

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 20, 2017**

A meeting of the Fayetteville City Council was held on June 20, 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.

Agenda Additions:

- 1. CATO SPRINGS TRAIL LIGHTING:** A resolution to express the willingness of the City of Fayetteville to apply for and utilize Federal-Aid Transportation Alternatives Program 80/20 grant funds in an amount of up to \$280,000.00 available through the Northwest Arkansas Regional Planning Commission and to approve a local match of up to \$70,000.00 for the installation of lighting along the Cato Springs Trail.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 125-17

A. Consent:

1. Approval of the June 6, 2017 City Council Meeting Minutes.

Approved

2. **POLICE DEPARTMENT DONATION REVENUE:** A resolution to approve a budget adjustment in the total amount of \$7,700.00 recognizing donation revenue to the Fayetteville Police Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 126-17

3. **CERTIFIED LOCAL GOVERNMENT GRANT:** A resolution to approve a grant agreement with the Arkansas Historic Preservation Program for a certified local government grant in the amount of \$14,291.00, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 127-17

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.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 128-17

C. Unfinished Business:

1. **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.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5981

2. **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 SECOND READING

3. **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 TABLED TO AUGUST 1, 2017 CITY COUNCIL MEETING.

D. New Business:

- 1. AMEND UDC 161.28 AND 161.29:** An ordinance to amend §§ 161.28 district i-1, heavy commercial light industrial and 161.29 district i-2, general industrial to use unit 16, shopping goods as a permitted use.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5982

E. City Council Agenda Session Presentations:

F. City Council Tour:

G. Announcements:

Adjournment: 6:02 p.m.

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

5-0

Subject:	Agenda Addition: Cato Springs Trail Lighting				
Motion To:		Add to the Agenda	Approve		
Motion By:		Marsh	Marsh		
Seconded:		Gray	Tennant		
125-17 Approved	Gray	✓	✓		
	Marsh	✓	✓		
	Kinion	absent	absent		
	Petty	✓	✓		
	Tennant	✓	✓		
	Bunch	✓	✓		
	La Tour	absent	absent		
	Long	absent	absent		
	Mayor Jordan	✓			

6-0

5-0

Subject:	Consent				
Motion To:					
Motion By:					
Seconded:					
A. 1- A. 3 <i>Approved</i> 126-17 127-17	Gray	✓			
	Marsh	✓			
	Kinion	absent			
	Petty	✓			
	Tennant	✓			
	Bunch	✓			
	La Tour	absent			
	Long	absent			
	Mayor Jordan				

50

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

Subject:		RAZE AND REMOVAL 265 WEST NONNAMAKER DRIVE			
Motion To:					
Motion By:			Approve		
Motion By:			Marsh		
Seconded:			Gray		
B. 1 Public Hearing <i>Approved</i> <i>12-8-17</i>	Gray		✓		
	Marsh		✓		
	Kinion		absent		
	Petty		✓		
	Tennant		✓		
	Bunch		✓		
	La Tour		absent		
	Long		absent		
	Mayor Jordan				

50

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

Subject:		RZN 17-5772 (810 S. CHERRY LN./ SWEETSER PROPERTIES)			
Motion To:			3rd Read	Approve	
Motion By:			Tennant		
Seconded:			Gray		
C. 1 Unfinished Business Approved 5981	Gray		✓	✓	
	Marsh		✓	✓	
	Kinion		absent	absent	
	Petty		✓	✓	
	Tennant		✓	✓	
	Bunch		✓	✓	
	La Tour		absent	absent	
	Long		absent	absent	
	Mayor Jordan		✓		

6-0

5-0

Subject:		RZN 17-5776: (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES)			
Motion To:					
Motion By:					
Seconded:					
C. 2 Unfinished Business Left on 2nd Read	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Bunch				
	La Tour				
	Long				
	Mayor Jordan				

Subject:		AMEND UDC AND REZONE - RZN 17-5713 (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE.)			
Motion To:			2 nd Read	Table	
Motion By:			Tennant	Tennant	
Seconded:			Petty	Petty	
C. 3 Unfinished Business Tabbed to Aug 1st Council	Gray		✓	✓	
	Marsh		✓	✓	
	Kinion		absent	absent	
	Petty		✓	✓	
	Tennant		✓	✓	
	Bunch		✓	✓	
	La Tour		absent	absent	
	Long		absent	absent	
	Mayor Jordan		✓		

6-0

5-0

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

Subject:		AMEND UDC 161.28 AND 161.29			
Motion To:		2 nd Read	3 rd Read	Amend	Approve
Motion By:		Marsh	Marsh	Marsh	
Seconded:		Gray	Gray	Petty	
D. 1 New Business <i>Approved</i> 5982	Gray	✓	✓	✓	✓
	Marsh	✓	✓	✓	✓
	Kinion	absent	absent	absent	absent
	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Bunch	✓	✓	✓	✓
	La Tour	absent	absent	absent	absent
	Long	absent	absent	absent	absent
	Mayor Jordan	✓	✓		

6-0

6-0

5-0

5-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
New Business	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Bunch				
	La Tour				
	Long				
	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 21, 2017**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of June 20, 2017**

1. A resolution to express the willingness of the City of Fayetteville to apply for and utilize Federal-Aid Transportation Alternatives Program 80/20 Grant funds in an amount of up to \$280,000.00 available through the Northwest Arkansas Regional Planning Commission and to approve a local match of up to \$70,000.00 for the installation of lighting along the Cato Springs Trail.
2. A resolution to approve a budget adjustment in the total amount of \$7,700.00 recognizing donation revenue to the Fayetteville Police Department.
3. A resolution to approve a grant agreement with the Arkansas Historic Preservation Program for a Certified Local Government Grant in the amount of \$14,291.00, and to approve a budget adjustment.
4. 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.
5. 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.
6. An ordinance to amend §§ 161.28 District I-1, Heavy Commercial and Light Industrial and 161.29 District I-2, General Industrial to add Use Unit 16, Shopping Goods and Use Unit 13, Eating Places as permitted uses.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, June 20, 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:****Agenda Additions:****A. Consent:****A. 1** [2016-0577](#)

APPROVAL OF THE JUNE 6, 2017 CITY COUNCIL MEETING MINUTES.

A. 2 [2017-0283](#)**POLICE DEPARTMENT DONATION REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$7,700.00 RECOGNIZING DONATION REVENUE TO THE FAYETTEVILLE POLICE DEPARTMENT

Attachments: [POLICE DEPARTMENT DONATION REVENUE](#)
 [BA_POLICE DEPARTMENT DONATION REVENUE](#)

A. 3 [2017-0289](#)**CERTIFIED LOCAL GOVERNMENT GRANT:**

A RESOLUTION TO APPROVE A GRANT AGREEMENT WITH THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR A CERTIFIED LOCAL GOVERNMENT GRANT IN THE AMOUNT OF \$14,291.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [CERTIFIED LOCAL GOVERNMENT GRANT](#)
 [BA_CERTIFIED LOCAL GOVERNMENT GRANT](#)

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 June 6, 2017 City Council Meeting this resolution was tabled to the June 20, 2017 City Council Meeting.

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

C. Unfinished Business:**C. 1** [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 \(810 S. CHERRY LN./SWEETSER PROPERTIES\)](#)

At the June 6, 2017 City Council Meeting this ordinance was left on the second reading.

C. 2 [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: \(1320 S. COLLEGE AVE./SUGARLAND PROPERTIES\)](#)

At the June 6, 2017 City Council Meeting this ordinance was was left on the first reading.

C. 3 [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 AND TO CHANGE OR AMEND DEFINITIONS OF "BUILDING HEIGHT" AND "STORIES"

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

At the June 6, 2017 City Council Meeting this ordinance was was left on the first reading.

D. New Business:

D. 1 [2017-0305](#)

AMEND UDC 161.28 AND 161.29:

AN ORDINANCE TO AMEND §§ 161.28 DISTRICT I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL AND 161.29 DISTRICT I-2, GENERAL INDUSTRIAL TO ADD USE UNIT 16, SHOPPING GOODS AS A PERMITTED USE

Attachments: [ADM 17-5841 ADMINISTRATIVE CHANGES TO UDC 161.28 AND 161.29](#)

E. City Council Agenda Session Presentations:

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.

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.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Sarah Bunch, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Justin Tennant was absent.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

Nominating Committee Report, Advertising and Promotion Commission Appointment, and Historic District Commission - Mayor Appointment

Alderman Kinion presented the Nominating Committee report and recommended the appointments as submitted.

A copy of the report is attached.

Alderman Kinion moved to approve the Nominating Committee Report. Alderman Gray seconded the motion. Upon roll call the motion passed 5-2. Alderman Long, Gray, Kinion, Petty, and Bunch voting yes. Alderman Marsh and La Tour voting no. Alderman Tennant was absent.

Report on Library Bond Issue - Paul Becker, CFO

Paul Becker, Chief Financial Officer gave a brief summary on the Library Bond Issue. He stated he is happy to report that a lot of progress is being made. He stated the construction is beginning soon.

Agenda Additions: None

Consent:

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

Approved

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.

Resolution 112-17 as recorded in the office of the City Clerk

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.

Resolution 113-17 as recorded in the office of the City Clerk

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.

Resolution 114-17 as recorded in the office of the City Clerk

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.

Resolution 115-17 as recorded in the office of the City Clerk

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.

Resolution 116-17 as recorded in the office of the City Clerk

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.

Resolution 117-17 as recorded in the office of the City Clerk

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.

Resolution 118-17 as recorded in the office of the City Clerk

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.

Resolution 119-17 as recorded in the office of the City Clerk

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.

Resolution 120-17 as recorded in the office of the City Clerk

Alderman Gray moved to accept the Consent Agenda as read. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Long, Gray, Marsh, Kinion, Petty, Bunch, and La Tour voting yes. Alderman Tennant was absent.

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

Mayor Jordan opened the Public Hearing.

David Carver, Code Compliance Administrator gave a brief description of the resolution.

Matthew Cabe, City Building Official presented images illustrating the dilapidated structure.

Alderman La Tour stated his concerns about acting too quickly when a homeowner is making a small effort. He requested to know who is doing the repairs.

Matthew Cabe: I don't know who is doing the repairs.

Alderman La Tour: You admit there are repairs being made?

Matthew Cabe: We know that some paint has been put on the home and a new roof has been installed incorrectly.

Alderman La Tour: It tells me that somebody cares about it. It's not like it is abandoned and they don't care. They are making some effort.

Matthew Cabe: I don't disagree. However the house doesn't meet the minimum standards for inhabitability as dictated by building code and standard housing code.

Alderman La Tour: Is anyone living in the house?

Matthew Cabe: Thankfully, no.

Alderman La Tour: Maybe they are working toward habitability.

Matthew Cabe: We have had numerous meetings with the homeowner regarding his permit application. He has been given two and a half pages of comments of issues that we think need to be addressed and need to be articulated in his application. He hasn't been able to provide satisfactory information.

Alderman La Tour: How did he respond at those meetings?

Matthew Cabe: I wasn't present at those meetings. From what I understand he was willing to perform what was requested. We haven't gotten the required information in order to issue a building permit. I don't believe he took issue with much of what was proposed.

Alderman La Tour: He wasn't evasive or hard to get along with?

Matthew Cabe: The one meeting I had with him, he was not evasive or hard to get along with. I felt like he didn't understand the scope of the repairs that would be required and the necessary effort to get this house to a minimum standard of inhabitability.

Alderman La Tour: Does he have a source of income?

Matthew Cabe: I believe he is a landlord, but not real sure. He owns basically all the structures on and around Nonnamaker Drive. It is one large parcel with eight to ten structures.

Alderman La Tour spoke about relative housing standards. He stated he is hesitant to go into a situation where a citizen is showing some effort.

Mayor Jordan asked if the owner was at the City Council meeting and it was confirmed that he was not.

Alderman Petty: It is clear that the house needs some repairs. Are we requiring them to bring the home up to date in terms of the codes we have on the books today or are we making reasonable accommodations for the age of the structure?

Matthew Cabe: Reasonable accommodations. We are willing to work with them and get to minimum standards of inhabitability.

Alderman Petty: We should communicate to the owner by action of the Council that we are serious. We could table this for two weeks. If there's reasonable efforts to address the concerns of the Building Department as reported back to us, then great and if there is not, then I am ready to vote to condemn and raze it.

Don Marr, Chief of Staff: This is complaint driven by an individual who was living in the location. He made a complaint about all the problems and the lack of responsiveness from the owner. Our primary request has been to do something, come see us, do a permit. We have walked through the items that needed to be in the permit. We have had a lack of responsiveness from the owner. This was on the agenda two weeks ago when the owner was here. He asked for it to be tabled to this meeting so he could come back and present to you. There are other structures on this site that we would be concerned about. Some may be as bad as the one we are talking about today.

Alderman Bunch: There are no people living in it at this time. Someone filed a complaint with the city?

Matthew Cabe stated yes and reiterated what Don Marr said.

Alderman Bunch: I would be in favor of giving this guy a couple more weeks. I suspect it is going to be a generous offer and not change anything. My concern with this is that he hasn't kept this house in a livable condition and has made money off of people who can't afford to live

somewhere else or has bad credit. I don't want to allow this person to continue to take advantage of people by not providing a livable structure to rent.

Alderman Marsh: I hate to see us lose these Ozarks Heritage structures. However, the condition of this house is appalling and it is a significant safety hazard. The electrical service is a fire hazard and someone could burn to death in this home. Due to the dilapidation, it is probably rampant with mold. Someone could fall through the porch or bathrooms. The high utility bills would more than offset the savings of cheap rent. We should set an example regarding the other structures on this property that they need to be maintained if he intends to rent them to people. He has had a significant amount of time already. We tabled it last time and I can't see him making enough of a difference in the next two weeks.

Alderman Petty: Did he give a reason for not being here tonight?

Matthew Cabe: I haven't had any contact with him.

Don Marr: We have had no correspondence with him since last City Council meeting. We have attempted in hopes of getting a permit filed for work improvement. Some of the repairs he has attempted have been without a permit. It was clearly communicated to him about needing to be permitted to do the work.

Alderman La Tour: When this homeowner came before us he had health issues. That is why he asked us to wait. It could be why he is not here tonight. I would be in favor of giving him two more weeks.

Alderman Petty moved to approve the resolution and then decided he would rather table the item for two weeks. Alderman Marsh had seconded the motion for approval. Alderman Petty withdrew his motion to approve, but Alderman Marsh chose to not withdraw her second. A procedural discussion followed about tabling and approving resolutions.

Mayor Jordan closed the Public Hearing.

Alderman Petty moved to table the resolution to the June 20, 2017 City Council meeting. Alderman La Tour seconded the motion. Upon roll call the motion to table passed 5-3. Alderman Long, Petty, Bunch, and La Tour voting yes. Mayor Jordan voted yes. Alderman Gray, Marsh, and Kinion voting no. Alderman Tennant was absent.

This resolution was tabled to the June 20, 2017 City Council meeting.

Unfinished Business: None

New Business:

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.

Tim Nyander, Utilities Director gave a brief description of the resolution. The Water, Sewer & Solid Waste Committee voted 4-0 in favor to forward the item to the City Council with a recommendation of approval.

Larry Long, Applicant stated it was the time in life for him and his wife to downsize. He requested for Council to grant access to the sewer line for the property.

Alderman Marsh: Who is providing the trash and recycling services to this street?

Larry Long: The city.

Alderman Marsh: Fire service?

Larry Long: The city on the city side, but not on the county side.

Alderman Marsh: Who maintains the road?

Larry Long: That is a question I have been trying to address with the city and the county for the last 25 years. Starr Drives goes in and out of being city and county at various positions over the first mile. It has continued to be an issue and I wish it would be resolved.

Alderman Marsh: All the services are already there. We are just allowing them to tap into the existing sewer line. We are not adding to the burden of maintenance for our city.

Larry Long: All of the utilities except for sewer are on the property.

Alderman Kinion: This is an exception. We are not generally going to allow hook ups that are outside of city limits. This is an unusual situation because of the location of the sewer main and manhole. It is not to set a precedent to anyone else that we are going to allow future development outside of the city limits.

Alderman Kinion moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-0. Alderman Long, Gray, Marsh, Kinion, Petty, Bunch, and La Tour voting yes. Alderman Tennant was absent.

Resolution 121-17 as recorded in the office of the City Clerk

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.

Don Marr, Chief of Staff gave a brief description of the resolution. He requested for the resolution to be tabled indefinitely.

Alderman Long moved to table the resolution indefinitely. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Long, Gray, Marsh, Kinion, Bunch, and La Tour voting yes. Alderman Petty was absent during the vote. Alderman Tennant was absent.

This resolution was Tabled Indefinitely

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.

Jonathan Curth, Senior Planner gave a brief description of the resolution. The Planning Commission recommended that they be allowed to have right in and right out access. City staff is recommending in favor of their request for three quarter access.

Mayor Jordan: You all are okay with left in and right in and right out?

Jonathan Curth: Correct.

City Attorney Kit Williams: I spoke to one of the applicants on this and he indicated the three quarters access would be acceptable.

Steve Fowler, 4746 Maple Grove Drive stated the main thing was having access to Martin Luther King. He stated they don't have a problem with the three quarter access.

Alderman Gray moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed 7-0. Alderman Long, Gray, Marsh, Kinion, Petty, Bunch, and La Tour voting yes. Alderman Tennant was absent.

Resolution 122-17 as recorded in the office of the City Clerk

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.

Jonathan Curth, Senior Planner gave a brief description of the resolution. The Planning Commission voted unanimously in favor of the request. Staff recommends the request.

Alderman Gray moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-0. Alderman Long, Gray, Marsh, Kinion, Petty, Bunch, and La Tour voting yes. Alderman Tennant was absent.

Resolution 123-17 as recorded in the office of the City Clerk

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.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Senior Planner gave a brief description of the ordinance. Staff supports the request. The Planning Commission voted 7-0 in favor of the request.

Dave Jorgensen, Representing Sweetser Properties stated he was available to answer questions.

Alderman Marsh: Due to high traffic counts, did you consider rezoning this to a mixed use? It seems like this would be an excellent place for some commercial activity.

Dave Jorgensen: We did not. The owner wants to build a townhouse on the corner.

Alderman Long moved to suspend the rules and go to the second reading. Alderman La Tour seconded the motion. Upon roll call the motion passed 7-0. Alderman Long, Gray, Marsh, Kinion, Petty, Bunch, and La Tour voting yes. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh: I would like the applicant to reconsider their proposal with the idea of including some sort of commercial activity. I want to hold it on the second reading.

Alderman La Tour: I believe we should defer to the applicant's desires. Some people don't want coffee shops. Some people want it to be just a residential neighborhood. We shouldn't impose our personal preferences. I don't want to hold it.

Alderman Marsh: This is an economic development issue. We need more services and jobs in that area. This is a large corner lot in a high traffic corridor.

Alderman Gray: I agree we need to hold it. I am surprised that we do not have any residents here speaking. We have had several calls about this area.

Mayor Jordan: Keep in mind Council that you don't have to pass these all in one evening.

This ordinance was left on the Second Reading

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.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Senior Planner stated that the applicant is requesting to leave it on the first reading.

This ordinance was left on the First Reading

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.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Senior Planner gave a brief description of the ordinance. Staff does not support the request. The Planning Commission voted 6-0 in favor of the request.

Michael Ward, Representing Property Owner gave a brief description of the area. He believes master plans are most effective when they can breathe and be flexible. They should allow for subtle changes in the neighborhood and to incorporate new knowledge. He stated there is a need for quality and attainable housing in the city.

Alderman Petty: Jonathan, at the Agenda Session you said something about the lot widths and the historic plat for this neighborhood. Can you remind us what they were?

Jonathan Curth: The large areas of the Walker Park neighborhood was originally platted with 25 foot lots with the intent being that someone could either by one 25 foot and develop on it or two 50 foot. You could accrue however many lots your income allowed.

Alderman Petty: Do we have any insight into why when we were developing this plan and trying to recognize the history of it that Neighborhood Conservation was crafted with minimum lot widths that were a departure from the original plat? Why was the neighborhood zoned to restrict uses to single family in a departure from the historic uses?

Jonathan Curth: The Neighborhood Conservation zoning district was created originally as part of the downtown master plan. I don't believe it was done with the Walker Park neighborhood in mind. I think the intent was to reflect some of the single family development that still remained in the area.

Rebecca Champagne, South Church stated the property is under contract. She stated she is in support of the rezoning and is requesting Council approval.

Paula Williford Combs, 1018 South Washington Avenue stated it is an old neighborhood and was platted out as long narrow lots. She stated people have been able to build long homes that fit into the neighborhood and wants to keep it that way.

Nancy Kahanak, 952 South Washington stated her main concern is not wanting apartment housing.

Alan Ostner, 312 South Block stated there is not a single block in the neighborhood that doesn't have a major project going on. He stated the single family that Neighborhood Conservation has brought in has been a success. He stated a conditional use can be done to get duplexes and triplexes and not have to rezone.

Randy Nix, 1372 South College spoke against the rezoning.

Alderman Petty gave a brief description of the choice to rezone or not. He stated if they rezone the owner will be able to make a modest return building smaller homes. He believes the homes won't have to be as expensive as larger ones because there may be a few more of them. He doesn't think that passing the rezoning is making all infill appropriate. He stated that the master plan today is a plan of extremes. He stated that an equilibrium needs to be found and believes that RI-U is a good candidate for that. He stated most builders and developers can't rely on conditional use permits because the threshold for submitting a complete application is so high and costly. They can't justify the risk before they know if the Planning Commission will view their project favorably. He gave a brief review of the Walker Park Neighborhood Master Plan. He stated when he thinks about the future, a minimum of 20,000 dwelling units are needed in Fayetteville to account for population growth. He stated if they aren't built then prices skyrocket. He spoke about building standards and current code.

Alderman Marsh: I support this rezoning. We have a diversity of household types and we need a diversity of housing to address them. Household structures are changing. We have a growing population of people for whom a single family home is not the most appropriate house type. When I compare Neighborhood Conservation to the RI-U zoning that is proposed, the height stays the same and we are getting smaller lot size. We don't have much to offer between student housing and single family homes for people who are graduating from college. We have a missing middle and this is a good opportunity to create some of that housing. South Fayetteville has historically been a neighborhood for working class people. For someone who is earning low wages, how are they supposed to get in if the barrier to home ownership is high because we are requiring that each home has all of this land and is a stand-alone dwelling? We should be putting density close to commercial corridors.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-1. Alderman Long, Gray, Marsh, Petty, Bunch, and La Tour voting yes. Alderman Kinion voted no. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Long, Gray, Marsh, Kinion, Petty, Bunch, and La Tour voting yes. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan gave a brief historical description of the Walker Park Plan in 2017 and the Fayette Junction plan. He stated he lives in a neighborhood that has houses, duplexes, and apartments and they have lived there for 20 years without any issues.

Alderman Kinion stated he was a part of the Walker Park Plan project. He stated he is voting against the rezoning because he believes there has to be respect for the intent of the Walker Park Plan and respect to the neighbors. He stated that if a conditional use is needed to move forward on property, it is a valuable tool to utilize so respect can be shown to the zoning that is in place.

Mayor Jordan: Those are good points, Alderman Kinion. I believe we put together a plan that everybody worked on together. It is difficult. I understand the new rezonings and the need for affordable housing.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman Long, Gray, Marsh, Petty, Bunch, and La Tour voting yes. Alderman Kinion voted no. Alderman Tennant was absent.

Ordinance 5980 as Recorded in the office of the City Clerk

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.

City Attorney Kit Williams passed out a memo and a proposed change. He stated he was requested by Council at the Agenda Session to separate the ordinance on College to only include the new zoning district and the definitions for that and not the actual rezoning of College itself.

Alderman Marsh moved to amend to separate the ordinance on College to only include the new zoning district and the definitions for that and not the actual rezoning of College itself. Alderman Kinion seconded the motion. Upon roll call the motion passed 6-1. Alderman Long, Gray, Marsh, Kinion, Bunch, and La Tour voting yes. Alderman Petty voting no. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty: I'm generally in favor of the goals of these actions as originally proposed. I'm receptive to most of the suggestions of the Planning Commission. Right now we are absent a Development Services Director. I'm concerned with such a complicated action that we will be able to move through this in a timely manner that still arrives at a quality decision. I don't think it is appropriate to delay this and make any decision contingent upon hiring for the position. I don't think that because this topic can be so complicated that discussion at the Council level will be particularly expedient or efficient. I'm not making the point we should rush into anything, but I worry we will get bogged down into the complexities of this decision. I am in favor of referring this to the Ordinance Review Committee. I am insistent that if we do that, the members of the Planning Commission be invited to participate in those discussions. There aren't any easy decisions left whenever it comes to these kinds of things. We need to remind ourselves of what the current zoning entitles property owners to build by right and the effect of the current zoning might have on the abutting neighbors. We just came out of a recession and I've heard it said from people that we don't need to worry about what it is zoned currently because nothing has happened. If the development pressures that are manifesting in South Fayetteville or anywhere else in this city are lasting they will manifest here too, whether we rezone this or not. For those reasons I believe it is a mistake to write off the impact of the current zoning.

