6/6/2017

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

Andrew Garner

5/12/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

LSD 17-5771: Large Scale Development (MASTER STREET PLAN AMENDMENT BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE/SPRINGHOUSE VILLAGE, 216): Submitted by FOSTER DEVELOPMENT for properties on the east side of Crossover Road across from the Paradise View Estates Subdivision (Par Court). The properties are zoned P-1, Institutional and RT-12, Residential Two and Three Family and contain approximately 21.56 acres. The request is to amend the Master Street Plan to downgrade a planned Collector Street to a Local Street between Crossover Road and Bridgewater Lane.

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 JUNE 6, 2017

TO: Mayor and City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Planner

DATE: May 10, 2017

SUBJECT: Master Street Plan Amendment between Crossover Road and Bridgewater Lane (LSD 17-5711 Springhouse Village)

RECOMMENDATION:

City Planning Division staff and the Planning Commission recommend approval of a Master Street Plan amendment to downgrade an unnamed Collector Street between Crossover Road and Bridgewater Lane to a Local Street.

BACKGROUND:

The property contains 21.56 acres on the east side of Crossover Road across the street from Paradise View Estates subdivision and Par Court. A Master Street Plan 'Collector' Street is planned to cross the site from east to west, connecting Crossover Road to Bridgewater Lane at some point in the future. The applicant proposes a Large Scale Development with 68 assisted living beds, 34 memory care beds, and 68 beds of independent living in 34 two and three-family buildings. A new east-west public street is proposed through the site and would be stubbed out to the east for future connectivity.

MASTER STREET PLAN AMENDMENT:

The applicant does not propose to construct the new internal street as a Collector or dedicate right-of-way for such construction as indicated on the Master Street Plan. Rather, they propose the City Council amend the Master Street Plan to downgrade this unnamed Collector Street to a Local Street between Crossover Road and Bridgewater Lane as depicted on the attached Exhibit 'A'.

DISCUSSION:

Staff recommends in favor of the applicant's request, finding that while east-west connectivity is needed in this region of the City, a Collector street section is not necessary in this location. Local street connectivity between Crossover Road and Bridgewater Lane will be adequate for traffic flow and safety. The Local Street is more compatible with the proposed senior living facility where slower traffic speeds and pedestrian safety are a priority. Additionally, a Local Street is more appropriate with the context of the area to the east of the subject property that is currently rural and designated to stay as Rural on the Future Land Use Plan. This

recommendation is also based on review of the Master Street Plan by Engineering and Planning staff in conjunction with the on-going Citywide Transportation Master Plan.

On May 8, 2017 the Planning Commission approved the Large Scale Development for Springhouse Village Retirement Community (LSD 17-5771) and forwarded this Master Street Plan amendment to the City Council with a recommendation for approval with a vote of 7-0-0.

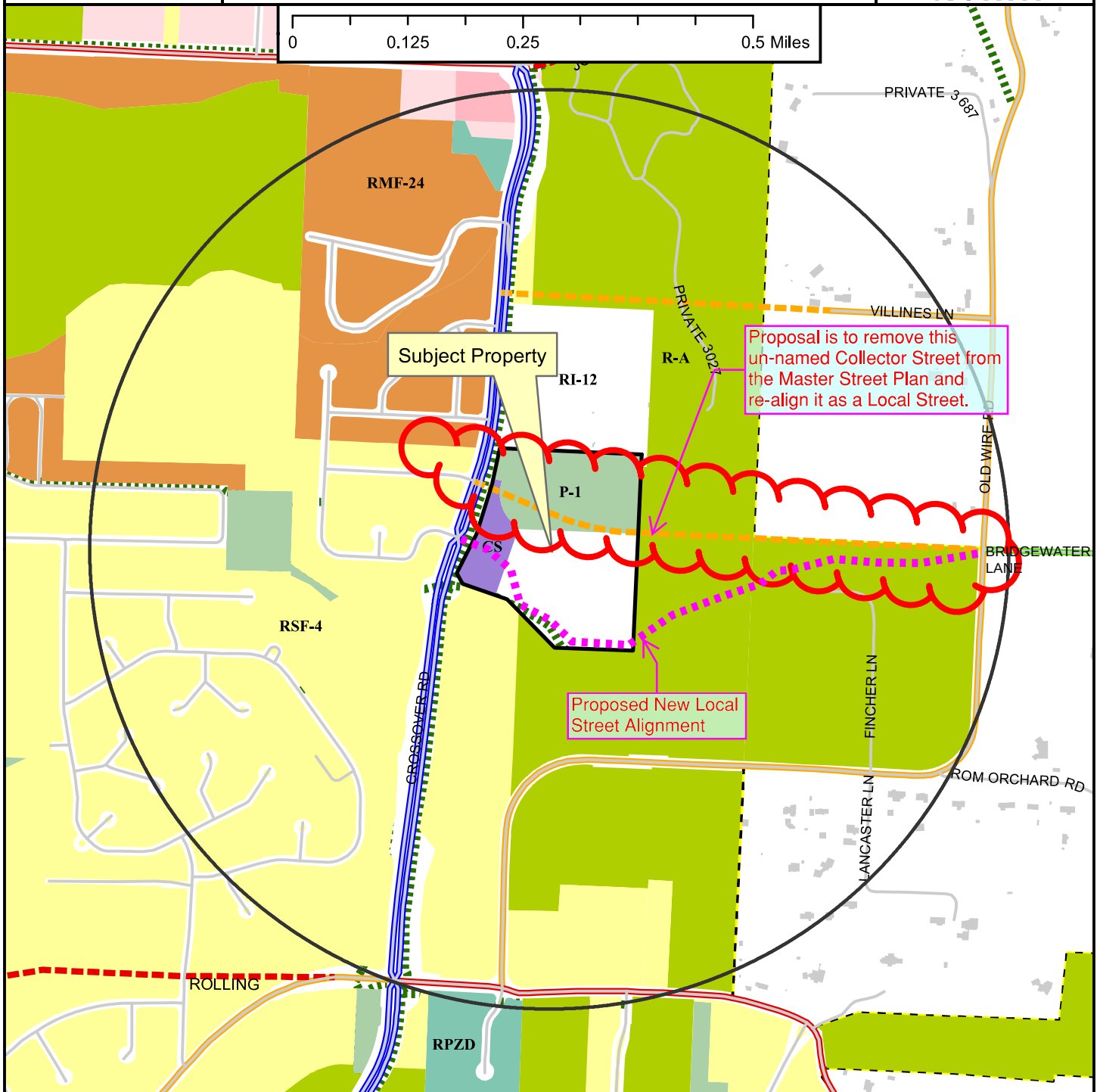
BUDGET/STAFF IMPACT:

None

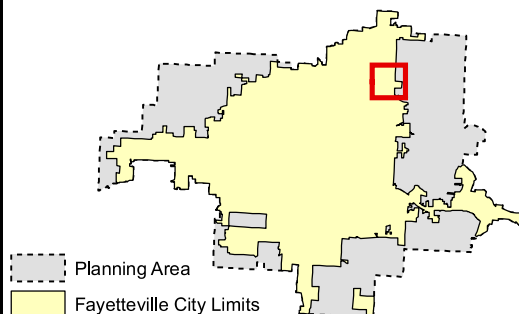
Attachments:

- Exhibit A
- Application
- Planning Commission Staff Report

SPRINGHOUSE VILLAGE RETIREMENT COMMUNITY



- 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-18

RESIDENTIAL MULTI-FAMILY

 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40

INDUSTRIAL

 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial

EXTRACTION

 - E-1

COMMERCIAL

 - Commercial-Office
 - C-1
 - C-2
 - C-3

FORM BASED DISTRICTS

 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation

PLANNED ZONING DISTRICTS

 - Commercial, Industrial, Residential

INSTITUTIONAL

 - P-1

CITY OF FAYETTEVILLE, ARKANSAS

LARGE SCALE DEVELOPMENT

FOR STAFF USE ONLY

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

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

S-T-R:
PP#:
Zone:

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

APPLICATION:

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

Applicant (person making request):

Name: John Foster

E-mail: john@fosterseniiorliving.com

Address: 1615 A. Ingram Mill Rd.
Springfield, MO 65809

Phone: 417.755.7770

Fax: 417 755. 7772

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

Name: Elizabeth Link

E-mail: lizlink7@gmail.com

Address: 8 Hadley Lane
Edwardsville, IL 62025

Phone: 618.407.3502

Fax: _____

Site Address / Location: 3434 Crossover Rd
Fayetteville, AR

Current Zoning District: P1-Institutional, District RT-12

Date of Preliminary Plat: _____

Assessor's Parcel Number(s) for property: 765-13251-000 + 765-13257-000

Total Acreage: _____ Number of Lots: 1 Number of Dwelling Units: P1-100

RT-12-33

FINANCIAL INTERESTS

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

FOSTER DEVELOPMENT INC.
MILDRED WINBORN, FRANCES BAILEY

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

Name (printed): Elizabeth Link Date: 3.24.2017

Signature: Elizabeth Link

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

Name (printed): Mildred Winborn Address: 3139 N. Old Wire Rd

Signature: Fayetteville, AR

Date: _____ Phone: 479 443 0205

Name (printed): Frances Bailey Address: 3211 N. Oakland Zion Rd

Signature: Fayetteville, AR

Date: _____ Phone: 479.200.0632

LSD Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Planner
 Corey Granderson, Staff Engineer

MEETING DATE: May 8, 2017 (Updated with Planning Commission results)

SUBJECT: **LSD 17-5771: Large Scale Development (3434 N. CROSSOVER RD./SPRINGHOUSE VILLAGE RETIREMENT COMMUNITY, 216):**
 Submitted by FOSTER DEVELOPMENT, INC. for properties located at 3434 N. CROSSOVER RD. The properties are zoned P-1, INSTITUTIONAL and RT-12, RESIDENTIAL TWO & THREE FAMILY and contain approximately 21.56 acres. The request is for 68 assisted living units, 34 memory care units, 34 independent living units.

RECOMMENDATION:

Staff recommends approval **LSD 17-5771** with conditions of approval.

BACKGROUND:

The subject 21.56 acre property is located on the east side of Crossover Road across the street from Paradise View Estates subdivision. The property is undeveloped pasture and contains a small amount of protected stream in the southwest corner, as well as some designated wetland area associated with this creek. A Master Street Plan 'Collector' Street is planned to cross the site from east to west, connecting Crossover Road to Bridgewater Lane at some point in the future. The applicant is processing a property line adjustment application to create an approximately 21.56 acre site for the proposed development. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped/Agricultural	RI-12, Residential Intermediate / 12 units per acre
South	Undeveloped/Agricultural	R-A, Residential / Agricultural and RSF-4, Residential Single-family / 4 units per acre
East	Undeveloped/Agricultural	R-A, Residential / Agricultural
West	Single-family Residential	RSF-4, Residential Single-family / 4 units per acre

Request: The applicant requests large scale development approval to construct a senior housing facility containing 69 assisted living beds, 34 memory care beds, 68 beds of independent living units in 34 two and three-family buildings, and a clubhouse building. Two commercial outlots on

Crossover Road are reserved for services catering to residents' needs. A new public street is proposed through the site stubbing out to the east for future connectivity.

Water and Sewer System: The property has access to existing public water service. A sewer main extension is required.

Adjacent streets and right-of-way dedication: This site has direct access to Crossover Road, a Master Street Plan designated 'Principal Arterial'. A Collector street is shown to provide east-west connectivity through the site. Adequate right-of-way exists along Crossover Road and no additional dedication is needed. Right-of-way dedication is required for the new proposed public street in the amount of 50 feet, assuming the street is re-classified as a local street as the applicant has requested and staff recommends.

Master Street Plan Amendment: The applicant does not propose to construct a Collector street as indicated on the relevant Master Street Plan section. Rather, they propose an amendment to the Master Street Plan to provide a new east-west Local street between Crossover Road and the eastern property line. *Staff recommends in favor of the applicant's request, finding that while east-west connectivity is needed in this region of the City, in staff's opinion a Collector street section is not necessary in this location. Local street connectivity between Crossover Road and Bridgewater Lane will be adequate for traffic flow and safety. The Local Street is more compatible with the proposed senior living facility where slower traffic speeds and pedestrian safety are a priority. Additionally, a Local Street is more appropriate with the context of the area to the east of the subject property that is currently rural and designated to stay as Rural on the Future Land Use Plan. This recommendation is also based on review of the Master Street Plan by Engineering and Planning staff in conjunction with the on-going Citywide Transportation Master Plan.*

Street Improvements: Staff recommends that a Local Street section with on-street parking shall be constructed in accordance with the Master Street Plan, including pavement, curb, gutter, storm drainage, sidewalk on both sides, and streetlights in accord with code as indicated on the applicant's plan. A future street extension sign shall be installed at the street stub-out location to indicate a future through street.

Parks Fees: On April 3, 2017, the Parks and Recreation Advisory Board recommended accepting money in-lieu in the amount of \$74,480.00 for 133 multi-family units to satisfy the park land dedication ordinance. This is due to the development's proximity to Braden, Sweetbriar, and Gulley Parks and the Mud Creek and Niokaska Trails.

Multi-use Trail Improvement: The Fayetteville Active Transportation Plan (ATP) identifies a 12-foot wide concrete shared use paved trail, an extension of the Niokaska Multi-use Trail, to be constructed within the project running east and west between Crossover Road and Old Wire Road along the stream and drainage area. *Staff recommends dedication of a 30 foot wide trail easement be dedicated with this project, as shown in the staff trail easement exhibit, attached. Construction of the trails construction is not recommended in association with the development.*

Tree Preservation:

CS Zone:

Existing Canopy: 18.6%

Preserved Canopy: 5.0%

Required Canopy: 20%

Tree Mitigation: 13,175 square feet of tree canopy.

P1 Zone:

Existing Canopy: 21.0%

Preserved Canopy: 2.6%

Required Canopy: 25%

Tree Mitigation: 65,518 square feet of tree canopy.

RI-12 Zone:

Existing Canopy: 64.1%

Preserved Canopy: 24.4%

Required Canopy: 20%

Tree Mitigation: 0.0 square feet of tree canopy.

Total Tree Mitigation: 258 two-inch caliper trees to be planted on site.

RECOMMENDATION: Staff recommends approval of LSD 17-5771 with the following conditions:

Conditions of Approval:

1. Planning Commission determined in favor of street improvements, recommending in favor of a Master Street Plan amendment for a Local Street as requested. (05-08-17)

1. Subdivision Committee recommendation of street improvements. *Staff recommends that a Local Street section with on-street parking shall be constructed in accordance with the Master Street Plan, including pavement, curb, gutter, storm drainage, sidewalk on both sides, and streetlights in accordance with code. This street shall have a left turn lane where it intersects Crossover Road as shown on the plan.*

Subdivision Committee recommended in favor.

2. Subdivision Committee recommendation of compliance with Urban Residential Design Standards. *Staff cannot determine whether the proposed building elevations and plans meet minimum design standards along the new Local Street. Prior to building permit approval, the two- and three-family dwellings shall meet Urban Residential Design Standards.*

Subdivision Committee did not make a recommendation..

2. Planning Commission determined in favor of this condition as written. (05-08-17)

- ~~3. Subdivision Committee recommendation of dedication of a 30 foot wide trail easement for a future extension of the Niokaska Multi-use Trail. *Staff recommends in favor of the easement dedication, as shown within Staff Engineer's comments as the exhibit 'Niokaska Multi-use Trail Easement'.*~~

~~**Subdivision Committee recommended in favor of a 20 foot wide easement, which has been corrected to 30', a standard trail easement width.**~~

~~3. Planning Commission modified this condition as indicated below. (05-08-17)~~

4. Subdivision Committee recommendation of money-in-lieu of park land dedication. *Staff and the Parks and Recreation Advisory Board recommend accepting money in-lieu for 133 multi-family units in the amount of \$75,040. The amount shall be paid prior to building permit approval.*

Subdivision Committee recommended in favor.

4. Planning Commission determined in favor of accepting parkland dedication for the 30-foot wide multi-use trail corridor through the project site, and payment of fees in lieu of land dedication for the remaining balance. The Commission made note that the parkland fees need to be re-calculated for accuracy prior to building permit because the attached memo from the Parks Department appears to consider the assisted living/memory care/nursing home part of the project as standard multi-family dwellings which is not accurate. (05-08-17)

5. *Right-of-way dedication is not required along Crossover Road, as adequate right-of-way exists. The right-of-way dedication associated with the proposed street shall be completed by easement plat prior to building permit approval.*
6. All City Engineering, tree preservation, landscape, and fire department conditions included herein shall apply. All revisions shall be addressed prior to construction plan approval.
7. All structures containing dwelling units shall be provided with an approved automatic sprinkler system. [AFPC 2012 §D104, §D106, §D107]
8. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area and all utility easements.
 - d. Project Disk with all final revisions
 - e. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
 - f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Standard conditions of approval:

9. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
10. If applicable, a business license shall be obtained prior to opening the business to the public.
11. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
12. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
13. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit.
14. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. A note shall be clearly placed on the plat and all construction documents indicating this requirement.

15. Trash enclosures shall be screened on three sides with materials complimentary to and compatible with the principle structure. Containers may also be screened from view of the street by the principal structure or vegetation. Elevations of the proposed dumpster enclosure shall be submitted to the Planning and Solid Waste Divisions for review prior to building permit.
 16. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the Design Overlay District.
 17. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.
 18. Large scale development shall be valid for one calendar year.
 19. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
 20. Easements necessary to serve the development as required by the utility providers and the City shall be dedicated by easement plat or by separate easement documents with approval of the Planning Division prior to building permit.
-

PLANNING COMMISSION ACTION: ☒ **Approved** ☐ **Denied**

Date: May 8, 2017

Motion: Belden

Second: Hoffman

Vote: 7-0-0

Note: Planning Commission approved the project with conditions as recommended by staff except modifying conditions #3 and #4 as noted.

3. Prior to building permit the applicant shall deed land to the City for a 30-foot wide multi-use trail corridor through the site following the alignment generally as indicated on the attached and as approved by City Engineering staff. The City shall give the applicant parkland credit for the land dedicated for the trail. (05-08-17)

BUDGET/STAFF IMPACT:

None.

Attachments:

- City Engineering Division Comments
- Urban Forestry Comments
- Park Planner Comments
- Fire Marshal Comments
- Master Street Plan Exhibit
- Applicant's Letter
- Plans
- Elevations
- Close Up Map
- One Mile Map



Date: May 1, 2017

Planning Commission Staff Memo

To: Quin Thompson, Planner

From: Corey Granderson, Staff Engineer

Re: Plat Review Comments

Development: LSD 17-5771 SPRINGHOUSE VILLAGE RETIREMENT COMMUNITY

Engineer: Collins Engineers, Inc.

Plan Comments:

1. Engineering recommends a multi-use trail easement be dedicated on the southern side of this development's property at this time. The easement should be 30FT wide and follow the alignment as shown on the exhibit attached to this memo.
2. The Engineering Division supports the applicant's proposal to amend the master street plan to downgrade the collector street through this site to a "local" street designation. This would adjust the overall street section, reducing pavement and greenspaces and right-of-way width.
 - a. The intersection with HWY-265 should remain wide enough for proper turn lanes and intersection function.
 - b. Master Street Plan amendments require city council approval.
 - c. The pavement design section for the "local" street, if approved, should match with collector design standards so that future traffic volumes can be accommodated. Please see the Minimum Street Standards for more information about pavement design requirements.
3. Hydraulic design and calculations are needed at construction level to determine adequate system flows for the proposed 8" commercial fireline. Please verify that the proposed 8" waterline loop through this site can provide adequate flows.

Drainage Comments:

1. The culvert under Highway 265 should be checked for overall basin capacity. This will be a stand-alone check for all areas draining to the culvert under POST-developed conditions for your project. Please refer to Chapter 1 of the Drainage Criteria Manual. This analysis is a quick check requested based on the submittal requirement to "Check for Existing Downstream Flooding."
2. The 12FT maintenance/access easement shown for the southern detention pond will not be required due to pond proximity to the r/w. This may provide more room for pond grading tie-in.
3. Propose a level spreader feature at the outlet to the southern pond. Use city standard details, and propose/design length of feature custom to the outflow conditions. Typically this is 1 linear foot per CFS exiting the pond during 100-yr event.

Standard Comments:

Mailing Address:
113 W. Mountain Street
Fayetteville, AR 72701

ENGINEERING
www.fayetteville-ar.gov

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense
3. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.
4. Fire Line monthly fees will be applied based on the size of the riser penetrating the slab. See Chapter 51.136 of the Unified Development Code for table of fees associated with pipe diameter.
5. Commercial structures that may require a fire sprinkler system must obtain a fire flow study submitted and approved by the fire department prior to approval of the project.
6. Prior to engineering approval of the **building permit**, either the required public improvements must be installed and accepted, or performance bonds in the amount of 150% of the construction cost for all public improvements must be submitted, accompanied by a unit price estimate approved by the Engineering Division.
7. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
 - o Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
 - o Sanitary Sewer pipe sizing, profiles, or utility conflicts
 - o Waterline fittings, callouts, or utility conflicts
 - o Street profiles
 - o Fine grading/spot elevations
8. The Engineer of Record shall:
 - a. Review and approve material submittals. Approved submittals shall be submitted to the City for concurrence before grading permit is issued.
 - b. Perform "Full Time" Inspection for the utility installation and shall be "In- Charge" of the approval testing.
 - c. Provide a qualified representative for all testing and inspection.
 - d. Schedule testing with the Public Works Inspector.
 - e. Authorize geotechnical testing laboratory to provide reports directly to City in PDF format. Reports shall be submitted in a timely manner.
 - f. Prepare material data sheets and test reports required by the specifications.
 - g. Insure that daily inspection reports and data sheets are submitted to the City of Fayetteville's public works inspector weekly in PDF format.
9. 2012 Standard Water & Sanitary Sewer Specifications & Details apply
10. Demolition shall not begin until the appropriate erosion control measures and required tree preservation fencing are installed
11. Prior to **Project Acceptance** (Certificate of Occupancy, or Temporary Certificate of Occupancy) the following items must be performed or provided to the satisfaction of the Engineering Department:
 - h. The work shown on the civil site package must be complete and the items on the final punch list completed.
 - i. Vegetation must be established and perimeter erosion controls removed.
 - j. One (1) set of as-built drawings of the complete project (excluding details) as a hard copy, digital file .dwg, and PDF format;
 - i. Public infrastructure and services shall be surveyed after installation in relation to easements, property lines, and rights-of-way.

- 1. More than 2 ft deviation of design alignment of shall require new easement dedication or adjustment of the utility/storm drain.
- ii. Sanitary Sewer, and Storm Drainage (Including Private) elevations must be verified and updated. (Elevations out of design tolerance must be corrected)
- iii. Street Centerline, Width, Profiles and Cross slopes shall be verified.
 - 1. More than 6 inches deviation of design alignment of shall require new right of way dedication or adjustment of the street section.
- iv. Adequate verification survey to confirm accuracy of drainage report.
- v. As-builts should include the following information in a table; Linear Feet of new public streets, sidewalk (categorized by width), waterline, and sanitary sewer. Square feet of newly dedicated right-of-way.
- k. Unit price construction costs for review and approval and a single 2 year maintenance bonds in the amount of 25% of the public improvements;
- l. Certification that the streets, sidewalk, storm sewer, water, fire line, and sewer lines, etc., were installed per approved plans and City of Fayetteville requirements;
 - i. Provide all Inspection Reports; approved submittals; Data Forms from Utility Specifications (Including Consultants sewer TV report); compaction test results, etc...
- m. Certification that the designed retaining walls were installed per approved plans and City of Fayetteville requirements(Inspection and Testing Reports required);
- n. Cross Sections, Volume Calculations, and Certification Retention/Detention Ponds are in accordance with the approved Drainage Report.
- o. Surveyor's Certification of Compliance for monuments and property pins.
- p. The As- Built Final Drainage Report in PDF format updated per as-built invert, slope, inlet opening, road profile, cross slope, etc...



STAFF REPORT FOR TREE PRESERVATION AND PROTECTION – Chapter 167

To: Foster Development, Inc. H Design Group, Collins Engineers, Inc. Frank Z Design Landscape Architecture

From: John J. Scott, Urban Forestry

CC: Harry Davis, Planner

Date: April 24, 2017

Subject: LSD 17-5771: 3434 Crossover Rd. | Springhouse Village Retirement Comm. | Tech Plat Review Comments

Requirements Submitted:

Y	Initial Review with the Urban Forester
NA	Site Analysis Map Submitted (if justification is needed)
NA	Site Analysis Written Report Submitted (justification is needed)
Y	Complete Tree Preservation Plan Submitted
Y	Tree Mitigation Table on Plans
NA	Tree Preservation Wavier Submitted (only use if no trees onsite or near P/L)

CS Zoning Calculations

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	97,415	100%
Zoning Designation * Select Below with drop down arrow		
CS, Community Services	19,483	20%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	19,483	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	18,072	18.6%
Tree Canopy Preserved	4,897	5.0%
Tree Canopy Removed *On Site	13,175	13.5%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	13,175	13.5%
Removed Below Minimum	14,586	
Mitigation Requirements	13,175	

Zoning P1

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	350,543	100%
Zoning Designation * Select Below with drop down arrow		
P-1, Institutional	87,636	25%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	87,636	25.0%
Existing Tree Canopy * Minus Right of Way and Easements	73,640	21.0%
Tree Canopy Preserved	9,122	2.6%
Tree Canopy Removed *On Site	64,518	18.4%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	64,518	18.4%
Removed Below Minimum	78,514	
Mitigation Requirements	64,518	

RT-12

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	463,287	100%
Zoning Designation * Select Below with drop down arrow		
RT-12, Two and Three-Family Residential	92,657	20%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	92,657	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	296,737	64.1%
Tree Canopy Preserved	113,050	24.4%
Tree Canopy Removed *On Site	183,687	39.6%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	183,687	39.6%
Removed Below Minimum	0	
Mitigation Requirements	0	

- Total Site Area* is property line minus Master Street Plan ROW, existing easements, and Dedicated Parkland
- Existing Tree Canopy* is total tree canopy minus Master Street Plan ROW and existing easements

• Canopy Below Required	Preservation Priority/Type	Forestation Base Density (ft2)	Number of 2" caliper trees to be planted
56,286 ft2	High Priority	218	258
0	Mid Priority	290	0
	Low Priority	436	0
Total Mitigation			258

Mitigation Type Requested	Qty	Each	Total Cost
On-site Mitigation			
Off-site Mitigation			
Tree Escrow			
Total Mitigation			

Mitigation Type Requested:
☒ On-Site ☐ Off-Site ☐ Tree Escrow ☐ Not Requested Yet

Mitigation Type Requested Approved: ☒ YES ☐ NO

TREE PROTECTION PLAN CHECKLISTS AND COMMENTS:

Plan Checklist:

NA = not applicable

Yes = submitted by applicant

I = incomplete

No = required by City Code but not included on submitted plan

The Site Analysis Plan [167.04(H)(1)]

Tech Plat	SD	PC	Site Analysis Plan Components
Y	Y		5 year aerial check on existing trees
Y	Y		Property Boundary
Y	Y		Natural Features 100ft beyond property line shown
Y	Y		Existing Topography with slopes $\leq$ 15% highlighted
Y	Y		Soils
Y	Y		Significant Tree(s): 24", 18" and 8" DBH
Y	Y		Table listing Sig. Trees with species, size, health, priority
Y	Y		Grouping of Trees: all other trees that do not meet significant requirements
Y	Y		Table listing Grouped Trees with average species, size, health, priority
Y	Y		All existing utilities
Y	Y		All perennial and intermittent streams with approximate center line
Y	Y		Floodplains/Floodways
Y	Y		Existing street, sidewalk or bike path ROW
NA	N/A	N/A	Submitted Site Analysis Plan

The Analysis Plan Report [167.04(H)(4)]

Tech Plat	SD	PC	Analysis Plan Report Components
-----------	----	----	---------------------------------

N/A	N/A	N/A	Detail Design Approaches used to minimize damage to OR removal of existing canopy
N/A	N/A	N/A	Justification for removal of individual or groupings of trees/canopy
N/A	N/A	N/A	Details providing information on on-site mitigation OR off-site alternatives
N/A	N/A	N/A	Submitted Analysis Report/Statement – Note the process, iterations, and approaches with tree preservation in mind. Use email from owner/developer that was provided as reference.

Tree Preservation Plan [167.04(H)(2)]

Tech Plat	SD	PC	Tree Preservation Plan Components
Y	Y		Shows ALL Proposed Site Improvements
Y	Y		Delineates trees/canopy to be preserved and removed
Y	Y		Delineates existing and proposed grading
Y	Y		Depict limits of soil disturbance
			Detail methods that will be used to protect trees during construction:
Y	Y		1. Tree Protection Fencing
NA	N/A	N/A	2. Limits of Root Pruning
Y	Y		3. Traffic flow on work site
Y	Y		4. Location of material storage
Y	Y		5. Location of concrete wash out – move outside of trees to be saved
Y	Y		6. Location of construction entrance/exit
Y	Y		Location of ALL existing and new utility/drainage easements

Urban Forestry recommends approval with the following conditions:

1. Address items above marked "No" and all Redlines provided.
2. Please show the entire tree preservation area.
3. Staff is working with developers on tree preservation areas in the middle of the site near the pond.



LANDSCAPE REGULATIONS – Chapter 177

To: Foster Development, Inc. H Design Group, Collins Engineers, Inc. Frank Z Design Landscape Architecture

From: John J. Scott, Urban Forestry

CC: Harry Davis, Planner

Date: April 24, 2017

Subject: LSD 17-5771: 3434 Crossover Rd. | Springhouse Village Retirement Comm. | Tech Plat Review Comments

Applicable Requirements:

N	Site Development & Parking Lot Standards
Y	Street Tree Planting Standards
Y	Stormwater Facilities

Plan Checklist:

Yes = submitted by applicant

No = required by City Code but not included on submitted plan

N/A = not applicable

Tech Plat	SC	PC	All Landscape Plans
N	Y		Irrigation notes either automatic or hose bib 100' o.c. (177.03A.7.g & 177.04.B.3.a) Use COF tree Planting Detail
Y	Y		Species of plant material identified (177.03.A.7.d & e)
Y	Y		Size of plant material at time of installation indicated minimum size 2" caliper for trees and 3 gal. shrubs (177.03.A.7.b & c)
N	Y		Soil amendments notes include that soil is amended and sod removed (177.03.C.6.b)
N	Y		Mulch notes indicate organic mulching around trees and within landscape beds (177.03.C.6.c & d)
N	N		LSD and Subdivisions plans stamped by a licensed Landscape Architect, others by Landscape Designer (177.03.B)
Na	N/A	N/A	Planting bed contained by edging (177.03.C.6.f)
N	N		Planting details according to Fayetteville's Landscape Manual (177.03.C.6.g)

Tech Plat	SC	PC	Site Development & Parking Lot Standards
Y	Y		Wheel stops/ curbs (177.04.B.1)
Y	Y		Interior landscaping (177.04.C) – only required and provided for customer/staff parking around proposed building Narrow tree lawn (8' min width, 37.5' min length/ 1 tree per 12 spaces) <u>OR</u> Tree island (8' min. width, 18.7' min. length/1 tree per 12 spaces) All parking lot trees must be deciduous (177.04.C.3)
NA	NA	NA	Placement of Trees (177.04.C.2) – Either side at points of access (entrance/exit)
Y	Y		Perimeter landscaping (177.04.D) Side and rear property lines (5' wide landscaped) –Front property line (15' wide landscape or 10' in urban zoning district) (177.04.D.2.a) Shade trees planted on south and west sides of parking lots (177.04.D.2.e) Parking lot adjacent to R.O.W. - continuous row planting of shrubs - 50% evergreen. Remaining landscaping to be ground cover and / or turf.) (177.04.D.4a) NOTE: Shade trees are described in street tree planting standards
Tech Plat	SC	PC	Street Tree Planting Standards (time of F.P. or permit) (177.05)
NA	N/A	N/A	Residential Subdivisions- 1 large species shade tree/ lot tree planted within R.O.W. if possible
N	N		Nonresidential Subdivision- 1 large species shade tree/30 L.F. tree planted within 15-25' greenspace
Na	N/A	N/A	Urban Tree Wells-urban streetscape only- 8' sidewalk , trees every 30 L.F. (177.05.B.3.a-f)
NA	N/A	N/A	Structural Soil-if urban wells are used, a note or detail of structural soil must be indicated on the landscape plan and inspected at time of construction.
NA	N/A	N/A	Timing of planting indicated on plans (subdivisions only) (177.05.A.4)
NA	N/A	N/A	Written description of the method for tracking plantings (177.05.A.4.e)
N	Y		Plan contains 3-year Maintenance and Monitoring Agreement. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. (177.05.A.2.e)
Tech Plat	SC	PC	Stormwater Facilities (time of F.P. or permit) (177.06.A – C)
NA	NA	NA	1 deciduous or evergreen tree/ 3000 square feet
NA	Na	NA	4 large shrubs or small trees (3 gal) / 3000 square feet
NA	NA	NA	6 shrubs or grasses (1 gal) / 3000 square feet
Na	N/A	N/A	Ground cover unless seed or sod is specified
Na	N/A	N/A	50% of facility planted with grass or grass like plants

Landscape Requirements Table		
258	Mitigation Trees	3-year bond required
33	Street Trees 1/30'	3-year bond required
15	Parking Trees	
5	Detention Large Trees	
20	Detention Small Trees / Large Shrubs	
30	Detention Small Shrubs	

Conditions of Approval:

Urban Forestry recommends approval of the landscape plan with the following conditions:

1. Address any redlines and items above marked "N".
2. Please double check the spacing on street trees for Foster Circle and Springhouse Ave.
3. Street frontage is both sides of the street minus drive ways. 1 tree every thirty feet on each side of the street.
167.05 3 A.
4. Staff will continue to work with the applicant on tree preservation easements to meet the applicant's goals.
5. Please use the City of Fayetteville's details for tree planting. There is one for slope but not tree planting.
6. Please Include the Landscape Architects stamp.

TO: Planning Division
FROM: Ken Eastin, Park Planner II
DATE: May 1, 2017
SUBJECT: Parks & Recreation Planning Commission Review Comments

Meeting Date: May 8, 2017
Item: 17-5771 LSD 3434 Crossover Rd. (Springhouse Village Retirement Community) 216
Park District: NE
Zoned: CS, P-1, RI-12
Billing Name & Address: John Foster
Foster Senior Living
1615 A. Ingram Mill Rd.
Springfield, MO 65809

	<u>Current Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ 0.023 acre per unit = _____ acres	_____ @ \$920 per unit = \$ _____
Multi Family	_____ @ 0.014 acre per unit = _____ acres	133 @ \$560 per unit = <u>\$74,480</u>

REQUIRED PARK FEES ARE CURRENTLY \$74,480 (See analysis below)

COMMENTS:

- On April 3, 2017, PRAB reviewed the project and recommended accepting money in-lieu for 133 multi-family units to satisfy the park land dedication ordinance due to the development's proximity to Braden, Sweetbriar, and Gulley Parks and the Mud Creek and Niokaska Trails.
- The actual amount of acreage and/or fees will be determined by the actual number of units and the park land formula at Planning Commission approval of the Large-Scale Development.
- Fees must be paid prior to issuing of building permits.

Fire Marshal Comments 17-5771 LSD

LSD 17-5771: Large Scale Development (3434 N. CROSSOVER RD./SPRINGHOUSE VILLAGE RETIREMENT COMMUNITY, 216): Submitted by FOSTER DEVELOPMENT, INC. for properties located at 3434 N. CROSSOVER RD. The properties are zoned P-1, INSTITUTIONAL and RT-12, RESIDENTIAL TWO & THREE FAMILY and contain approximately 21.56 acres. The request is for 67 assisted living units, 33 memory care units, 34 independent living units, and 14,000 square feet of commercial services with associated parking.

The Fire Department has the following conditions for approval of LSD 17-5771. The requirements are based on the 2012 Edition of the Arkansas Fire Prevention Code (AFPC), Volume I.

1. No parking signs are required in the following locations throughout the proposed project.
 - a. **AFPC 2012 §D103.6.1 Roads 20 to 26 feet in width.** Fire lane signs as specified in D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide. In addition signs must meet spacing requirements of AFPC 2012 503.3
 - b. **AFPC 2012 §D103.6.2 Roads more than 26 feet in width.** Fire lane signs as specified in D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide and less than 32 feet wide. In addition signs must meet spacing requirements of AFPC 2012 503.3
2. All structures containing dwelling units shall be provided with an approved automatic sprinkler system.
 - a. **AFPC 2012 §D104, §D106, §D107**

Regards,

Battalion Chief B. Sloat

Deputy Fire Marshal

Fayetteville Fire Department



MASTER STREET PLAN AMENDMENT

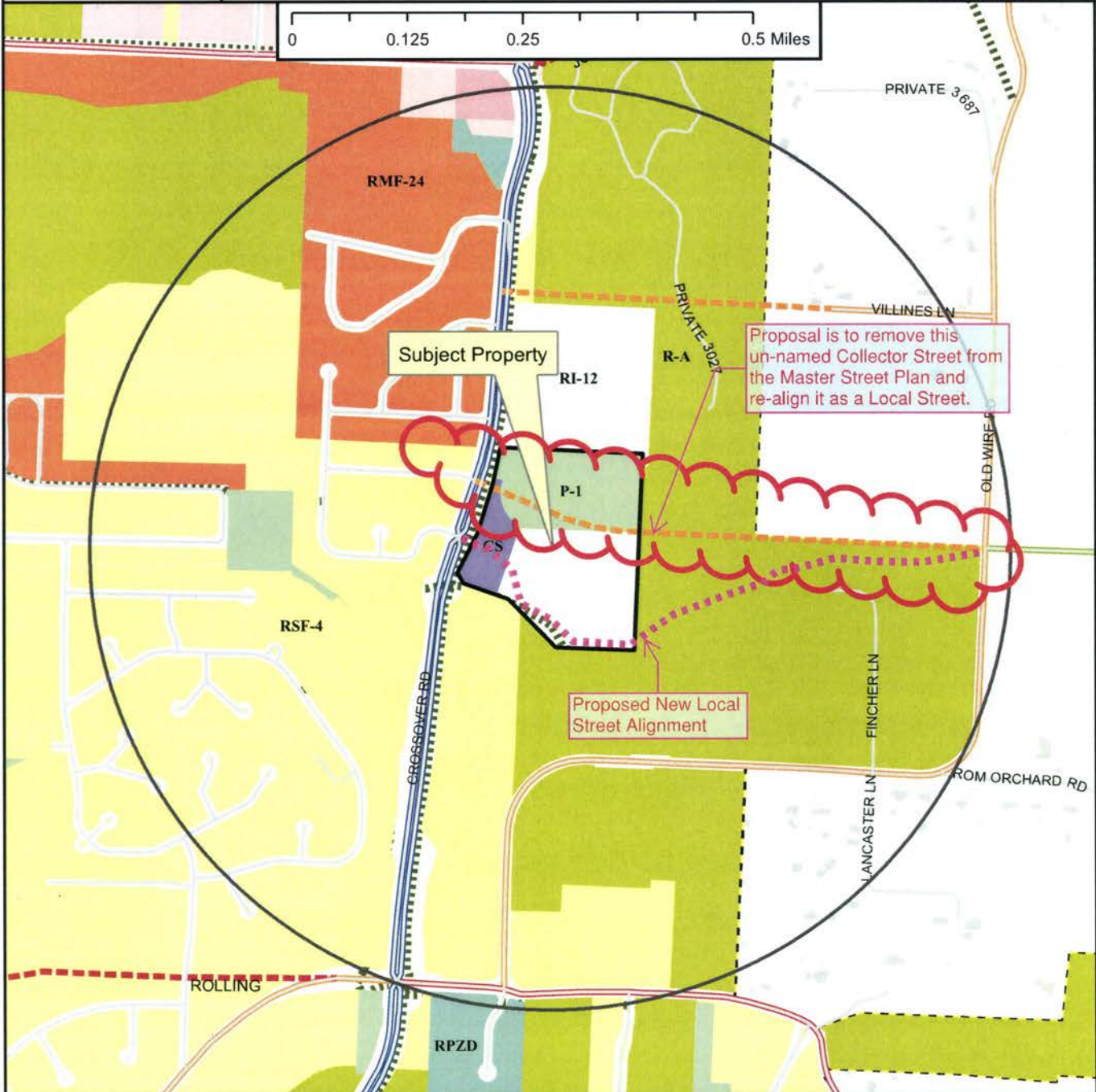
LSD 17-5771

One Mile View

SPRINGHOUSE VILLAGE RETIREMENT COMMUNITY

NORTH

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**
- Urban Core
 - Urban Thoroughfare
 - Main Street Center
 - Down Town General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
- INSTITUTIONAL**
- P-1

Mr. Quin Thompson
City of Fayetteville
Planning Division
125 West Mountain Street
Fayetteville, AR 72701

Marche 28, 2017

RE: LSD Application: Springhouse Village, 3434 Crossover Rd, Fayetteville, AR

Dear Mr. Thompson;

Please find enclosed the application for Large Scale Development of Springhouse Village, a Foster Active Living Community. The applicant is John Foster, Foster Development Inc., represented by Elizabeth Link, and the project address is 3434 Crossover Road, Fayetteville, AR .

Market studies demonstrate the increasing need for assisted living and memory care as well as independent senior living in Fayetteville. The proposed project combines these three types of accommodations, as well as commercial uses to increase the quality of life for the residents. Conceptually a resident would move to the community, choose an independent living villa, and remain there until a greater need for care arises. At that time additional care could be obtained by choosing assisted living or memory care living, without moving outside of the community. Seniors will be comforted with the same schedules and caregivers and surroundings in a time of uncertainty for them.

This community will allow residents the ability to be as mobile and social as they want to be. Enhanced landscaping will make this community an enjoyable walking experience, and the planned courtyards will take advantage of the weather and growing season to provide a safe yet inviting outdoor experience for residents. But if mobility becomes an issue, changing to a unit which provides more assistance can be easily accomplished with less stress and worry for the resident.

Design: The community provides small home living inspired by the modern farmhouse, featuring:

Independent Living

- Two bedroom homes, typically within duplex or triplex configurations
- Pocket neighborhoods, with front porches facing village greens and neighbors, encouraging social interaction
- Walkable community, with beautiful landscaping to enjoy the outdoors as well as visit neighbors. Pathways will also be accessible for golf carts.
- Clubhouse for social engagements and community meals
- Neighborhood personal service retail on site
- Creative Floor Plan to Maximize Layout.

Assisted Living

- One bedroom apartments with ample space for queen size bed and full size furniture in the living room and bedroom, in lieu of small “nursing home style” studio apartments that exist in much of the Fayetteville inventory – large enough for family/guest or grandchildren to stay overnight.
- Modern walk in/ wheel in shower access and a large walk in closet.
- Kitchenette featuring refrigerator with icemaker and granite counter tops with room for dining table and chairs
- Large private patios for enjoying the outdoors with family and friends.
- Individual, quiet heat pumps and air conditioning units versus room PTAC units as a hotel room would have.
- Energy efficient design cutting utility costs by 50% compared to traditional construction
- Hearthside Fireplace enjoyment in multiple locations in the community.
- Warm friendly atmosphere for families and residents to call home.
- On Site Beauty Shop.
- On Site Theater Room
- On Site Bistro/Bar Area.

Memory Care

- Two small neighborhoods that consist of 16 private apartments and private bathroom.
- Family Style dining personalized for each neighborhood.
- Individual family entrance areas into the Memory Care Neighborhood.
- On site Licensed Nurse staff and Certified Nurse Aide staff for personalized care to meet the residents’ needs.
- Common areas decorated to create a warm family friendly home for the residents.
- Salon and Spa in each neighborhood
- Hearthside fireplace in each neighborhood.

Continuum of Care: Fosters’ campus will allow for the residents to transition in place from independent living villas, to assisted living to memory care creating a “stay connected” compassion for caring for seniors versus moving them from location to location as their needs change.

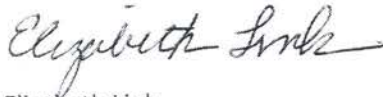
Corridor Access: With direct access from Crossover Road, visitors and residents will have easy access to the community. We would like our family members to be within a 7-mile radius of our location so the families can visit at the beginning and end of their workday. This would allow the families to reconnect with their loved ones on a daily basis, driving on streets that are not congested.

No variances are requested. Of note, in the RT-12 multifamily zone, with the exception of approximately 20 feet on either side of the protected ephemeral stream, units occupy slightly more than 50% of the public road frontage (Public Street length = 958 feet, Stream avoidance = 40 feet, 50% of street frontage = $0.50 * (958 - 40) = 459$ feet, Building frontage = 479 feet).

As no land is readily accessible from the public road for the creation of a public park, we have requested approval of payment in lieu of park dedication from the City of Fayetteville Parks and Recreation Department. The letter requesting same is attached.

I look forward to reviewing our plans with staff and Planning Commission.

Sincerely;

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

Elizabeth Link
Owner's Representative
Foster Development Inc.

COLLINS ENGINEERS
2033 West Howard Avenue
Milwaukee, WI 53221
Phone: 414-282-6905
Fax: 414-282-6955

Client

Foster Development, Inc.
1913 A Ingram Rd Road
Springfield, MO 65809
Owner's Representative
Elizabeth Lane
618-407-3502

Consultants

Collins Engineers, Inc. - Civil
2033 West Howard Avenue
Milwaukee, WI 53221
414-282-6905
Metzger Engineering - Structural
2101 W. Chestnut Street
Springfield, MO 65807
417-860-8002
CSD Engineering LLC - MEP
2101 W. Chestnut Street
Springfield, MO 65807
417-860-8002
FrankDesign, LLC - Landscape Architect
203 Park Central East, Suite 906
Springfield, MO
417-864-3722

SITE INFORMATION TABLE	
TOTAL SITE AREA	21.54 AC
BUILDING COVERAGE	4.71 AC
SURFACED AREA	4.35 AC

Glory Drive						
Number	Length	Radius	Line/Chord Direction	Start Station	End Station	
L6	178.978		S71° 01' 37.70"E	10+00.00	11+78.98	
C4	129.782	500.00	S63° 35' 28.31"E			
L7	110.744		S56° 09' 18.91"E	13+08.76	14+19.50	
C5	214.535	264.00	S32° 52' 30.09"E			
L8	1.485		S09° 35' 41.26"E	16+34.04	16+35.52	
C6	136.721	261.00	S24° 36' 05.62"E			
L10	57.410		S39° 36' 29.98"E	17+72.25	18+29.84	
C7	219.943	261.00	S63° 44' 58.96"E			
L11	140.592		S87° 53' 27.84"E	20+49.60	21+90.19	
C8	105.985	173.50	N74° 36' 31.99"E			
L9	109.343		N57° 06' 31.92"E	22+96.18	24+05.52	

NOTES

- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB, UNLESS NOTED OTHERWISE.
- SEE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS.
- PER FLOODPLAIN FIRM MAP NO. 05143C0230 DATED MAY 18, 2008, THE SITE IS LOCATED WITHIN "ZONE X" OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- PER THE "DELINEATION OF POTENTIAL SECTION 404 ISSUES OF THE PROPOSED BAILEY FARM DEVELOPMENT PROJECT, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS" DATED NOV. 11, 2016 BY FTM ASSOCIATES, LTD. THERE ARE NO WETLANDS ON THE SITE.
- STREAM DELINEATION PER "DELINEATION OF POTENTIAL SECTION 404 ISSUES OF THE PROPOSED BAILEY FARM DEVELOPMENT PROJECT, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS" DATED NOV. 11, 2016 BY FTM ASSOCIATES, LTD.
- ALL RETAINING WALLS OVER 30" REQUIRE HANDRAILS.
- ALL BUILDINGS CONTAINING DWELLING UNITS SHALL BE PROVIDED WITH AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM.



1 SITE PLAN

SCALE: 1" = 50'

SITE PLAN LEGEND

- PROPOSED MODULAR BLOCK RETAINING WALL (HEIGHT OF EXPOSED FACE IN FEET)
- LIMIT OF DISTURBANCE/CLEARING
- TRAFFIC DIRECTION
- PROPOSED STREAM IMPACT

BUILDING UNITS

ASSISTED LIVING		
UNIT	QUANTITY	TOTAL
UNIT A - EFFICIENCY	11	11 BEDROOMS
UNIT B - 1 BR	22	22 BEDROOMS
UNIT C - 2 BR	26	26 BEDROOMS
UNIT D - 3 BR	6	6 BEDROOMS
UNIT E - 4 BR	2	2 BEDROOMS
TOTAL	87	87 BEDROOMS

MEMORY CARE		
UNIT	QUANTITY	TOTAL
UNIT F - 1 BR	16	16 BEDROOMS
UNIT G - 2 BR	16	16 BEDROOMS
UNIT H - 3 BR	1	1 BEDROOM
TOTAL	33	33 BEDROOMS

INDEPENDENT LIVING		
UNIT	QUANTITY	TOTAL
UNIT I	13	26 BEDROOMS
UNIT J	8	16 BEDROOMS
UNIT K	8	16 BEDROOMS
UNIT L	5	10 BEDROOMS
TOTAL	34	68 BEDROOMS

ASSISTED LIVING/MEMORY CARE = 98,607 S.F.

PARKING - PER CITY CODE SECTION 172.05, TABLE 3

ZONING	USE	SPACE REQUIREMENT	OFF-WHITE OF BEDROOMS	MIN SPACES REQUIRED	MAX SPACES REQUIRED	TOTAL REGULAR SPACES PROVIDED	TOTAL ADA STALLS REQUIRED	TOTAL ADA STALLS PROVIDED	BICYCLE RACK SPACES	MOTO PARKING
P-1	ASSISTED LIVING OR NURSING HOME	1 PER 2 BEDS	100	50	58	50	3	3	8	0
RT-12	RESIDENTIAL - MULTI-FAMILY (TOWNHOUSE)	1 PER BEDROOM	68	68	78	59	0	0	0	0

* 24 STALLS ON-STREET PARKING ALSO PROVIDED FOR RT-12 ZONING.

COLLINS ENGINEERS
2033 West Howard Avenue
Milwaukee, WI 53221
Phone: 414-282-4955
Fax: 414-282-4955

Client
Foster Development, Inc.
1615 N. Morgan Road
Springfield, MO 65809
Owner's Representative
Elizabeth Lusk
618-457-3302

Consultants
Cotton Engineers, Inc. - Civil
2033 W. Howard Avenue
Milwaukee, WI 53221
414-282-4955
Mattern Engineering - Structural
2101 W. Chesterfield Blvd
Springfield, MO 65807
417-877-1100
CID Engineering LLC - MEP
2101 W. Chesterfield Blvd
Springfield, MO 65807
417-877-1100
HarscoDesign, LLC - Landscape Architect
203 Park Center East, Suite 106
Springfield, MO
417-888-3722

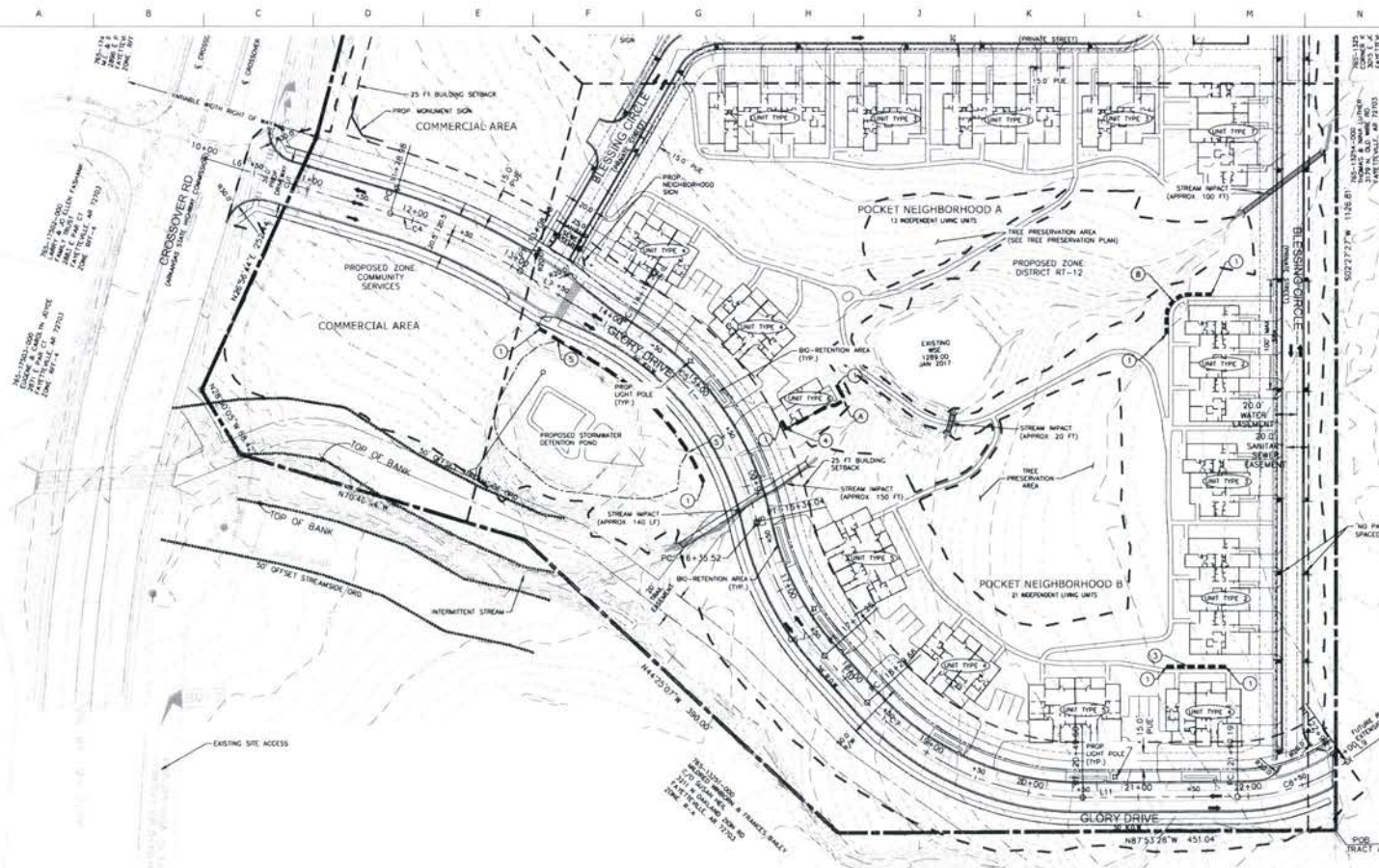
BENCHMARKS

BM-1
CP CX N BING ARV
NAVD83 DATUM
N=654827.3360
E=686573.6360
Z=1291.86

BM-2
ARV B' O' CONC
NAVD83 DATUM
N=654827.3360
E=686573.6360
Z=1291.86

SITE INFORMATION TABLE

TOTAL SITE AREA	31.58 AC
BUILDING COVERAGE	8.11 AC
SURFACED AREA	8.20 AC



SITE PLAN LEGEND

- 1. PROPOSED MODULAR BLOCK RETAINING WALL HEIGHT OF EXPOSED FACE IN FEET
- 2. LIMIT OF DISTURBANCE/CLEARING
- 3. TRAFFIC DIRECTION
- 4. PROPOSED STREAM IMPACT

PARKING - PER CITY CODE SECTION 172.05, TABLE 3

ZONING	USE	SPACE REQUIREMENT	STANDARDS OR BEDROOMS	MIN SPACES REQUIRED	MAX SPACES REQUIRED	TOTAL REGULAR SPACES PROVIDED	TOTAL ADA STALLS REQUIRED	TOTAL ADA STALLS PROVIDED	BICYCLE RACK SPACES	MOTO PARKING
R-1	RESIDENTIAL - SINGLE OR DUPLEX HOME	1 PER 2 BEDS	100	50	38	56	3	3	8	0
R-12	RESIDENTIAL - MULTI-FAMILY TOWNHOUSE	1 PER BEDROOM	88	88	78	65	0	0	0	0

• 24 STALLS ON-STREET PARKING ALSO PROVIDED FOR RT-12 ZONING

NOTES

- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB, UNLESS NOTED OTHERWISE.
- SEE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS.
- PER FLOODPLAIN FIRM MAP NO. 051430230 DATED MAY 16, 2008, THE SITE IS LOCATED WITHIN "ZONE A" OUTFLOPP OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- PER THE "DELINEATION OF POTENTIAL SECTION 404 ISSUES OF THE PROPOSED BAILEY FARM DEVELOPMENT PROJECT, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS" DATED NOV. 11, 2016 BY FTM ASSOCIATES, LTD, THERE ARE NOT WETLANDS ON THE SITE.
- PER THE "DELINEATION OF POTENTIAL SECTION 404 ISSUES OF THE PROPOSED BAILEY FARM DEVELOPMENT PROJECT, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS" DATED NOV. 11, 2016 BY FTM ASSOCIATES, LTD.
- ALTA SURVEY PER SURVEY BY MULLHOLLAND LAND SURVEYING, DATED 03/03/2017
- ALL RETAINING WALLS OVER 30" REQUIRE HANDRAILS.
- ALL BUILDINGS CONTAINING DWELLING UNITS SHALL BE PROVIDED WITH AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM.