Mayor Jordan: You can send the new zoning to the Ordinance Review Committee. If you hold the zoning on the first or second reading then you should have something back from Ordinance Review within two weeks.

City Attorney Kit Williams: We can't formally send it to Ordinance Review. Usually it is accepted by the Chairman and I'm sure he will do that. It takes some time to get something through the agenda, I would think we wouldn't want to go to the second reading. We need to leave it right here. It will allow more time for the Ordinance Review Committee to take a look at it. In my memo I mentioned that this would probably be the right thing for you to do.

A discussion followed about the process of scheduling an Ordinance Review Committee meeting.

Don Marr, Chief of Staff stated it is the staff's recommendation that Ordinance Review take this and look it. He stated there are discrepancies and concerns about the density limits, height, and rooflines. He stated they want to make available the staff that supports the Planning Commission and have the Planning Commissioners attend if that is the wishes of the Council. We believe you should not act on this tonight and defer it so we can get it right.

Alderman Marsh: We are headed in the right direction with this. I appreciate the work that staff and Planning Commission has done. I want us to consider the new zoning classification UT-L separately from the specific application on North College Avenue. I don't want the two issues to muddy each other.

A discussion followed about leaving it on the first reading.

This ordinance was left on the First Reading

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.**

Alderman Gray stated we are not trying to limit citizen input, but asking that citizen input be better organized and briefer. She spoke about the length of time some citizens speak and other citizens leaving because it was taking too long waiting for their turn. She stated the City Attorney wrote that the Mayor can bypass this at any time on any issue. A Council member can also call a citizen back up to talk again if the Council member senses that the citizen did not get everything said. She stated we are bringing forth the five minute limit on citizen input in hopes of using time more wisely.

City Attorney Kit Williams read the two sentences that are proposed to be added. He said, "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."

Alderman Petty stated he believes the true impact is captured in the two sentences that the City Attorney read.

Alderman Kinion: I don't want citizens to feel like I am restricting their opportunity to speak to City Council. We have great committees and input in Fayetteville. This is not to restrict opportunity, but to afford opportunity so more people will have the chance to approach the podium in a more efficient manner.

Alderman Marsh: For citizens who have more complex or time consuming thoughts to convey, they are always free to email us. I read every email that citizens send.

Alderman La Tour: I believe most people convey what they want in less than five minutes. I don't think this rule is going to necessarily impose on very many of our speakers before us. We appreciate everyone who comes to City Council and expresses their opinions.

Mayor Jordan: When someone comes to the podium for five minutes, I will let them know that their five minutes is up. We will abide by the rules unless a Council member wants to hear more. I would like to have the majority of this Council to agree on that, rather than me having to get into a squabble. I would like a motion and a second for more time for a speaker. When an applicant is asking for a rezoning, they are going to get more time because of presenting a plan?

City Attorney Kit Williams: Yes. The applicant is a single presenter. They are not bound by this, nor is staff.

Don Marr, Chief of Staff: When a citizen wants to make a presentation and a Council member makes that motion, then you have allowed people to make a presentation on behalf of a neighborhood. There are opportunities for more complex items through a presentation format.

Mayor Jordan: If I have someone from a neighborhood make a presentation, most times they will go longer than five minutes. Do you want me to let them go longer than five minutes?

City Attorney Kit Williams: Right now the rules say five minutes. This rule allows that to be changed by a simple majority of the City Council members present and voting. It doesn't require five votes if we don't have a full Council.

There was a brief discussion about neighborhood representative presentation time limits.

Alderman Marsh: I would like us to explore some technology to manage this.

Don Marr: Your new technology that you have in front of you has a capability for us to set a timer. It does a countdown item of that five minutes on all of the screens.

Mayor Jordan: I will be watching the time.

Alderman Long: In order to ensure we are not limiting citizens' access to government, there is a rule that we can call people back up to the podium.

Alderman Gray: When a citizen wants to do a Powerpoint, do they contact the City Clerk office?

City Attorney Kit Williams: Yes. We try to run it through the City Clerk office to make sure their media is going to work with our media.

Don Marr: We typically reference them to the Council member of their particular ward. The rules require you to make the motion to have a presentation by them.

Alderman Gray: Isn't that limited to five minutes?

City Attorney Kit Williams: That is limited, but you have the right to extend it if you would like.

Mayor Jordan stated he was flexible, but will keep everyone on track.

Alderman Long moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-0. Alderman Long, Gray, Marsh, Kinion, Petty, Bunch, and La Tour voting yes. Alderman Tennant was absent.

Resolution 124-17 as recorded in the office of the City Clerk

Announcements:

On June 8, 2017 at 9:30 a.m. at 1400 North Fox Hunter Road will be a ribbon cutting at the Fayetteville Noland Wastewater Treatment Facility to celebrate a first of its kind water disinfection system installation.

On June 8, 2017 at 2:00 p.m. at 2505 East Borick Drive will be a ribbon cutting of the new Fire Training Center.

On June 8, 2017 at 5:30 p.m. will be the Mayor's award for outstanding service in historic preservation. It will take place in City Hall in Room 326.

On June 8, 2017 after 4:00 p.m. and all day June 9, 2017 will be a utility billing and conversion implementation for water bills. Bills can be paid online. Normal business will resume on Monday, June 12, 2017.

The Gulley Park Concert Series are on Thursday nights at 7:00 p.m.

City Attorney Kit Williams: I will miss the next Agenda Session. The National League of Cities is flying me to New York to be on a panel talking about state preemption of municipal powers.

City Council Agenda Session Presentations:

Agenda Session Presentation - Parking Study Recommendations by Nelson Nygaard.

Agenda Session Presentation - Seven Hills Financial Update.

City Council Tour: None

Adjournment: 8:00 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

Walked on at the 6/20/17
City Council mtg.

City of Fayetteville Staff Review Form

2017-0347

Legistar File ID

July 7th, 2017

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

Matt Mihalevich

6/20/2017

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff requests approval of a resolution expressing the willingness to apply for federal-aid funds and allow staff to apply for an 80% federal 20% local matching grant through the Northwest Arkansas Regional Planning Commission Transportation Alternatives Program for an award of up to \$280,000 for lighting of the Cato Springs Trail.

Budget Impact:

4470.800.8830-5814.05		Trail Development	
Account Number		Fund	
02016.1		Sales Tax Capital Improvement	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 4,849,830.00
		Funds Obligated	\$ 2,999,884.89
		Current Balance	\$ 1,849,945.11
Does item have a cost?	Yes	Item Cost	\$ 70,000.00
Budget Adjustment Attached?	No	Budget Adjustment	
		Remaining Budget	\$ 1,779,945.11

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



**CITY OF
FAYETTEVILLE
ARKANSAS**

CITY COUNCIL MEMO

MEETING OF JUNE 20TH, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: June 20th, 2017

SUBJECT: 2017-0347 NWARPC Transportation Alternatives Program Application
Cato Springs Trail Lighting

RECOMMENDATION:

Staff requests approval of a resolution expressing the willingness to apply for federal-aid funds and allow staff to apply for an 80% federal 20% local matching grant through the Northwest Arkansas Regional Planning Commission Transportation Alternatives Program for an award of up to \$280,000 for lighting of the Cato Springs Trail.

BACKGROUND:

The Northwest Arkansas Regional Planning Commission (NWARPC), serving as the NWA Metropolitan Planning Organization (MPO), is accepting applications for projects and trail lighting is eligible for funding. The funding amount is \$490,000 for the metropolitan area.

DISCUSSION:

The Cato Springs Trail is currently under construction extending 2.9 miles from the Town Branch Trail to the Kessler Mountain Regional Park. Due to budget constraints, lighting was excluded from the project. The electrical design is complete and electrical conduit is being installed in preparation for future lighting. If the requested funding amount is approved, lighting can be installed along the entire trail length to the Regional Park.

BUDGET/STAFF IMPACT:

If the Transportation Alternatives Program grant is approved and fully funded, the City will be responsible for 20% of the total project cost, or up to \$70,000. The 20% matching funds are available through the Trail Development Capital Improvement Project.

Attachments:

NWARPC – Call for Projects FFY 2018
Cato Springs Trail Map

**NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION
SURFACE TRANSPORTATION BLOCK GRANT PROGRAM – ATTRIBUTABLE (STBGP-A)
TRANSPORTATION ALTERNATIVES PROGRAM (TAP)
CALL FOR PROJECTS FFY2018**

The Northwest Arkansas Regional Planning Commission (NWARPC), serving as the NWA Metropolitan Planning Organization (MPO), announces the availability of approximately \$7,000,000 in NWARPC Surface Transportation Block Grant Program – Attributable (STBGP-A) funding and \$490,000 in Transportation Alternatives Program (TAP) funding. Availability of FFY2018 funding is subject to Congressional action.

NWARPC is issuing a CALL FOR PROJECTS to be submitted for consideration for NWARPC FFY2018 STBGP-A and TAP funding. The FFY2018 STBGP-A and TAP Applications may be downloaded from the NWARPC website at: nwarpc.org. Applications are also available at the NWARPC office located at 1311 Clayton Street, Springdale, AR 72762. Applications must be received no later than 4:00 p.m. (CDT), June 30, 2017. Any applications submitted after this deadline will not be considered. For more information on this program or questions related to the application process, please contact Tim Conklin, Transportation Programs Planner, or Elizabeth Bowen, Project Manager, NWARPC, 1311 Clayton, Springdale, AR 72762, (479) 751-7125. Section 1108 of the Fixing America's Surface Transportation (FAST) Act establishes the STBGP-A under 23 U.S.C. 133. Section 1105 of FAST Act provides for the apportionment of funds under 23 U.S.C. 104. The STBGP-A and TAP is a federally funded, 80% Federal/20% local, reimbursable program. Funds must be used for eligible projects that are submitted by eligible entities and chosen through a competitive process. The STBGP-A Application Form can be downloaded here. The TAP Application Form can be downloaded here.

Additional information on the STBGP-A and TAP program can be found at:

<https://www.fhwa.dot.gov/fastact/factsheets/stbgfs.cfm>

<https://www.fhwa.dot.gov/fastact/factsheets/transportationalternativesfs.cfm>

FFY 2018 Project Application Timeline:

<u>Call for Projects</u>	<u>May 15, 2017</u>
<u>Project Application Deadline</u>	<u>June 30, 2017 at 4 p.m.</u>

NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION NOTICE OF NONDISCRIMINATION

The Northwest Arkansas Regional Planning Commission (NWARPC) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the NWARPC does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in the admission, access to and treatment in NWARPC's programs and activities, as well as the NWARPC's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the NWARPC's nondiscrimination policies may be directed to Celia Scott-Silkwood, AICP, Regional Planner – EEO/DBE (ADA/504/Title VI Coordinator), 1311 Clayton, Springdale, AR 72762, (479) 751-7125, (Voice/TTY 7-1-1 or 1-800-285-1131) or the following email address: cscott-silkwood@nwarpc.org. This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille. If information is needed in another language, contact Celia Scott-Silkwood. Si se necesita informacion en otro idioma, comuniquese Celia Scott-Silkwood, cscott-silkwood@nwarpc.org.

Handed out at the 6/20/17
City Council mtg.

RESOLUTION NO. _____

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO APPLY FOR AND UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM 80/20 GRANT FUNDS IN AN AMOUNT OF UP TO \$280,000.00 AVAILABLE THROUGH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION AND TO APPROVE A LOCAL MATCH OF UP TO \$70,000.00 FOR THE INSTALLATION OF LIGHTING ALONG THE CATO SPRINGS TRAIL

WHEREAS, the City of Fayetteville understands Federal-Aid Transportation Alternatives Program funds are available through the Northwest Arkansas Regional Planning Commission in an amount up to \$280,000.00 at 80% federal participation and a 20% local match requirement of up to \$70,000.00 for the installation of lighting along the Cato Springs Trail; and

WHEREAS, the City of Fayetteville understands that Federal-Aid funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement; and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the City of Fayetteville for the life of the project.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that the City of Fayetteville will participate in accordance with its designated responsibility, including maintenance of this project and providing local matching funds in the amount of up to \$70,000.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

Section 3: That the City Council of the City of Fayetteville, Arkansas pledges its full support and hereby authorizes the City of Fayetteville to cooperate with the Arkansas State Highway and Transportation Department to initiate action to implement this project

PASSED and APPROVED this 20th day of June, 2017.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Handed out at the 6/20/17 City Council Mtg.
C.2 RZN 17-5776 (1320 S. College Ave. / Sugarland Properties)





OFFICE OF THE
CITY ATTORNEY

Handed out at the 6/20/17
City Council mtg.

DEPARTMENTAL CORRESPONDENCE

C.3 Amend UDC & Rezone
RDN 17-57B
North St./Maple
St./College Ave



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Justin Tennant, Chair**
Adella Gray, Member
Matthew Petty, Member
John La Tour, Member

CC: **Andrew Garner, Planning Director**
Jonathan Curth, Senior Planner

FROM: **Kit Williams, City Attorney**

DATE: **June 20, 2017**

RE: **Ordinance Review Committee**

MINUTES

The Ordinance Review Committee met in Room 326, City Administration Building at 4:00 p.m. on June 19, 2017. Chair Justin Tennant called the meeting to order. Three members of the committee were present: Justin Tennant, Adella Gray and Matthew Petty. Committee Member John La Tour did not attend.

City Planning Director Andrew Garner discussed the issues and points presented in his Staff Memo of June 19, 2017.

(A) Andrew recommended that Use Unit 40, **Sidewalk Cafes** be removed from Chapters 161 and 162 of the UDC because they can be administratively approved by City Staff anywhere a restaurant would be allowed. The Committee agreed that this should be handled by another ordinance from Planning and not be a part of this discussion concerning UT-L.

(B) Andrew recommended not to add **Clean Technologies** as a use unit allowed within a UT-L district because such manufacturing may not be compatible with residential and commercial uses in UT-L. The Committee expressed general agreement with Andrew.

(C) Andrew discussed building height issues. The Committee generally agreed that additional building setbacks for buildings over 20 feet tall were not needed.

(D) Andrew discussed the floodplain and drainage issues at the bottom of the hill (Trenton intersection). He recommended against rezoning to R-A as inappropriate for this federal highway linking downtown and midtown. Andrew also discussed potential "takings" issues if the City rezoned to R-A to prevent further development in this flood prone area. I agreed with Andrew and cautioned about rezoning land into such a restrictive zoning district that a property owner could assert the rezoning would violate the Private Property Protection Act.

(E) Andrew presented a potential definition of "active space" which could authorize an additional level of construction under some possible revisions of the ordinance. Planning Commissioner Allison Quillan suggested identifying "active space" by requiring some business or activity by use unit in the building. No definition of "active space" could be agreed upon at this meeting.

(F) City Attorney Kit Williams suggested a stylist change in the name of UT-L so that the "L" would match the "L" in Neighborhood Services - Limited. I expressed my belief that having "L" mean "Light" is one zoning district and "Limited" in another zoning district would be confusing. The Committee generally agreed so the proposed ordinance will slightly change the name of the proposed use unit to "Urban Thoroughfare - Limited".

The Ordinance Review Committee decided another meeting would be required to fine tune the ordinance and definitions and scheduled the next Ordinance Review Committee on Thursday, July 13, 2017 at 4:00 p.m. in Room 326.

Respectfully Submitted,

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

Kit Williams
City Attorney

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, June 13, 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:

Agenda Additions

A. Consent:

A. 1 [2016-0577](#)

APPROVAL OF THE JUNE 6, 2017 CITY COUNCIL MEETING MINUTES.

A. 2 [2017-0283](#)

POLICE DEPARTMENT DONATION REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$7,700.00 RECOGNIZING DONATION REVENUE TO THE FAYETTEVILLE POLICE DEPARTMENT

Attachments: [POLICE DEPARTMENT DONATION REVENUE](#)
 [BA_POLICE DEPARTMENT DONATION REVENUE](#)

A. 3 [2017-0289](#)

CERTIFIED LOCAL GOVERNMENT GRANT:

A RESOLUTION TO APPROVE A GRANT AGREEMENT WITH THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR A CERTIFIED LOCAL GOVERNMENT GRANT IN THE AMOUNT OF \$14,291.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [CERTIFIED LOCAL GOVERNMENT GRANT](#)
 [BA_CERTIFIED LOCAL GOVERNMENT GRANT](#)

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 June 6, 2017 City Council Meeting this resolution was tabled to the June 20, 2017 City Council Meeting.

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

C. Unfinished Business:**C. 1** [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 \(810 S. CHERRY LN./SWEETSER PROPERTIES\)](#)

At the June 6, 2017 City Council Meeting this ordinance was left on the second reading.

C. 2 [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: \(1320 S. COLLEGE AVE./SUGARLAND PROPERTIES\)](#)

At the June 6, 2017 City Council Meeting this ordinance was was left on the first reading.

C. 3 [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 AND TO CHANGE OR AMEND DEFINITIONS OF "BUILDING HEIGHT" AND "STORIES"

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

At the June 6, 2017 City Council Meeting this ordinance was was left on the first reading.

D. New Business:

D. 1 [2017-0305](#)

AMEND UDC 161.28 AND 161.29:

AN ORDINANCE TO AMEND §§ 161.28 DISTRICT I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL AND 161.29 DISTRICT I-2, GENERAL INDUSTRIAL TO ADD USE UNIT 16, SHOPPING GOODS AS A PERMITTED USE

Attachments: [ADM 17-5841 ADMINISTRATIVE CHANGES TO UDC 161.28 AND 161.29](#)

E. City Council Agenda Session Presentations:

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: 2016-0577

Agenda Date: 6/20/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE JUNE 6, 2017 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0283

Agenda Date: 6/20/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

POLICE DEPARTMENT DONATION REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$7,700.00 RECOGNIZING DONATION REVENUE TO THE FAYETTEVILLE 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 approves a budget adjustment, a copy of which is attached to this Resolution, in the total amount of \$7,700.00 recognizing donation revenue to the Fayetteville Police Department.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby expresses its sincere appreciation for the donations.

City of Fayetteville Staff Review Form

2017-0283

Legistar File ID

6/20/2017

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:

Approval of a budget adjustment in the amount of \$7,700 for the acceptance of various donations received by the Fayetteville Police Department.

Budget Impact:

1010.200.2920-various

General

Account Number

Fund

33044

Police Donations

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ 24,803.00

Funds Obligated \$ 8,364.99

Current Balance \$ 16,438.01

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 7,700.00

Remaining Budget \$ 24,138.01

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 20, 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 23, 2017

SUBJECT: Recognize Various Donations to Fayetteville Police Department

RECOMMENDATION:

Staff recommends approval of the attached budget adjustment in the amount of \$7,700 for the acceptance of various donations received by the Fayetteville Police Department. If you should have any questions regarding these donations, please contact me at extension 587-3500.

BACKGROUND:

Periodically, businesses, organizations and/or citizens will make monetary donations to the Police Department.

DISCUSSION:

The Police Department has received donations totaling \$7,700. The donations were deposited into the City's General fund and are tracked through the City's Project Accounting System. All purchases utilizing these funds must follow the City of Fayetteville Purchasing Policy.

BUDGET/STAFF IMPACT:

The budget impact will consist of an increase in expense budgets equal to the Police Department Donations received. There is no impact on staffing related to this agenda item.

Attachments:

Budget Adjustment
Copies of FPD Donations

VAN & COMPANY LLC
2282 W LAWSON ST.
FAYETTEVILLE, AR 72703

07330

2885

81-700/829

DATE

12/12/16

CHECK ARMOR
TRADE PROTECTION

PAY
TO THE
ORDER OF

FAYETTEVILLE POLICE DEPARTMENT

Annual Award & promotion Budget \$

500.00

five hundred

DOLLARS



Security
Features
Details on
Back.

ChambersBank

FOR

Donated

[Signature]

MP

THE WOODEN ROOF LLC
PH. 479-799-6434
237 S LOCUST AVE
FAYETTEVILLE, AR 72701-5939

81-87/829

1132

DATE 11/30/16

PAY TO FAYETTEVILLE PD ATTN: AWARDS COMMITTEE \$ 500 -
THE ORDER OF

FIVE HUNDRED ⁰⁰/₁₀₀

DOLLARS



Security Features
Included
Details on Back

ARVEST

BANK

arvest.com

MEMO DONATION

MP

SPECIALTY GRAY

BEARD'S FUNERAL CHAPEL & CREMATORY LLC

855 S. HAPPY HOLLOW RD.
FAYETTEVILLE, AR 72701

6413

E2Shield™ Check Fraud
Protection for Business

81-43/829

PAY
TO THE
ORDER OF

DATE 11-30-16

Fayetteville Police Awards Committee \$ 100 ⁰⁰/₁₀₀
one hundred and ⁰⁰/₁₀₀

DOLLARS

Simmons Bank
MEMBER FDIC



FOR

Charity Contribution



CROWNE GROUP LLC

519 W DICKSON ST.
FAYETTEVILLE, AR 72701

25077

81-747/829

PAY
TO THE
ORDER OF

DATE 11/30/16

Fayetteville Police \$ 150 ⁰⁰/₁₀₀
One Hundred Fifty and ⁰⁰/₁₀₀

DOLLARS

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701
THE BANK OF FAYETTEVILLE
MEMBER FDIC



FOR

AWARDS COMMITTEE

BC



DATE

6137

12/01/2016

Pierce Properties Mgmt, Inc
630 N. Leverett Ave #11
Fayetteville, AR 72701

Bank of Arkansas
3500 N College
Fayetteville, AR 72703

NET AMOUNT

PAY ONE HUNDRED DOLLARS **\$100.00**

TO THE ORDER OF

Fayetteville Police Department
100 West Rock St
Fayetteville, AR 72701

Signature

Cash Promptly, Not Valid After 120 Days

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING



R & R MEDICAL, INC.
SOUTHGATE IGA PHARMACY
P.O. BOX 1682 PH. (479) 443-4747
FAYETTEVILLE, AR 72702

THE BANK OF FAYETTEVILLE
81-161/829

17518

11/30/2016

PAY TO THE ORDER OF Fayetteville Police Department

\$ ****100.00**

One Hundred and 00/100 ***** DOLLARS

PROTECTED AGAINST FRAUD



Fayetteville Police Department
attn: Awards Committee
100 W Rock Street
Fayetteville, AR 72701



MEMO

Philip Kozey

JORDAN AND ASSOCIATES

4189 East Mission Blvd.
Fayetteville, AR 72703
(479) 444-9923

Simmons Bank
MEMBER FDIC



81-43/829

EZShield™ Check Fraud
Protection for Business

032021

12/21/16

PAY TO THE
ORDER OF Fayetteville Police Department

\$ 750.00

Seven Hundred Fifty and 00/100-----DOLLARS

MEMO Attn: Awards Committee


AUTHORIZED SIGNATURE

Security features. Details on back.

1020



TANNEHILL MASONRY, INC.
P.O. BOX 773 PH. 479-957-1897
ELKINS, AR 72727

ETD® Check-Read
MR. Protection for Business

81 87/829

DATE 2-1-17

PAY
TO THE
ORDER OF

Seagroveville Police Dept.

\$ 500⁰⁰

Five Hundred & 00/100

DOLLARS

ARVEST

BANK

arvest.com

FOR

Arrests Ungeet

A. Tannehill



Security Features

Payment Code 99980 Date 5/17/2017
Amount \$ 5,000.00 Project & Sub 33044.1
Credit Account # 1010.200.2920-4809.00
Debit Account # 6890-1101.00
Description Chris Wright - Canine Purchase
Accounting Approval _____

MR. & MRS. CHRIS WRIGHT
22943 PINCHERS PL.
GARFIELD, AR 72732

81-87/829

5264

DATE

5/12/17

PAY TO
THE ORDER OF

Fayetteville Police Dept.

\$ 5,000.⁰⁰

Five Thousand 00/100

DOLLARS



Security Features
Included
Details on back.

ARVEST[®]
BANK

arvest.com

MEMO _____

MP

SPECIALTY BLUE

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

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

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Acceptance of various donations received by the Fayetteville Police Department. Use of fund balance is necessary to recognize donated funds not included in the City's 2017 rebudgets.

RESOLUTION/ORDINANCE	COUNCIL DATE:	6/20/2017
	LEGISTAR FILE ID#:	2017-0283
	<i>Barbara Fell</i>	
	5/24/2017 11:06 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL		7,700	7,700				v.20161220
Account Number	Increase / (Decrease)		Project.Sub#		AT	Account Name	
	Expense	Revenue	Project	Sub			
1010.001.0001-4999.97	-	1,450			RE	Use Fund Balance - Prior	
1010.200.2900-4809.00	-	1,250	33044	6	RE	Donations - Donations	
1010.200.2920-5329.00	2,700	-	33044	6	EX	Recognition - Employee	
1010.200.2900-4809.00	-	5,000	33044	1	RE	Donations - Donations	
1010.200.2920-5210.00	5,000	-	33044	1	EX	Minor Equipment - :	
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	-	-					
	-	-					



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0289

Agenda Date: 6/20/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

CERTIFIED LOCAL GOVERNMENT GRANT:

A RESOLUTION TO APPROVE A GRANT AGREEMENT WITH THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR A CERTIFIED LOCAL GOVERNMENT GRANT IN THE AMOUNT OF \$14,291.00, 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 grant agreement with the Arkansas Historic Preservation Program for a Certified Local Government Grant in the amount of \$14,291.00 for travel and training, to research and present to the Arkansas State Review Board the nomination of the Meadow and Spring Street Historic District to the National Register of Historic Places, and for continued development of the historic properties database and website.

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

2017-0289

Legistar File ID

6/20/2017

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

Andrew Garner

5/25/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a contract with the Arkansas Historic Preservation Program to receive a Certified Local Government grant (17-CLG-04) in the amount of \$14,291, and approval of a budget adjustment to receive the grant funds.

Budget Impact:

1010.630.6305-4309.01

General

Account Number

Fund

36024.1701

Historic Preservation Grant

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 14,291.00

Remaining Budget \$ 14,291.00

V20140710

Previous Ordinance or Resolution # RES 146-16

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 20, 2017

TO: Mayor; Fayetteville City Council

FROM: Andrew Garner, Planning Director

DATE: May 25, 2017

SUBJECT: Approval of a contract with the Arkansas Historic Preservation Program to receive a Certified Local Government grant (17-CLG-04) in the amount of \$14,291, and approval of a budget adjustment to receive the grant funds.

RECOMMENDATION:

Planning Staff recommends approval of a contract with the Arkansas Historic Preservation Program to receive a Certified Local Government grant in the amount of \$14,291, and approval of a budget adjustment to receive the grant funds.

BACKGROUND:

Planning staff has applied for and received a Certified Local Government (CLG) grant to pay for travel and training for the Historic District Commission and City staff. Funding has also been provided for research, writing, and presentation to the Arkansas State Review Board of a National Register of Historic Places nomination for the proposed Meadow and Spring Street Historic District. Funding has also been received for continued development of an historic structures database and story map website.

DISCUSSION:

Planning staff and the Historic District Commission have requested grant funding in the amount of \$790.94 for travel and training, \$8,500.00 to nominate the Meadow and Spring Street Historic District to the National Register of Historic Places and \$5,000.00 for continued development of the historic properties story map and website.

BUDGET/STAFF IMPACT:

A budget adjustment is proposed in the amount of \$14,291 for the City to receive the grant funds.

Attachments:

- Grant Award Letter and Email
- Certified Grant Agreement Documents
- Budget Adjustment Form



STATE OF ARKANSAS
ASA HUTCHINSON
GOVERNOR

April 28, 2017

The Honorable Lioneld Jordan
Mayor of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Dear Mayor Jordan:

I am pleased to inform you that Fayetteville has been awarded a grant of \$14,290.94 from the Arkansas Historic Preservation Program, an agency of the Department of Arkansas Heritage. The agency will be contacting you with details concerning the terms and conditions of the grant.

Congratulations and thank you for your commitment to the preservation of Arkansas's cultural historic resources. I look forward to the successful completion of your projects.

Sincerely,

Asa Hutchinson

cc: Andrew Garner

Garner, Andrew

From: Catherine Barrier <catherine.barrier@arkansas.gov>
Sent: Friday, May 12, 2017 2:33 PM
To: Garner, Andrew
Subject: 2017-2018 Grant Agreement, etc.
Attachments: 17-CLG-04 Fayetteville.pdf; Appendix X CLG Grant Administration.pdf; di2010--debarment.pdf

Andrew:

Attached are your 2017-2018 CLG grant agreement, an explanation of basic requirements for CLG grant administration, and a debarment certification form. Please print out two copies of the CLG grant agreement, a copy of the grant administration essentials document, and the debarment form, have them signed and initialed by the appropriate people, and return them to our office by June 15th. We will return an executed copy of the grant agreement to you. Please read over the grant agreement and the grant administration essentials document carefully, as some provisions have probably changed since you last reviewed them. One thing you will want to pay special attention to is the language about the deadlines for the NR nomination and accompanying invoicing.

We will be moving to an online system of grants reporting and invoicing beginning with this grant cycle, and I will be holding a training on that in June or early July. The first report is not due until October. If you need to invoice before I get a training together, please call me and I will walk you through the process. I apologize for the delay in holding the training, I am busy trying to pull together our statewide planning process and reopen our grant applications and am trying to find a place to fit that in.

We have not yet gotten our grant from the Park Service to fund these grants, so I'm not going to be able to process any invoices yet. I will let you know just as soon as those funds come through.

Let me know if you have any questions or see anything that needs correcting—

Catherine

CERTIFIED LOCAL GOVERNMENT PROGRAM GRANT AGREEMENT
Grant Number 17-CLG-04

This agreement is entered into between the City of Fayetteville, Arkansas, hereinafter referred to as the City, and the Arkansas Historic Preservation Program, hereinafter referred to as AHPP. AHPP agrees to provide a grant in the amount of **\$14,290.94** for the purpose of funding commissioner and staff training expenses, a National Register of Historic Places nomination for the Meadow and Spring Street Historic District, and continued development of an historic structures database and Story Maps website.

THIS GRANT IS FOR THE ACCOMPLISHMENT OF THE PURPOSE, OBJECTIVE AND SCOPE OF WORK HEREIN DEFINED.

I. SCOPE OF WORK

- A. The City will fund commissioner and staff training expenses.
\$790.94 is designated for this activity.
- B. The City will fund research, writing, and presentation to the Arkansas State Review Board of a National Register of Historic Places nomination for the Meadow and Spring Street Historic District (“nomination”).
\$8,500 is designated for this activity.
- C. The City will fund the continued development of an historic structures database and Story Maps website.
\$5,000 is designated for this activity.

II. TIME FRAME of AGREEMENT

This agreement will begin on May 15, 2017, and shall extend until September 30, 2018. No grant funds shall be expended by the City or its subgrantees or assigns after September 30, 2018.

III. PAYMENTS

- A. Payments of funds under this grant agreement will be made upon receipt of invoices requesting reimbursement of expenses within the scope of this agreement paid by the City within the time frame of this agreement or advances of expenses anticipated to be incurred before or within thirty days after receipt of funds requested.
- B. No invoice for an advance received after August 15, 2018, will be processed.
- C. No invoice for reimbursement received after October 15, 2018, will be processed.

- D. Payments under this grant agreement are conditioned on successful completion of the grant project. If an element described in the scope of work is not completed within the time frame of this agreement, all funds paid under this grant agreement relevant to that element must be returned to AHPP.

IV. SCHEDULE

The nomination task will be completed, and funds related to this task may be disbursed, according to the following schedule:

- A. A draft nomination form and all associated supporting materials as specified in the appendices to this agreement will be submitted for review by AHPP no later than November 15, 2017. An invoice for an advance or reimbursement of \$3,500 may be submitted after the draft is submitted to AHPP.
- B. A final nomination form and all associated supporting materials, incorporating any changes requested by AHPP after its review of the draft, will be submitted no later than January 12, 2018. An invoice for an advance or reimbursement of \$3,500 may be submitted after the draft is accepted as complete by AHPP.
- C. The nomination will be presented by a representative of the City to the Arkansas State Review Board on or before April 4, 2018. An invoice for \$1,500 may be submitted after this presentation is made.

V. AHPP RESPONSIBILITIES

AHPP staff agrees to make periodic reviews of the project to review practices and products. AHPP reserves the right to enforce the procedures as outlined in this contract. AHPP agrees to make available advice and counsel necessary to accomplish the objectives and to render compensation upon invoice within a reasonable time frame.

VI. REPORTING REQUIREMENTS

- A. The City will submit quarterly reports detailing programmatic and fiscal progress of work on forms to be provided by AHPP on:

May-September, 2017	October 16, 2017
October-December, 2017	January 16, 2018
January-March, 2018	April 16, 2018
April-June, 2018	July 16, 2018
July-September, 2018	October 15, 2018
FINAL	October 31, 2018

- B. The report of April 16, 2018 will be accompanied by a timeline for completion of

the project and spend down of project funds by the end of the grant term.

- C. If changes in the grant agreement - e.g.: scope of work, products, budgets, etc. - are required, then the City must submit a written request detailing proposed changes and wait for written approval from AHPP.
- D. No funds will be disbursed if grant reporting is more than two weeks delinquent.
- E. Failure to submit grant reports within one month of the date required herein shall be grounds for cancellation of the grant at the discretion of AHPP.
- F. The City will submit a final project report detailing all completed projects and including copies each of all publications as per the requirements of this agreement no later than October 31, 2018.

VII. REQUIRED TRAINING

Disbursement of funds under this agreement is contingent on attendance by a designated representative of the City at a training session on grant administration requirements held by AHPP.

VIII. COMPLIANCE

- A. Certified Local Government grants are funded by the National Park Service Historic Preservation Funds in Aid, CFDA number 15.904. All policies and procedures of the Department of the Interior, the National Park Service, and all other Federal regulations concerning expenditures of Federal funds must be followed by AHPP and all subgrant recipients. All grant projects will be administered by AHPP in accordance with the Historic Preservation Fund Grants Manual. The City must maintain efficient and effective accountability and control of all funds received and expended under a subgrant from AHPP.
- B. The City must supply AHPP with evidence of compliance with Federal competitive procurement requirements for professional services and subcontractors prior to reimbursement. This evidence includes, among other things, copies of solicitations for bids or other similar solicitations and proof of publication of these solicitations.
- C. All products and projects funded by grant funds must comply with the applicable Secretary of the Interior's "Standards". These include: 1) Standards and Guidelines for Preservation Planning, 2) Standards and Guidelines for Identification, 3) Standards and Guidelines for Evaluation, 4) Standards and Guidelines for Registration, 5) Standards and Guidelines for Historical Documentation, 6) Standards and Guidelines for Architectural and Engineering Documentation, 7) Standards and

Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification Standards. See Appendices A-E.

- D. PROJECT EXECUTION AND CONTRACT REQUIREMENTS: All projects and consulting contracts funded through this grant agreement must be carried out in accordance with the procedures and standards laid out in the applicable appendices to this agreement. All work products funded through this grant must meet the standards laid out in the applicable appendices to this agreement.
- E. EASEMENTS: The City will donate to AHPP a conservation easement on the property of any historic structure(s) being restored, rehabilitated, or repaired as a part of any project(s) utilizing ten thousand dollars (\$10,000) or more of AHPP funds. On such projects involving private properties, it will be the City's responsibility to secure this easement for donation to AHPP before any grant funds are released.

IX. MANAGEMENT AND BUDGET GUIDELINES

The City must assure and certify that it will comply with the regulations, policies, guidelines and requirements as they relate to the application, acceptance and use of Federal funds for this federally-assisted project, as contained in attachment G of OMB circular A-102. Also the City assures and certifies that:

- A. The City will comply with and administer the project in conformance with the Civil Rights Act of 1964 (Public Law 88-352), as amended; as well as 43 CFR 17 and Part 506 of the Department Manual issued by the Department of the Interior; and Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against the handicapped. Title VI of the Civil Rights Act of 1964 stated that no person will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received Federal financial assistance and will immediately take any measures necessary to effectuate this agreement;
- B. In all hiring or employment made possible by or resulting from grant awards, the City (1) will not discriminate against any employee or applicant from employment because of race, color, religion, sex, age, or national origin, and (2) will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, or national origin. This requirement applies to, but is not limited to, the following: employment promotion, demotion, or transfer; recruitment or other recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The City and its subgrantees will comply with all applicable statutes and Executive orders on equal employment opportunity and grant awards will be

governed by the provisions, as implemented by, but not limited to, Department of the Interior policies, published in 43 CFR 17;

- C. The City will give AHPP and the National Park Service or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant;
- D. The City must comply with Federal competitive procurement requirements for professional services and subcontractors and will provide documentation of such compliance upon request.
- E. The City will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of state and local governments.
- F. Upon completion of the project, the Secretary of the Interior, the Comptroller General of the United States, the AHPP, and/or any of their duly authorized representatives shall have access for the purpose of financial or programmatic audit and examination any books, documents, papers and records of the City that are pertinent to the grant at all reasonable times during the period of retention provided in OMB Circular A102, attachment C, for at least three (3) years or until all claims or audit findings have been resolved.
- H. Lobbying with appropriated funds. Historic Preservation Fund grants must conform to provisions of 18 USC 1913: "No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress be used directly or indirectly to pay for any personal services, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, through the proper official channels, requests for legislation OPR appropriation which they deem necessary for the efficient conduct of the public business." Thus, costs associated with activities to influence legislation pending before the Congress, commonly referred to as "lobbying," are unallowable as charges to NPS assisted grants.
- I. The City must submit acceptable Federal and non-Federal share supporting documentation prior to reimbursement.
- J. In addition to the terms detailed in this grant agreement, all Federal requirements governing grants (Office of Management and Budget Circulars A-87 or A-122, A-102 or A-110, and A-128) are applicable.

X. PUBLICATIONS AND PUBLIC INFORMATION

- A. An acknowledgment of National Park Service and the Arkansas Historic

Preservation Program support must be made in connection with the publication of any material based on, or developed under, any activity supported by Historic Preservation Fund grant funds. This acknowledgment shall be in the form of a statement as follows: *The activity which is the subject of this (type of publication) has been financed (in part/entirely) with Federal funds from the National Park Service, Department of the Interior, administered through the Arkansas Historic Preservation Program, an agency of the Department of Arkansas Heritage. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior or the Arkansas Historic Preservation Program.*

- B. Press releases, publications, and other public dissemination of information by the City made possible by a grant shall acknowledge National Park Service, Department of the Interior, Arkansas Historic Preservation Program, and Department of Arkansas Heritage grant support.
- C. Posters, brochures, program literature, and publications will include the following statement: *This program receives Federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, disability or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: Office for Equal Opportunity, National Park Service, 1849 C Street NW, Washington, D.C. 20240.*
- D. A minimum of three full-color printed copies and two digital copies of any publication (as appropriate to the medium), will be furnished to AHPP, which will transmit two copies to the National Park Service.
- E. All printed material (publications, brochures, etc.) will be printed on recycled paper using soybean ink in accordance with Executive Order #90-1.
- F. The City agrees to the right of the AHPP director to review and comment on art set-up, written narrative of any printed material, and audio visual material produced by the grant prior to final printing or production and distribution.
- G. Drafts of all publications, reports, audio-visual material, and other material subject to distribution, publication, or display must be submitted to AHPP for approval prior to production, publication, public display or general distribution.

XI. LIMITATION OF LIABILITY

AHPP assumes no responsibility with respect to accidents, illness or claims arising out of any work performed under a subgrant supported project. The City is expected to take necessary steps to insure itself and its personnel and students and to comply with the applicable local, State, or Federal safety standards, including those issued pursuant to the National Occupational Safety and Health Act of 1970 (see 20 SFR 1910).

XII. PROJECT CANCELLATION

Approved projects may be canceled for one or more of the following reasons:

- A. The City requests project cancellation.
- B. The City fails to initiate its process for the solicitation of bids, or the equivalent, for project work within 60 days of execution of this grant agreement or notification of funds availability, whichever is later, otherwise fails to pursue project work in a timely fashion, or fails to adequately pursue project objectives.
- C. The City initiates work prior to receipt of written notification of project approval.
- D. Project work is found not to be in conformance with conditions as stated in the grant agreement and appendices.

XIII. AMENDMENTS

This agreement may be amended upon written request and approval by both parties.

XIV. APPROVAL OF AHPP

The City of Fayetteville is aware that this grant is contingent upon approval of AHPP and the availability of funds; and agrees that no work will begin on the project until written approval from AHPP is received.

SIGNATURES

Marian Boyd
Interim Director, AHPP
Deputy State Historic Preservation Officer

City of Fayetteville Signature

Name (printed)

Title

Date

Date

APPENDIX A: Historic Resources Survey and Documentation

The production of surveys of historic structures, sites, etc., funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

1. The City will ensure that any contract for survey and documentation services funded under this agreement includes duties and tasks as described in this appendix.
2. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and comments and will not publish such announcement or request until comments been received from AHPP or seven (7) business days have elapsed since the date on which the proposed announcement or request has been received by AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.
3. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review, prior to execution of the contract, and will not execute the contract until comments have been received from AHPP or seven (7) business days have elapsed since the date on which the proposed contract has been received by AHPP. A copy of the final executed contract will be provided to AHPP.
4. The City will contact the AHPP National Register staff to consult on the advisability of historic sites survey work in the proposed area, proposed boundaries for the survey work, etc., prior to engaging a contractor for survey work funded under this agreement.
5. The City will ensure that any contractor engaged for survey and documentation services funded under this agreement meets the Secretary of the Interior's Standards for Professional Qualifications (36 CFR Part 61) in History and/or Architectural History.

B. CONTRACTOR'S RESPONSIBILITIES

1. Prior to commencing any work under the contract, any contractor who has not attended a training on the required procedures for historic sites surveys taught by the AHPP National Register Survey staff within five (5) years prior to the survey initiation date must attend a training class on the procedures required

for historic site survey. This one-day class, at the offices of AHPP, will train the contractor in the proper and thorough completion of Arkansas Architectural Resources Forms, photography requirements, mapping, and compilation of the finished product.

2. Prior to commencing any work under the contract, the Contractor, regardless of the date of his or her last training, must contact the AHPP National Register Survey staff to determine whether changes to required historic site survey procedures have changed since the contractor last attended a training. If the AHPP National Register Survey staff determines that the Contractor's attendance at an additional training class is advisable, the contractor must attend a training class on the procedures required for historic sites surveys prior to the initiation of any fieldwork under the contract.
3. The contractor must comply with the standards and procedures set forth in the AHPP Survey Manual in carrying out the contract work and in completion of the final product.
4. The contractor must design and complete the survey and produce a survey report in accordance with the National Park Service Historic Preservation Fund Grants Manual Chapter 6, Section H, 2a-e and 3b and/or d as applicable and the Secretary of the Interior's Standards for Identification for Intensive Surveys (see at https://www.nps.gov/history/local-law/arch_stnds_0.htm). The survey report should, at minimum, contain the following elements:
 - Survey methodology
 - A brief historic context specific to the area surveyed
 - A brief overview of historic resource types within the area surveyed
 - Maps outlining the boundaries of the area surveyed
 - Tables listing addresses or other locations of properties surveyed, resource numbers supplied by AHPP, and data relevant to evaluation of National Register eligibility, such as date of construction, property condition and architectural integrity, vacant lots, etc.
 - Maps locating properties by resource number and address
 - Language collected on Arkansas Architectural Resources Forms should be provided with the survey report in an organized, sortable, searchable, digital format, such as a database, spreadsheet, GIS data, or similar data file.
5. The contractor must complete an Arkansas Architectural Resources Form and provide site plans for each resource in the field.

6. The contractor must provide, on the Arkansas Architectural Resources Form, information specific to the property for which the survey form is prepared summarizing its history and any obvious changes to the building that appear to have occurred since its construction.
7. The contractor will take color digital photographs of each resource in the field. At the very minimum the photographs should show all facades of each building. In addition, representative streetscape photographs will be provided by the Contractor. These photographs will be submitted with the final survey product in both electronic and print form.
8. The contractor will provide UTM coordinates for each property.
9. To ensure efficient production of a quality product and to reduce the burden of repeated reviews, in projects involving inventory and documentation of more than 30 properties, the contractor will provide drafts of at least 10 completed Arkansas Architectural Resources Forms to the AHPP National Register Survey staff for review prior to completion and submittal of all Arkansas Architectural Resources Forms. AHPP staff will review draft forms and return comments to the contractor within 14 business days of receipt of the draft forms.
10. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of carrying out the historic site survey or form completion, including but not limited to archival research, and photographs, to AHPP on request.
11. The contractor will grant an irrevocable license for royalty-free use of any and all work product provided to the City or AHPP under a contract subject to this grant agreement in any publication, project, or other work produced by the City, any unit of the State of Arkansas, the Federal Government, or any employee, person, or organization under contract to the City, AHPP, any unit of the State of Arkansas or the Federal Government for the purpose of producing such a work, in furtherance of the mission of the City, AHPP, or other governmental agency.
12. The contractor must be able to adhere to set deadlines and provide initial and completed surveys by the dates set forth in contract documents.
13. The contractor will provide own transportation and equipment.
14. For resurvey work, a copy of the previous survey form must be attached to the new survey form for each property.

15. The contractor will provide one full-color copy and one digital copy of the final survey report and forms to the City and one full-color printed copy and two digital copies of the survey report and forms to AHPP.

C. AHPP RESPONSIBILITIES

1. AHPP will provide Arkansas Architectural Resources Forms and Ancillary Structures Forms to the contractor as necessary for project completion.
2. AHPP will provide access to survey files and copies of previous survey work as necessary for project completion.
3. AHPP will provide resource numbers to the contractor as necessary for project completion.
4. AHPP will provide a one-day training class at the AHPP offices in Little Rock on the procedures required for historic site surveys. This class, at the offices of AHPP, will train the contractor in the proper and thorough completion of Arkansas Architectural Resources Forms, photography requirements, mapping, and compilation of the finished product.
5. AHPP will provide technical assistance to the contractor as necessary for project completion.

APPENDIX B: National Register/Arkansas Register of Historic Places Nominations

The production of nominations of historic structures, sites, etc., for listing on the National or Arkansas Registers of Historic Places funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

1. The City will ensure that any contract for services funded under this agreement includes duties and tasks as described in this appendix.
2. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and will not publish such announcement or request until comments have been received from AHPP or seven (7) business days have elapsed since the date on which the proposed announcement or request has been received by AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.
3. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review prior to execution of the contract, and will not execute the contract until comments have been received from AHPP or seven (7) business days have elapsed since the date on which the proposed contract has been received by AHPP. A copy of the final executed contract will be provided to AHPP.
4. The City will contact the AHPP National Register staff to consult on the advisability of preparation and submission of National or Arkansas Register of Historic Places nominations prior to engaging a contractor for preparation of nominations funded under this agreement.
5. The City will ensure that any contractor engaged for the preparation of National or Arkansas Register of Historic Places nomination preparation services funded under this agreement meets the Secretary of the Interior's Standards for Professional Qualifications (36 CFR Part 61) in History and/or Architectural History.

B. CONTRACTOR'S RESPONSIBILITIES

1. It is required that the contractor complete a National Register of Historic Places or Arkansas Register of Historic Places nomination form for the historic property or properties in compliance with all applicable AHPP or National Park Service standards and guidance for nomination form completion.
2. The contractor will take color digital photos of the historic property in the field. In the case of a proposed historic district, representative streetscape photos will be provided by the Contractor. All photographs submitted must meet the National Park Service standards in *National Register Bulletin 16A: How to Complete the National Register Registration Form*.
3. The contractor will label all photographs to be included with the completed National or Arkansas Register of Historic Places nomination according to the National Park Service instructions.
4. The contractor will also need to locate the property on a United States Geological Survey Map and provide UTM coordinates for the historic property or district.
5. The contractor will be responsible for on-site presentation of information sufficient to fully support a recommendation for or against listing of the proposed historic district or property to the AHPP State Review Board at the earliest meeting following completion and staff approval.
6. Any contractor who has not submitted an accepted National Register or Arkansas Register of Historic Places form in the last five (5) years must attend a training class on completing National or Arkansas Register of Historic Places nomination forms. This one-day class, at the offices of AHPP, will train the contractor in the proper and thorough completion of National Arkansas Register of Historic Places nomination forms, photography requirements, mapping, and compilation of the finished product.
7. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of preparing the nomination, including but not limited to property data, databases, archival research, and photographs, to AHPP on request.
8. The contractor will grant an irrevocable license for royalty-free use of any and all work product provided to the City or AHPP under a contract subject to this grant agreement in any publication, project, or other work produced by the City, any unit of the State of Arkansas, the Federal Government, or any employee, person, or organization under contract to the City, AHPP, any unit of the State of Arkansas or the Federal Government for the purpose of producing such a work, in furtherance of the mission of the City, AHPP, or other governmental agency.