Glory Drive

Number	Length	Radius	Line/Chord Direction	Start Station	End Station
L6	178.978		S71° 01' 37.70"E	10+00.00	11+78.98
C4	129.782	500.000	S63° 35' 28.31"E		
L7	110.744		S56° 09' 18.91"E	13+08.76	14+19.50
C5	214.535	264.000	S32° 52' 30.09"E		
L8	1.485		S09° 35' 41.26"E	16+34.04	16+35.52
C6	136.721	261.000	S24° 36' 05.62"E		
L10	57.410		S39° 36' 29.98"E	17+72.25	18+29.66
C7	219.943	261.000	S63° 44' 58.96"E		
L11	140.592		S87° 53' 27.94"E	20+49.60	21+90.19
C8	105.985	173.500	N74° 36' 31.99"E		
L9	109.343		N57° 06' 31.92"E	22+96.18	24+05.52

BUILDING UNITS

ASSISTED LIVING

UNIT #	EFFICIENCY	QUANTITY	BEDROOMS	TOTAL
UNIT A - 1 BR	11	1	1	11 BEDROOMS
UNIT B - 1 BR	22	1	1	22 BEDROOMS
UNIT C - 1 BR	26	1	1	26 BEDROOMS
UNIT D - 1 BR	6	1	1	6 BEDROOMS
UNIT E - 2 BR	2	2	2	4 BEDROOMS
TOTAL	67			69 BEDROOMS

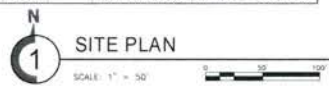
MEMORY CARE

UNIT #	QUANTITY	BEDROOMS	TOTAL
UNIT F - 1 BR	18	1	18 BEDROOMS
UNIT G - 1 BR	18	1	18 BEDROOMS
UNIT H - 2 BR	1	1	2 BEDROOMS
TOTAL	37		38 BEDROOMS

ASSISTED LIVING/MEMORY CARE = 98,607 S.F.

INDEPENDENT LIVING

UNIT #	QUANTITY	BEDROOMS	TOTAL
UNIT A	13	2	26 BEDROOMS
UNIT B	8	2	16 BEDROOMS
UNIT C	8	2	16 BEDROOMS
UNIT D	5	2	10 BEDROOMS
TOTAL	34		68 BEDROOMS



SITE PLAN

Project No: 80-9647
Drawn By: HSB
Reviewed By: HSB
Date: 05/01/2017

C1.4

COLLINS ENGINEERS
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 Milwaukee, WI 53221
 Phone: 414-282-6903
 Fax: 414-282-6955

Client

Foster Development, Inc.
 5615-A Oregon Road
 Springfield, MO 65809
 Owner's Representative
 Christopher Link
 618-407-1350

Consultants

Collins Engineers, Inc. - Civil
 2033 W Howard Avenue
 Milwaukee, WI 53221
 414-282-6903
 Macomber Engineering - Structural
 2101 W Chestfield Blvd
 Springfield, MO 65807
 417-895-0021
 ESD Engineering LLC - MEP
 2101 W Chestfield Blvd
 Springfield, MO 65807
 417-877-1300
 Trans2Design, LLC - Landscape Architect
 205 Park Central East, Suite 406
 Springfield, MO
 417-849-3723

Revisions

No.	Description	Date
1	Address City Comments	04/18/17
2	Address City Comments	05/01/17
3		

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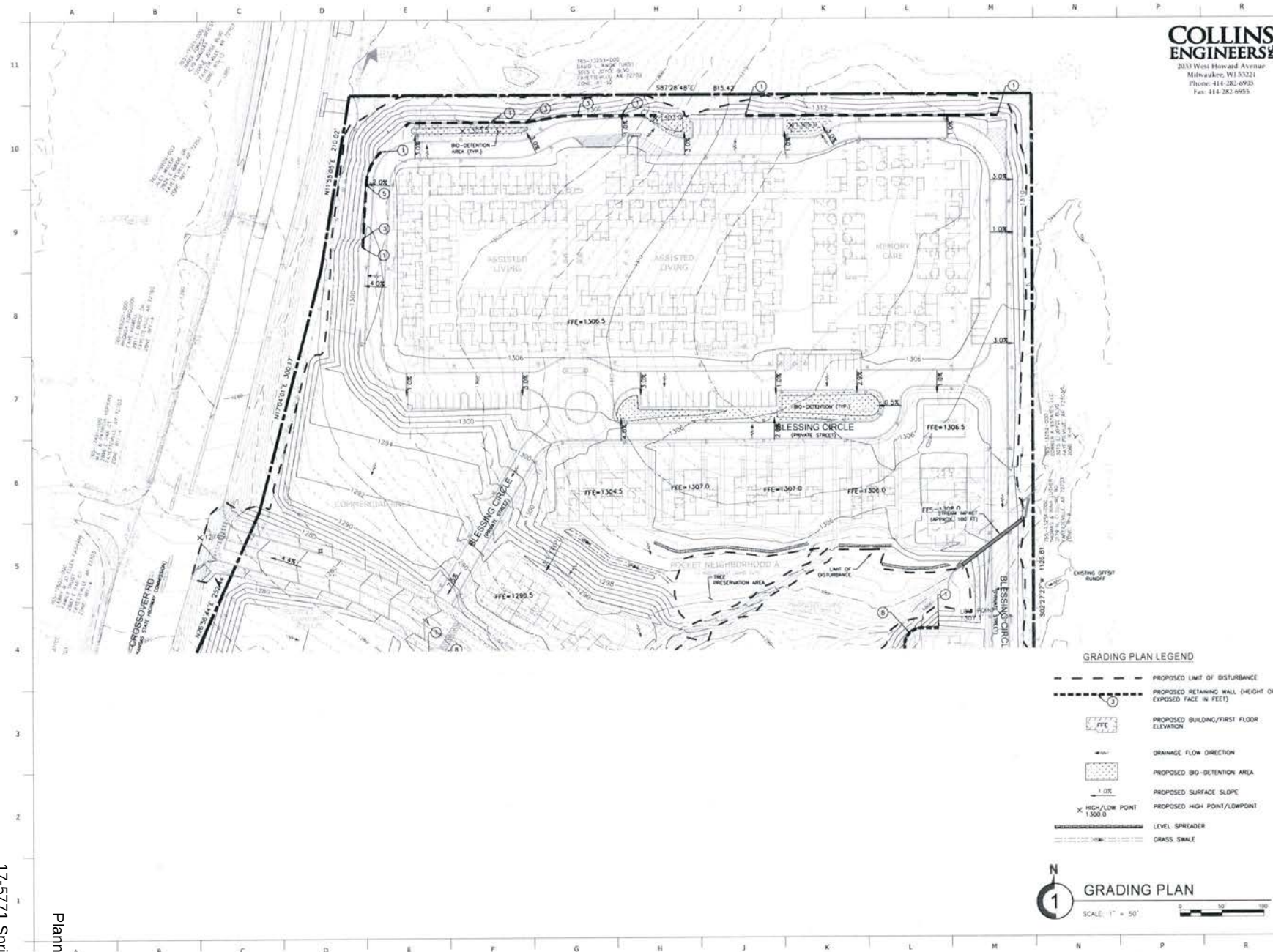
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New Project for:

Springhouse Village - a Foster Active Living Community
 2424 N. Crossover Road
 Fayetteville, AR 72703

GRADING PLAN

Project No: 16-0040
 Drawn By: HSB
 Reviewed By: BAT
 Date: 05/01/2017
 Sheet
C1.5



COLLINS ENGINEERS
 2033 West Howard Avenue
 Milwaukee, WI 53221
 Phone: 414-382-6905
 Fax: 414-282-6905

Client

Postel Development, Inc.
 1615 A Ingram Hill Road
 Springfield, MO 65807
 Owner's Representative
 Elizabeth Lee
 417-407-1502

Consultants

Collins Engineering, Inc. Civil
 2033 W Howard Avenue
 Milwaukee, WI 53221
 414-382-6905
 Haldeman Engineering - Structural
 2101 W Charleston Blvd
 Springfield, MO 65807
 417-817-1700
 Frank Design, LLC - Landscape Architect
 205 Park Central East, Suite 400
 Springfield, MO
 417-943-7723

Revisions

No.	Description	Date
1	Address City Comments	04/18/17
2	Address City Comments	04/18/17

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2. New Project for:
 Springhouse Village - a Foster Active Living Community
 3424 N. Crosswater Road
 Fayetteville, AR 72701

GRADING PLAN

Project No: 60-0040 Sheet
 Drawn By: HDE
 Reviewed By: HAT
 Date: 05/09/2017 **C1.6**



GRADING PLAN LEGEND

- PROPOSED LIMIT OF DISTURBANCE
- - - PROPOSED RETAINING WALL (HEIGHT OF EXPOSED FACE IN FEET)
- FFE PROPOSED BUILDING/FIRST FLOOR ELEVATION
- DRAINAGE FLOW DIRECTION
- PROPOSED BIO-RETENTION AREA
- 1.0% PROPOSED SURFACE SLOPE
- X/HIGH/LOW POINT PROPOSED HIGH POINT/LOWPOINT
- LEVEL SPREADER
- GRASS SWALE





Client

Foster Development, Inc.
1615 A Ingram Hill Road
Springfield, MO 65809

Owner's Representative
Elizabeth Line
618-407-3302

Consultants

Collier Engineers, Inc. - Civil
2033 N Howard Avenue
Minneapolis, WI 53221
414-282-6905

Hettner Engineering - Structural
2101 W Charleston Blvd
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CID Engineering LLC - MEP
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Springfield, MO 65807
417-890-8002

FrankDesign, LLC - Landscape Architect
205 Park Central East, Suite 406
Springfield, MO 65806
417-948-1721

Professional Seal

Pratt J. Zarembki, Jr., ASLA
Professional Title: Landscape Architect
AR-18945

Revisions

No.	Description	Date
1	Address City Comments	6/18/17
2	Address City Comments	5/8/17

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New Project for:
Springhouse Village, a Foster Active Living Community
3400 N. Crosser Road
Fayetteville, AR 72701

Tree Preservation Plan

Project No: 16-033
Drawn By: TIZ
Reviewed By: TIZ
Date: 03/29/2017

Sheet
TTP1.1

FAIR TO GOOD TREES, ON SITE, SAVED

TAG # ON SITE	SAVED	SPECIES	SIZE
1	N	SAVED	PORT OAK
2	N	SAVED	PORT OAK
3	N	SAVED	PORT OAK
4	N	SAVED	PORT OAK
5	N	SAVED	PORT OAK
6	N	SAVED	PORT OAK
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97	N	SAVED	PORT OAK
98	N	SAVED	PORT OAK
99	N	SAVED	PORT OAK
100	N	SAVED	PORT OAK

FAIR TO GOOD TREES, ON SITE, REMOVED

TAG # ON SITE	ZONE	SPECIES	SIZE
1	N	BLACK WALNUT	40
2	N	PORT OAK	40
3	N	WHITE ASH	47
4	N	PORT OAK	40
5	N	PORT OAK	40
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97	N	PORT OAK	40
98	N	PORT OAK	40
99	N	PORT OAK	40
100	N	PORT OAK	40

POOR AND DEAD TREES, ON SITE, REMOVED

TAG # ON SITE	CONDITION	SPECIES	SIZE
1	BRAD	PORT OAK	40
2	BRAD	BLACK WALNUT	40
3	BRAD	PORT OAK	40
4	BRAD	BLACK WALNUT	40
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99	BRAD	BLACK OAK	40
100	BRAD	BLACK OAK	40

REFER TO TREE SURVEY PLAN FOR COMPLETE TREE CHART

REFER TO SHEET TTP 1.2 FOR CITY OF FAYETTEVILLE NOTES AND DETAILS

REFER TO TREE PLANTING PLANS FOR PROPOSED MITIGATION TREES SPECIES, SIZES AND LOCATIONS

TYPICAL AREAS OF TREE PRESERVATION
TYPICAL AREAS WHERE ALL EXISTING PRIME TREES WILL BE PRESERVED

0 30 60 120
NORTH

TREE PRESERVATION PLAN
1"=60'-0"

Planning Commission

May 8, 2017

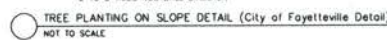
Agenda Item 8

1.7-5771 Springhouse Village

Page 28 of 38

[illegible]

KEY	SCIENTIFIC NAME/COMMON NAME	FEEDS	NOTES
ACE SAC	ACE SACCHARINUM SUGAR MAPLE	F/CAL	
DET MAG	DETUS VIGOR EVING SHOSH	F/CAL	
ELF CAN	ELFUS CANNABIS POTCANN	F/HIGHT	MULTI PLANK
ENF CON	ENUS CANNABIS TORENT PACTY POTCANN PASTURE	F/CAL	
OTV FLO	OTCHAMUS VISCIDUS PINEG TREE	F/CAL	
ODR FLO	ODORUS FLOIDA LOUGHMO	F/HIGHT	MULTI PLANK
GAN BO	GAMUS BOLO GAMGO	F/CAL	
GLS TR	GLSTERN TREACERINUS MORANE MORANE LOGUST	F/CAL	
MAG STE	MAGNUS STEATA STAN MAGNUS	F/HIGHT	MULTI PLANK
VAL SUT	VALUS SUTCUM SUGAR TUP DRABRUS	F/PESTI	
WIS DUL	WISUS DULCIS VILFUS BROPEE NUCLOJAM	F/PESTI	
PLU FET	PLUS FETATA SHOF-CLAP FET	F/HIGHT	LOW BRANCHING
PLU STE	PLUS STEEDUS WHITE PINE	F/HIGHT	LOW BRANCHING
PLA DOD	PLATUS DODERICALIS AFRICANUS SHOMANE	F/CAL	
QUE KOB	QUEUS KOBUS TASTGATA COLUMBIAN TASTGIF CAN	F/CAL	
ELF SHU	ELFUS SHUMICUS SHUMING GAN	F/CAL	
TAM TAS	TAMORUS DORCHAM TATIMUS DORCHAM CHYRUS GOLLAMIAN	F/CAL	LOW BRANCHING
AM AMI	AMUS AMERICANA AMERICAN ELK	F/CAL	
KEY	SCIENTIFIC NAME/COMMON NAME	FEEDS	NOTES
DEE SOD	DEORUS SODICUS SODIUM BUCKLE TURT	SODU	100% HEALING



1. TREES SHALL BE 2" CALIPER MINIMUM
2. THE HOLE FOR THE TREE SHALL BE EXCAVATED 2-3 TIMES THE SIZE TO ROOT BALL
3. STAKE ONLY IF NECESSARY AND AS DIRECTED BY THE PROJECT MANAGER
4. REMOVE ANY TWINE, ROPE, FLAGGING, WRAPPING, OR GUARDS FROM TREES
5. PRUNE ONLY DEAD OR BROKEN BRANCHES OR DOUBLE LEADERS AT TIME OF PLANTING
6. FOOTBALL - ROOT COLLAR SHALL BE VISIBLE, REMOVE EXCESS SOIL FROM TOP OF BALL IF NEEDED SET TOP OF BALL 1" TO 2" ABOVE FINISHED GRADE TO ALLOW FOR SETTLING AFTER PLANT
7. BASKET - PLANTING HOLE, CUT AWAY AND REMOVE THE ENTIRE WIRE BASKET, CUT OR REMOVE ALL ROOTS OR TWINE THAT MAY BE REMAINING IN THE BASKET
8. WREATH - IF ROOTBALL BEING LIFTED AROUND DURING INSTALLATION OR WHILE REMAINING IN THE WIRE BASKET, CUT AWAY ONLY HALF OF THE BASKET
9. SET TREE PLUMB SO THE MAIN LEADER IS STRAIGHT
10. BENCH MULCH 3" TO 4" AWAY FROM TRUNK
11. BUILD 4" HIGH EARTHEN RAMP AT THE OUTER EDGE OF TREE'S DRIFLINE
12. EXCAVATE AND GRADE:
 - 3" TO 4" OF ORGANIC MULCH
 - NO PESSICIDES MULCH SHALL BE USED
13. EXCAVATE AND BACKFILL WITH SOIL AND SOIL AMENDMENTS IF NECESSARY AS DIRECTED BY PROJECT MANAGER
14. WATER THOROUGHLY TO ELIMINATE AIR POCKETS DO NOT TAMP OR COMPACT SOIL OR WHEELS ON EITHER SIDE OF OR THROUGH SIDES OF THE HOLE
15. SET BALL ON FIRM SOIL
16. COMPACTED SOIL TO PREVENT EROSION
17. UNDISTURBED SUBGRADE



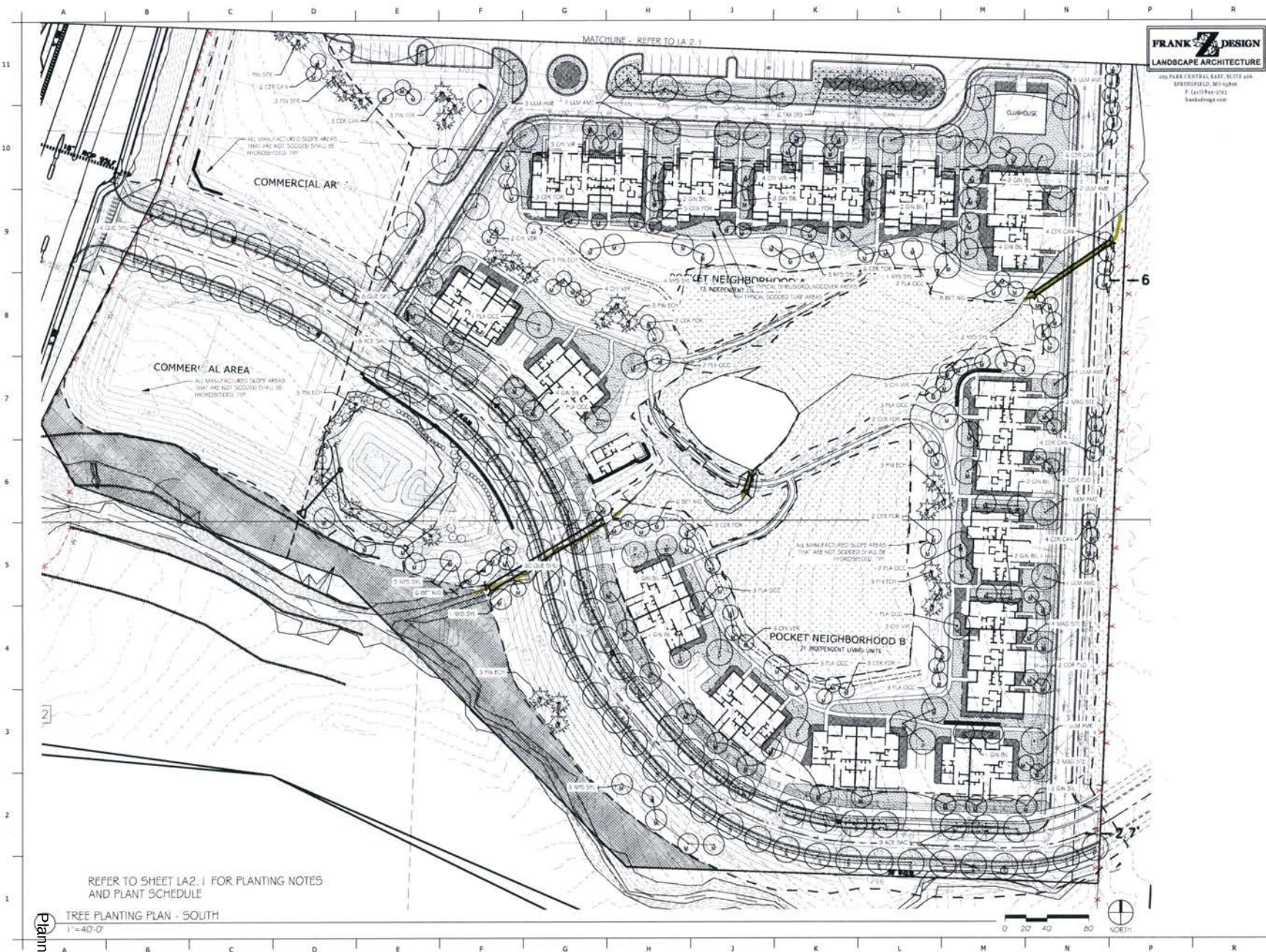
LANDSCAPE REQUIREMENTS: PARALLEL LINES
NUMBER OF STRAIGHT STRIPS - 149
NUMBER OF ASIA STRIPS - 3
NUMBER OF ASIA GRADING ZONES - 2
NUMBER OF MIDGID STRIPS REQUIRED - 8
100% TESTED 150 STRIPS/500 - 8 BUCKETS/500 = 4.87 = 5 TESTS
13 TESTS PROVIDED

LANDSCAPE REQUIREMENTS: SLOPEWATER NEEDS
NEAR PAVED DRIVEWAY (SLOPE) - 2 TESTS
STRIPS REQUIRED - 9 STRIPS PROVIDED - 9
UNTESTED REQUIRED - 0 STRIPS PROVIDED - 0
BUCKETS REQUIRED - 0 BUCKETS PROVIDED - 30

LANDSCAPE REQUIREMENTS: "KICK" TESTS
NEAR PEST ABILITY (SLOPE) - 1
NORTH SIDE - 1.60' 30" DIA = 947 LBS/L
SOUTH SIDE - 1.60' 30" DIA = 815 LBS/L
39 TESTS PROVIDED ON NORTH SIDE
NORTH SIDE - 39 TESTS PROVIDED - 39 TESTS
1 TEST PER 30' OF REQUIRED - 36.5 = 39 TESTS
39 TESTS PROVIDED ON SOUTH SIDE

LANDSCAPE REQUIREMENTS: MITIGATION
LANDSCAPE MITIGATION REQUIRED - 56,786 SF DIRT/1
HIGH PRIORITY GRADE DENSITY - 2" @ 120 LBS/TEST
256 LBS/TEST = 256 LBS/TEST
356 MITIGATION TESTS PROVIDED

A2.1



FRANK Z DESIGN
LANDSCAPE ARCHITECTURE
300 PARK CENTRAL EAST, SUITE 400
SPRINGFIELD, MO 65809
P: (417) 848-7323
fzdesigngroup.com

hdesigngroup
5539 S. Interstate Avenue
Springfield, MO 65803
417-848-7323
hdesigngroup.com

Client
Foster Development, Inc.
1615 A Sigarm Hill Road
Springfield, MO 65809
Owner's Representative
Elizabeth Loh
417-848-7323

Consultants
Coburn Engineers, Inc., Civil
2033 W. Howard Avenue
Hinsdale, IL 63523
414-282-0023
Mattenmeyer Engineering - Structural
2101 W. Chesterfield Blvd.
Springfield, MO 65807
417-890-8002
CID Engineering LLC - MEP
2105 W. Chesterfield Blvd.
Springfield, MO 65807
417-873-1200
FrankDesign, LLC - Landscape Architect
205 Park Central East, Suite 406
Springfield, MO 65809
417-848-7323

Professional Seal
Frank Z. Zarabian, Jr., AIA
Professional Title: Landscape Architect
AR: 18945

Revisions

No.	Description	Date
1	Address City Comments	6/18/17
2	Address City Comments	8/5/17

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New Project for:
Springhouse Village, a Foster Active Living Community
3604 N. Crossover Road
Payetteville, AR 72701

Tree Planting Plan
Project No: 16-033
Drawn By: FZ
Reviewed By: FZ
Date: 03/29/2017
Sheet
LA2.2

A B C D E F G H I J K L M N O P R



9A
A4.4 Type 2 - Street Elevation
Scale: 1/8" = 1'-0"

Painted Fiber Cement Siding
Stone Veneer
Arch. Asphalt Shingles
Painted Fiber Cement Siding



9J
A4.4 Type 2 - Side 2 Elevation
Scale: 1/8" = 1'-0"

Stone Veneer
Arch. Asphalt Shingles
Painted Fiber Cement Siding

James Hardie Fiber Cement
4, 5, or 6" Exposure
Painted w/ SW Snowfall



6A
A4.4 Type 2 - Front Elevation
Scale: 1/8" = 1'-0"

Painted Fiber Cement Siding
Arch. Asphalt Shingles
Stone Veneer
Painted Fiber Cement Siding
Stone Veneer



6J
A4.4 Type 2 - Side 1 Elevation
Scale: 1/8" = 1'-0"

Stone Veneer
Arch. Asphalt Shingles
Painted Fiber Cement Siding

James Hardie Fiber Cement
Board and Batt
Batts @ 16" or 20" o.c.
Painted w/ BM Country Life

James Hardie Fiber Cement
6 or 7" Exposure
Painted w/ BM Country Life



4A
A4.4 Type 1 - Street Elevation
Scale: 1/8" = 1'-0"

Painted Fiber Cement Siding
Arch. Asphalt Shingles
Painted Fiber Cement Siding
Stone Veneer



4J
A4.4 Type 1 - Side 2 Elevation
Scale: 1/8" = 1'-0"

Painted Fiber Cement Siding
Arch. Asphalt Shingles
Stone Veneer
Painted Fiber Cement Siding

Tamko Heritage Shingles
Rustic Slate

Schwartz Stone
Native Fieldstone



1A
A4.4 Type 1 - Front Elevation
Scale: 1/8" = 1'-0"

Painted Fiber Cement Siding
Arch. Asphalt Shingles
Stone Veneer
Arch. Asphalt Shingles
Painted Fiber Cement Siding



1J
A4.4 Type 1 - Side 1 Elevation
Scale: 1/8" = 1'-0"

Painted Fiber Cement Siding
Arch. Asphalt Shingles
Stone Veneer

Sioux City Brick
Hearthside Vellour



Client

Poster Development, Inc.
1615 A Soper Rd
Springfield, MO 65809
Owner's Representative
Brent H. Steinhilber
417-407-7302

Consultants

Colvin Engineers, Inc. - Civil
2013 W. Howard Avenue
Hillsdale, WI 53121
414-282-5905
Hestemeyer Engineering - Structural
2101 W. Chestnut Blvd
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417-890-8362
CID Engineering LLC - MEP
2101 W. Chestnut Blvd
Springfield, MO 65807
417-877-1705

Professional Seal

Brent H. Steinhilber, AIA
Professional Title: Architect
AIA

Revisions

No.	Description	Date

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New Project for:

Springhouse Village, a Foster Active Living Community
1424 N. Crossview Road
Raytown, MO 64133

Exterior Elevations - 11 Buildings

Project No.	18-070	Sheet	A4.4
Drawn By	tdh		
Reviewed By	tdh		
Date	6/1/2017		



9A Type 3B - Street Elevation

SCALE: 1/8" = 1'-0"



6A Type 3B - Front Elevation

SCALE: 1/8" = 1'-0"



4A Type 3A - Street Elevation

SCALE: 1/8" = 1'-0"



1A Type 3A - Front Elevation

SCALE: 1/8" = 1'-0"



9H Type 3B - Side 2 Elevation

SCALE: 1/8" = 1'-0"



6H Type 3B - Side 1 Elevation

SCALE: 1/8" = 1'-0"



4H Type 3A - Side 2 Elevation

SCALE: 1/8" = 1'-0"



1H Type 3A - Side 1 Elevation

SCALE: 1/8" = 1'-0"

James Hardie Fiber Cement
4, 5, or 6" Exposure
Painted w/ SW Snowfall

James Hardie Fiber Cement
Board and Batt
Batts @ 16" or 20" o.c.
Painted w/ BM Country Life

James Hardie Fiber Cement
6 or 7" Exposure
Painted w/ BM Country Life

Tamko Heritage Shingles
Rustic Slate

Schwartz Stone
Native Fieldstone

Sioux City Brick
Hearthside Vellour



HDS Group
3079 N. National Avenue
Springfield, MO 65810
417.887.4000
hdsdesigngroup.com

Client

Potter Development, Inc.
1555 A Ingram Hill Road
Springfield, MO 65809
Owner's Representative
Elizabeth Lutz
816-407-3502

Consultants

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2023 W. Howard Avenue
Kittsburg, MO 65221
417.252.6800
Hestemeyer Engineering - Structural
2103 W. Chesapeake Blvd.
Springfield, MO 65807
417.890.8062
CSD Engineering LLC - MEP
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Professional Seal

Brand M. Stevens, ASA
Professional Title: ARCHITECT
ASA

Revisions

No.	Description	Date

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New Project for:
Springhouse Village, a Potter Active Living Community
3424 N. Crosswater Road
Fairfieldville, MO 65722

Exterior Elevations - 1L Buildings

Project No: 18-030
Drawn By: HDS
Reviewed By: HDS
Date: 05/26/2017

A4.5



9A
A4.6 Type 5 - Street Elevation
Scale: 1/8" = 1'-0"



6A
A4.6 Type 5 - Front Elevation
Scale: 1/8" = 1'-0"



4A
A4.6 Type 4 - Street Elevation
Scale: 1/8" = 1'-0"



1A
A4.6 Type 4 - Front Elevation
Scale: 1/8" = 1'-0"



9H
A4.6 Type 5 - Side 2 Elevation
Scale: 1/8" = 1'-0"



6H
A4.6 Type 5 - Side 1 Elevation
Scale: 1/8" = 1'-0"



4H
A4.6 Type 4 - Side 2 Elevation
Scale: 1/8" = 1'-0"



1H
A4.6 Type 4 - Side 1 Elevation
Scale: 1/8" = 1'-0"

James Hardie Fiber Cement
4, 5, or 6" Exposure
Painted w/ SW Snowfall

James Hardie Fiber Cement
Board and Batt
Batts @ 16" or 20" o.c.
Painted w/ BM Country Life

James Hardie Fiber Cement
6 or 7" Exposure
Painted w/ BM Country Life

Tamko Heritage Shingles
Rustic Slate

Schwartz Stone
Native Fieldstone

Sioux City Brick
Hearthside Vellour



Client

Forster Development, Inc.
1615 W. Ingram Road
Springfield, MO 65809
General Representative
Elizabeth Lutz
615-407-3562

Consultants

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Hester Engineering - Structural
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Springfield, MO 65807
417.866.8062
CJO Engineering LLC - MEP
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Springfield, MO 65807
417.877.1700

Professional Seal

Brent N. Stevens, AIA
Professional Title: Architect
AIA#

Revisions

No.	Description	Date

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New Project for:
Springhouse Village, a Forster Active Living Community
2434 N. Crosswaver Road
Paysonville, MO 65752

Exterior Elevations - II Buildings

Project No: 18-005
Drawn By: Hds
Reviewed By: Hds
Date: 03/29/2017

Sheet
A4.6



9A Type 7 - Street Elevation
A4.7
Scale: 1/8" = 1'-0"



6A Type 7 - Front Elevation
A4.7
Scale: 1/8" = 1'-0"



4A Type 6 - Street Elevation
A4.7
Scale: 1/8" = 1'-0"



1A Type 6 - Front Elevation
A4.7
Scale: 1/8" = 1'-0"



9H Type 7 - Side 2 Elevation
A4.7
Scale: 1/8" = 1'-0"



6H Type 7 - Side 1 Elevation
A4.7
Scale: 1/8" = 1'-0"



4H Type 6 - Side 2 Elevation
A4.7
Scale: 1/8" = 1'-0"



1H Type 6 - Side 1 Elevation
A4.7
Scale: 1/8" = 1'-0"

James Hardie Fiber Cement
4, 5, or 6" Exposure
Painted w/ SW Snowfall

James Hardie Fiber Cement
Board and Batt
Batts @ 16" or 20" o.c.
Painted w/ BM Country Life

James Hardie Fiber Cement
6 or 7" Exposure
Painted w/ BM Country Life

Tamko Heritage Shingles
Rustic Slate

Schwartz Stone
Native Fieldstone

Sioux City Brick
Hearthside Velour



Client
Foster Development, Inc.
1615 A Ingram Rd.
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Owner's Representative
Problems Link
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Consultants
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Milwaukee, WI 53211
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417-868-8892
C&D Engineering LLC - MEP
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Springfield, MO 65807
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Professional Seal
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AIA

Revisions

No.	Description	Date

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New Project for:
Springfield Village - a Foster Active Living Community
2224 N. Crossway Road
Fayetteville, AR 72701

Exterior Elevations - IL Buildings
Project No. 16-018
Drawn By: ndg
Reviewed By: ndg
Date: 05/01/2017
Sheet
A4.7



4A
A4.8 Type 4B - Street Elevation
Scale: 1/8" = 1'-0"



1A
A4.8 Type 4B - Front Elevation
Scale: 1/8" = 1'-0"



4H
A4.8 Type 4B - Side 2 Elevation
Scale: 1/8" = 1'-0"



1H
A4.8 Type 4B - Side 1 Elevation
Scale: 1/8" = 1'-0"

James Hardie Fiber Cement
4, 5, or 6" Exposure
Painted w/ SW Snowfall

James Hardie Fiber Cement
Board and Batt
Batts @ 16" or 20" o.c.
Painted w/ BM Country Life

James Hardie Fiber Cement
6 or 7" Exposure
Painted w/ BM Country Life

Tamko Heritage Shingles
Rustic Slate

Schwartz Stone
Native Fieldstone

Sioux City Brick
Hearthside Valour



Client

Proter Development, LLC
1611 A Ingram Rd Road
Springfield, MO 65801
Owner's Representative
Elizabeth Lutz
618-487-3523

Consultants

Calms Engineers, Inc. - Civil
2933 W Howard Avenue
Millsboro, DE 19966
414-292-5952
Superior Engineering - Structural
2101 W Chesapeake Blvd
Springfield, MO 65807
417-850-8802
CBO Engineering LLC - MEP
2101 W Chesapeake Blvd
Springfield, MO 65807
417-877-1700

Professional Seal

Brent M. Stowers, AIA
Professional Title: Architect
AR 4

Revisions

No.	Description	Date

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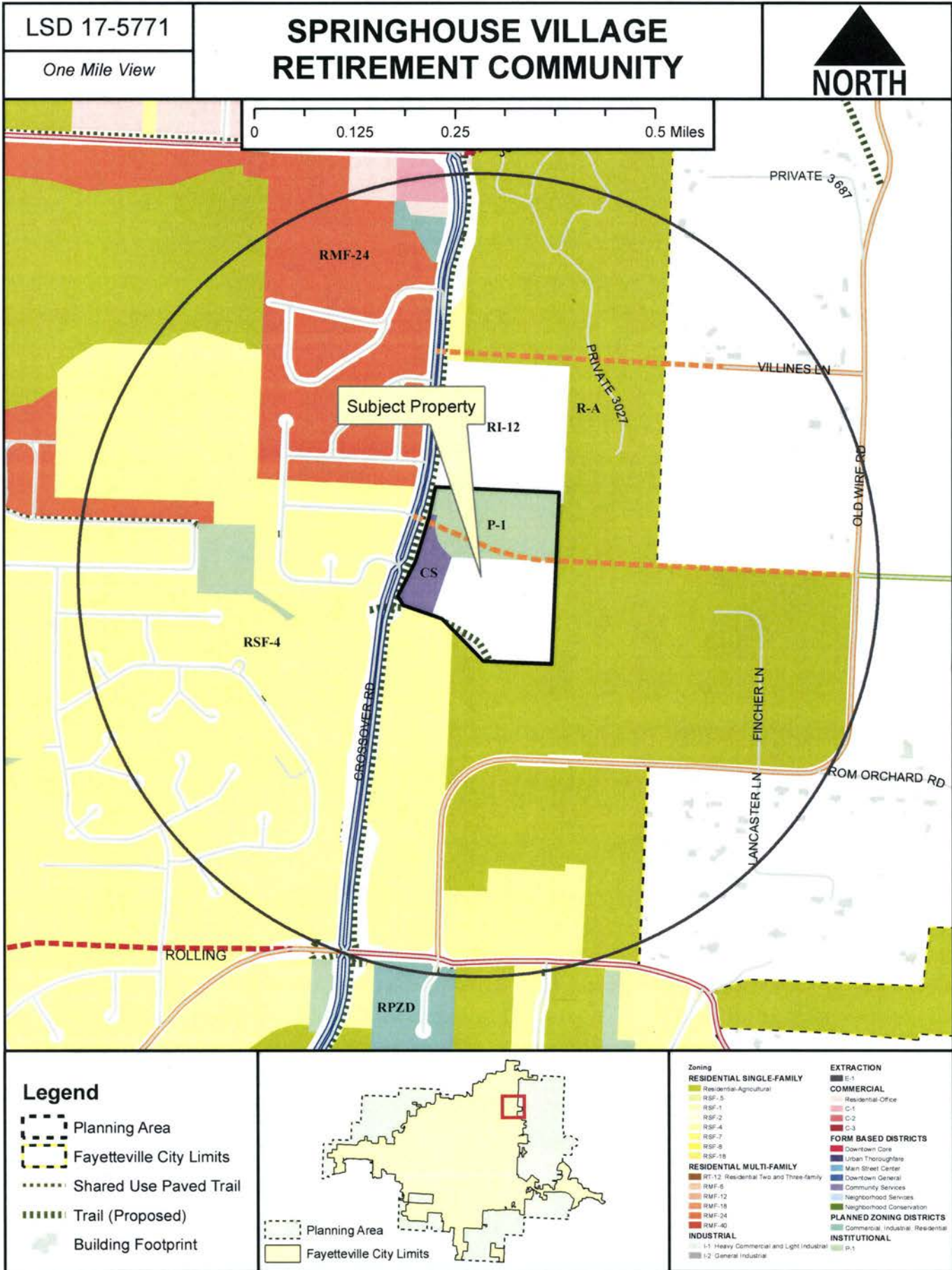
New Project for:

Springhouse Village - a Foster Active Living Community
2424 W. Chestnut Road,
Payetteville, AR 72751

Exterior Elevations - JL Buildings

Project No. 16-033
Drawn By: HGB
Reviewed By: HGB
Date: 05/01/2017

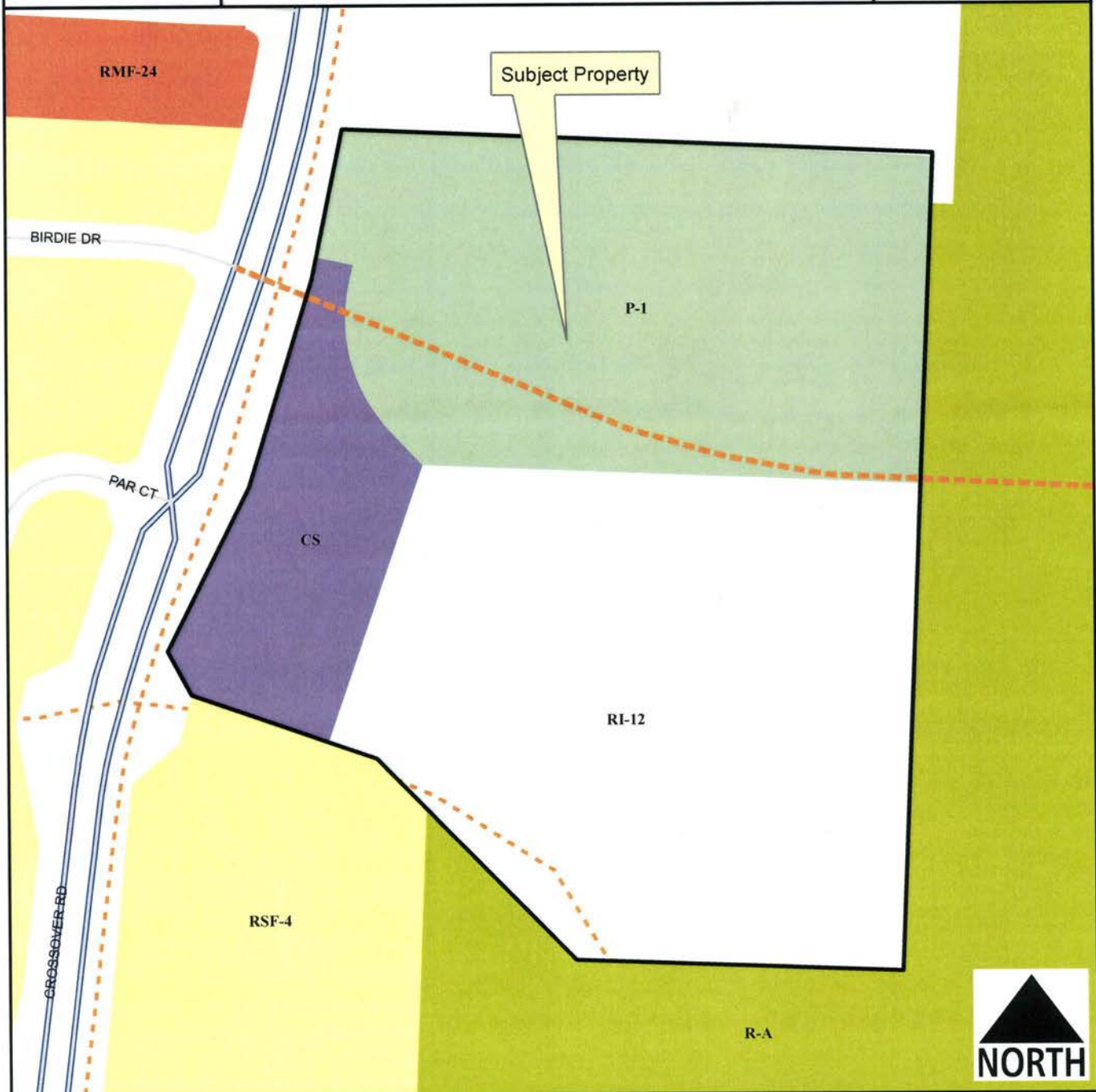
Sheet
A4.8



LSD 17-5771

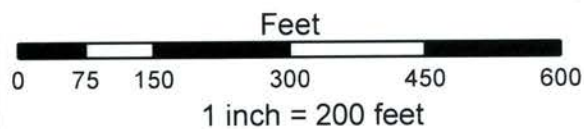
Close Up View

SPRINGHOUSE VILLAGE RETIREMENT COMMUNITY



Legend

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



- Residential-Agricultural
- RSF-4
- RMF-24
- Community Services
- P-1





City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0266

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 5

RZN 17-5772 (810 S. CHERRY LN./ SWEETSER PROPERTIES):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5772 FOR APPROXIMATELY 0.53 ACRES LOCATED AT 810 SOUTH CHERRY LANE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-4, Residential Single Family, 4 units per acre to RMF-24, Residential Multi-Family, 24 units per acre.

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

City of Fayetteville Staff Review Form

2017-0266

Legistar File ID

6/6/2017

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

Andrew Garner

5/19/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5772: Rezone (810 S. CHERRY LN./SWEETSER PROPERTIES, 565): Submitted by JORGENSEN & ASSOCIATES INC. for property at 810 S. CHERRY LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 0.53 acres. The request is to rezone the properties to RMF-24, RESIDENTIAL SINGLE FAMILY, 24 UNITS PER ACRE.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 6, 2017

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: May 19, 2017

SUBJECT: RZN 17-5772: Rezone (810 S. CHERRY LN./SWEETSER PROPERTIES, 565):
Submitted by JORGENSEN & ASSOCIATES INC. for property at 810 S. CHERRY LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 0.53 acres. The request is to rezone the properties to RMF-24, RESIDENTIAL SINGLE FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to RMF-24, Residential Multi-Family, 24 Units per Acre, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is approximately 0.53 acres and is located on the northeast corner of Huntsville Road and Cherry Lane, approximately equidistant between Crossover and Happy Hollow Roads. The property is currently split-zoned, with the northwestern corner, totaling 0.34 acres, zoned as RMF-24, Residential Multi-family, 24 Units per Acre, and the southern portion with a strip along the eastern property line zoned RSF-4, Residential Single-family, 4 Units per Acre. Along with the existing 4-family attached dwelling on the northern portion of the property, a single-family dwelling previously stood on the southern portion and faced Huntsville Road. The 4-family dwelling has a driveway with access to Cherry Lane.

Request: The request is to rezone the balance of the property that is not currently RMF-24, totaling 0.19 acres, from RSF-4 to RMF-24. The applicant's letter indicates that they intend to develop the property for 2-family residential use.

Land Use Compatibility: In staff's opinion, the uses permitted with the proposed RMF-24 zoning district are compatible with surrounding uses and the adjacent Principal Arterial, Huntsville Road. The subject property is currently developed with a 4-family dwelling, while to the north, east, and south are single-family dwellings of various sizes. The adjacent property to the north is single-family in use, but is zoned RI-12, Residential Intermediate, 12 Units per Acre, which permits single-, 2-, 3-, and 4-family dwellings, and acts to transition densities and intensities from Huntsville Road in the south to the single-family uses and zoning districts to the north. The requested zoning is less compatible with the existing uses on the property to the east, which is

currently developed with a single-family home and used for agricultural purposes. That said, and given its Future Land Use Map designation as a City Neighborhood Area, the property to the east has the potential to be rezoned and developed to greater density and intensity that would be compatible with the proposed zoning on the subject property.

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. This designation encourages the widest mix of uses, including single-family, multi-family, and non-residential uses. Although the uses permitted under RMF-24 do not necessarily promote mixed-use development by right, the zoning district does allow for the widest array of residential uses. The requested RMF-24 zoning district 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 RMF-24 zoning district and its wide variety of residential uses can encourage greater densities along a major thoroughfare with ready access to City services.

In staff's opinion, the requested RMF-24 zoning district is justified at this time given adjacency to a Principal Arterial and the current Future Land Use Map designation of City Neighborhood Area. Furthermore, the current split-zoned nature of the property greatly limits the ability for development to gradually transition away from Huntsville Road to the lower density residential uses and zoning to the north.

DISCUSSION:

On May 8, 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

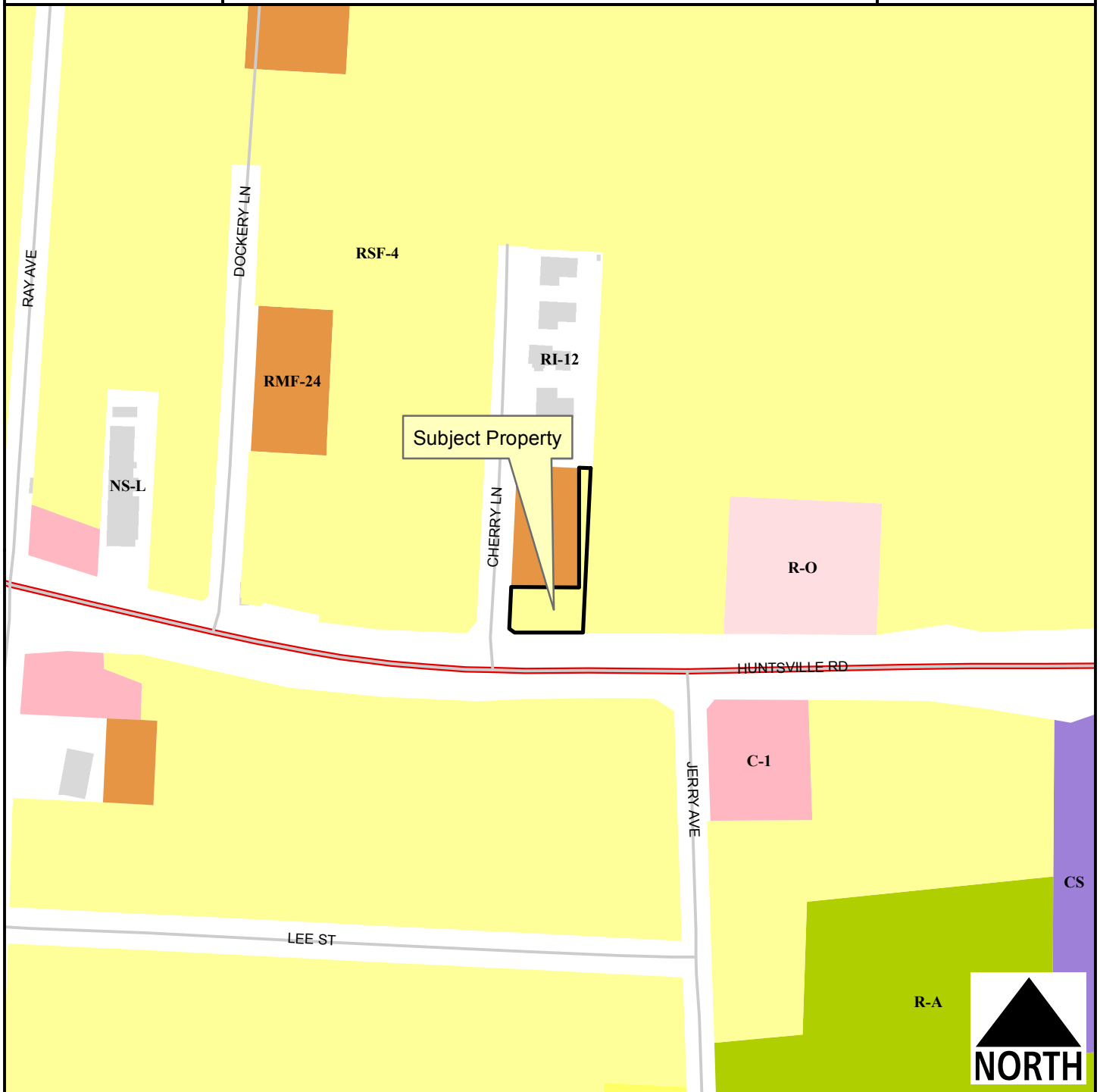
RZN 17-5772

Close Up View

SWEETSER PROPERTIES

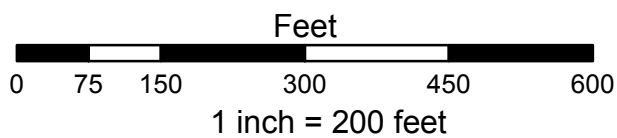
17-5772

EXHIBIT 'A'



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



- Residential-Agricultural
- RSF-4
- RSF-7
- RMF-24
- Residential-Office
- C-1
- Community Services

17-5772
EXHIBIT 'B'

LEGAL DESCRIPTION:

A part of the NW1/4 of the NE1/4 of Section 23, T16N, R30W in Washington County, Arkansas, and being described as follows:
Commencing at the NW Corner of said NW1/4, NE1/4, thence
S02°42'42"W 549.79 feet, thence S88°42'05"E 39.52 feet, thence
N02°25'53"E 25.77 feet to the POINT OF BEGINNING, thence
N02°29'22"E 225.52 feet, thence S87°07'42"E 102.50 feet, thence
S02°40'55"W 225.85 feet, thence N89°59'23"W 94.04 feet, thence
N54°21'57"W 9.30 feet to the POINT OF BEGINNING, Containing 0.53
acres, more or less, subject to easements and right of ways of
record.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

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

Application:

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

Applicant (person making request):

Name: Sweeter Properties

Address: 730 N. Levee
Fayetteville, Ar 72701

E-mail: _____

Phone: _____
() _____
() _____

Fax: _____
() _____

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

Name: Jorgensen & Assoc

Address: 124 W. Sunbridge
FAYETTEVILLE AR 72703

E-mail: dave@jorgensen-assoc.com

Phone: _____
() 442-9127
() _____

Fax: _____
() _____

Site Address / Location: Cherry Lane

Current Zoning District: RSF-4 Requested Zoning District: RMF-24

Assessor's Parcel Number(s) for subject property: 765-15194-000

FINANCIAL INTERESTS

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

Sweeter 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): Mike Sweetser 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): Mike Sweetser Address: _____
Signature: _____
Date: 3-10-17 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.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: May 8, 2017 (Updated with Planning Commission Results)

SUBJECT: **RZN 17-5772: Rezone (810 S. CHERRY LN./SWEETSER PROPERTIES, 565):** Submitted by JORGENSEN & ASSOCIATES INC. for property at 810 S. CHERRY LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 0.53 acres. The request is to rezone the properties to RMF-24, RESIDENTIAL SINGLE FAMILY, 24 UNITS PER ACRE

RECOMMENDATION:

Staff recommends forwarding of **RZN 17-5772** to the City Council with a recommendation for approval based on the findings herein.

BACKGROUND:

The subject property is approximately 0.53 acres and is located on the northeast corner of Huntsville Road and Cherry Lane, approximately equidistant between Crossover and Happy Hollow Roads. The property is currently split-zoned, with the northwestern corner, totaling 0.34 acres, zoned as RMF-24, Residential Multi-family, 24 Units per Acre, and the southern portion with a strip along the eastern property line zoned RSF-4, Residential Single-family, 4 Units per Acre. Along with the existing 4-family attached dwelling on the northern portion of the property, a single-family dwelling previously stood on the southern portion and faced Huntsville Road. The 4-family dwelling has a driveway with access to Cherry Lane. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	RI-12, Residential Intermediate, 12 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Agricultural; Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the balance of the property that is not currently RMF-24, totaling 0.19 acres, from RSF-4 to RMF-24. The applicant's letter indicates that they intend to develop the property for 2-family residential use.

Public Comment: Staff has received some public comment regarding the request, with most expressing curiosity about future development plans, which are not currently available. One

resident noted that they thought this was City property, and would prefer to see it remain undeveloped.

INFRASTRUCTURE:

- Streets:** The subject property has access to Cherry Lane, which is an unimproved Local Street. The parcel also fronts Huntsville Road/Highway 16, which is a fully improved Principal Arterial Street. 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 6-inch public watermain along the western side of the Cherry Lane right-of-way.
- Sewer:** Sanitary sewer is available to the site. There is an existing 6-inch public sewer main in the Cherry Lane and Huntsville Road rights-of-way.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. No portions of this parcel are identified as 100-year FEMA regulated floodplains or floodways, and no protected streams are present. Furthermore, no portion of this parcel is within the Hillside-Hilltop Overlay District.
- Fire:** The Fire Department did not express any concerns with this request.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 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: ***Surrounding Land Use Compatibility:*** In staff's opinion, the uses permitted with the proposed RMF-24 zoning district are compatible with surrounding uses and the adjacent Principal Arterial, Huntsville Road. The subject property is currently developed with a 4-family dwelling, while to the north, east, and south are single-family dwellings of various sizes. The adjacent property to the north is single-family in use, but is zoned RI-12, Residential Intermediate, 12 Units per Acre, which permits single-, 2-, 3-, and 4-family dwellings, and acts to transition densities and intensities from Huntsville Road in the south to the single family uses and zoning districts to the north. The requested zoning is less compatible with the existing uses on the property to the east, which is currently developed with a single-family home and used for agricultural purposes. That said, and given its Future Land Use Map designation as a City Neighborhood Area, the property to the east has

the potential to be rezoned and developed to greater density and intensity that would be compatible with the proposed zoning on the subject property.

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. This designation encourages the widest mix of uses, including single-family, multi-family, and non-residential uses. Although the uses permitted under RMF-24 do not necessarily promote mixed-use development by right, the zoning district does allow for the widest array of residential uses. The requested RMF-24 zoning district 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 RMF-24 zoning district and its wide variety of residential uses can encourage greater densities along a major thoroughfare with ready access to City services.

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

Finding: In staff's opinion, the requested RMF-24 zoning district is justified at this time given adjacency to a Principal Arterial and the current Future Land Use Map designation of City Neighborhood Area. Furthermore, the current split-zoned nature of the property greatly limits the ability for development to gradually transition away from Huntsville Road to the lower density residential uses and zoning to the north.

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

Finding: Rezoning the property RMF-24 is not likely to increase traffic danger or congestion in this location, although the request will allow a higher intensity of development and use than that allowed under the existing RSF-4 zoning district. Any additional development on the property will be subject to the City's access management standards, which dictate that 2-, 3-, and multi-family development access a lower classification street when available, which in this case is Cherry Lane.