7. The contractor must be able to comply with deadlines and provide initial and completed nominations by the dates set forth in the contract between the City and the Contractor.
8. The contractor will provide his or her own transportation and any equipment necessary to completion of the nomination forms and presentation to the Arkansas State Review Board.
9. The contractor must work outside in extreme temperatures and provide proper attire for the weather conditions.
10. The contractor will perform all services and provide all materials to be produced under the contract in consultation with AHPP.
11. The contractor will conduct meetings with AHPP as required to complete the project.
12. The contractor will provide one full-color printed final clean copy nomination and attachments, including digital photographs, and one digital copy of any nominations created to the City and three full-color printed copies of the final clean copy nomination and attachments, including digital photographs, and two digital copies of any nominations to AHPP.

C. AHPP RESPONSIBILITIES

1. AHPP will provide access to any previously completed architectural resource forms in its possession for all buildings included in the contract for services.
2. AHPP will provide a one-day training class at the AHPP offices in Little Rock contractor on the proper and thorough completion of National and Arkansas Register of Historic Places nomination forms, photography requirements, mapping, and compilation of the finished product.
3. AHPP will provide technical assistance to the contractor as necessary for project completion.

APPENDIX C: Design Guidelines and Preservation Plans

Preparation of design guidelines and/ or preservation plans funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

1. The City will ensure that any contract for services funded under this agreement include duties and tasks as described in this appendix.
2. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and will not publish such announcement or request until comments have been received from AHPP or seven (7) business days have elapsed since the date on which the proposed announcement or request has been received by AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.
3. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review prior to execution of the contract, and will not execute the contract until comments have been received from AHPP or seven (7) business days have elapsed since the date on which the proposed contract has been received by AHPP. A copy of the final executed contract will be provided to AHPP.
4. The City will submit a draft copy of the design guidelines to AHPP for review, comments, and approval prior to printing, and will not give final approval to the product or proceed with final printing of the document until approval has been received by AHPP or fourteen (14) business days have elapsed since the date on which draft design guidelines have been received by AHPP.
5. The City will ensure that any contractor engaged to prepare design guidelines or preservation plans funded under this agreement meets the Secretary of the Interior's Standards for Professional Qualifications (36 CFR Part 61) in History, Architectural History, or Historic Architecture.

B. CONTRACTOR'S RESPONSIBILITIES

1. The contractor will design and complete a preservation plan or plans, when applicable, in accordance with the Secretary of the Interior's Standards and Guidelines for Preservation Planning (see at https://www.nps.gov/history/local-law/arch_stnds_0.htm).

2. The contractor will draft design guidelines, when applicable, that include, at minimum:
 - a. A summary of the City's ordinances, procedures, and bylaws relating to work regulated by the City's Historic District Commission;
 - b. Maps describing the boundaries of any local or National Register historic districts in which work is regulated under authority of the Arkansas Historic Districts Act, A.C.A. § 14-172-20, et seq., and local ordinance;
 - c. A list of addresses within such historic districts;
 - d. A history of the City as it provides historic context for any such local historic districts, National Register of Historic Places districts, or the City as a whole;
 - e. An overview of the architectural styles prevalent in the local historic districts within the period of significance as described in the most recent historic resources survey and/or nomination previously approved by the City's Historic District Commission;
 - f. The text of the Secretary of the Interior's Standards for Rehabilitation, as codified at 36 CFR 67.
 - g. Illustrated design guidance addressing appropriate rehabilitation of and additions to historic structures and sites and construction or development of appropriate infill structures and sites that addresses all historic architectural styles, periods, and methods of construction specific to the local districts.
3. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course preparing work product on any project funded through this grant agreement, including but not limited to property data, databases, archival research, and photographs, to AHPP on request.
4. The contractor will grant an irrevocable license for royalty-free use of any and all work product provided to the City or AHPP under a contract subject to this grant agreement in any publication, project, or other work produced by the City, any unit of the State of Arkansas, the Federal Government, or any employee, person, or organization under contract to the City, AHPP, any unit of the State of Arkansas or the Federal Government for the purpose of producing such a work, in furtherance of the mission of the City, AHPP, or other governmental agency.
5. The contractor must be able to comply with deadlines and provide initial and completed nominations by the dates set forth in the contract between the City and the Contractor.
6. The contractor will provide one full-color printed final clean copy of the design guidelines and attachments and one digital copy of the design

guidelines and attachments created to the City and three full-color printed copies and two digital copies to AHPP.

C. AHPP RESPONSIBILITIES

1. AHPP will provide access to survey files and copies of previous survey work as necessary for project completion.
2. AHPP will provide access to any nominations or other background research or information relevant to the project as necessary for project completion.

APPENDIX D: Rehabilitation Work to Historic Properties

A. CITY'S RESPONSIBILITIES

1. The City will ensure that any contract for services funded under this agreement includes duties and tasks as described in this appendix.
2. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and will not publish such announcement or request until comments have been received from AHPP or seven (7) business days have elapsed since the date on which the proposed announcement or request has been received by AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.
3. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review prior to execution of the contract, and will not execute the contract until comments have been received from AHPP or seven (7) business days have elapsed since the date on which the proposed contract has been received by AHPP. A copy of the final executed contract will be provided to AHPP.
4. The City will submit plans and specifications to AHPP for all proposed work that is part of any project funded by this grant that would make any material alteration in any feature of any property listed on or eligible for listing on the National Register of Historic Places, either individually or as a contributing feature in a district. The City will not begin any such work until approval has been granted by AHPP.
5. The City will ensure that the Contractor performs all work in compliance with the plans and specifications as approved by AHPP.
6. All products and projects must comply with the applicable Secretary of the Interior's *Standards for the Rehabilitation of Historic Properties*. The *Standards* are:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*
- 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*
- 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*
- 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*
- 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*
- 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*
- 8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*
- 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*
- 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

B. CONTRACTOR'S RESPONSIBILITIES

- 1. The Contract will perform all work in compliance with the plans and specifications as approved by AHPP.**

2. All products and projects must comply with the applicable Secretary of the Interior's *Standards for the Rehabilitation of Historic Properties*. The *Standards* are:

1. *A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

2. *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

3. *Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

4. *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

5. *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*

6. *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

7. *Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*

8. *Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*

9. *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible*

with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

3. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course preparing work product on any project funded through this grant agreement, including but not limited to property data, databases, archival research, and photographs, to AHPP on request.
4. The contractor will grant an irrevocable license for royalty-free use of any and all work product provided to the City or AHPP under a contract subject to this grant agreement in any publication, project, or other work produced by the City, any unit of the State of Arkansas, the Federal Government, or any employee, person, or organization under contract to the City, AHPP, any unit of the State of Arkansas or the Federal Government for the purpose of producing such a work, in furtherance of the mission of the City, AHPP, or other governmental agency.
5. The contractor must be able to comply with deadlines set forth in the contract between the City and the Contractor.
6. The contractor must erect a project sign acknowledging the assistance of the Department of the Interior, the National Park Service, the Department of Arkansas Heritage, and AHPP at the project site.

C. AHPP RESPONSIBILITIES

1. AHPP will provide access to any previously completed architectural resource forms or architectural plans in its possession for all buildings included in the contract for services.
2. AHPP will review and approve or comment on all plans and specifications submitted by the City within 14 business days of submission of plans and specifications that allow for a clear and complete understanding of the scope and detail of the project.
3. AHPP will provide technical assistance to the contractor as necessary for project completion.

APPENDIX E: Other Consultant Contracts and Products

The production of surveys of historic structures, sites, etc., funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

1. The City will ensure that any contract for services funded under this agreement includes duties and tasks as described in this contract and appendix.
2. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and comments and will not publish such announcement or request until comments been received from AHPP or seven (7) business days have elapsed since the date on which the proposed announcement or request has been received by AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.
3. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review, prior to execution of the contract, and will not execute the contract until comments have been received from AHPP or seven (7) business days have elapsed since the date on which the proposed contract has been received by AHPP. A copy of the final executed contract will be provided to AHPP.
4. The City will ensure that any contractor engaged for work funded under this agreement meets the applicable Secretary of the Interior's Standards for Professional Qualifications (36 CFR Part 61) as determined in consultation with AHPP.

B. CONTRACTOR'S RESPONSIBILITIES

1. The contractor will ensure that all project work and work products meet all applicable Secretary of the Interior's "Standards" including: 1) *Standards and Guidelines for Preservation Planning*, 2) *Standards and Guidelines for Identification*, 3) *Standards and Guidelines for Evaluation*, 4) *Standards and Guidelines for Registration*, 5) *Standards and Guidelines for Historical Documentation*, 6) *Standards and Guidelines for Architectural and Engineering Documentation*, 7) *Standards and*

Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification Standards.

2. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of carrying out the contract, including but not limited to archival research, and photographs, to AHPP on request.
3. The contractor will grant an irrevocable license for royalty-free use of any and all work product provided to the City or AHPP under a contract subject to this grant agreement in any publication, project, or other work produced by the City, any unit of the State of Arkansas, the Federal Government, or any employee, person, or organization under contract to the City, AHPP, any unit of the State of Arkansas or the Federal Government for the purpose of producing such a work, in furtherance of the mission of the City, AHPP, or other governmental agency.
4. The contractor must be able to adhere to set deadlines and provide initial and completed drafts by the dates set forth in contract documents.
5. The contractor will provide own transportation and equipment.
6. The contractor will provide one full-color copy and one digital copy of the work product, as applicable, to the City and one full-color printed copy and two digital copies of the work product, as applicable, to AHPP.

C. AHPP RESPONSIBILITIES

1. AHPP will provide Arkansas Architectural Resources Forms and Ancillary Structures Forms to the contractor as necessary for project completion.
2. AHPP will provide access to survey files and copies of previous survey work as necessary for project completion.
3. AHPP will provide resource numbers to the contractor as necessary for project completion.
4. AHPP will provide access to other AHPP files to the contractor as necessary for project completion.
5. AHPP will provide technical assistance to the contractor as necessary for project completion.

Certified Local Government Grant Administration--Essentials

Good management of grant awards is a benefit to Certified Local Government grant recipients and important to the continuation of the CLG grant program.

Clear expectations of the roles and responsibilities of AHPP and grant recipients ensures that grant projects are completed on time and funding for projects is supplied to CLGs quickly and easily. Keeping lines of communication open through up-to-date reporting ensures that AHPP staff can offer assistance when it is needed to help solve problems. Good accounting practices and funds management ensure that the project budget stays on track and that AHPP staff is contacted if budget problems arise.

CLG grants are funded through AHPP from a grant from the National Park Service. AHPP receives a significant portion of its budget from the National Park Service and must pass on at least 10% of its budget to CLG program participants as grants. AHPP is responsible for ensuring grant awards and the administration of these grants by CLGs comply with National Park Service requirements and regulations. Failure to comply with these requirements can result in the loss of NPS funding. Therefore, AHPP needs to be able to ensure that grant funds are spent successfully within the grant period.

The grant agreement contains provisions that are designed to encourage good management of grant awards. This Appendix is intended to explain some basic terms of the grant agreement that are essential to the administration of a CLG grant. Please read over the terms and instructions, initial each section, and sign at the end of this Appendix. Return this Appendix with the contract. AHPP will return a copy with the executed contract, so you will have a copy for your reference.

Scope of Work

The Scope of Work describes what projects or tasks the grant is intended to fund and how much money can be spent on each project.

Section I: Scope of Work may contain multiple tasks labeled A, B, C, and so on. Each of these is assigned a certain budget amount. This is the total amount that should be spent on this task.

If additional funds are needed for one task, AHPP staff should be contacted to discuss a grant amendment. Funds should not be spent on any activities not directly related to those tasks described in the Scope of Work.

Spending funds on activities not described in the Scope of Work may result in cancellation of the grant and require the return of all grant funds received.

Time Frame of Agreement

The Time Frame of the agreement is defined by the National Park Service. It cannot be amended or waived by AHPP.

Grant funds cannot be spent before or after the time period described in Section II: Time Frame of Agreement.

The entire grant amount MUST be spent prior to September 30, 2018. Any funds not spent prior to September 30, 2018, must be returned to AHPP.

If you received a grant and do not complete your grant project within the grant term, you will have to return the grant money.

Invoicing

Invoicing practices are intended to keep project accounting in compliance with NPS regulations.

AHPP can only process two types of invoices. The first are applications to reimburse a CLG for money that has already been spent on grant tasks. The second are applications to advance money to a CLG for expenditures that the CLG expects to make within 30 days of receiving the check. It typically takes at least three weeks from the time AHPP receives an invoice until a CLG receives a check, so plan accordingly.

Proof that either 1) an A-133 Single Audit has been obtained by the City or 2) a statement that the City was not required to obtain an A-133 Single Audit must be supplied to AHPP before invoices can be submitted. An A-133 Single Audit is an audit required of cities that receive more than \$750,000 in federal grant assistance. Your city grants or other financial officer should be able to provide you with the documents you need to fulfill this requirement. For your reporting purposes, our CFDA for our Historic Preservation Fund Grants in Aid is 15.904.

No invoices for expenses incurred after September 30, 2018, will be processed.

No invoices for advances received after August 15, 2018, will be processed.

No invoices for reimbursement received after October 15, 2018, will be processed.

Grant Administration Training

Good grant administration starts with an understanding of grant administration requirements. We want to help you avoid time-consuming mistakes or potential endangerment of grant funding.

A designated representative of the City must attend a training session on grant administration requirements before grant funds can be released. Attendance can be in-person or through an online training session.

Reporting

Grant reporting helps grant recipients and AHPP keep track of project budgets and progress. Prompt reporting can alert AHPP to potential problems so staff can be of assistance. AHPP is required to maintain complete reports with supporting documentation and any project publications or other products.

Quarterly reports detailing project progress and money spent must be submitted on the following schedule on forms supplied by AHPP:

<i>Time Period</i>	<i>Report Due</i>
May-September, 2017	October 16, 2017
October-December, 2017	January 16, 2018
January-March, 2018	April 16, 2018
April-June, 2018	July 16, 2018
July-September, 2018	October 15, 2018
FINAL	October 31, 2018

The report due April 16th, 2018, should be accompanied by a timeline for completion and a spending plan for the rest of the grant term.

To ensure that grant projects and spending stay on track, AHPP staff needs to be kept aware of the project progress. Therefore, CLGs whose grant reporting is more than two weeks overdue will not be able to submit invoices.

Failure to submit complete reports within one month of the date required will be grounds for cancellation of the grant at the discretion of AHPP.

Grant reports will not be considered complete without supporting documentation. This should include invoices and cancelled checks for expenditures. It should also include copies of any advertisements for and copies of solicitations for bids or RFPs/RFQs, and contracts for services entered into since the last quarterly report.

A final grant report detailing all completed projects and including required copies of publications and other project products should be submitted no later than October 31, 2018.

Federal Grant Funds Requirements

CLG grants are funded by the National Park Service's Historic Preservation Fund (HPF). Section VIII: Management and Budget Guidelines of the HPF Grants Manual (https://www.nps.gov/preservation-grants/manual/HPF_Manual.pdf) outlines regulations, policies, guidelines, and requirements related to acceptance of federal funds with which recipients of this grant must comply.

Secretary of the Interior's Standards

All projects funded by this grant must comply with the applicable Secretary of the Interior's *Standards and Guidelines* as found at https://www.nps.gov/history/local-law/arch_stnds_0.htm.

Contract Requirements

Appendices A-E of the grant agreement are designed to make sure the projects funded with CLG grants are of the best quality possible.

The scope of work and design of survey, nomination, and other contracted work funded by this grant must conform to the requirements of Appendices A-E of this grant agreement. Please read these requirements carefully and make sure you are familiar with them.

RFQs/RFPs and contracts between CLGs and contractors for work covered by Appendices A-E should contain provisions to ensure that surveys, nominations, design guidelines, etc., comply with those requirements.

All RFQs, RFPs, bids, contracts, and other similar documents and the names and qualifications of any contractors or consultants chosen to carry out contract work must be submitted to AHPP for review and comment prior to publication or execution as per the requirements of Appendices A-E.

Surveys, nominations, and other products covered by Appendices A-E that do not meet their requirements will not be considered complete.

Plans, specifications, and other documents required to give a complete picture of proposed work must be submitted to AHPP for review and approval before any bricks and mortar work that is a part of a project funded by this grant can proceed.

Easements and Preservation Agreements

A preservation agreement must be entered into between the property owner, mortgage holder, if any, and AHPP concerning any historic building, structure, site, or object being restored, rehabilitated, or repaired as part of any project utilizing CLG grant funds.

An easement must be donated to AHPP on any historic building, structure, site, or object being restored, rehabilitated, or repaired as part of any project utilizing ten thousand dollars (\$10,000) or more of AHPP funds.

Publications

NPS and AHPP require publications and other information to include acknowledgement of grant funding. AHPP and NPS maintain copies of all materials produced with grant funding as a resource and record of grant benefits.

All publications of any kind, including videos, pamphlets, books, websites, and in other media, must include an acknowledgement of support from AHPP, DAH, and the National Park Service as described in Section IX: Publications and Public Information of the grant agreement.

All press releases and other public dissemination of information of information by the City made possible by the grant will also acknowledge the grant support.

Any publications, displays, video/audio projects, pamphlets, language and graphics for websites, plaques, signs, etc., must be submitted to AHPP for review prior to public or dissemination.

A minimum of three full-color printed copies and one digital copy of any publication (as appropriate) will be furnished to AHPP.

Photographs, final architectural plans, text, and other representative material, as appropriate, should be submitted to illustrate the final product of grants for which digital or physical copies cannot be transmitted to AHPP.

Timely Initiation and Completion of Project Work

If AHPP does not spend 10% of its federal funding by the end of the grant term, it could lose its federal funds altogether. If projects cannot be completed on time, grant funds will need to be awarded for other projects that can be completed. Sometimes grant cancellation will be necessary.

If the City does not begin project work in a reasonable amount of time, or starts project work but doesn't move ahead on schedule and it appears the project may not be completed, AHPP may cancel the grant. For example, if the City does not put out an RFQ early enough to get a project completed in the grant period, AHPP will likely cancel the grant.

CLG Grant Administrator Name

Signature

Date

U.S. Department of the Interior

Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - **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.** See below for language to be used or use this form certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

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

CHECK ____ IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and 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 records, 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.

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

CHECK ____ IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

- (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.

PART C: Certification Regarding Drug-Free Workplace Requirements

CHECK___IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check___if there are workplaces on files that are not identified here.

PART D: Certification Regarding Drug-Free Workplace Requirements

CHECK___IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL.

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

PART E: Certification Regarding Lobbying
Certification for Contracts, Grants, Loans, and Cooperative Agreements

*CHECK ____ IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND
THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT;
SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.*

*CHECK ____ IF CERTIFICATION FOR THE AWARD OF A FEDERAL
LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR
SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.*

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 an agency, a Member of Congress, and 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 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 subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify 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.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TYPED NAME AND TITLE

DATE

Budget Year	Division	Adjustment Number
2017	DEVELOPMENT SERVICES (620)	
	/Org2	
	Requestor: Andrew Garner	

Historic preservation grant (17-CLG-04) in the amount of \$791 for travel and training, \$8,500 to hire a consultant to nominate the Meadow and Spring Street Historic District to the National Register of Historic Places, and \$5,000 to hire a consultant for continued development of the historic properties map and website.

	COUNCIL DATE:	6/20/2017
	LEGISTAR FILE ID#:	2017-0289
	<i>Liz Hutchens</i> 5/26/2017 1:21 PM	
	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: 2017-0237

Agenda Date: 6/20/2017

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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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



PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



**PROCESS SUMMARY
RAZE & REMOVAL**

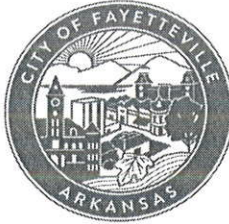
Property Address: 265 W Nonnamaker

WC Parcel # 765-15010-000

Hansen Case # 22902

City Code: 173.09

- On 2/3/2017 Code Compliance received a Request for Service regarding the structure located at 265 W Nonnamaker
- A Notice of Violation was sent to the Owner of Record on 2/2/2017
- The property was posted on 3/3/2017
- On 4/3/2017 the property was re-inspected and was found to still be in violation of City Code 173.09.



**Code Compliance Program
Unsafe Building Determination
UDC 173.09**

Address / Location: 265 W NONNAMAKER DR

WC Parcel # 765-15010-000

UDC 173.09

☒

I recommend the raze and removal of the structure.

☐

I recommend securing the structure.

☐

I have determined that the structure above is NOT in violation of Subsection 173.09 (A) of the City of Fayetteville's Unified Development Code

[Signature]

02/16/2017

Chief Building Official

Observations:

☐

Building Safety has issued a Warning letter for a potential Property Nuisance, City Code 173.09(B)

☐

Building Safety will pursue a Property Nuisance, City Code 173.09(B) (Complete CCFORM603)

PLEASE RETURN THIS FORM TO CODE COMPLIANCE

Date Sent: 2.8.17

SR# 168550

Date Received: 2/16/17

Case# 22902

[Signature]

Community Resources Division Director



RESEARCH CENTER BLVD

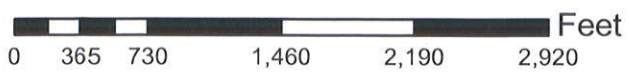
SCHOOL AVE

NONNAMAKER DR

SCHOOL AVE

PRIVATE 299

22ND ST















City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701



Posted 3-3-17

Office of Code Compliance
Phone 479-575-8260
Fax 479-444-3445

VIOLATION NOTICE

March 03, 2017

Owner HAROLD & ROSETTA HARMON
2050 S SCHOOL AVE

FAYETTEVILLE, AR 72701

RE: Property @ 265 W NONNAMAKER DR, Fayetteville, AR

WC Parcel # 765-15010-000

Case # 22902

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. **If you need clarification of this notice or advice on how to correct the problem, please call our office at (479)575-8240 or (479)575-8260.**

Suspected Violation That Needs Correction:

§173.09 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

How This Violation Can Be Voluntarily Corrected:

By making repairs as needed or razing the structure and remove all debris from the lot. A building permit may be required, based on review of the Building Safety Director.

Potential Penalties:

If this violation is not corrected within thirty (30) days from the service of this notice, you can be issued a Criminal Citation for the above violation and be summoned to appear in court. Our office can also suggest the structure be razed and removed. The costs shall be charged to the owner(s) of the property and the city shall have a lien against such property for such costs. If you disagree with our conclusion that your property contains a violation of our ordinances, you have the right to appeal to the appropriate City Board, Commission or City Council. Please see Chapter 155 of the Unified Development Code.

Sincerely,

CE OFFICER REDEVELOPMENT
Code Compliance Officer
code_compliance@fayetteville-ar.gov

Cc: file

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701



Office of Code Compliance
Phone 479-575-8260
Fax 479-444-3445

VIOLATION NOTICE

February 16, 2017

Owner HAROLD & ROSETTA HARMON
2050 S SCHOOL AVE

FAYETTEVILLE, AR 72701

RE: Property @ 265 W NONNAMAKER DR, Fayetteville, AR

WC Parcel # 765-15010-000

Case # 22902

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. **If you need clarification of this notice or advice on how to correct the problem, please call our office at (479)575-8240 or (479)575-8260.**

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Sincerely,

CE OFFICER REDEVELOPMENT
Code Compliance Officer
code_compliance@fayetteville-ar.gov

Cc: file

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

9590 9402 1747 6074 1851 61

7015 3010 0000 0814 6136

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

☐ Agent
☐ Addressee

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

[Signature]

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

- | | |
|--|---|
| ☐ 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

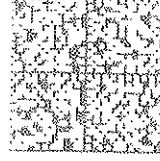
RECEIVED
MAR 29 2017
CR DIVISION

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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☐ Adult Signature Required

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☐ Adult Signature Restricted Delivery

\$

Postage

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Total Postage and Fees

\$

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Street and Apt. No., or PO Box No.

City, State, ZIP+4[®]

2-16-17

Postmark

Here

CC

22902

22903

22905

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

9579 4180 0000 0103 5102

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

Washington County Report

ID: 51730

Property Owner

Name: HARMON, HAROLD & ROSETTA

Property Information

Physical Address: 241 W NONNAMAKER DR, 247 W
NONNAMAKER DR, 265 W
NONNAMAKER DR, 279 W
NONNAMAKER DR, 289 W
NONNAMAKER DR, 300 W
NONNAMAKER DR, 304 W
NONNAMAKER DR, 308 W
NONNAMAKER DR, 312 W
NONNAMAKER DR, 318 W
NONNAMAKER DR, 2050 S SCHOOL
AVE, 2050 S SCHOOL AVE

Mailing Address: 2050 S SCHOOL AVE
FAYETTEVILLE, AR 72701-7153

Subdivision: 21-16-30 FAYETTEVILLE OUTLOTS

Type: (RI) - Res. Improv.

Block / Lot:

Tax Dist: (011) - FAYETTEVILLE SCH, FAY

S-T-R: 21-16-30

Millage Rate: 57.45

Size (in Acres): 0.000

Extended Legal: A part of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section 21, in Township 16 North, Range 30 West of the 5th P.M., and being more particularly described as beginning 1.80 chains North of the Southeast corner of the said SW1/4 of the SE1/4, Section 21, Township 16 North, Range 30, and running thence North five and ninety-four hundredths chains, thence West eleven and thirty hundredths chains to the East side of U.S. Highway No. 71 twenty feet East of the center of Highway Slab, thence southerly with the East side of Highway No. 71 six chains to a point twelve and thirty hundredths chains West of the beginning point, thence East twelve and thirty hundredths (12.30) chains to the place of beginning, containing seven. (7) acres, more or less, LESS AND EXCEPT a permanent easement to the City of Fayetteville, Arkansas, of 15 feet of equal and uniform width off of the entire West side of the above described real estate.

Market and Assessed Values:

	Estimated Market Value:	Full Assessed (20% Market Value):	Taxable Value:
Land:	\$135,000	\$27,000	\$21,160
Building:	\$260,650	\$52,130	\$51,650
Total:	\$395,650	\$79,130	\$72,810

Homestead Credit: \$350.00

Note: Tax amounts are estimates only. Contact the
county/parish tax collector for exact amounts.

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

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

Washington County Report

ID: 51730

Land:

Land Use	Size	Units
	1.000	House Lot
	1.000	House Lot
	1.000	House Lot
	4.000	House Lot

Deed Transfers:

Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
10/29/2013	2013	37069	Redem Deed			HARMON, HAROLD T & ROSETTA		
12/27/2001	2002	2473	Redem Deed	0.00	\$0	HARMON, HAROLD T & ROSETTA		
6/30/1989	1325	407	Warr. Deed	275.00	\$125,000	HARMON, HAROLD T & ROSETTA	Unval.	
1/1/1985	1072	970		0.00	\$0	HILL, BETTY		

Details for Residential Card 1:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1712	0	1712	4	1901	114	Average	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Carpet & Tile

Insulation: Ceilings Walls

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1 Half: 1

Fireplace: Type: 1s Sgl.

Heat / Cool: None

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

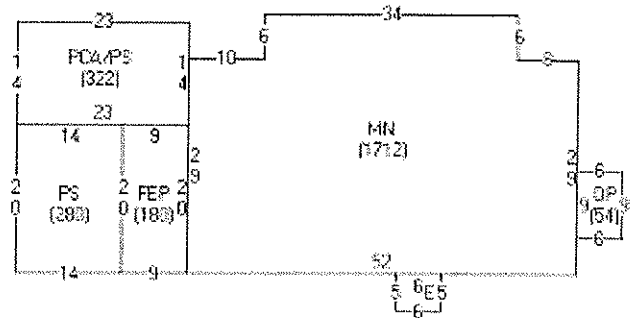
Style: N/A

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1712
B	FEP	Frame enclosed porch	180
C	PS	Patio slab	280
D	PCA/PS	Patio cover, aluminum over sla	322
E	OP	Porch, open	30
F	OP	Porch, open	54

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Driveway, concrete		16x59	1		
Driveway, concrete		10x50	1		
Outbuilding, metal		8x16			
Garage - frame unfinished, detach		16x20			
Outbuilding, metal		8x10	5		
Mobile Home		12x50			
Mobile Home		12x40			
Mobile Home		12x48			
Storage/utility bldg. metal		20x30			2006

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

Washington County Report

ID: 51730

Details for Residential Card 2:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1144	0	1144	5	1926	89	Average	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: None

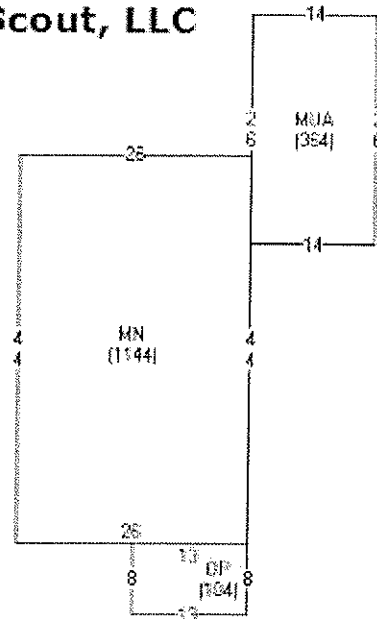
Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1144
B	OP	Porch, open	104
C	MUA	Garage - masonry unfinished, attached	364

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

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

Washington County Report

ID: 51730

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Garage - masonry unfinished, d		15x26	1		
Wood deck		8x15	1		

Other Adjustments:

Code	Type	Quantity
FLOORC	C	237

Details for Residential Card 3:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1097	0	1097	5	1926	89	Average	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

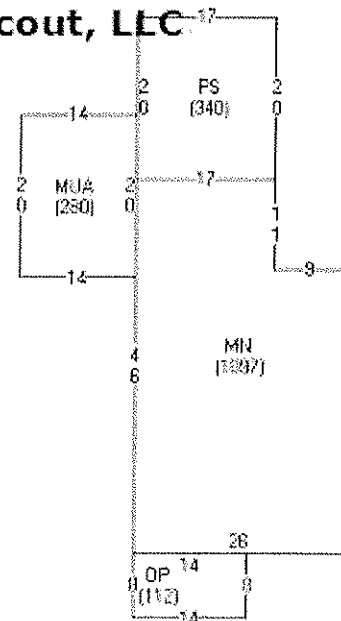
Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

DataScout, LLC



Not a Legal Document.

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www.actDataScout.com

Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1097
B	PS	Patio slab	340
C	OP	Porch, open	112
D	MUA	Garage - masonry unfinished, attached	280

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Outbuilding, frame		12x20	1		
Wood deck		8x15	1		

Other Adjustments:

Code	Type	Quantity
FLOORC	C	219

Details for Residential Card 4:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1213	0	1213	5	1926	89	Fair	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

Basement: N/A

Basement Area: N/A

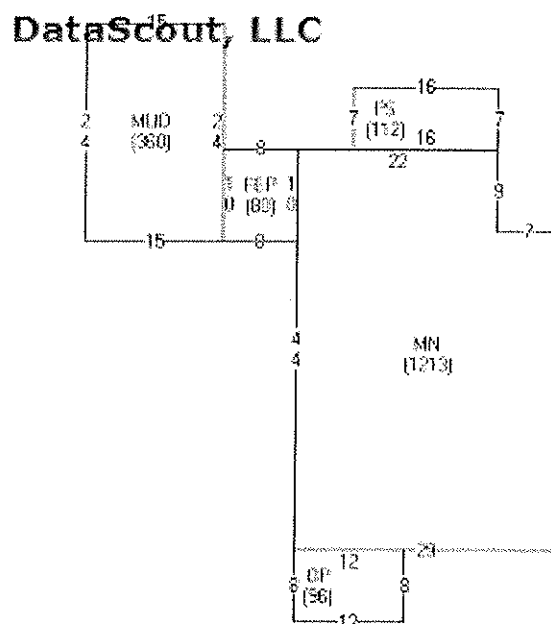
Year Remodeled: N/A

Style: N/A

Not a Legal Document.

Subject to terms and conditions.

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

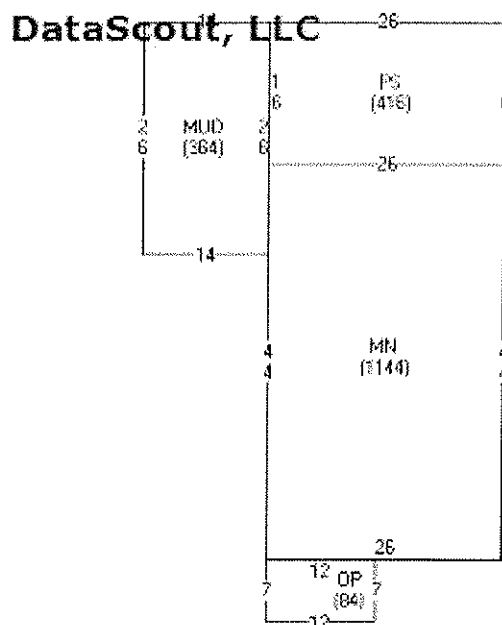
Heat / Cool: F/W/Furn

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

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

Washington County Report

ID: 51730

Other Adjustments:

Code	Type	Quantity
FLOORC	C	246

Details for Residential Card 6:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1064	0	1064	5	1926	89	Fair	N/A

Exterior Wall: STONE VEN

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Hardwood Sheathing

Insulation: N/A

Roof Cover: Asphalt Shingle

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

Heat / Cool: F/W/Furn

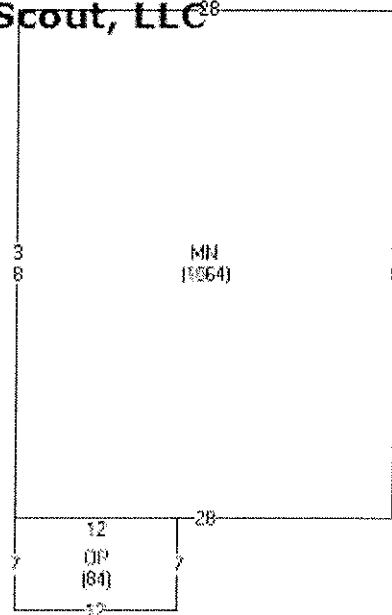
Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1064
B	OP	Porch, open	84

Not a Legal Document.
Subject to terms and conditions.

www.actDataScout.com

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

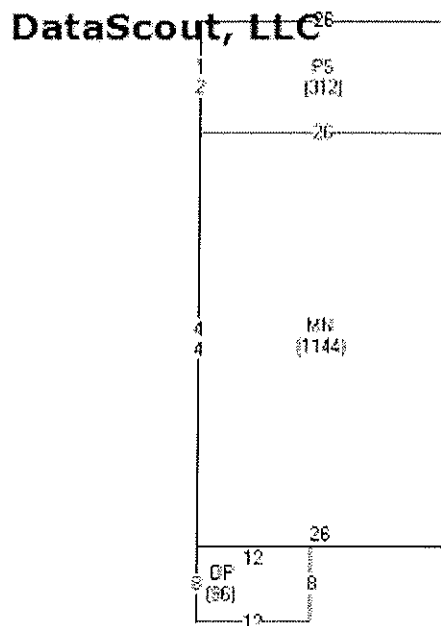
Heat / Cool: F/W/Furn

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

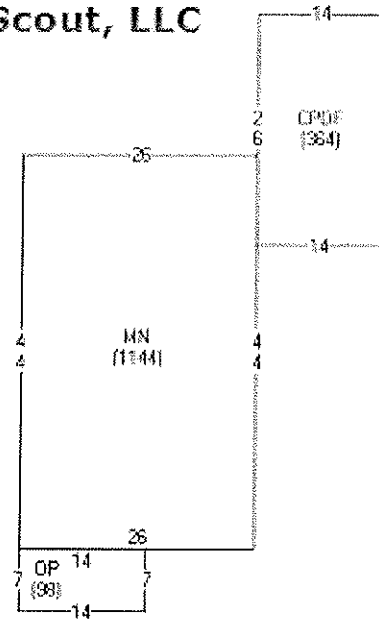
Style: N/A

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.

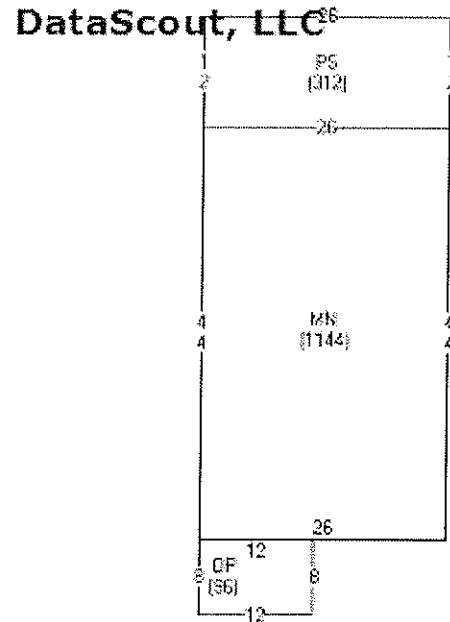
Subject to terms and conditions.

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

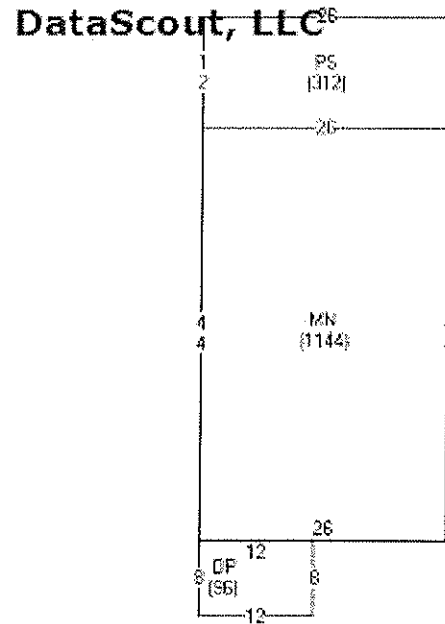
Parcel: 765-15010-000
 Prev. Parcel: 148086-000-00
 As of: 4/20/2017

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
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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

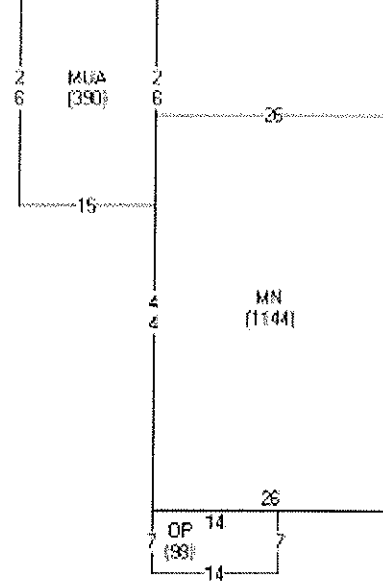
Basement: N/A

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:	/
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0266

Agenda Date: 6/20/2017

Version: 1

Status: Second Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 1

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

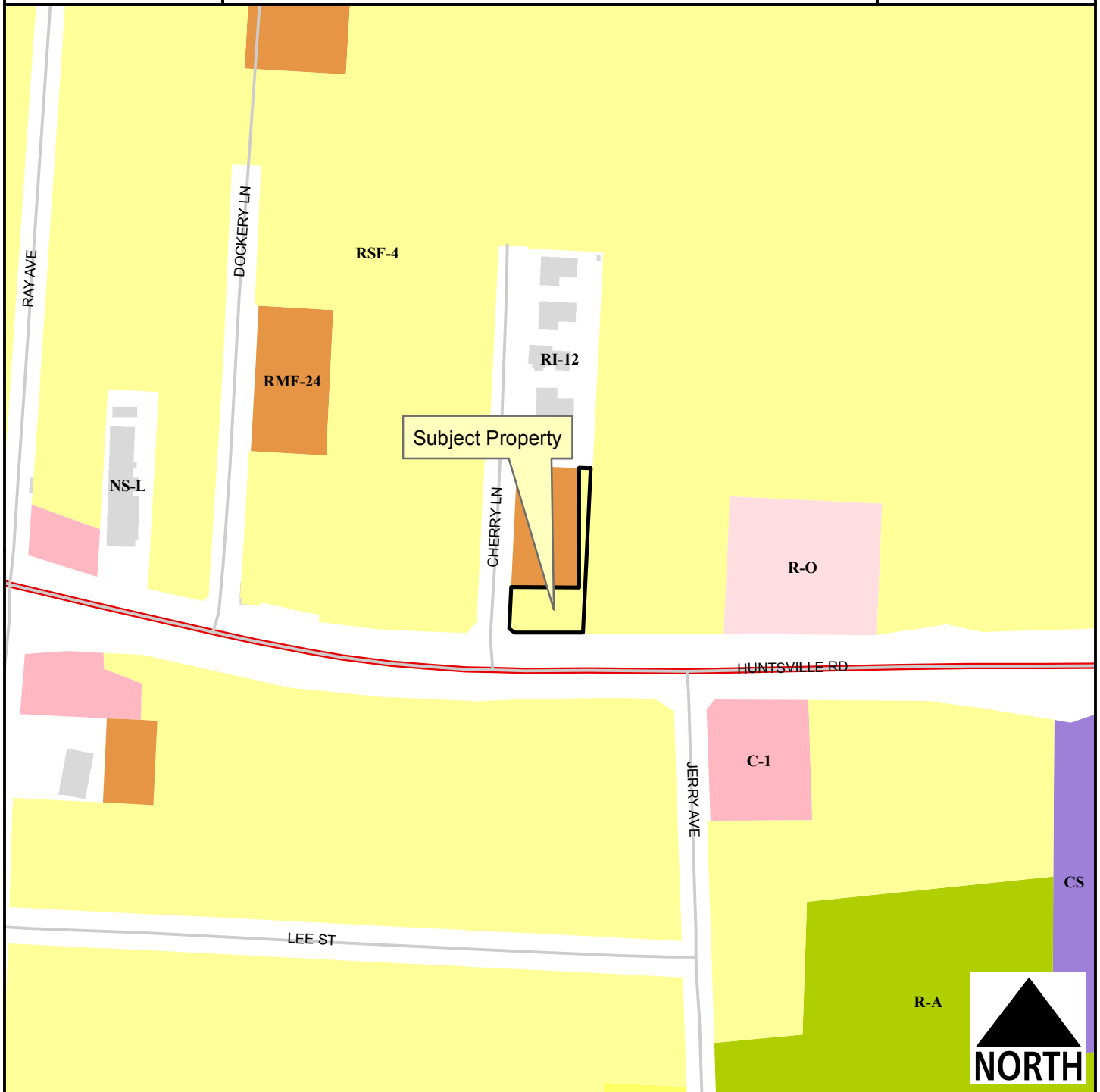
RZN 17-5772

Close Up View

SWEETSER PROPERTIES

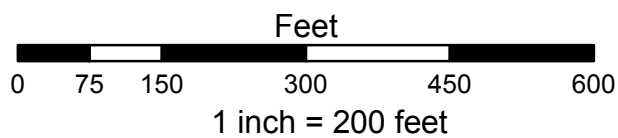
17-5772

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: Sweetser 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:

Sweetser 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
-------------------------	---------

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
-------------------	-------------------

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	30/45/60 feet*
-------------------------	----------------

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10—20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 feet.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

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

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; 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

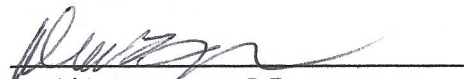
Att: Planning Dept.
Re: Rezoning of Sweetser Property on Cherry Lane

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;



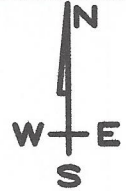
David L. Jorgensen, P.E.

Rezoning Exhibit

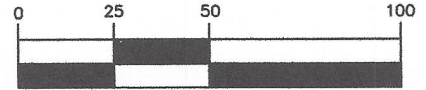
RZN 17-5772

LEGEND

- × CALCULATED POINT
- FOUND IRON PIN
- SET IRON PIN & CAP
- CENTERLINE STREET
- UTILITY EASEMENT



GRAPHIC SCALE



(IN FEET)

1 inch = 50 ft.

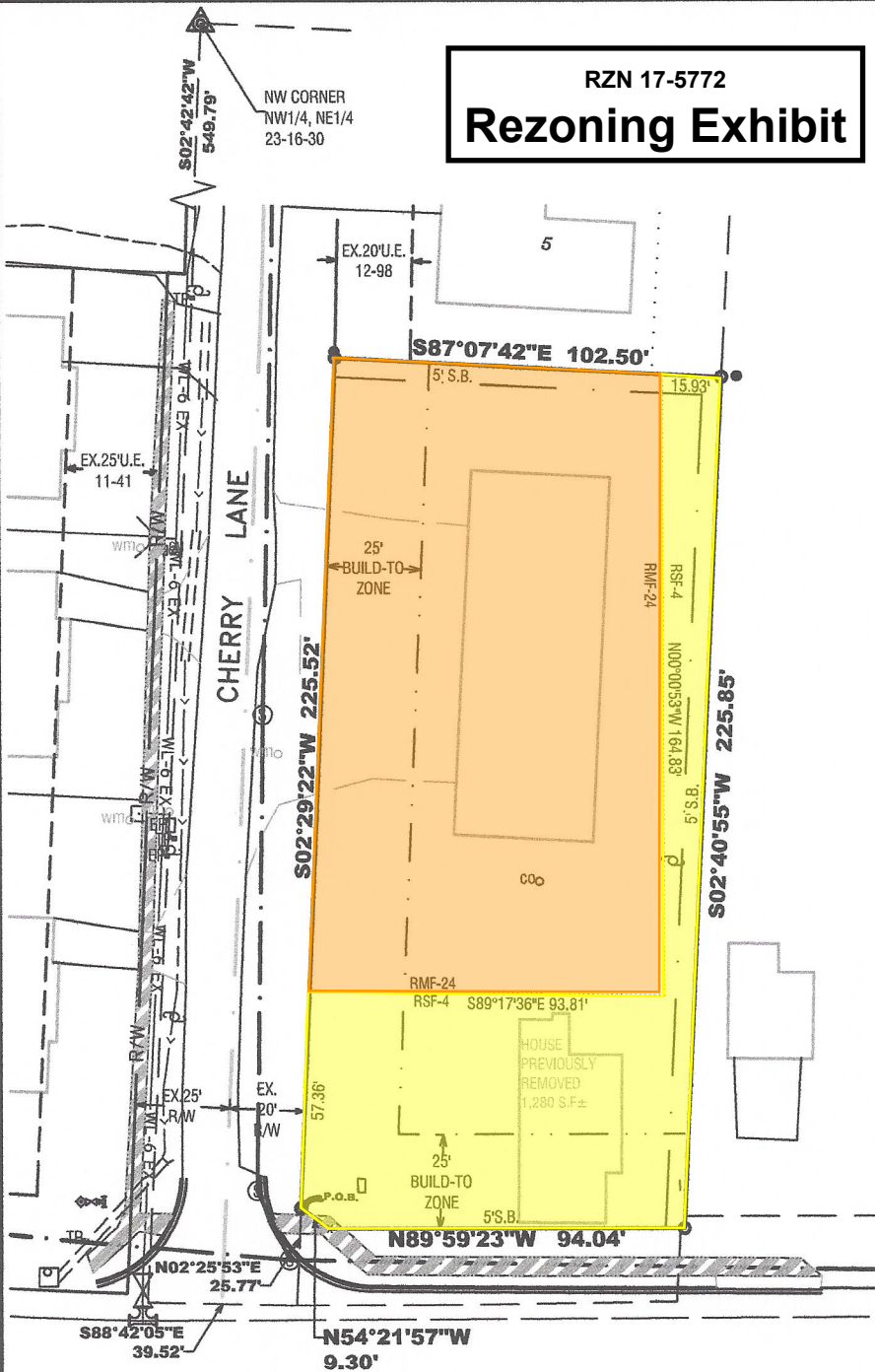
LEGAL DESCRIPTION:

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

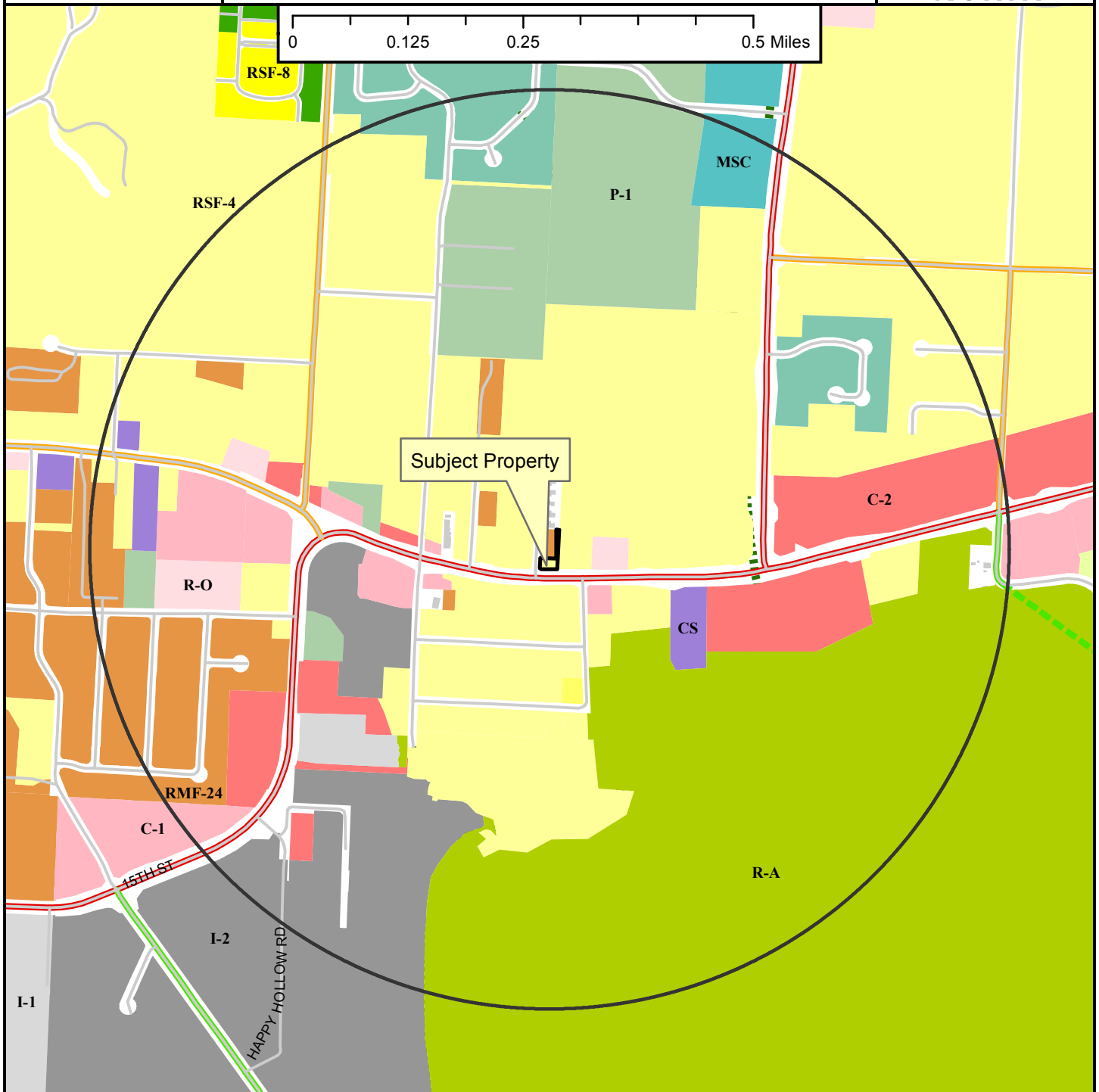
RZN 17-5772

SWEETSER PROPERTIES

One Mile View

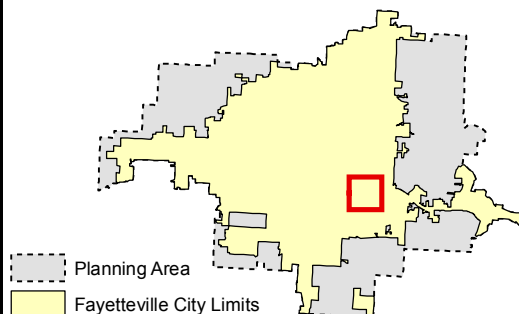


0 0.125 0.25 0.5 Miles



Legend

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

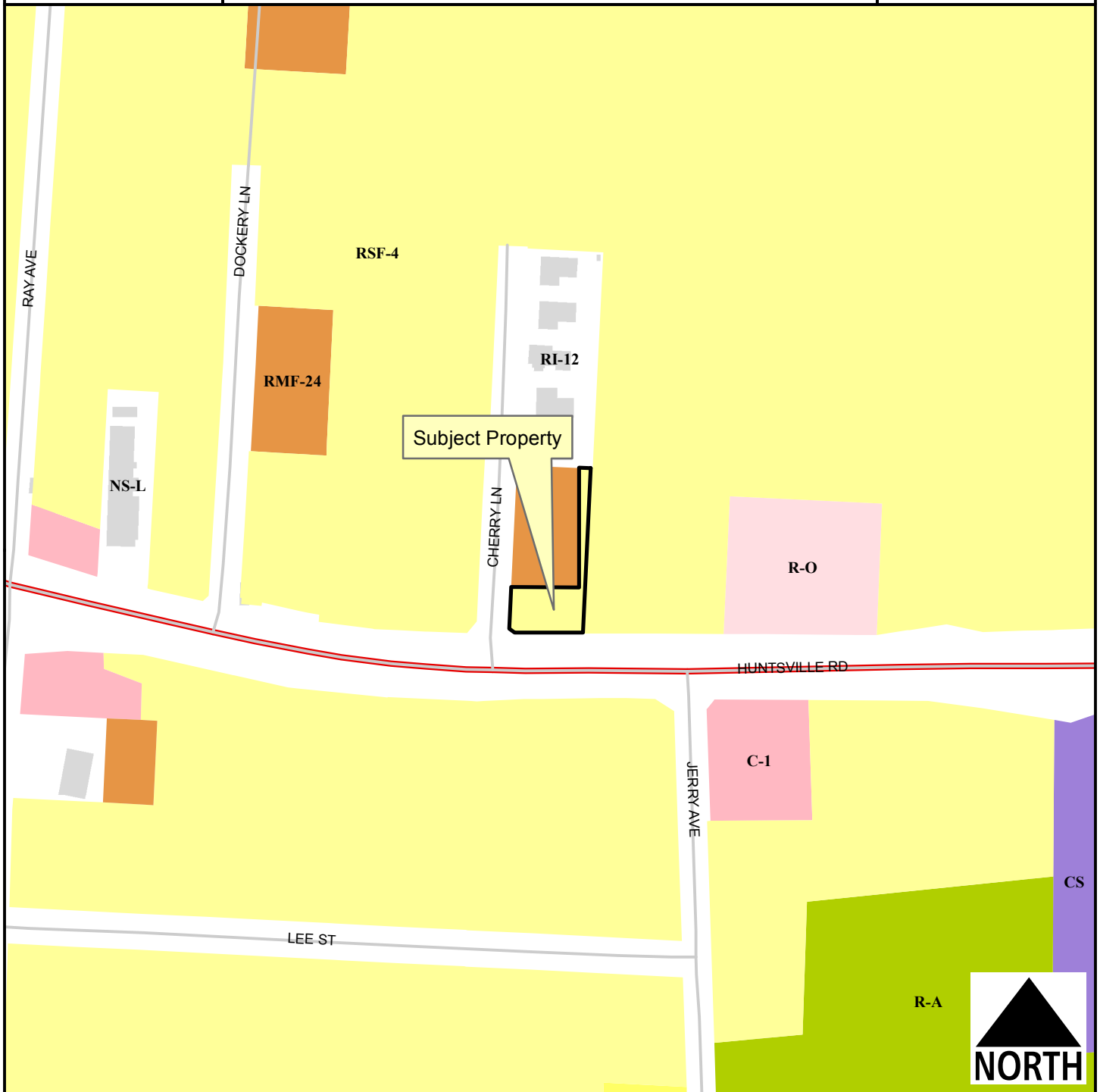


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RSF-5 Residential-Agricultural
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light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

RZN 17-5772

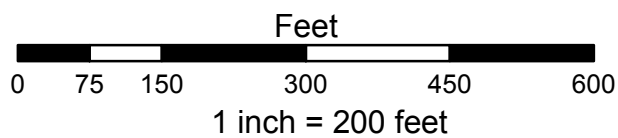
SWEETSER PROPERTIES

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



RZN17-5772



Street



PRINCIPAL ARTERIAL



County Parcels

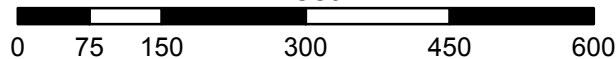


Planning Area



Fayetteville City Limits

Feet



1 inch = 200 feet

FEMA Flood Hazard Data



100-Year Floodplain

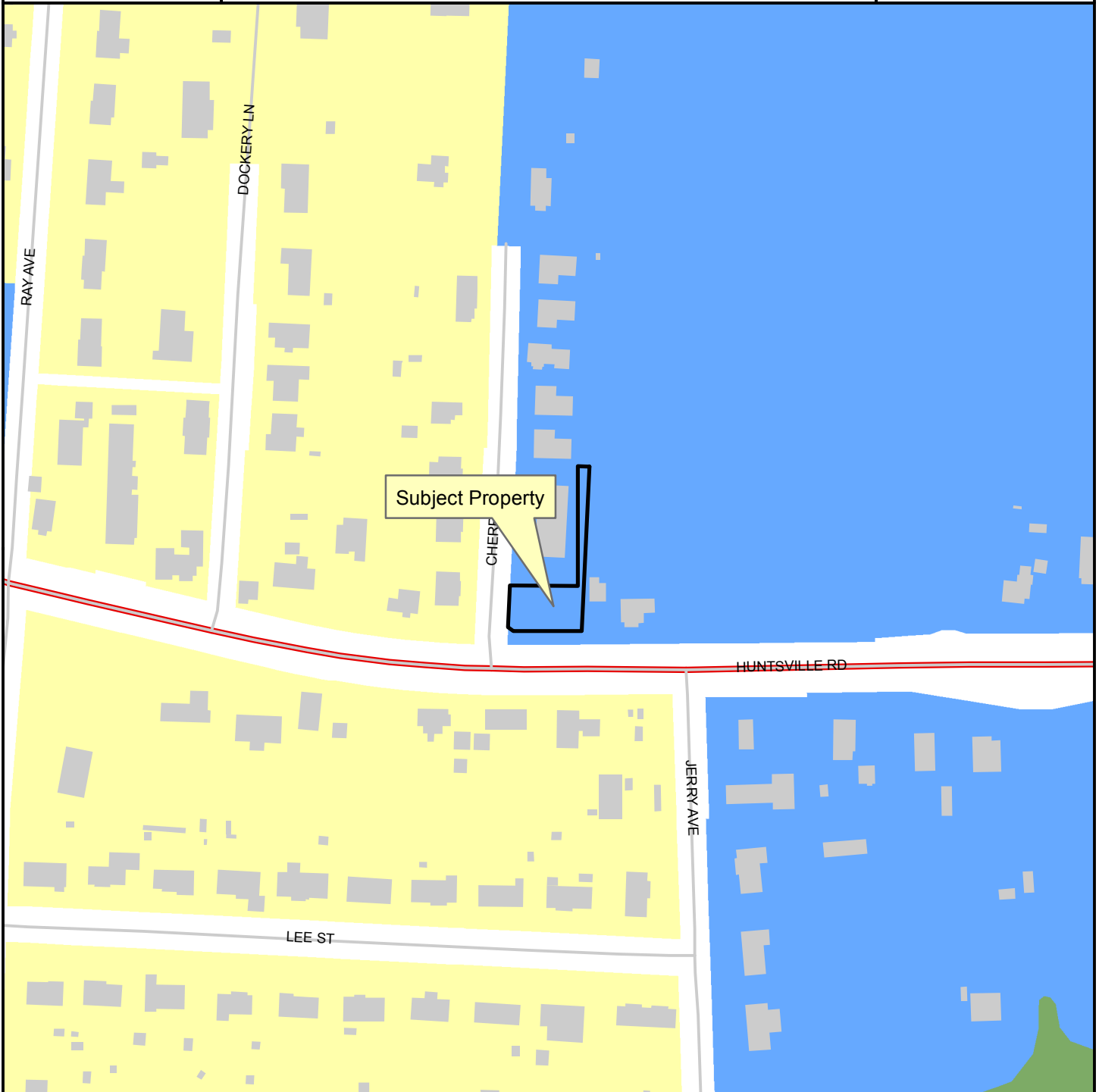


Floodway

RZN 17-5772

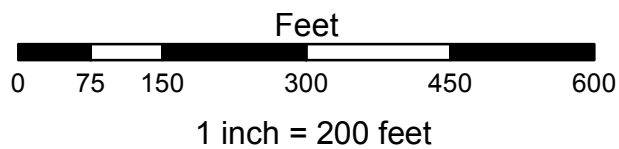
Future Land Use

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: 6/20/2017

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 2

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

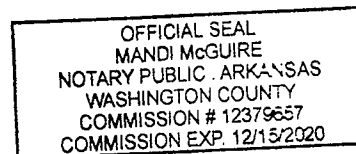
NOTARY OATH

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 BrandonSugarland Properties LLC

Address: _____

E-mail: _____

Phone: _____

() (479) 790-7858

() _____

Fax: _____

() _____

Representative (engineer, surveyor, realtor, etc.):Name: Matthew PettyInfill Group LLCAddress: 100 West Center StreetSuite 202Fayetteville, AR 72701E-mail: matthew@infillgroup.com

Phone: _____

() 479 595 8703

() _____

Fax: _____

() _____

Site Address / Location: 1320 South College Avenue

Current Zoning District: NCRequested Zoning District: RI-UAssessor's Parcel Number(s) for subject property: 765-03358-000 and 765-03359-000***FINANCIAL INTERESTS***

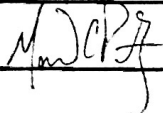
The following entities and / or people have financial interest in this project:

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

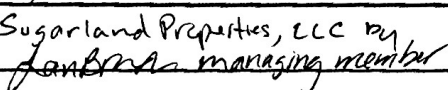
Signature: 

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

*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.)



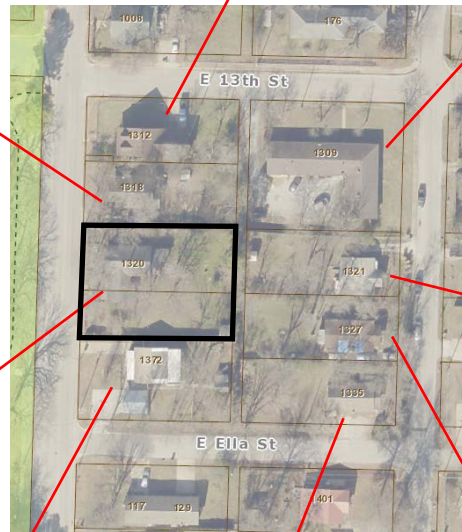
Subject Property



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.

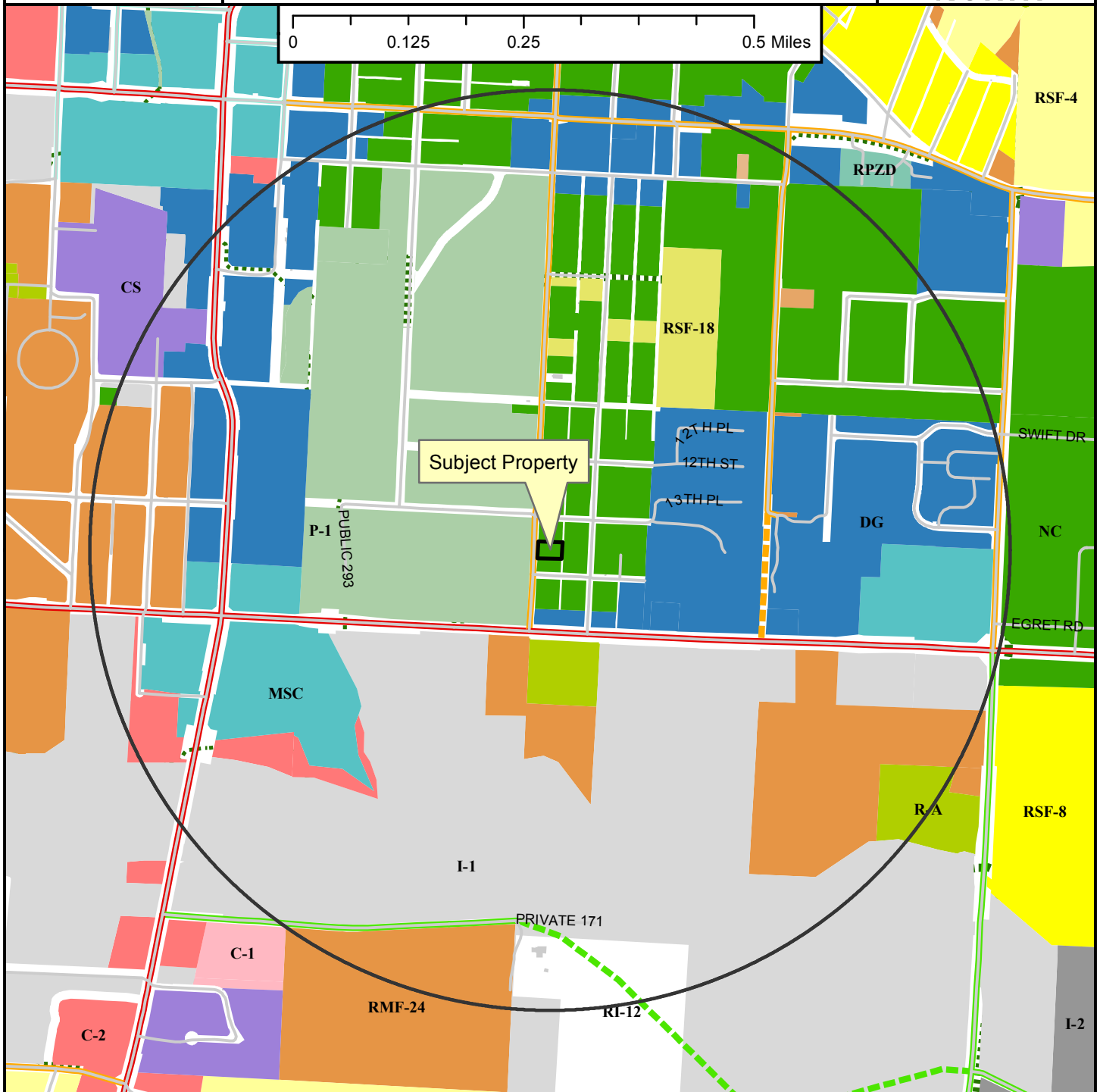
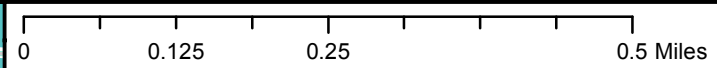


RZN 17-5776

SUGARLAND PROPERTIES

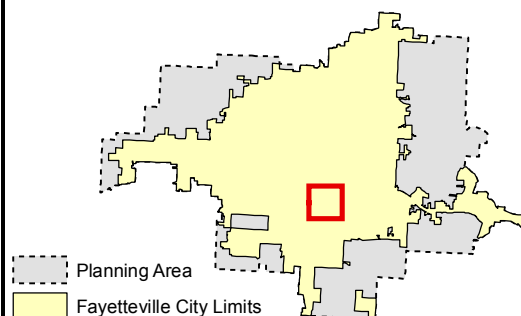


One Mile View



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

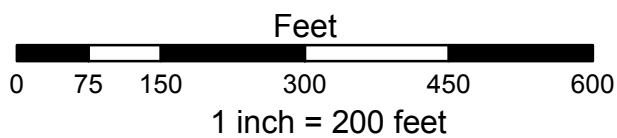
SUGARLAND PROPERTIES

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

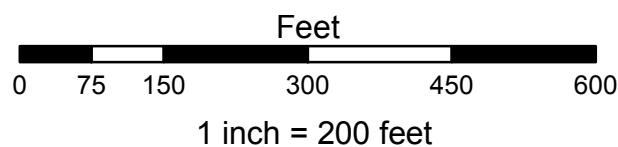
RZN 17-5776

Current Land Use

SUGARLAND PROPERTIES



-  RZN17-5776
-  Address
-  Street
-  COLLECTOR
-  PRINCIPAL ARTERIAL
-  Shared Use Paved Trail
-  County Parcels
-  Planning Area
-  Fayetteville City Limits



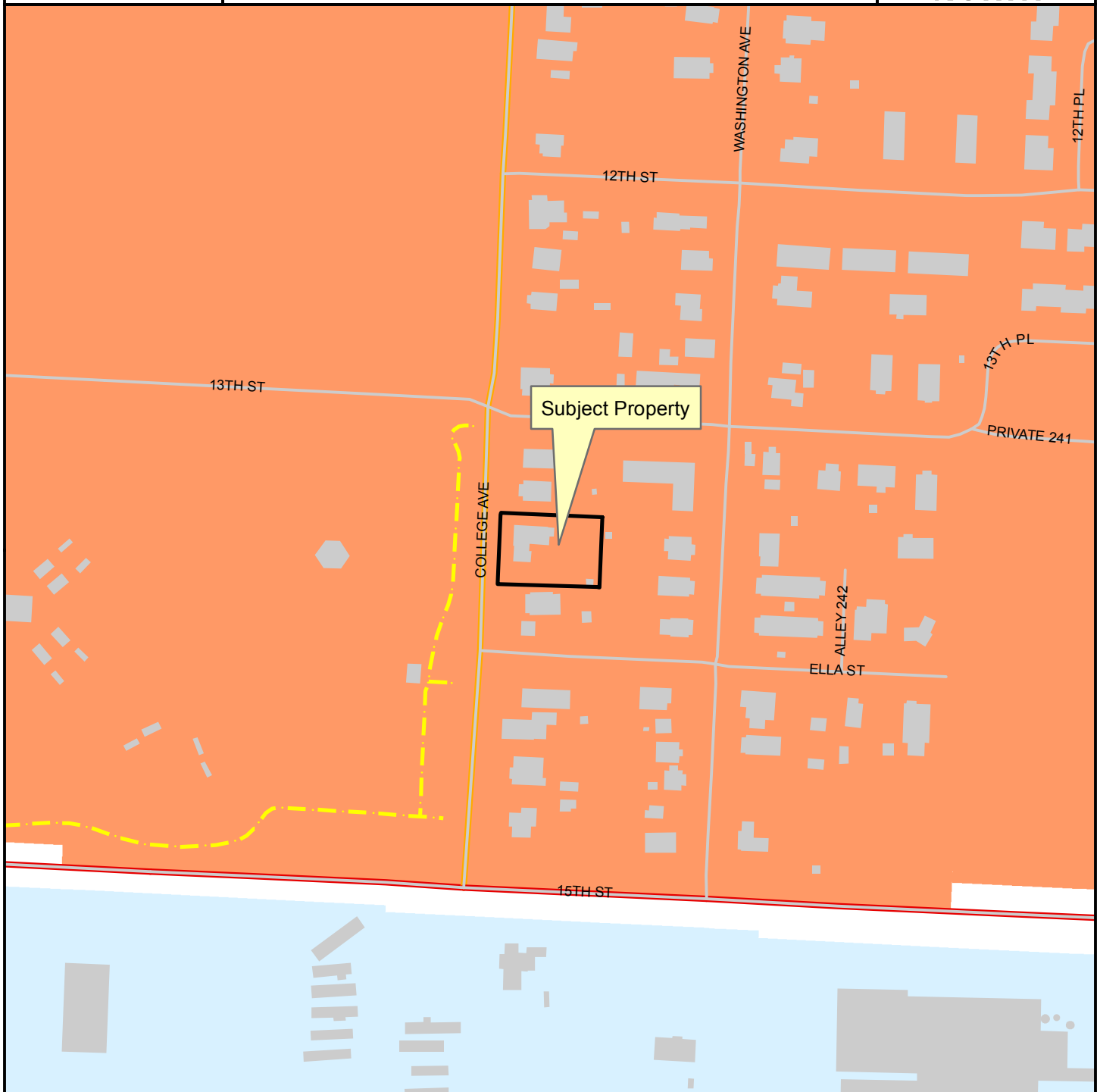
FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

RZN 17-5776

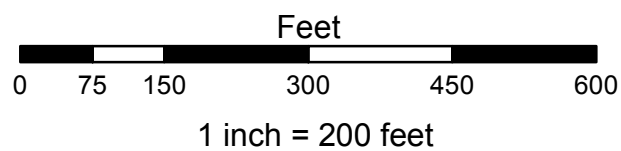
Future Land Use

SUGARLAND PROPERTIES



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: 2017-0286

Agenda Date: 6/20/2017

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

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 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.