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

Finding: Rezoning the property from RSF-4 to RMF-24 will increase the potential population density, but is unlikely to undesirably increase the load on public services. As mentioned, there was previously one detached single-family home on the portion of the property proposed for rezoning, and under the RMF-24 zoning district's requirements there is potential for two 2-family dwellings or one 3-family dwelling. Given the property's current access to existing City water, sewer, and streets, staff does not believe an adverse impact will occur. Even if a redevelopment of the subject property were to

occur, the maximum possible density, given the size of the subject property, is 12 units.

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 of **RZN 17-5772** 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>May 8, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Hoffman</u>	Second: <u>Belden</u>	Vote: <u>7-0-0</u>	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>June 6, 2017 (Tentative)</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.07, RSF-4, Residential Single-family, 4 Units per Acre
 - o §161.16 RMF-24, Residential Multi-family, 24 Units per Acre
- Request Letter
- Rezone Exhibit
- 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)

161.16 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	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 park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	30/45/60 feet*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10—20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 feet.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

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

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16)



**JORGENSEN
+ASSOCIATES**
Civil Engineering + Surveying

RZN 17-5772

Request Letter

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

3-8-17

City of Fayetteville
113 W Mountain
Fayetteville, AR. 72701

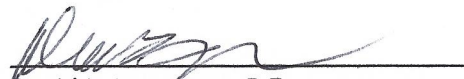
Att: Planning Dept.
Re: Rezoning of Sweetser Property on Cherry Lane

Attached please find information pertaining to a rezoning request for property owned by Sweetser located at the NE Corner of Hwy 16 and Cherry Street. The owner would like to build a duplex but needs the reduced setbacks allowed by RMF-24. Therefore the owner would like to rezone from RSF-1 to RMF-24.

Please review the attached information and let me know of any questions you may have.

Thank you.

Sincerely;



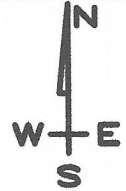
David L. Jorgensen, P.E.

Rezoning Exhibit

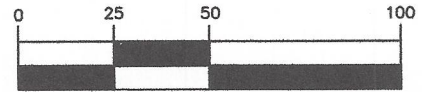
RZN 17-5772

LEGEND

- × CALCULATED POINT
- FOUND IRON PIN
- SET IRON PIN & CAP
- CENTERLINE STREET
- UTILITY EASEMENT



GRAPHIC SCALE



(IN FEET)

1 inch = 50 ft.

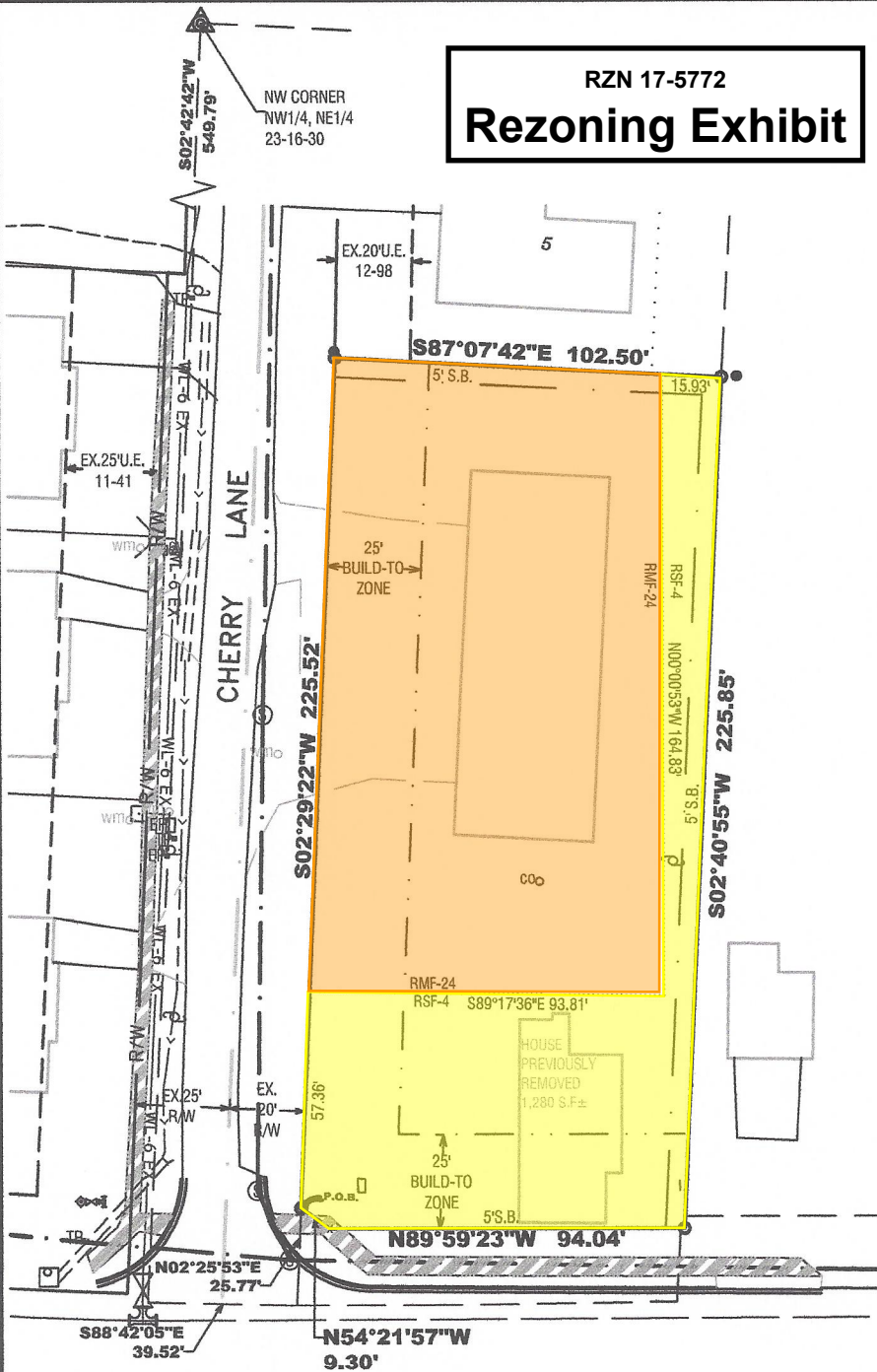
LEGAL DESCRIPTION:

A part of the NW1/4 of the NE1/4 of Section 23, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said NW1/4, NE1/4, thence S02°42'42"W 549.79 feet, thence S88°42'05"E 39.52 feet, thence N02°25'53"E 25.77 feet to the POINT OF BEGINNING, thence N02°29'22"E 225.52 feet, thence S87°07'42"E 102.50 feet, thence S02°40'55"W 225.85 feet, thence N89°59'23"W 94.04 feet, thence N54°21'57"W 9.30 feet to the POINT OF BEGINNING, Containing 0.53 acres, more or less, subject to easements and right of ways of record.

LEGAL DESCRIPTION - REZONING RSF-4 TO RMF-24:

A part of the NW1/4 of the NE1/4 of Section 23, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said NW1/4, NE1/4, thence S02°42'42"W 549.79 feet, thence S88°42'05"E 39.52 feet, thence N02°25'53"E 25.77 feet to the POINT OF BEGINNING, thence N02°29'22"E 57.36 feet, thence S89°17'36"E 93.81 feet, thence N00°00'53"W 164.83 feet, thence S87°07'42"E 15.93 feet, thence S02°40'55"W 225.85 feet, thence N89°59'23"W 94.04 feet, thence N54°21'57"W 9.30 feet to the POINT OF BEGINNING, Containing 0.19 acres, more or less, subject to easements and right of ways of record.

RMF-24 ZONE SETBACKS
FRONT: 25' BUILD-TO ZONE
SIDE: 8' OTHER USES
SIDE: 5' SINGLE OR 2-FAMILY
REAR: 20' OTHER
REAR: 5' SINGLE FAMILY



EAST STATE HIGHWAY 16 \ HUNTSVILLE RD.



**JORGENSEN
+ASSOCIATES**
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Landscape Architecture Services

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
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www.jorgensenassoc.com

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

SCALE: 1"=50'

DATE REVISED

CHECKED BY:

DRAWN BY: PMM

DATE: 08FEB17

DLJ

Z:\LSD\2016126\CherrySt

BOUNDARY SURVEY

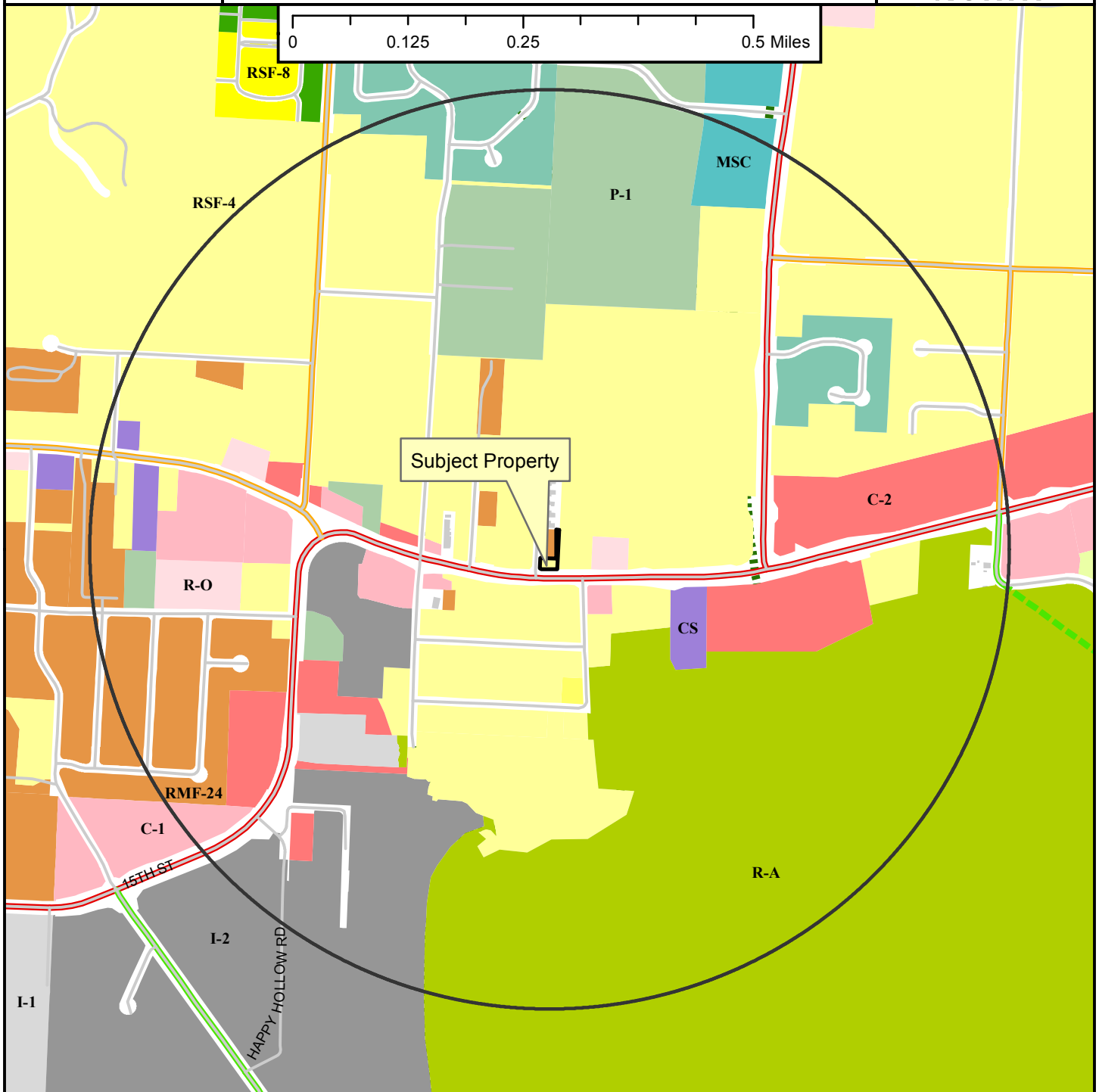
RZN 17-5772

SWEETSER PROPERTIES



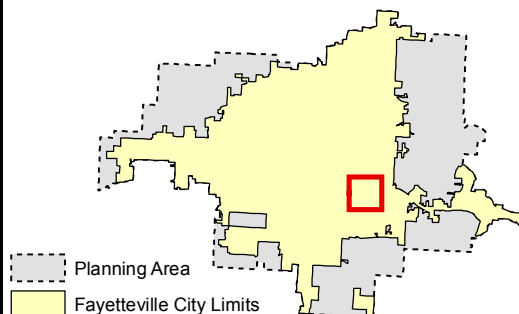
One Mile View

0 0.125 0.25 0.5 Miles



Legend

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



- Planning Area
- Fayetteville City Limits

Zoning

RESIDENTIAL SINGLE-FAMILY

- RSF-5 Residential-Agricultural
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY

- RT-12 Residential Two and Three-family
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL

- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION

E-1

COMMERCIAL

- C-1 Residential-Office
- C-2
- C-3

FORM BASED DISTRICTS

- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

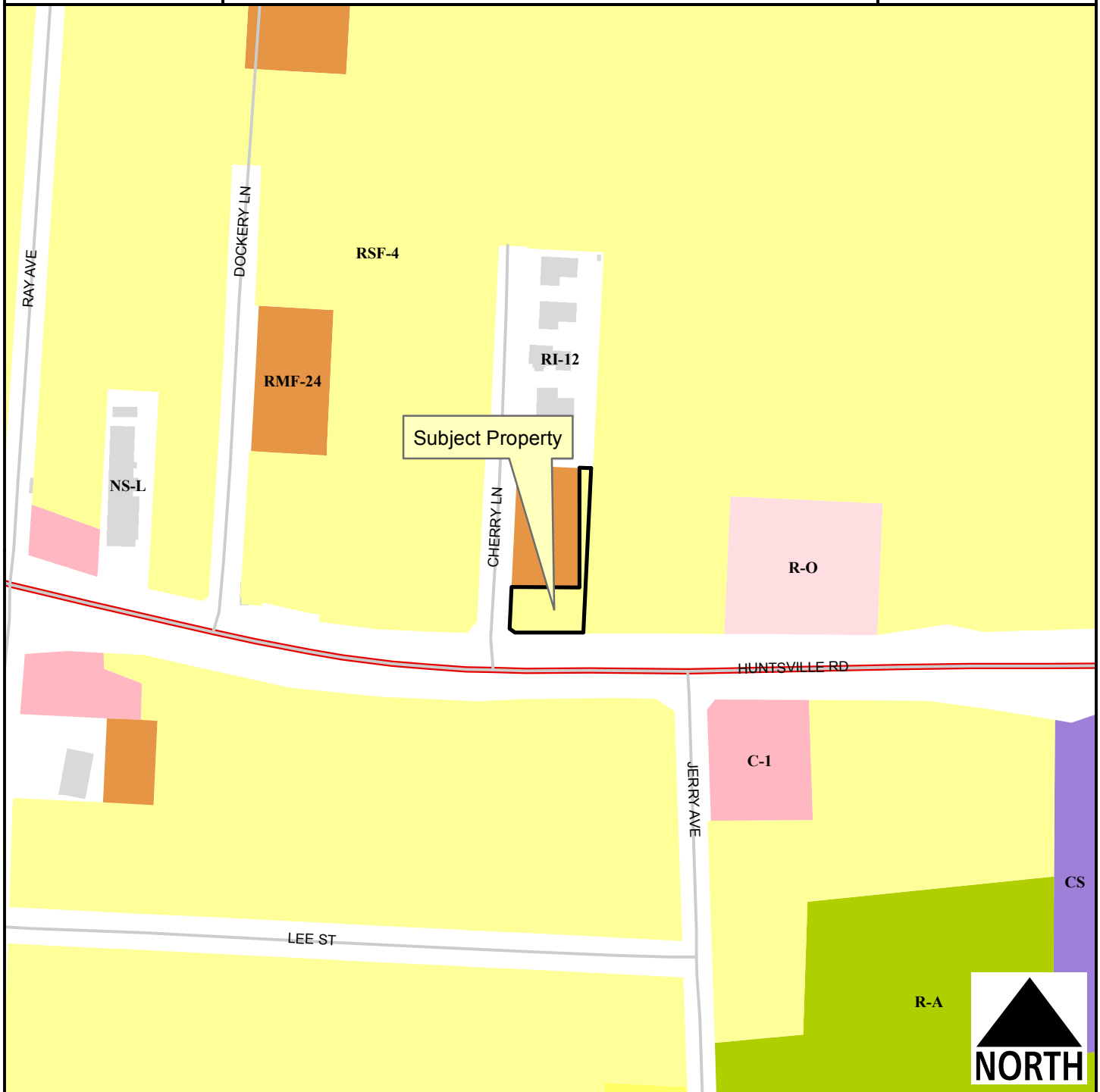
PLANNED ZONING DISTRICTS

- Commercial, Industrial, Residential
- INSTITUTIONAL
- P-1

RZN 17-5772

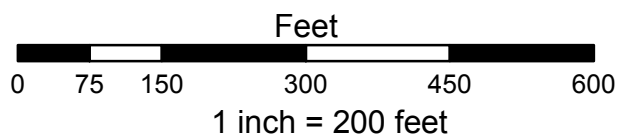
SWEETSER PROPERTIES

Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



- Residential-Agricultural
- RSF-4
- RSF-7
- RMF-24
- Residential-Office
- C-1
- Community Services

RZN 17-5772

Current Land Use

SWEETSER PROPERTIES



2015 Imagery



RZN17-5772



Street



PRINCIPAL ARTERIAL



County Parcels

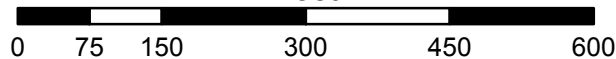


Planning Area



Fayetteville City Limits

Feet



1 inch = 200 feet

FEMA Flood Hazard Data



100-Year Floodplain

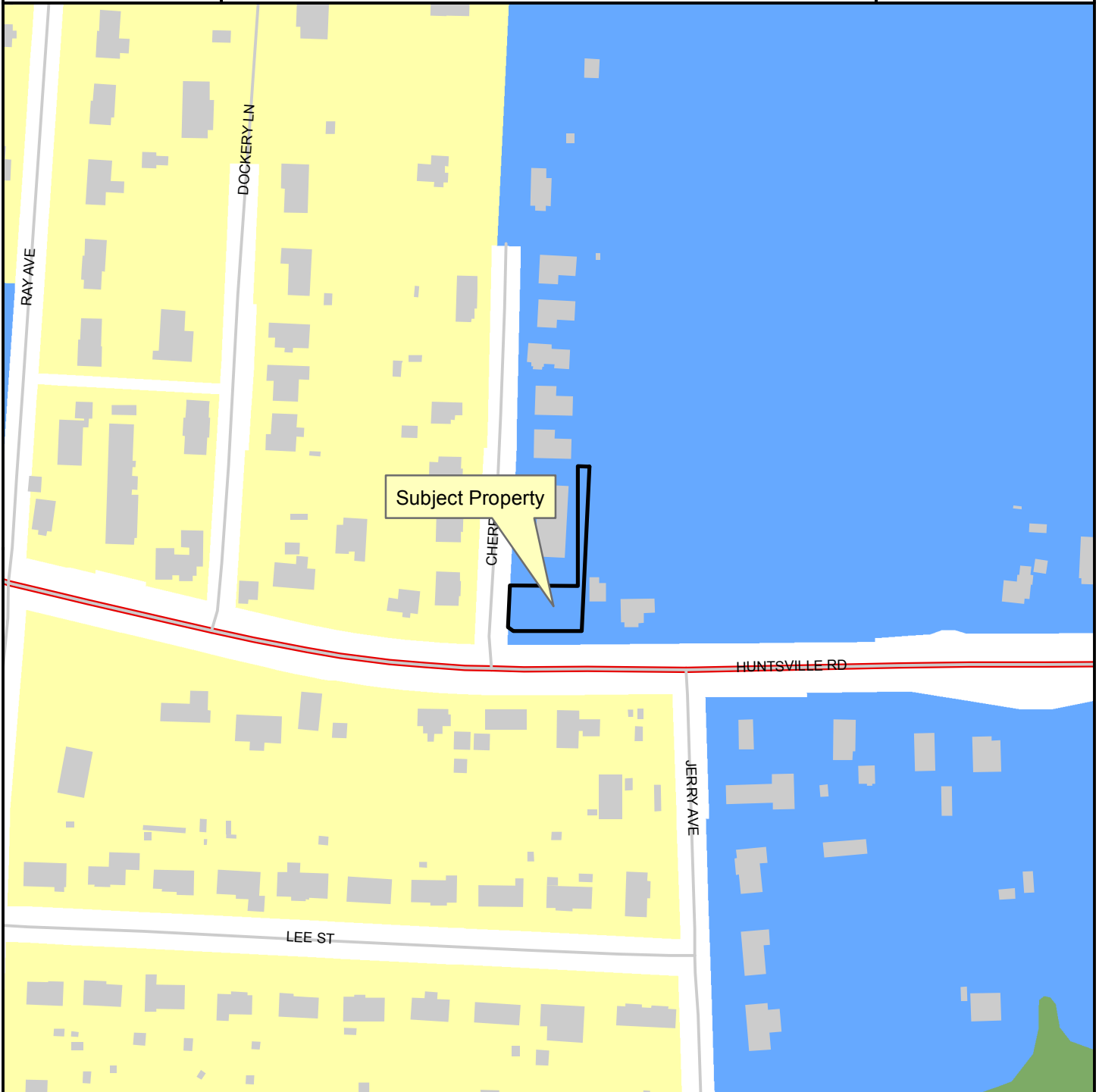


Floodway

RZN 17-5772

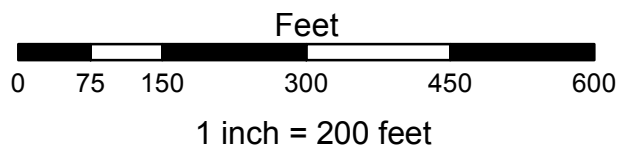
Future Land Use

SWEETSER PROPERTIES



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- City Neighborhood Area



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0268

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 6

RZN 17-5776: (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5776 FOR APPROXIMATELY 0.31 ACRES LOCATED AT 1320 SOUTH COLLEGE AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE, URBAN

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban.

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

City of Fayetteville Staff Review Form

2017-0268

Legistar File ID

6/6/2017

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

Andrew Garner

5/19/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5776: Rezone (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES, 563): Submitted by INFILL GROUP, LLC. for properties at 1320 S. COLLEGE AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.31 acres. The request is to rezone the properties to RI-U, RESIDENTIAL INTERMEDIATE, URBAN.

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 JUNE 6, 2017

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jonathan Curth, Current Planner

DATE: May 19, 2017

SUBJECT: RZN 17-5776: Rezone (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES, 563): Submitted by INFILL GROUP, LLC. for properties at 1320 S. COLLEGE AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.31 acres. The request is to rezone the properties to RI-U, RESIDENTIAL INTERMEDIATE, URBAN.

RECOMMENDATION:

The City Planning staff recommends denial and the Planning Commission recommend approval of an ordinance to rezone the subject property to RI-U, Residential Intermediate, Urban, as shown in the attached Exhibits 'A' and 'B' and subject to a Bill of Assurance attached as Exhibit 'C'.

BACKGROUND:

The subject property includes 2 parcels totaling approximately 0.31 acres on the east side of College Avenue, between 13th Street to the north and Ella Street to the south. Immediately to the west of the property is Walker Park. These parcels are zoned NC, Neighborhood Conservation, comprising Lots 3 and 4 of the Berl Dodd Addition, which was platted in 1926. Previously, there was a one single-family dwelling on the site, which was built in 1957 and served by a concrete drive off of College Avenue. This structure was recently demolished.

In July of 2008, the subject property, along with approximately 300 acres of the wider Walker Park Neighborhood, were rezoned in accordance with the Walker Park Neighborhood Master Plan. Among other changes, this rezoning removed the existing RMF-24, Residential Multi-family, 24 Units per Acre, designation on the subject property, and replaced it with the current NC, Neighborhood Conservation, zoning district. The subject property is surrounded on three sides by small single-family homes (see attached exhibit) in the NC zoning district and Walker Park is located to the west, across College Avenue.

Request: The request is to rezone the subject properties from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban, subject to a bill of assurance. The bill of assurance indicates that development will be limited to permitted and conditional uses allowed in the RI-U zoning district, except Use Unit 26, Multi-family dwellings, and that all development, including single-family houses, shall comply with the City's Urban Residential Design Standards. The

applicant has indicated that the rezoning is needed to allow a greater flexibility in meeting future housing demand.

Land Use Compatibility: Aside from Walker Park to the west, land use in immediate adjacency to the subject property is uniformly small single-family dwellings. This is largely the condition throughout the area. While the proposed RI-U zoning district permits single-family dwellings, it also permits 2-, 3-, and 4-family dwellings. It is certainly possible to develop attached residential housing in a manner that is compatible with detached single-family housing. However, a transition in building types should generally occur at the block level or at a mid-block alley to maintain compatibility. This maintains the immediate adjacency of similar building types with the transition occurring in backyards or across the street or street corner. The proposed zoning would insert the potential for significant change in building type and scale in the middle of a group of small, single-family homes, which would not be compatible. Furthermore, the exceptionally small lot widths allowed under RI-U, with only 18 feet required for any dwelling versus 40 feet for a single-family dwelling and 80 for a two-family dwelling under NC, can create an indisputably divergent development pattern when compared with immediately surrounding homes. Permitting attached dwellings by right also removes the conditional use permit requisite under the NC zoning. By requiring a conditional use permit, neighbors, staff, and the Planning Commission are all able to review and comment upon whether a proposal is compatible and complimentary.

Land Use Plan Analysis: Fayetteville's overarching City Plan 2030 and the more localized Walker Park Neighborhood Master Plan appear to be in agreement with staff's recommendation regarding the proposed rezoning.

When reviewing the Walker Park Neighborhood Master Plan in greater detail, it states that a diversity of housing is indeed desired, but that attached housing should be developed "in strategic areas, such as neighborhood commercial areas or major thoroughfares", rather than mid-block in a single-family residential area as proposed. Although College Avenue through southern Walker Park is classified as a Collector in the City's Master Street Plan, and therefore may constitute a major thoroughfare, it is an overwhelmingly single-family corridor between the commercially-zoned properties on Martin Luther King Boulevard and 15th Street, which are both classified as Principal Arterials.

City Plan 2030 states that "*appropriate infill*" is a priority. The plan acknowledges the value of increasing density in locations where City services and utilities already exist, but only where it "reflects the existing community character." Along the same lines, the Walker Park Neighborhood Master Plan details that a balance and diversity of housing created through infill is desired and can take advantage of existing infrastructure and the neighborhood's proximity to downtown. The Walker Park Neighborhood Master Plan goes on to note that attached housing can represent this balance and diversity of housing, but envisioned as a buffer between commercial corridors and single-family areas in order to ensure "that future development follows the traditional pattern of growth." In both of these examples, there is a clear call for infill, but in a manner that preserves community character. Staff does not feel that the proposed rezoning achieves this.

DISCUSSION:

On May 8, 2017, the Planning Commission forwarded the proposal to City Council with a recommendation for approval passed by a vote of 6-1-0. Commissioner Niederman voted 'no'.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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



17-5776
EXHIBIT 'B'

A part of Lots 3 and 4, all in Block 5, Berl Dodd Addition, to the City of Fayetteville, Washington County, Arkansas, as per Plat of said Addition recorded in Plat Record Book 4 at Pages 219 and 220, being more particularly described as follows: Beginning at the NW Corner of said Lot 3, said point being a set 1/2" iron rebar; thence North 89°44'16" East 140.00 feet to a set 1/2" iron rebar at the NE Corner of said Lot 3; thence South 00°03'17" West 96.32 feet along the East line of said Lots 3 and 4 to a set 1/2" iron rebar; thence South 89°05'32" West 140.02 feet to a set 1/2" iron rebar on the West line of said Lot 4; thence North 00°03'17" East 97.90 feet to the Point of Beginning, containing 0.31 acres (13,595.4 square feet), more or less. Also known as Tract A of a Property Line Adjustment recorded as File number 2007-00026486, by G. Alan Reid, Registered Professional Land Surveyor.

Subject to recorded instruments, covenants, rights of way, and easements. Subject to all prior mineral reservations and oil and gas leases, if any.

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner (hereinafter "Petitioner"), Sugarland Properties LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to permitted and conditional uses allowed in Residential Intermediate - Urban zoning except for Use Unit 26 Multi-family dwellings.
2. Other restrictions including number and type of structures upon the property are limited to _____
_____.
3. Specific activities will not be allowed upon petitioner's property include _____
_____.
4. (Any other terms or conditions) All development on the property, including single-family houses, shall comply with the City's Urban Residential Design Standards.

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

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Sugarland Properties LLC by Lan Brandon Managing Member, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

4-19-17
Date

1320 S. College
Address
Ave. Fayetteville, AR

Sugarland Properties LLC by Lan Brandon Managing Member
Printed Name

[Signature]
Signature

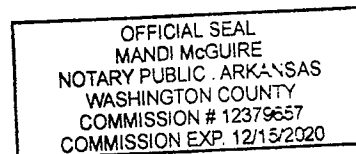
NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 19 day of April, 2017, 2016, appeared before me, Mandi McGuire, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Mandi McGuire
NOTARY PUBLIC

My Commission Expires:
12/15/2020



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: Lan Brandon

Sugarland Properties LLC

Address:

E-mail:

Phone:

() (479) 790-7858

()

Fax:

()

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

Name: Matthew Petty

Infill Group LLC

Address: 100 West Center Street

Suite 202

Fayetteville, AR 72701

E-mail: matthew@infillgroup.com

Phone:

() 479 595 8703

()

Fax:

()

Site Address / Location: 1320 South College Avenue

Current Zoning District: NC

Requested Zoning District: RI-U

Assessor's Parcel Number(s) for subject property: 765-03358-000 and 765-03359-000

FINANCIAL INTERESTS

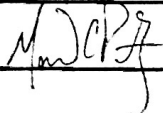
The following entities and / or people have financial interest in this project:

Lan Brandon, Sugarland Properties 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): Matthew Petty

Date: March 21, 2017

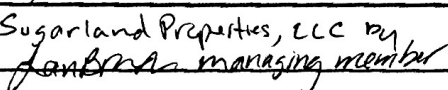
Signature: 

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): Sugarland Properties, LLC

Address: P.O. Box 197

Signature: Sugarland Properties, LLC by  managing member

Fayetteville, AR 72702

Date: 3-24-17

Phone: (479) 790-7858

Name (printed): _____

Address: _____

Signature: _____

Date: _____

Phone: ()

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: May 8, 2017 (**Updated with Planning Commission Results**)

SUBJECT: **RZN 17-5776: Rezone (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES, 563):** Submitted by INFILL GROUP, LLC. for properties at 1320 S. COLLEGE AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.31 acres. The request is to rezone the properties to RI-U, RESIDENTIAL INTERMEDIATE, URBAN.

RECOMMENDATION:

Staff recommends denial of **RZN 17-5776** based upon the findings herein.

BACKGROUND:

The subject property includes 2 parcels totaling approximately 0.31 acres on the east side of College Avenue, between 13th Street to the north and Ella Street to the south. Immediately to the west of the property is Walker Park. These parcels are zoned NC, Neighborhood Conservation, comprising Lots 3 and 4 of the Berl Dodd Addition, which was platted in 1926. Previously, there was a one single-family dwelling on the site, which was built in 1957 and served by a concrete drive off of College Avenue. This structure was recently demolished.

In July of 2008, the subject property, along with approximately 300 acres of the wider Walker Park Neighborhood, were rezoned in accordance with the Walker Park Neighborhood Master Plan. Among other changes, this rezoning removed the existing RMF-24, Residential Multi-family, 24 Units per Acre, designation on the subject property, and replaced it with the current NC, Neighborhood Conservation, zoning district. The subject property is surrounded on three sides by small single-family homes (see attached exhibit) in the NC zoning district and Walker Park is located to the west, across College Avenue. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential Single-family	NC, Neighborhood Conservation
South	Residential Single-family	NC, Neighborhood Conservation
East	Residential Single-family	NC, Neighborhood Conservation
West	Walker Park	P-1, Institutional

Request: The request is to rezone the subject properties from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban, subject to a bill of assurance. The bill of assurance indicates that development will be limited to permitted and conditional uses allowed in the RI-U

zoning district, except Use Unit 26, Multi-family dwellings, and that all development, including single-family houses, shall comply with the City's Urban Residential Design Standards. The applicant has indicated that the rezoning is needed to allow a greater flexibility in meeting future housing demand.

Public Comment: Staff has received public comment from numerous residents who oppose the rezoning request, most of whom participated in the Walker Park Neighborhood Master Plan. Concerns largely center around a perceived disregard for that plan and a fear that the neighborhood's character is 'under attack,' with current residents under pressure to sell their properties against the best interest of the larger neighborhood. Comments have also been made about the lack of compatibility between the existing uses and those permitted under the RI-U zoning district. Others have expressed an enthusiasm for the development and redevelopment that is occurring in Walker Park, as long as it is single-family in use in areas zoned for it.

INFRASTRUCTURE:

Streets: The subject parcels have access to College Avenue, a partially improved Collector Street with curb/gutter, but no sidewalk along the parcels' frontage. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to these parcels. There is an existing 6-inch water main in the College Avenue right-of-way that is available for service.

Sewer: Public sewer is available to these parcels. There is an existing 8-inch sewer main in the College Avenue Right of way that is available for service.

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 floodplain. No protected streams are on-site and no portion of this parcel lies within the Hillside-Hilltop Overlay District.

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

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

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

FINDINGS OF THE STAFF:

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

Finding: ***Land Use Compatibility:*** **Aside from Walker Park to the west, land use in immediate adjacency to the subject property is uniformly small single-family dwellings. This is largely the condition throughout the area. While the proposed RI-U zoning district permits single-family dwellings, it also permits 2-, 3-, and 4-family dwellings. It is certainly possible to develop attached**

residential housing in a manner that is compatible with detached single-family housing. However, a transition in building types should generally occur at the block level or at a mid-block alley to maintain compatibility. This maintains the immediate adjacency of similar building types with the transition occurring in backyards or across the street or street corner. The proposed zoning would insert the potential for significant change in building type and scale in the middle of a group of small, single-family homes, which would not be compatible. Furthermore, the exceptionally small lot widths allowed under RI-U, with only 18 feet required for any dwelling versus 40 feet for a single-family dwelling and 80 for a two-family dwelling under NC, can create an indisputably divergent development pattern when compared with immediately surrounding homes. Permitting attached dwellings by right also removes the conditional use permit requisite under the NC zoning. By requiring a conditional use permit, neighbors, staff, and the Planning Commission are all able to review and comment upon whether a proposal is compatible and complimentary.

There are several structures of mixed density sprinkled throughout this portion of Walker Park, with a one-story, four-family dwelling located on the same block to the immediate northeast of the subject property, and numerous 2-, 3-, and 4- family dwellings within 1/8th of a mile. Many of these are of a scale and character that is comparable to, and compatible with the predominantly single-family character of the neighborhood.

Land Use Plan Analysis: When considered together, Fayetteville's overarching City Plan 2030 and the more localized Walker Park Neighborhood Master Plan appear to be in agreement with staff's recommendation regarding the proposed rezoning.

One principal area where the Plans agree is the identified need for increasing opportunities for attainable housing and offering a variety of housing types. Rezoning the subject property would undoubtedly address these goals by increasing the spectrum of housing that can be developed. At the same time, this claim could be made about any property with single-family zoning in Walker Park, or the rest of Fayetteville for that matter. When reviewing the Walker Park Neighborhood Master Plan in greater detail, it states that a diversity of housing is indeed desired, but that attached housing should be developed "in strategic areas, such as neighborhood commercial areas or major thoroughfares", rather than mid-block in a single-family residential area as proposed. Although College Avenue through southern Walker Park is classified as a Collector in the City's Master Street Plan, and therefore may constitute a major thoroughfare, it is an overwhelmingly single-family corridor between the commercially-zoned properties on Martin Luther King Boulevard and 15th Street, which are both classified as Principal Arterials.

City Plan 2030 states that "*appropriate infill*" is a priority. The plan acknowledges the value of increasing density in locations where City services and utilities already exist, but only where it "reflects the existing community character." Along the same lines, the Walker Park Neighborhood Master Plan details that a balance and diversity of housing created through infill is desired and can take advantage of existing infrastructure and the

neighborhood's proximity to downtown. The Walker Park Neighborhood Master Plan goes on to note that attached housing can represent this balance and diversity of housing, but envisioned as a buffer between commercial corridors and single-family areas in order to ensure "that future development follows the traditional pattern of growth." In both of these examples, there is a clear call for infill, but in a manner that preserves community character. Staff does not feel that the proposed rezoning achieves this.

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

Finding: Based on the applicant's perspective, the requested rezoning is justified and needed to allow redevelopment of the parcels for greater flexibility in meeting the City's future housing needs. The existing NC zoning district only permits single-family dwellings by right, and 2-, 3-, and 4-family dwellings by conditional use. The proposed RI-U zoning district will allow single-, 2-, 3-, and 4-family dwellings by right, and on lots as narrow as 18 feet. However, from staff's perspective, the existing zoning is suitable and the rezoning is not justified.

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

Finding: Rezoning the property to RI-U, with its lack of density requirements, has the potential to increase traffic in this area as the site develops. Given the size of the development however, any increase in vehicular trips in the area will not appreciably increase traffic danger or congestion.

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

Finding: The 18-foot minimum lot widths of the RI-U zoning district and the overall size of the property will limit the total density of future development, thereby also limiting undesirable increases on the burden of schools or City services.

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

Finding: N/A

RECOMMENDATION:

Planning staff recommends denial of **RZN 17-5776**, finding that the proposed zone allows development that is incompatible with surrounding uses, neighborhood character, and elements of both City Plan 2030 and the Walker Park Neighborhood Master Plan.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>May 8, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Hoffman	Second: Scroggin	Vote: 6-1-0 (Commissioner Nierderman voted 'no'.)	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>June 6, 2017 (Tentative)</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.29, NC, Neighborhood Conservation (Existing)
 - o §161.12, RI-U, Residential Intermediate, Urban (Proposed)
- Request Letter
- Adjacent Property Images
- Walker Park Neighborhood Illustrative Map
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.29 - Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

Building Height Maximum	45 feet
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(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)

ADM 16-5631 EXHIBIT “A”
From Ordinance 5945
Not Yet Codified

§161.12 - District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory Dwellings
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 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family Dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

ADM 16-5631 EXHIBIT "A"

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	30/45 feet
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

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

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

Request Letter

Written description of rezoning request

Prepared 3/27/2017 for parcels: 765-03358-000 and 765-03359-000.

a) Current ownership information and any proposed or pending property sales.

The current owner Sugarland Properties LLC and there are no pending sales.

b) Reason (need) for requesting the zoning change.

The owner is planning to develop single-family housing with narrow lot widths.

attached

c) Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

The proposed rezoning is consistent with surrounding properties. In terms of land use, the surrounding properties are single family detached units. In terms of traffic, South College Avenue has excess capacity. In terms of appearance and signage, the design standards of RI-U will ensure that any new development is contextually sensitive to the existing neighborhood character.

d) Availability of water and sewer (state size of lines).

The site is served by a 6" water line and a 6" sewer line in the College Avenue ROW.

e) The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

The proposed zoning is consistent with City Plan 2030 and the Walker Park Neighborhood Master Plan. Given the surrounding land uses, RI-U allows for appropriate infill and advances Fayetteville's goal to grow a livable transportation network.

f) Whether the proposed zoning is justified and/or needed at the time of the request.

The proposed rezoning is needed to allow for a financially feasible number of single-family detached and to be developed on the site. It is justified by the proximity to a major transportation corridors and Walker Park.

g) Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

The proposed rezoning will not create a traffic danger or appreciably increase congestion.

h) Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

While the proposed rezoning will alter the population density, it will not undesirably increase the load on public services. A moderate increase in density increases the operating and/or maintenance efficiencies of public services: it allows more children to be bussed per mile and more residents to be served per linear foot of water or sewer line.

i) Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

NC does not allow for narrow lot widths or flexibility in meeting future housing demand.

RZN 17-5776

Adjacent Properties with Square Footages of Structures



1318 S. College (860 s.f.)



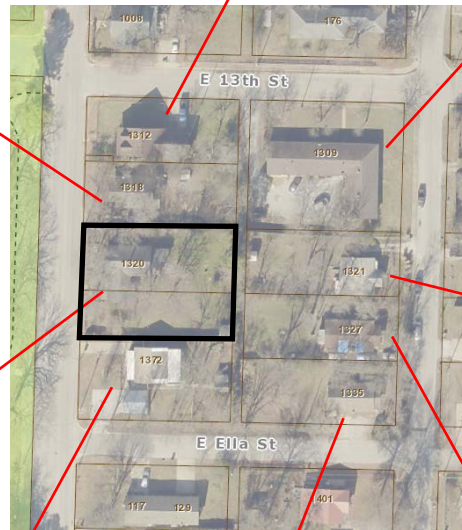
Subject Property



1372 S. College (754 s.f.)



1312 S. College (828 s.f.)



1335 S. Washington (784 s.f.)



1309 S. Washington
(4-Family; 3,328 s.f.)



1321 S. Washington (1,038 s.f.)



1327 S. Washington (1,118 s.f.)

All structure sizes based on Washington County Assessor data.

Walker Park Neighborhood Illustrative Plan

Senior
Center

Walker
Park

Subject
Parcels

9th St.

11th St.

12th St.

13th St.

Ella St.

15th St.

College Ave.

Washington Ave.

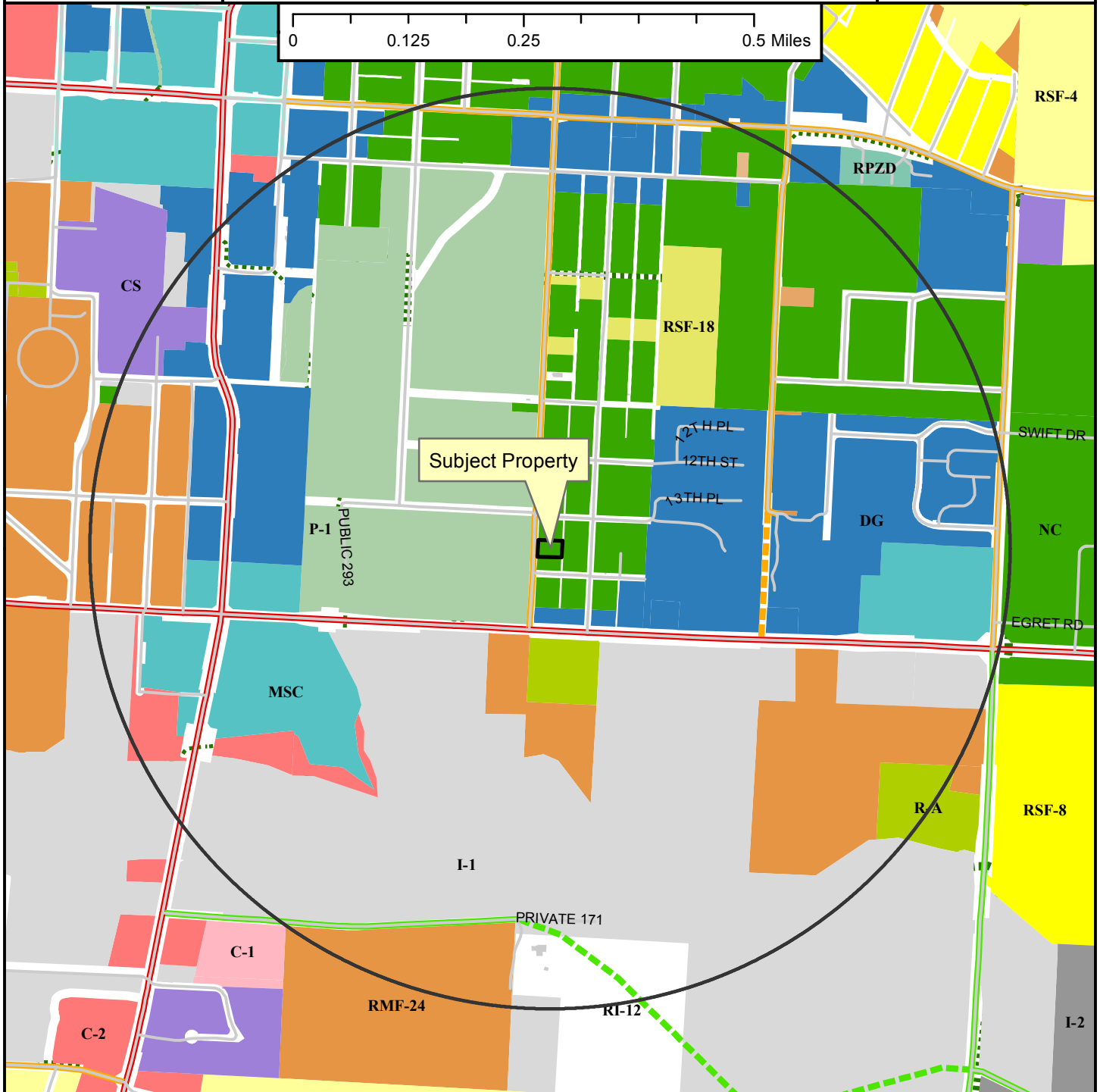
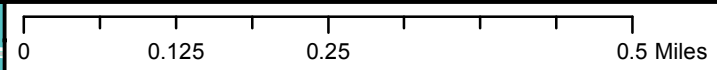


RZN 17-5776

SUGARLAND PROPERTIES

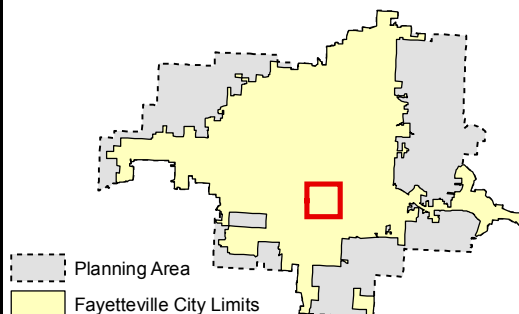


One Mile View



Legend

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



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - RESIDENTIAL MULTI-FAMILY**
 - RI-12
 - 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 17-5776

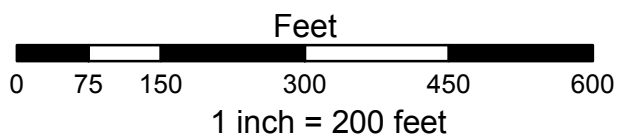
SUGARLAND PROPERTIES

Close Up View



Legend

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



- Residential-Agricultural
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- Downtown General
- Neighborhood Conservation
- P-1

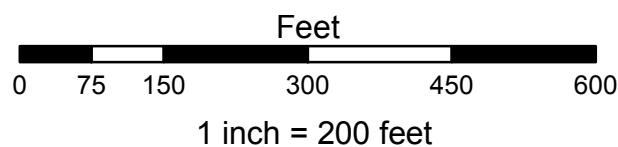
RZN 17-5776

Current Land Use

SUGARLAND PROPERTIES



-  RZN17-5776
-  Address
-  Street
-  COLLECTOR
-  PRINCIPAL ARTERIAL
-  Shared Use Paved Trail
-  County Parcels
-  Planning Area
-  Fayetteville City Limits



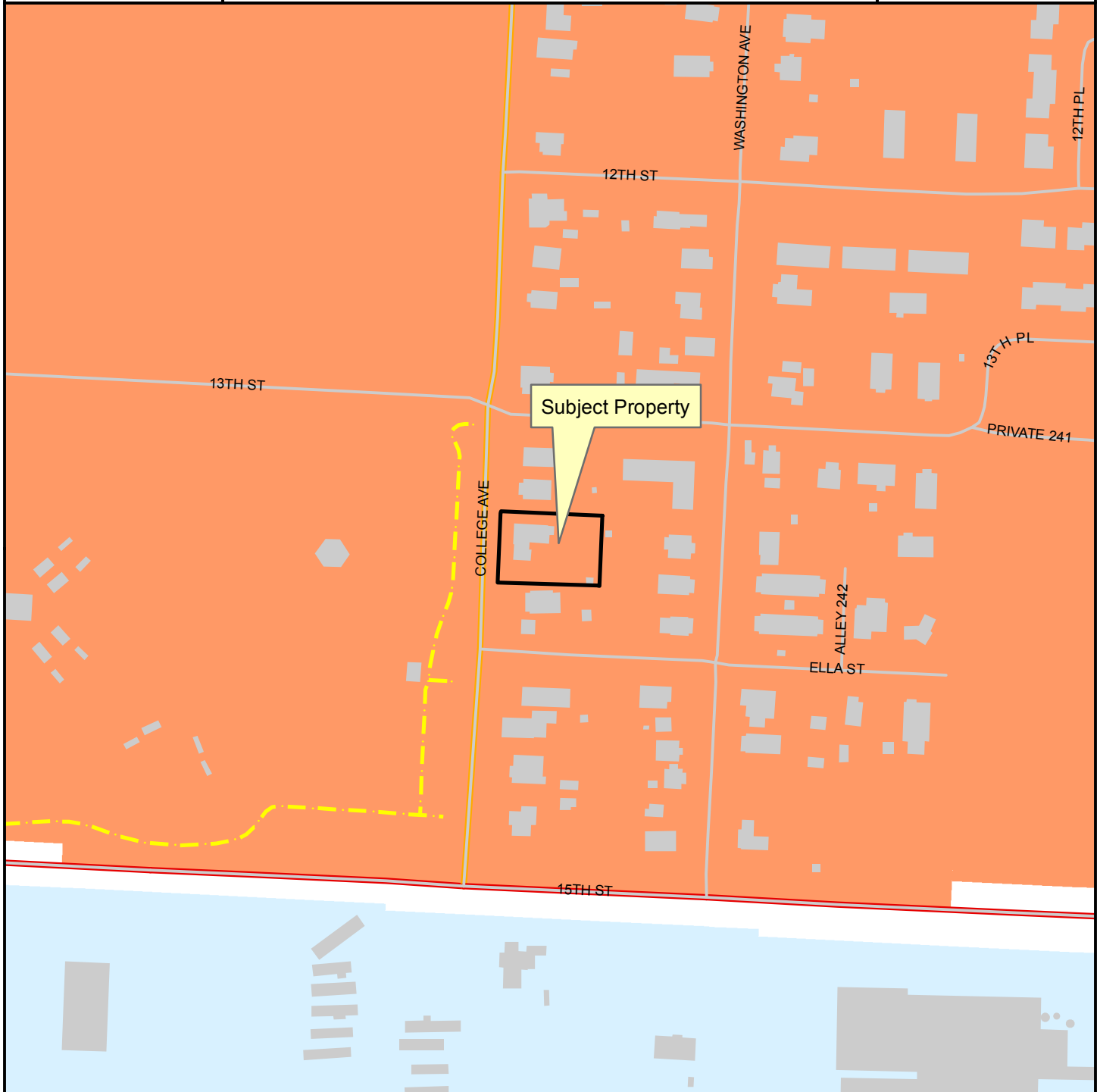
FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

RZN 17-5776

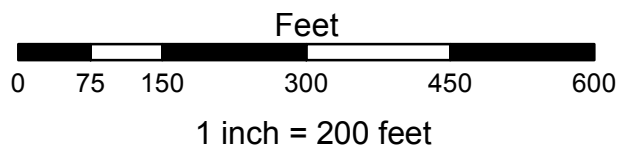
SUGARLAND PROPERTIES

Future Land Use



Legend

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



FUTURE LAND USE 2030

- Industrial
- Complete Neighborhood Plan



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0271

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 7

RZN 17-5770 (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5770 FOR APPROXIMATELY 0.45 ACRES LOCATED AT 769 AND 785 SOUTH WASHINGTON AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE, URBAN

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban.

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

City of Fayetteville Staff Review Form

2017-0271

Legistar File ID

6/6/2017

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

Andrew Garner

5/19/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5770: Rezone (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES, 563): Submitted by FLYER REAL ESTATE for properties at 769 & 785 S. WASHINGTON AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.45acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

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 JUNE 6, 2017

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Harry Davis, Planner

DATE: May 19, 2017

SUBJECT: RZN 17-5770: Rezone (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES, 563): Submitted by FLYER REAL ESTATE for properties at 769 & 785 S. WASHINGTON AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.45acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:

The City Planning staff recommends denial and the Planning Commission recommend approval of an ordinance to rezone the subject property to RI-U, Residential Intermediate-Urban as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject three properties totaling 0.45 acres are located at 769 and 785 South Washington Avenue near the intersection of Washington and 7th Street. These parcels are zoned NC, Neighborhood Conservation, comprising Block 1, Lots 35-40 of the historic and original plat of Glenwood Park Subdivision, which was recorded in 1912. There are currently single-family homes on two of the three parcels. As depicted in the attached photographs by staff (found in the PC report), the property is surrounded on three sides by relatively small, one-story single-family homes in NC, Neighborhood Conservation and DG, Downtown General districts. To the east is a 1,200 square foot commercial building and more single-family homes across Washington Avenue.

In July of 2008, the subject property, along with approximately 300 acres of the wider Walker Park Neighborhood, were rezoned in accordance with the Walker Park Neighborhood Master Plan. Among other changes, this rezoning removed the existing RMF-24, Residential Multi-family, 24 Units per Acre, designation on the subject property, and replaced it with the current NC, Neighborhood Conservation, zoning district.

Request: The request is to rezone the parcel from NC, Neighborhood Conservation to RI-U, Residential Intermediate-Urban. The applicant stated the rezoning is needed to allow flexibility in lot widths and area to meet housing demands in South Fayetteville.

Public Comment: There is considerable public comment from citizens of Fayetteville and residents of the neighborhood who are opposed to the rezone. Concerns are largely centered around a perceived disregard for Walker Park and a fear that the neighborhood's character is 'under attack,' with current residents under being pressure to sell their properties against the best interest of the larger neighborhood. Neighbors have expressed opposition to uses stating compatibility issues for development other than single-family homes, increases in density, the lack of a density cap in RI-U, and traffic associated with developing these lots with anything above single-family. There is some enthusiasm for development and redevelopment that is occurring in Walker Park, as long as it is single-family in character and use in wherever areas zoned for it.

Land Use Compatibility: The proposed zoning is generally not compatible in this location. The immediately surrounding properties are single-family, detached residences in a well-established neighborhood of Fayetteville. It is certainly possible to develop attached residential housing in a manner that is compatible and even complimentary to detached single-family housing, but the exceptionally small lot widths allowed under RI-U, with only 18 feet required for any dwelling versus 40 feet for a single-family dwelling and 80 for a two-family dwelling under NC, can create an indisputably divergent development pattern when compared with most properties in the immediate and greater vicinity. The neighbors who have provided public comment have a significantly strong argument, as they understand at an intimate level what could and could not be compatible to their neighborhood. Based on the proposed RI-U, the applicant could very quickly densify this area with four-plexes by utilizing the adjoining alley right-of-way and constructing unit types that may or may not be context sensitive to the rest of the neighborhood. Permitting attached dwellings by right also removes the conditional use permit requisite under the NC zoning. By requiring a conditional use permit, neighbors, staff, and the Planning Commission are all able to review and comment upon whether a proposal is compatible and complimentary. The applicant also owns the properties at the corner of 7th and Washington, which are zoned DG. All the properties owned by the applicant at this location are up for sale as of writing this report. It is completely reasonable and possible that, with the proposed rezone, development is imminent for this part of the neighborhood.

There are a fair number of structures with mixed density sprinkled throughout Walker Park, with numerous 2-, 3-, and 4- family dwellings within a short walk of the subject parcels. Many of these are of a size and character that is comparable to, and compatible with, the predominantly single-family character of the neighborhood.

Land Use Plan Analysis: Fayetteville's overarching City Plan 2030 and the more localized Walker Park Neighborhood Master Plan appear to be in agreement with staff's recommendation regarding the proposed rezoning. It is staff's opinion that the proposal is generally incompatible with the intended future land use for this location.

When reviewing the Walker Park Neighborhood Master Plan in greater detail, it states that a diversity of housing is indeed desired, but that attached housing should be developed "in strategic areas, such as neighborhood commercial areas or major thoroughfares", rather than in an established single-family residential area as proposed.

City Plan 2030 states that "appropriate infill" is a priority. The City's comprehensive plan acknowledges the value of increasing density in locations where City services and utilities already exist, but only where it "reflects the existing community character." Along the same lines, the Walker Park Neighborhood Master Plan details that a balance and diversity of housing created through infill is desired and can take advantage of existing infrastructure and the neighborhood's

proximity to downtown. The Walker Park Neighborhood Master Plan goes on to note that attached housing can represent this balance and diversity of housing, but envisioned as a buffer between commercial corridors and single-family areas in order to ensure “that future development follows the traditional pattern of growth.” In both of these examples, there is a clear call for infill, but in a manner that preserves community character. Staff does not feel that the proposed rezoning achieves this. The parcels zoned DG at the corner of 7th and Washington are intended to be the buffer zone between Jefferson Square’s higher-densities of residential and small commercial uses, constricted by the limited size of the lots, and gradually taper to the established and functioning single-family neighborhoods behind them.

Staff believes that the applicant’s intention of developing this site for denser residential, while still allowing only single-family homes, could be done under a different zoning district, such as RSF-18, Residential Single-family, 18 Units per Acre. This district would retain detached single-family function and form.

DISCUSSION:

On May 8, 2017, the Planning Commission forwarded the proposal to City Council with a recommendation for approval passed by a vote of 6-0-1. Commissioner Niederman recused.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

RZN 17-5770

Close Up View

WARFORD PROPERTIES

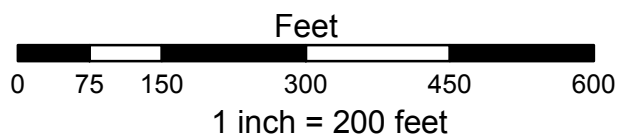
17-5770

EXHIBIT 'A'



Legend

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



- RSF-18
- Downtown General
- Neighborhood Conservation
- P-1

17-5770
EXHIBIT 'B'

Legal Description of Subject Property:

Lots Thirty five (35), Thirty six (36), Thirty seven (37), Thirty eight (38), Thirty nine (39), and Forty (40) in Block One of Glenwood Park Addition to the City of Fayetteville, Arkansas, as per Plat of said Addition, on file in the office of the Circuit Clerk and Ex-Officio Register of Deeds of Washington County, Arkansas.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

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

Application:

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

Applicant (person making request):

Name: Kevin Warford

Address: 12396 S Harris Dr.

Fayetteville, AR 72701

E-mail: _____

Phone: (479) 236-1568

() _____

Fax: _____

() _____

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

Name: Michael Ward

Flyer Real Estate

Address: 205 N College Ave

Fayetteville, AR 72701

E-mail: michael@michaelwardnwa.com

Phone: (479) 790-6303

() _____

Fax: _____

() _____

Site Address / Location: 769, 785 S Washington Ave.

Current Zoning District: NC

Requested Zoning District: RI-U

Assessor's Parcel Number(s) for subject property: 765-05669-000, 765-05668-000,
765-05667-000

FINANCIAL INTERESTS

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

Warford Family Trust

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

Name (printed): Michael Ward Flyer Real Estate Date: _____
Signature: [Signature]

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

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

Name (printed): <u>Kevin Warford</u>	Address: <u>12396 S Harris Dr.</u>
Signature: <u>[Signature]</u>	<u>Fayetteville, AR 72701</u>
Date: <u>3/21/11</u>	Phone: <u>()</u>

Name (printed): _____	Address: _____
Signature: _____	_____
Date: _____	Phone: <u>()</u>

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: Harry Davis, Planner

MEETING DATE: May 8, 2017 **UPDATED WITH PC RESULTS**

SUBJECT: **RZN 17-5770: Rezone (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES, 563):** Submitted by FLYER REAL ESTATE for properties at 769 & 785 S. WASHINGTON AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.45 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE, URBAN.

RECOMMENDATION:

Staff recommends denial of **RZN 17-5770** based upon the findings herein.

BACKGROUND:

The subject three properties totaling 0.45 acres are located at 769 & 785 South Washington Avenue near the intersection of Washington and 7th Street. These parcels are zoned NC, Neighborhood Conservation, comprising Block 1, Lots 35-40 of the historic and original plat of Glenwood Park Subdivision, which was recorded in 1912. There are currently single-family homes on two of the three parcels. As listed in *Table 1* and depicted in the attached photographs by staff, the property is surrounded on 3 sides by relatively small, one-story single-family homes in Neighborhood Conservation and DG, Downtown General districts. To the east is a 1,200 square foot commercial building and more single-family homes across Washington Avenue.

In July of 2008, the subject property, along with approximately 300 acres of the wider Walker Park Neighborhood, were rezoned in accordance with the Walker Park Neighborhood Master Plan. Among other changes, this rezoning removed the existing RMF-24, Residential Multi-family, 24 Units per Acre, designation on the subject property, and replaced it with the current NC, Neighborhood Conservation, zoning district.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-Family Residential	DG, Downtown General
South	Single-Family Residential	NC, Neighborhood Conservation
East	Single-Family Residential; Commercial	NC, Neighborhood Conservation; DG, Downtown General
West	Single-Family Residential	NC, Neighborhood Conservation

Request: The request is to rezone the parcel from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban. The applicant stated the rezoning is needed to allow flexibility in lot widths and area to meet housing demands in South Fayetteville.

Public Comment: There is considerable public comment from citizens of Fayetteville and residents of the neighborhood who are opposed to the rezone. Concerns are largely centered around a perceived disregard for Walker Park and a fear that the neighborhood's character is 'under attack,' with current residents under being pressure to sell their properties against the best interest of the larger neighborhood. Neighbors have expressed opposition to uses stating compatibility issues for development other than single-family homes, increases in density, the lack of a density cap in RI-U, and traffic associated with developing these lots with anything above single-family. There is some enthusiasm for development and redevelopment that is occurring in Walker Park, as long as it is single-family in character and use in wherever areas zoned for it.

INFRASTRUCTURE:

Streets: The subject parcel has access to Washington Avenue, an improved local street with curb/gutter, sidewalk at back of curb, and storm drainage. 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 6-inch main along the western side of the Washington Avenue right of way.

Sewer: Sanitary Sewer is available to the site. There is an existing 8-inch main in Washington Avenue available for service connections.

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 exist 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 2030 FUTURE LAND USE PLAN: City Plan 2030 Future Land Use Plan designates this site as a **Complete Neighborhood Plan** Area associated with the Walker Park Neighborhood Plan. A central goal of the plan was to preserve single-family neighborhoods while encouraging additional housing types and a mix of uses.*

Walker Park neighborhood adopted a plan in 2008. That plan states that the neighborhood should have a balance of non-residential uses and housing. Stakeholders wanted zoning and other city regulations to reflect and encourage that balance while conserving the existing single-family fabric where it is intact. This means the neighborhood will retain and develop a variety of housing types for different income levels and retain and develop neighborhood commercial nodes that serve the neighborhood residents as well as the nearby employment centers. There is also an emphasis on connectivity and walkability. Connection of the street grid and improved pedestrian mobility between key destinations will unify the neighborhood, making it sustainable over time. Third, creating Jefferson Square as a core of the neighborhood will help to preserve some of the rich history embedded in the Jefferson Building and create a neighborhood center. Last, accessible greenspace in the form of community gardens throughout the neighborhood and additional uses

and access points to Walker Park will capitalize on existing resources within the neighborhood and provide function and beauty for both residents and visitors.

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 not compatible with the existing neighborhood. Although the applicant has made some valid points in the request letter about compatibility between adjacent and nearby lots, the immediately surrounding properties are single-family, detached residences in a well-established neighborhood of Fayetteville. It is certainly possible to develop attached residential housing in a manner that is compatible and even complimentary to detached single-family housing, but the exceptionally small lot widths allowed under RI-U, with only 18 feet required for any dwelling versus 40 feet for a single-family dwelling and 80 for a two-family dwelling under NC, can create an indisputably divergent development pattern when compared with most properties in the Walker Park Neighborhood. If this were a new neighborhood without significant context, the situation and compatibility would be different. The neighbors who have provided public comment have a significantly strong argument, as they understand at an intimate level what could and could not be compatible to their neighborhood. Based on the proposed RI-U, the applicant could very quickly densify this area with four-plexes by utilizing the adjoining alley right-of-way and constructing unit types that may or may not be context sensitive to the rest of the neighborhood. Permitting attached dwellings by right also removes the conditional use permit requisite under the NC zoning. By requiring a conditional use permit, neighbors, staff, and the Planning Commission are all able to review and comment upon whether a proposal is compatible and complimentary. The applicant also owns the properties at the corner of 7th and Washington, which are zoned DG. All the properties owned by the applicant at this location are up for sale as of writing this report. It is completely reasonable and possible that, with the proposed rezone, development is imminent for this part of the neighborhood.

In fairness to the applicant, it is worth noting there are numerous structures of mixed density sprinkled throughout Walker Park, with numerous 2-, 3-, and 4- family dwellings within a short walk of the subject parcels. Many of these are of a style and character that is comparable to, and compatible with, the predominantly single-family character of the neighborhood.

Land Use Plan Analysis: When considered together, Fayetteville's overarching City Plan 2030 and the more localized Walker Park Neighborhood Master Plan appear to be in agreement with staff's recommendation regarding the proposed rezoning. It is staff's opinion that the proposal is generally incompatible with the intended future land use for this location.

One principal area where the Plans agree is the identified need for increasing opportunities for attainable housing and offering a variety of housing types.

Rezoning the subject property would undoubtedly address these goals by increasing the spectrum of housing that can be developed. At the same time, this claim could be made about any property with single-family zoning in Walker Park, or the rest of Fayetteville for that matter. When reviewing the Walker Park Neighborhood Master Plan in greater detail, it states that a diversity of housing is indeed desired, but that attached housing should be developed “in strategic areas, such as neighborhood commercial areas or major thoroughfares”, rather than in an established single-family residential area as proposed.

City Plan 2030 states that “appropriate infill” is a priority. The City’s comprehensive plan acknowledges the value of increasing density in locations where City services and utilities already exist, but only where it “reflects the existing community character.” Along the same lines, the Walker Park Neighborhood Master Plan details that a balance and diversity of housing created through infill is desired and can take advantage of existing infrastructure and the neighborhood’s proximity to downtown. The Walker Park Neighborhood Master Plan goes on to note that attached housing can represent this balance and diversity of housing, but envisioned as a buffer between commercial corridors and single-family areas in order to ensure “that future development follows the traditional pattern of growth.” In both of these examples, there is a clear call for infill, but in a manner that preserves community character. Staff does not feel that the proposed rezoning achieves this. The parcels zoned DG at the corner of 7th and Washington are intended to be the buffer zone between Jefferson Square’s higher-densities of residential and small commercial uses, constricted by the limited size of the lots, and gradually taper to the established and functioning single-family neighborhoods behind them.

Although the applicant’s arguments for infill and a mixture of residential types in one area are well-received, the key to infill and mixed unit types are appropriateness. Fayetteville does not have any ordinances that significantly impact design of infill projects when relating to contextual properties and buildings.

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

Finding: Based on the applicant’s perspective, the requested rezoning is justified and needed to allow redevelopment of the parcels for greater flexibility in meeting the City’s future housing needs. The existing NC zoning district only permits single-family dwellings by right, and 2-, 3-, and 4-family dwellings by conditional use. The proposed RI-U zoning district will allow single-, 2-, 3-, and 4-family dwellings by right, and on lots as narrow as 18 feet. However, staff does not believe there are sufficient reasons to rezone the properties to a zone other than single-family.

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

Finding: Rezoning the property to RI-U, with its lack of density requirements, has the potential to increase traffic in this area as the site develops. Given the size of the potential development, higher densities could appreciably increase traffic and congestion along Washington Avenue. Public comment has already drawn attention to the difficulties of maneuvering vehicles up and down Washington, where there is little room to drive if people park on-street. Pedestrians use the street as a footpath in this location, which will contribute to any traffic danger or congestion.

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

Finding: Rezoning this property from NC to RI-U would potentially increase the density, but it is not expected to undesirably create or increase any burden on schools or City services.

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

Finding: Staff believes that the applicant's intention of developing this site for denser residential, while still allowing only single-family homes, could be done under a different zoning district, such as RSF-18, Residential Single-family, 18 Units per Acre. This district would retain detached single-family function and form.

RECOMMENDATION: Planning staff recommends denial of RZN 17-5770, finding that the proposed zone allows development that is incompatible with surrounding uses, neighborhood character, and elements of both City Plan 2030 and the Walker Park Neighborhood Master Plan.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>May 8, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Hoffman	Motion to forward with recommendation of approval		
Second: Noble			
Vote: 6-0-1	Motion passes; Neiderman recused		

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.27 & RI-U Exhibit
- Staff Photos
- Public Comment
 - o Notes (Walk-ins and Voicemails)
 - o Emails
- Request letter
- Rezone exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

PLANNING COMMISSION MEMO

- 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
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(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>)

ADM 16-5631 EXHIBIT “A”

§161.12 - District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory Dwellings
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 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family Dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

ADM 16-5631 EXHIBIT "A"**(E) Setback Requirements.**

Front	Side Other Uses	Side Single & Two (2) family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

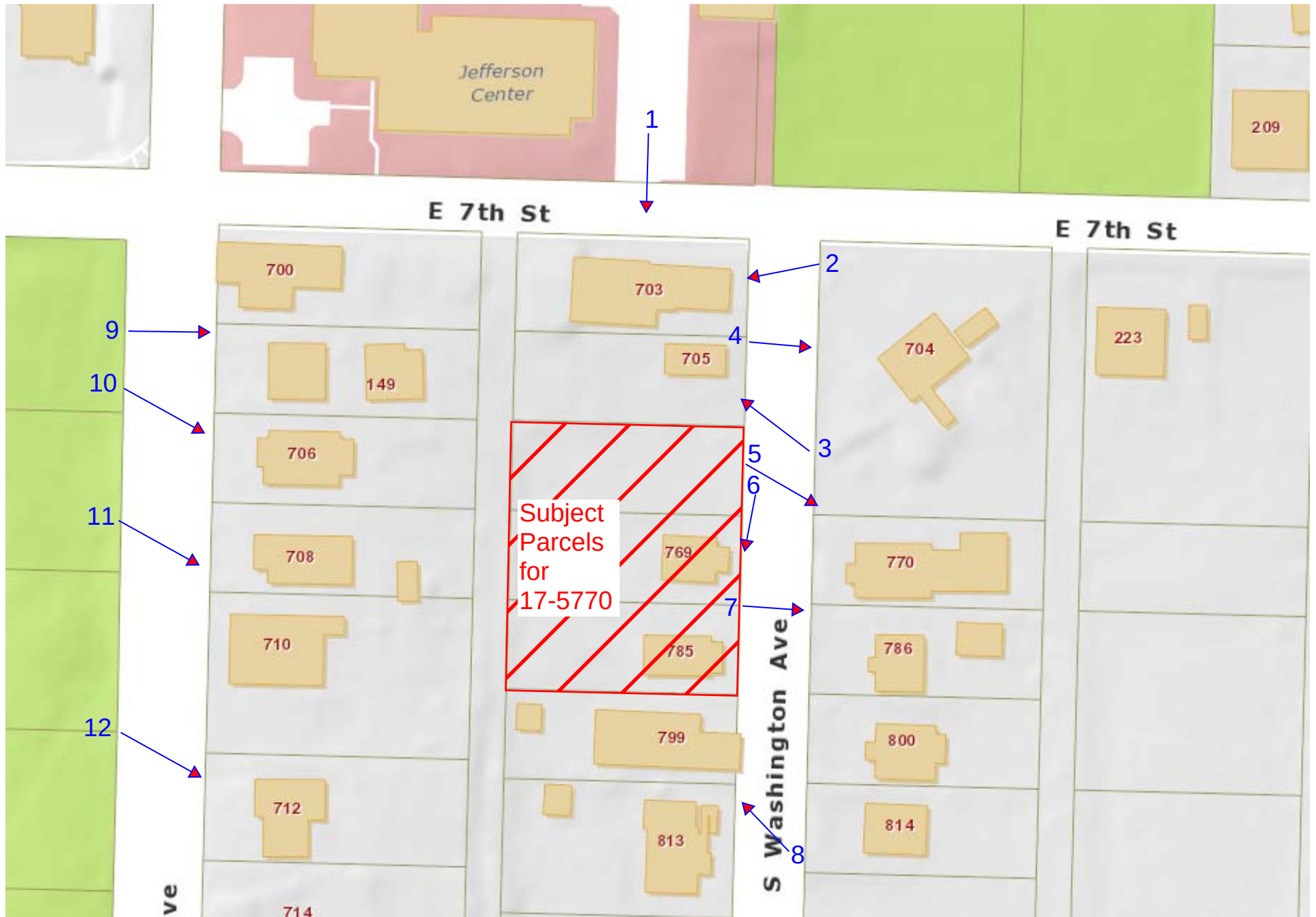
(F) Building Height Regulations.

Building height maximum	30/45 feet
-------------------------	------------

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

(G) Building Area. The area occupied by all buildings shall not exceed 60% of the total lot area.

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



17-5770 RZN - Staff Photograph Location Map



1. Staff Photo - 17-5770 RZN - Looking at 703 S Washington at corner of 7th and Washington from Jefferson Center



2. Staff Photo - 17-5770 RZN - Looking at 703 & 705 S Washington (north of proposal) from 704 S Washington



3. Staff Photo - 17-5770 RZN - Looking at 705 S Washington (north of proposal) and the empty lot from rezone proposal



4. Staff Photo - 17-5770 RZN - Looking at 704 S Washington from 705 S Washington; Across from rezone



5. Staff Photo - 17-5770 RZN - Looking at 770 S Washington from 705 S Washington; Across from rezone



6. Staff Photo - 17-5770 RZN - Looking at 769 & 785 S Washington, which are part of the rezone proposal



7. Staff Photo - 17-5770 RZN - Looking at 786 & 800 S Washington from 785 S Washington; Across from rezone



8. Staff Photo - 17-5770 RZN - Looking at 799 & 813 S Washington from 814 S Washington; South of rezone



9. Staff Photo - 17-5770 RZN - Looking at 700 & 702 S College from Walker Park; NW of rezone



10. Staff Photo - 17-5770 RZN - Looking at 706 S College from Walker Park; Across alley ROW from rezone



11. Staff Photo - 17-5770 RZN - Looking at 708 & 710 S College from Walker Park; Across alley ROW from rezone



12. Staff Photo - 17-5770 RZN - Looking at 712 S College from Walker Park; SW from rezone

Walk-in Public Comment Notes for RZN 17-5770:

Nancy Kahonek

Concerns over increased density to neighborhood

Concerns over uses different from single-family

Concerns over traffic from density and the current way S. Washington performs with traffic and on-street parking

Marian Kunetka

Concerned over how tall new structures would be in relation to nearby homes

Concerns over compatibility between single-family and other uses

Concerns over increased density in the neighborhood

Concerns over the impact of density on traffic

David Williamson

Concerns over uses other than single-family

Concerns over increased density

Voicemail Notes for RZN 17-5770:

Darla Newman

Concerns over traffic due to small streets

Concerns over change in use away from single-family

Concerns over changes in character with development other than single-family

Davis, Harry

From: Khalisa Kitz <dkitz@uark.edu>
Sent: Monday, May 01, 2017 8:44 AM
To: Davis, Harry
Subject: Concerned about rezoning proposal on S. Washington Ave

Good morning Mr. Davis,

I live at 1127 S. Washington Avenue in Fayetteville, and understand that there is a request for several properties in the 700 block to be re-zoned RIU – Residential Intermediate – Urban.

I oppose allowing the building of another block of multifamily units at that location. The street is narrow and the traffic load is already climbing as more development back behind the 900 block will deeply affect that traffic. There are no speed bumps or features to slow the traffic down.

I want to speak in favor of keeping the zoning Neighborhood Conservation (NC) – and allow for the building of more single family homes. The south Fayetteville (“Tin Cup”) and surrounding neighborhoods are a **special part of living in Fayetteville** for me, and I really want continue to **have more of the quality of good old fashioned neighbors** living in one of the precious little pockets of Fayetteville.

When I first bought my home there in 2010, an acquaintance found out where I was buying, and she voiced concern for my moving into “that” neighborhood... that is, until she drove to my house. Then she changed her mind. “When I was driving here, I have to say I’ve never seen so many people out on their porches or walking the neighborhood and visiting...Now I see why you wanted to move here!”. To me that is one quality that I deeply value here on South Washington. Children play in the street... neighbors help each other... visit... and become friends.

Please help us keep it that way for years to come! We value our unique neighborhood!!

Thank you for considering this.

Khalisa Kitz
University of Arkansas
Administrative Specialist
479-575-8423

Davis, Harry

From: Nancy Kahanak <nananak27@gmail.com>
Sent: Tuesday, May 02, 2017 1:16 PM
To: Davis, Harry; Karen Bley; Khalisa Kitz
Subject: zoning

I have been thinking a lot about the zone change requests in our neighborhood, and here are my current observations:

The double lot at 1320 S. College cannot hold enough homes to cause real traffic congestion, and well-thought-out small apartments or small homes would be a good addition to our neighborhood, as affordable places in the area are getting harder to find.

However, the property at 7th St. and down Washington Ave. is actually comprised of at least 5 lots, perhaps more when you count the end ones zoned DG. The owner is interested in selling, I understand, but whether they sell or build, that area, if rezoned to RIU could be combined and possibly be developed into a large apartment complex. My concern is that such a large area could be built without the interest of the neighborhood in mind, and generate a lot of traffic, and students or other short-term residents.

--

Nancy Kahanak
479 935-5013

JEMI Facebook address: **Judicial Equality for Mental Illness (JEMI)**

Davis, Harry

From: Davis, Harry
Sent: Tuesday, April 18, 2017 10:49 AM
To: 'Combs, Paula'
Cc: paula_research@yahoo.com; Garner, Andrew (agarner@fayetteville-ar.gov)
Subject: RE: South Washington Project

Ms. Combs,

Good morning, and thank you so much for your email. Your knowledge and connection to your neighborhood appears to be very deep and I greatly appreciated reading your story. Your concerns about increased density, compatibility issues between existing single-family and current and potential new development, and traffic have been noted and we will be sure to attach your letter to my report.

One thing I would like to state is that the Planning Department is expected to be neutral and objective in matters that come before City of Fayetteville planners. Our recommendations are based primarily on facts regarding compatibility between zoning districts and existing conditions both on-site and contextual to the subject property. Planners are professionally, ethically, and legally obligated to not be personally involved in a project. To do so would render the opinion or recommendation biased and tip the scale against the applicant. Therefore, we must give our full attention and fair or impartial consideration to both citizens and developers, otherwise our integrity as professional planners could be questioned.

We have not done a thorough analysis of the project, which will be publically available Thursday afternoon (5/4/17) before the meeting the following Monday (5/8/17) and heard in its entirety at Planning Commission. Between now and then, I encourage you and other neighbors to write-, come-, or call-in about the rezone, whether you or your neighbors are for, against, or merely curious about the request. I also encourage you and your neighbors to come to the Planning Commission for your best chance to ask questions to the entire Commission and have concerns be heard individually from each resident and citizen. Please do call me if you have any further concerns or questions about the proposal. Thank you again for sharing your knowledge and perspective.

Sincerely,
Harry Davis

Harry Davis
Planner
City of Fayetteville, Arkansas
(479) 575-8263
www.fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

From: Combs, Paula [mailto:pcombs@KeyTronicEMS.com]
Sent: Tuesday, April 18, 2017 9:55 AM
To: Davis, Harry <hdavis@fayetteville-ar.gov>
Cc: paula_research@yahoo.com
Subject: South Washington Project

Mr. Davis,

It is my understanding that you are willing to stand up for the S. Washington Ave. residences to keep single family homes on our street. First of all, I want to thank you for standing up for us and trying to help keep our neighborhood as single family homes as it has been for many, many years. There are residents that have lived on this street for 30 or more years and we want to keep it our little neighborhood quiet, friendly and safe for our children, grandchildren and elderly folks. Fighting with the City and Developers is really not what we want to do, but feel like we are being railroaded out of our homes for some new "great" development idea. I just want to provide a little history of the changes after the multi-family structures were built in the area 20 years ago and how much our little neighborhood started becoming the "ghetto" as many outsiders see it.

Our neighborhood is a very old neighborhood and most of the residents have either passed away or moved into nursing homes. Most of the people that lived here when I moved here in 1981 have passed away. The homes were sold and became rent houses, which is a problem many times. The house across from me was built in 1911 and I knew the little woman that lived there very well until her passing. My 88 year old mother lived on this street when she was in her 20's along with her sister. When this project was first proposed in 2010, we were promised the homes would be built to fit in with the way the older homes were built and the looked. There would be no apartments or duplex type dwellings. Everything was going to be homes that were modeled after the style of housing already in the neighborhood. There were many discussions on how the area where the new homes were being built would be affected by the creek that runs through the wooded area now and when the heavy spring rains start, there has been flooding. Pictures have been provided that show the lower end of my property with water. The garden usually didn't get planted until June because of the soggy wet mud. I have many concerns about this whole project to begin with because of the drainage, crime, overcrowded, etc.

My late husband, Doug Williford, worked for the City of Fayetteville street department as the Assistant Street Superintendent for 22 years. He built and maintained many of the streets in the City of Fayetteville and knew them better than most that work there today will ever know. There is a reason that the area behind our house was never developed and built up and a street was never built. When the property was first platted out there were plans for a house on the two back lots that we own. However, our forefathers knew what they were doing. The small creek running where the street would be, always has water in it, even when it is dry, dry and our back yards have wide cracks. There will be crawdad mounds that will kill the lawn mower when you run over them. Even the cleared areas are super wet during the spring months. Who in their right mind, would want to build a house on that wet soupy land. When you haul in the red fill dirt for the houses, then all that water will end up on the back side of my land and it will for sure be nothing but a mosquito breeding place.

The crime in our area was null and void until the construction of Morgan Manor. Once that area was built with multifamily structures, then our crime rate went way up and the neighborhood became the "ghetto" as some seem to think of it. So, please, please do what you can to discourage the construction of any more multi-family structures. I have some real concerns about moving the Willow Heights residents into the Morgan Manor area as well. I remember when the Willow Heights structures were built, also. There seems to be no respect for those type buildings. There is no sense of ownership so they could care less if the place is kept up or not. You want the "new project" to be attractive to low to medium income families, but you want to throw in these poverty level apartments and duplexes that make people not want to live in this area. Ask around and you will hear people say they would not live in the "ghetto". They can move into a much nicer neighborhood just east of town in the Baldwin community where new homes are being constructed now and are more affordable than these that are planned in this project. I would buy in Baldwin before I would buy in the swamp behind my current house for sure.

My children grew up on this street and my grandchildren are now growing up on this street. My daughter was able to purchase the home next door to her childhood home and wants to continue to live there. However, she has had her tires slashed, cars broken into, mail boxes ran over three times by speeding cars that use the street as a drag strip from the old Jefferson school to Morgan Manor. Why we can have speed bumps in every other neighborhood in the city and not on this street is beyond me. The metal plate covering the street now does help the situation! Traffic is non-stop all hours of the night. It is very difficult to back out of your drive or try to back a boat down your drive, without having a

vehicle waiting until you are out of the way. Adding more houses is not going to help the traffic at all. Adding apartments will do nothing either. And I'm sure those nice little curbs for the street parkers will be associated with those apartments as well. That will be another cluster like you have at 15th and Razorback. Would hate for a firetruck to have to turn down Washington Ave. with those cars lined up in front of the apartments because widening out the street is not really an option as I see it.

The parking on the streets is another major issue. Either park on one side or the other. There used to be signs that you can park on one side but not the other. It is hard enough to back out of your driveways without having to dodge all the cars parked up and down the streets. Whoever, Engineered the Beechwood Ave. apartment parking was absolutely dumb as a box of rocks. I have worked at what used to be Baldwin Piano, now KeyTronic for 45 years and only since the apartments were built has it been a problem to get to work because of the cars parked along the street when you meet a big truck or even another vehicle. Those big trucks go up and down that street all day long every day to the Schaefer Foods facility. So, let's narrow the street and park cars along the street with those cute curbs! Again, at the corner of Razorback Road and Fifteenth Street. Let's park cars along the street where, again those big trucks turn and are in and out all day long. I wouldn't park my car there!!

I was waiting to back out of my drive when I had to wait on a dump truck full of dirt from the street project on 11th street. He pulled out and headed north on S. Washington and couldn't get through because of the cars that were parked every which way from Sunday, and then he finally had to back all the way up to where he started and go down the street. You couldn't get a fire truck down S. Washington Ave. most of the time now. I'm not sure what happened to the NO PARKING ON THIS SIDE OF THE STREET signs that have been up and down that street for YEARS. Only during the ice storm of 2010 do I ever remember seeing a fire truck that could not get through. Just recently a firetruck running HOT could not get through. That is a real shame!

I know that I have just written you a book and I do apologize if it is TOO MUCH information. I'm sure you can sense the frustration of feeling like our quiet little neighborhood is being turned upside down. I do appreciate your help and if I can do anything to help you, please let me know. I really do like the newer houses that have been built to replace many of the very old homes that torn down, burnt, etc. The newer ones at the 9th street area are not exactly what we wanted to see, as they really don't fit. Most are in line with what we want to see. Let's keep our area nice, quiet and a neighborhood we can be proud to live in and not the "ghetto" as even my son calls our area now. My stepson and his friend called it the "ghetto" the first time they came to my house. The newer homes need to have character like many of the older homes instead of every one of them looking exactly alike.

Have a great day!

Regards,

Paula Williford-Combs
Program Manager
[KeyTronicEMS](#)
1101 S. Beechwood Ave.
Fayetteville, AR 72701
Phone #: 479-684-2302
Cell #: 479-841-9807

Davis, Harry

From: Sandra Easley <sandra-easley@sbcglobal.net>
Sent: Monday, April 17, 2017 5:05 PM
To: Davis, Harry
Subject: Zoning on S. Washington

Was made aware of the rezoning on Washington Street. I am totally against this. The "projects" that are under construction now is going to bring in more traffic than the streets can accommodate. They use it as a race track now. The crime in this area, tires slashed, vehicles broken into, on street parking to the point you can't get through sometimes. A few weeks ago a fire truck came from 15th Street with lights and sirens going and they had to wait for someone to move a vehicle to get through. Several of us attended meeting when the Willow Bend started up and we were assured no apartments would be put in our neighborhood. Seen an article in the newspaper where they are moving Willow Heights to Morgan Manor so with that it brings MORE crime to the area.

I have lived here since 1977 and have seen several changes to the area. The "projects" are going to be bad enough as I believe it will flood my property. Nobody seems to care that the area "back in the woods" floods. I have pics to prove my point but they don't care.

If this zoning change comes about it will open up the door for more of this. Nip it in the bud NOW and keep our neighborhood with single dwellings.

Sandra Easley
sandra-easley@sbcglobal.net
Home (479)582-4080
Cell (479)601-4375

Davis, Harry

From: Alan Ostner <alan.72701@gmail.com>
Sent: Thursday, April 13, 2017 9:56 PM
To: Harrison, Andy
Subject: Neighbor's Opinion on Rezoning

Hello Mr. Harrison,

I would like to share with the Planning Department my opinion that the RI-U rezoning requests at 769-785 South Washington and 1320 South College do not fit and are not compatible for our neighborhood. They will cause major traffic dangers. I live a few blocks away from these 2 properties. In 2008 we managed to move a mountain when we got away from multi-family zoning in South Fayetteville. The new NC zoning is working wonders today! Redevelopment on small lots is everywhere in the form of brand-new and heavily-renovated, lovely, single family homes. The 2008 Walker Park Neighborhood Plan and its massive, 700-acre downzoning from multi-family to single-family should be a nationally-respected, shining example of neighborhood revitalization. Let's keep following that plan set forth by dozens of neighbors over months of hard work! No more zoning such as RI-U. The zoning we have today is working miracles.

Please share this note with the Planning Commissioners. I will also attend the public meeting on these rezoning requests.

Best,
Alan Ostner
312 South Block Ave.

Davis, Harry

From: Harrison, Andy
Sent: Friday, April 07, 2017 8:18 AM
To: Davis, Harry; Curth, Jonathan
Subject: FW: APARTMENTVILLE

I guess this applies to both rezone applications, 5770 and 5776.

Andy Harrison
Development Coordinator
Planning Division
125 W. Mountain
City of Fayetteville, Arkansas 72701
aharrison@fayetteville-ar.gov)
T 479.575.8267 | F 479.575.8202
Website | Facebook | Twitter | Instagram | YouTube

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

From: Mark Hatwig [mailto:wineboy101@sbcglobal.net]
Sent: Thursday, April 06, 2017 3:39 PM
To: Harrison, Andy <aharrison@fayetteville-ar.gov>
Subject: APARTMENTVILLE

As long time residents of the Washington Willow neighborhood I am against any and all new zonings that involve the College Avenue rezoning for multi living as well the Washington Ave rezoning on three lots.
No more giant oversized behemoth apartment developments. We are quickly losing the notoriety of being some of the best places to live in the US.

I

Mark Hatwig
wineboy101@sbcglobal.net
479.790.9463

Davis, Harry

From: John Remmers <jremmers@pgtc.com>
Sent: Wednesday, May 03, 2017 9:59 AM
To: Davis, Harry
Subject: rezoning of lots on S. Washington

Greetings Mr. Davis, I would like to express my opinion regarding the proposed Rezoning of some lots on S. Washington. I urge that this Rezoning not be granted. To change the zoning status from NC to RIU, in my opinion, would potentially degrade the atmosphere of this neighborhood with excess traffic. My wife and I purchased a lot on S. Washington to build our retirement home. The thought of the possibility of large apartment complexes and the related traffic moving in to the area is disheartening.

Thanks for your time. John Remmers

Davis, Harry

From: Karen Bley <kbley@pgtc.com>
Sent: Wednesday, May 03, 2017 1:12 PM
To: Davis, Harry
Subject: Rezoning

Mr. Davis,

I am writing to voice my concern about the proposed rezoning request for the property near the corner of 7th and Washington.

My husband and I own the lot at 1067 S Washington, which we are slowly improving before building a home. I am concerned about the potential impact increased traffic will have on this street if this property is rezoned to RIU and apartments are built. Access to the Willow Bend homes will be on Washington, and I believe any additional traffic will be extremely detrimental. I am also concerned about the effect this could have on the neighborhood if this should turn into student housing.

Thank you!
Karen Bley

Marian Kunetka
706 South College Ave.
Fayetteville, AR 72701
847-644-6510

May 5, 2017

Re: Request of Zoning change from NC to RI-U
769 - 789 South Washington &
1320 South College Ave

Harry Davis, Jonathan Curt & Planning Commission - Fayetteville

I have owned and occupied my home, 706 South College for 17 years. The current zoning is NC (neighborhood conservation), single family homes. The requested change to both properties listed above is RI-U, which would allow multi-family structures. This request does not fit with our neighborhood. I attended meetings for the 2008 Walker Park Neighborhood Plan which designated 700 acres in South Fayetteville to NC. This change from multi-family to single family homes, has revitalized South Fayetteville, a great example of providing the neighborhood with safety for families, especially with young children.. Numerous new single family structures have already been built in South Fayetteville, complementing our neighborhood. RI-U, multi-family is not in our best interest and will create traffic problems, which we already have on South College*.

Developers of the Willow Bend project as well as the 240 homes to be built east of Morningside between Huntsville Rd and 15th street have respected the current zoning illustrated by their plans for building single family homes. Please help us to maintain a safe neighborhood.

Sincerely,



Marian Kunetka

*A good majority of daily traffic is over the speed limit as they pass my home. The speed picks up after they cross MLK blvd.

Written description of request per the City of Fayetteville Rezoning Application

a. Current ownership information and any proposed or pending property sales.

The subject properties are currently owned by the Warford Family Trust. The properties are currently for sale.

b. Reason (need) for requesting the zoning change.

The primary reason for the zoning change request is to increase flexibility in lot widths and areas to meet demand for housing in South Fayetteville.

c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

The proposed zoning change will remain consistent with the surrounding neighborhood because it is a residential use. The proposed zoning is consistent with Walker Park neighborhood plan, which designates this area as City Neighborhood Area, calling for a moderately dense residential urban fabric. The properties to the north are currently zoned Downtown General.

d. Availability of water and sewer (state size of lines).

A 6" water main and 8" sewer main are available along Washington Ave.

e. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

The proposed zoning is compatible with the Walker Park master plan and the City Plan 2030. The properties directly to the north are zoned Downtown General. The properties to the south are currently Neighborhood Conservation. The Walker Park plan designates this area as City Neighborhood Area, and the proposed RI-U zoning offers flexibility for a range of housing types. The proposed zoning becomes an excellent example of how to encourage the transect development model because it offers an appropriate transition between the denser, mixed-use zoning, Downtown General, and the less dense, single-use category, Neighborhood Conservation. The proposed zoning category, RI-U, remains residential in use, consistent with NC, but allows for smaller lots and greater density, consistent with DG. The proposed zoning will encourage a range of housing types and successfully demonstrate the transect model of urbanism.

f. Whether the proposed zoning is justified and/or needed at the time of the request.

The proposed zoning is needed at this time to meet market demand for housing.

g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

The proposed zoning would not appreciably increase traffic danger or congestion any more than the current zoning, Downtown General, to the north.

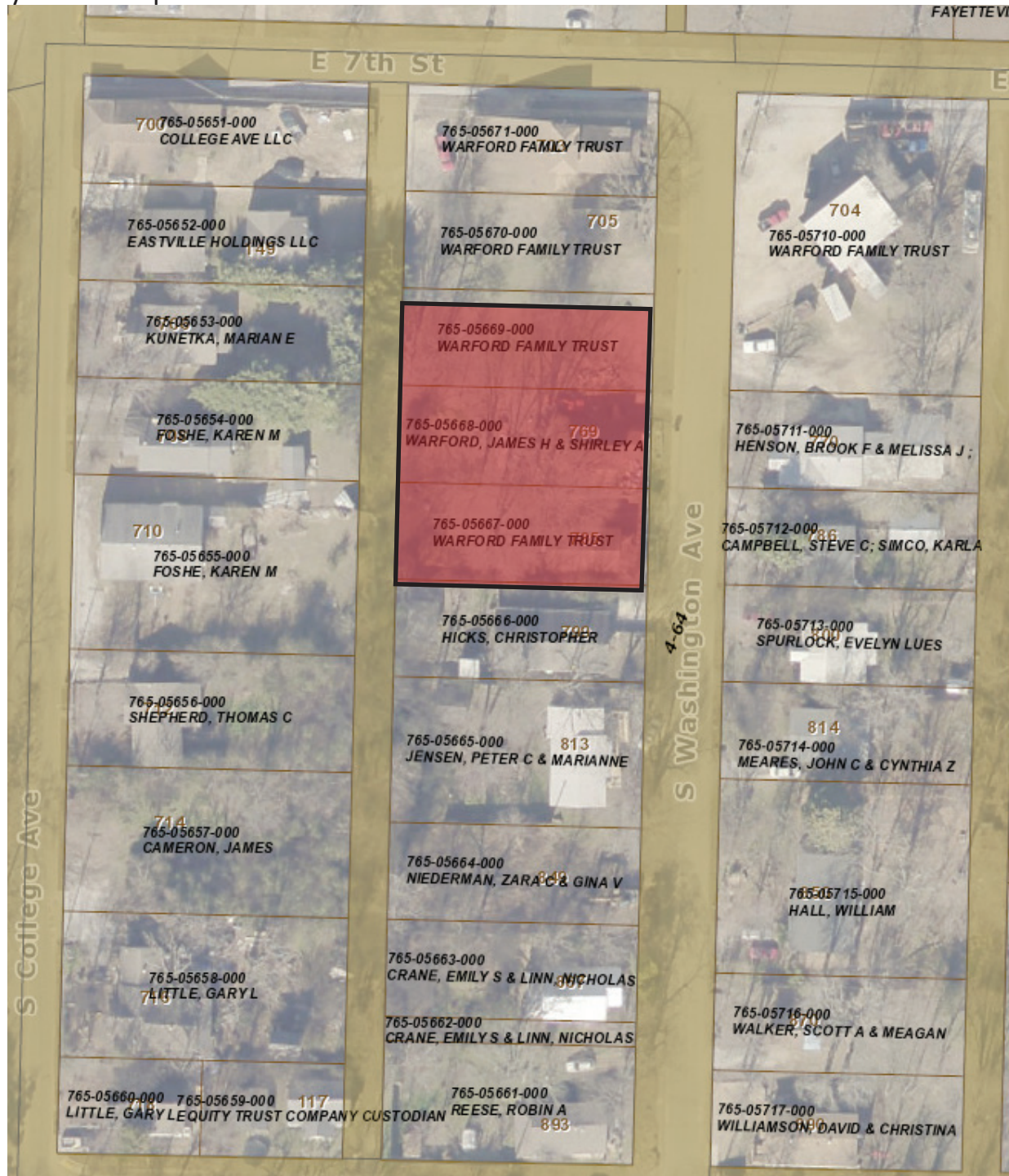
h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

The proposed zoning would potentially double the number of households currently allowed, which would not have a significant effect on public services. The proposed zoning would in fact increase efficiencies of public infrastructure and resources.

i. *Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.*

The current zoning is a residential use zoning and the proposed zoning is also a residential use that encourages smaller lots for detached or attached homes.

County Parcel Map



765-05666-000
Hicks, Christopher
799 S Washington Ave
Fayetteville, AR 72701

765-05655-000
Foshe, Karen
14506 Director Rd
West Fork, AR 72774

765-05654-000
Foshe, Karen
14506 Director Rd
West Fork, AR 72774

765-05653-000
Kunetka, Marian
706 S College Ave
Fayetteville, AR 72701

765-05652-000
Eastville Holdings, LLC
149 E 7th St
Fayetteville, AR 72701

765-05710-000
Warford Family Trust
12369 S Harris Dr
Fayetteville, AR 72701

765-05670-000
Warford Family Trust
12369 S Harris Dr
Fayetteville, AR 72701

765-05711-000
Henson, Brook & Melissa
770 S Washington Ave
Fayetteville, AR 72701

765-05712-000
Campbell, Steve; Karla Simco
PO Box 93
Goshen, AR 72735

765-05713-000
Spurlock, Evelyn
800 S Washington Ave
Fayetteville, AR 72701

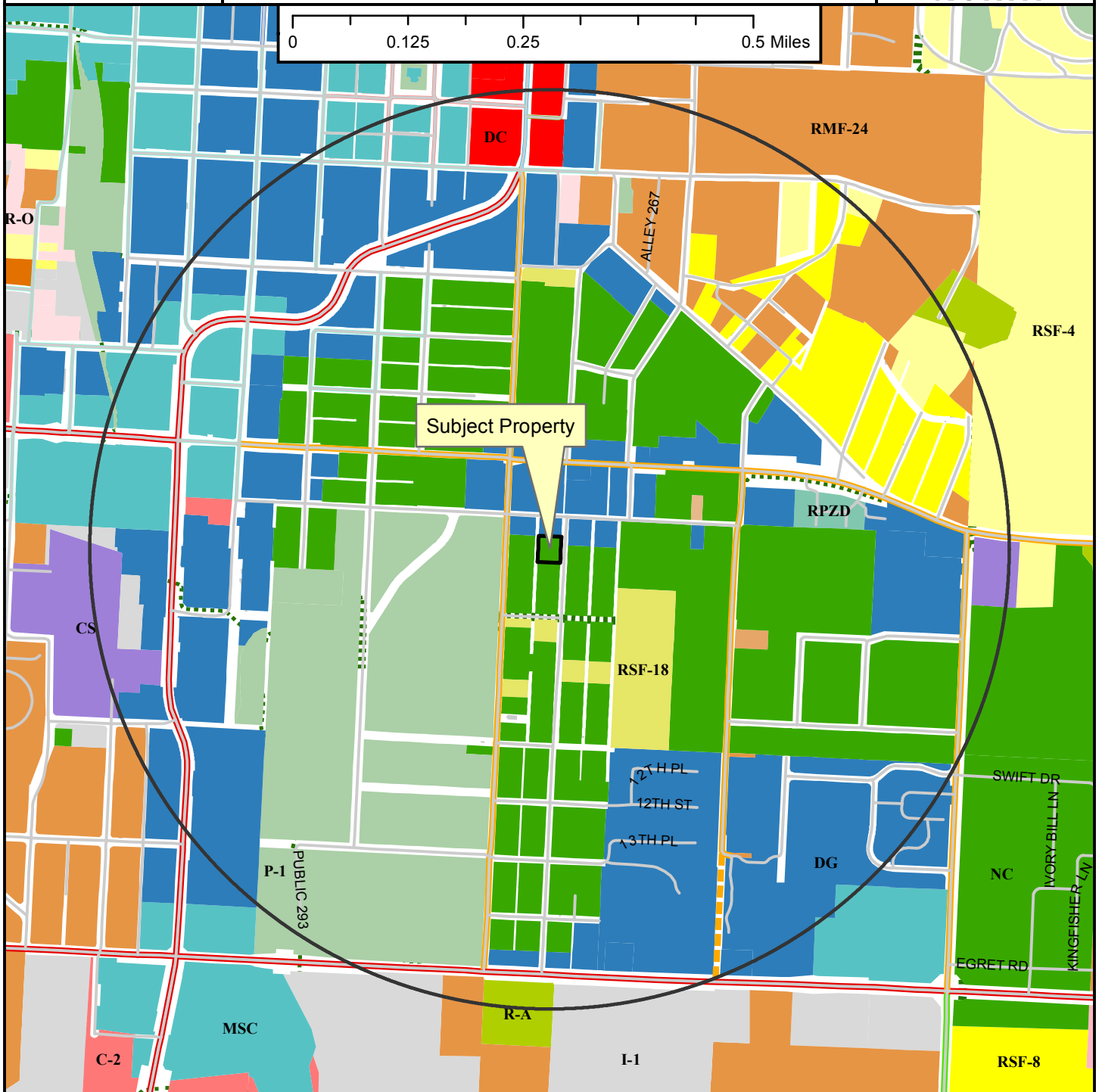
RZN 17-5770

One Mile View

WARFORD PROPERTIES

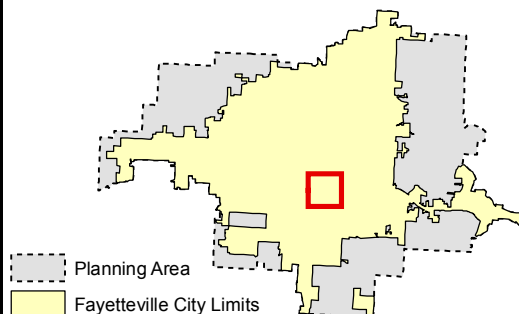


0 0.125 0.25 0.5 Miles



Legend

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



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - 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 17-5770

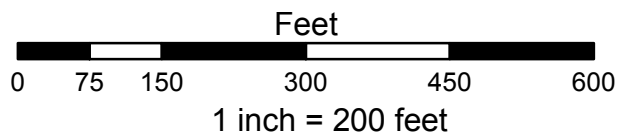
Close Up View

WARFORD PROPERTIES



Legend

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



- RSF-18
- Downtown General
- Neighborhood Conservation
- P-1

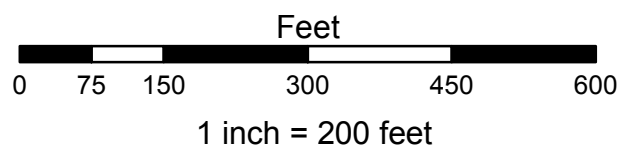
RZN 17-5770

Current Land Use

WARFORD PROPERTIES



-  RZN17-5770
-  Streams
-  Street
-  COLLECTOR
-  Trail (Proposed)
-  County Parcels
-  Planning Area
-  Fayetteville City Limits



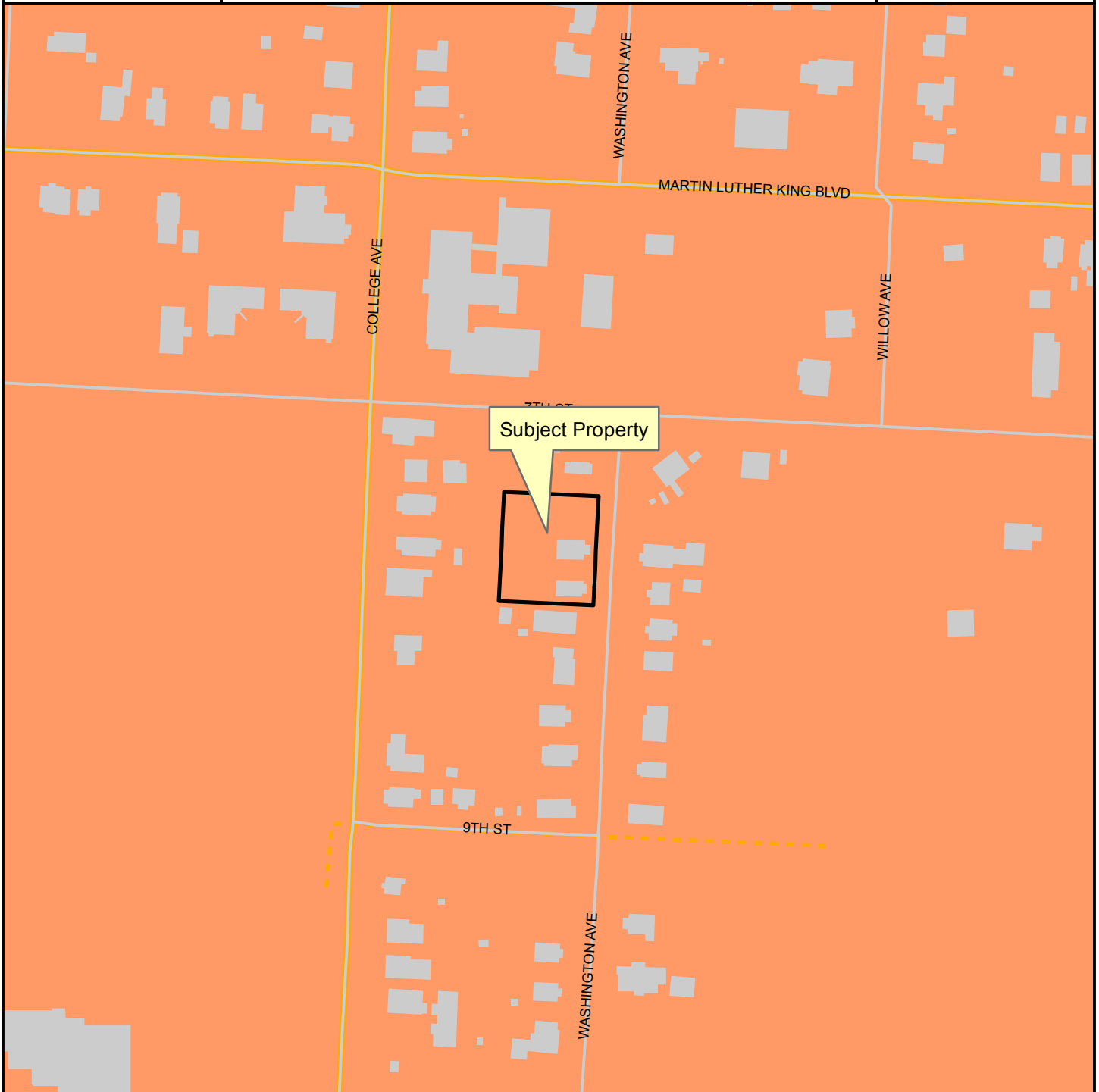
FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

RZN 17-5770

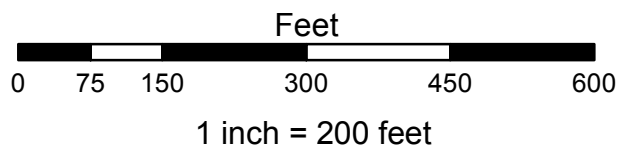
Future Land Use

WARFORD PROPERTIES



Legend

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



FUTURE LAND USE 2030

- Complete Neighborhood Plan



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0286

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 8

AMEND UDC AND REZONE - RZN 17-5713 (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE.):

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CREATE A NEW ZONING DISTRICT, URBAN THOROUGHFARE LIGHT; UT-L, TO CHANGE OR AMEND DEFINITIONS OF "BUILDING HEIGHT" AND "STORIES" AND TO REZONE LOTS ALONG AND ON BOTH SIDES OF COLLEGE AVENUE RUNNING FROM NORTH STREET TO MAPLE STREET CONTAINING ABOUT 24.62 ACRES AS SHOWN OF EXHIBIT A OF THE PLANNING DEPARTMENT'S MEMO

WHEREAS, the Planning Commission requested that the Planning Department examine the zoning districts along College Avenue from North Street to Maple Street and recommend rezoning these parcels; and

WHEREAS, the Planning Department presented its proposed rezoning to the Planning Commission on April 10, 2017 and received much public comment opposing the possibility of tall apartment buildings being constructed adjoining the historic single family neighborhoods; and

WHEREAS, the Planning Department adjusted its recommendations and proposed the creation of new zoning district, Urban Thoroughfare Light, which reduces the allowed height of the current Urban Thoroughfare to lessen potential density; and

WHEREAS, at the end of the third Planning Commission meeting on this issue, the Planning Commission recommend approval of the proposed rezoning and the creation of a new zoning district, Urban Thoroughfare - Light.

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 enacts a new zoning district, Urban Thoroughfare Light; UT-L, as shown on Exhibit B of the Planning Departments' memo.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 151.01 Definitions to change or add definition of "building height" and "stories" as shown on Exhibit D of Planning Department's memo.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone

classification of several properties composing about 24.62 acres located along and on both sides of College Avenue from North Street to Maple Street as shown on the map, Exhibit A of the Planning Department's memo.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville, Arkansas pursuant to the rezonings authorized in Section 3.

City of Fayetteville Staff Review Form

2017-0286

Legistar File ID

6/6/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Andrew Garner

5/19/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5713: Rezone (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE. REZONE, 445-446): Submitted by CITY STAFF for properties along COLLEGE AVE. FROM NORTH ST. TO MAPLE ST. The properties are zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE; R-O, RESIDENTIAL-OFFICE; C-1, NEIGHBORHOOD COMMERCIAL; C-2, THOROUGHFARE COMMERCIAL; AND DG, DOWNTOWN GENERAL, and contain approximately 24.62 acres. The request is to rezone the properties to RSF-4; RMF-24; NS-L; NS-G; DG; and UT-L, URBAN THOROUGHFARE-LIGHT.

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 JUNE 6, 2017

TO: Mayor, Fayetteville City Council
FROM: Andrew Garner, Planning Director
DATE: May 19, 2017

SUBJECT: RZN 17-5713: Rezone (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE. REZONE, 445-446): Submitted by CITY STAFF for properties along COLLEGE AVE. FROM NORTH ST. TO MAPLE ST. The properties are zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE; R-O, RESIDENTIAL-OFFICE; C-1, NEIGHBORHOOD COMMERCIAL; C-2, THOROUGHFARE COMMERCIAL; AND DG, DOWNTOWN GENERAL, and contain approximately 24.62 acres. The request is to rezone the properties to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE; RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE; NS-L, NEIGHBORHOOD SERVICES-LIMITED; NS-G, NEIGHBORHOOD SERVICES-GENERAL; DG, DOWNTOWN GENERAL; and UT-L, URBAN THOROUGHFARE-LIGHT.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of ordinances to create a new zoning district entitled UT-L, Urban Thoroughfare-Light, and rezone the subject property as shown in the attached *Exhibit 'A'*. The Planning Commission and staff have slightly different recommendations for the details of the new UT-L district as depicted in the attached *Exhibits 'B' and 'C'*.

BACKGROUND:

Background: The City is in the process of installing pedestrian improvements along College Avenue between North Street to the north and Maple Street to the south. The City's improvement project will install new 10-foot sidewalk, decorative street lights, trees in grated tree wells, and other pedestrian improvements including a signalized pedestrian crossing in the vicinity of Trenton Boulevard and Rebecca. The eastern side of College Avenue (Phase 1) has been recently completed. The western side of College Avenue (Phase 2) is scheduled for completion in 2017.

Property Description: The study area is almost entirely in commercial or non-residential use (with a few exceptions) and most of the building are at, or past their expected lifespan. A majority of the subject property was developed prior to current zoning and development regulations from the early 1900's through the 1950's. This neighborhood was eventually and effectively split with the gradual enlargement of College Avenue, a major north-south four lane arterial roadway. As a result, almost all of the properties are existing non-conforming in terms of building placement, parking and landscaping. This means that if a building were removed, a structure would not be permitted to redevelop to its previous location. Many of the buildings are in close proximity to

College Avenue and within the front 50-foot building setback of the underlying zoning district. The existing zoning of the proposed rezoning area is indicated in *Table 1* and the surrounding land use and zoning is depicted in *Table 2*.

Table 1

Existing Zoning	Acres (approximate)
RSF-4, Residential Single Family Four Units per Acre	1.83
R-O, Residential Office	7.43
C-1, Neighborhood Commercial	0.30
C-2, Thoroughfare Commercial	13.68
DG, Downtown General	1.33
UT, Urban Thoroughfare	0.64
TOTAL	25

Table 2

Direction from Site	Land Use	Zoning
North	VA Hospital; commercial	P-1; C-2; RSF-4
South	Commercial	MSC; DG
East	Residential	RSF-4
West	Residential; office	R-O; RSF-4; RMF-24

DISCUSSION:

Request: The City Planning Division requests to rezone the College Avenue pedestrian improvement corridor to the following zoning districts listed in *Table 3*, depicted in the attached rezoning *Exhibit A*, and generally described as follows:

Table 3

Proposed Zoning	Acres (approximate)
RSF-4, Residential Single Family Four Units per Acre	2.48
RMF-24, Residential Multi-Family 24 Units per Acre	0.16
NS-L, Neighborhood Services-Limited	1.63
NS-G, Neighborhood Services-General	0.48
UT-L, Urban Thoroughfare-Light**	19.87
DG, Downtown General	0.34
TOTAL	25

**Note: The numbers in Tables 2 and 3 do not match precisely due to rounding.*

***UT-L is a new proposed zoning district (see attached)*

The UT-L zoning district is a new zoning district to be created by ordinance. The maximum building height is to be measured in stories (as opposed to feet) so an addition to Chapter 151 is proposed to define how to measure stories (see attached *Exhibit 'D'*).

Land Use Compatibility: In general, the parcels are fairly shallow and not conducive for typical big-box commercial development. The UT-L, Urban Thoroughfare-Light zoning is proposed along a majority of the corridor to limit the building height to a maximum of four stories when compared to the maximum of 45 feet (3-4 stories) in the RSF-4 neighborhoods near some areas of the corridor. Additionally, the staff proposed UT-L has a density cap at 18 dwelling units per acre to prevent large, high density multi-family buildings. The UT-L district provides development potential for commercial anchors, typically in buildings over 25,000 sq. ft. This is consistent with the urban retail industry standard that anchors should generally occur every 1,000 linear feet. Anchors are a primary draw to a shopping district and provide enough shoppers to support smaller businesses in between and around the anchors. UT-L is also proposed to allow several existing business in the current C-2, Commercial Thoroughfare zoning to remain conforming uses. Along the periphery of the corridor some existing residential homes and split-zoned parcels are proposed to be partially downzoned to match surrounding zoning in the historic Washington/Willow or Wilson Park neighborhoods. There are a few parcels between College Avenue and adjoining residential neighborhoods that are proposed to be rezoned to one of the Neighborhood Services districts. This would provide appropriate transition of scale, mass and use between the more intense commercial uses on College Avenue and the surrounding single family neighborhoods immediately adjacent to the corridor.

Land Use Plan Analysis: The proposed zoning is fully consistent with the Future Land Use Map (FLUM) of the City Plan 2030 and the City's adopted land use goals and policies. This area has long been indicated on the City's adopted land use plans to remain an intense commercial corridor. Over the last decade or so the City's land use policies have changed to encourage mixed use and form-based zoning, instead of single use commercial areas. Staff's proposal is to rezone the area to form-based, mixed use zoning, consistent with the FLUM and city's current land use policies.

DISCUSSION AND PUBLIC COMMENT:

Planning staff initially sent letters via certified mail to each property owner in the rezoning area asking for input. Staff held an open house and also met in person at the city offices and corresponded via phone calls and emails with several property owners. After this initial input, staff formulated the zoning proposal and sent subsequent notification letters to the owners in the rezoning area, as well as all surrounding property owners noting the public hearing date, time, and location. *Staff has spoken with several of the property owners that are proposed to be rezoned with no objections to the current proposal.*

This item was discussed at Planning Commission meetings on April 10, April 24, and May 8, 2017. There was substantial public input at all three meetings. While many people were in favor of creating a walkable commercial district along the corridor, concerns were expressed that a mixed use zoning that would allow large, high density, off-campus student housing projects. As a result of this public dialog, a new zoning district is proposed entitled UT-L, Urban Thoroughfare-Light. This zoning would allow walkable, mixed commercial uses, while limiting residential density at 18 units per acre and a building height of four stories. This will allow mixed uses and residential infill in this area while preventing large, high density multi-family residential projects. The measurement of building height in stories instead of feet will encourage varying roof forms and commercial uses on the ground floor. This is a direct response to negative comments from the public and commission about flat-roofed buildings without any commercial uses on the ground floor.

On May 8, 2017 the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 7-0-0. The Planning Commission's motion recommended the following changes to staff's proposed UT-L zoning district:

- Move *Use Unit 18 (Gas Stations and Drive Through Restaurants)* from a permitted use to a conditional use
- Modify building height to a maximum of 3 stories, with up to 4 stories if 75% of the ground floor is active space, and up to 4 stories if 100% of the ground floor is commercial space.

A copy of both the staff and Planning Commission recommendations are attached.

BUDGET/STAFF IMPACT:

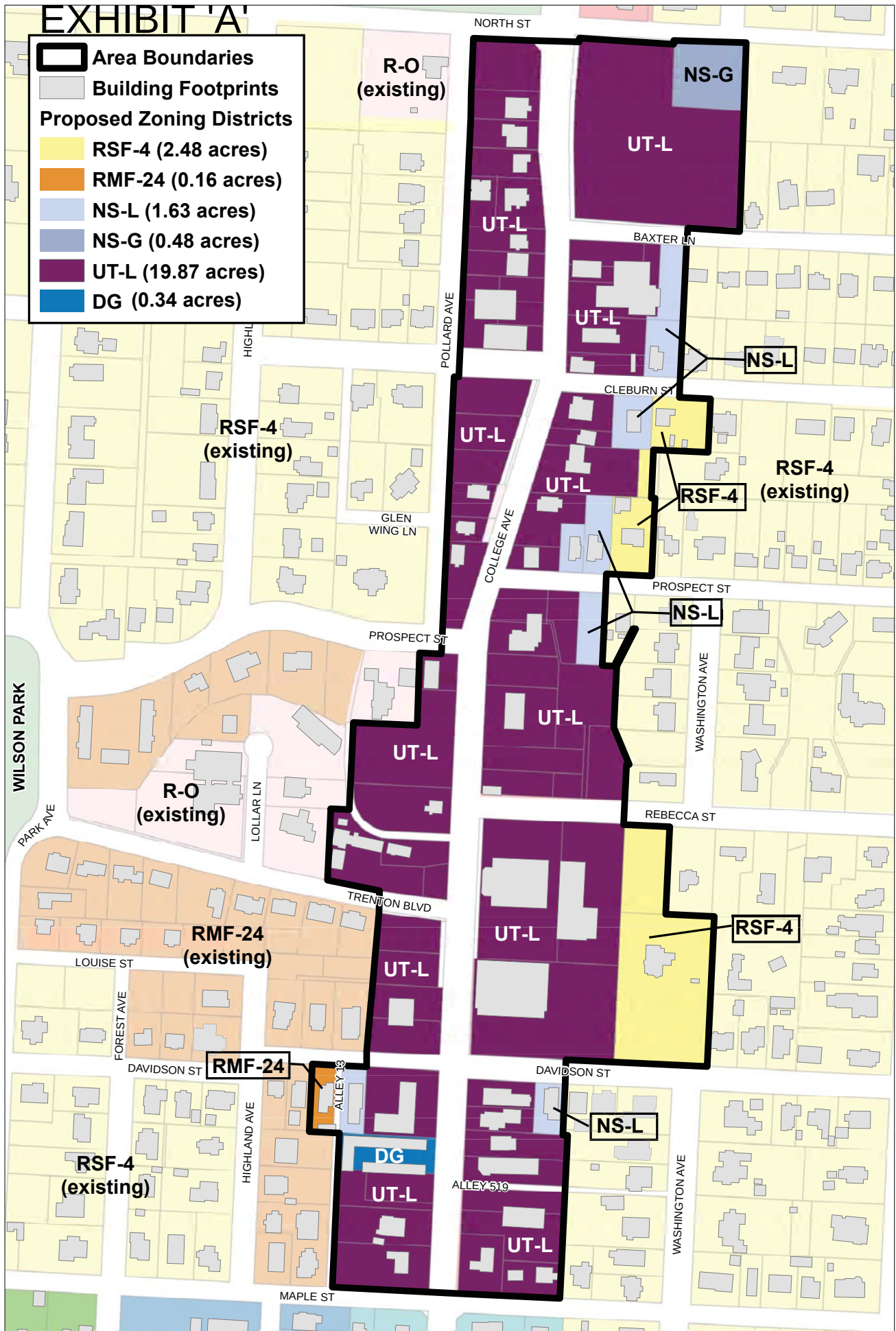
N/A

Attachments:

- Exhibit A (proposed zoning map)
- Exhibit B (staff proposed UT-L district)
- Exhibit C (Planning Commission proposed UT-L district)
- Exhibit D (proposed modification to UDC 151 to define stories and building height)
- Planning Commission Staff Report

EXHIBIT 'A'

-  Area Boundaries
-  Building Footprints
- Proposed Zoning Districts**
-  RSF-4 (2.48 acres)
-  RMF-24 (0.16 acres)
-  NS-L (1.63 acres)
-  NS-G (0.48 acres)
-  UT-L (19.87 acres)
-  DG (0.34 acres)



0 100 200 400 600 800 Feet

**North College Avenue Rezone
Proposed Zoning Districts**



EXHIBIT 'B'

STAFF RECOMMENDATION - NEW PROPOSED ZONING DISTRICT

161.21 UT-L Urban Thoroughfare - Light

(A) *Purpose.* The Urban Thoroughfare - Light District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along commercial corridors, while maintaining a compatible building height with smaller scale residential buildings. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare-Light 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 and four family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

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

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.*

Units per acre	18 or less
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STAFF RECOMMENDATION - NEW PROPOSED ZONING DISTRICT

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

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

(F) *Building height regulations.*

Building Height Maximum	4 stories
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(G) *Minimum buildable street frontage.* 50% of the lot width.

EXHIBIT 'C'

PLANNING COMMISSION RECOMMENDATION - NEW PROPOSED ZONING DISTRICT

161.21 UT-L Urban Thoroughfare - Light

(A) *Purpose.* The Urban Thoroughfare - Light District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along commercial corridors, while maintaining a compatible building height with smaller scale residential buildings. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare-Light 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 and four family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

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

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive in/drive through restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

PLANNING COMMISSION RECOMMENDATION - NEW PROPOSED ZONING DISTRICT

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

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

(F) *Building height regulations.*

Building Height Maximum	3 stories
Building Height Maximum	4 stories (if 75% or more of the ground floor is active space)
Building Height Maximum	5 stories (if 100% of the ground floor is commercial space)

(G) *Minimum buildable street frontage.* 50% of the lot width.

EXHIBIT 'D'

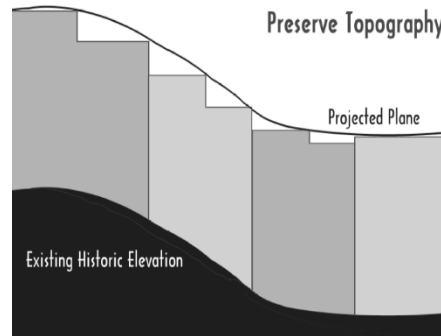
Proposed Code Changes in Strikeout

CHAPTER 151: DEFINITIONS

151.01 Definitions

B

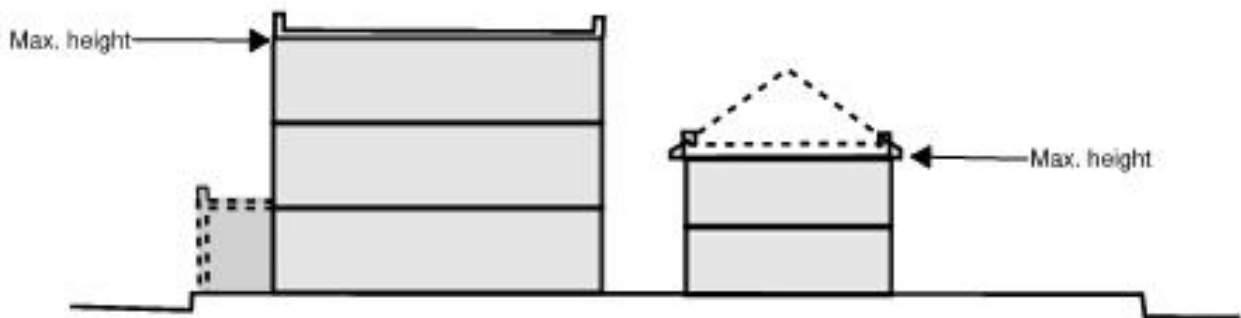
Building Height (*when measured in feet*): Building height shall be measured vertically from the existing natural grade to any part of the structure, excluding spires, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances not intended for human occupancy. To verify whether the height of a proposed structure is below the maximum height allowed, project a parallel plane above the existing natural grade and across the entire parcel. If the structure is below the upper line, then the height limitation has been satisfied.



Proposed Code Changes in Strikeout

S

Story (when building height is measured in stories). A habitable floor level within a building. When building height is measured in stories it shall exclude attics and basements. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor commercial or non-residential function which shall have a maximum of 25 feet. To allow flexibility in design and encourage varying rooflines, height shall be measured to the eave or roof deck as depicted in the following diagram.



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director and City Planning Division staff

MEETING DATE: May 8, 2017 (Updated with Planning Commission results)

SUBJECT: **RZN 17-5713: Rezone (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE. REZONE, 445-446):** Submitted by CITY STAFF for properties along COLLEGE AVE. FROM NORTH ST. TO MAPLE ST. The properties are zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE; R-O, RESIDENTIAL-OFFICE; C-1, NEIGHBORHOOD COMMERCIAL; C-2, THOROUGHFARE COMMERCIAL; AND DG, DOWNTOWN GENERAL, and contain approximately 24.62 acres. The request is to rezone the properties to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE; RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE; NS-L, NEIGHBORHOOD SERVICES-LIMITED; NS-G, NEIGHBORHOOD SERVICES-GENERAL; SERVICES; and UT-L, URBAN THOROUGHFARE-LIGHT.

RECOMMENDATION:

Staff recommends forwarding **RZN 17-5713** to the City Council with a recommendation for approval.

BACKGROUND:

April 10, 2017 Planning Commission: This item was discussed at the April 10, 2017 Planning Commission meeting. There were several members of the public that spoke at the meeting with some positive comments, but multiple concerns with potential negative impacts to the surrounding Wilson Park and Washington neighborhoods. Numerous topics were discussed but the primary issues seemed to be centered around building height of potential multi-family dwellings that would be allowed under the proposed form-based zoning districts.

April 24, 2017 Planning Commission: At the April 24, 2017 Planning Commission staff presented an alternative zoning proposal for consideration. This proposal is labeled as "Alternative 2". "Alternative 2" is an attempt to address many neighbors' concerns with building height and would cap the building height at approximately five stories or 56 feet with the CS, Community Services zoning. It would also cap the building square footage at 25,000 sq. ft. and provides large areas of lower classification zoning along the eastern edge of the corridor to provide additional buffer between directly adjoining residences. "Alternative 1" is the same proposal that was presented at the April 10, 2017 meeting.

At the April 24, 2017 meeting several members of the public spoke: two spoke in favor of the rezoning with either alternative and approximately seven spoke with concerns related primarily to building height and traffic. Discussion by the commission was centered around comments from

one commissioner outlining detailed code changes desired in two zoning districts which are generally summarized as follows:

- Amend the maximum building height in the CS, Community Services zoning district from the current maximum of 56 feet, to a new maximum of three stories above grade; with a fourth story granted if at least 75% of the ground floor façade is comprised of active uses and a fifth story allowed if the entire ground floor façade is comprised of commercial space with active façade.
- Amend the maximum building height in the UT, Urban Thoroughfare zoning district from the current maximum of 56/84 feet to a maximum height of four stories above grade; with a fifth story allowed if at least 75% of the ground floor façade is comprised of active uses and a sixth story allowed if the entire ground floor is comprised commercial space with an active façade.

May 8, 2017 Planning Commission Alternative Zoning Proposal: Staff proposes a third zoning alternative labeled and attached as "Alternative 3". This alternative creates a new zoning district and proposes it along the College Avenue corridor in all areas previously proposed for CS and UT zoning in "Alternative 1". The new district titled UT-L, Urban Thoroughfare-Light is identical to the current UT zoning except it has a maximum building height of 50 feet instead of 56/84 feet. This proposal would maintain the conforming commercial/retail uses in this corridor, provide the potential for an urban retail anchor, while establishing a maximum building height that is compatible with the single family district to the east that allows a maximum building height of 45 feet.

Staff agrees with the benefits of the code changes discussed at the April 24th Planning Commission meeting. However, there are potential issues that should be evaluated such as: (1) How to measure building height in stories amongst different building features (what about an atrium, basement, or mezzanine, etc.); (2) Potential confusion, inconsistency, and inequity of measuring building height in stories in only two zoning districts while measuring building height in feet in all other districts; (3) One of the purposes for a maximum building height is to protect adjoining properties from buildings that are too tall. An incentive for a taller building would negate the primary purpose of the zoning district/building height restriction to protect adjoining properties; (4) What constitutes an "active" façade; (5) How to enforce that the façade is "active" after it is built.

While the ideas discussed at the April 24th meeting may all merit code changes, staff would prefer these legislative items be reviewed and vetted thoroughly before adoption. Such a legislative review may take a fairly long process and a comprehensive set of amendments to the UDC. Staff's proposal would work within our existing development rules and promote the City's desired development pattern for College Avenue.

Background: The City is in the process of installing pedestrian improvements along College Avenue between North Street to the north and Maple Street to the south. The City's improvement project will install new 10-foot sidewalk, decorative street lights, trees in grated tree wells, and other pedestrian improvements including a signalized pedestrian crossing in the vicinity of Trenton Boulevard and Rebecca. The eastern side of College Avenue (Phase 1) has been recently completed. The western side of College Avenue (Phase 2) is scheduled for completion in 2017.

Property Description: The study area is almost entirely in commercial or non-residential use (with a few exceptions) and most of the building are at, or past their expected lifespan. A majority of the subject property was developed prior to current zoning and development regulations from the early 1900's through the 1950's. This neighborhood was eventually and effectively split with the gradual enlargement of College Avenue, a major north-south four lane arterial roadway. As a result, almost all of the properties are existing non-conforming in terms of building placement, parking and landscaping. This means that if a building were removed, a structure would not be permitted to redevelop to its previous location. Many of the buildings are in close proximity to College Avenue and within the front 50-foot building setback of the underlying zoning district. The existing zoning of the proposed rezoning area is indicated in *Table 1* and the surrounding land use and zoning is depicted in *Table 2*.

Table 1

Existing Zoning	Acres (approximate)
RSF-4, Residential Single Family Four Units per Acre	1.83
R-O, Residential Office	7.43
C-1, Neighborhood Commercial	0.30
C-2, Thoroughfare Commercial	13.68
DG, Downtown General	1.33
UT, Urban Thoroughfare	0.64
TOTAL	25

Table 2

Direction from Site	Land Use	Zoning
North	VA Hospital; commercial	P-1; C-2; RSF-4
South	Commercial	MSC; DG
East	Residential	RSF-4
West	Residential; office	R-O; RSF-4; RMF-24

DISCUSSION:

Request: The City Planning Division requests to rezone the College Avenue pedestrian improvement corridor to the following zoning district listed in *Table 3*, depicted in the attached rezoning exhibit, and generally described as follows:

Table 3

Proposed Zoning	Acres (approximate)
RSF-4, Residential Single Family Four Units per Acre	2.48
RMF-24, Residential Multi-Family 24 Units per Acre	0.16
NS-L, Neighborhood Services-Limited	1.63
NS-G, Neighborhood Services-General	0.48
UT-L, Urban Thoroughfare-Light**	20.51
TOTAL	25

*Note: The numbers in Tables 2 and 3 do not match precisely due to rounding.

**UT-L is a new proposed zoning district (see attached)

In general, the parcels are fairly shallow and not conducive for typical big-box commercial development. The UT-L, Urban Thoroughfare-Light zoning is proposed along a majority of the corridor to limit the building height to a maximum of 50 feet when compared to the maximum of 45 feet in the RSF-4 neighborhoods near much of the corridor. The UT-L district provides development potential for commercial anchors, typically in buildings over 25,000 sq. ft. This is consistent with the urban retail industry standard that anchors should generally occur every 1,000 linear feet. Anchors are a primary draw to a shopping district and provide enough shoppers to support smaller businesses in between and around the anchors. UT-L is also proposed to allow several existing business in the current C-2, Commercial Thoroughfare zoning to remain conforming uses. Along the periphery of the corridor some existing residential homes and split-zoned parcels are proposed to be partially downzoned to match surrounding zoning in the historic Washington/Willow or Wilson Park neighborhoods. There are a few parcels between College Avenue and adjoining residential neighborhoods that are proposed to be rezoned to one of the Neighborhood Services districts. This would provide appropriate transition of scale, mass and use between the more intense commercial uses on College Avenue and the surrounding single family neighborhoods immediately adjacent to the corridor.

Existing Non-conforming situations: All land uses present at the time of rezoning will be protected under *UDC Section 164.12 Non-conforming Structures, Uses, and Lots*. As described earlier in this report, almost all of the properties are existing non-conforming in terms of building placement, parking and landscaping. The proposed form-based zoning would bring many of the existing buildings into compliance with the front build-to zone.

Notification and Public Comment: Planning staff initially sent letters via certified mail to each property owner in the rezoning area asking for input. Staff held an open house and also met in person at the city offices and corresponded via phone calls and emails with several property owners. After this initial input, staff formulated the zoning proposal and sent subsequent notification letters to the owners in the rezoning area, as well as all surrounding property owners noting the public hearing date, time, and location. Staff has spoken with several of the property owners that are proposed to be rezoned with no objections to the current proposal. Planning staff has spoken with several surrounding property owners in the rezoning area with objections to the proposal primarily because of concerns with building height. Many members of the public spoke at the Planning Commission meeting and staff has also included copies of email comments from the public.

INFRASTRUCTURE:

Streets: Access to the subject properties varies. Most have access to College Avenue, while others have access to side streets such as Trenton, Rebecca, and Prospect. Each of these roadways have different levels of improvements completed. Some have open ditches with no sidewalks, while some are fully improved with curb, gutter, drainage sidewalks and street lights. Because of the gridded street system along the corridor, side and rear-loading new development is feasible with limited access to College Avenue.

Water/Sewer: There is a network of existing water and sewer mains all along the corridor that serve the existing businesses and residents in the area. Main sizes and availability for connection vary on a property by property basis. In general, water main sizes in the area range from 2-inch diameter, up to 8-inch diameter, while most sewer mains in the area range between 6-inch diameter and 10-inch diameter.

Drainage: A portion of the area included in the proposed rezoning is within FEMA regulated floodplains. The area impacted is primarily along College Avenue, between Trenton Blvd, and Rebecca Street, where Upper Scull Creek (a protected stream) flows westward toward Wilson Park. No portion of the properties being considered are located within the Hilltop Hillside Overlay District.

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

PLANNING COMMISSION ACTION: Required

Date: May 8, 2017

☐ Tabled

☒ Forwarded

☐ Denied

Motion: Belden

Second: Hoffman

Vote: 7-0-0 (commissioners Brown and Quinlan were absent)

Note: Motion to forward the request with the following recommendation:
Recommend approval of rezoning the College Avenue corridor with staff's proposed Alternative #3, except modifying the new proposed UT-L zoning district to move Use Unit 18 (Gas Stations and Drive Through Restaurants) from a permitted use to a conditional use, and modify the building height from a maximum of 50 feet to a maximum height of three stories, with up to four stories if 75% of the ground floor is active space, and up to five stories if 100% of the ground floor is commercial space.

CITY PLAN 2030 FUTURE LAND USE PLAN:

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area almost entirely as a **City Neighborhood Area**, with some of the existing single family homes along the eastern edge of the corridor as **Residential 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, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

- **Residential Neighborhood Areas** are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. **Residential Neighborhood** encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

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: This area has been a primary commercial corridor in the City for many decades and as such, rezoning to allow the continuation of commercial use with the addition of mixed use and multi-family is appropriate and compatible in the busy core of the City, within walking distance to many destinations.

In general, the parcels are fairly shallow and not conducive for typical big-box commercial development. The UT-L, Urban Thoroughfare-Light zoning is proposed along a majority of the corridor to limit the building height to a maximum of 50 feet when compared to the maximum of 45 feet in the RSF-4 neighborhoods near much of the corridor. The UT-L district provides development potential for commercial anchors, typically in buildings over 25,000 sq. ft. This is consistent with the urban retail industry standard that anchors should generally occur every 1,000 linear feet. Anchors are a primary draw to a shopping district and provide enough shoppers to support smaller businesses in between and around the anchors. UT-L is also proposed to allow several existing business in the current C-2, Commercial Thoroughfare zoning to remain conforming uses. Along the periphery of the corridor some existing residential homes and split-zoned parcels are proposed to be partially downzoned to match surrounding zoning in the historic Washington/Willow or Wilson Park neighborhoods. There are a few parcels between College Avenue and adjoining residential neighborhoods that are proposed to be rezoned to one of the Neighborhood Services districts. This would provide appropriate transition of scale, mass and use between the more intense commercial uses on College Avenue and the

surrounding single family neighborhoods immediately adjacent to the corridor.

The proposed zoning is fully consistent with the Future Land Use Map (FLUM) of the City Plan 2030 and the City's adopted land use goals and policies. This area has long been indicated on the City's adopted land use plans to remain an intense commercial corridor. Over the last decade or so the City's land use policies have changed to encourage mixed use and form-based zoning, instead of single use commercial areas. Staff's proposal is to rezone the area to form-based, mixed use zoning, consistent with the FLUM and city's current land use policies.

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 highly justified and needed. Many of the buildings along this corridor are at, or past, their expected lifespan. Major renovations and additions to existing structures can be expected, and in some cases entire demolition and redevelopment is likely. Many of the buildings are in close proximity to College Avenue and within the front 50-foot building setback of the underlying zoning district. The rezoning would bring many of the existing buildings into compliance with the front build-to zone and would require redevelopment in a pedestrian-oriented and traditional pattern, consistent with adopted land use policy. The existing primarily C-2 zoning, and other suburban zoning districts, along this corridor are inappropriate given the building location and proximity to many walkable destinations.

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

Finding: This rezoning should not result in a large volume of increased traffic or impacts to public infrastructure and services compared to the existing high-intensity commercial districts. As discussed above, the City's planned street improvement project will be completed in the near future to accommodate pedestrian enhancements. The proposed form-based zoning would require redevelopment with a more sensitive approach to pedestrians than the existing zoning, consistent with adopted City policy and public investment in the corridor. The development pattern resulting from the proposed rezoning would likely result in traffic calming because buildings will be closer to the street and more oriented for pedestrians. Additionally, the request may reduce overall congestion compared to the existing single use zoning by allowing mixed use, where not all destinations require vehicle trips from outside the neighborhood. The request would increase pedestrian safety compared to the existing zoning.

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

Finding: The proposed rezoning will substantially increase potential population density over the current single use zoning that forbids residential dwellings as a primary use. However, the potential population density increase will not be undesirable. This is an ideal location for development and redevelopment for commercial and mixed use. The proposed rezoning should not increase potential impacts to public services over the existing zoning.

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

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Existing and proposed zoning criteria
- Staff's request letter
- Public comment
- Proposed rezoning exhibit
- Age of structures map
- Current land use map
- Close up map; Future land use map; One mile map

161.07 District RSF-4, Residential Single-Family – Four 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-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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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, (ord. # 4858).

(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. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

161.15 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet

Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	30/45/60 feet*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10—20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

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

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

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

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)

161.18 Neighborhood Services - Limited

(A) *Purpose.* The Neighborhood Services - Limited district is designed to serve as a mixed use area of low intensity. Neighborhood Services- Limited 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-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cottage Housing Development

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

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes
Unit 45	Small scale production

(C) *Density.*

Units per acre	10 or less
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(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	35 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot. (Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

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 Services, 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-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 permit
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 Regulations.*

(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(s) 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.

161.17 District R-O, Residential Office

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.

Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.
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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 one foot for each foot of height in excess of 20 feet.

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

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

161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	56 ft.*
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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 one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 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. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.19 Community Services

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

(B) *Uses.*

(1) *Permitted uses.*

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

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
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 ft.
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(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.20 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	75 ft.*
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*Any building which exceeds the height of 20 feet shall be set back from a boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

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

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

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

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

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

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*
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*A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet.

Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.25 Downtown General

(A) *Purpose.* *Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center*. *Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation*. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the *Downtown General* district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

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

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes

(C) *Density.* *None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
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(2) *Lot area minimum.* *None.*

(E) *Setback regulations.*

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

(F) *Minimum buildable street frontage.* 50% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56 ft.
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(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

NEW PROPOSED ZONING DISTRICT

161.?? UT-L Urban Thoroughfare - Light

(A) *Purpose.* The Urban Thoroughfare - Light District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along commercial corridors, while maintaining a compatible building height with smaller scale residential buildings. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare-Light 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 and four family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

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

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

NEW PROPOSED ZONING DISTRICT

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

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

(F) *Building height regulations.*

Building Height Maximum	50 ft.
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Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.



March 1, 2017

City of Fayetteville, City Planning Division
Fayetteville, AR 72701

Kyle Cook, Chair
Fayetteville Planning Commission
City of Fayetteville, Arkansas
113 W. Mountain St.
Fayetteville, AR 72701

Re: *Rezone Request of the College Avenue Corridor*

Dear Planning Commission Chair:

Please accept this letter as a request to rezone property located along the College Avenue improvement area bounded by North Street to the north and Maple Street to the south.

The City's improvement project will install new 10-foot sidewalk, decorative street lights, trees in grated tree wells, and other pedestrian improvements including a signalized pedestrian crossing in the vicinity of Trenton Boulevard and Rebecca. The eastern side of College Avenue (Phase 1) has been recently completed. The western side of College Avenue (Phase 2) is scheduled for completion in 2017.

In anticipation of increased development pressure resulting from the College Avenue improvements, City staff proposes to rezone the area referenced above along either side of College Avenue. The intent of the rezoning will be to allow a wide variety of urban uses along this corridor. The current zoning of much of this area is outdated and not consistent with several of the primary goals of City Plan 2030. In particular, goals #1-3 discourage suburban sprawl while encouraging infill, revitalization, and traditional town form development patterns. The subject property is almost entirely zoned in suburban districts such as C-2, C-1, and R-O. These districts are primarily single use commercial zonings that dictate a development pattern that is auto-oriented. This is in direct opposition to the aforementioned goals of City Plan 2030 that encourage compact, complete (mixed use), and pedestrian-oriented development.

A majority of the subject property was developed prior to current zoning and development regulations from the early 1900's through the 1950's. This neighborhood was eventually and effectively split with the gradual enlargement of College Avenue, a major north-south four lane arterial roadway. As a result, almost all of the properties are existing non-conforming in terms of building placement, parking and landscaping. This means that if a building were removed, a structure would not be permitted to redevelop to its previous location. Many of the buildings are in close proximity to College Avenue and within the front 50-foot building setback of the underlying zoning district. Staff proposes to rezone the corridor to a variety of form-based zoning districts. This would bring many of the existing buildings into compliance with the front build-to zone and would require redevelopment in a pedestrian-oriented and traditional pattern. Further, the form-based districts provide a broader array of uses than the existing single use districts. This

introduces the option for vertical or horizontal mixed use including multi-family residential. The existing uses and businesses on the subject property will also be allowed under the proposed form-based rezoning.

A detailed exhibit showing the proposed zoning districts is attached. In general, the parcels are fairly shallow and not conducive for typical big-box commercial development. The CS, Community Services zoning is proposed along many of these shallow lots and adjacent to more residential areas to the west of Pollard Avenue. The UT, Urban Thoroughfare zoning is proposed at primary intersections and blocks of land that may have more development potential for commercial anchors, typically in buildings over 25,000 sq. ft. This is consistent with the urban retail industry standard that anchors should generally occur every 1,000 linear feet. Anchors are a primary draw to a shopping district and provide enough shoppers to support smaller businesses in between and around the anchors. UT is also proposed to allow several existing business in the current C-2, Commercial Thoroughfare zoning to remain conforming uses. Along the periphery of the corridor some existing residential homes and split-zoned parcels are proposed to be partially downzoned to match surrounding zoning in the historic Washington/Willow or Wilson Park neighborhoods. There are a few parcels between College Avenue and adjoining residential neighborhoods that are proposed to be rezoned to one of the Neighborhood Services districts. This would provide appropriate transition of scale, mass and use between the more intense commercial uses on College Avenue and the surrounding single family neighborhoods immediately adjacent to the corridor.

This rezoning should not result in a large volume of increased traffic or impacts to public infrastructure and services compared to the existing high-intensity commercial districts. As discussed above, the City's planned street improvement project will be completed in the near future to accommodate pedestrian enhancements. The proposed form-based zoning would require redevelopment with a more sensitive approach to pedestrians than the existing zoning, consistent with adopted City policy and public investment in the corridor. Finally, the proposed zoning districts permit a flexibility of uses that allow for reuse of buildings over time to adapt with changing market conditions and economic cycles.

Thank you for time and consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Garner".

Andrew Garner, AICP
City Planning Director
City of Fayetteville Development Services

Garner, Andrew

From: DByron <dbyron321@aol.com>
Sent: Thursday, April 20, 2017 2:49 PM
To: Garner, Andrew
Subject: College Ave. Re-zoning

Dear Mr. Garner,

We are property owners adjacent to an area of the proposed Urban Thoroughfare (or now possibly Community Services) re-zoning of College Ave.

The permitted building heights of 56-84 feet, the inevitable noise, and increased traffic that will be routed into the immediate neighborhood are going to have enormous permanent impacts on us. We are very worried about a resulting decline in our property value and the financial blow that we, as senior citizens, will certainly suffer. We are distressed that we will be dealt a blow from which we will be unable to recover.

I have heard that a more limited category of zoning might be a possibility for properties like ours - which otherwise will literally be in the shadows of some of the tallest buildings in Fayetteville. I urge you to please create and implement such a revised category to the current plan - one that will include our block.

If, however, the choice turns out to be between Urban Thoroughfare and Community Services zoning, I would strongly prefer that you keep Urban Thoroughfare with its more tolerable set backs from adjacent owners' rear property lines.

Thank you and sincerely,

Deborah Byron & Stephen Vallus
747 N Washington Ave.

Garner, Andrew

From: Zara Niederman <zniederman.planningcommission@gmail.com>
Sent: Wednesday, April 19, 2017 1:15 AM
To: Curth, Jonathan; Garner, Andrew
Subject: College ave Rezone
Attachments: College Ave Rezone.pdf

Hi Jonathan and Andrew

I took a look at a number of cities that I have lived in: New Orleans and, Berkeley, Palo Alto & Santa Barbara and visited: Encinitas, CA

I didn't really have an agenda to prove, just wanted to see what was out there.

I put together some street pictures (attached) as well as aerials of streets that seemed somewhat similar to College Avenue, in regards to traffic, and future potential for development. I don't have traffic counts on these, some are busier than others

Encinitas is Highway 101, which I'm sure is much busier than College, and Shattuck Ave and San Pablo Ave in Berkeley are probably busier too. Magazine St in New Orleans, State Street in Santa Barbara and University Ave in Palo Alto might not be as busy, as they are more shopping destinations. However, I would bet they get similar traffic as College, just a little slower due to the amenities.

Some things I noticed -

1) 2 stories is sort of the norm on most of these streets. 5 stories seems like the max on most. There are a few places with taller buildings, but they seem pretty out of place.

2) There is generally on street parking on both sides of the street except Santa Barbara which has wide sidewalks and long parallel streets with lots of parking lots on those streets .

3) There are often many small buildings all attached and at the front of the street. There are not always lot of large anchor stores. It seems that if we make the street a walkable street, without giant parking lots but with on-street parking, and well filled out, there is not so much of a need for large anchor stores (at least with regard to the smaller stores thriving - maybe there might be that need for anchor stores to minimize need to drive uptown for example).

4) I thought they were all going to have parallel streets where people could enter parking lots from the rear, (a potential challenge for College Ave) however, this was not necessarily the case.

5) There are no drive-throughs.

Drive throughs seem to create auto-demand, and mid-block curb cuts which can be a traffic issue and a safety issue for both cars and pedestrians. It also seems to create separate buildings, and separate parking lots, rather than having shared parking lots in the rear, and having the frontage fully filled in along the street, .

These are just streets that I am acquainted with, and others may have other streets that seem more relevant. Anyway, I don't want to give my opinions here on how we should move forward, only give you some examples I have found that seem relevant.

-Z

Garner, Andrew

From: Mike Owings <MOwings@ATSFleet.com>
Sent: Monday, April 24, 2017 2:37 PM
To: Garner, Andrew
Cc: Mayor; Davis, Harry
Subject: College re-zoning from Maple to North

Hello Andrew –

While I understand I have missed the deadline with regard to the comments below being included in a packet for tonight (April 24th), I'd like to request that they be placed in the formal record and included in any new packet distributed. I'll be attending the meeting in the hopes that some of these concerns are addressed.

1. CHANGE –

- a. I believe that action does indeed need to be taken by the city to encourage re-development of the affected properties in a manner that reduces curb cuts and therefore direct access to College avenue. I understand that under the proposed form based zoning changes traffic must enter/leave from a side street; not directly to/from College. I commend the city for taking pro-active action. Change WILL happen. Efforts to control it for the benefit of all are welcome.
- b. I acknowledge that the concerns below all relate to each other. Height/floor restrictions included in any proposed zoning imply density. Depending on parking requirements, density implies the degree of traffic as well as noise and light pollution.
- c. Given those concerns (detailed below), I believe the only way to limit the impact on adjacent property and neighborhoods is to limit density in some form. Limits on density, and therefore traffic, light and noise pollution should be at a level that is responsive to the needs of adjacent property owners and neighborhoods while encouraging redevelopment. Effective measures that address light and noise pollution need to be in place at the moment of construction.

Any development of large apartment complexes or even some of the business allowed under UT/CS, without required parking, will be a disaster for adjacent owners and neighborhoods. That will in turn lead to the eventual devaluation of these properties and neighborhoods. I don't believe this is good for the city, particularly when we are talking about 'historical' neighborhoods.

2. COMMERCIAL INTEGRATION –

- a. I support the idea of encouraging and even requiring shops/commercial enterprises at the front of new development.
- b. I am concerned however about the effect of noise and light pollution to adjacent properties and neighborhoods. Due to the form based nature of the proposed zoning, parking for businesses will have parking to the rear of the building. With parking at the rear, business are likely to put entrances to the rear of the property.

Traffic counts/noise, the lack of traffic control on College, and parking required to be in back lead me to believe that developers will integrate any public areas as permitted by UT and/or CS in the back part of these properties also. These might include gardens, pools, recreation space, etc. Additionally both UT and CS allow "cultural and recreational facilities, drive through restaurants, gasoline service stations and drive-in/drive through restaurants".

I would hate to see Washington/Willow and Wilson Park residential areas turn into an environment similar to the area bounded by the parking lots behind Dickson Street and Lafayette. The proposal given at the Planning meeting seem to encourage just that.

3. DENSITY - I am concerned about the implied density that could be built under UT or indeed CS zoning. As I understand it, density with this zoning is only limited by the number of units or businesses that a developer can fit on the property. The maximum density allowed with UT or CS implies a tremendous impact on existing neighborhoods with respect to parking, traffic, light and noise pollution. Of course total height implies density under any particular zoning. I don't believe either the currently proposed UT (84' scaling down as it nears adjacent residential) or indeed CS (56' immediately from setback) as currently respond to the needs of these areas with regard to height or other restrictions/implications.
4. PARKING CONCERNS – I am concerned about the potential impact to adjacent properties and neighborhoods with zoning UT and/or CS.
 - a. I understand that the current proposed form based zoning requires parking on the back of the property or covered (parking garage). I further understand that any covered parking must be 50% 'open air screened'. I understand this to mean that 50% of the 'wall' on a parking garage must be 'open' I am concerned about the effect on neighbors due to lights and noise.
 - b. Do I understand correctly that businesses no longer need to provide a minimum number of parking spaces for their customers? If correct, does this lack of requirement apply to potential apartment complexes? If so, what will be done to prevent apartment residents and visitors and/or business visitors from parking on side streets?
5. TRAFFIC CONCERNS – How do we protect Washington/Willow, Wilson Park etc. from through traffic?
 - a. With regard to the East side of College, I remain very concerned about the effect on both adjacent neighbors and (on the East side) traffic that will without doubt funnel to Washington/Willow (north/south) and Maple/Rebecca for example (East/West). Similar issues surely exist on the West side of College.
 - b. During walks of the affected areas with neighbors we noticed that the current traffic on College makes it almost impossible to converse. With College being a state highway, it would seem that we will not be able to get additional lights installed until traffic counts support the need. And we will not see access traffic counts rise to that level until properties are re-developed. These circumstances and the requirement that access be on side streets drive traffic through existing neighborhoods that deserve protection.
 - c. For any zoning proposed, we need a 'worst case' scenario of increased traffic counts relative to implied potential density. Using Davidson and College as an example, will there be a new light? If not turning left towards the University will be impossible. If one is installed, for residents trying to get to College, about 5 cars will back up from College while the light is red. Under the worst case that property could perhaps a few hundred apartments. With Fayetteville's average of 1.6 cars per abode the sixth car will not wait in the parking lot for the light to change. They will go East to Washington, Willow, Rebecca or beyond (East or North). Many of these streets are not through streets and virtually none of them are designed to carry the traffic we could see.
6. GREENSPACE and SCREENING INTEGRATION – As a result of all the above, any zoning change should support greenspace and aggressive requirements relative to light and noise pollution screening. Particularly at the back of the property and any side street.
7. LEGAL ISSUES - In talking to Harry Davis in Planning I understand that most of the properties included in the rezoning are currently zoned C2 and that those property owners have certain rights. My understanding is that implied in those rights is a right to develop their property to the maximum extent their current zoning allows. I further understand from Mr. Davis that concern exists that there are potential legal issues with regard to

modifying those rights. Which is why the city met with existing owners and received those owners unanimous approval for the proposed zoning changes to UT and CS as shown in the proposal.

However it is my understanding that another local resident met with Andrew Garner who seemed to state that, "it is possible with strong neighborhood support to change existing zoning and create new rezoning on new construction regarding living density.

8. TIME – Please don't rush this re-zoning recommendation to the city council. I do understand the need to rezone prior to a developer making a proposal to work under current zoning, but time needs to be given to ensure that everyone affected has a chance to absorb the changes afoot and try to help develop something 'workable' for all. In my opinion presentations such as the one made at the first Planning Commission meeting regarding this topic do not help. With College being a state highway the look and feel of College is unlikely develop anything like the presentation (with entrances and foot traffic on College).

Mike Owings

419 North Washington Avenue
479.283.3614 (mobile)

Encinitas CA – Highway 101 4-5 Lanes, On street parking on both sides, 2-3 Stories, Next to Commuter Train Depot, Large Anchors





Magazine St. New Orleans – Busy Shopping District, On Street Parking Both Sides, 2 lanes, 2-3 Story Max, No Large Anchors



San Pablo Ave, Berkeley – Major Thoroughfare, 4 Lane with Median/Turn lane, On Street Parking, 1-2 Story, On-street Parking



San Pablo Avenue, Berkeley, Aerial



Shattuck Avenue, Berkeley – Residential Portion – 4 lane with Median/turning lane, 1-2 story, On street parking



Shattuck Avenue – Downtown portion, very wide street, on street buffered parking, 2-10 story, major anchors (Bank, Target), Near Transit Stop (BART)

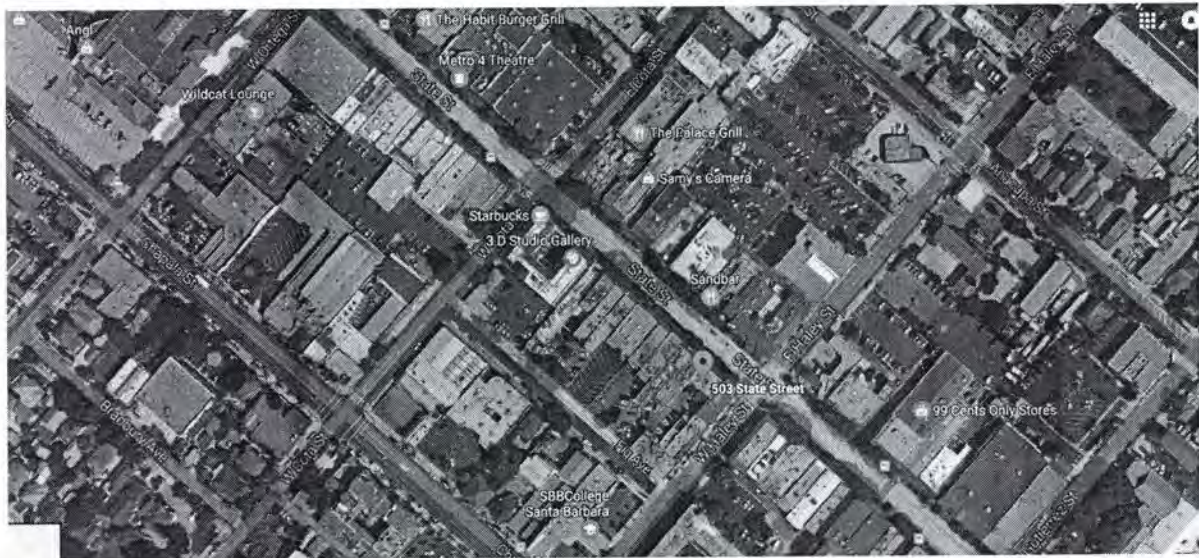


Shattuck Ave. Downtown Berkeley



State St. Santa Barbara – 1-3 Stories. 3 lanes, No onstreet parking, but continuous parallel streets with considerable interior parking lots, Wide sidewalks





Telegraph Ave, Berkeley, Right next to UC Berkeley, 2-5 Story, 1 way, Parking both sides of street, 2 lane



University Ave, Palo Alto, CA – Shopping District and entryway to Stanford University, 2 lane, on street parking both sides 2-3 story buildings



University Ave, Palo Alto, CA – 2 story, with ~15 story building in background



University Ave, Palo Alto, CA



Garner, Andrew

From: Planning
Sent: Friday, April 07, 2017 1:56 PM
To: Garner, Andrew
Subject: FW: April 10 meeting, item 10

Can you please respond to this?

Andy Harrison
Development Coordinator
Planning Division
125 W. Mountain
City of Fayetteville, Arkansas 72701
aharrison@fayetteville-ar.gov)
T 479.575.8267 | F 479.575.8202
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Sarah Sparkman [mailto:sparkman@gmail.com]
Sent: Friday, April 07, 2017 1:41 PM
To: Planning <planning@fayetteville-ar.gov>
Subject: April 10 meeting, item 10

I know that item 10 on next week's agenda, a proposed rezoning on College Ave, has gotten a lot of attention from the community. I don't have an opinion to voice right now, I just have a question.

Are there additional/different commercial design standards for the part of town where this rezoning is proposed? In other words, is this in an overlay district? I'm not entirely familiar with Fayetteville's zoning scheme - if you could point me in the right direction, I'd appreciate it.

Thank you for what you do for the city of Fayetteville!

Sincerely,
Sarah Sparkman

Garner, Andrew

From: Harrison, Andy
Sent: Wednesday, April 12, 2017 2:47 PM
To: Garner, Andrew; Curth, Jonathan
Subject: FW: College Ave Corridor Rezone

FYI

Andy Harrison
Development Coordinator
Planning Division
125 W. Mountain
City of Fayetteville, Arkansas 72701
aharrison@fayetteville-ar.gov
T 479.575.8267 | F 479.575.8202
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: michael langford [mailto:bostonisland2012@gmail.com]
Sent: Wednesday, April 12, 2017 2:43 PM
To: Harrison, Andy <aharrison@fayetteville-ar.gov>
Subject: Re: College Ave Corridor Rezone

Thanks for that. Still appears that the Community Services and Urban Thoroughfare zoning open the door to *Unit 26* which means apartment buildings unless I'm mis-reading something. As it is now, for several years we've been watching outside investors come into our little town, building apartments and condominiums for more outside investors to speculate on. A classic real estate bubble in the making (think Dallas in the 80's), and our city council and city planning department appear to think that this sort of irresponsible development is desirable.

Meanwhile, real estate prices in my neighborhood have risen well beyond \$200/square foot in the past year, as we watch unchecked demolition to facilitate bigger and bigger houses, infill is being crammed into every available empty lot, and the city routinely invests in infrastructure for outlying growth areas instead of maintaining existing neighborhood streets and sidewalks.

And so, with what I'm sure are the best of intentions, you appear to be setting the stage for more of the same sort of churn, as investors buy and sell in an inflated market, build as big as possible to "maximize return on investment", and continue to abuse cheap commercial credit to create what is essentially residential housing, in which the occupants have absolutely no chance of acquiring equity. You should know better.

On Apr 12, 2017, at 10:36 AM, Harrison, Andy <aharrison@fayetteville-ar.gov> wrote:

Sir,

Thank you for your call. Attached are some of the items that have been on display at public meetings and in this office. They all address the zoning of the property, which dictates the types of development that can come in. Andrew Garner in this office can answer questions and explain the zoning to you if you have further questions.

These links will take you to our code section that gives details about the proposed zoning districts and the uses allowed in those districts.

This link will take you to the new zoning districts (NS-L, NS-G) that have not updated into our code book yet.

Please let me know if you have any problems with these links.

Thank you.

Andy Harrison

Development Coordinator

Planning Division

125 W. Mountain

City of Fayetteville, Arkansas 72701

aharrison@fayetteville-ar.gov

T 479.575.8267 | F 479.575.8202

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

<image001.png>

<Existing Zoning.pdf><Potential Zoning.pdf><Mailing Map - Zoning.pdf><N College RZN
Prop Zones LG FOR PC.pdf>

Garner, Andrew

From: Davis, Harry
Sent: Wednesday, April 19, 2017 10:33 AM
To: Garner, Andrew
Cc: Mayor; MOwings@ATSFleet.com
Subject: FW: North College re-zoning

Andrew,

The email below was intended to reach you from Mike Owings, who came in yesterday to discuss the rezoning from Maple to North along College Avenue.

Sincerely,
Harry

From: Mike Owings [mailto:MOwings@ATSFleet.com]
Sent: Wednesday, April 19, 2017 10:00 AM
To: agardner@fayetteville-ar.gov
Cc: Davis, Harry <hdavis@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>
Subject: North College re-zoning

Hello Andrew,

I had told Harry that I would be able to have some comments to you this a.m. Just a quick note that I'm not going to be able to meet that commitment as I am continuing to try to understand the re-zoning issue from the perspective of the city, current property owners (commercial, adjacent residential, neighborhood affected).

But I have a couple of questions that I believe would help us all greatly:

1) Do I understand correctly that the only way for citizen comments to go on the official record is to either send them directly to you or appear at the Planning Commission meeting? I understand that any comments post yesterday will not make the deadline to be in the official record for the meeting on the 24th.

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2) How can I and others either get a copy or review on line the presentation/illustration presented at the last meeting.

I do feel like this process is being rushed from the perspective of posting of the rezoning signs along College. I understand there can be reasons for this, including but not limited to preventing a developer from acquiring a property and submitting something under the current zoning (not form based). But residents deserve time to discuss and develop their view of the re-zoning request. I believe a 'slow-down' would be in Planning's best interest.

Until I am able to provide more comprehensive comments here are a few issues that are of the biggest concern to the me and the residents I have talked to:

1) Density and what that implies from a traffic perspective into Washington/Willow. Hundreds of residents will not be able to access College from the side street (residents find it difficult even now) and will therefore pour into the area

East. This is problematic traveling East as well as North South for various reasons; some streets are not through streets, others such as Washington/Willow will become alternatives to College (as they are becoming already).

2) Set-backs/height and all that implies to current property owners; views from and into their properties, noise, etc.

3) The presentation given at the last meeting appeared to present the most optimistic idea of what the zoning change might imply. It did not represent what MIGHT happen under the new zoning and did not address either density or neighbor impact on the back side of the properties.

I've taken the time to organize walks of the affected properties with anyone that wants to 'walk and discuss' and have at least one more scheduled. I anticipate that you will have far greater attendance at the meeting the 24th. If you have the time and want to discuss any of these issues please let me know and I'll stop by.

Please let me know how residents such as myself can get our comments on the record and how I can access the presentation.

Thanks for trying to make the city a better place!

Mike Owings

479.283.3614 (mobile)

Garner, Andrew

From: Russell Sharman <russell.sharman@gmail.com>
Sent: Friday, April 07, 2017 5:07 PM
To: Garner, Andrew
Cc: Cheryl Sharman
Subject: IN FAVOR of Proposed Re-Zoning from Maple to North

As residents of the historic district, my wife, Cheryl, and I would like to express our support for the proposed re-zoning of College Ave from Maple to North from largely C-2 to Urban Thoroughfare. There has been a lot of misinformation about what the area is currently zoned, and what is proposed. We hope clarity will prevail and the new zoning will bring the urban infill development we so desperately need along College Avenue. And hopefully, they will one day extend north as far as possible.

Sincerely,
Russell and Cheryl Sharman

writer ~ filmmaker ~ anthropologist
<https://vimeo.com/russellsharman>

Garner, Andrew

From: Claudette Lunsford <claudettelunsford@me.com>
Sent: Saturday, April 22, 2017 4:08 PM
To: Harrison, Andy; Garner, Andrew
Subject: College rezoning

I hope to return to town from Little Rock in time for the meeting but in case I don't I would like my comments included in the discussion.
Thanks

First of all thanks to everyone participating, this is allowing our neighborhood to have a stronger voice.

1) I live on Washington Ave. My backyard meets the rezoning. I think the height should be no more than 3 stories where the lots abut existing single family neighborhoods.

Where there isn't this close proximity I think 4 stories should be max.

2) Designs should contribute to the character of the neighborhood. The historic district has "historic qualities" which should be considered.

3) A strong yes on a traffic light on Rebecca. I would like a crosswalk to be included to make walking to Wilson Park a safer venture.

4) No to large scale anchor stores. I can't imagine the adverse repercussions in traffic. It is already heavy.

5) I would like to address the zoning density. I think 24 living units is way too heavy. Duplexes, triplexes over existing businesses would be better in this corridor.

A couple of weeks ago I had a conversation with Andrew Garner in charge of planning about # 5. He said it is possible with strong neighborhood support to change existing zoning and create new rezoning on new construction regarding living density. Especially at risk are the Wilson Park single family-homes. They are in the orange section not in the proposed plan.

I personally know how devastating putting apartment complexes in close proximity to single home neighborhoods. We own a rent house off of Garland not far from the U of A. As people sell properties near apartment buildings to build more apartments there are eventually fewer and fewer homes. The diversity of homes in this neighborhood, and in the historic district (tiny to big, all unique) is one thing that makes this neighborhood so great. After 38 years of living in the historic district I hate to think that scenario might repeat here.

Sent from my iPhone

Garner, Andrew

From: gayle <gayle_ed@att.net>
Sent: Wednesday, April 12, 2017 11:45 AM
To: Garner, Andrew
Subject: North to Maple College Rezoning

Hi! My name is Gayle Draughon. I attended the planning meeting on April 11th. The drawings you presented of your vision of College were wonderful. I was wondering if there was a possibility of having drawings prepared in time for the April 24th meeting that would illustrate College Avenue with all possibilities of growth (the 8 story buildings) that would be legally allowed in that section of rezoning. Thank you, Gayle

Garner, Andrew

From: Mike Owings <MOwings@ATSFleet.com>
Sent: Wednesday, April 19, 2017 1:54 PM
To: Garner, Andrew
Cc: Mayor
Subject: RE: North College re-zoning

Thanks Andrew, I KNOW you are busy, but how do other residents ensure that their comments are part of the public record? Not all can be present for the meeting and want to ensure they are on official record.

How do I get a copy of the rendering you presented?

Mike Owings

From: Garner, Andrew [mailto:agarner@fayetteville-ar.gov]
Sent: Wednesday, April 19, 2017 1:51 PM
To: Mike Owings <MOwings@ATSFleet.com>
Subject: RE: North College re-zoning

Mr. Owings,
Thank you for your comments. I will include these in the official comments on the record and will include them in the packet for the project.

Andrew

From: Mike Owings [mailto:MOwings@ATSFleet.com]
Sent: Wednesday, April 19, 2017 10:04 AM
To: Garner, Andrew
Subject: FW: North College re-zoning

Andrew –

My apologies – I miss-spelled your email address and it was returned. You were to be the primary addressee of this email.

Mike Owings
419 North Washington Avenue

From: Mike Owings
Sent: Wednesday, April 19, 2017 10:00 AM
To: 'agardner@fayetteville-ar.gov' <agardner@fayetteville-ar.gov>
Cc: 'hdavis@fayetteville-ar.gov' <hdavis@fayetteville-ar.gov>; Lioneld Jordan <mayor@ci.fayetteville.ar.us>
Subject: North College re-zoning

Hello Andrew,

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Please let me know how residents such as myself can get our comments on the record and how I can access the presentation.

Thanks for trying to make the city a better place!

Mike Owings

479.283.3614 (mobile)

Garner, Andrew

From: jennifer prewitt <jenniferprewitt1@gmail.com>
Sent: Monday, April 17, 2017 7:54 PM
To: dog13gregg@aol.com; rautry333@gmail.com; zniederman@gmail.com; lesliebeld@aol.com; atq@flintlocklab.com; noble@crcrawford.com; matthew.johnson@mercy.net; matt@mbf-arch.com; sloan@homesofnwa.com; Garner, Andrew
Subject: Rezoning of properties along College Avenue

April 17, 2017

Re: Rezoning on College Avenue

Dear Commissioners Autry, Hoffman, Quinlan, Belden, Niederman, Brown, Scroggin, Noble and Johnson:

Thank you so much for your time and consideration on this very large project. We appreciate all of the effort you and the city staff have put into trying to keep Fayetteville progressive, yet retaining its incredible charm.

We live at the corner of Prospect and Pollard on the Wilson Park side and have owned our house for almost 14 years. My husband was born and raised in Fayetteville and after working in Washington, DC and New York City after college, we married and moved back to Fayetteville for the better quality of life; which included having a yard, living in a park surrounding, having beautiful views of the mountain and being close to a variety of amenities, including Dickson Street.

We would love for the run down buildings on College near our house to be nice shops and restaurants, however we are totally against 4+ story buildings or high-density apartment buildings and possible big box urban stores like Target and Walmart.

When we attended the meeting on Monday, April 10th we went into it thinking we were probably for the proposed rezoning and were just there to hear what was in the plan. We left panicked and wondering what direction our neighborhood would take.

Like many of the people that spoke at the meeting we do not want any more large-scale, high-density rental apartments like the ones that have gone up around town. It was mentioned that lower rent apartments were needed in our area. This may be true, but I don't see how that will even happen in an area where the per square foot price is some of the highest in the city. We would be more in favor of smaller condo projects where people would be investing in our neighborhood, not just here for a short-term rental.

It was mentioned that 27,000 people drive College per day and they want to attract those people. We are very concerned about what will happen to the small streets around our house and the high volume of traffic and parked cars this may attract. Our streets do not have any sidewalks or curbs and are already hard to navigate. It is hard to imagine having lots of people trying to park on them and more people using the neighborhood as a cut through. It is very hard for us now to have our own gatherings and have guests park around our house.

We encourage you to please limit the height requirements of buildings to be no more than 2 or 3 levels, limit the density of those buildings and some how attract a nicer group of owners like restaurants and shops. Not big box stores, strip clubs, vapor shops and service stations. Also, please make sure each development can sustain their own parking...for their residents and guests, so that they are not allowed to park on our narrow streets. This may be different on the East side of College because they have wider roads, curbs and sidewalks.

We do not wish to become a large city; we love our *town* of Fayetteville.

Thank you again for all of your time and effort.

Sincerely,

Edward and Jennifer Prewitt

815 North Pollard Avenue

Fayetteville, AR 72701

479.283.2573

--

Garner, Andrew

From: Scott Hill <razorbackscott@gmail.com>
Sent: Monday, April 03, 2017 8:26 PM
To: Garner, Andrew
Subject: RZN 17-5713 College Avenue rezone

Andrew,

I've seen some discussion of this on NextDoor and online, and I had a few ideas I'd like to share.

I think the primary fear of the adjacent neighborhoods is that big modernist complexes like the ones downtown might be developed.

Given that this section of College Ave sits between two historic districts, perhaps a workable solution is to consider it a special zoning district, similar to how Historic District zonings are handled in some cities. Granting the form-based zoning could be contingent upon future development meeting certain enhanced aesthetic standards, intended to compliment the historic neighborhoods nearby.

This could include minimum masonry requirements, window muntin/casing requirements, first floor awnings, and other traditional elements to create harmony between Washington Willow and Wilson Park. Signage could be specified to be similar to how it is being done in downtown Bentonville square, etc.

Just a few ideas I have had while reading all the negative comments about the possible rezoning.

Thanks!

Garner, Andrew

From: jennifer prewitt <jenniferprewitt1@gmail.com>
Sent: Monday, April 10, 2017 12:02 PM
To: Garner, Andrew
Subject: Tonight's meeting

Good afternoon!!

I live at the corner of Prospect and Pollard in Wilson Park...I have seen all the chatter regarding the rezoning of College and plan to attend the meeting tonight!

I was wondering if tonight's meeting is an open discussion with residents? Or is this a formality and the decision has already been made?

My main concerns are having an 8 story building next to my house and the nightmare parking it will for sure provide! We already have such narrow streets we can hardly have our own guests!

I also don't understand how this will make College safer? We don't even walk across College to Sassy's bc the cars race 40+ miles an hour over the hill...will there be anything new to address that?

I am sure this is a very daunting task for you all to take on! We appreciate your hard work and consideration! I think many people in Wilson Park are just freaked out about the students taking over with large apartment buildings...and not just co-existing with us!

Thanks so much!

Sent from my iPhone

Garner, Andrew

From: Marc Reif <marc.pricereif@gmail.com>
Sent: Tuesday, April 18, 2017 6:31 PM
To: Garner, Andrew
Subject: UT on N College

Hi Mr. Garner,

I live in the Washington-Willow neighborhood and I am very much in favor of the UT designation/development plan for College Ave. between North Street and Maple. I may not make it to all of the meetings, but I would like to encourage the city to pursue this plan. I do have some concerns: will high quality, sensitive design be encouraged? Will there be any housing of low to moderate cost? Can we preserve the general atmosphere and quality of life of the surrounding area while building much larger buildings nearby?

Sincerely,
Marc Reif
607 N Walnut Ave
72701

--
Sent from Gmail Mobile

Garner, Andrew

From: eden price reif <eden.price.reif@gmail.com>
Sent: Tuesday, April 18, 2017 2:52 PM
To: Garner, Andrew
Subject: Zoning changes along N. College between Maple & North

Mr. Garner -

Everyone is in a tizzy on our Washington-Willow Neighborhood list serve - I haven't had time to read the zoning proposal language (sorry) but heard that today was perhaps the last day to give the planning dept timely input, so I'm throwing in my 2 cents. I hear there is a meeting on the 24th, I hope to be there.

We own 3 houses in downtown east of College, we've lived here off and on for 25 (myself) and 50+ years (husband - grew up here) - there have been a lot of changes, and property values (& taxes) have gone up a lot! We love the eclectic mix of housing and people that make up our neighborhood.

We can't expect things to stay the same if we want to be a vibrant, healthy part of the city - and we can't expect things to go back to the way they were 50 years ago (what some seem to want) so, in ignorance of the actual proposal, I'll rattle off what I would hope for along that stretch of College Ave, and downtown in general. Mixed Use! Density! a walkable zone of commercial that keeps parking off the street frontage, street design that slows traffic as much as possible. My dream ingredient would be an actual crossing point for pedestrians so we can get to the other side of college/the park @ Trent. People seem all upset about 8 stories - I can't see that the market would support that anytime soon regardless of the zoning, but if it calms people down, a compromise of 4 (or 5!) stories seems fine to me. I hate the commercial strip type stuff that seems to be the standard issue. This is downtown, not a "highway".

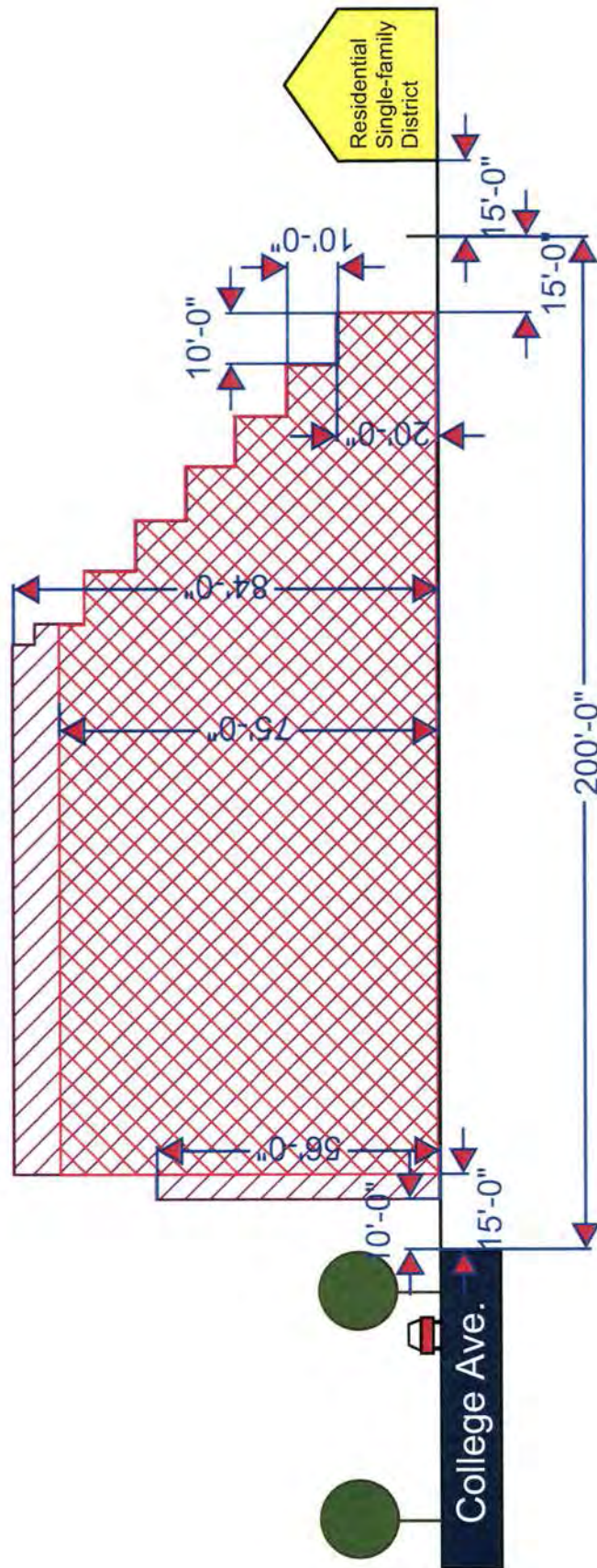
I am so thrilled with the improvements to the streetscape along college to date, and look forward to the project being done ;))

Thanks,

Eden Reif
607 N. Walnut Ave.

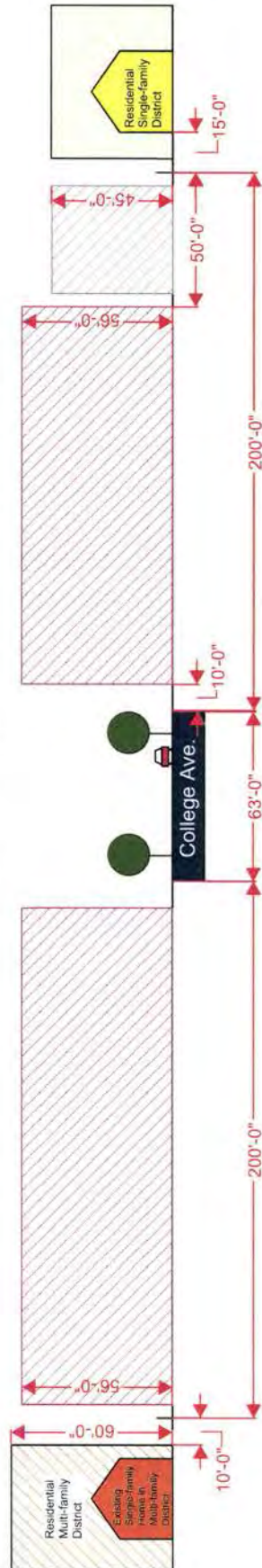
Building Height Cross Section Comparison

 UT, Urban Thoroughfare
  C-2, Thoroughfare Commercial

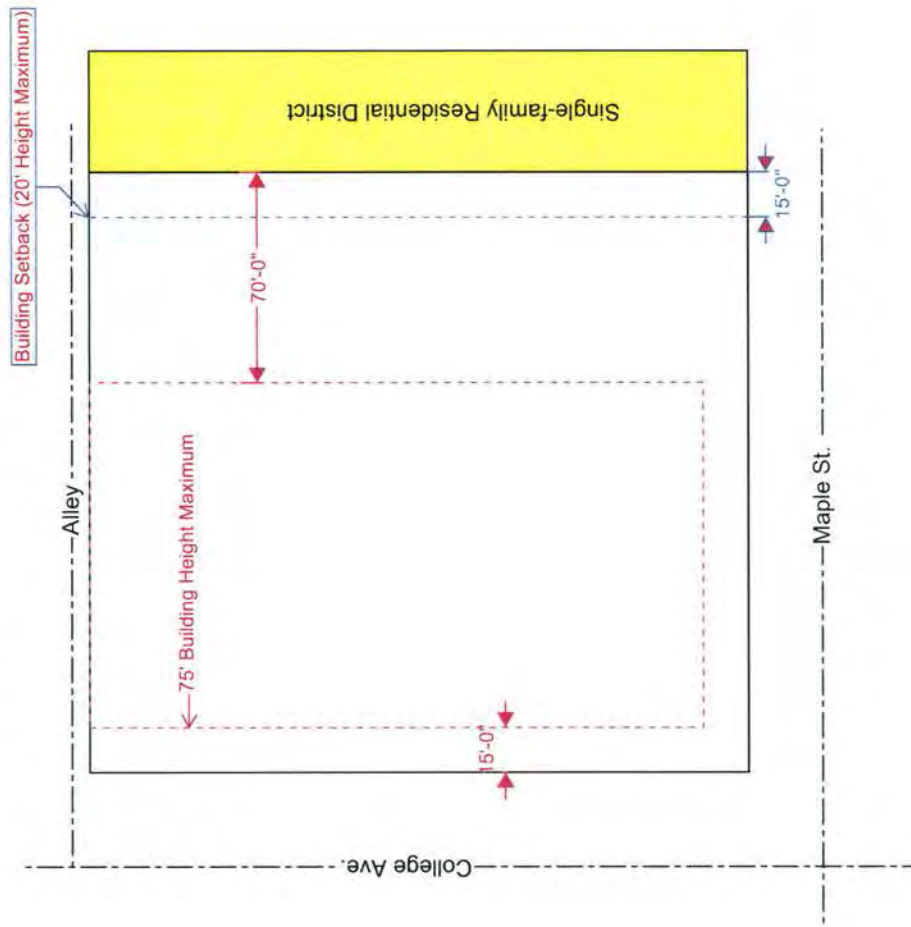


Building Height Cross Section Comparison

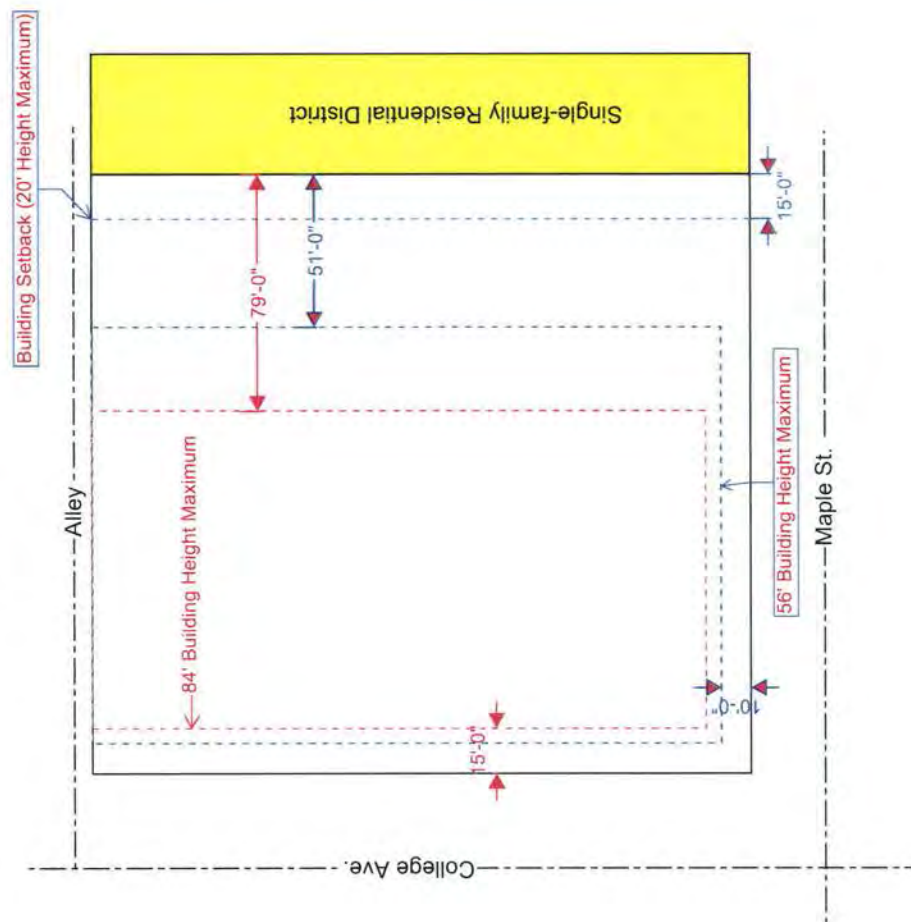
- ☒ Residential Multi-family District
- ☒ CS: Community Services
- ☐ NS-L: Neighborhood Services, Limited
- ☐ Residential Single-family District

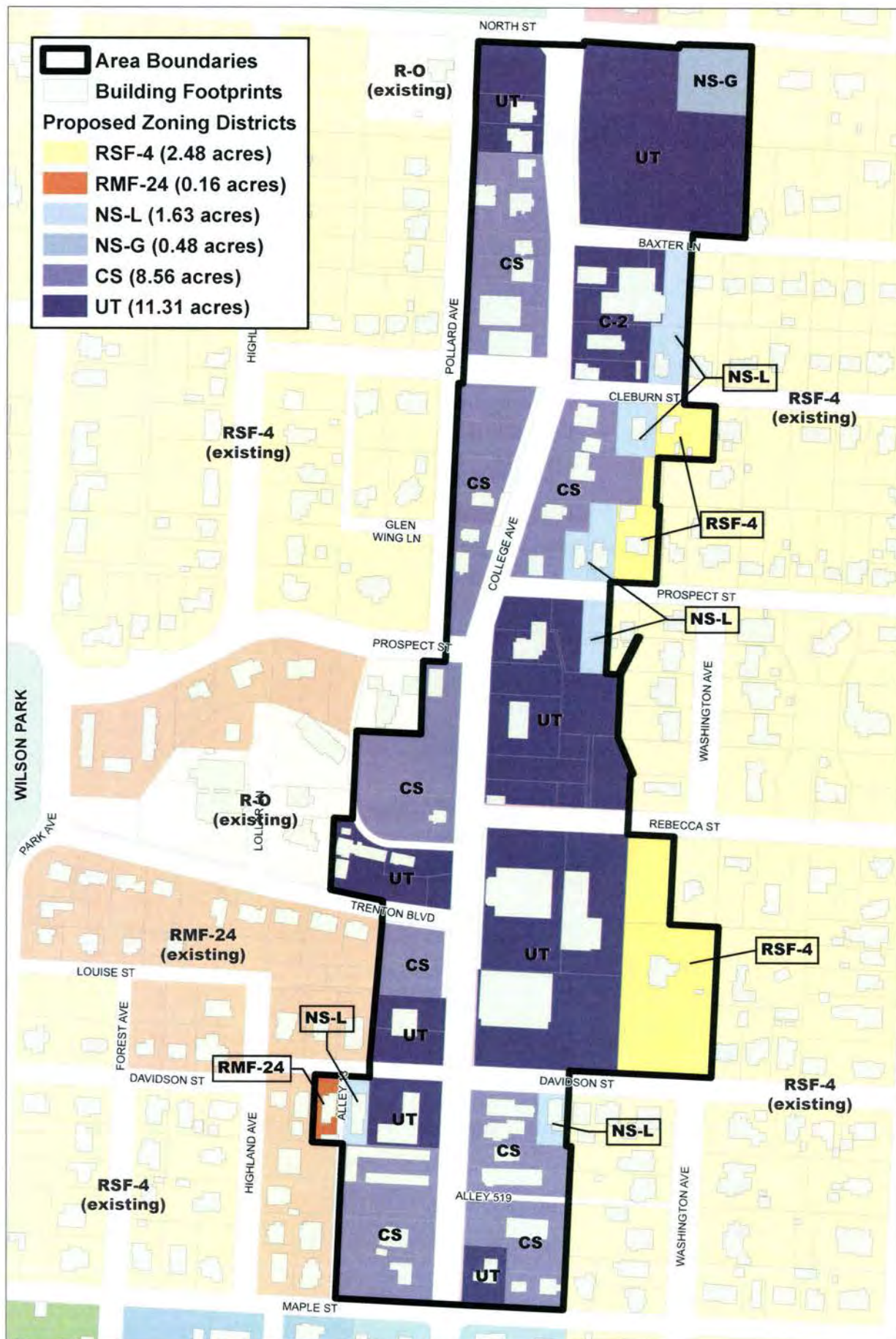


C-2, Thoroughfare Commercial

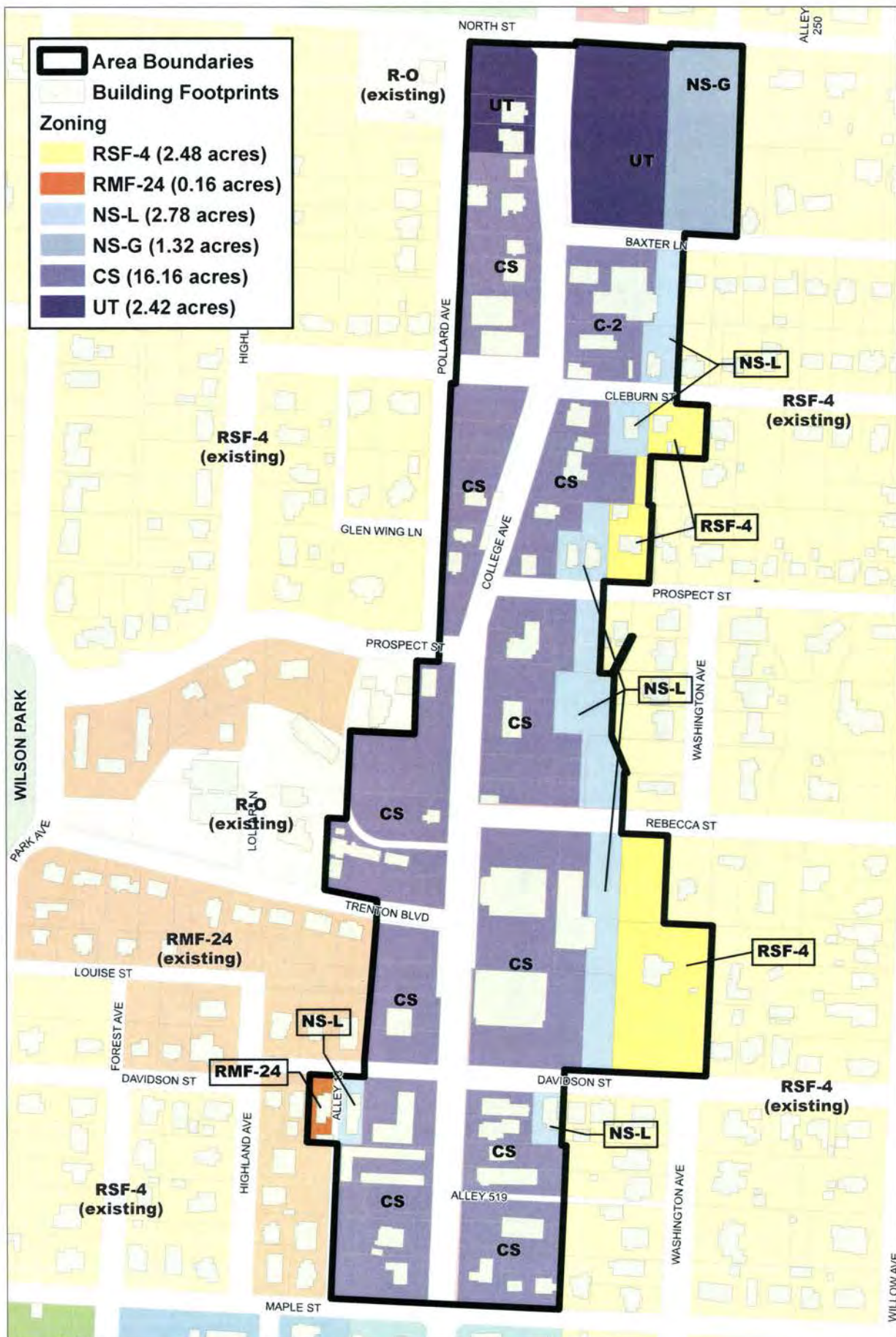


UT, Urban Thoroughfare



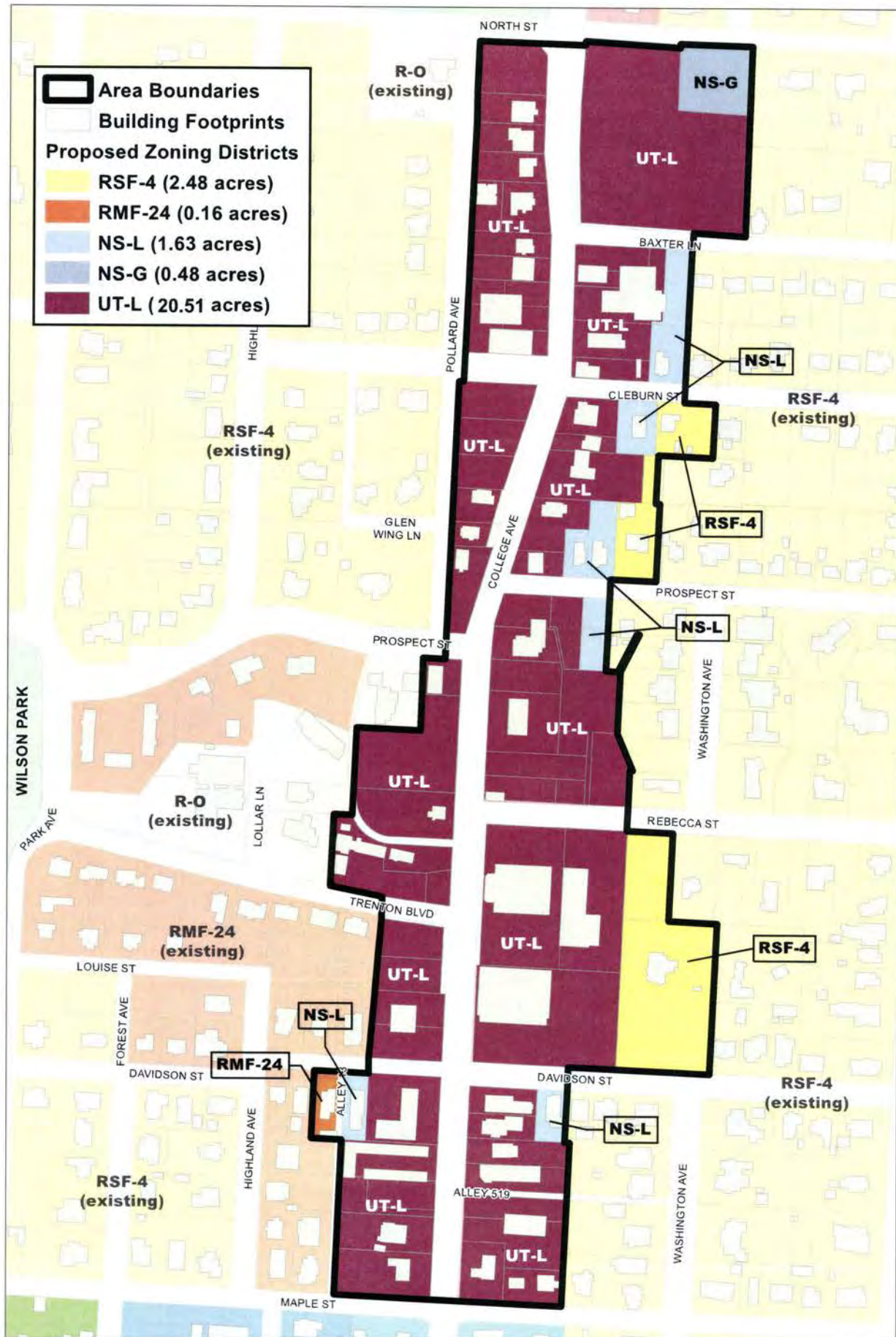


Alternative 1



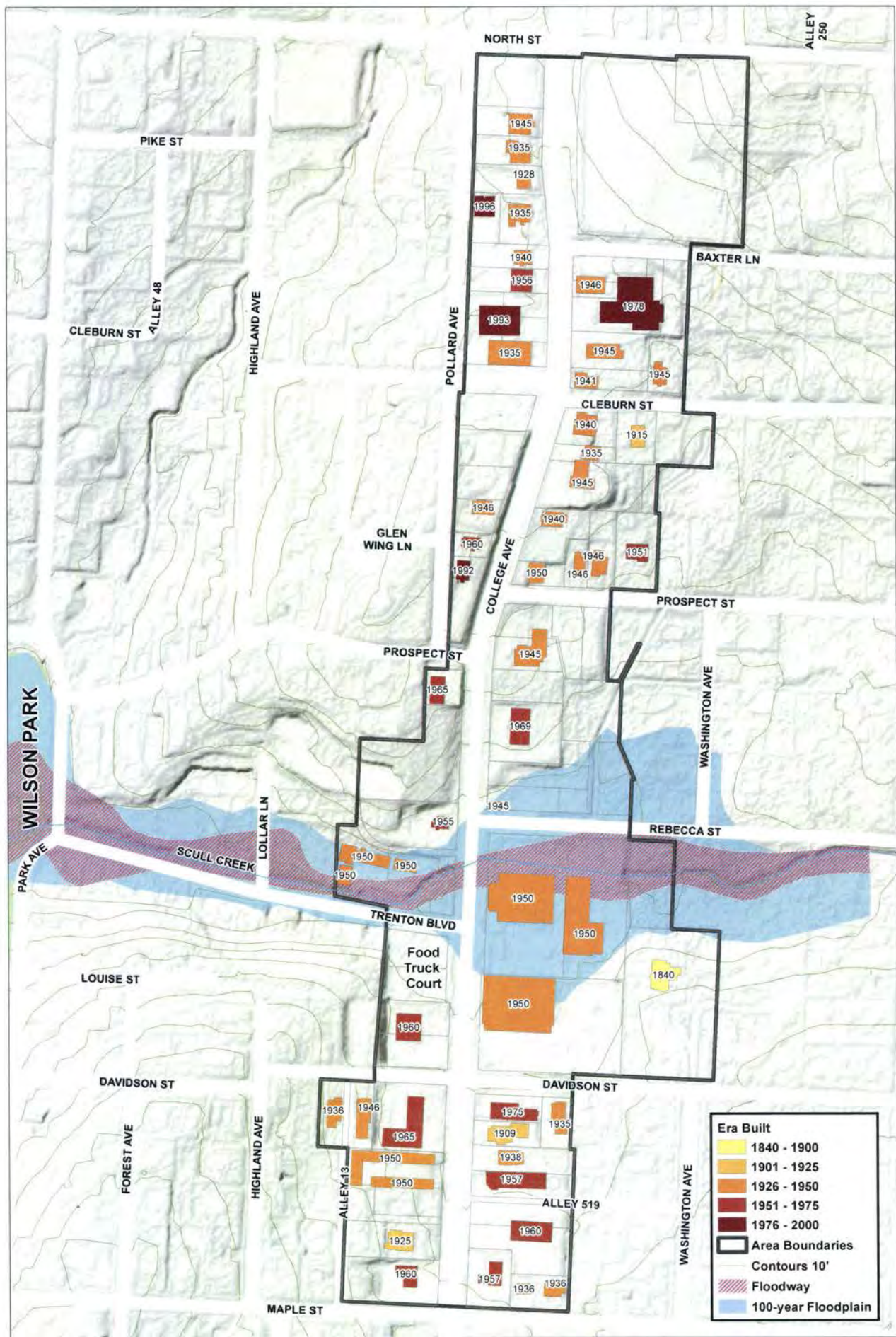
Alternative 2





Alternative 3





0 100 200 400 600 800 Feet

North College Avenue Rezone Existing Topography & Buildings



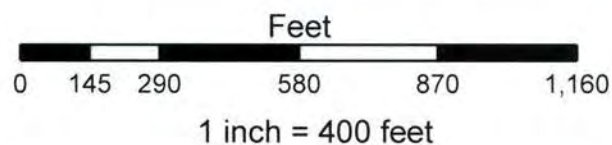
RZN 17-5713

Current Land Use

COLLEGE AVE. CORRIDOR REZONE



- Area Boundaries
- Streams
- Street
- Downtown Master Plan**
- MSP Class**
- MAIN STREET 63
- STREET 45
- PRINCIPAL ARTERIAL
- Trail (Proposed)
- County Parcels
- Planning Area
- Fayetteville City Limits



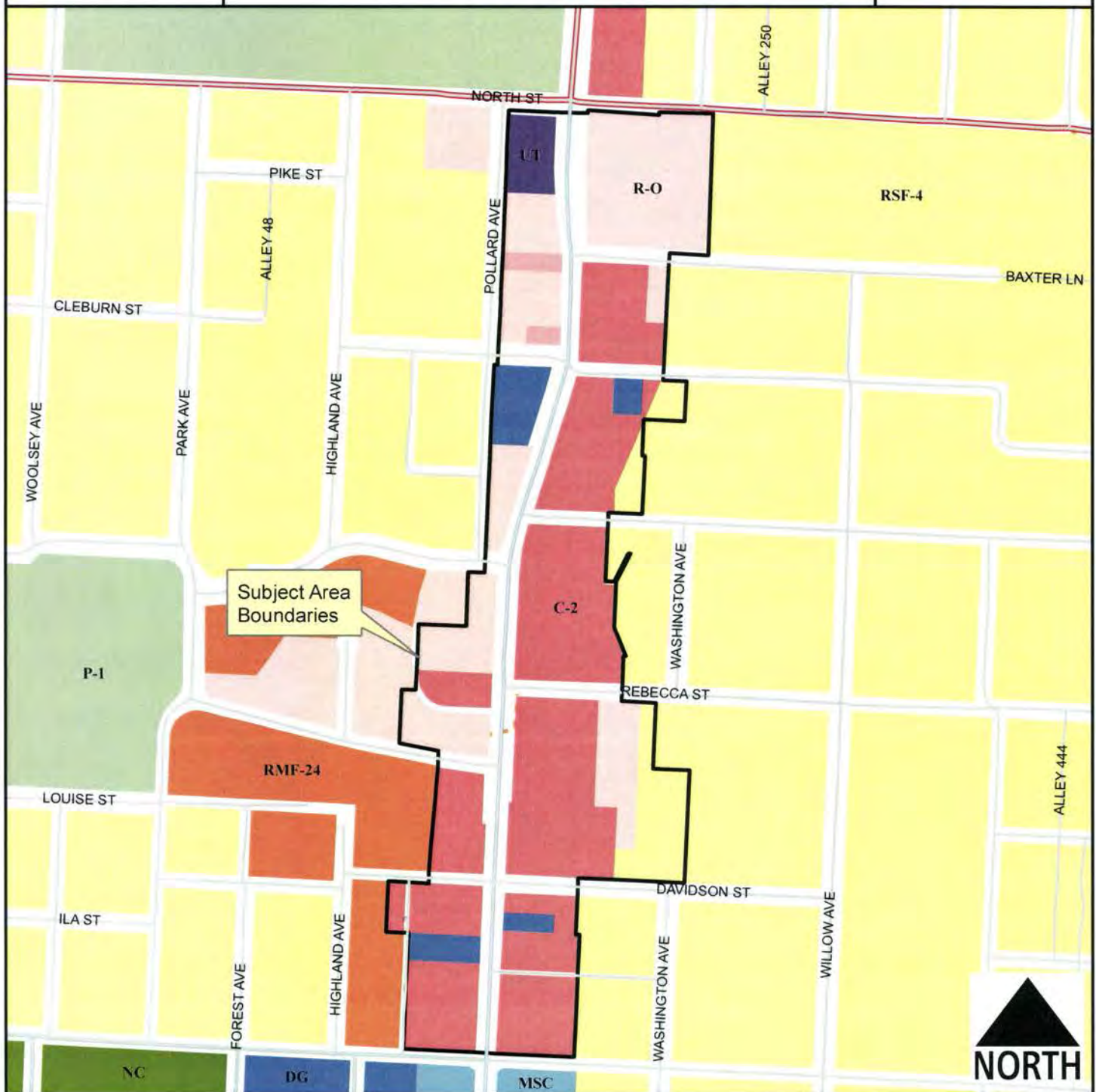
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN 17-5713

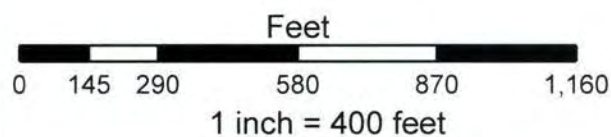
Close Up View

COLLEGE AVE. CORRIDOR REZONE



Legend

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



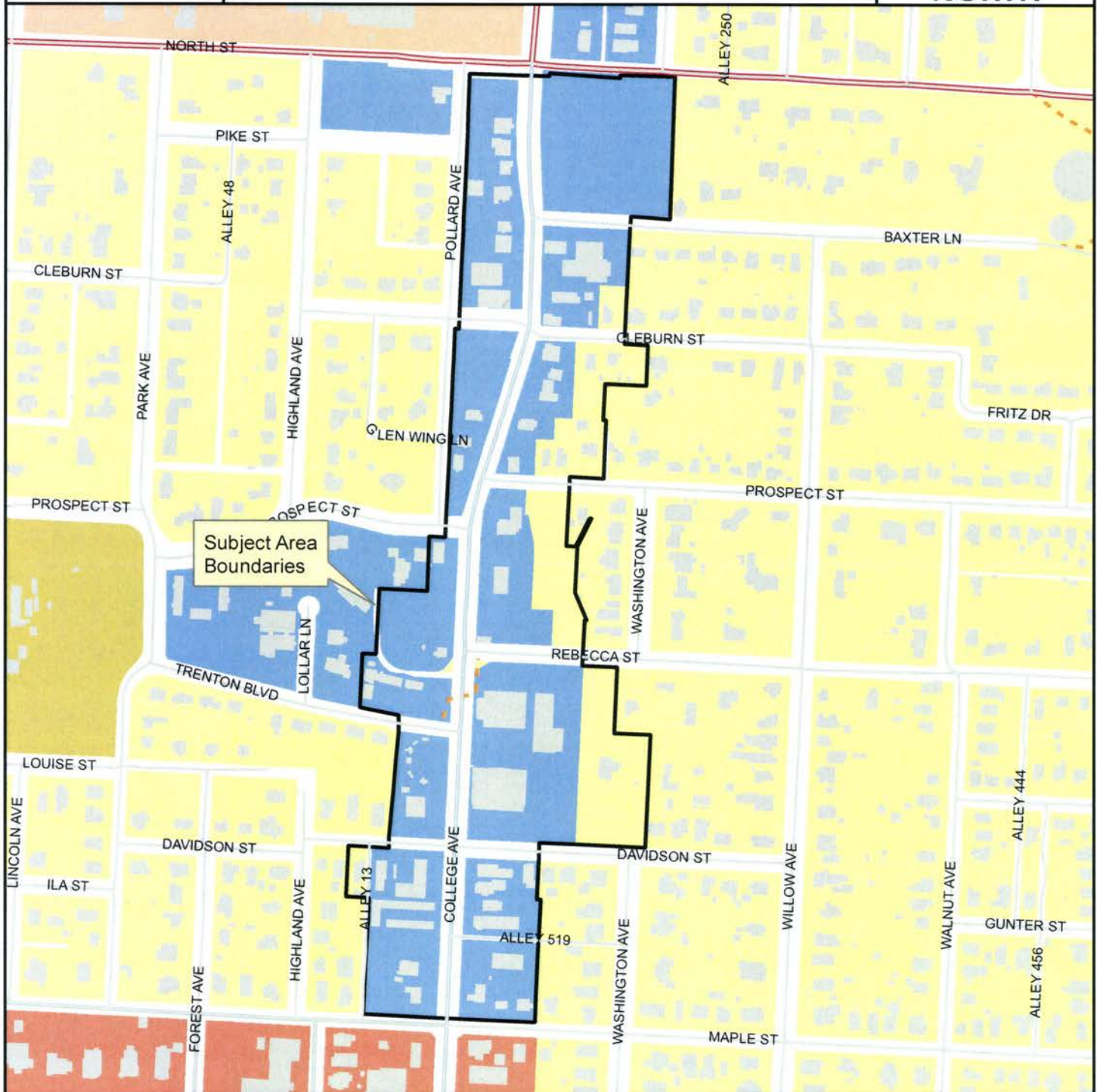
- RSF-4
- RMF-24
- Residential-Office
- C-1
- C-2
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

Planning Commission
May 8, 2017

RZN 17-5713

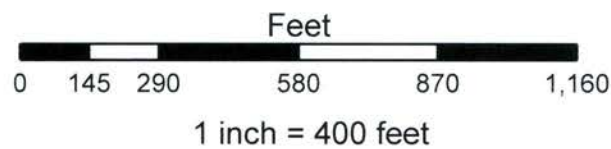
Future Land Use

COLLEGE AVE. CORRIDOR REZONE



Legend

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



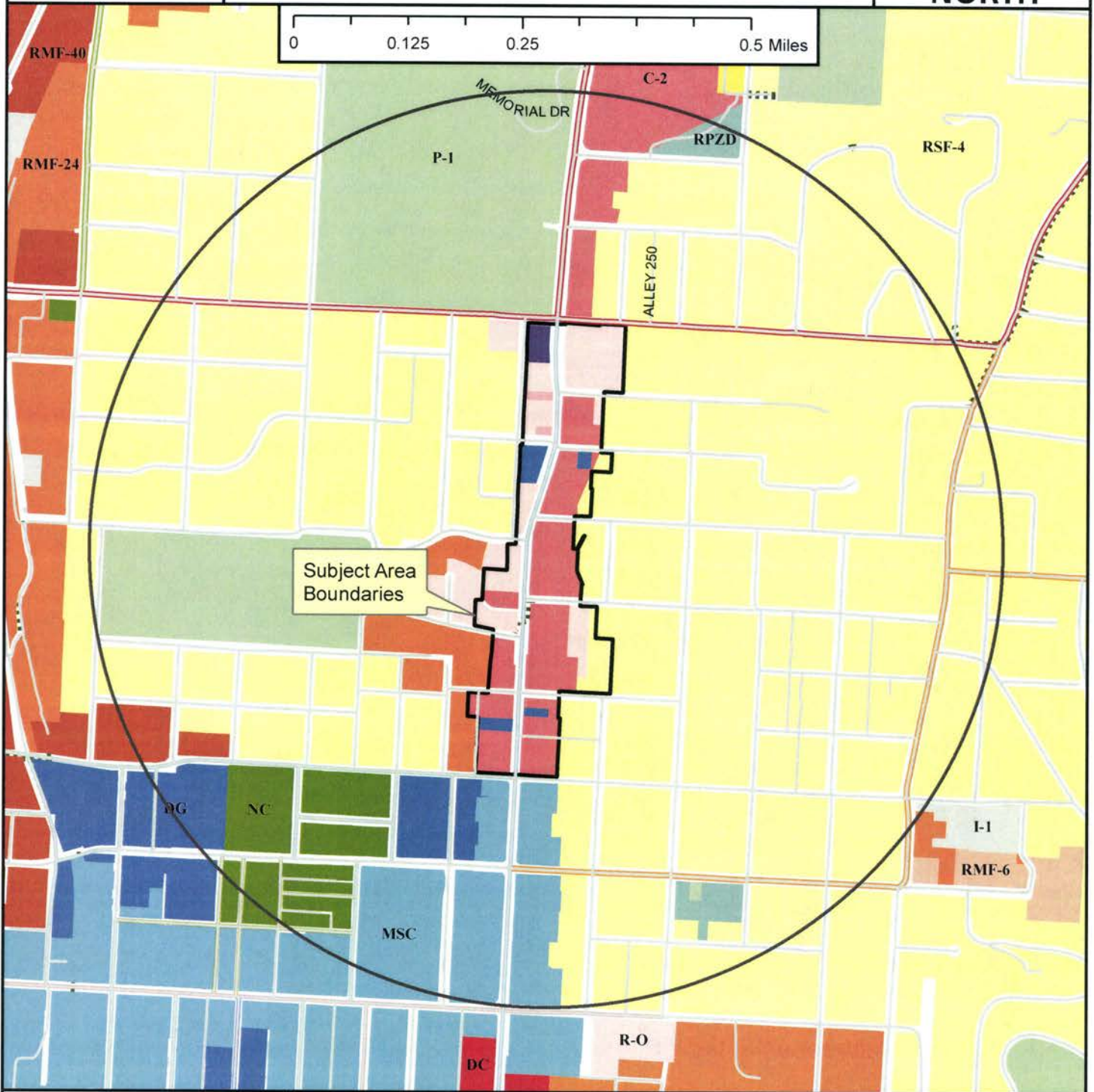
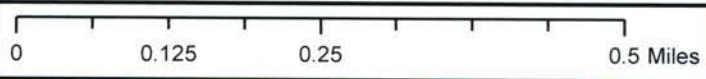
FUTURE LAND USE 2030

- Residential Neighborhood Area
- City Neighborhood Area
- Complete Neighborhood Plan
- Civic and Private Open Space/Parks
- Non-Municipal Government

RZN 17-5713

One Mile View

COLLEGE AVE. CORRIDOR REZONE



Legend

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



Zoning

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

EXTRACTION

- 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



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0262

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

Agenda Number: E. 1

AGENDA SESSION PRESENTATION - PARKING STUDY RECOMMENDATIONS BY NELSON
NYGAARD



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0274

Agenda Date: 6/6/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

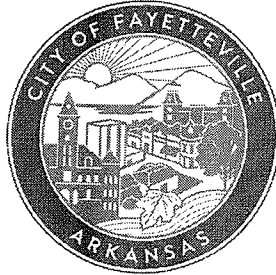
Agenda Number: E. 2

AGENDA SESSION PRESENTATION - SEVEN HILLS FINANCIAL UPDATE

Agenda Session 5-30-17

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, May 30, 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. 2017-0232

NOMINATING COMMITTEE REPORT

Attachments: NOMINATING COMMITTEE REPORT

2. 2017-0233

ADVERTISING AND PROMOTION COMMISSION APPOINTMENT

3. 2017-0294

HISTORIC DISTRICT COMMISSION - MAYOR APPOINTMENT

Add — Report on Library Bond Issue.

Agenda Additions

A. Consent:

A. 1 2016-0576

APPROVAL OF THE MAY 16, 2017 CITY COUNCIL MEETING MINUTES.

A. 2 2017-0261

STEVE LANDERS TOYOTA OF NWA:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TOYOTA CAMRY HYBRID FROM STEVE LANDERS TOYOTA OF NWA IN THE AMOUNT OF \$25,517.00 PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE POLICE DEPARTMENT

Attachments: STEVE LANDERS TOYOTA OF NWA

A.3 2017-0235**MCCLELLAND CONSULTING ENGINEERS, INC.:**

A RESOLUTION TO APPROVE A CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$250,793.00 FOR ENGINEERING SERVICES ASSOCIATED WITH THE KITTY CREEK SEWER LINE IMPROVEMENT PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$25,079.30

Attachments: MCCLELLAND CONSULTING ENGINEERS, INC.

A.4 2017-0282

NB #1

NORTH STARR DRIVE SEWERAGE SYSTEM EXTENSION:

A RESOLUTION TO APPROVE AN EXTENSION OF THE CITY'S SEWERAGE SYSTEM BEYOND THE CITY LIMITS TO PROPERTY LOCATED ON NORTH STARR DRIVE

Attachments: NORTH STARR DRIVE SEWERAGE SYSTEM EXTENSION

A.5 2017-0285**UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES LEASE AGREEMENT:**

A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE UNOCCUPIED BANQUET AREA IN THE AIRPORT TERMINAL BUILDING TO BE USED BY THE OSHER LIFELONG LEARNING INSTITUTE TO CONDUCT CLASSES DURING THE FALL 2017 SEMESTER IN THE AMOUNT OF \$25.00 FOR EACH DAY THE SPACE IS USED

Attachments: UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES LEASE AGREEMENT

D. 1 2017-0269**NWA CAPITAL INVESTMENTS, LLC:**

A RESOLUTION TO SELL ABOUT 3 ACRES OF LAND IN THE COMMERCE DISTRICT TO NWA CAPITAL INVESTMENTS, LLC FOR \$45,000.00

Attachments: NWA CAPITAL INVESTMENTS, LLC:

D. 2 2017-0263*Consent***VAR 17-5800: 1541 W. MLK BLVD. (PANERA BREAD):**

A RESOLUTION TO AFFIRM THE PLANNING COMMISSION'S APPROVAL OF A VARIANCE OF THE PENALTY PROVISION OF **THE TREE PRESERVATION AND PROTECTION** CHAPTER OF THE UNIFIED DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD

Attachments: VAR 17-5800: 1541 W. MLK BLVD. (PANERA BREAD)

D. 3 2017-0279**APPEAL VAR 17-5782 (1541 W. MLK BLVD./PANERA BREAD):**

A RESOLUTION TO PARTIALLY GRANT THE VARIANCE REQUEST SUBMITTED BY BATES & ASSOCIATES, INC. TO ALLOW A MORE COMPLETE CURB CUT ACCESS FOR 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD

Attachments: APPEAL VAR 17-5782 (1541 W. MLK BLVD./PANERA BREAD)

D. 4 2017-0267**LSD 17-5771 (MASTER STREET PLAN AMENDMENT BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE/SPRINGHOUSE VILLAGE):**

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY CHANGING THE ALIGNMENT OF AN UNNAMED STREET BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE AND BY RECLASSIFYING IT FROM A COLLECTOR STREET TO A LOCAL STREET

Attachments: LSD 17-5771 (MASTER STREET PLAN AMENDMENT BETWEEN CROSSOVER

D. 5 2017-0266**RZN 17-5772 (810 S. CHERRY LN./ SWEETSER PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5772 FOR APPROXIMATELY 0.53 ACRES LOCATED AT 810 SOUTH CHERRY LANE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI- FAMILY, 24 UNITS PER ACRE

Attachments: RZN 17-5772 (810 S. CHERRY LN./SWEETSER PROPERTIES)

D. 6 2017-0268**RZN 17-5776: (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5776 FOR APPROXIMATELY 0.31 ACRES LOCATED AT 1320 SOUTH COLLEGE AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE, URBAN

Attachments: RZN 17-5776: (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES)

D. 7 2017-0271**RZN 17-5770 (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5770 FOR APPROXIMATELY 0.45 ACRES LOCATED AT 769 AND 785 SOUTH WASHINGTON AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE, URBAN

Attachments: RZN 17-5770 (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES)

D. 8 2017-0286 * *Correct - See below - Per Ket***AMEND UDC AND REZONE - RZN 17-5713 (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE.):**

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CREATE A NEW ZONING DISTRICT, URBAN THOROUGHFARE LIGHT; UT-L, TO CHANGE OR AMEND DEFINITIONS OF "BUILDING HEIGHT" AND "STORIES" AND TO REZONE LOTS ALONG AND ON BOTH SIDES OF COLLEGE AVENUE RUNNING FROM NORTH STREET TO MAPLE STREET CONTAINING ABOUT 24.62 ACRES AS SHOWN OF EXHIBIT A OF THE PLANNING DEPARTMENT'S MEMO

Attachments: RZN 17-5713 (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AV

E. City Council Agenda Session Presentations:

E. 1 2017-0262

AGENDA SESSION PRESENTATION - PARKING STUDY RECOMMENDATIONS BY
NELSON NYGAARD

E. 2 2017-0274

AGENDA SESSION PRESENTATION - SEVEN HILLS FINANCIAL UPDATE

F. City Council Tour:

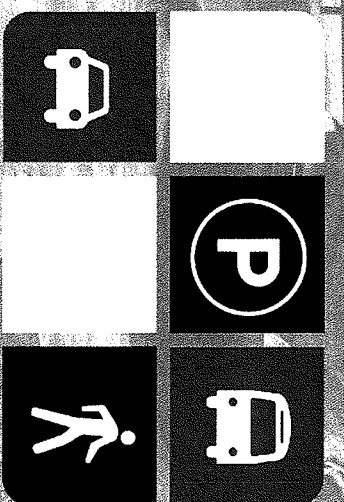
G. Announcements:

H. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

*Add: Last NB
5 minute speaker time limit*

Handed out at Agenda Session 5-30-17



PARKING STUDY MANAGEMENT STRATEGIES

FAYETTEVILLE MOBILITY

MAY 30, 2017 CITY COUNCIL BRIEFING

PARKING STUDY

Existing Conditions:

How many spaces? Who uses them?

Parking Management:

How is parking currently managed?

Public Perceptions:

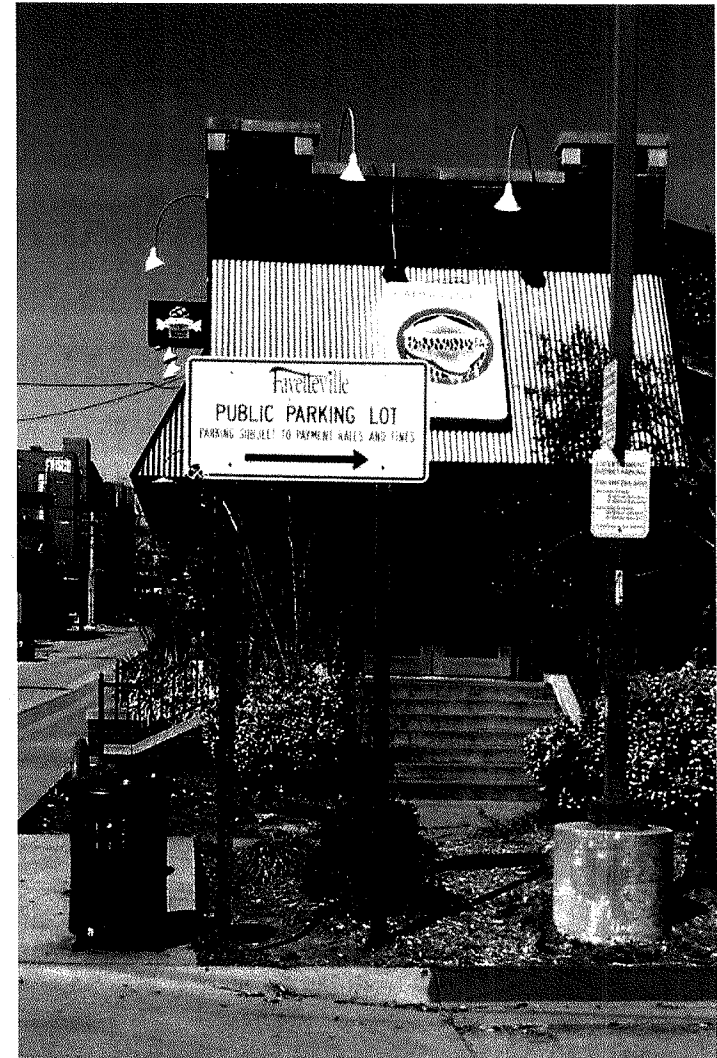
How do different users see parking?