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:

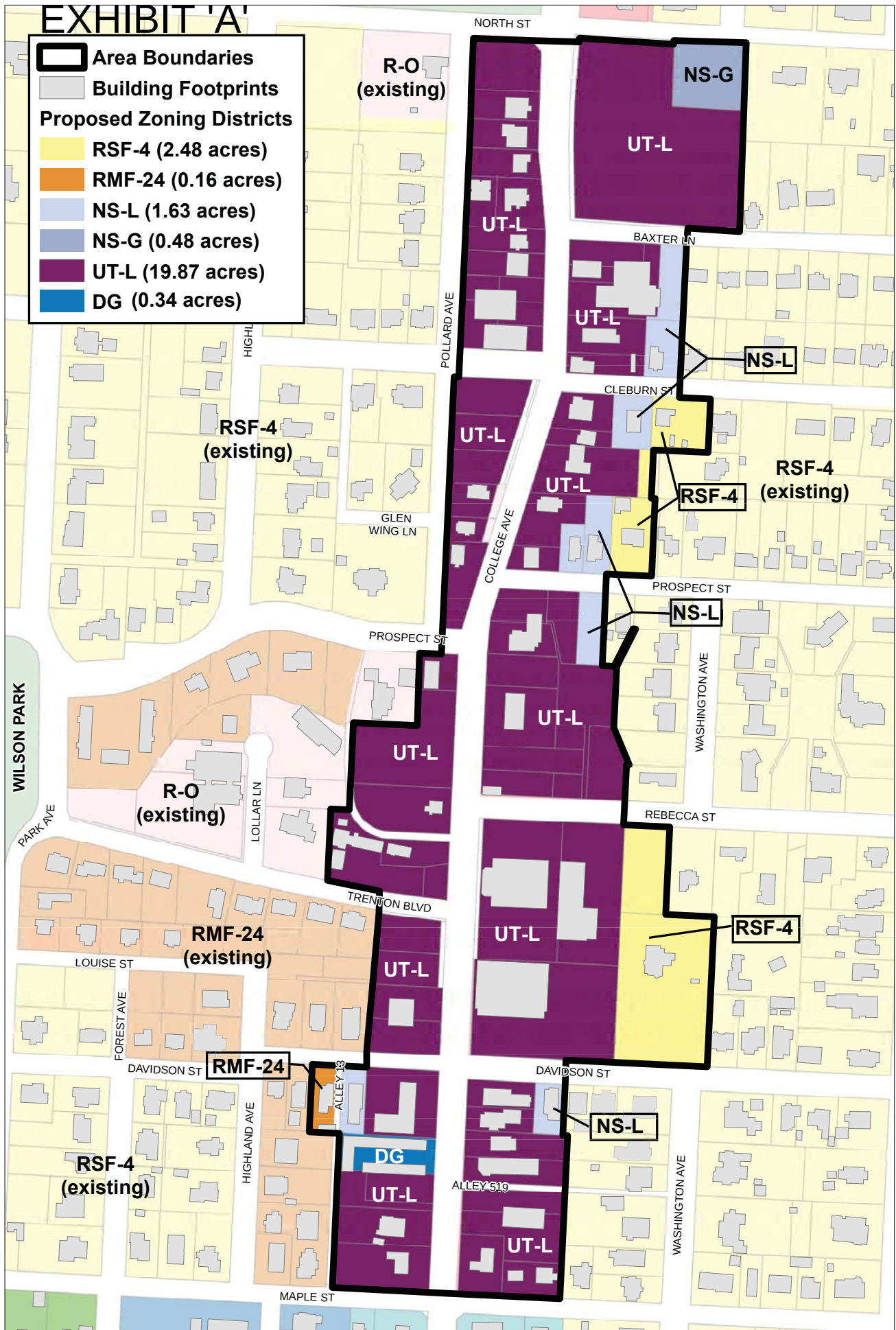
N/A

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'

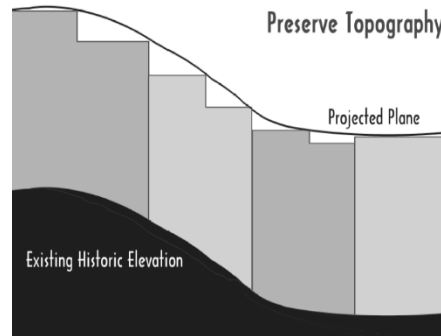
Proposed Code Changes in Strikeout

CHAPTER 151: DEFINITIONS

151.01 Definitions

B

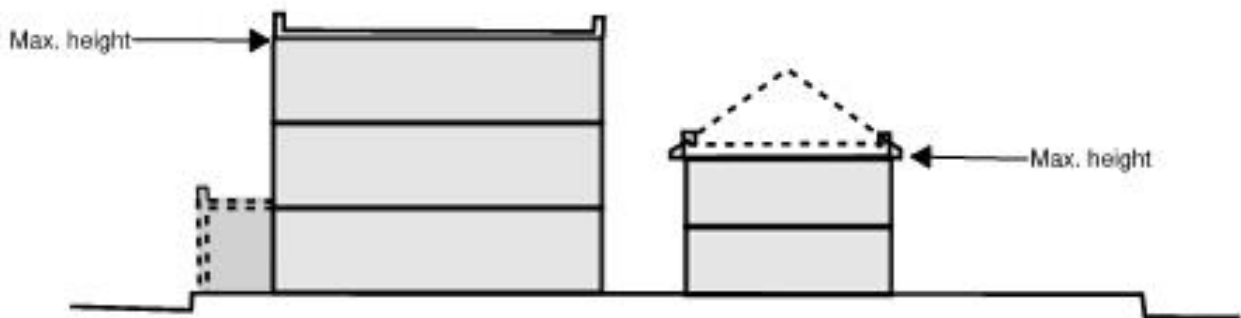
Building Height (*when measured in feet*): Building height shall be measured vertically from the existing natural grade to any part of the structure, excluding spires, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances not intended for human occupancy. To verify whether the 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 anchors 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







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)

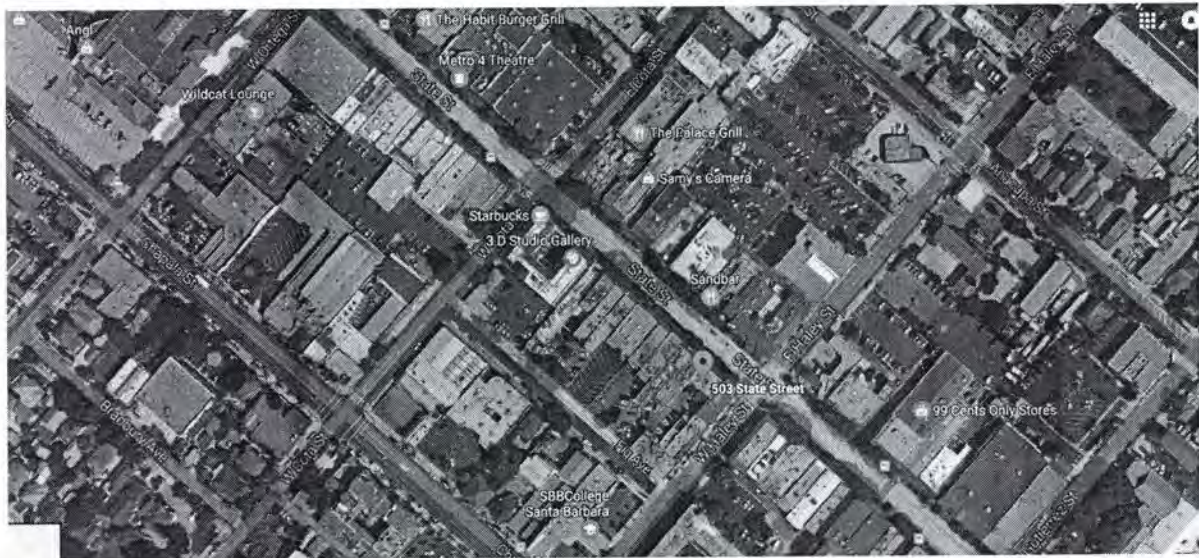


Shattuck Ave. Downtown Berkeley



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".

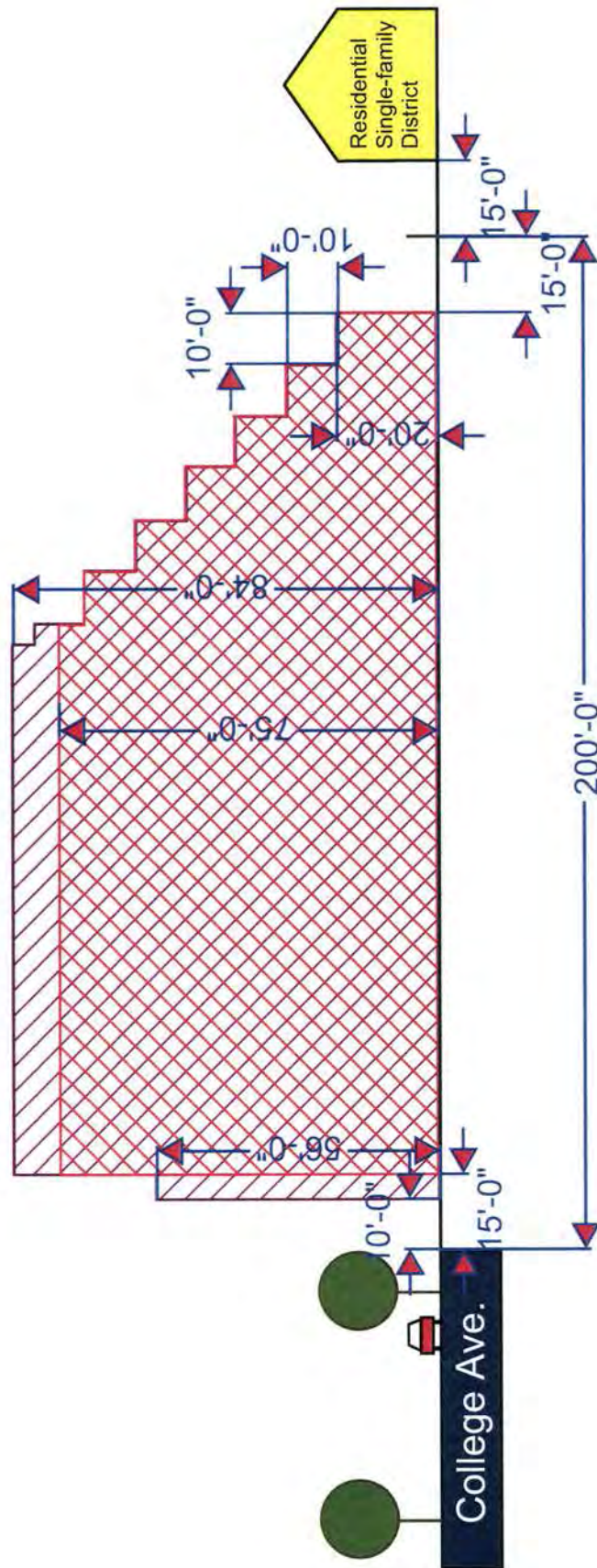
I am so thrilled with the improvements to the streetscape along college to date, and look forward to the project being done ;))

Thanks,

Eden Reif
607 N. Walnut Ave.

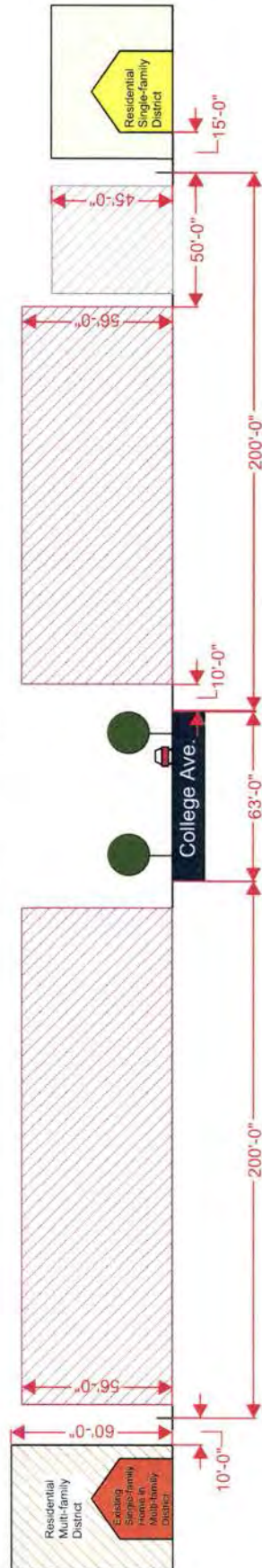
Building Height Cross Section Comparison

 UT, Urban Thoroughfare
  C-2, Thoroughfare Commercial



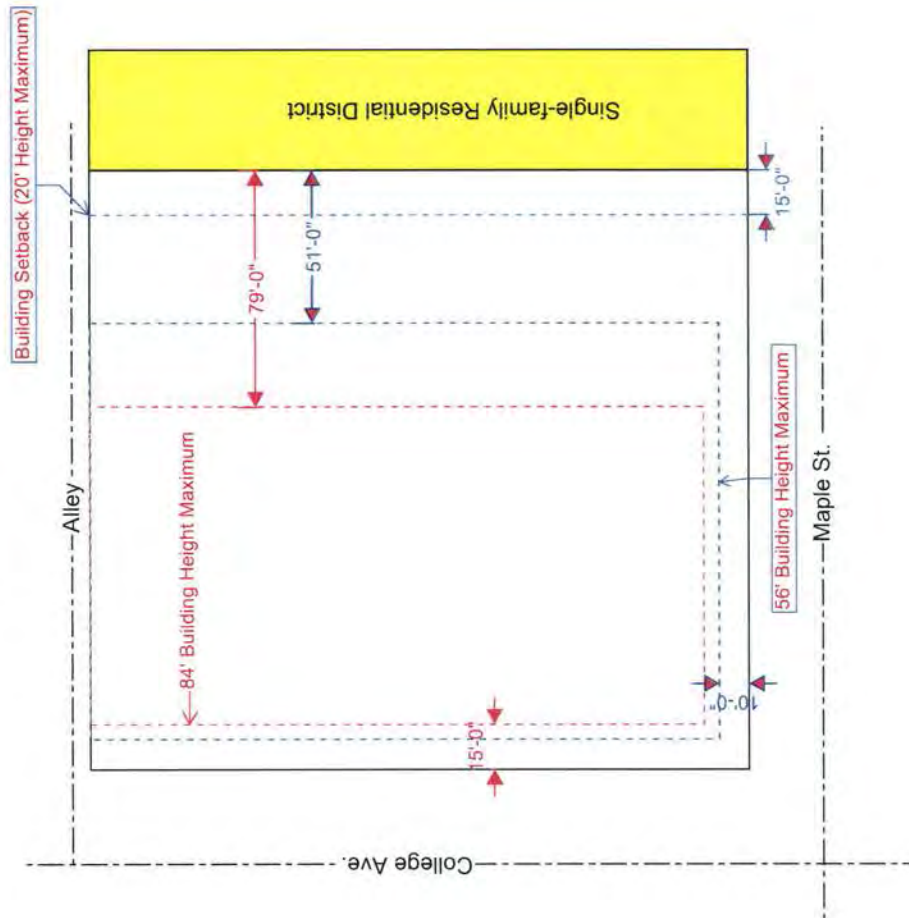
Building Height Cross Section Comparison

- ☒ Residential Multi-family District
- ☒ CS: Community Services
- ☐ NS-L: Neighborhood Services, Limited
- ☐ Residential Single-family District