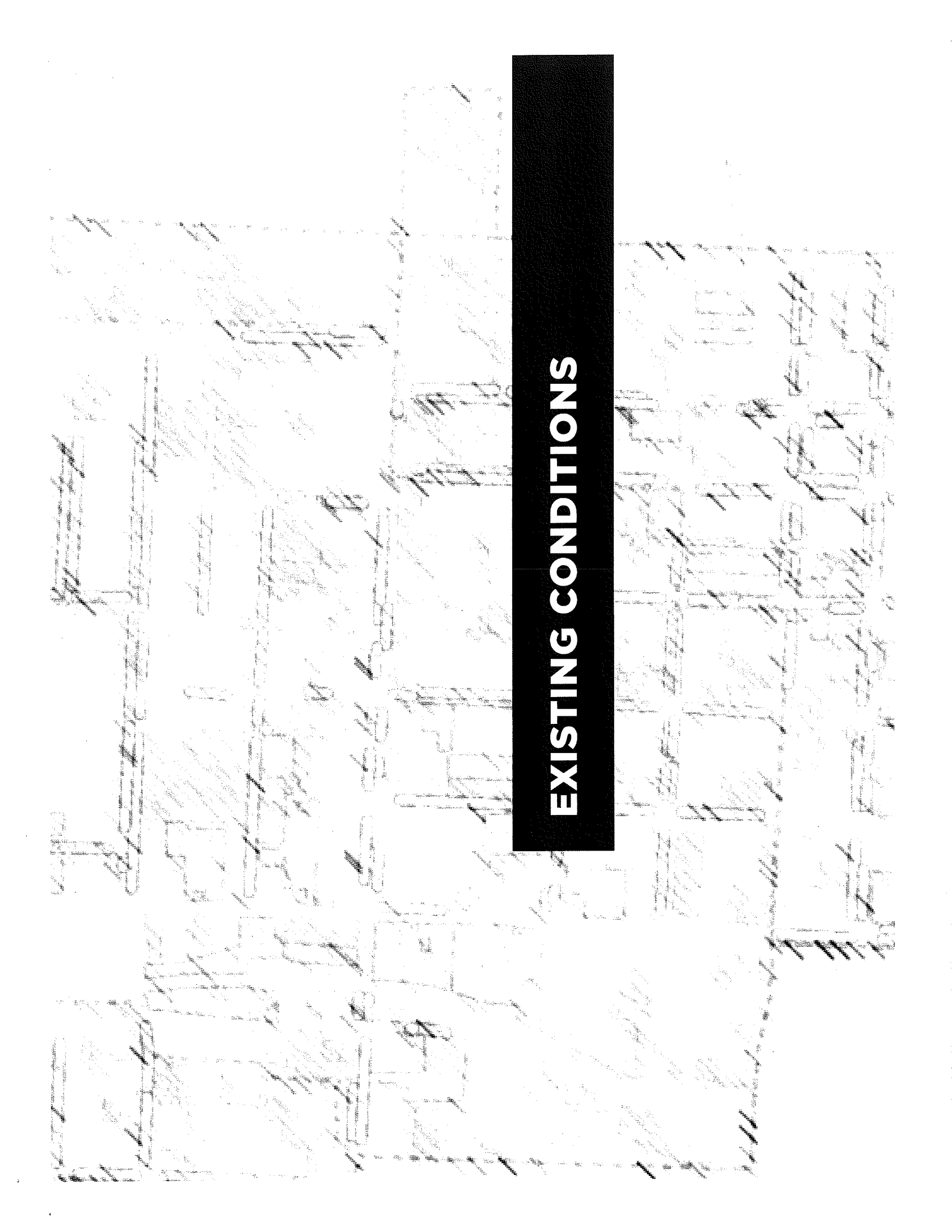
Land Use Analysis:

What is the relationship between parking and the built environment?

Strategies:

Recommendations for parking system design & management

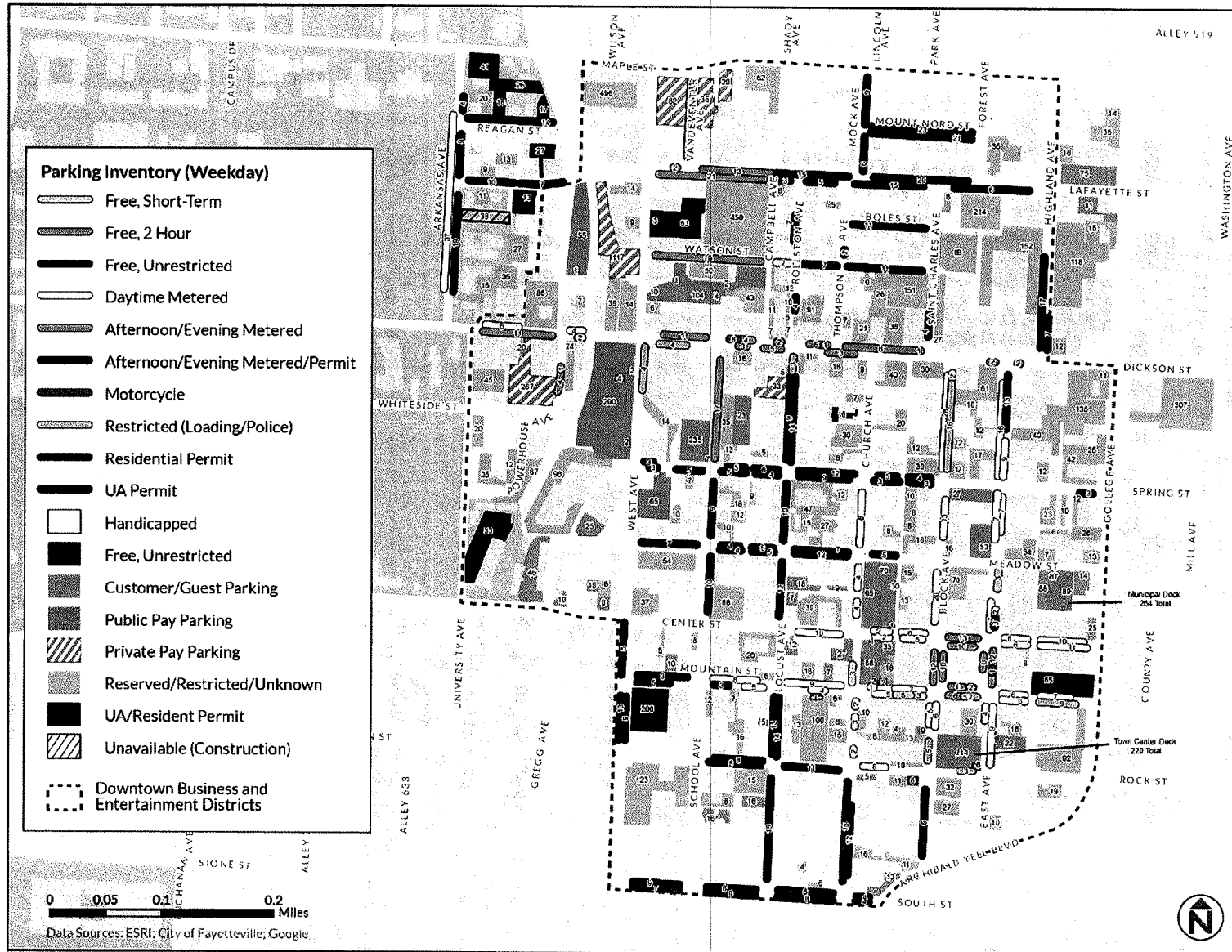




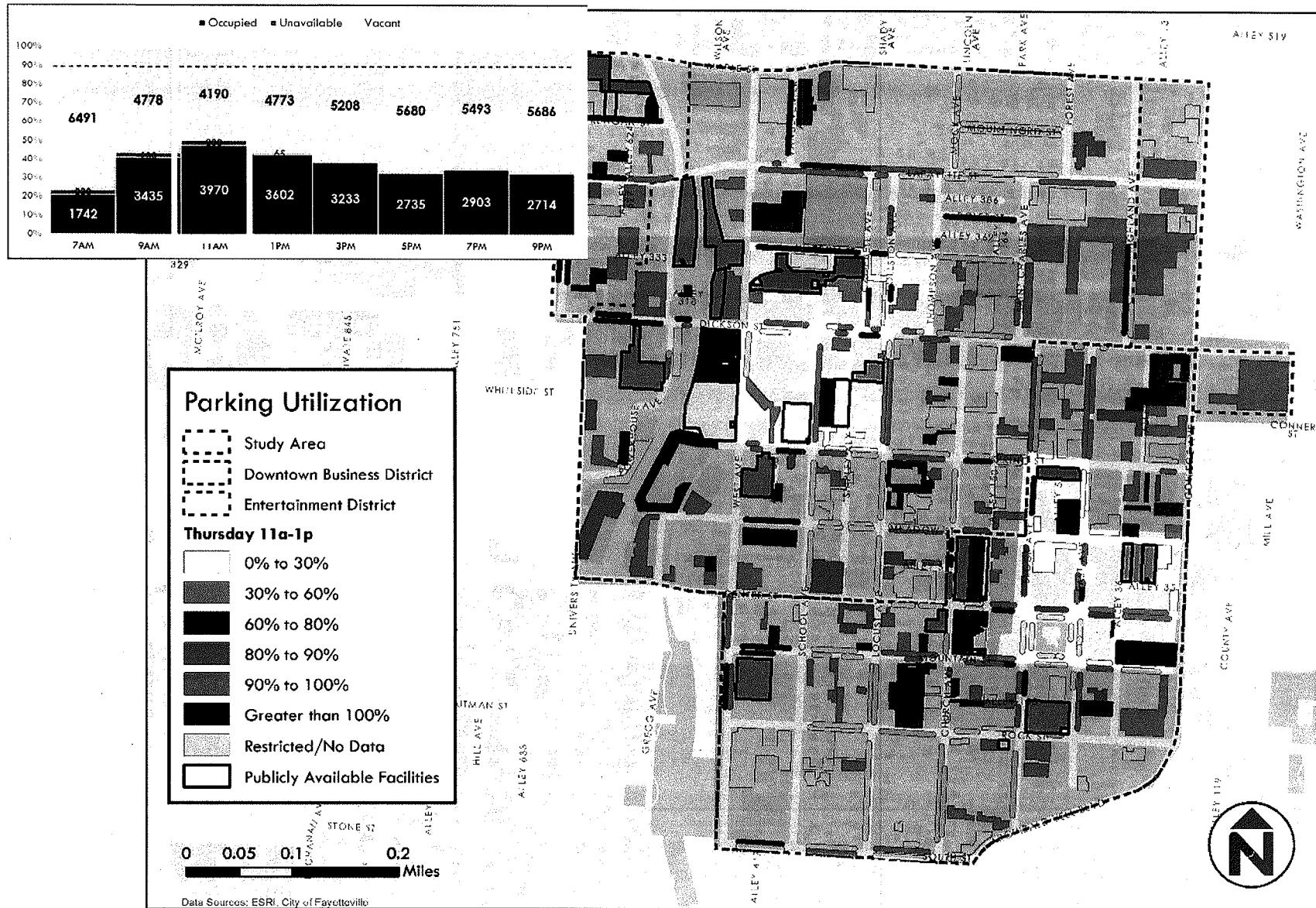
EXISTING CONDITIONS

PARKING SUPPLY

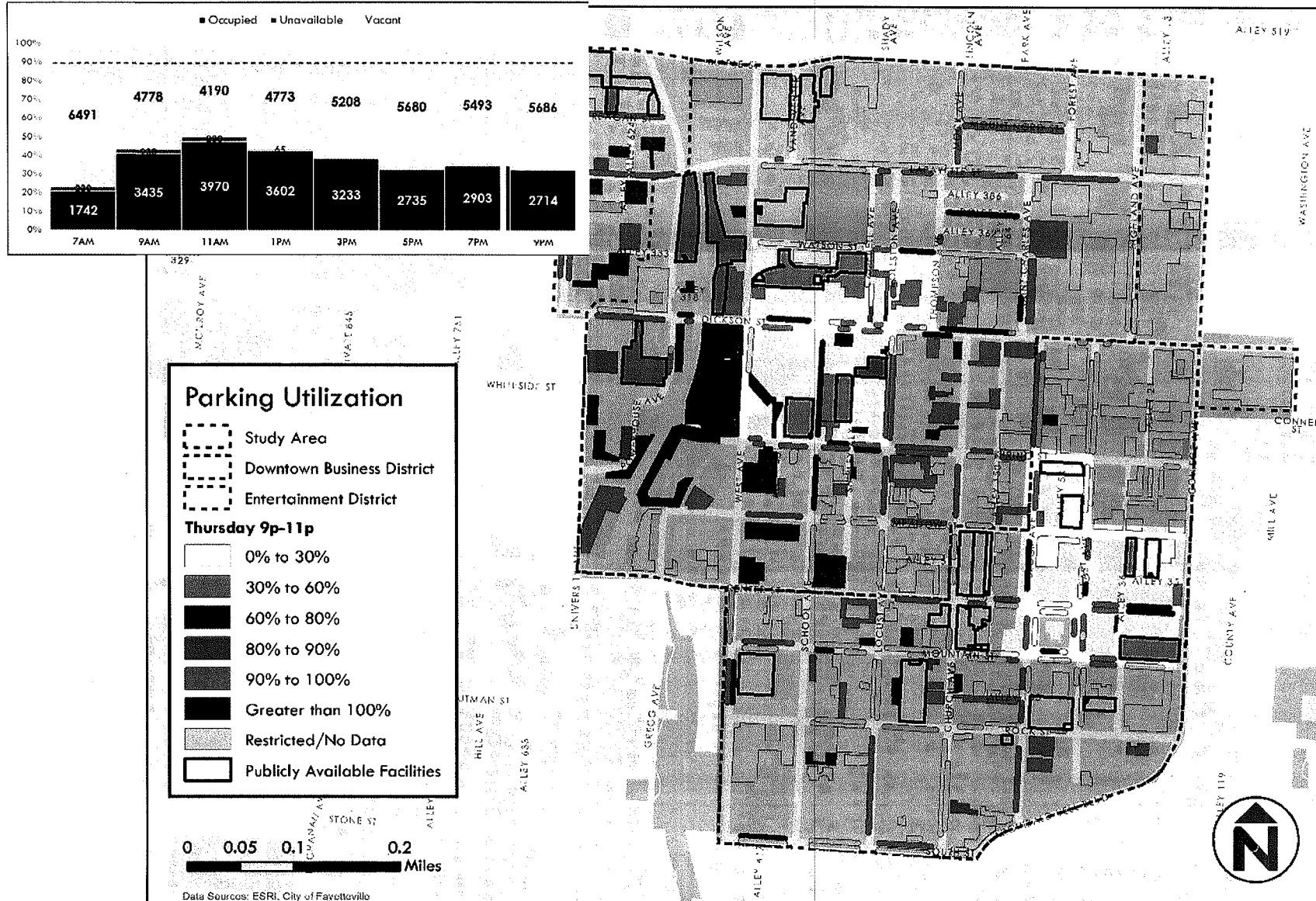
**3,800 Publicly-Owned Spaces
Over 9,000 Spaces Total**



Midday utilization is dispersed



Evening utilization is concentrated



Weekend evening core is functionally full



STAKEHOLDER INTERVIEWS

24-7 paid parking → paid parking after 2, which means that **university students** park on Dickson for free

Development concerns re: WAC lot

WAC could **take control of lot** for event parking

Block Street business folks like the **look + feel of physical meters**

Lots behind Hugos are **empty at night**

Permit system has **no rationale**

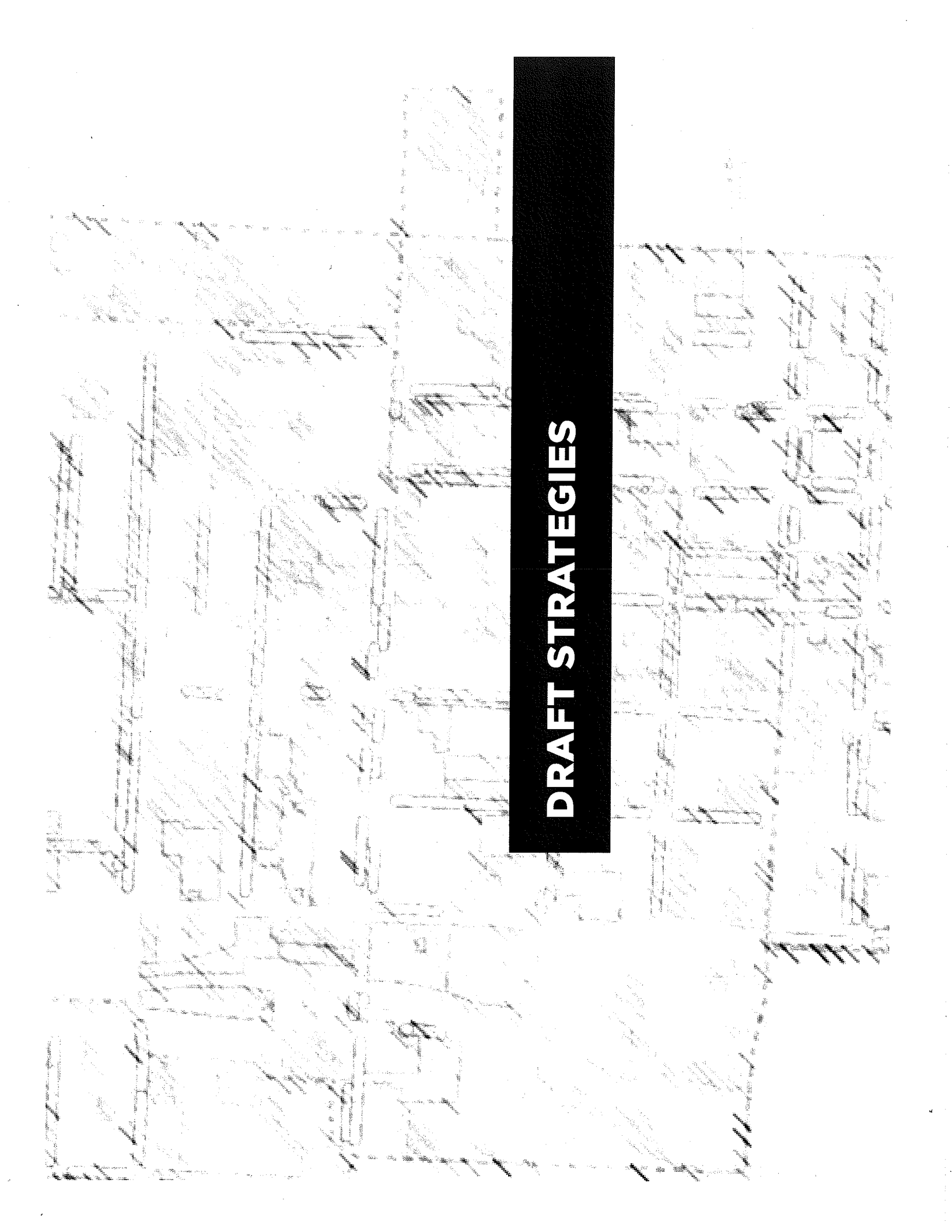
Student parking is a major concern, as is **employee parking**

Bus parking in WAC lot

"It should be **one price** to park in Fayetteville"

Event parking should accept more than just cash, but cash seems fastest.

"System is confusing to outsiders/visitors"

The background of the entire page is a detailed architectural sketch in pencil or light ink. It depicts a complex urban environment with a grid of streets, numerous buildings of varying heights and styles, and some trees. The drawing is dense and covers the entire surface, providing a textured, artistic backdrop for the title.

DRAFT STRATEGIES

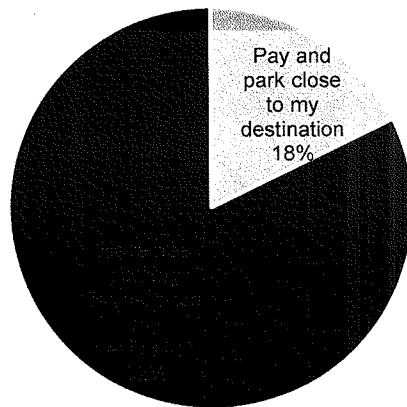
Challenge: Welcoming Users

Restaurants/events in Fayetteville draw a diverse crowd who may be unfamiliar with the system

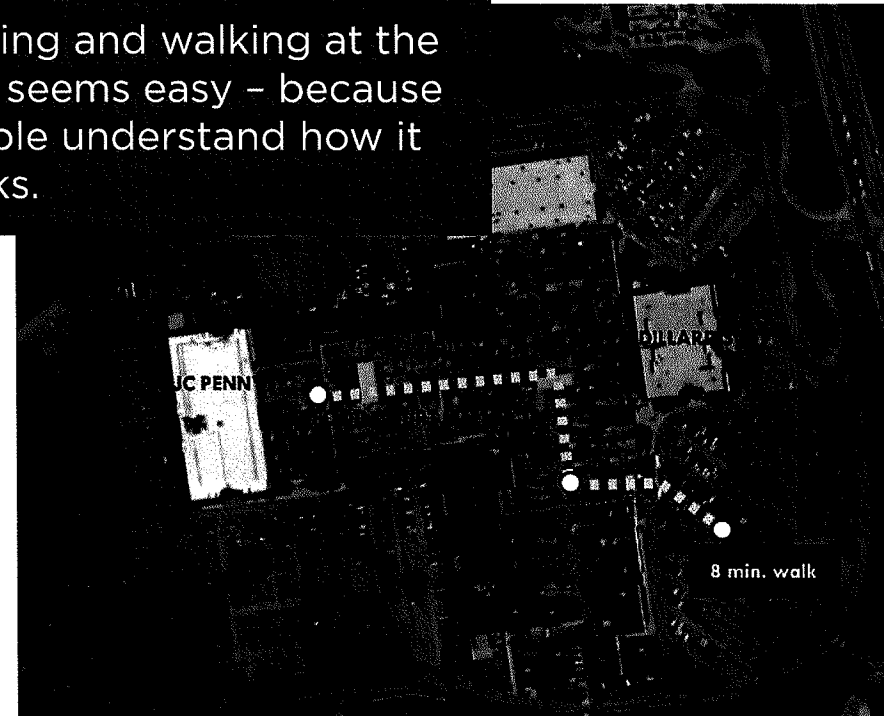
It is not always clear where to look for parking

Drivers may prefer discount parking plus walking, but do not know where to go

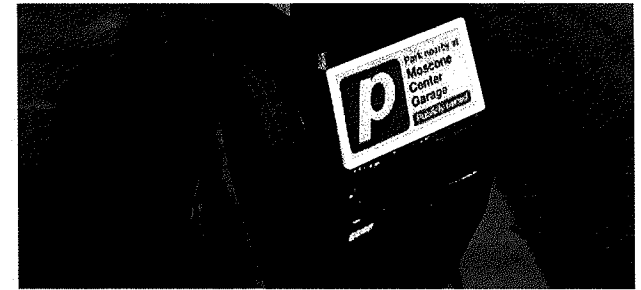
Summer 2016 Workshop



Parking and walking at the mall seems easy – because people understand how it works.



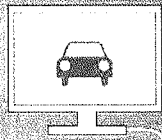
PARKING AS A CUSTOMER SERVICE



TREAT PARKING AS A CUSTOMER SERVICE

Help all users find parking that meets their needs quickly and conveniently.

BEFORE YOU ARRIVE



An integrated transportation website and app

spaces available

84

14

0

Real-time availability online



Auto-oriented wayfinding

AT YOUR ARRIVAL



Cell phone payment



Availability indicators at lot/garage



Parking information handouts

DURING YOUR STAY

You are here



Pedestrian-level wayfinding

Information

Promote parking ambassadors

Develop communication plan

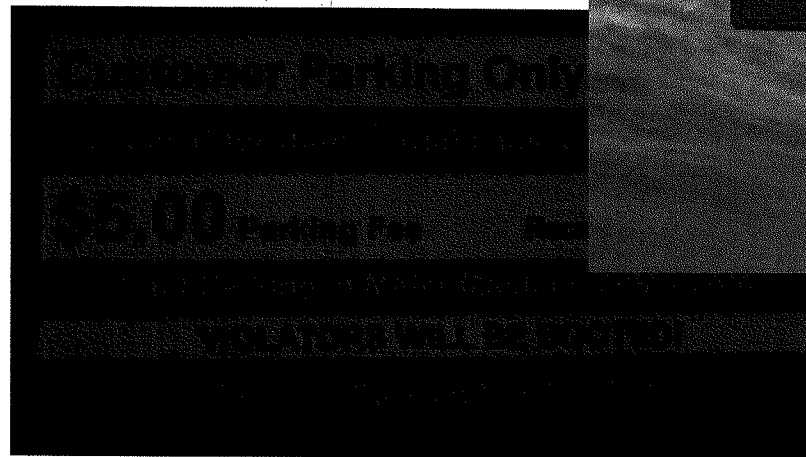
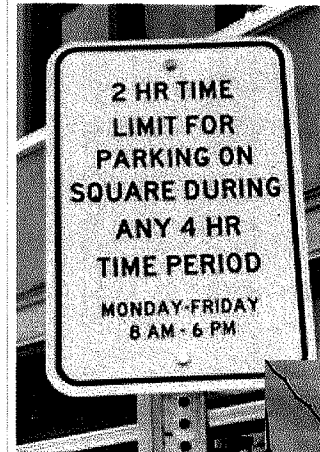
Form parking stakeholder groups

Challenge:

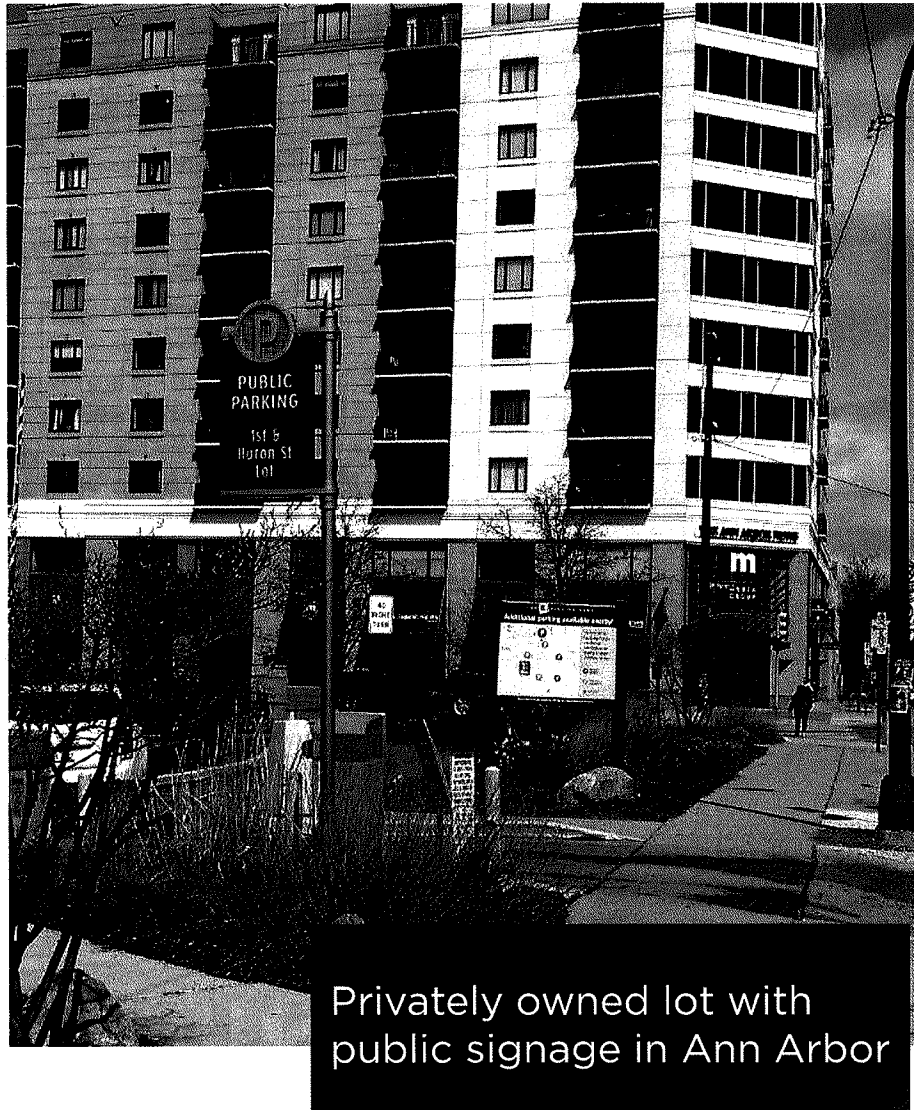
Signage is confusing for customers

From the customer perspective, Fayetteville does not have a consistent signage program in the Downtown Business and Entertainment Districts.

Privately owned and operated parking has a different signage system than public parking, and signage is not always clear.



STREAMLINE SIGNAGE



Install consistent wayfinding

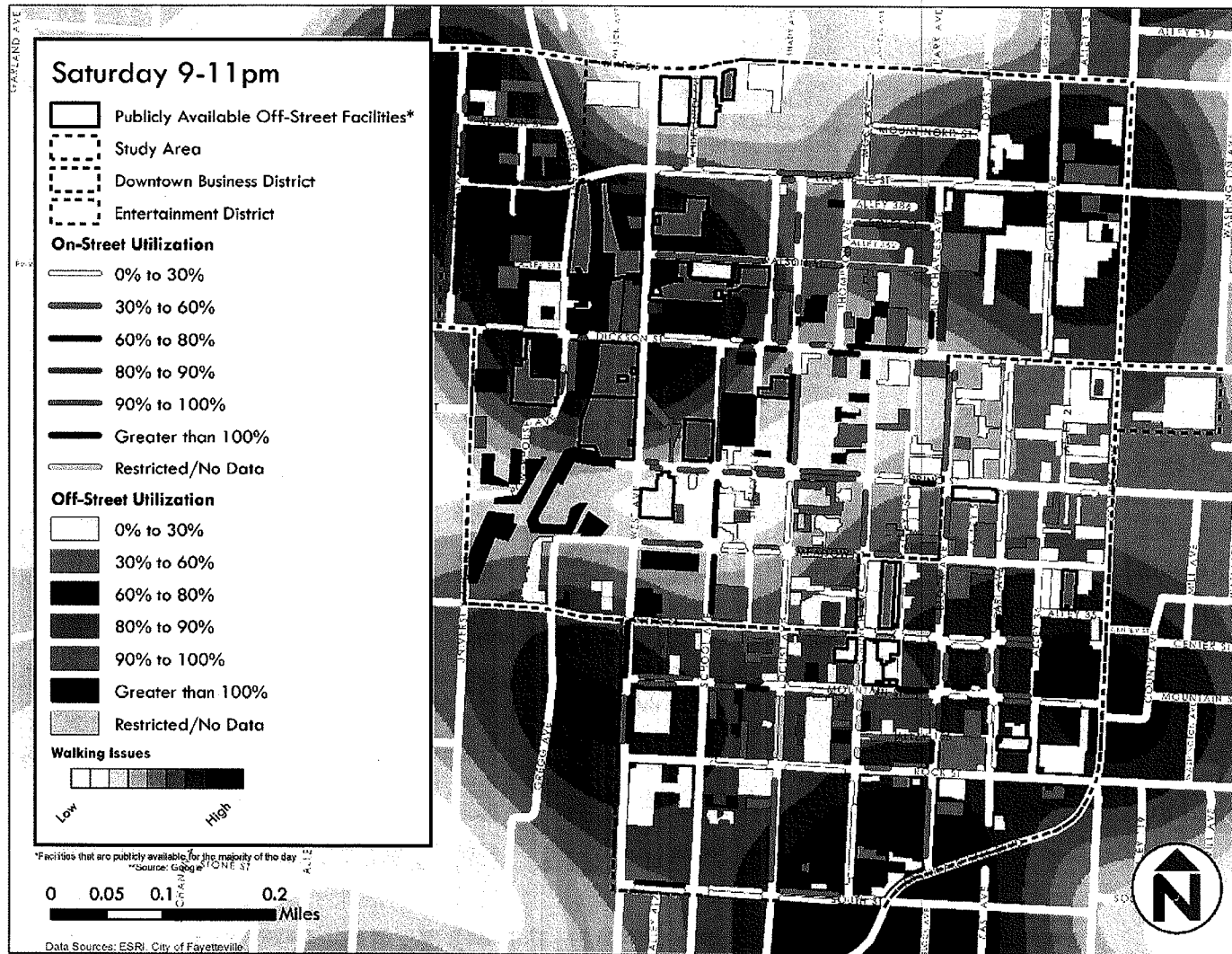
Pursue City-sponsored and standardized signage at privately owned/publicly accessible lots

Use real-time availability signage to direct Dickson Street traffic to discount parking at Spring Street Deck

During events, sign can reflect event parking



Challenge: Multimodal Environment



58% of
all survey
respondents at
fall workshops
identified
walkability as a
priority

MULTIMODAL IMPROVEMENTS

Complete since Summer 2016

Sidewalk on Gregg Ave

Short-Term

Develop Sidewalk Plan

Consider intersection improvements at Dickson/West

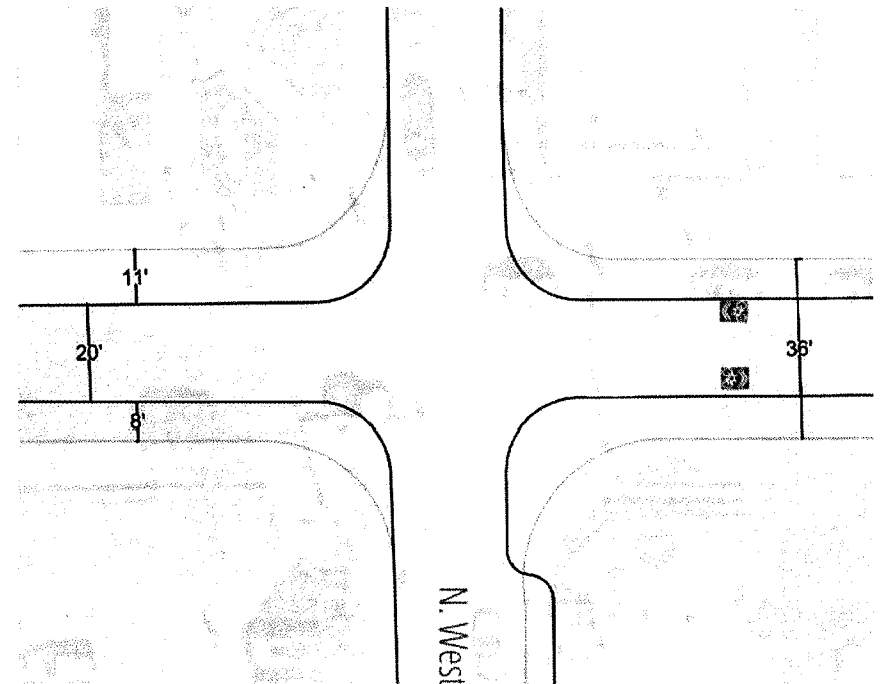
Work with transit providers to integrate parking onto maps

Shuttle feasibility

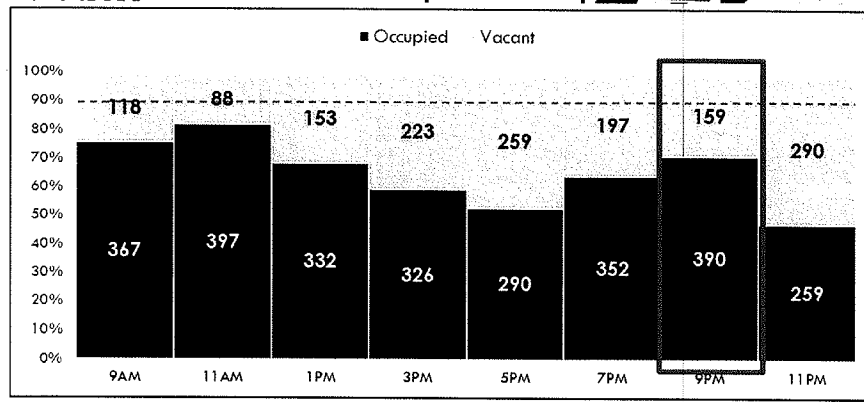
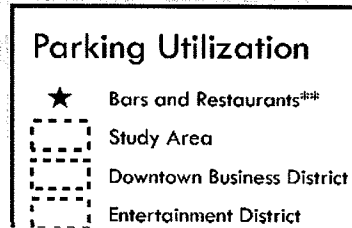
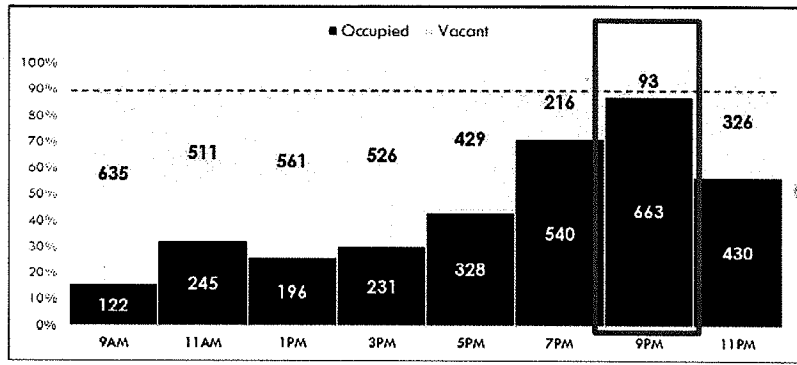
Longer-Term

Consider subsidized shuttle trips

Continue walkability improvements

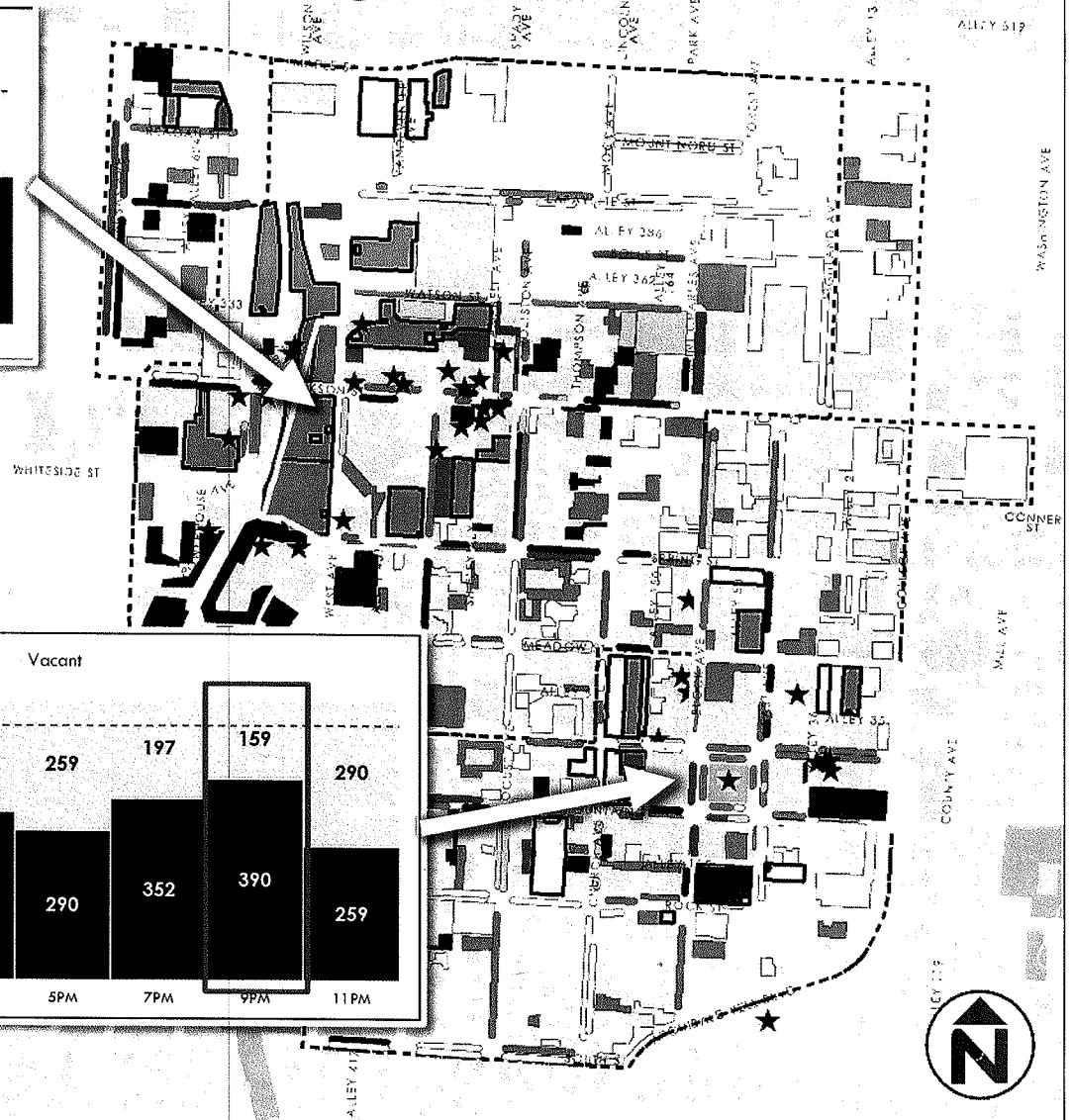


Challenge: Parking Is Functionally Full In Core



0 0.05 0.1 0.2 Miles

Data Sources: ESRI, City of Fayetteville



INCREASE PUBLICLY-ACCESSIBLE PARKING SUPPLY

Short-Term

- Pursue lease agreements/partnerships with underutilized private parking lots

 - Consider permit system for those that are nervous about full public sharing

- Provide signage for shared lots

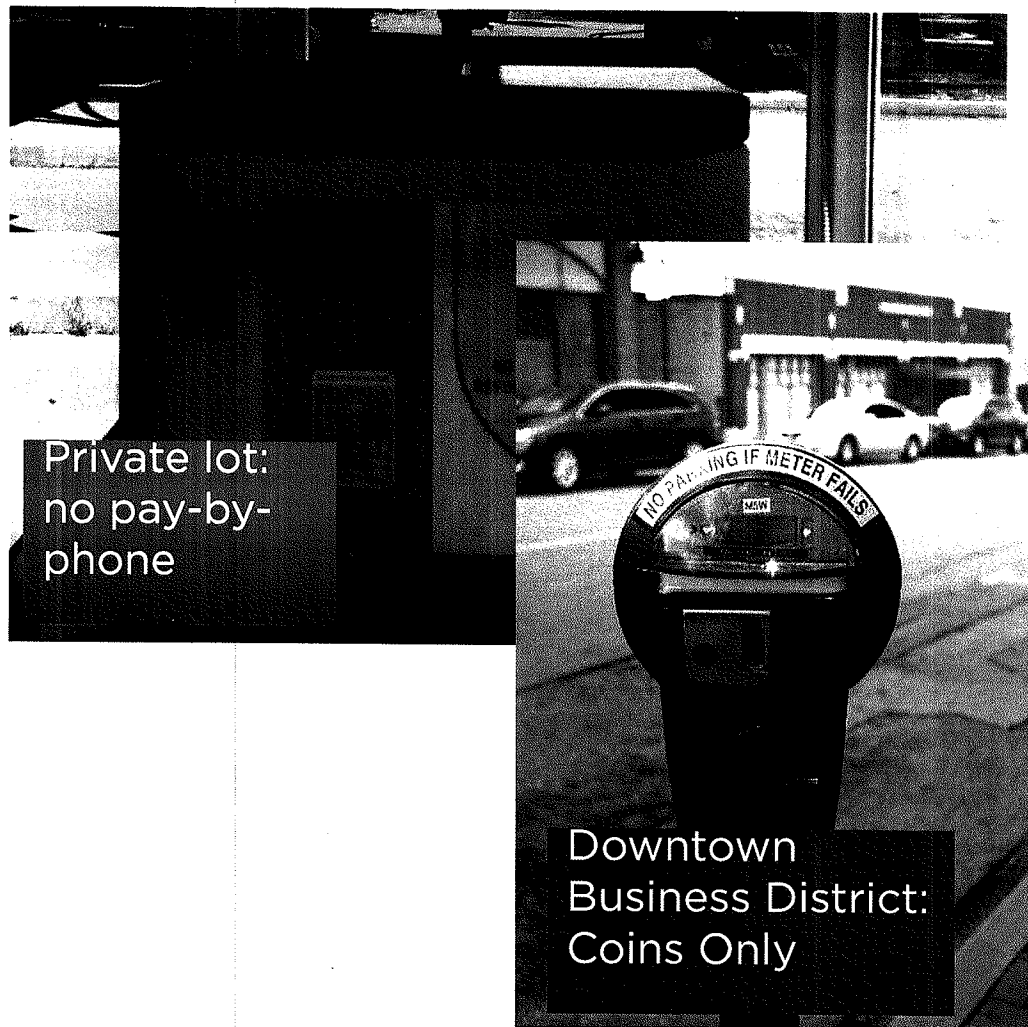
- Add **on-street parking** where it could help with high demand

- Establish a district threshold that triggers a shared garage

Long-term

- Work toward a goal of making 80% of total parking supply within the study area open and available to the public through valet/shared parking agreements (up from roughly 35%)

Challenge: Inconsistent Parking Technology



IMPLEMENT CURRENT PARKING TECHNOLOGY

Short-Term

- Expand mobile payment option to private lots and DBD
- Update enforcement system/hardware for pay-by-plate
 - “First ticket free” enforcement capability

Longer-Term

- Pay-by-plate enforcement
- Smart meters
 - In coordination with Parking Stakeholder Group
- LPR enforcement technology

Challenge: Event Parking

\$5, flat fee - Cash only, pay-as-you-park (not at kiosk)

Cash is fastest option; using kiosks did not work in the past

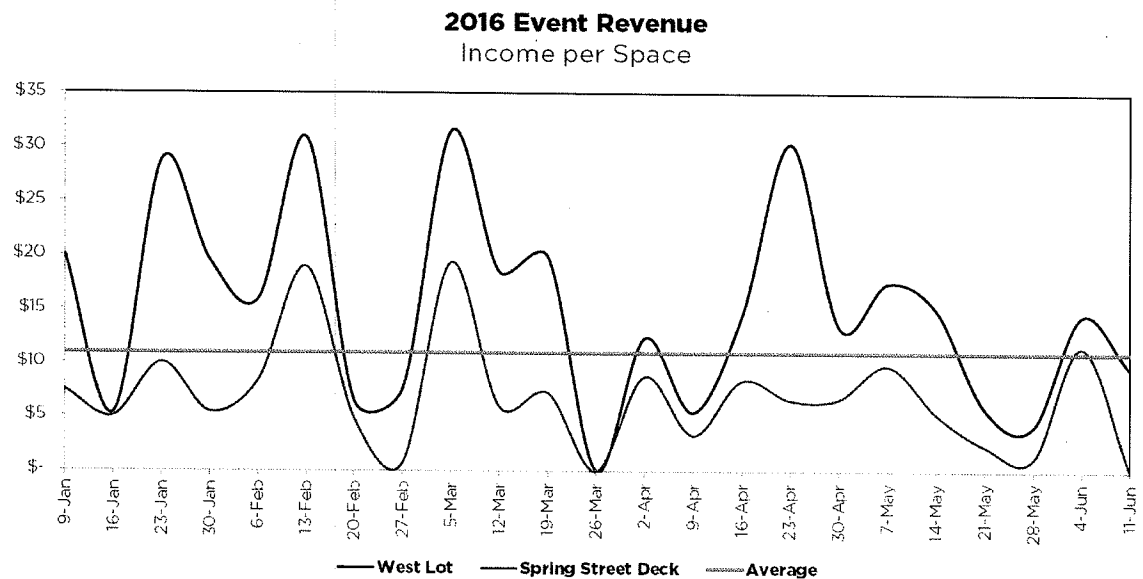
Patrons complain that they need exact change

Parking access for those with limited mobility is an issue

5-10 staff members required

Begins 2 to 3 hours prior to start time of event

Spring Street brings
in less income per
space than West Lot



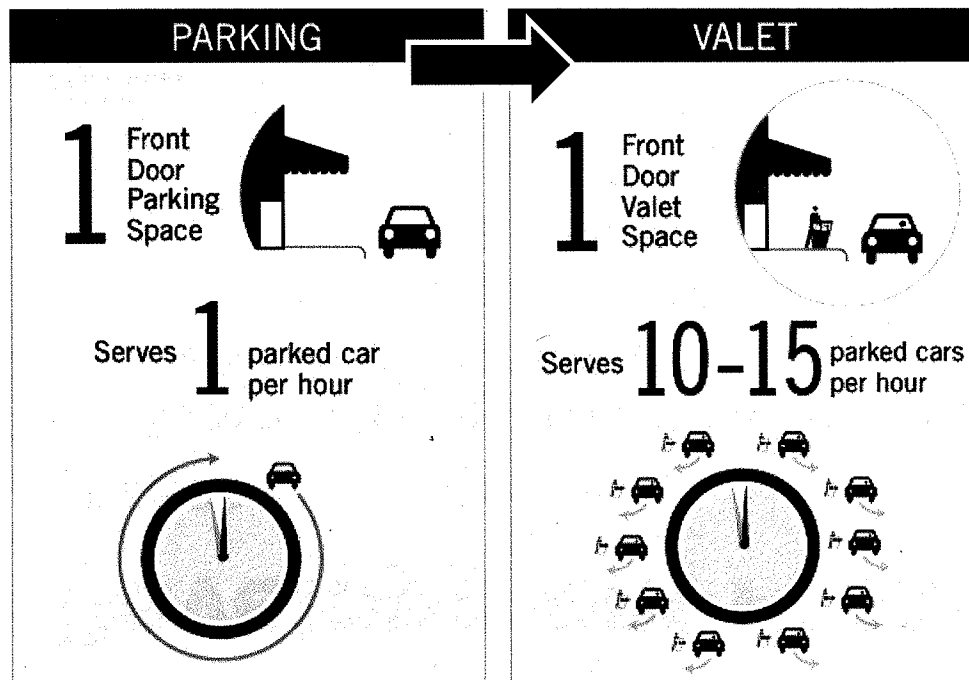
IMPROVE EVENT PARKING

Short-Term

Bundle Event Parking
w/Ticket Sales
Valet Parking

Longer-Term

Pilot multiple payment options
at Spring Street Deck
Charge less to park in Spring
Street Deck



Challenge:

Development Pressures

ASSETS

Fayetteville employs many best practices for compact, walkable downtowns

- Parking minimums/maximums
- Bicycle parking requirements

BUT...

Few Transportation Demand Management (TDM) measures

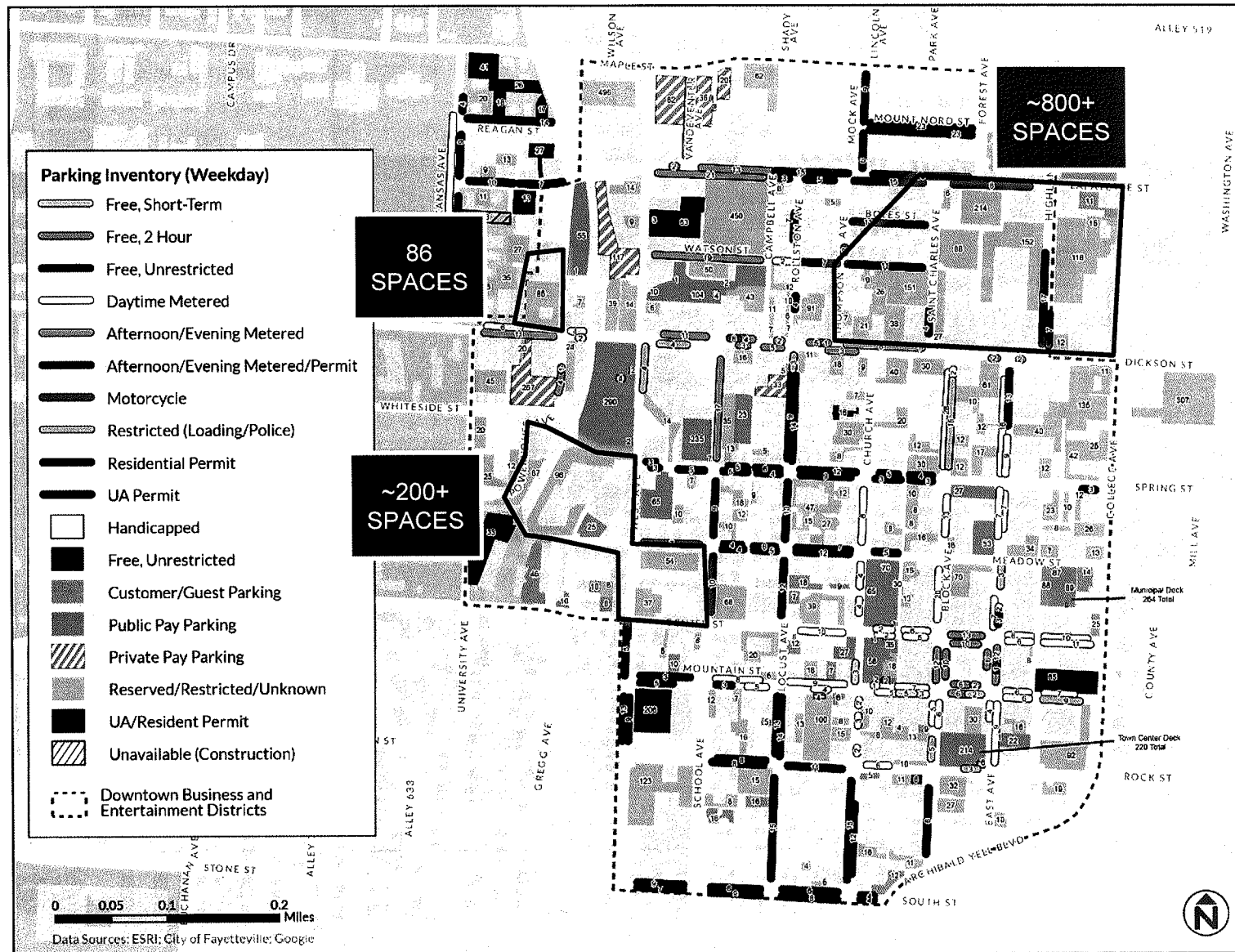
Shared parking provisions are limited and current arrangements have management issues

No “fee in-lieu” program where **developers support** TDM / parking provision downtown

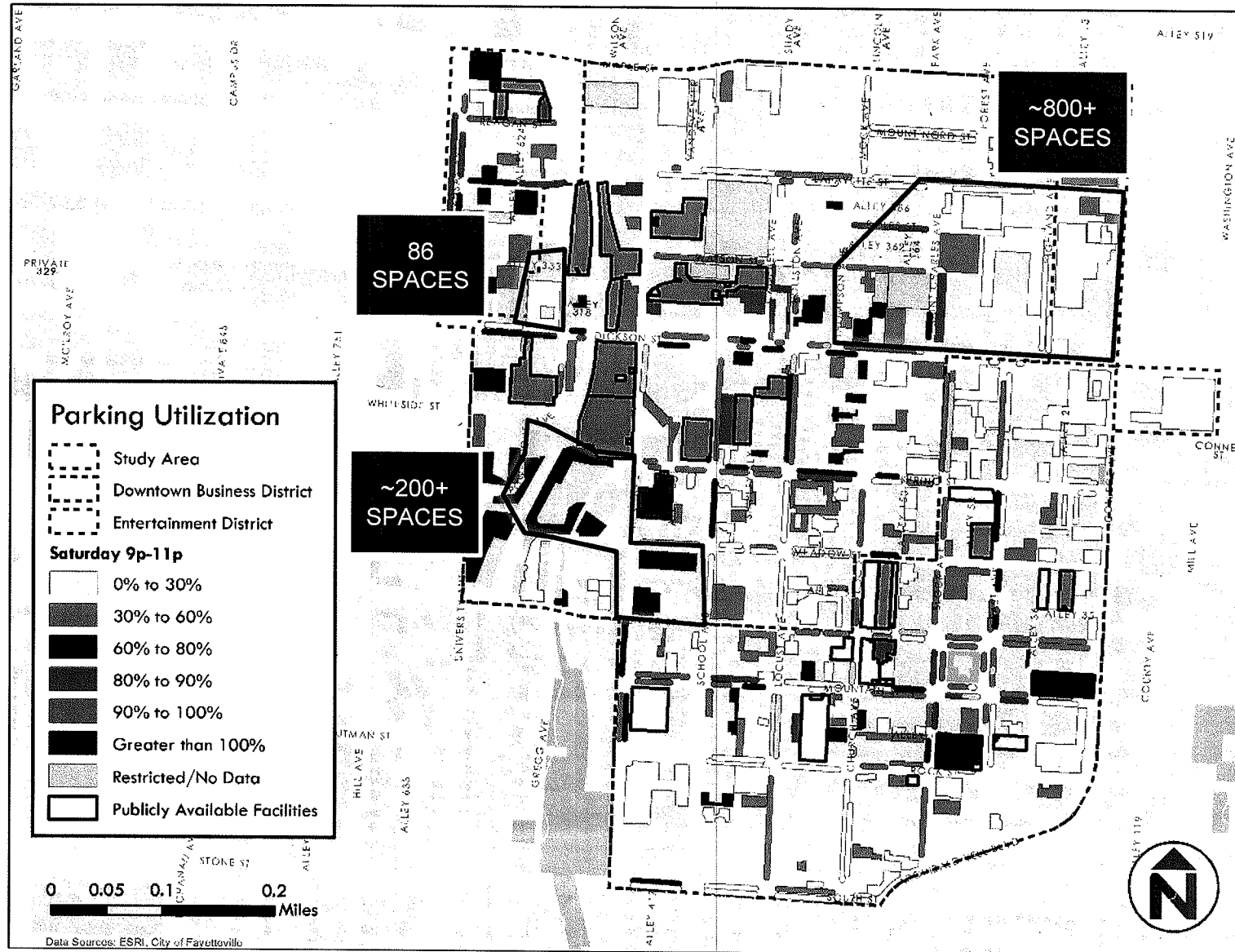
Parking can be **bundled with sale of property**, forcing some to pay more for parking they may not use

Structured parking is expensive to build!

Underutilized Restricted Parking



Underutilized Restricted Parking - Less Than Half Full At Peak



PREPARE FOR FUTURE DEVELOPMENT

Short Term

- Actively broker shared parking agreements

- Provide sample agreements

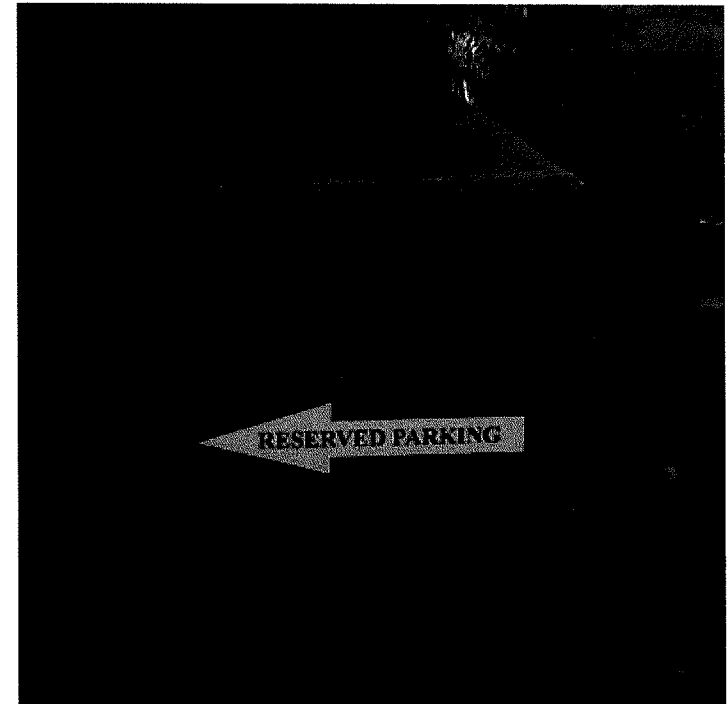
- Pursue Transportation Demand Management (TDM) measures

Longer-Term

- Develop TDM Toolkit

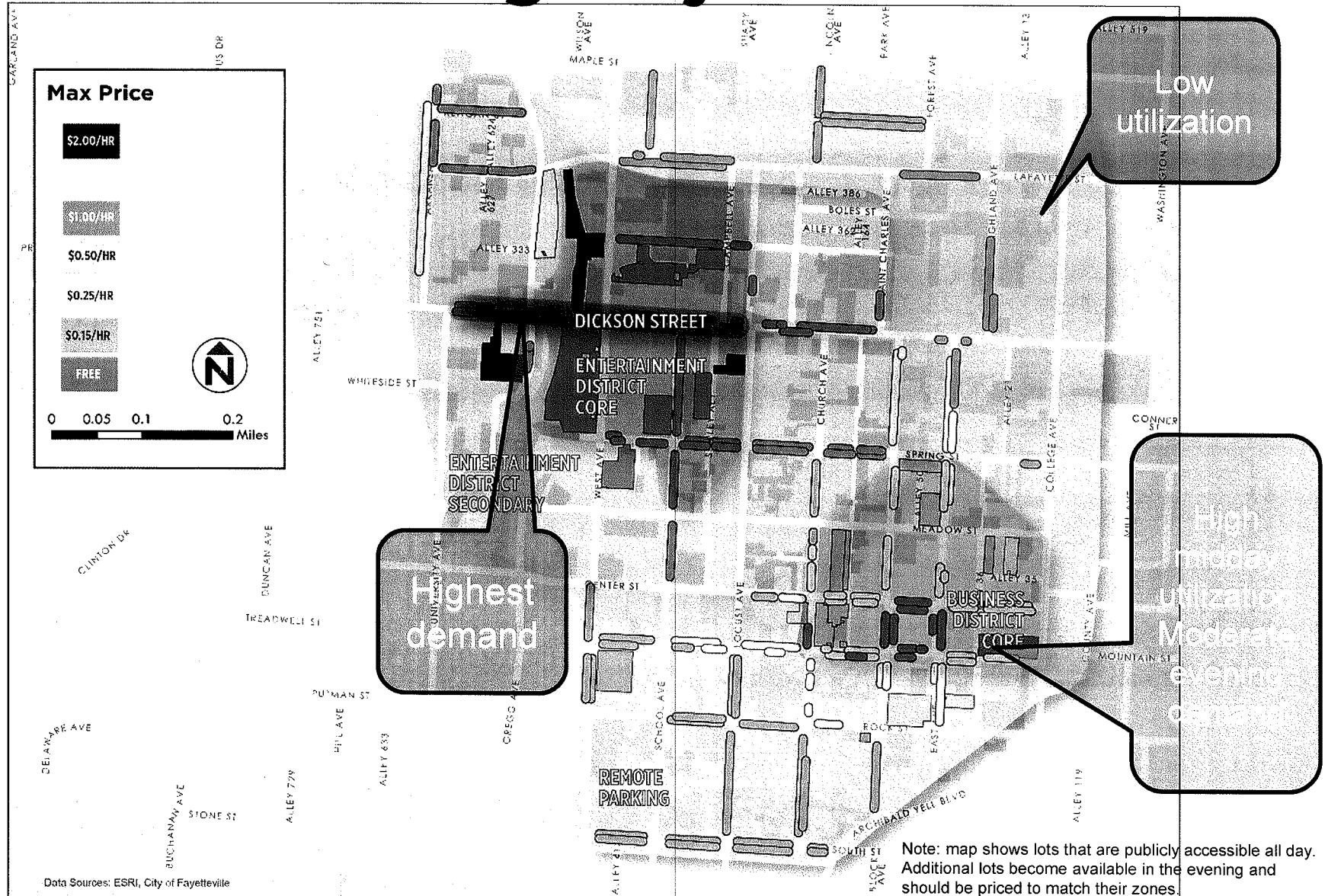
- Review development code

- Adopt TDM language as necessary

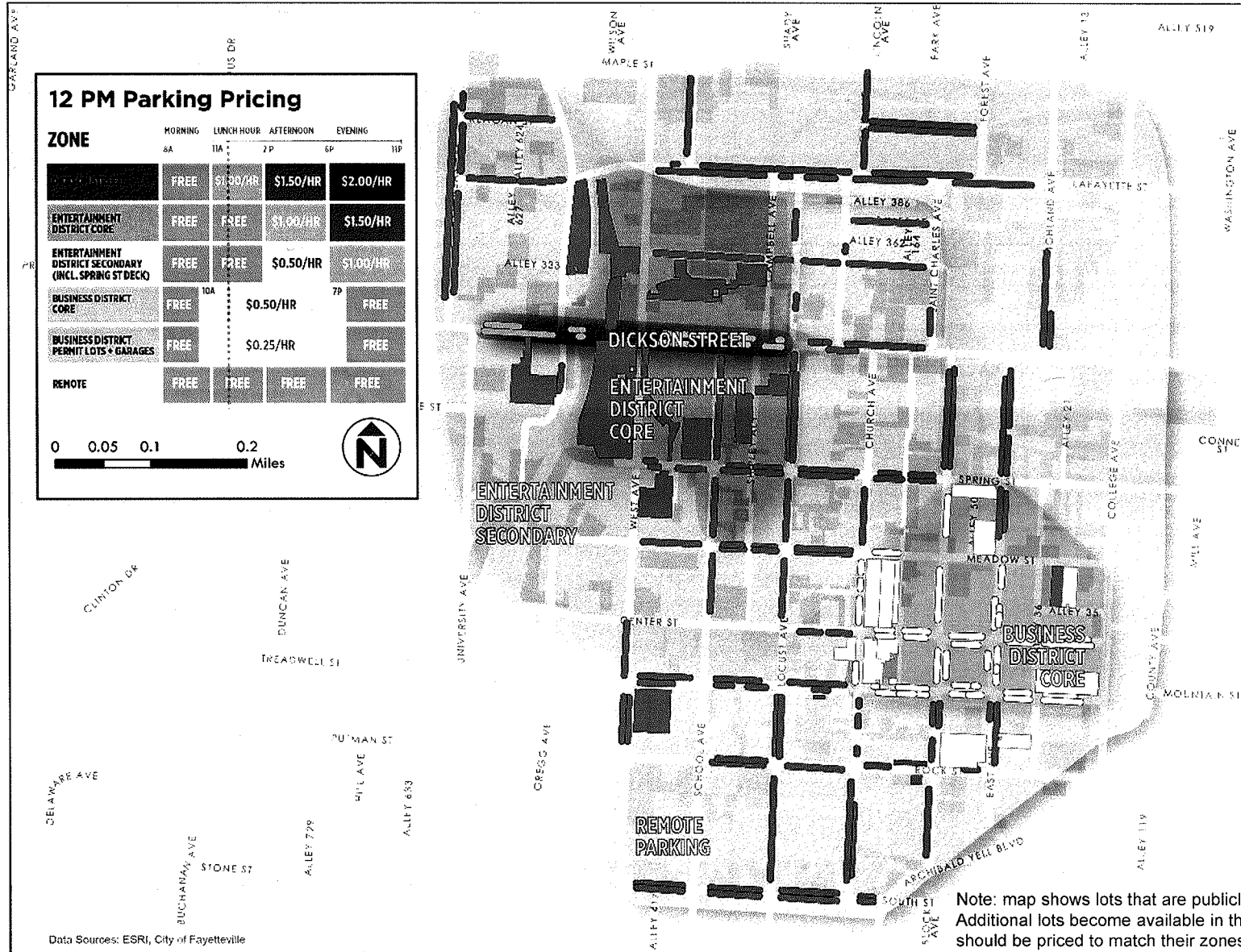


Challenge:

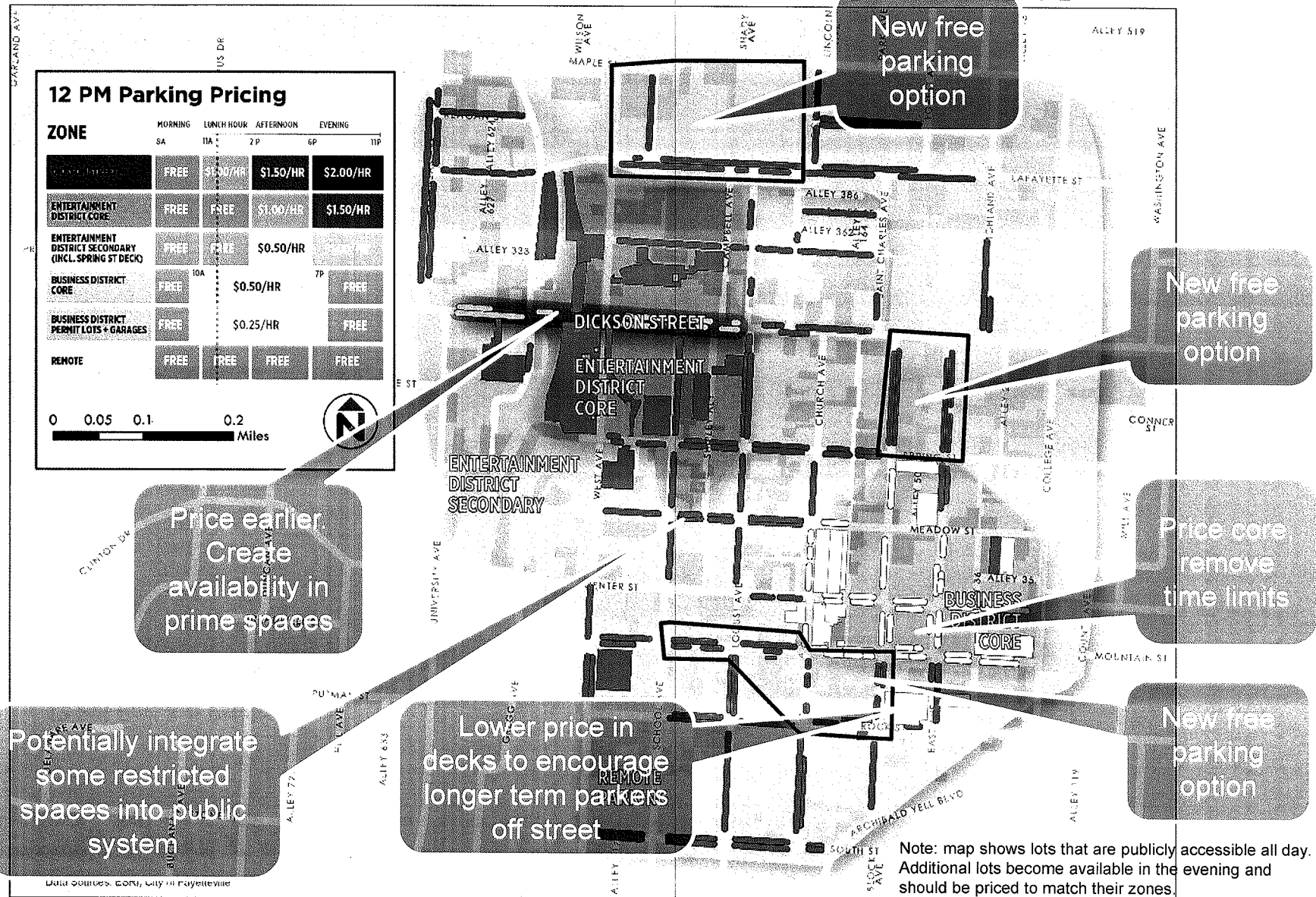
Price does not logically match demand



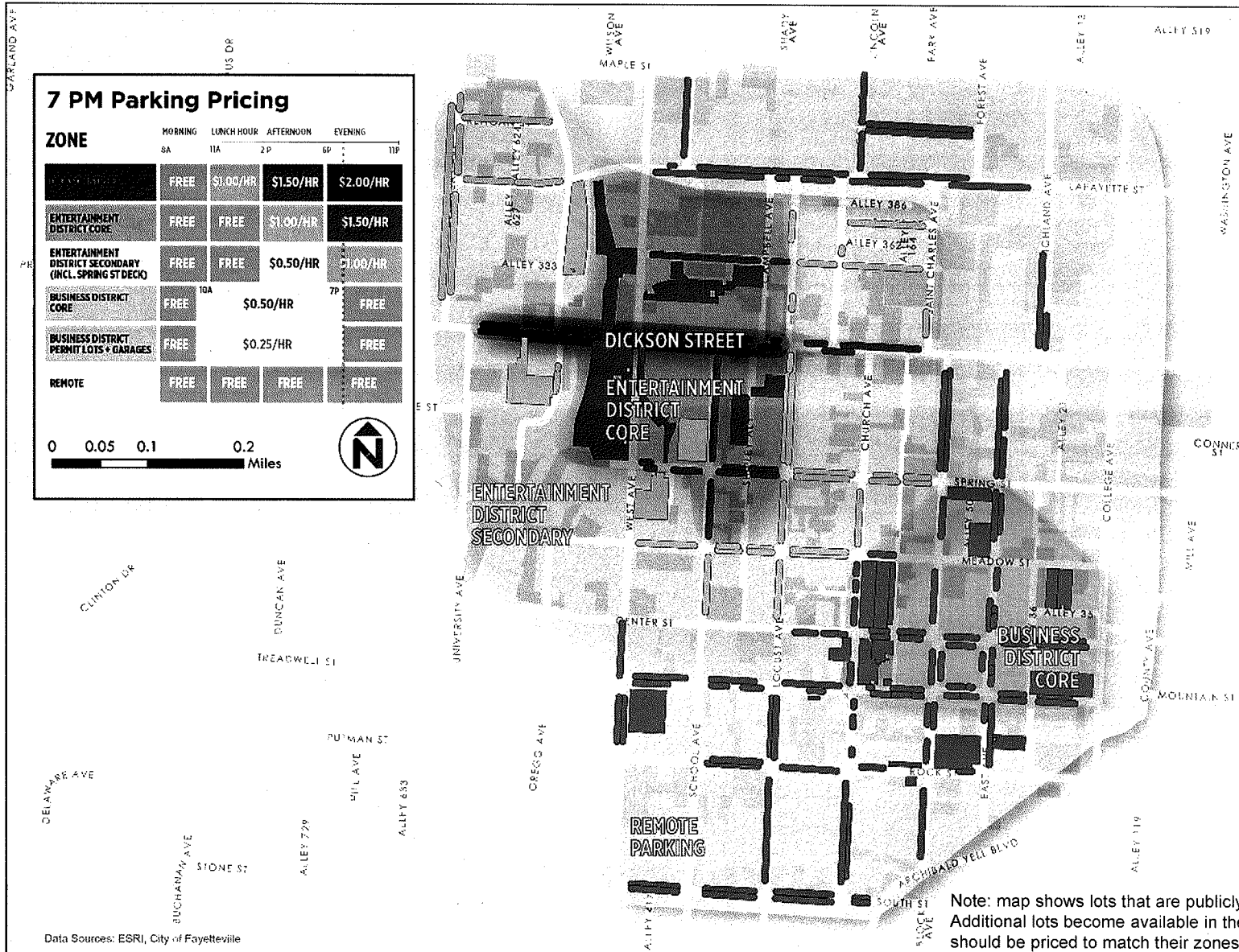
Longer- Term: IMPLEMENT PERFORMANCE BASED MANAGEMENT



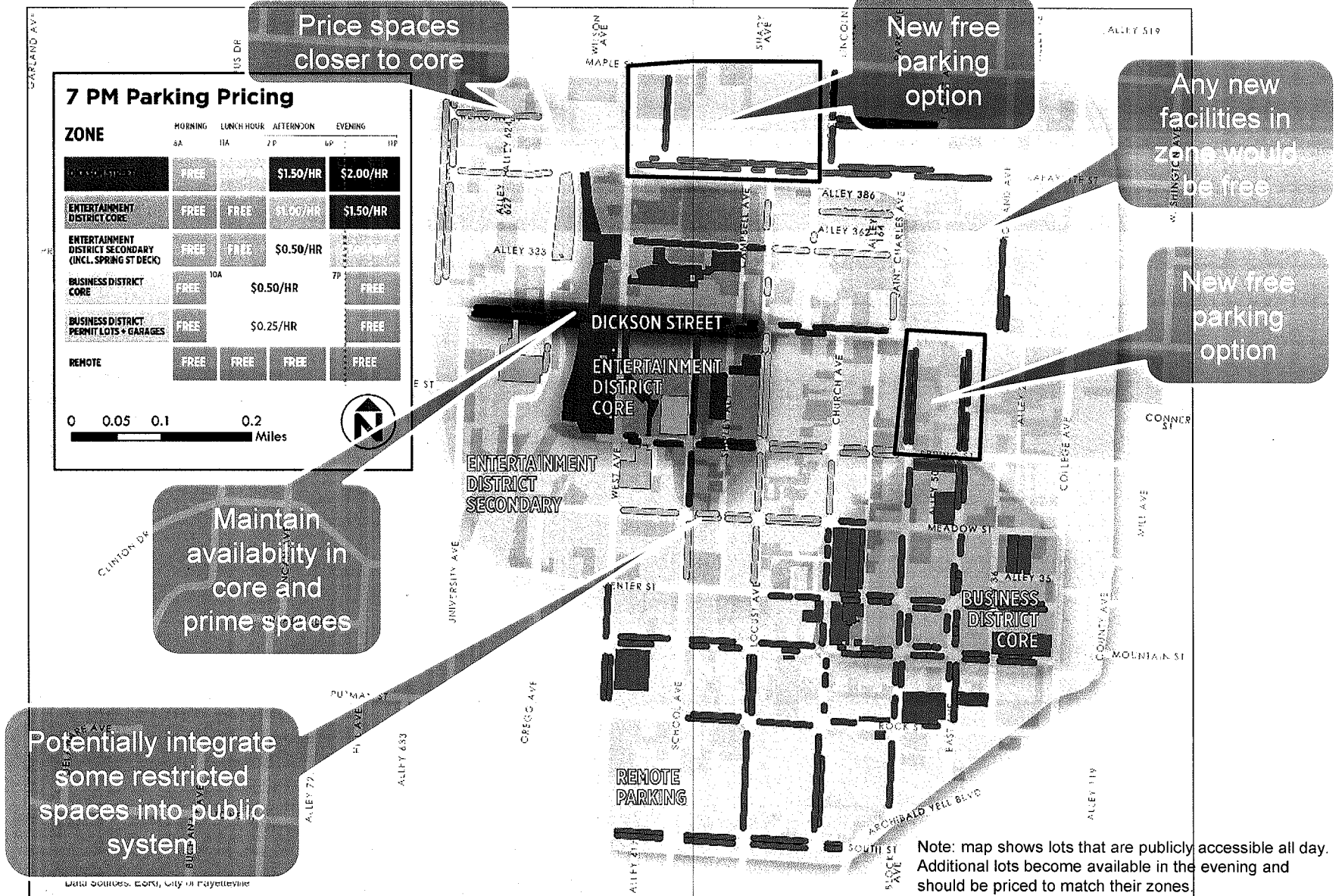
Longer- Term: IMPLEMENT PERFORMANCE BASED MANAGEMENT



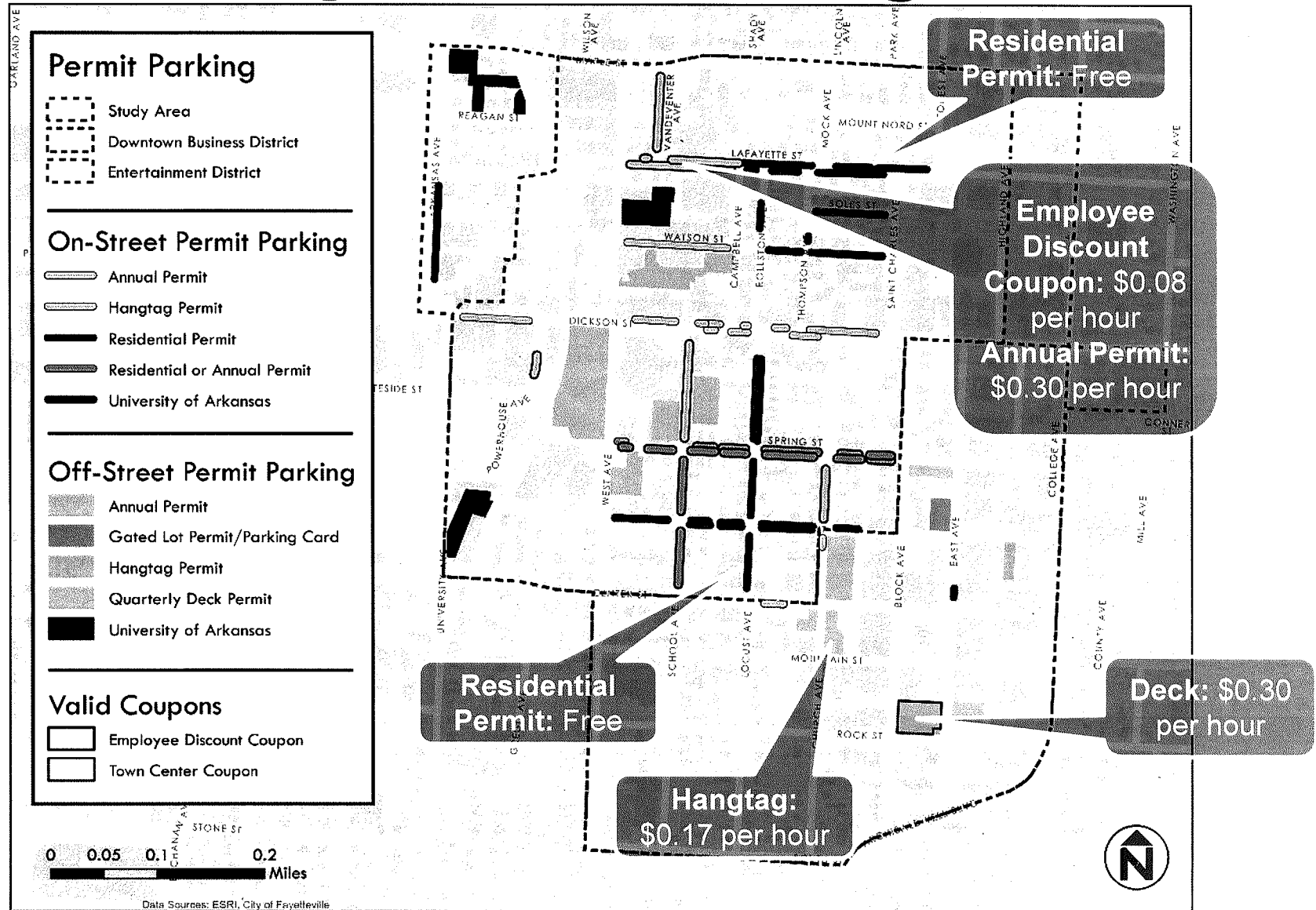
Longer- Term: IMPLEMENT PERFORMANCE BASED MANAGEMENT



Longer- Term: IMPLEMENT PERFORMANCE BASED MANAGEMENT



Challenge: Permit Program is Confusing



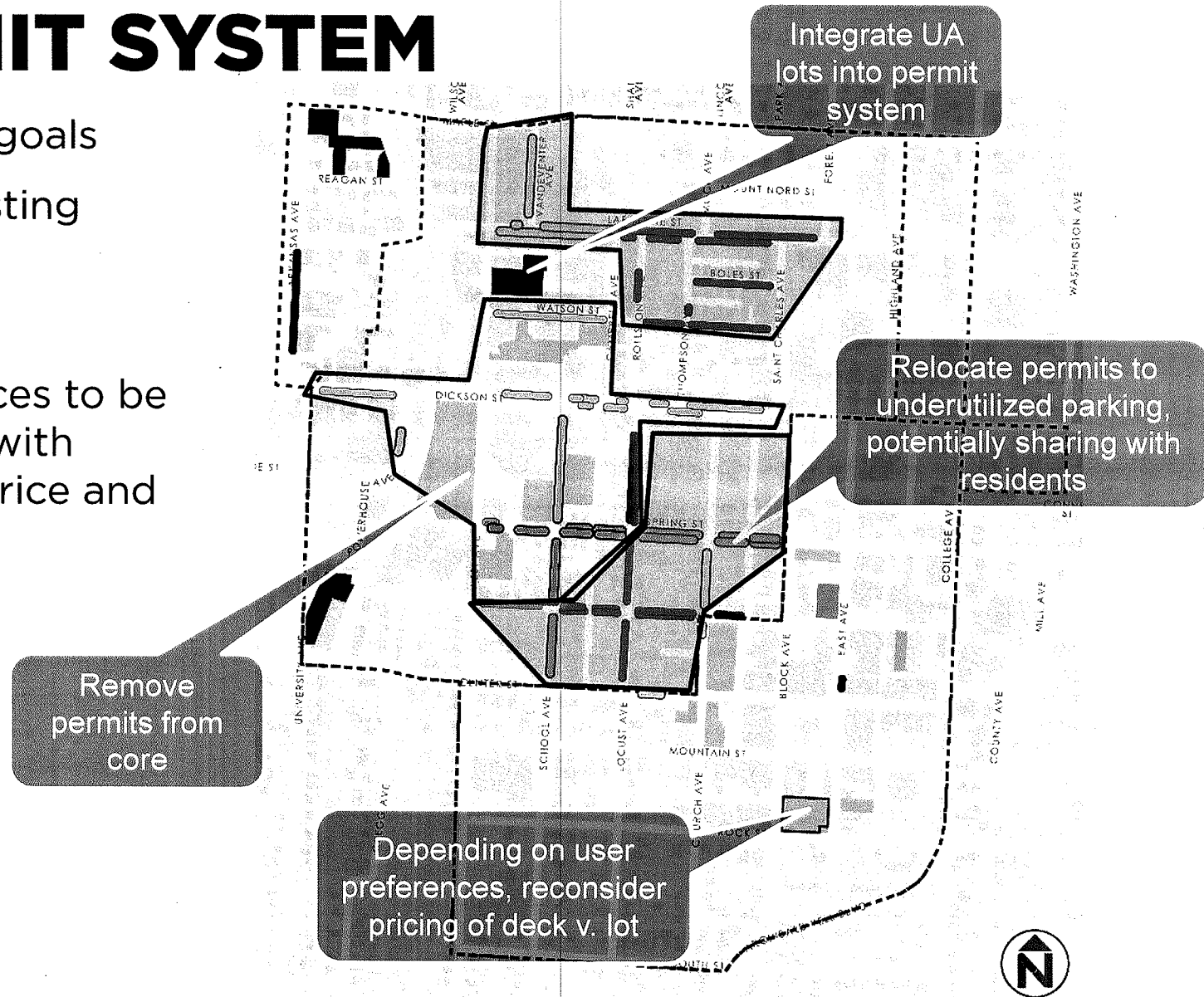
Longer-Term: STREAMLINE PERMIT SYSTEM

Determine goals

Review existing system

Simplify

Realign prices to be consistent with customer price and each other



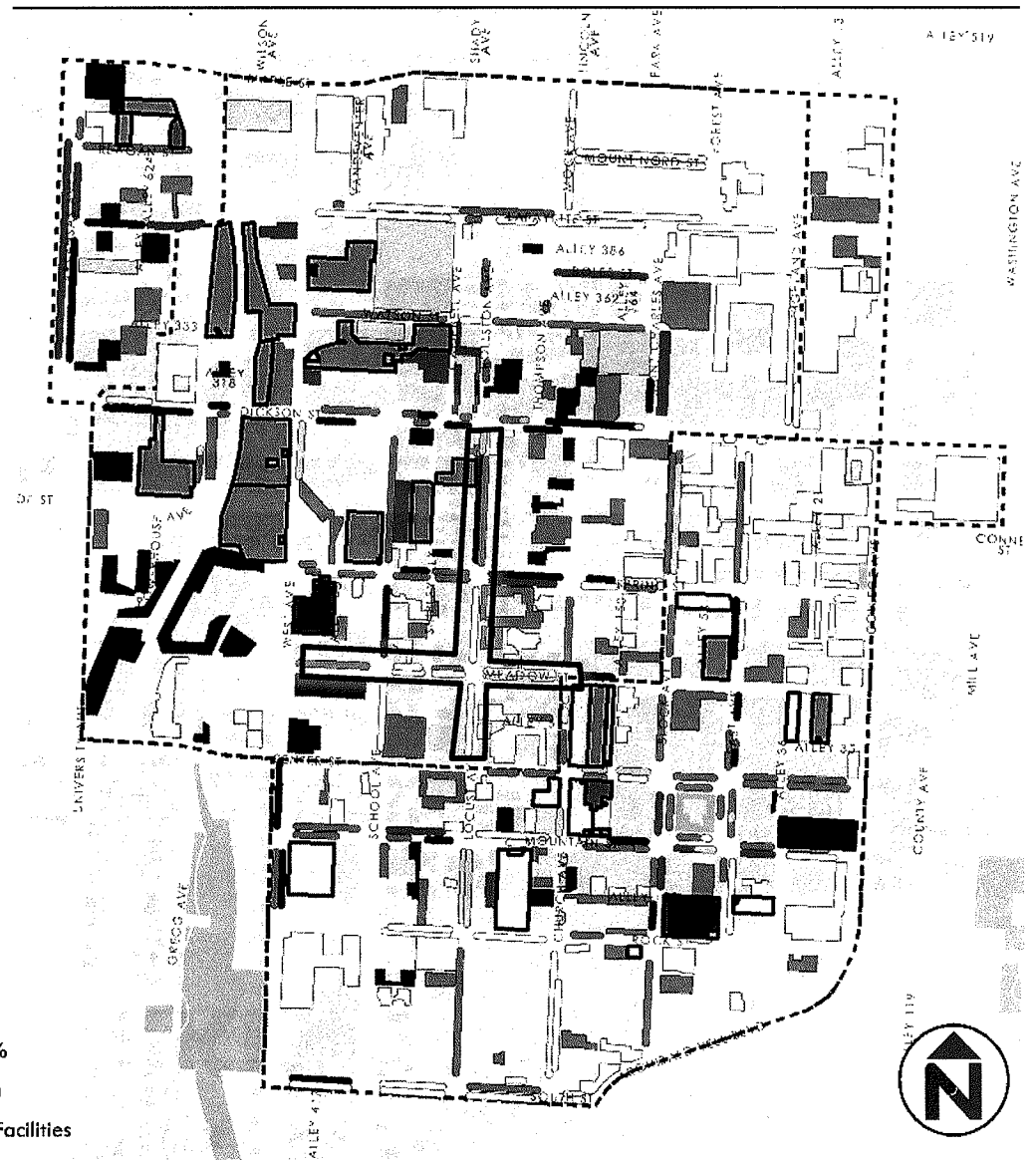
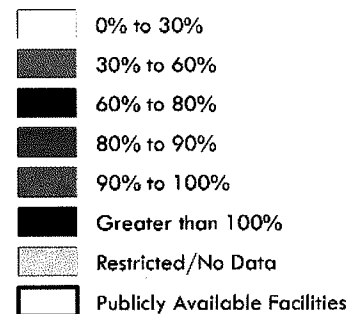
Challenge: Residential Parking v. Public Parking

Residences in Entertainment District do not have their own parking

Special event demand can be acute (BBB)

Daily, some residential spaces are vacant in an area of otherwise high demand

Residential permit programs can be administrative challenges



Longer-Term: CREATE A RESIDENTIAL PARKING BENEFIT DISTRICT

Revisit resident-only on-street spaces

- Open one/both sides to general public parking

- Potentially only open to public during daytime hours

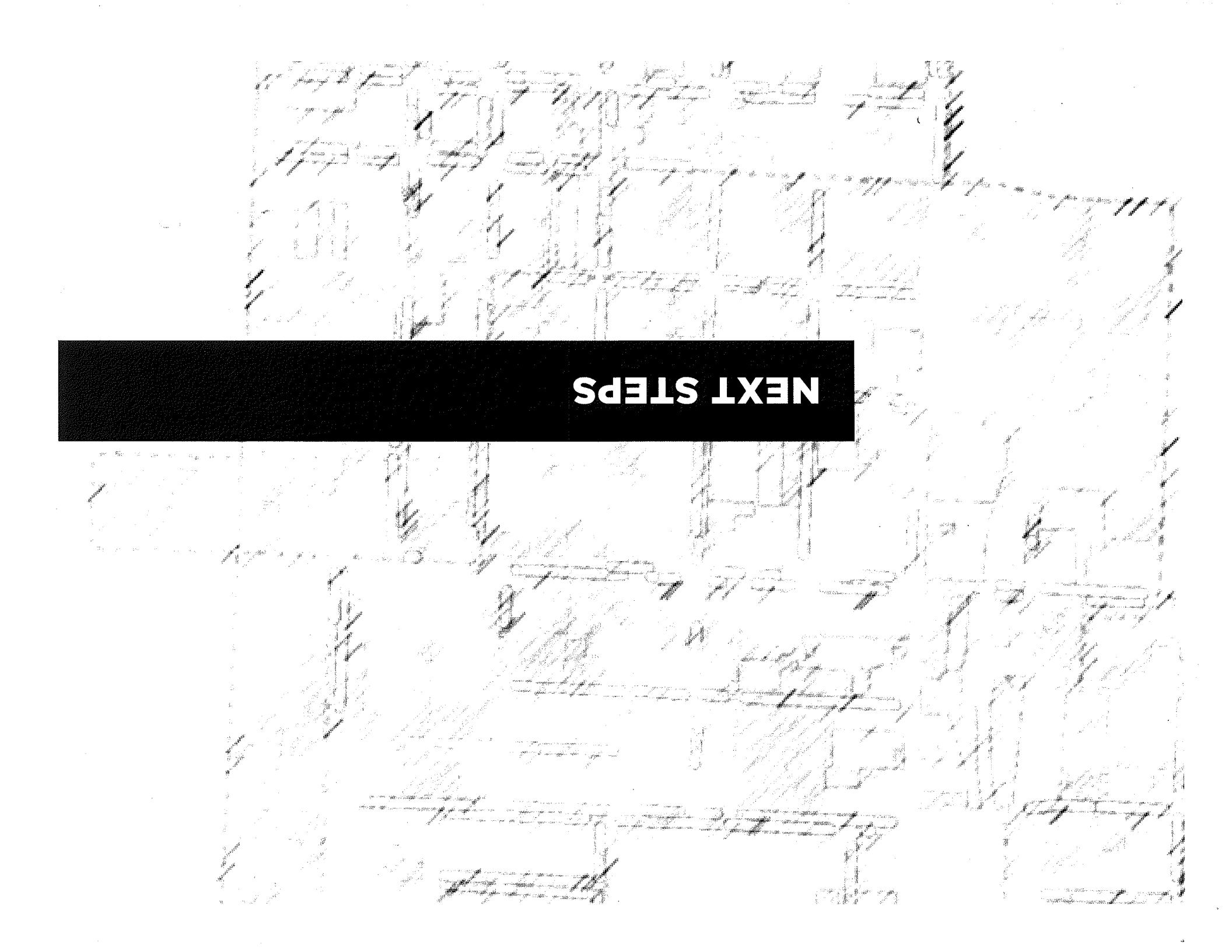
- Use for employee parking

- Limit access during very large events

Reinvest net revenues into hyper localized improvements

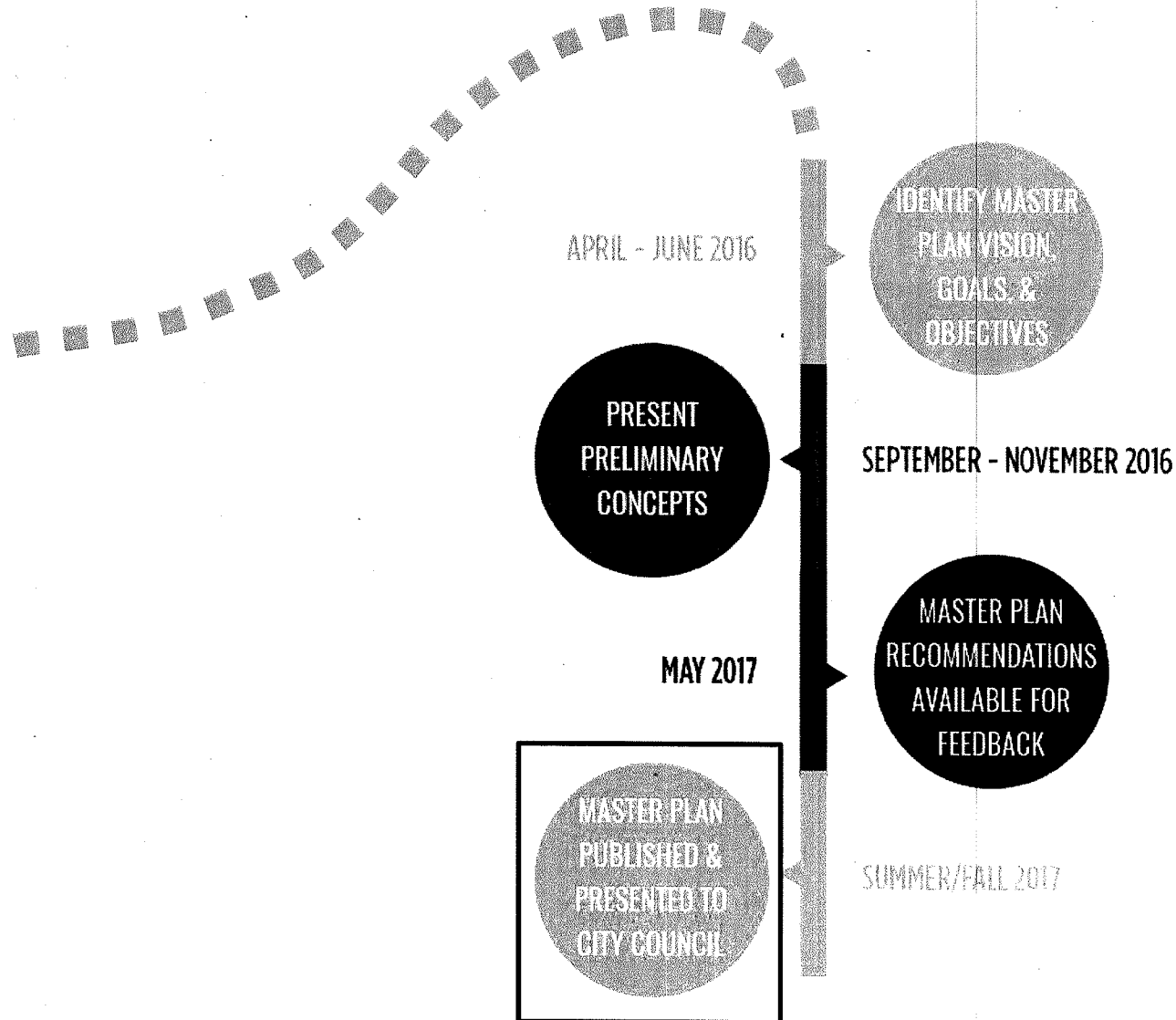
Boulder, CO

- Residents buy permits annually
- Each household gets 2 free visitor permits
Non resident commuter permits available
- Other vehicles that park are subject to a time limit
- Revenues reinvested into neighborhood

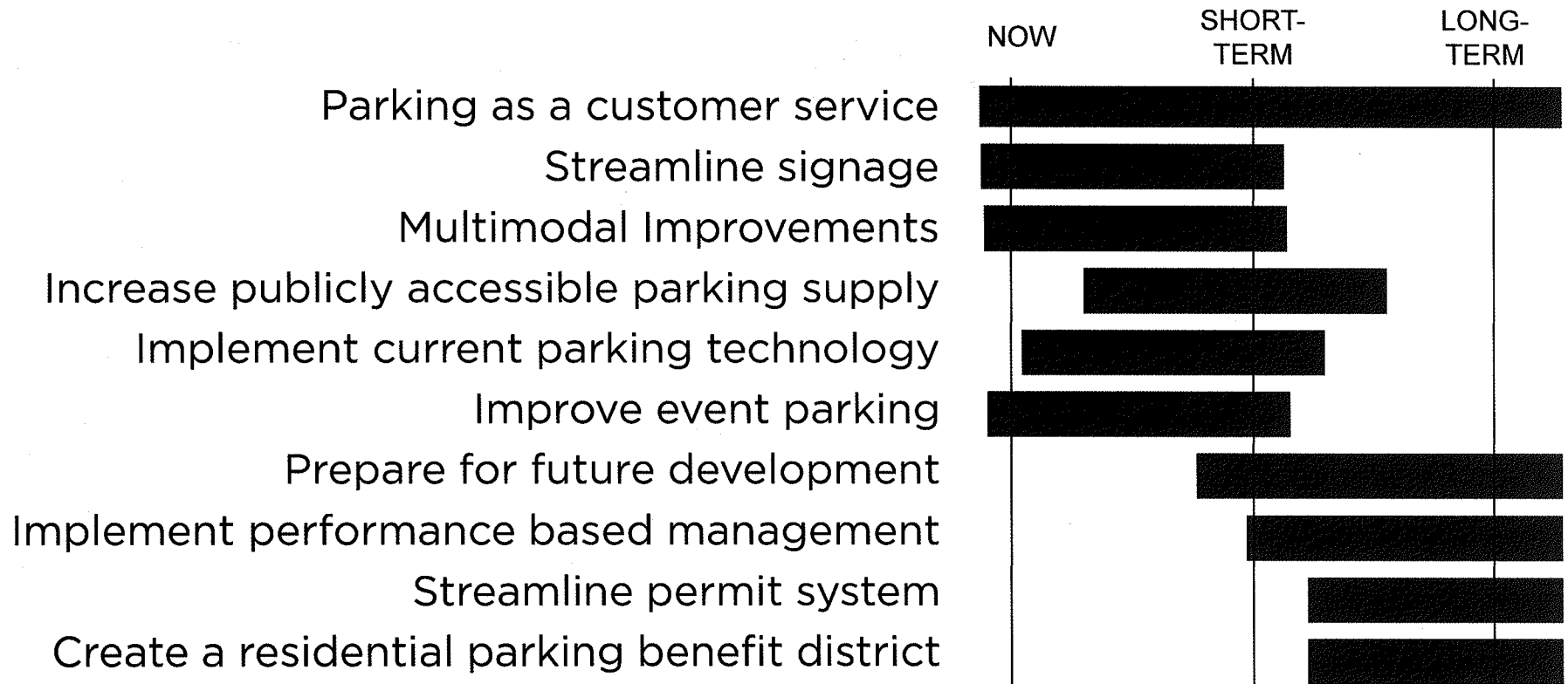


NEXT STEPS

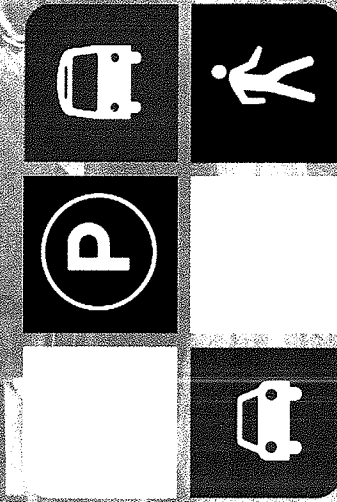
WHAT'S NEXT?



WHAT'S NEXT?



PARKING STUDY MANAGEMENT STRATEGIES



FAYETTEVILLE MOBILITY

MAY 30, 2017 CITY COUNCIL BRIEFING

Pre Agenda Mtg. 5-24-17

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, May 30, 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. 2017-0233

ADVERTISING AND PROMOTION COMMISSION APPOINTMENT

2. 2017-0232

NOMINATING COMMITTEE REPORT

Attachments: NOMINATING COMMITTEE REPORT

Agenda Additions

A. Consent:

✓ 2016-0576

APPROVAL OF THE MAY 16, 2017 CITY COUNCIL MEETING MINUTES.

✓ 2017-0261

STEVE LANDERS TOYOTA OF NWA:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TOYOTA CAMRY HYBRID FROM STEVE LANDERS TOYOTA OF NWA IN THE AMOUNT OF \$25,517.00 PURSUANT TO A STATE PROCUREMENT CONTRACT FOR USE BY THE POLICE DEPARTMENT

Attachments: STEVE LANDERS TOYOTA OF NWA

AV3

2017-0235**MCCLELLAND CONSULTING ENGINEERS, INC.:**

A RESOLUTION TO APPROVE A CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$250,793.00 FOR ENGINEERING SERVICES ASSOCIATED WITH THE KITTY CREEK SEWER LINE IMPROVEMENT PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$25,079.30

Attachments:MCCLELLAND CONSULTING ENGINEERS, INC.

AV4

2017-0282**NORTH STARR DRIVE SEWERAGE SYSTEM EXTENSION:**

A RESOLUTION TO APPROVE AN EXTENSION OF THE CITY'S SEWERAGE SYSTEM BEYOND THE CITY LIMITS TO PROPERTY LOCATED ON NORTH STARR DRIVE

Attachments:NORTH STARR DRIVE SEWERAGE SYSTEM EXTENSION

AV5

2017-0285**UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES LEASE AGREEMENT:**

A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE UNOCCUPIED BANQUET AREA IN THE AIRPORT TERMINAL BUILDING TO BE USED BY THE OSHER LIFELONG LEARNING INSTITUTE TO CONDUCT CLASSES DURING THE FALL 2017 SEMESTER IN THE AMOUNT OF \$25.00 FOR EACH DAY THE SPACE IS USED

Attachments:UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES LEASE AGREEMENT

✓
AV6 2017-0270

BENCHMARK CONSTRUCTION OF NWA, INC. CHANGE ORDER NO. 3:

A RESOLUTION TO APPROVE CHANGE ORDER NO. 3 TO THE CONTRACT WITH BENCHMARK CONSTRUCTION OF NWA, INC. IN THE AMOUNT OF \$42,021.00 FOR THE CONSTRUCTION OF A GRAVEL ACCESS DRIVE, CONCRETE PIER PADS AND IRRIGATION SYSTEM AT THE FIRE DEPARTMENT TRAINING FACILITY, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$4,202.10

✓
AV7 2017-0280

Attachments: BENCHMARK CONSTRUCTION OF NWA, INC. CHANGE ORDER NO. 3

ARKANSAS STATE POLICE MATCHING GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF AN 80/20 MATCHING GRANT FROM THE ARKANSAS STATE POLICE IN THE AMOUNT OF \$24,160.00 FOR THE DEVELOPMENT OF AN ACCIDENT REPORTING INTERFACE BETWEEN THE CITY OF FAYETTEVILLE AND ARKANSAS STATE POLICE PUBLIC SAFETY SOFTWARE SYSTEMS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: ARKANSAS STATE POLICE MATCHING GRANT
 BA ARKANSAS STATE POLICE MATCHING GRANT

✓
AV8 2017-0281

TYLER TECHNOLOGIES, INC. AMENDMENT:

A RESOLUTION TO APPROVE AN AMENDMENT TO THE CONTRACT WITH TYLER TECHNOLOGIES, INC. IN THE AMOUNT OF \$27,329.00 FOR THE DEVELOPMENT OF AN ACCIDENT REPORTING INTERFACE BETWEEN THE CITY OF FAYETTEVILLE AND ARKANSAS STATE POLICE PUBLIC SAFETY SOFTWARE SYSTEMS

Attachments: TYLER TECHNOLOGIES, INC. AMENDMENT

AV9 2017-0260**BID #17-38 SHOR-LINE:**

A RESOLUTION TO AWARD BID #17-38 AND AUTHORIZE THE PURCHASE OF CAT ADOPTION CAGES AND VET CLINIC RECOVERY CAGES FROM SCHROER MANUFACTURING CO. D/B/A SHOR-LINE IN THE AMOUNT OF \$30,382.52 PLUS APPLICABLE TAXES FOR THE LIB HORN ANIMAL SHELTER OF FAYETTEVILLE

A.V10 2017-0265
Attachments: BID #17-38 SHOR-LINE:**TSA LA GI TRAIL OF TEARS MURAL:**

A RESOLUTION TO APPROVE A CONTRACT FOR THE COMMISSION OF PUBLIC ART WITH STACY BATES IN THE AMOUNT OF \$5,000.00 FOR A TRAIL OF TEARS MURAL ON THE TSA LA GI TRAIL, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: TSA LA GI TRAIL OF TEARS MURAL
BA TSA LA GI TRAIL OF TEARS MURAL

B. Public Hearing:**BM** 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:

At the May 16, 2017 City Council Meeting this resolution was tabled to the June 6, 2017 City Council Meeting.

C. Unfinished Business: None**D. New Business:**

DV1 2017-0269

NWA CAPITAL INVESTMENTS, LLC:

A RESOLUTION TO SELL ABOUT 3 ACRES OF LAND IN THE COMMERCE DISTRICT TO NWA CAPITAL INVESTMENTS, LLC FOR \$45,000.00

Attachments: NWA CAPITAL INVESTMENTS, LLC:

DV2 2017-0263

VAR 17-5800: 1541 W. MLK BLVD. (PANERA BREAD):

A RESOLUTION TO AFFIRM THE PLANNING COMMISSION'S APPROVAL OF A VARIANCE OF THE PENALTY PROVISION OF **THE TREE PRESERVATION AND PROTECTION** CHAPTER OF THE UNIFIED DEVELOPMENT CODE FOR PROPERTY LOCATED AT 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD

Attachments: VAR 17-5800: 1541 W. MLK BLVD. (PANERA BREAD)

DV3 2017-0279

APPEAL VAR 17-5782 (1541 W. MLK BLVD./PANERA BREAD):

A RESOLUTION TO PARTIALLY GRANT THE VARIANCE REQUEST SUBMITTED BY BATES & ASSOCIATES, INC. TO ALLOW A MORE COMPLETE CURB CUT ACCESS FOR 1541 WEST MARTIN LUTHER KING, JR. BOULEVARD

Attachments: APPEAL VAR 17-5782 (1541 W. MLK BLVD./PANERA BREAD)

DV4 2017-0267

LSD 17-5771 (MASTER STREET PLAN AMENDMENT BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE/SPRINGHOUSE VILLAGE):

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY CHANGING THE ALIGNMENT OF AN UNNAMED STREET BETWEEN CROSSOVER ROAD AND BRIDGEWATER LANE AND BY RECLASSIFYING IT FROM A COLLECTOR STREET TO A LOCAL STREET

Attachments: LSD 17-5771 (MASTER STREET PLAN AMENDMENT BETWEEN CROSSOVER

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2017-0266**RZN 17-5772 (810 S. CHERRY LN./ SWEETSER PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5772 FOR APPROXIMATELY 0.53 ACRES LOCATED AT 810 SOUTH CHERRY LANE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI- FAMILY, 24 UNITS PER ACRE

Attachments: RZN 17-5772 (810 S. CHERRY LN./SWEETSER PROPERTIES)

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2017-0268**RZN 17-5776: (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5776 FOR APPROXIMATELY 0.31 ACRES LOCATED AT 1320 SOUTH COLLEGE AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE, URBAN

Attachments: RZN 17-5776: (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES)

D✓7

2017-0271**RZN 17-5770 (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5770 FOR APPROXIMATELY 0.45 ACRES LOCATED AT 769 AND 785 SOUTH WASHINGTON AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE, URBAN

Attachments: RZN 17-5770 (769 & 785 S. WASHINGTON AVE./WARFORD PROPERTIES)

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2017-0286**RZN 17-5713 (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE.):**

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CREATE A NEW ZONING DISTRICT, URBAN THOROUGHFARE LIGHT; UT-L, TO CHANGE OR AMEND DEFINITIONS OF "BUILDING HEIGHT" AND "STORIES" AND TO REZONE LOTS ALONG AND ON BOTH SIDES OF COLLEGE AVENUE RUNNING FROM NORTH STREET TO MAPLE STREET CONTAINING ABOUT 24.62 ACRES AS SHOWN OF EXHIBIT A OF THE PLANNING DEPARTMENT'S MEMO

Attachments: RZN 17-5713 (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AV

E. City Council Agenda Session Presentations:

EV 1 2017-0262

AGENDA SESSION PRESENTATION - PARKING STUDY RECOMMENDATIONS BY
NELSON NYGAARD

EV 2 2017-0274

AGENDA SESSION PRESENTATION - SEVEN HILLS FINANCIAL UPDATE

F. City Council Tour:

G. Announcements:

H. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE