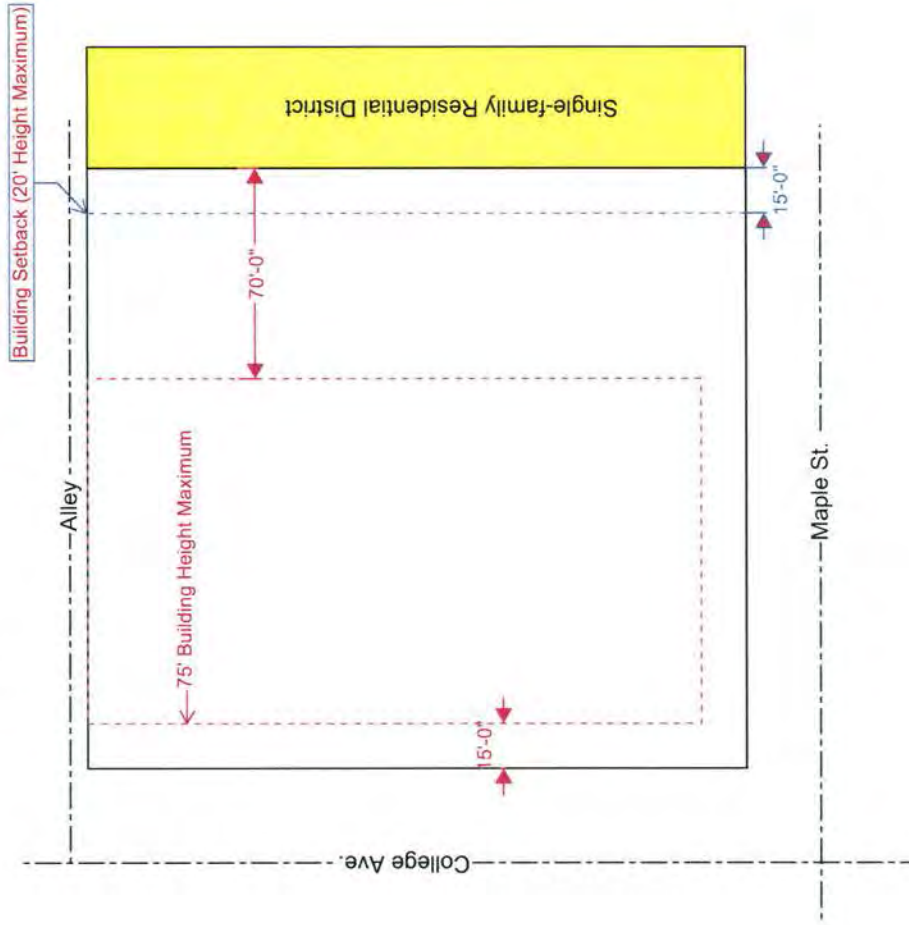


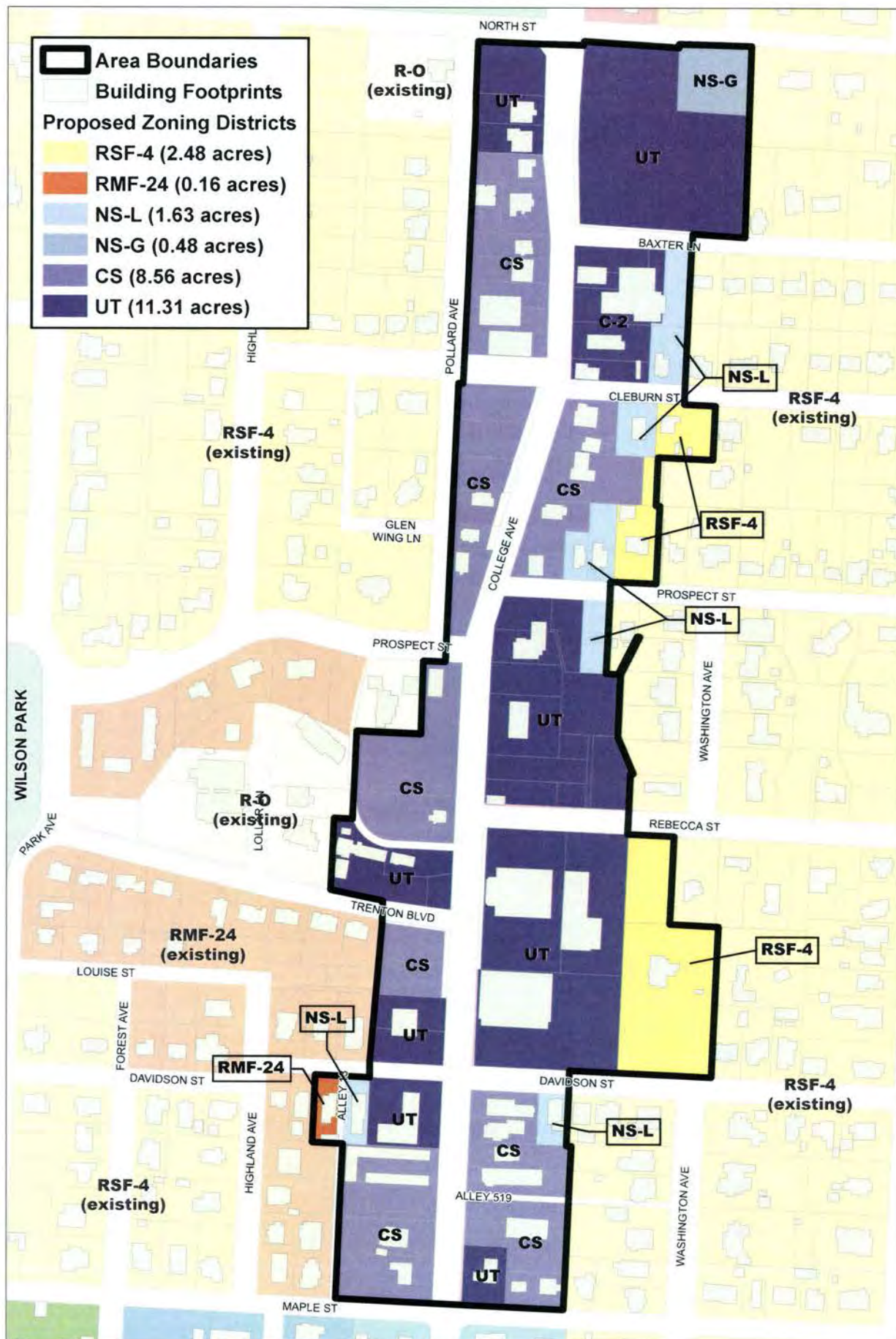
Height Setback Comparison Diagram

UT, Urban Thoroughfare

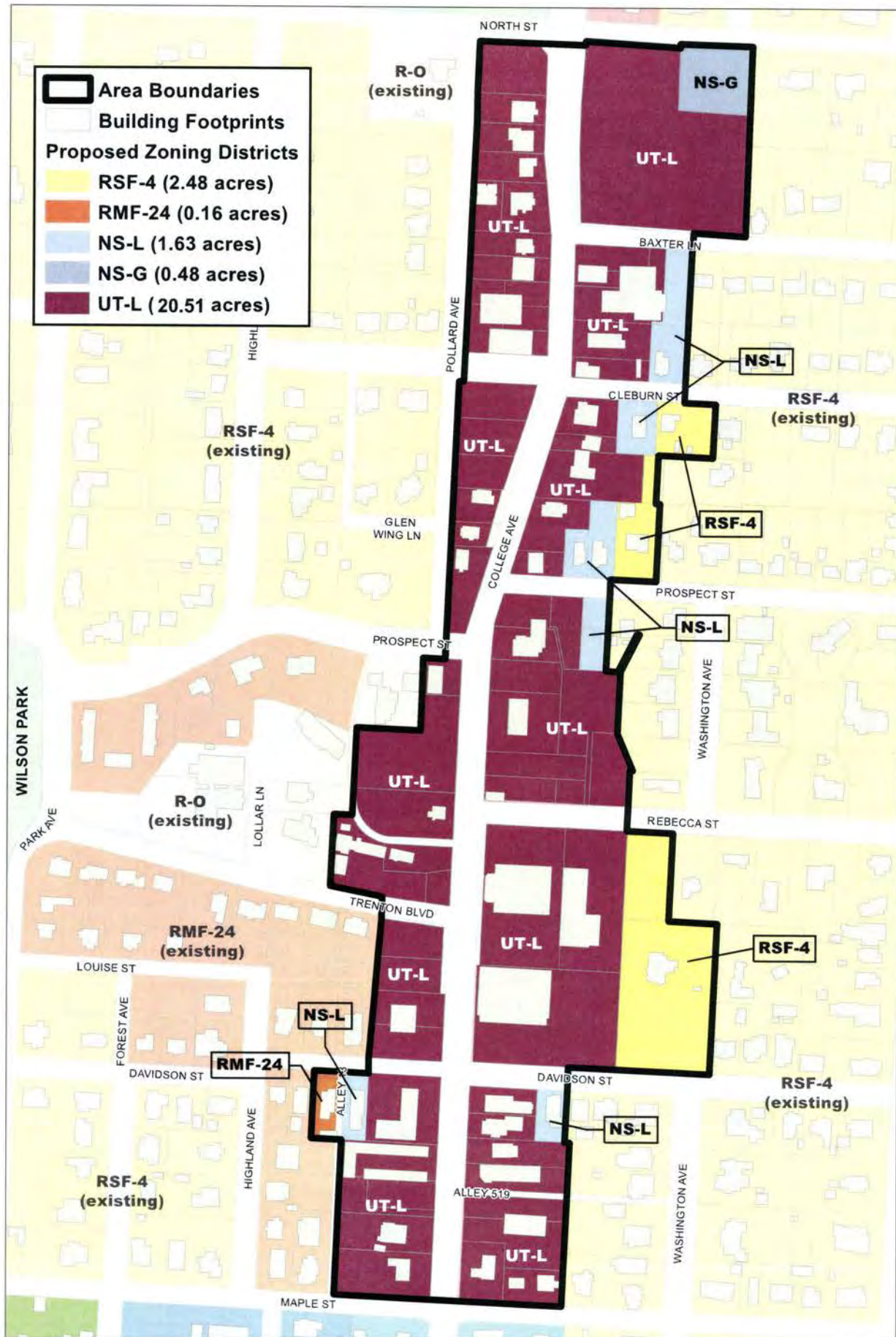


C-2, Thoroughfare Commercial





Alternative 1



Alternative 3



RZN 17-5713

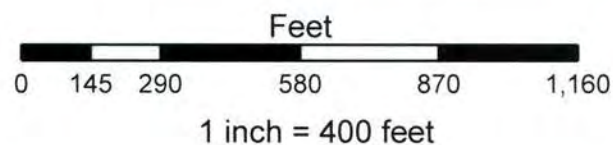
Current Land Use

COLLEGE AVE. CORRIDOR REZONE



2015 Imagery

- 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



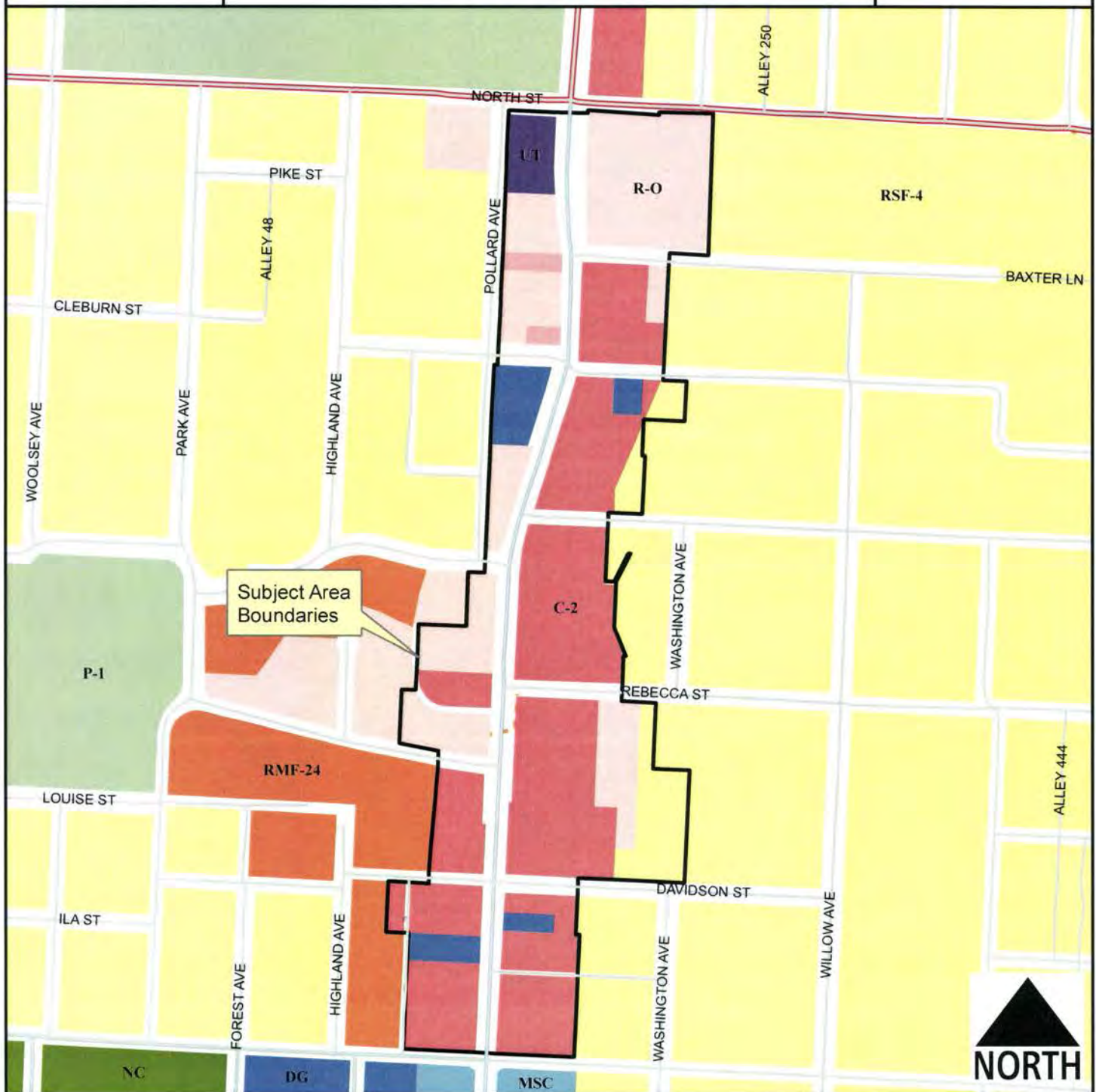
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN 17-5713

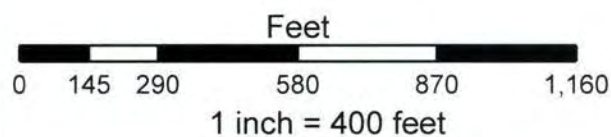
Close Up View

COLLEGE AVE. CORRIDOR REZONE



Legend

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



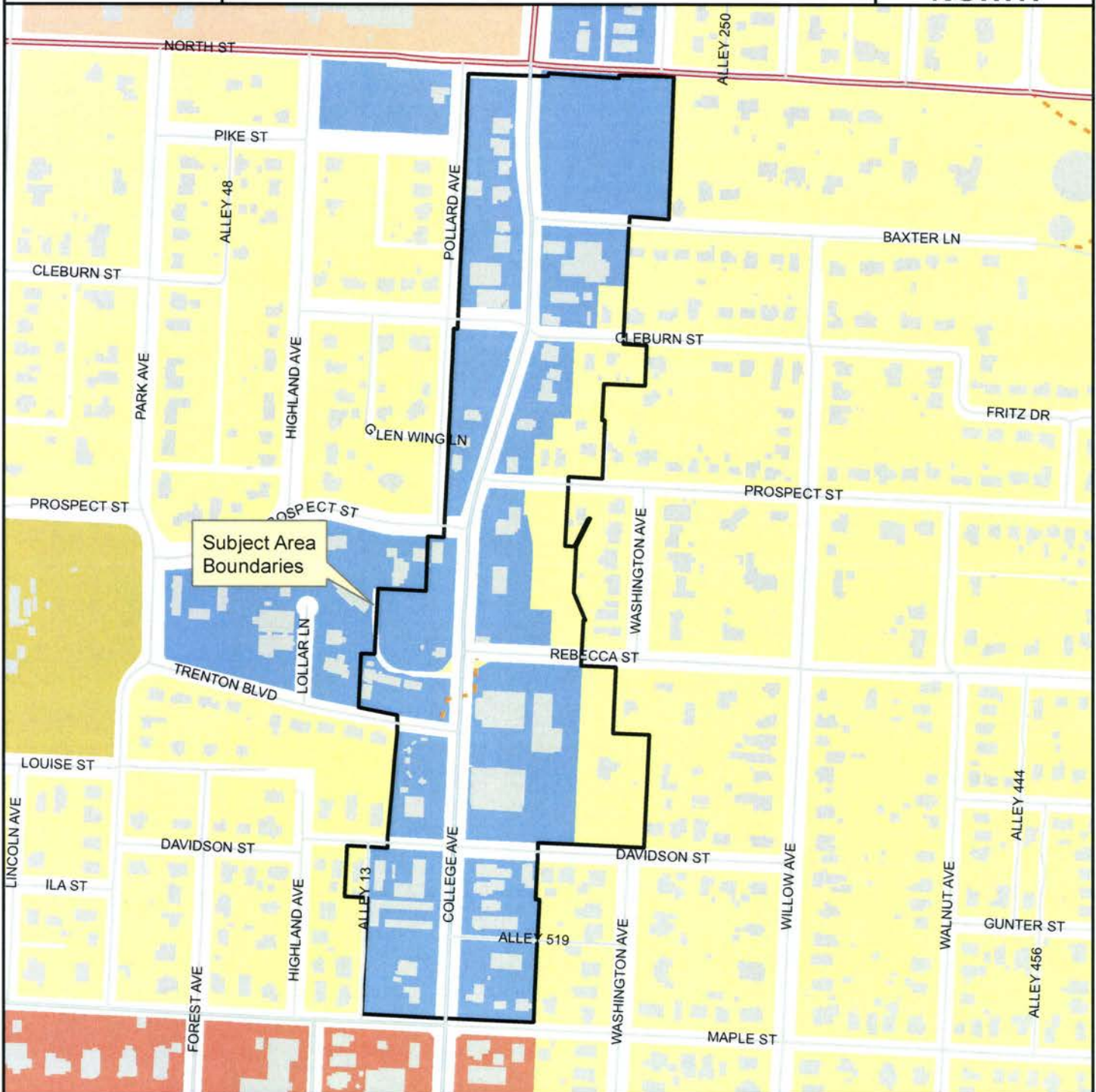
- RSF-4
- RMF-24
- Residential-Office
- C-1
- C-2
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

Planning Commission
May 8, 2017

RZN 17-5713

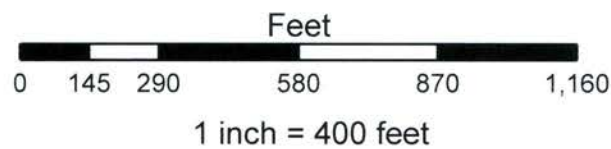
Future Land Use

COLLEGE AVE. CORRIDOR REZONE



Legend

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



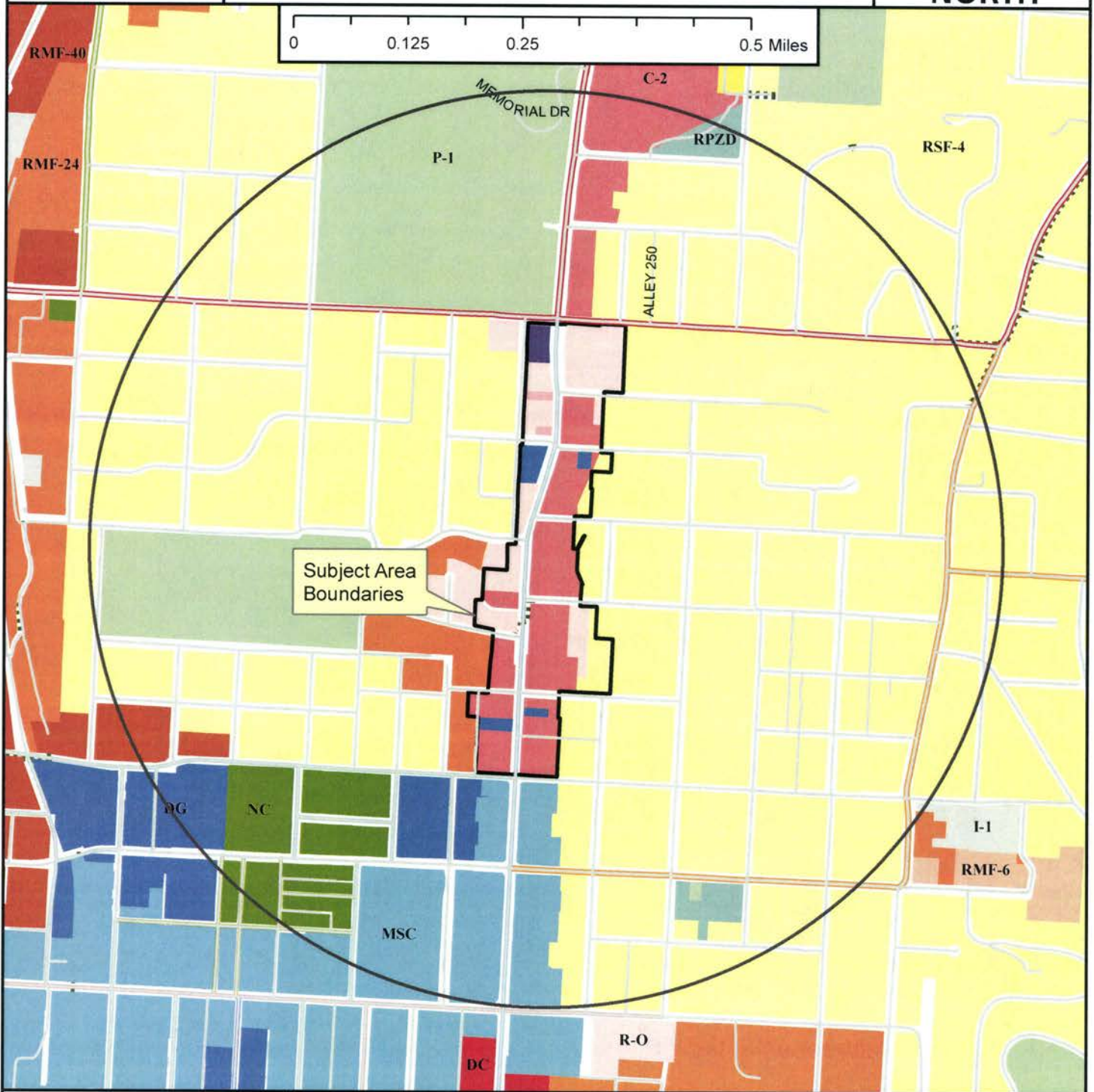
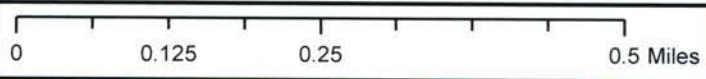
FUTURE LAND USE 2030

- 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: 2017-0305

Agenda Date: 6/20/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 1

AMEND UDC 161.28 AND 161.29:

AN ORDINANCE TO AMEND §§ 161.28 DISTRICT I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL AND 161.29 DISTRICT I-2, GENERAL INDUSTRIAL TO ADD USE UNIT 16, SHOPPING GOODS AS A PERMITTED USE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends §§ 161.28 District I-1, Heavy Commercial and Light Industrial and 161.29 District I-2, General Industrial to add Use Unit 16, Shopping Goods as a permitted use.

City of Fayetteville Staff Review Form

2017-0305

Legistar File ID

6/20/2017

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

Andrew Garner

6/2/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 17-5841: Administrative Changes to UDC Section 161.28 and 161.29: Submitted by CITY PLANNING STAFF to allow Use Unit 16, Shopping Goods, in the I-1 and I-2 zoning districts (Fayetteville Unified Development Code Sections 161.28 and 161.29).

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 20, 2017

TO: Mayor and City Council

FROM: Andrew Garner, City Planning Director

DATE: May 31, 2017

SUBJECT: **ADM 17-5841: Administrative Changes to UDC Section 161.28 and 161.29:**
Submitted by CITY PLANNING STAFF to allow *Use Unit 16, Shopping Goods*, in the I-1 and I-2 zoning districts (Fayetteville Unified Development Code Sections 161.28 and 161.29).

RECOMMENDATION:

City Planning Division staff recommends approval of an ordinance to amend the I-1 and I-2 zoning districts (UDC Sections 161.28 and 161.29) to allow *Use Unit 16, Shopping Goods*, by right.

BACKGROUND AND DISCUSSION:

The Arkansas Medical Marijuana Amendment of 2016 includes requirements for local zoning regulations. Section 14 of the Amendment discusses that zoning regulations for medical marijuana dispensaries and cultivation facilities should be the same as those for a licensed retail pharmacy.

The City's zoning code currently limits retail pharmacies and drug stores to commercial districts. Cultivation facilities will likely be in industrial districts and it may be desirable for dispensaries to be in close proximity to these facilities, also within industrial districts. To address this potential issue staff recommends amending the I-1 and I-2 zoning district to allow *Use Unit 16, Shopping goods* by right. A similar proposal was recently approved by the City of Fort Smith.

These changes will allow for general retail in the City's industrial zonings districts, which will address the potential conflict noted above. This change will provide more complete neighborhoods with industry and shopping in the same district. Staff does not anticipate adverse impacts by introducing retail businesses into industrial areas.

BUDGET/STAFF IMPACT:

None

Attachments:

- Proposed UDC Code Changes in highlight-underline
- Arkansas Medical Marijuana Amendment of 2016

Proposed code changes in highlight and underline

161.28 - District I-1, Heavy Commercial And Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
<u>Unit 16</u>	<u>Shopping goods</u>
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units

Proposed code changes in highlight and underline

Unit 43	Animal boarding and training
---------	------------------------------

(C) *Density*. None.

(D) *Bulk and Area Regulations*. None.

(E) *Setback Regulations*.

Front, when adjoining A or R districts	50 feet
Front, when adjoining C, I, or P districts	25 feet
Side, when adjoining A or R districts	50 feet
Side, when adjoining C, I, or P districts	10 feet
Rear	25 feet

(F) *Height Regulations*. There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of 1 foot for each foot of height in excess of 25 feet.

(G) *Building Area*. None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5472; 12-20-11; Ord. No. 5800, § 1(Exh. A), 10-6-15)

Proposed code changes in highlight and underline

161.29 - District I-2, General Industrial

(A) *Purpose.* The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environment nuisances, which are objectionable to residential and business use.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
<u>Unit 16</u>	<u>Shopping goods</u>
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 31	Facilities emitting odors and facilities handling explosives.
Unit 36	Wireless communications facilities
Unit 38	Mini-storage Units
Unit 39	Auto salvage and junk yards

(C) *Density.* None.

Proposed code changes in highlight and underline

(D) *Bulk and area regulations.* None.

(E) *Setback Regulations.*

Front, when adjoining A or R districts	100 feet
Front, when adjoining C, I or P districts	50 feet
Side, when adjoining A or R districts	50 feet
Side, when adjoining C, I or P districts	25 feet
Rear	25 feet

(F) *Height Regulations.* There shall be no maximum height limits in I-2 Districts, provided, however, that any building which exceeds the height of 25 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 25 feet.

(G) *Building Area.* None.

(Code 1965, App. A., Art. 5(IX); Ord. No. 2351, 6-21-77; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.040; Ord. No. 3971, §2, 5-21-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5800, § 1(Exh. A), 10-6-15)

Section 14 of the Arkansas Medical Marijuana Amendment of 2016

marijuana.

(3) A cultivation facility shall label the marijuana that is moved between the cultivation facility and a dispensary or other cultivation facility with a trip ticket that identifies the cultivation facility by identification number, the time, date, origin, and destination of the marijuana being transported, and the amount and form of marijuana that is being transported.

§ 12. Prohibitions for dispensaries.

(a) Except as provided in § 3 of this amendment, a dispensary may not dispense, deliver, or otherwise transfer marijuana to a person other than a qualifying patient or designated caregiver.

(b)(1) Except as provided in § 3 of this amendment, the Alcoholic Beverage Control Division shall immediately revoke the registry identification card of a dispensary agent who has dispensed, delivered, or otherwise transferred marijuana to a person other than a qualifying patient or designated caregiver, and that dispensary agent shall be disqualified from serving as a dispensary agent.

(2) A dispensary employing a dispensary agent found to violate subdivision (b)(1) of this section is not subject to penalties, including without limitation the revocation of its license, for the actions of a dispensary agent unless the dispensary knowingly aided or facilitated the violation.

§ 13. Prohibitions for cultivation facilities.

A cultivation facility may sell marijuana plants, seeds, and usable marijuana only to a dispensary or other cultivation facility.

§ 14. Local regulation.

(a) This amendment does not prohibit a city, incorporated town, or county of this state from enacting reasonable zoning regulations applicable to dispensaries or cultivation facilities, provided that those zoning regulations are the same as those for a licensed retail pharmacy.

(b) This section does not allow a city, incorporated town, or county to prohibit the operation of any dispensaries or cultivation facilities in the city, incorporated town, or county unless such a prohibition is approved at an election under Article 5, § 1, of this constitution.

§ 15. Prohibited conduct for physicians.

A physician shall not:

(1) Accept, solicit, or offer any form of pecuniary remuneration from or to a dispensary or cultivation facility provided however, that this does not prohibit a physician who is also a qualifying patient from purchasing usable marijuana from a dispensary;

(2) Offer a discount or other thing of value to a qualifying patient who uses or agrees to use a particular dispensary;

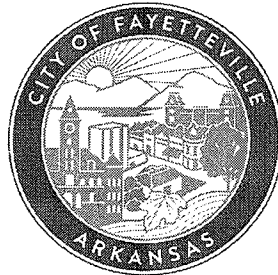
(3) Examine a patient for purposes of diagnosing a qualifying medical condition at a dispensary; or

(4) Hold an economic interest in a dispensary or cultivation facility if the physician certifies the qualifying medical condition of a patient for medical use of marijuana.

Agenda Session 6-13-17

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, June 13, 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:

Agenda Additions

A. Consent:

A. 1 2016-0577

APPROVAL OF THE JUNE 6, 2017 CITY COUNCIL MEETING MINUTES.

A. 2 2017-0283

POLICE DEPARTMENT DONATION REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$7,700.00 RECOGNIZING DONATION REVENUE TO THE FAYETTEVILLE POLICE DEPARTMENT

Attachments: POLICE DEPARTMENT DONATION REVENUE
 BA POLICE DEPARTMENT DONATION REVENUE

A. 3 2017-0289

CERTIFIED LOCAL GOVERNMENT GRANT:

A RESOLUTION TO APPROVE A GRANT AGREEMENT WITH THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR A CERTIFIED LOCAL GOVERNMENT GRANT IN THE AMOUNT OF \$14,291.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: CERTIFIED LOCAL GOVERNMENT GRANT
 BA CERTIFIED LOCAL GOVERNMENT GRANT

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 June 6, 2017 City Council Meeting this resolution was tabled to the June 20, 2017 City Council Meeting.

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

C. Unfinished Business:**C. 1** 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)

At the June 6, 2017 City Council Meeting this ordinance was left on the second reading.

C. 2 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)

At the June 6, 2017 City Council Meeting this ordinance was was left on the first reading.

C. 3 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 AND TO CHANGE OR AMEND DEFINITIONS OF "BUILDING HEIGHT" AND "STORIES"

Attachments: RZN 17-5713 (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AV

At the June 6, 2017 City Council Meeting this ordinance was was left on the first reading.

D. New Business:

D. 1 2017-0305

AMEND UDC 161.28 AND 161.29:

AN ORDINANCE TO AMEND §§ 161.28 DISTRICT I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL AND 161.29 DISTRICT I-2, GENERAL INDUSTRIAL TO ADD USE UNIT 16, SHOPPING GOODS AS A PERMITTED USE

Attachments: ADM 17-5841 ADMINISTRATIVE CHANGES TO UDC 161.28 AND 161.29

E. City Council Agenda Session Presentations:

F. City Council Tour:

G. Announcements:

H. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

Pre Agenda Meeting 6-7-17

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, June 20, 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:****Agenda Additions****A. Consent:**✓ A. 1 2016-0577

APPROVAL OF THE JUNE 6, 2017 CITY COUNCIL MEETING MINUTES.

✓ A. 2 2017-0283**POLICE DEPARTMENT DONATION REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$7,700.00 RECOGNIZING DONATION REVENUE TO THE FAYETTEVILLE POLICE DEPARTMENT

Attachments: POLICE DEPARTMENT DONATION REVENUE
BA POLICE DEPARTMENT DONATION REVENUE

✓ A. 3 2017-0289**CERTIFIED LOCAL GOVERNMENT GRANT:**

A RESOLUTION TO APPROVE A GRANT AGREEMENT WITH THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR A CERTIFIED LOCAL GOVERNMENT GRANT IN THE AMOUNT OF \$14,291.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: CERTIFIED LOCAL GOVERNMENT GRANT
BA CERTIFIED LOCAL GOVERNMENT GRANT

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 June 6, 2017 City Council Meeting this resolution was tabled to the June 20, 2017 City Council Meeting.

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

C. Unfinished Business:

✓ C. 1 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)

At the June 6, 2017 City Council Meeting this ordinance was left on the second reading.

✓ C. 2 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)

At the June 6, 2017 City Council Meeting this ordinance was was left on the first reading.

✓ C. 3 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 AND TO CHANGE OR AMEND DEFINITIONS OF "BUILDING HEIGHT" AND "STORIES"

Attachments: RZN 17-5713 (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AV.

At the June 6, 2017 City Council Meeting this ordinance was was left on the first reading.

✓ D. New Business:

D. 1 2017-0305

AMEND UDC 161.28 AND 161.29:

AN ORDINANCE TO AMEND §§ 161.28 DISTRICT I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL AND 161.29 DISTRICT I-2, GENERAL INDUSTRIAL TO ADD USE UNIT 16, SHOPPING GOODS AS A PERMITTED USE

Attachments: ADM 17-5841 ADMINISTRATIVE CHANGES TO UDC 161.28 AND 161.29

E. City Council Agenda Session Presentations:

F. City Council Tour:

G. Announcements:

H. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE