

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Tentative Agenda

Tuesday, April 30, 2024

4:30 PM

City Hall Room 219

City Council Members

Council Member Robert B. Stafford Ward 1

Council Member D'Andre Jones Ward 1

Council Member Sarah Moore Ward 2

Council Member Mike Wiederkehr Ward 2

Council Member Scott Berna Ward 3

Council Member Sarah Bunch Ward 3

Council Member Teresa Turk Ward 4

Council Member Holly Hertzberg Ward 4

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Treasurer Kara Paxton

ZOOM INFORMATION:

1. **WEBINAR ID: 886 4457 1473**
PUBLIC REGISTRATION LINK: [HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_LYR_DZ10STMEQ4WD3C0W6G](https://us06web.zoom.us/join/88644571473)

CALL TO ORDER**ROLL CALL****PLEDGE OF ALLEGIANCE****MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS**

1. **ENVIRONMENTAL STEWARDSHIP AWARDS - PRESENTED BY MAYOR LIONELD JORDAN**

CITY COUNCIL MEETING PRESENTATIONS, REPORTS AND DISCUSSION ITEMS

1. **MONTHLY FINANCIAL REPORT - CHIEF FINANCIAL OFFICER**

A. CONSENT

- A.1. APPROVAL OF THE APRIL 2, 2024 CITY COUNCIL MEETING MINUTES**

- A.2. APPROVAL OF THE APRIL 16, 2024 CITY COUNCIL MEETING MINUTES**

- A.3. BENCHMARK CONSTRUCTION OF NWA, INC. (BID AWARD):**

A RESOLUTION TO AWARD BID #24-28 AND AUTHORIZE A CONTRACT WITH BENCHMARK CONSTRUCTION OF NWA, INC. IN THE AMOUNT OF \$989,779.09 FOR STORM DRAINAGE INSTALLATION ALONG THE MISSION BOULEVARD TRAIL, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$50,000.00, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 TRAIL IMPROVEMENT BOND PROJECT (2024-1882)

- A.4. E-SCOOTER PROGRAM (REVENUE RECOGNITION):**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$30,000.00 RECOGNIZING REVENUE RECEIVED FROM THE E-SCOOTER PROGRAM (2024-1885)

- A.5. CROSSLAND HEAVY CONTRACTORS, INC. (CHANGE ORDER 2):**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 TO RFQ # 22-07 CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. FOR THE MIDTOWN CORRIDOR PROJECT PHASE 2 IN THE AMOUNT OF \$191,461.43,

AND APPROVE A BUDGET ADJUSTMENT - 2019 TRANSPORTATION BOND PROJECT (2024-16)

A.6. DC SPARKS CONSTRUCTION, LLC. (CHANGE ORDER #2):

A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 TO THE FLEET SHOP EXPANSION CONTRACT WITH DC SPARKS CONSTRUCTION, LLC. IN THE AMOUNT OF \$21,362.56 TO RECONCILE ADDITIONS TO THE CONTRACT (2024-24)

A.7. HAWKINS-WEIR ENGINEERS, INC. (AMENDMENT NO. 3):

A RESOLUTION TO APPROVE AMENDMENT NO. 3 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH HAWKINS-WEIR ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$646,930.00 FOR PROFESSIONAL SERVICES ASSOCIATED WITH UTILITY RELOCATIONS ALONG MARTIN LUTHER KING JR. BLVD. AT THE I-49/HWY-62 INTERCHANGE (2024-31)

A.8. OLSSON, INC. (SERVICE AGREEMENT):

A RESOLUTION TO APPROVE AN ENGINEERING SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$68,000.00 BETWEEN THE CITY OF FAYETTEVILLE AND OLSSON, INC. FOR DESIGN OF REMOVAL AND REPLACEMENT OF COATING SYSTEMS AND UPDATING SAFETY SYSTEMS FOR THE BAXTER WATER STORAGE TANK (2024-32)

A.9. D.J. SHUBECK COMPANY (PURCHASE AGREEMENT):

A RESOLUTION TO AWARD BID # 24-30 AND AUTHORIZE A CONTRACT WITH D.J. SCHUBECK COMPANY IN THE AMOUNT OF \$56,340.36 PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES FOR THE PURCHASE OF A BIOSOLIDS SLUDGE PUMP FOR USE AT THE WEST SIDE WATER RESOURCE RECOVERY FACILITY (2024-43)

A.10. JACK TYLER ENGINEERING, INC. (SERVICE AGREEMENT):

A RESOLUTION TO ACCEPT A QUOTE FROM JACK TYLER ENGINEERING, INC. IN THE AMOUNT OF \$64,572.61 PLUS APPLICABLE TAXES AND FREIGHT CHARGES FOR THE REPAIR OF A PUMP USED AT THE HAMESTRING SEWER LIFT STATION (2024-44)

A.11. GARNEY COMPANIES, INC. (CHANGE ORDER NO. 1):

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 WITH GARNEY COMPANIES, INC. IN THE AMOUNT OF \$75,450,081.00 FOR CONSTRUCTION MANAGER AT-RISK SERVICES FOR THE WEST CORRIDOR WATER TRANSMISSION LINE PROJECT (2024-53)

A.12. COMMUNITY ORIENTED POLICING SERVICES HIRING PROGRAM (GRANT APPLICATION):

A RESOLUTION TO APPROVE AN APPLICATION FOR A 2024 COPS HIRING PROGRAM MATCHING GRANT IN THE AMOUNT OF \$250,000.00 TO FUND TWO SCHOOL RESOURCE OFFICERS FOR A PERIOD OF FOUR YEARS WITH THE \$496,100.00 MATCHING REQUIREMENT SPLIT PROPORTIONALLY BETWEEN THE CITY AND FAYETTEVILLE PUBLIC SCHOOLS (2024-47)

B. UNFINISHED BUSINESS**B.1. APPEAL: REZONING-2024-0002: (740 W. STONE ST./APEX PROPERTY VENTURES, LLC, 522):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN-2024-0002 FOR APPROXIMATELY 0.24 ACRES LOCATED AT 740 WEST STONE STREET IN WARD 2 FROM RI-U, RESIDENTIAL INTERMEDIATE-URBAN TO DG, DOWNTOWN GENERAL (2024-1880)

AT THE APRIL 16, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON FIRST READING.

C. NEW BUSINESS**C.1. AFFORDABLE TAXI CO. (CERTIFICATE OF PUBLIC CONVENIENCE PUBLIC HEARING REQUEST):**

A RESOLUTION TO CONDUCT A PUBLIC HEARING FOR THE ISSUANCE OF A CERTIFICATE OF PUBIC CONVENIENCE AND NECESSITY TO AFFORDABLE TAXI COMPANY TO OPERATE AS A TAXI COMPANY IN THE CITY OF FAYETTEVILLE (2024-21)

C.2. VACATION-2024-0006: (151 W. DICKSON ST./151 DICKSON DEVELOPMENT, 484):

AN ORDINANCE TO APPROVE VAC-24-006 FOR PROPERTY LOCATED AT 151 WEST DICKSON STREET IN WARD 2 TO VACATE A 273 SQUARE FEET PORTION OF ACCESS EASEMENT (2024-6)

C.3. REZONING-2024-0009: (E. 10TH ST. AND S. WAXFLOWER AVE./WILLOW BEND LOTS 23, 26 & 31, 563):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-009 FOR APPROXIMATELY 3.87 ACRES LOCATED AT EAST 10TH STREET AND SOUTH WAXFLOWER AVENUE IN WARD 1 FROM RSF-18, RESIDENTIAL SINGLE-FAMILY, EIGHTEEN UNITS PER ACRE AND NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL

INTERMEDIATE-URBAN (2024-20)

C.4. REZONING-2024-0012: (2002 AND 2008 E. HUNTSVILLE RD./TAPROOT INVESTMENT PARTNERS, 565)

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-012 FOR APPROXIMATELY 0.51 ACRES LOCATED AT 2002 AND 2008 EAST HUNTSVILLE ROAD IN WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN AND NS-G, NEIGHBORHOOD SERVICES-GENERAL (2024-22)

C.5. REZONING-2024-0014: (141 W. SKYLINE DR/MOUNT SEQUOYAH CENTER, 486)

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-014 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 141 WEST SKYLINE DRIVE IN WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO P-1, INSTITUTIONAL (2024-23)

C.6. PLANNED ZONING DISTRICT-2024-0002: (WEST OF N. 54TH AVE / COLESON BROOK, LLC, 397):

AN ORDINANCE TO APPROVE A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED PZD-2024-002 FOR APPROXIMATELY 12.13 ACRES LOCATED WEST OF NORTH 54TH AVENUE IN WARD 4 (2024-25)

C.7. PLANNED ZONING DISTRICT-2024-0003: (215 N. WEST AVE/PARK HOTEL, 484):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-03 FOR APPROXIMATELY 0.60 ACRES LOCATED AT 215 NORTH WEST AVENUE IN WARD 2 FROM MSC, MAIN STREET CENTER TO A PLANNED ZONING DISTRICT (2024-26)

C.8. REZONING-2024-0011: (VARIOUS EXPIRED PZD LOCATIONS/ EXPIRED PZDS, PP VARIES):

AN ORDINANCE TO REZONE THE PROPERTIES DESCRIBED IN REZONING PETITION RZN 2024-0011 FOR APPROXIMATELY 90.65 ACRES LOCATED IN WARDS 1, 2, AND 4 FROM PLANNED ZONING DISTRICTS TO VARIOUS STANDARD ZONING DISTRICTS (2024-26)

C.9. APPEAL: CONDITIONAL USE PERMIT-2024-0011: (155 N. POWERHOUSE AVE/TRINITAS VENTURES, 483):

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SCOTT BERNA, D'ANDRE JONES, AND BOB STAFFORD AND APPROVE CONDITIONAL USE PERMIT CUP 2024-011 TO ALLOW THE INSTALLATION

OF AN OFFSITE PARKING LOT AT 155 NORTH POWERHOUSE AVENUE
AND UNIVERSITY AVENUE TO SERVE THE APPLICANT'S PROPOSED
APARTMENT BUILDING ON CENTER STREET (2024-51)

C.10. CALL FOR A PERMANENT CEASEFIRE IN GAZA (RESOLUTION):

A RESOLUTION TO CALL FOR A PERMANENT CEASEFIRE IN GAZA AND
FOR THE PREVENTION OF FURTHER LOSS OF HUMAN LIFE IN THE
MIDDLE EAST (2024-54)

PROPOSED AGENDA ADDITIONS

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

E. CITY COUNCIL TOUR

F. ANNOUNCEMENTS

G. ADJOURNMENT



MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Chris Brown, Public Works Director

FROM: Matt Mihalevich, Active Transportation Manager

SUBJECT: **2024-1882 Mission Blvd. Trail Storm Drainage Phase 2 Installation**

RECOMMENDATION:

Staff recommends award of Bid 24-28 and authorization of a contract with Benchmark Construction of NWA, Inc. in the amount of \$989,779.09 and approval of a \$50,000 contingency for phase 2 of installation of storm drainage for the Mission Blvd. Trail from Viewpoint Drive to Old Wire Road and approval of a budget adjustment.

BACKGROUND:

In March 2023, Resolution 50-23 awarded bid 23-17 to Sweetser Construction for phase 1 of the storm drainage from Old Wire Road to North Street. Phase 1 contract work was completed in February 2024 and City crews are working diligently to complete the shared use paved trail in phase I. The method of using contracted work and City crews has proven to be efficient in terms of both time and cost. Award of this bid will continue this successful approach into phase 2 for the section from Viewpoint Dr. to Old Wire Rd. The entire project is 1.5-miles long and includes a 12 and 10-foot-wide shared-use paved trail along Mission Boulevard (Highway 45) from Viewpoint to Maple Street. The trail will include green space separation from the street with trees, lighting, curb and drainage with a focus on bike and pedestrian safety. This project is identified as a priority in the Active Transportation Master Plan, a catalyst project in the Northwest Arkansas Bicycle & Pedestrian Plan and ranks number 6 by the Mobility Plan project prioritization scoring matrix.

DISCUSSION:

Bid #24-28 was opened publicly on March 27th, 2024, with two bidders providing bids. Benchmark Construction of NWA, Inc. being the lowest responsive bidder and the bid tabulation is included. The bid amount is greater than the engineers estimate but within the amount funds certified. The contract time is 180 days for final completion.

BUDGET/STAFF IMPACT:

The total cost with contingency is \$1,039,779.09 to be funded with remaining trail bond funds. The budget adjustment moves funds within the trail bond into the Mission Blvd. Project.

ATTACHMENTS: SRF (#3), BA (#4), Mission Blvd Trail Map - Phase 2 (#5), Benchmark Signed Contract Agreement (#6), Bid 24-28, Bid Tab - Final (#7), Bid 24-28, Submittal - Benchmark Construction Co. of NWA - E (#8)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-1882

2024-1882 Mission Blvd. Trail Storm Drainage Phase 2 Installation

A RESOLUTION TO AWARD BID #24-28 AND AUTHORIZE A CONTRACT WITH BENCHMARK CONSTRUCTION OF NWA, INC. IN THE AMOUNT OF \$989,779.09 FOR STORM DRAINAGE INSTALLATION ALONG THE MISSION BOULEVARD TRAIL, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$50,000.00, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 TRAIL IMPROVEMENT BOND PROJECT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #24-28 and authorizes Mayor Jordan to sign a contract with Benchmark Construction of NWA, Inc. in the amount of \$989,779.09 for Phase 2 of storm drainage installation along the Mission Boulevard Trail from Viewpoint Drive to Old Wire Road, and further approves a project contingency in the amount of \$50,000.00.

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

2024-1882

Item ID

5/7/2024

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

Matt Mihalevich

3/28/2024

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Resolution to award Bid 24-28 and authorize a contract with Benchmark Construction of NWA, Inc. in the amount of \$989,779.09 and approval of a \$50,000 contingency for phase 2 of installation of storm drainage for the Mission Blvd. Trail from Viewpoint Drive to Old Wire Road, to recognize interest earned on the Trails bond, and to approve a budget adjustment.

Budget Impact:

4703.860.7302-5814.05

Trail Projects (2022 Bonds)

Account Number

Fund

46030.7302

Trail Projects (Bonds) - Mission Blvd Corridor

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 130,352.00

Expenses (Actual+Encum)

\$ 123,847.50

Available Budget

\$ 6,504.50

Does item have a direct cost? Yes

Item Cost

\$ 1,039,779.09

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 1,039,780.00

Remaining Budget

\$ 6,505.41

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # **50-23**

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

Budget Year 2024	Division /Org2 ENGINEERING (621) Requestor: Matt Mihalevich	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Resolution to award Bid 24-28 and authorize a contract with Benchmark Construction of NWA, Inc. in the amount of \$989,779.09 and approval of a \$50,000 contingency for phase 2 of installation of storm drainage for the Mission Blvd. Trail from Viewpoint Drive to Old Wire Road, to recognize interest earned on the Trails bond, and to approve a budget adjustment.

	COUNCIL DATE:	5/7/2024
	ITEM ID#:	2024-1882
		<i>Holly Black</i>
		<i>3/28/2024 10:37 AM</i>
	Budget Division	Date
	TYPE:	D - (City Council)
RESOLUTION/ORDINANCE	JOURNAL #:	
	GLDATE:	
	CHKD/POSTED:	/

TOTAL	290,820	290,820					v.2024322
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name	
	-	-					
4703.860.7302-5814.05	989,780	-	46030	7302	EX	Improvements - Trails	
4703.860.7302-5911.99	50,000	-	46030	7302	EX	Contingency - Capital Project	
4703.860.7302-5911.99	(16)	-	46030	7302	EX	Contingency - Capital Project	
4703.860.7300-5911.99	(17,580)	-	46030	7300.1000	EX	Contingency - Capital Project	
4703.860.7304-5860.02	(3,066)	-	46030	7304	EX	Capital Prof Svcs - Engineering/Architect	
4703.860.7999-5899.00	(1,019,118)	-	46030	7999	EX	Unallocated - Budget	
	-	-					
4703.860.7000-4707.47	-	290,820	46030	7000	RE	Interest - 2022 Project Funds	
4703.860.7999-5899.00	290,820	-	46030	7999	EX	Unallocated - Budget	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: MISSION BLVD. TRAIL STORM DRAINAGE (PHASE 2)
(VIEWPOINT TO RANCH DR)

Contract No.: 24-28, Construction – Mission Blvd. Storm Drainage (Phase II)

THIS AGREEMENT is dated as of the ____ day of _____ in the year 2024 by and between The City of Fayetteville, Arkansas and Benchmark Construction of NWA, Inc. (hereinafter called Contractor).

ARTICLE 1 - WORK

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

The project requires demolition, removal, and replacement of existing storm sewer inlets and pipe, curb and gutter, fencing, waterlines, sidewalk, and asphalt pavement.

Any use of a third-party dumpster or roll off container shall be procured from the City of Fayetteville Recycling and Trash Collection Division. Use of a Non-City dumpster or roll off container is not allowed. No burning or blasting is allowed.

Contractor is responsible for obtaining all applicable permits; however, fees for the City issued permits shall be waived.

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

Refer to Section 00400-Bid Form for quantities.

ARTICLE 2 - ENGINEER

2.01 The Contract Documents have been prepared by the City of Fayetteville Engineering Division. City of Fayetteville Engineering Division assumes all duties and

DOCUMENT 00500 – AGREEMENT (continued)

responsibilities, and has the rights and authority assigned to City of Fayetteville Engineering Division in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3 - CONTRACT TIME

3.01 TIME OF THE ESSENCE:

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

3.02 DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:

- A. The Work shall be Substantially Completed within **150** calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and final completion and ready for final payment in accordance with the GENERAL CONDITIONS within **180** calendar days after the date when the Contract Times commence to run.

3.03 LIQUIDATED DAMAGES:

- A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars (\$750.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the

DOCUMENT 00500 – AGREEMENT (continued)

remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Five Hundred Dollars (\$500.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

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

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

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

1. There shall be no changes without prior written approval of the Engineer of Record and/or the City's designated Professional Engineer.

ARTICLE 5 - PAYMENT PROCEDURES

5.01 SUBMITTAL AND PROCESSING OF PAYMENTS:

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

DOCUMENT 00500 – AGREEMENT (continued)

5.02 PROGRESS PAYMENTS, RETAINAGE:

- A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.
1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.
- a. 95% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and
- b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

5.03 FINAL PAYMENT:

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

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

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

- A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.
- B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Contractor has carefully studied all:
 - (1) Reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and
 - (2) Reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated

DOCUMENT 00500 – AGREEMENT (continued)

in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.

- E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.
- F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Contractor.

DOCUMENT 00500 – AGREEMENT (continued)

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

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

- A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:
1. This Agreement.
 2. Exhibits to this Agreement (enumerated as follows):
 - a. Notice to Proceed.
 - b. Contractor's Bid.
 - c. Documentation submitted by Contractor prior to Notice of Award.
 3. Performance, Payment, and other Bonds.
 4. General Conditions.
 5. Supplementary Conditions.
 6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.

DOCUMENT 00500 – AGREEMENT (continued)

7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title: Mission Blvd. Trail Storm Drainage (PHASE 2)(Viewpoint to Ranch Dr.)
8. Addenda numbers 1 inclusive.
9. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 TERMS:

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

8.02 ASSIGNMENT OF CONTRACT:

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

DOCUMENT 00500 – AGREEMENT (continued)

8.03 SUCCESSORS AND ASSIGNS:

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

8.04 SEVERABILITY:

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

8.05 FREEDOM OF INFORMATION ACT:

- A. City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

8.06 LIENS:

- A. **No liens against this construction project are allowed.** Arkansas law (A.C.A. §§18-44-501 through 508) prohibits the filing of any mechanics' of materialmen's liens in relation to this public construction project. Arkansas law requires and the contractor promises to provide and file with the Circuit Clerk of Washington County a bond in a sum equal to the amount of this contract. Any subcontractor or materials supplier may bring an action for

DOCUMENT 00500 – AGREEMENT (continued)

non-payment or labor or material on the bond. The contractor promises to notify every subcontractor and materials supplier for this project of this paragraph and obtain their written acknowledgement of such notice prior to commencement of the work of the subcontractor or materials supplier.

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

This Agreement will be effective on _____, 2024, which is the Effective Date of the Agreement.

CONTRACTOR:

CITY OF FAYETTEVILLE

By: Stephen Smith

By: Lioneld Jordan

(Type or legibly print)



(Signature)



(Signature)

Title: CEO

Title: Mayor

Contractor shall attach evidence of authority to sign.

If Contractor is a corporation, corporate entity or LLC, Contractor shall attach Corporate Resolution authorizing Contractor's signature and execution of Agreement.

Further if Contractor is a corporation, corporate entity or LLC, Contractor shall also attach a copy of the Contractor's Articles of Incorporation and a copy from the Arkansas State Secretary of

DOCUMENT 00500 – AGREEMENT (continued)

State to document that the corporation, corporate entity or LLC is in current “Good Standing” with the State of Arkansas and such entity is permitted to perform work in the State of Arkansas.

(SEAL)

(SEAL)

Attest _____

Attest _____

DOCUMENT 00500 – AGREEMENT (continued)

Address for giving notices

333 W. Poplar St., Ste 'A'

Fayetteville, AR 72703

Address for giving notices

113 W. Mountain St.

Fayetteville, AR 72701

License No. AR 0033500524

Agent for Service of process

Stephen Smith

(Type or legibly print)



(Signature)

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

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

Approved As to Form:

By: _____

Attorney For: _____

END OF DOCUMENT 00500



BID TABULATION
Bid 24-28, Construction - Mission Blvd. Drainage Improvements (Phase II)

DEADLINE: Wednesday, March 27, 2024 at 2:00 PM
Certification of Funds: \$800,000.00 (\$1,000,000.00 total allowed)

					Benchmark Construction Company of NWA, Inc.		Sweetser Construction, Inc.	
					Total	\$989,779.09	\$1,066,759.00	
Line #	Description	QTY	UOM	Unit	Extended	Unit	Extended	
1	Mobilization (Shall not exceed 5% of Total Bid, minus Insurance and Bonding)	1	L.S.	\$37,664.00	\$37,664.00	\$15,765.00	\$15,765.00	
2	Insurance and Bonding	1	L.S.	\$30,538.00	\$30,538.00	\$13,500.00	\$13,500.00	
3	Construction Control (Staking)	1	L.S.	\$13,950.00	\$13,950.00	\$9,300.00	\$9,300.00	
4	Trench Excavation and Safety	1	L.S.	\$4,310.00	\$4,310.00	\$5,000.00	\$5,000.00	
5	Traffic Control	1	L.S.	\$53,030.00	\$53,030.00	\$50,000.00	\$50,000.00	
6	Erosion Control	1	L.S.	\$20,250.00	\$20,250.00	\$15,000.00	\$15,000.00	
7	Clearing, Grubbing & Demolition	1	L.S.	\$146,900.00	\$146,900.00	\$20,000.00	\$20,000.00	
8	Select Fill Placement (as directed)	150	C.Y.	\$63.33	\$9,499.50	\$48.00	\$7,200.00	
9	Class 7 Base (Truck tickets)(as directed)	200	TON	\$43.85	\$8,770.00	\$44.00	\$8,800.00	
10	4" Thick 4,000 PSI Concrete Trail with fiber & dowels (As Directed)	100	S.Y.	\$112.10	\$11,210.00	\$74.00	\$7,400.00	
11	Curb & Gutter (Type D square)	2935	L.F.	\$48.08	\$141,114.80	\$48.00	\$140,880.00	
12	Lip Curb & Gutter	1014	L.F.	\$38.55	\$39,089.70	\$40.00	\$40,560.00	
13	4' x 4' Reinforced Conc. Area Inlet & Connections & Openings (2-4)	1	E.A.	\$6,180.00	\$6,180.00	\$6,500.00	\$6,500.00	
14	5' x 5' Reinforced Conc. Area Inlet & Connections & Openings (1-3,1-5)	2	E.A.	\$7,335.00	\$14,670.00	\$6,500.00	\$13,000.00	
15	4' x 4' Reinforced Conc. Curb Inlet & Connections (3-1,3-3A,3-6A,3-6B,3-7A,3-8A,3-8B,3-9A,3-10)	9	E.A.	\$5,823.33	\$52,409.97	\$6,000.00	\$54,000.00	
16	7' x 8' Reinforced Conc. Curb Inlet & Connections (3-2)	1	E.A.	\$19,060.00	\$19,060.00	\$13,500.00	\$13,500.00	
17	6' x 8' Reinforced Conc. Curb Inlet & Connections (3-4)	1	E.A.	\$17,800.00	\$17,800.00	\$12,000.00	\$12,000.00	
18	4' x 6' Junction Bdx (3-3 & 3-5 Conc. Cutting Ex. RCP & Connections)	2	E.A.	\$7,145.00	\$14,290.00	\$7,000.00	\$14,000.00	
19	4' x 4' Junction Box (3-6,3-7,3-8)	3	E.A.	\$6,226.67	\$18,680.01	\$6,500.00	\$19,500.00	
20	4' x 5' Junction Box (2-3)	1	E.A.	\$6,540.00	\$6,540.00	\$7,000.00	\$7,000.00	
21	5' x 5' Junction Box (2-1)	1	E.A.	\$7,117.00	\$7,117.00	\$7,500.00	\$7,500.00	
22	4' Curb Inlet Extension (3-1(2),3-4(2),3-6A(3),3-8(3),3-8A(3),3-8B(3),3-9A,3-10)	18	E.A.	\$1,040.53	\$18,729.54	\$2,400.00	\$43,200.00	
23	4' Wide Flume with Side curbs (3-7A)	7	L.F.	\$130.90	\$916.30	\$150.00	\$1,050.00	
24	8" Thick Box Top Extensions with #5 Rebar (Create a 12' wide top)	44	S.Y.	\$195.13	\$8,585.72	\$150.00	\$6,600.00	
25	18" Flared End Section (1-1, 2-3A)	3	E.A.	\$1,291.92	\$3,875.76	\$990.00	\$2,970.00	
26	18" Reinforced Concrete Pipe	461	L.F.	\$97.52	\$44,956.72	\$135.00	\$62,235.00	
27	24" Reinforced Concrete Pipe	427	L.F.	\$116.47	\$49,732.69	\$175.00	\$74,725.00	
28	30" Reinforced Concrete Pipe	69	L.F.	\$159.66	\$11,016.54	\$300.00	\$20,700.00	
29	36" Reinforced Concrete Pipe	200	L.F.	\$224.97	\$44,994.00	\$450.00	\$90,000.00	
30	36" Flared End Section (2-1)	1	E.A.	\$2,574.00	\$2,574.00	\$2,600.00	\$2,600.00	
31	23" x 14" Flared End Section (1-4,1-6)	2	E.A.	\$1,527.00	\$3,054.00	\$49.50	\$99.00	
32	23" x 14" Elliptical Reinforced Concrete Pipe (RCHEP)	73	L.F.	\$137.53	\$10,039.69	\$1,400.00	\$102,200.00	
33	45" x 29" Elliptical Reinforced Concrete Pipe (RCHEP)	211	L.F.	\$241.77	\$51,013.47	\$575.00	\$121,325.00	
34	30" x 19" Elliptical Reinforced Concrete Pipe (RCHEP)	16	L.F.	\$189.83	\$3,037.28	\$300.00	\$4,800.00	
35	30" x 19" Elliptical Reinforced Concrete Pipe End Section (RCEP) (3-2A)	1	L.F.	\$977.00	\$977.00	\$1,650.00	\$1,650.00	
36	10' x 6' Reinforced Concrete Box Culvert (RCP Connections)	20	L.F.	\$1,679.85	\$33,597.00	\$1,650.00	\$33,000.00	
37	10' x 6' Reinforced Concrete Box Culvert Wing Walls	40	L.F.	\$740.16	\$29,606.40	\$480.00	\$19,200.00	

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

Kenny Fitch, Purchasing Agent 3/27/24

Amanda Beilfuss, Sr. Purchasing Agent 3/27/24



Bid 24-28 Addendum 2

Benchmark Construction Company

Benchmark Construction Company of NWA,

Inc.

Supplier Response

Event Information

Number: Bid 24-28 Addendum 2
Title: Construction - Mission Blvd. Storm Drainage (Phase II)
Type: Invitation to Bid
Issue Date: 3/3/2024
Deadline: 3/27/2024 02:00 PM (CT)
Notes: The City of The City of Fayetteville is accepting sealed bids from properly licensed firms for Phase II of the Mission Blvd. Storm Drainage. The work includes, but is not limited to, demolition, removal, and replacement of existing storm sewer inlets and pipe, curb and gutter, fencing, waterlines, sidewalk, and asphalt pavement. Questions regarding this bid should be addressed to Amanda Beilfuss, Sr. Purchasing Agent at abeilfuss@fayetteville-ar.gov.

Contact Information

Contact: Amanda Beilfuss - Sr. Purchasing Agent
Address: Purchasing
City Hall
Room 306
113 W. Mountain St.
Fayetteville, AR 72701
Email: abeilfuss@fayetteville-ar.gov

Benchmark Construction Company Information

Contact: Steve Smith
Address: 333 W. POPLAR ST., STE A
Fayetteville, AR 72703
Phone: (479) 251-1316
Email: benchmarkconst@att.net
Web Address: None

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

Stephen Smith

Signature

benchmarkconst@att.net

Email

Submitted at 3/27/2024 12:25:17 PM (CT)

Requested Attachments

Bid 24-28, Bid Bond

Bid Bond.pdf

Please attach a signed and completed copy of your bid bond. Bid bonds in the form of a cashier's check shall be delivered to City Hall, Purchasing Division before bid deadline and have a copy of the cashier's check uploaded with submittal.

Bid 24-28, Required Signature Forms

Required Signature Page and
Qualification Statement.pdf

Please attach your completed forms. These documents can be found in the Project Manual or as a convenience file in the 'Attachments' tab titled File #00.

Bid Attributes

1 Arkansas Secretary of State Filing Number:

10032984

2 Arkansas Contractor License Number:

0033500524

3 Check Yes or No:

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

☒ Yes, I agree

☐ No, I don't agree

4 Check Yes or No:

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

☒ Yes, I agree

☐ No, I don't agree

5 Addendum Acknowledgement

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

☒ I agree

Bid Lines**1 Mobilization (Shall not exceed 5% of Total Bid, minus Insurance and Bonding)**

Quantity: 1 UOM: L.S. Price: \$37,664.00 Total: \$37,664.00

2 Insurance and Bonding

Quantity: 1 UOM: L.S. Price: \$30,538.00 Total: \$30,538.00

3 Construction Control (Staking)

Quantity: 1 UOM: L.S. Price: \$13,950.00 Total: \$13,950.00

4 Trench Excavation and Safety

Quantity: 1 UOM: L.S. Price: \$4,310.00 Total: \$4,310.00

5 Traffic Control

Quantity: 1 UOM: L.S. Price: \$53,030.00 Total: \$53,030.00

6 Erosion Control

Quantity: 1 UOM: L.S. Price: \$20,250.00 Total: \$20,250.00

7 Clearing, Grubbing & Demolition

Quantity: 1 UOM: L.S. Price: \$146,900.00 Total: \$146,900.00

8 Select Fill Placement (as directed)

Quantity: 150 UOM: C.Y. Price: \$63.33 Total: \$9,499.50

9 Class 7 Base (Truck tickets)(as directed)

Quantity: 200 UOM: TON Price: \$43.85 Total: \$8,770.00

10 4" Thick 4,000 PSI Concrete Trail with fiber & dowels (As Directed)

Quantity: 100 UOM: S.Y. Price: \$112.10 Total: \$11,210.00

1 1	Curb & Gutter (Type D square) Quantity: <u>2935</u> UOM: <u>L.F.</u> Price: <u>\$48.08</u> Total: <u>\$141,114.80</u>
1 2	Lip Curb & Gutter Quantity: <u>1014</u> UOM: <u>L.F.</u> Price: <u>\$38.55</u> Total: <u>\$39,089.70</u>
1 3	4' x 4' Reinforced Conc. Area Inlet & Connections & Openings (2-4) Quantity: <u>1</u> UOM: <u>E.A.</u> Price: <u>\$6,180.00</u> Total: <u>\$6,180.00</u>
1 4	5' x 5' Reinforced Conc. Area Inlet & Connections & Openings (1-3,1-5) Quantity: <u>2</u> UOM: <u>EA</u> Price: <u>\$7,335.00</u> Total: <u>\$14,670.00</u>
1 5	4' x 4' Reinforced Conc. Curb Inlet & Connections (3-1,3-3A,3-6A,3-6B,3-7A,3-8A,3-8B,3-9A,3-10) Quantity: <u>9</u> UOM: <u>E.A.</u> Price: <u>\$5,823.33</u> Total: <u>\$52,409.97</u>
1 6	7' x 8' Reinforced Conc. Curb Inlet & Connections (3-2) Quantity: <u>1</u> UOM: <u>E.A.</u> Price: <u>\$19,060.00</u> Total: <u>\$19,060.00</u>
1 7	6' x 8' Reinforced Conc. Curb Inlet & Connections (3-4) Quantity: <u>1</u> UOM: <u>E.A.</u> Price: <u>\$17,800.00</u> Total: <u>\$17,800.00</u>
1 8	4' x 6' Junction Box (3-3 & 3-5 Conc. Cutting Ex. RCP & Connections) Quantity: <u>2</u> UOM: <u>E.A.</u> Price: <u>\$7,145.00</u> Total: <u>\$14,290.00</u>
1 9	4' x 4' Junction Box (3-6,3-7,3-8) Quantity: <u>3</u> UOM: <u>E.A.</u> Price: <u>\$6,226.67</u> Total: <u>\$18,680.01</u>
2 0	4' x 5' Junction Box (2-3) Quantity: <u>1</u> UOM: <u>E.A.</u> Price: <u>\$6,540.00</u> Total: <u>\$6,540.00</u>
2 1	5' x 5' Junction Box (2-1) Quantity: <u>1</u> UOM: <u>E.A.</u> Price: <u>\$7,117.00</u> Total: <u>\$7,117.00</u>
2 2	4' Curb Inlet Extension (3-1(2),3-4(2),3-6A(3),3-B(3),3-8A(3),3-8B(3),3-9A,3-10) Quantity: <u>18</u> UOM: <u>E.A.</u> Price: <u>\$1,040.53</u> Total: <u>\$18,729.54</u>
2 3	4' Wide Flume with Side curbs (3-7A) Quantity: <u>7</u> UOM: <u>L.F.</u> Price: <u>\$130.90</u> Total: <u>\$916.30</u>
2 4	8" Thick Box Top Extensions with #5 Rebar (Create a 12' wide top) Quantity: <u>44</u> UOM: <u>S.Y.</u> Price: <u>\$195.13</u> Total: <u>\$8,585.72</u>
2 5	18" Flared End Section (1-1, 2-3A) Quantity: <u>3</u> UOM: <u>E.A.</u> Price: <u>\$1,291.92</u> Total: <u>\$3,875.76</u>
2 6	18" Reinforced Concrete Pipe Quantity: <u>461</u> UOM: <u>L.F.</u> Price: <u>\$97.52</u> Total: <u>\$44,956.72</u>

27	24" Reinforced Concrete Pipe Quantity: <u>427</u> UOM: <u>L.F.</u> Price: \$116.47 Total: \$49,732.69
28	30" Reinforced Concrete Pipe Quantity: <u>69</u> UOM: <u>L.F.</u> Price: \$159.66 Total: \$11,016.54
29	36" Reinforced Concrete Pipe Quantity: <u>200</u> UOM: <u>L.F.</u> Price: \$224.97 Total: \$44,994.00
30	36" Flared End Section (2-1) Quantity: <u>1</u> UOM: <u>E.A.</u> Price: \$2,574.00 Total: \$2,574.00
31	23" x 14" Flared End Section (1-4,1-6) Quantity: <u>2</u> UOM: <u>EA</u> Price: \$1,527.00 Total: \$3,054.00
32	23" x 14" Elliptical Reinforced Concrete Pipe (RCHEP) Quantity: <u>73</u> UOM: <u>L.F.</u> Price: \$137.53 Total: \$10,039.69
33	45" x 29" Elliptical Reinforced Concrete Pipe (RCHEP) Quantity: <u>211</u> UOM: <u>L.F.</u> Price: \$241.77 Total: \$51,013.47
34	30" x 19" Elliptical Reinforced Concrete Pipe (RCHEP) Quantity: <u>16</u> UOM: <u>L.F.</u> Price: \$189.83 Total: \$3,037.28
35	30" x 19" Elliptical Reinforced Concrete Pipe End Section (RCEP) (3-2A) Quantity: <u>1</u> UOM: <u>L.F.</u> Price: \$977.00 Total: \$977.00
36	10' x 6' Reinforced Concrete Box Culvert (RCP Connections) Quantity: <u>20</u> UOM: <u>L.F.</u> Price: \$1,679.85 Total: \$33,597.00
37	10' x 6' Reinforced Concrete Box Culvert Wing Walls Quantity: <u>40</u> UOM: <u>L.F.</u> Price: \$740.16 Total: \$29,606.40

Response Total: \$989,779.09



5500 Euper Lane
PO Box 3529
Ft. Smith, AR 72913 (479) 452-4000
www.bhca.com

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we
(Here insert full name and address or legal title of Contractor)

Benchmark Construction of NWA, Inc.

333 West Poplar, Ste A

Fayetteville, AR 72703

as Principal, hereinafter called the Principal, and

(Here insert full name and address or legal title of Surety)

Westfield Insurance Company

P. O. Box 5001

Westfield Center, OH 44251-5001

a corporation duly organized under the laws of the State of Ohio

as Surety, hereinafter called the Surety, are held and firmly bound unto

(Here insert full name and address or legal title of Owner)

City of Fayetteville

113 W. Mountain Street

Fayetteville, AR 72701

as Oblige, hereinafter called the Oblige, in the sum of **FIVE PERCENT OF THE TOTAL AMOUNT BID**

Dollars (\$ 5%), for the payment

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

WHEREAS, the Principal has submitted a bid for **Mission Blvd. Site Drainage and Curb**

(Here insert full name, address and description of project)

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

Signed and sealed this

27th

day of **March**

2024


(Witness)

Benchmark Construction of NWA, Inc.

(Principal)

(Seal)


(Title)

Westfield Insurance Company

(Surety)


(Witness)


(Title)

(Seal)

Mary Ann Justice, Attorney-In-Fact

General
Power
of Attorney

CERTIFIED COPY

POWER NO. 0320052 05

Westfield Insurance Co.
Westfield National Insurance Co.
Ohio Farmers Insurance Co.
Westfield Center, Ohio

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint

SCOTT R. CLARK, MARTY C. CLARK, SHANNON C. SCHMIDLY, ELIZABETH A. SOLOMON, MARY ANN JUSTICE, LISA MCCLURE, PAXTON CLARK, GRAVES SCHMIDLY, SUZANNE NIEDZWIEDZ, JOINTLY OR SEVERALLY

of FORT SMITH and State of AR its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship in any penal limit.

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be It Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact, may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their National Surety Leader and Senior Executive and their corporate seals to be hereto affixed this 27th day of JANUARY A.D., 2023.

Corporate
Seals
Affixed



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

By:
Gary W. Stumper, National Surety Leader and
Senior Executive

State of Ohio
County of Medina ss.:

On this 27th day of JANUARY A.D., 2023, before me personally came Gary W. Stumper to me known, who, being by me duly sworn, did depose and say, that he resides in Medina, OH; that he is National Surety Leader and Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial
Seal
Affixed



David A. Kotnik, Attorney at Law, Notary Public
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio
County of Medina ss.:

I, Frank A. Carrino, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this 27th day of March A.D., 2024.



Frank A. Carrino, Secretary



Project Check List

This checklist is for the Bidder's use in preparing & submitting a bid. It is not intended to include all details necessary to prepare a bid and shall not be used as a substitute for the requirements of the bid documents. Use of this checklist does not relieve the Bidder from the responsibility of meeting all requirements of the Specifications concerning the preparation of an acceptable bid. Bidders are welcome to use this form as a coversheet for a sealed envelope; however, using this form itself is NOT a requirement.



5% Bid Bond of the amount bid accompanied by required documentation (Power of Attorney, etc.)

- o In lieu of a bid bond, the bidder may submit a cashier's check from a bank located in the State of Arkansas for at least five percent (5%) of the amount bid (inclusive of any deductive alternates). Cashier's checks shall be made payable to the City of Fayetteville, AR and received prior to the bid deadline by making an in-person delivery appointment with the City Purchasing Division.



All addenda shall be signed, acknowledged, and submitted on the appropriate forms (submitting the actual addendums or marking acknowledgement on other bid pages).



All line items shall be appropriately filled out and extended to reveal the line item price as well as the total bid price. Total base bid should be calculated in the provided space.



All pages provided with signature lines shall be appropriately signed, dated accordingly, and included with submitted bid documents



All bids shall be received before the stated deadline utilizing the City's electronic bidding platform or submitting a physical sealed bid to the City Purchasing Division. Submitting a bid electronically is strongly encouraged. A public bid opening will be conducted shortly after the deadline at City Hall and livestreamed at <https://www.youtube.com/user/cityoffayettevillear>. Late or misdirected bids shall not be accepted. The City of Fayetteville shall not be responsible for lost or misdirected bids, or failure of bidder's technical equipment. If submitting a physical bid, all bid documents shall be delivered in a sealed envelope to the address stated in the advertisement or updated deadline issued via Addenda. All bids should be delivered with the name of the bidder (contractor) on the sealed envelope as well as the bidders Arkansas Contractor's License Number.



Additional Information Required:

- AR Secretary of State Filing #: 100032984 OR submit electronically.
- Arkansas Contractor License #: 0033500524 OR submit electronically.
- Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.
 - o Submit electronically or circle applicable answer: YES or NO
- Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.
 - o Submit electronically or circle applicable answer: YES or NO

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT: (see attached)

Contract Name: MISSION BLVD. STORM DRAINAGE INSTALLATION (PHASE 2)

Bid #: 24-28, Construction - Mission Blvd. Storm Drainage (Phase 2)

Date: March 27, 2024

SUBMITTED TO:

The City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

SUBMITTED BY:

Company Benchmark Construction Company of NWA, Inc.

Name Stephen Smith

Address 333 West Poplar St, Ste A

Principal Office above

Corporation, partnership, individual, joint

venture, other Corp

Arkansas State General Contractor's License Number

0033500542

(Type or legibly print)

EXPERIENCE STATEMENT

1. Bidder has been engaged as a General Contractor in construction for ____ years and has performed work of the nature and magnitude of this Contract for ____ years.
Bidder has been in business under its present name for ____ years.
2. Bidder now has the following bonded projects under contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and estimated completion date.)

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT: (CONTINUED)

3. Bidder has completed the following (list minimum of 3) contracts consisting of work similar to that proposed by this Contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and date of completion and percentage of the cost of the Work performed with Bidder's own forces.)
4. Has Bidder ever failed to complete any project? If so, state when, where, and why.
5. Bidder normally performs the following work with his own forces:
- _____
- _____
- _____
- _____
6. Construction experience of key individuals in the organization is as follows (continued on attached sheets if needed):
- _____
- _____
- _____
- _____
7. In the event the Contract is awarded to Bidder, the required surety Bonds will be furnished by the following surety company and name and address of agent:
- _____
- _____
- _____
- _____
8. Bidder's Workmen's Compensation Experience Modifier Factor is: _____.

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT: (CONTINUED)

FINANCIAL STATEMENT

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

Bidder possesses adequate financial resources as indicated by the following:

1. Assets and Liabilities: Attach a financial statement, audited if available, including Bidder's latest balance sheet and income statements showing the following items:
 - a. Current assets (cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses).
 - b. Net fixed assets.
 - c. Other assets.
 - d. Current liabilities (accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries, and accrued payroll taxes).
 - e. Other liabilities (capital, capital stock, authorized and outstanding shares par values, earned surplus, and retained earnings).
 - f. Name of firm preparing financial statement and date thereof:

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

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

	<u>Judgment Creditors</u>	<u>Where Docketed and Date</u>	<u>Amount</u>
a.	_____	_____	\$ _____
b.	_____	_____	\$ _____

DOCUMENT 00140 – BIDDER’S QUALIFICATION STATEMENT: (CONTINUED)

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

Date: March 27, 2024, 2024

(OFFICIAL SEAL)

Name of Organization:

Benchmark Construction Company of NWA, Inc.

By Stephen Smith, CEO

(Type or legibly print)

By *Stephen Smith*

(Signature)

Title CEO

(Type or legibly print)

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

END OF DOCUMENT 00140

DOCUMENT 0400-BID FORM

Contract Name: MISSION BLVD. STORM DRAINAGE (PHASE 2) (VIEWPOINT TO RANCH DR.)

Bid Number: 24-28, CONSTRUCTION - MISSION BLVD. STORM DRAINAGE (PHASE 2)

BID TO:

Owner: The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

BID FROM:

Bidder: Benchmark Construction Company of NWA, Inc.

ARTICLE 1- INTENT

- 1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2- TERMS AND CONDITIONS

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

DOCUMENT 0400-BID FORM (continued)

ARTICLE 3- BIDDER'S REPRESENTATIONS

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

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

<u>Number</u>	<u>Date</u>
<u>1</u>	<u>3-15-24</u>
<u>2</u>	<u>3-20-24</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

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

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

E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations,

DOCUMENT 0400-BID FORM (continued)

investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.

- F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.
- H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports, and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Bidder has given The Purchasing Division written notice of all conflicts, errors, ambiguities or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.
- K. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and

DOCUMENT 0400-BID FORM (continued)

Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

- L. By endorsing this bid form, Bidder certifies that they are currently not disbarred from doing business with a governmental entity.
- M. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.

ARTICLE 4- BID PRICE

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

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

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

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

In no case shall the amount bid for the item of “mobilization” exceed 5% of the total contract amount for all items listed in the proposal or bid minus bonds and insurance. Should the amount entered into the proposal or bid for this item exceed 5%, the bid shall be rejected.

Bidder shall complete the Work in accordance with the Contract Documents for the following price(s):

DOCUMENT 0400-BID FORM (continued)

ARTICLE 5- CONTRACT TIMES

- 5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.
- 5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

ARTICLE 6- BID CONTENT

- 6.01 The following documents are attached to and made a condition of this Bid:
- A. Required Bid security in the form of a cashier's check from a bank located in the State of Arkansas or a Bid Bond in the amount of
_____ Dollars (\$ 5% bid bond)
- B. A tabulation of Subcontractors and other persons and organizations required to be identified in this Bid.

ARTICLE 7- COMMUNICATIONS

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

Benchmark Construction Company of NWA, Inc.

Email benchmarkconst@att.net

Phone No. 479-251-1316

Fax No. 479-251-1319

DOCUMENT 0400-BID FORM (continued)

ARTICLE 8- TERMINOLOGY

- 8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

Arkansas State Contractor License No. 0033500524

If Bidder is:

An Individual

Name (type or printed): _____
By: _____ (SEAL)

(Individual's Signature)

Doing business as: _____
Business address: _____

Phone No: _____ Fax No. _____
Email Address: _____

A Partnership

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

Name (type or printed): _____
Business address: _____

Phone No: _____ Fax No. _____
Email Address: _____

DOCUMENT 0400-BID FORM (continued)

A Corporation or LLC

Corporation Name : Benchmark Construction Company of NWA, Inc (SEAL)

State of Incorporation: Arkansas

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

By Stephen Smith

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

Name (type or printed):

Title: CEO

Attest: Judith L. Roberson

(Signature of Corporate Secretary)

(CORPORATE SEAL)

Business address: 333 W. Poplar St. Suite A
Fayetteville, AR 72703

Phone No: 479-251-1316

Fax No. 479-251-1319

Email Address: benchmarkconst@att.net

Tax ID Number (TIN) 71-0477532

DUNS # L4N2V64MR2E4 17-561-4254

Cage Code: 900R2

END OF DOCUMENT 00400

Contractor's Qualification Statement

SUBMITTED To: CITY OF ROGERS

SUBMITTED BY: STEPHEN SMITH, CEO

NAME: BENCHMARK CONSTRUCTION OF NWA, INC.

ADDRESS: 333 WEST POPLAR ST, STE 'A', FAYETTEVILLE, AR 72703

PRINCIPAL OFFICE: ABOVE

(XX) Corporation

NAME OF PROJECT: MISSION BLVD SITE DRAINAGE AND CURB PH 2

§ 1. ORGANIZATION

§ 1.1 How many years has your organization been in business as a Contractor? 38 Years

§ 1.2 How many years has your organization been in business under its present business name? 11 years

§ 1.2.1 Under what other or former names has your organization operated? Marinoni Construction Company, Inc.

§ 1.3 If your organization is a corporation, answer the following:

§ 1.3.1 Date of incorporation: June 1976

§ 1.3.2 State of incorporation: Arkansas

§ 1.3.3 President's name: Roger Ross

§ 1.3.4 Ceo name: Stephen Smith

§ 1.4 If your organization is a partnership, answer the following:

§ 1.4.1 Date of organization: Not Applicable

§ 1.4.2 Type of partnership (if applicable):

§ 1.5 If your organization is individually owned, answer the following:

§ 1.5.1 Date of organization: June 1976

§ 1.5.2 Name of Owners: Stephen Smith, Roger Ross

§ 1.6 If the form of your organization is other than those listed above, describe it and name the principals: NA

§ 2. LICENSING

§ 2.1 List jurisdictions and trade categories in which your organization is legally qualified to do business, and indicate registration or license numbers, if applicable.

Jurisdictions: Arkansas. LICENSE NUMBER: 0033500524

Trade Categories: General Construction of Commercial, Industrial and Institutional Projects

§ 2.2 List jurisdictions in which your organization's partnership or trade name is filed. Arkansas Secretary of State

§ 3. EXPERIENCE

§ 3.1 List the categories of work that your organization normally performs with its own forces.

Site Work, Dirt Work, Concrete, Framing, Masonry, Supervision, Rough and Finish Carpentry, Specialties

§ 3.2 Claims and Suits. (If the answer to any of the questions below is yes, please attach details~)

§ 3.2.1 Has your organization ever failed to complete any work awarded to it?: No

§ 3.2.2 Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers? No

§ 3.2.3 Has your organization filed any law suits or requested arbitration with regard to construction contracts within the last five years? No

§ 3.3 Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? No

3.4 Projects Completed in the last 7 Years:

Northwest Arkansas Regional Airport—Rental Fleet Maintenance Facility
Dale Scarbrough, WDD Architects (479-442-6681)

City of Rogers Veteran's Park Concessions/Maintenance Buildings
Jim Swearingen Architect, Crafton Tull and Associates (479-636-4838)

City of Fayetteville Compost Facility
Lynn Hyke (479-466-7589)

Gravette Middle School Annex
David Swearingen, Crafton Tull and Associates Architect (479-636-4838)

University of Arkansas—Davis Hall Historical Renovation/Addition. LEED Certified.
Rob Sharp Architect (479-442-0229)

Lincoln Athletic Complex (Football field, field house, track, concession/restroom building)
Lewis Elliott Architects, Mary Ann Spears, Supt of Schools (479-824-7310)

City of Springdale—Shiloh Restroom/Basement Remodel
Don Mobley Architect (479-466-1746)

Highlands Oncology Cancer Treatment Facilities—Crafton Tull and Assoc Architects. Wes Burgess Architect (479-878-2452) Kathey Parker, Owner (479-587-1700)

Starlight Skate Rink Renovation
Jim Key Architect (479-444-6066)

SourceGas NWA Headquarters— Polk Stanley and Assoc, Craig Curzon Architect (479-444-0473)

American Electric and Power/Swepco Office/Warehouse Addition
AFHJ Architects (Zed Johnson, Retired)

University of Arkansas—Brough Commons Dining Hall, Harrison French Architects, Lance Weatherton, Architect (479-273-7780)

JFS Fabric Store and Ulta Beauty Supply —Larry Ogrinc (logrinc@ddr.com) , Owner Rep for Developers Diversified.

University of Arkansas Harmon Parking Garage Renovations—Polk Stanley and Assoc, Craig Curzon Architect (479-444-0473). Jim Beatty Engineer.

Sequoyah Maison Condominiums—Rob Sharp Architect (442-0229)

Tyson Research Farm Broiler Houses/Operations Facility—Chris Hall

Bank of Fayetteville Renovations
Bob King, President (479-444-4444)

Decatur School District FEMA Storm Shelter/Gymnasium—Jim Mayer Architect (479-246-0055)

City of Fayetteville Transfer Station —Brad Hammond at Mcgoodwin, Williams and Yates

Ft Smith Airport Taxiway Paving—Brian Mauer, Engineer

Boulder Ridge Fellowship Bible Church –Jack Murray (479-790-2854)

City of Fayetteville Taxiway B—Garver Engineers

Blowing Springs To Metfield Park Multi Purpose Trail Greenway Extension—EDG and Garver Engineers

Spring Creek Multi Purpose Trail Extension—McClelland Engineers

Black Hills Energy Contractor On-Call.

Highland Oncology Contractor On-Call.

Bekaert Trail Greenway Extension—NWA Trailblazers

Dean's Trail PH 2 Tunnel and Greenway Trail Extension—Garver Engineers

Archibald Yell Improvements—City of Fayetteville

13TH Street Sidepath Shared Use Trail and Pedestrian Improvements—City of Rogers

§ 3.4.1 State total worth of work in progress and under contract:

Work in Progress: \$7 million

Work under contract: Most projects are in negotiation and not under contract terms at this time.

§ 3.5.1 State average annual amount of construction work performed during the past five years: \$6-\$8 million

§ 3.6 List the construction experience and present commitments of the key individuals of your organization.

Stephen Smith, owner, 38 years experience in commercial/industrial construction

Roger Ross, owner, 35 years experience in commercial/industrial construction

Chuck Ketcher, Supt, 26 years experience in commercial/industrial construction

Rick Vasquez, Foreman, 30 years experience

Armando Vasquez, Foreman, 25 years experience

Roberto Sanchez, Foreman, 30 years experience

Thomas Sargent, Foreman, 33 years experience

The remaining personnel with an average of 12 years working in our company consist of the rest of the construction team. All of our personnel carry skills to self-perform projects that allow schedules and budgets to be met. Simply stated, we are not a broker contractor.

Note: Our construction team, from the owners down to laborers, are 100 percent committed to satisfying each client. The ownership is not involved with any outside investments (ie developing etc..) that would distract our commitment to serving our clients!! The ownership also takes an active role in the projects that we build. Project management/Supervision is handled by the ownership, therefore a vested interest in client satisfaction is our objective.

§ 4. REFERENCES

§ 4.1 Trade References:

Brown Hiller Clark Insurance, Scott Clark, 452-4000

Tune Concrete 442-8251, Dennis Tune, 479-442-8251

Darragh Company, Ronnie McDaniel, 479-651-6800

Meeks Lumber Company, Tom Hamaker, 479-442-2351

Architects and Engineers: Have worked with all major firms in the NWA area over the last 33 years.

§ 4.2 Bank References:

Bank of Fayetteville (Bob King VP, MaryBeth Brooks President) 479-444-4444

\$500,000 Line of Credit

§ 4.3 Surety:

§4.3.1 Name of bonding company: Westfield Insurance Company

§ 4.3.2 Name and address of agent:

Brown Hiller Clark

5500 Euper Lane

Ft Smith, Ar 72913

§ 6. SIGNATURE

§ 6.1 Dated at this ^{27th} day of ~~January~~ ^{MARCH} 2023

Name of Organization: Benchmark Construction of NWA, Inc.

By:  Stephen Smith

Title: CEO

DOCUMENT 00430 – LIST OF SUBCONTRACTORS

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

MISSION BLVD. TRAIL STORM DRAINAGE (PHASE 2) (VIEWPOINT TO RANCH DR)

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

<u>Subcontractor's Work</u>	<u>Subcontractor's Name and Address</u>	<u>Expected Percentage or Value</u>
Clearing/Demolition	BENCHMARK	
SWPPP/Erosion Control	BENCHMARK	
Asphalt	ASPHALT	
Concrete		
Landscaping		
* Material Testing		
Other (designate)		

BENCHMARK IS DEFORMING
100% OF THIS WORK

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


Bidder's Signature

* BY OWNER

END OF DOCUMENT 00430



MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU: Chris Brown, Public Works Director
Susan Norton, Chief of Staff
Matt Casey, Engineering Design Manager

FROM: Matt Mihalevich, Active Transportation Manager

SUBJECT: **Budget Adjustment to recognize revenue from the e-scooter program in the amount of \$30,000 and increase the related expense budget.**

RECOMMENDATION:

Approval of a Budget Adjustment to recognize revenue from the e-scooter program in the amount of \$30,000 and increase the related expense budget.

BACKGROUND:

Fayetteville began permitting shared e-scooters in 2019 shortly after an e-scooter ordinance (6205) was adopted. In 2020, e-scooter permit revenues started at \$27,200 per year. 2021 and 2022 revenues increased to \$60,400 per year. In 2023, the revenues increased to \$93,744 due to an increase in the number of e-scooters operating. The program continues to see high usage rates and revenue is anticipated to be at least \$60,000 going forward into the future.

Historically, this project has used revenue from the e-scooter companies to fund half of the Mobility Coordinator's salary and \$15,000 to make improvements to the trail system and on-street bicycle network, including construction of scooter/bike parking, safety campaigns for all users, promotional materials and other mobility program related enhancements and maintenance.

DISCUSSION:

This request is to continue to dedicate \$30,000 of the revenue to the Mobility Coordinator position and increase the funds available for implementing infrastructure enhancements from \$15,000 to \$30,000 to account for increasing construction expenses and needs for parking. Based on historical records, e-scooter revenues will be more than sufficient to cover these expenses.

YEAR	REVENUE
2020	27,200
2021	60,400
2022	60,400
2023	93,745
Grand Total	\$241,745

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Increasing active transportation and mobility opportunities for our residents and visitors is a primary goal of many of the adopted plans. This project addresses these goals by using revenue generated from the e-scooters to enhance the safety and user experience of the active transportation system for all users in Fayetteville.

BUDGET/STAFF IMPACT:

By recognizing \$30,000 of the expected \$60,000 in revenue from the e-scooter program, staff will be able to use these funds for upgrades to the active transportation system.

ATTACHMENTS: SRF (#3), BA (#4)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-1885

Budget Adjustment to recognize revenue from the e-scooter program in the amount of \$30,000 and increase the related expense budget.

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$30,000.00 RECOGNIZING REVENUE RECEIVED FROM THE E-SCOOTER PROGRAM

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 amount of \$30,000.00 recognizing revenue received from the e-scooter program and increasing the related expense budget.

City of Fayetteville Staff Review Form

2024-1885

Item ID

5/7/2024

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

Matt Mihalevich

3/28/2024

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a Budget Adjustment to recognize revenue from the e-scooter program in the amount of \$30,000 and increase the related expense budget.

Budget Impact:

1010.090.6600-5814.05

1010

Account Number

Fund

21012

Mobility / Trail Improvements

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 2,509.00

Expenses (Actual+Encum)

\$ 1,000.00

Available Budget

\$ 1,509.00

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 30,000.00

Remaining Budget

\$ 31,509.00

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # 6205

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Budget Year	Division	Adjustment Number
2024	ENGINEERING (621)	
	Requestor: Matt Mihalevich	

A Budget Adjustment to recognize revenue from the e-scooter program in the amount of \$30,000 and increase the related expense budget.

	COUNCIL DATE:	5/7/2024
	ITEM ID#:	2024-1885
	Holly Black	
	4/10/2024 1:34 PM	
	Budget Division	Date
	D - (City Council)	
TYPE:		
JOURNAL #:		
GLDATE:		
CHKD/POSTED:	/	
RESOLUTION/ORDINANCE		

[illegible]



MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU: Chris Brown, Public Works Director
Susan Norton, Chief of Staff

FROM: Matt Casey, Engineering Design Manager

SUBJECT: **Change Order #2 to RFQ# 22-07 Contract with Crossland Heavy Contractors, Inc. for the Midtown Corridor Project Phase 2**

RECOMMENDATION:

Staff recommends approval of Change Order #2 to the RFQ# 22-07 contract with Crossland Heavy Contractors, Inc for the Midtown Corridor Project Phase 2 in the amount of \$191,461.43, and approval of a budget adjustment.

BACKGROUND:

The Midtown Corridor is a project in the 2019 Transportation Bond Program and includes several different components. The corridor is 2.3 miles in length and runs in an east-west direction through a flat part of the middle of the city from I-49 at Porter to College Avenue at Poplar Street. The project includes vehicular improvements along Stephen Carr Blvd. and Deane Street from the interstate to Garland Avenue. The project includes street improvements with new turn lanes and drainage as well as separated pedestrian and bicycle facilities. The street, drainage pedestrian, and bicycle improvements will continue along Sycamore Street from Garland Avenue to the Razorback Greenway. From the Greenway to College Avenue, the project will include multi-use trail construction along the Poplar Street alignment. Finally, a connection to the south from Poplar Street to Gregory Park was included in the design.

The first phase of this corridor included the improvements to Stephen Carr Blvd. and Deane Street from I-49 to the east side of the new fire station. Construction is complete for this phase.

In August of 2022, the City Council approved a contract with Crossland Heavy Contractors, Inc. to provide construction manager at risk pre-bidding services for the second phase of this project. This phase includes the remainder of the overall project scope. On September 19, 2023, the City Council approved Change Order #1 for the construction phase of this contract. Construction is currently underway.

DISCUSSION:

During the construction along Deane Street, the contractor encountered multiple conflicts with the existing water main in this area. In addition, the City of Fayetteville Utilities Division identified an existing 1.5" main that would be beneficial to retire. This change order increases the construction contract to cover the relocation expenses associated with these conflicts as well as the cost necessary to tie over water services from the existing 1.5" main to facilitate the abandonment of that line.

BUDGET/STAFF IMPACT:

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

This change order is funded by Water System Rehabilitation & Replacement fund. The current CMAR contract with Crossland Heavy Contractors is \$14,679,322.00. With this change order, the total contract amount will be \$14,870,783.43.

ATTACHMENTS: SRF (#3), BA (#4), Midtown Corridor Change Order #2 (#5)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-16

Change Order #2 to RFQ# 22-07 Contract with Crossland Heavy Contractors, Inc. for the Midtown Corridor Project Phase 2

A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 TO RFQ # 22-07 CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. FOR THE MIDTOWN CORRIDOR PROJECT PHASE 2 IN THE AMOUNT OF \$191,461.43, AND APPROVE A BUDGET ADJUSTMENT - 2019 TRANSPORTATION BOND PROJECT

WHEREAS, on August 16, 2022 the City Council passed Resolution 179-22 to approve Mayor Jordan to sign a Contract with Crossland Heavy Contractors, Inc. to provide construction manager risk services for the Midtown Corridor Project; and

WHEREAS, On September 19, 2023, the City Council approved Change Order #1 for the construction phase of this contract and construction is currently under way; and

WHEREAS, Change Order No. 2 includes the remainder of the overall project scope.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Change Order No. 2 to RFQ # 22-07 Contract with Crossland Heavy Contractors, Inc. for the Midtown Corridor Project Phase 2 in the amount of \$191,461.43 and authorizes Mayor Jordan to sign this Change Order.

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

2024-16

Item ID

5/7/2024

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

Matt Casey

4/4/2024

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of Change Order #2 to the RFQ# 22-07 contract with Crossland Heavy Contractors, Inc for the replacement of an existing 1.5" water main in the Midtown Corridor Project Phase 2 in the amount of \$191,461.43, and approval of a budget adjustment.

Budget Impact:

5400.720.5600-5808.00

Water Line Improvements

Account Number

Fund

12009.2022.7218

Midtown Corridor

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 8,383,263.00

Expenses (Actual+Encum)

\$ 588,181.60

Available Budget

\$ 7,795,081.40

Does item have a direct cost? Yes

Item Cost

\$ 191,461.43

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 191,462.00

Remaining Budget

\$ 7,795,081.97

Purchase Order Number: 2022-00000811

Previous Ordinance or Resolution # 179-22

V20221130

Change Order Number: 2

Approval Date:

Original Contract Number: 2022-00000058

Comments:

Budget Year	Division	Adjustment Number
2024	ENGINEERING (621)	
	Requestor: Matt Casey	

Staff recommends approval of Change Order #2 to the RFQ# 22-07 contract with Crossland Heavy Contractors, Inc for the replacement of an existing 1.5" water main in the Midtown Corridor Project Phase 2 in the amount of \$191,461.43, and approval of a budget adjustment.

	COUNCIL DATE:	5/7/2024
	ITEM ID#:	2024-16
		Holly Black
		4/4/2024 2:53 PM
	Budget Division	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
	GLDATE:	
	CHKD/POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



CHANGE ORDER

Contract Title: Midtown Multimodal Corridor

Change Order No. 2

Date of Issuance April 3, 2024

To Contractor: Crossland Heavy Contractors
The Contract is changed as follows:

ORDINANCE/RESOLUTION:200-23
Effective September 19, 2023

	Bid	Bid	Previous	Unit	Contract	Revised	Revised	Original	Revised
Contract	Item	Item	Estimated	of	Unit	Estimated	Unit	Estimated	Estimated
Changes	No.	Description	Quantity	Measure	Price	Quantity	Price	Cost	Cost
	56	8" PVC PIPE	65.00	LF	\$220.00	118.00	\$220.00	14,300.00	\$25,960.00
	57	16" STEEL ENCASEMENT	16.00	LF	\$590.00	33.00	\$590.00	9,440.00	\$19,470.00
	58	COMPACT DUCTILE IRON FITTINGS (LB)	570.00	LB	\$30.00	864.00	\$30.00	17,100.00	\$25,920.00
	60	8" X 8" TAPPING SLEEVE & VALVE	2.00	EA	\$9,200.00	4.00	\$9,200.00	18,400.00	\$36,800.00
	226	CUT AND CAP EX. 2" GALV. WATERLINE (CO#2)	0.00	EA	\$0.00	2.00	\$3,733.05	-	\$7,466.10
	227	INSTALL NEW 1" WATER SERVICE-BORE (CO#2)	0.00	EA	\$0.00	14.00	\$5,658.27	-	\$79,215.78
	229	ANCHOR COLLARS FOR EX. WATERLINE (CO#2)	0.00	EA	\$0.00	5.15	\$5,850.00	-	\$30,127.50
	230	LOWER 2" WATERLINE AT LYNN'S PLACE (CO#2)	0.00	LS	\$0.00	1.00	\$14,904.61	-	\$14,904.61
	234	CONSTRUCTION MANAGERS FEE (CO#2)	0.06	%	\$13,373,119.00	0.06	\$13,553,742.99	802,387.14	\$813,224.58

Summation of Cost **861,627.14** **\$1,053,088.57**
Net Cost for this Change Order **\$191,461.43**

Not valid until signed by the Owner

The original Contract Price was	\$	78,550.00
Net change by previously authorized change orders	\$	14,600,772.00
The Contract Price prior to this Change Order was	\$	14,679,322.00
The Contract Price will be adjusted by	\$	191,461.43
The new Contract Price including this Change Order will be	\$	14,870,783.43
The Contract Time(s) will be increased by	0	calendar days
Required dates of Completion as of the date of this Change Order therefore are:		
Substantial Completion		23-Mar-25
Final Completion		22-Apr-25

NOTE: This summary does not reflect changes in the Contract Price or Time(s) which have been authorized by Work Change Directives not incorporated in this or previous Change Orders.

CROSSLAND HEAVY CONTRACTORS

CITY OF FAYETTEVILLE

BY [Signature] 04/03/2024
DATE

BY _____ DATE



MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council
THRU: Paul Becker, Chief Financial Officer
FROM: Waylon Abernathy, Bond Projects & Construction Dir
SUBJECT: **Change Order #2 to Bid 23-29 Contract Fleet Shop Expansion with DC Sparks Construction LLC.**

RECOMMENDATION:

Approval of Change Order #2 to Bid 23-29 Contract Fleet Shop expansion with DC Sparks Construction, LLC. in the amount of \$21,362.56 to reconcile additions to the contract.

BACKGROUND:

In October 2023, Resolution 201-23 authorized the construction associated with the fleet shop expansion. In February 2024, Resolution 47-24 authorized Change Order #1 to add a rail crane to the contract.

DISCUSSION:

This change reconciles the use of contingency funds and accounts for the additional scope and related costs. Items added to the scope include removing and replacing additional concrete floor slab to provide a level surface and structural concrete to accommodate mobile lifts. Plywood protection board was added for additional wall protection.

BUDGET/STAFF IMPACT:

Funding Source 9700.770.1920-5804.00 Shop Funds Sub. 21006.1 Fleet Shop Expansion

ATTACHMENTS: SRF (#3), Fleet Bay Expansion - Change Order 2 (#4)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-24

Change Order #2 to Bid 23-29 Contract Fleet Shop Expansion with DC Sparks Construction LLC.

A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 TO THE FLEET SHOP EXPANSION CONTRACT WITH DC SPARKS CONSTRUCTION, LLC. IN THE AMOUNT OF \$21,362.56 TO RECONCILE ADDITIONS TO THE CONTRACT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign Change Order No. 2 to the Fleet Shop Expansion Contract with DC Sparks Construction, LLC in the amount of \$21,362.56 to reconcile additions to the contract.

City of Fayetteville Staff Review Form

2024-24

Item ID

5/7/2024

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

Wade Abernathy

4/17/2024

FACILITIES MANAGEMENT (140)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of Change Order #2 to Bid 23-29 Contract Fleet Shop Expansion with DC Sparks Construction LLC., in the amount of \$21,362.56 to reconcile the contingency allowance for additional scope to the contract and approve a Budget Adjustment.

Budget Impact:

9700.770.1920-5804.00

Shop Fund

Account Number

Fund

21006.1

Fleet Shop Expansion

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 426,139.00

Expenses (Actual+Encum)

\$ 400,025.25

Available Budget

\$ 26,113.75

Does item have a direct cost? Yes

Item Cost

\$ 21,362.56

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ 4,751.19

V20221130

Purchase Order Number: 2023-844

Previous Ordinance or Resolution # 207-23

Change Order Number: 1

Approval Date: 10/3/2023

Original Contract Number: 2023-51

Comments:



DC SPARKS
CONSTRUCTION

Change Order

Owner Info

City of Fayetteville
113 West Mountain St
Fayetteville, AR 72701
Phone: 4795758323
Cell: +14795758361

Job Info

1525 S. Happy Hollow Rd.
Fayetteville, AR 72701

Change Order ID

CO-23-021-0012

23-021 Fay Fleet Shop Expansion

CO ID	Created / Approved Date	Price
CO-23-021-0012	Created: Apr 8, 2024	\$21,362.56

Description

Contingency Overage CO

Additional days added to the contract: 100 days

- Additional 60 days added to Fleet Shop Expansion project schedule of 120 days allotted per project specifications.

Starting

10/10/2023 from receipt of executed contract.

- Additional 40 days added to Fleet Overhead Crane project schedule of 120 days allotted per project specifications.

Starting

02/20/2024 from receipt of executed change order.

Crane Manufacturing Timelines:

- 3 weeks for shop drawing submittals

- 16 weeks for manufacturing & shipping

Crane Install Timeline:

- 1.5 weeks for installation

Items	Cost Types	Description	Qty / Unit	Unit Price	Price
CO: 01-0010 - BONDS: Billed to Contingency 01-0010 - Bonds	Other	CO 01-0010 - Bonds: Billed to Contingency \$1,595.00	1	\$0.00	\$0.00

Items	Cost Types	Description	Qty / Unit	Unit Price	Price
CO: RFI#2 ENDWALL COLUMNS: Billed to Contingency 05-1223 - Structural Steel for Buildings	Other	CO: RFI#2 ENDWALL COLUMNS: Billed to Contingency \$12,190.00	1	\$0.00	\$0.00
CO: ASI#2 REVISIONS: Billed to Contingency 05-1100 - Structural Metal Framing	Other	CO: ASI#2 REVISIONS: Billed to Contingency \$21,567.55	1	\$0.00	\$0.00
CO: ASI#3 CONCRETE SLAB REVISIONS: Partial Billed to Contingency 03-0000 - Concrete	Other	CO: ASI#3 CONCRETE SLAB REVISIONS: Partial Billed to Contingency \$28,450.45	1	\$0.00	\$0.00
CO: ASI#3 CONCRETE SLAB REVISIONS: Remaining Balance 03-0000 - Concrete	Other	CO: ASI#3 CONCRETE SLAB REVISIONS: Remaining Balance \$14,674.56	1 ls	\$14,674.56	\$14,674.55
CO: PLYWOOD WALL PROTECTION: Remaining Balance 06-1633 - Wood Board Sheathing	Other	CO: PLYWOOD WALL PROTECTION: Remaining Balance \$6,688.00	1 ls	\$6,688.00	\$6,688.00

Status	Signature	Date
Approved by: <u>Mayor Lioneld Jordan</u>		<u> </u> / <u> </u> / <u> </u>

Approved by: _____		<u> </u> / <u> </u> / <u> </u>
--------------------	--	--------------------------------------

I confirm that my action here represents my electronic signature and is binding. Approval of this change order may also be represented through email, text message, or other electronic communication from the project owner's representative to the DC Sparks Project Manager.

TOTAL AMOUNT OF CHANGE ORDER:

\$21,362.55

23-021 Fleet Shop Expansion Change Order Log

1525 S Happy Hollow Rd, Fayetteville, AR 72756

	VALUE	Prev Period	This Period	Materials	Total	% Comp	Balance	Retainage
01-2116 - Contingency Allowances	\$63,803.00	\$46,131.28	\$17,671.72	\$0.00	\$63,803.00	100.00%	\$0.00	\$3,190.15
CO: 01-0010 - Bonds	\$1,595.00	\$1,595.00	\$0.00	\$0.00	\$1,595.00	100.00%	\$0.00	\$79.75
CO: RFI#2 ENDWALL COLUMNS	\$12,190.00	\$12,190.00	\$0.00	\$0.00	\$12,190.00	100.00%	\$0.00	\$609.50
CO: ASI#2 REVISIONS	\$21,567.55	\$10,783.78	\$10,783.78	\$0.00	\$21,567.55	100.00%	\$0.00	\$1,078.38
CO: ASI#3 CONCRETE SLAB REVISIONS	\$43,125.00	\$21,562.50	\$6,887.95	\$0.00	\$28,450.45	65.97%	\$14,674.55	\$1,422.52
CO: PLYWOOD WALL PROTECTION	\$6,688.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$6,688.00	\$0.00
		\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!	\$0.00	\$0.00
TOTAL PROJECT CO'S	\$85,165.55							
TOTAL ESTIMATED DEFICIT	(\$21,362.55)							



MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Tim Nyander, Utilities Director
SUBJECT: **Hawkins-Weir Engineers, Inc. - Amendment No. 3 for I-49 & MLK Utility Relocations**

RECOMMENDATION:

Staff recommends approval of Amendment No. 3 to the engineering services agreement with Hawkins-Weir Engineers, Inc. for professional services associated with ARDOT Project 040846 Utility Relocations along Martin Luther King Jr. Blvd. at the I-49 & Hwy-62 Interchange in an amount not to exceed \$646,930.00.

BACKGROUND:

ARDOT previously notified the City of Fayetteville to relocate water and sewer infrastructure along Highway 62 where they will be widening the roadway, reconstructing the I-49 overpass, and creating a new overpass at 15th Street. After receiving this notification, a formal selection committee was held on September 8, 2022, at which Hawkins-Weir was selected for contract negotiations (RFQ 21-01, Selection #14).

Previously, Amendment No. 1 was approved (Res. 125-23) to advance the design from 30% to 100% bid-ready plans and specifications for just the relocations necessary near the 15th Street improvements. Amendment No. 2 was approved (Res. 8-24) to provide construction engineering and observation services for the 15th Street portion of the project, now in construction.

DISCUSSION:

Amendment No. 3 will increase the scope of engineering services to provide final engineering design on the remaining utility relocations associated with the ARDOT project. Namely, water and sewer lines along MLK Blvd from Leflar Way to east of Futrall Drive. The scope represents a very large relocation for the City, including approximately 9,000-LF of various waterlines from 2"-36" diameters, and 5,000-LF of various sewerlines from 8"-24" diameters. Preliminary engineering estimates indicate construction costs of \$18MM with the project being 75% reimbursable to the City from ARDOT. However, the engineering design must be completed, and terms negotiated with ARDOT before these figures are finalized.

Future contract amendments will be proposed for construction phase services when this MLK portion of the project advances through bidding.

BUDGET/STAFF IMPACT:

The proposed contract amendment is hourly in the maximum not-to-exceed amount of \$646,930.00. The breakout between the different accounts would be \$420,504.50 for the water portion, and \$226,425.50 for the sewer portion. Budgeted funds are available in the Water & Sewer Relocations account within the Water & Sewer fund.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

ATTACHMENTS: SRF (#3), Amendment No. 3 (#4)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-31

Hawkins-Weir Engineers, Inc. - Amendment No. 3 for I-49 & MLK Utility Relocations

A RESOLUTION TO APPROVE AMENDMENT NO. 3 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH HAWKINS-WEIR ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$646,930.00 FOR PROFESSIONAL SERVICES ASSOCIATED WITH UTILITY RELOCATIONS ALONG MARTIN LUTHER KING JR. BLVD. AT THE I-49/HWY-62 INTERCHANGE

WHEREAS, on February 7, 2023, the City Council passed Resolution No. 30-23 approving a Professional Engineering Services Agreement with Hawkins-Weir Engineers, Inc. for engineering services associated with the utility relocations at the I-49 and Martin Luther King, Jr. Boulevard Interchange Project; and

WHEREAS, on June 6, 2023, the City Council passed Resolution No. 125-23 approving Amendment No. 1 to the contract with Hawkins-Weir Engineers, Inc. to advance the design from 30% to 100% bid-ready plans and specifications for just the relocations necessary near the 15th Street improvements; and

WHEREAS, on January 2, 2024, the City Council passed Resolution No. 8-24 approving Amendment No. 2 to the contract with Hawkins-Weir Engineers, Inc. to increase the scope of engineering services to include construction observation, field accounting, construction engineering support, material submittal reviews, as-built drawing preparation, and all services necessary to manage the project throughout construction; and

WHEREAS, Amendment No. 3 will increase the scope of engineering services to provide final engineering design on the remaining utility relocations associated with the ARDOT 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 authorizes Mayor Jordan to sign Amendment No. 3 to the Professional Engineering Services Agreement with Hawkins-Weir Engineers, Inc. in an amount not to exceed \$646,930.00 for professional services associated with utility relocations along Martin Luther King Jr. Blvd. at the I-49/HWY-62 Interchange, as shown in the scope of services attached to Amendment No. 3.

City of Fayetteville Staff Review Form

2024-31

Item ID

5/7/2024

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

Tim Nyander

4/10/2024

WATER SEWER (720)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of Amendment No. 3 to the engineering services agreement with Hawkins-Weir Engineers, Inc. for professional services associated with ARDOT Project 040846 Utility Relocations along Martin Luther King Jr. Blvd. at the I-49 & Hwy-62 Interchange in an amount not to exceed \$646,930.00.

Budget Impact:

5400.720.5600-5314.00

5400.720.5700-5314.00

Water and Sewer

Account Number

Fund

11011.2301

Water/Sewer Relocations - Bond Projects

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget \$ 11,659,260.00

Expenses (Actual+Encum) \$ 10,864,583.65

Available Budget \$ 794,676.35

Does item have a direct cost? Yes

Item Cost \$ 646,930.00

Is a Budget Adjustment attached? No

Budget Adjustment \$ -

Remaining Budget \$ 147,746.35

V20221130

Purchase Order Number: 2023-197

Previous Ordinance or Resolution 30-23, 125-23, 8-24

Change Order Number: 3

Approval Date:

Original Contract Number: 2023-00000010

Comments: RFQ 21-01, Selection #14



March 14, 2024

Mr. Corey Granderson, P.E.
Utilities Engineer
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Re: Utility Relocations I-49/MLK Interchange
Agreement for Engineering Services – Amendment No. 3
HWEI Project No. 2022129

Dear Mr. Granderson:

We respectfully request an Amendment to our Agreement for Professional Services, dated February 7, 2023 (Agreement), for the referenced project. The purpose of this Amendment is to add engineering scope and fee for the preparation of Task 4 – Preliminary Engineering Agreement for the **Final Design Phase** of the I-49/MLK Interchange.

As defined in our original Agreement, Task 1 defined preliminary engineering services associated with route selections for utility relocations and preparation of an opinion of probable construction costs for both the MLK Drive and West 15th Street utility relocations. Task 1 for the I-49/15th Street Interchange and I-49/MLK Interchange Preliminary Design is complete. Task 2 for the I-49/15th Street Interchange Final Design is complete. Task 3 is for the West 15th Street Utility Relocation Construction Phase Services, and construction of this project by Brother's Construction is currently underway.

We propose an increase of \$646,930.00 to our contractual not to exceed (NTE) fee based on our Standard Hourly Rate Schedule. If this Amendment is approved, our NTE fee will increase from \$839,350.00 (for Tasks 1 through 3) to **\$1,486,280.00** (for Tasks 1 through 4), which will cover Final Design and Bidding Phases for the I-49/MLK Interchange relocations. The preliminary reimbursement percentage for the utility relocations on MLK is estimated at 75%, which will be confirmed during the **Final Design Phase**.

For your review and consideration, we have prepared the attached Amendment No. 3, scope of services, scope of services fee proposal, standard hourly billing rate, and opinion of probable construction cost for Task 4 for the I-49/MLK Interchange.



Mr. Corey Granderson, P.E.
Page 2
March 14, 2024

We trust that this is satisfactory for your review. If you have any questions, or require additional information, please do not hesitate to contact me.

Sincerely,

HAWKINS-WEIR ENGINEERS, INC.

Oren Noble, P.E.

ON/clk

Enclosures: Amendment No. 3 Agreement, dated March 14, 2024
Exhibit A – Preliminary Engineering Agreement – Scope of Services – Utility Relocations for I-49/MLK Interchange, dated March 14, 2024
Exhibit B – Scope of Services and Fee Proposal, dated March 14, 2024
Exhibit C – Standard Hourly Billing Rate Structure
Exhibit D – Preliminary Opinion of Probable Construction Cost – Utility Relocations – I-49/MLK Interchange, dated March 14, 2024

AMENDMENT NO. 3
TO THE
AGREEMENT For PROFESSIONAL ENGINEERING SERVICES
BETWEEN
CITY OF FAYETTEVILLE, ARKANSAS
AND
HAWKINS-WEIR ENGINEERS, INC.

In accordance with the AGREEMENT For PROFESSIONAL ENGINEERING SERVICES for the **Utility Relocation for I-49/MLK Interchange (HW Project No. 2022129)**, dated February 7, 2023, between the City of Fayetteville, Arkansas (hereinafter called **Owner**) and Hawkins-Weir Engineers, Inc. (hereinafter called **Engineer**), Owner hereby authorizes Engineer to proceed with engineering services as modified by this Amendment No. 3.

SECTION 1 – SCOPE OF SERVICES

1.1 Amendment No. 3 is for Task 4 - Preliminary Engineering Agreement associated with the **Final Design Phase** of the Utility Relocations for the I-49/MLK Interchange project. Additional services are detailed in the Engineer’s attached Scope of Services dated March 14, 2024.

SECTION 2 – TIME OF SERVICE

2.1 Engineer will proceed with providing the services set forth herein immediately upon execution of this Authorization by all parties.

SECTION 3 – COMPENSATION

3.1 Owner shall compensate Engineer for providing the services set forth herein in accordance with the terms of the Agreement. Total payment for Scope of Services described herein shall not exceed Six Hundred Forty Six Thousand Nine Hundred Thirty and 00/100 Dollars (\$646,930.00) without written approval of Owner. These additional services adjust the Agreement’s not to exceed fee to One Million Four Hundred Eighty Six Thousand Two Hundred Eighty and 00/100 Dollars (**\$1,486,280.00**), and the adjustment includes \$20,000 for geotechnical services. The total not to exceed reimbursable expenses is adjusted to Seventy-Four Thousand and 00/100 Dollars (\$74,000).

Attachments: Exhibit A – Scope of Services dated, March 14, 2024
Exhibit B – Scope of Services and Fee Proposal, dated March 14, 2024
Exhibit C – Standard Hourly Billing Rate Structure
Exhibit D – Preliminary Opinion of Probable Construction Cost – Utility Relocations –
I-49/MLK Interchange, dated March 14, 2024

AUTHORIZATION BY:

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Honorable Lioneld Jordan, Mayor

Date: _____

ACCEPTED BY:

HAWKINS-WEIR ENGINEERS, INC.

By: 
Barry McCormick, P.E.
Corporate Secretary



**Exhibit A – Preliminary Engineering Agreement
Scope of Services – Task 4
Utility Relocations for I-49/MLK Interchange
Fayetteville, Arkansas
HW Project No. 2022129
March 14, 2024**



Further Description of Basic Engineering Services and Related Matters:

Scope

The scope of work for the I-49/Martin Luther King (MLK) Interchange project includes the relocation of publicly owned utilities to precede the roadway improvements to MLK at the proposed crossing of Interstate 49 (I-49) by the Arkansas Department of Transportation (ARDOT). The ARDOT project includes the widening of MLK for the construction of a new overpass of I-49 and improvements West and East of I-49. The utility relocation project will consist of an estimated 9,300 linear feet of water main ranging in size from 2-inch to 36-inch, 5,000 linear feet of sanitary sewer ranging in size from 8-inch to 24-inch, and 2,300 linear feet of steel encasement ranging in size from 16-inch to 54-inch.

TASK 1 – Preliminary Engineering Services – Preliminary Design Phase MLK and 15th Street

Task 1 (MLK and 15th Street) is complete per the original Agreement.

TASK 2 – Preliminary Engineering Services – Final Design Phase (15th Street)

Task 2 (15th Street Final Design) is complete per Amendment 1.

TASK 3 – Construction Engineering Services – Construction Phase (15th Street)

Task 3 (15th Street Construction Phase Services) is ongoing per Amendment 2.

TASK 4 – Preliminary Engineering Services – Final Design Phase (MLK)

1. Project Management and Administration

- a. Prepare correspondence and consultation with Owner
- b. Develop a detailed project schedule that outlines the tasks and major milestone dates for the Final Design Phase
- c. Prepare a monthly status report for submission with each invoice

2. Utility Coordination

- a. Obtain location and size of existing and proposed overhead and underground utilities from the CMGC
- b. Using utility field survey data, atlas mapping, and information from CMGC, plot existing and proposed utilities on plans
- c. Attend meetings with CMGC and utility companies to discuss necessary adjustments or relocations



**Exhibit A – Preliminary Engineering Agreement
Scope of Services – Task 4
Utility Relocations for I-49/MLK Interchange
Fayetteville, Arkansas
HW Project No. 2022129
March 14, 2024**



- d. Perform field locates by using spot digging performed by Owner and/or CMGC

3. Preliminary Design Phase (50% Design Phase)

- a. Manage a geotechnical soils investigation by a subconsultant, GTS, Inc.
- b. Prepare preliminary plans (horizontal scale of drawings to be 1-inch equals 20 feet or larger, and vertical scale to be 1-inch equals 5 feet or larger). Cross section scale to be 1-inch equals 10 feet horizontal and 1-inch equals 5 feet vertical or larger, including the following information:
 - i. Proposed alignments of pipelines and roads
 - ii. Existing and proposed surface profiles
 - iii. Pipelines, roads, and structures detailed in the profile view
 - iv. Buried utility crossing depths shown in profile
 - v. Pipeline crossing locations (streams and roads)
 - vi. Proposed utility easements and temporary construction easements
- c. Prepare exhibit showing anticipated easement acquisitions for the project. Prepare property descriptions and exhibits in a format approved by the Purchasing Department for the Owner's acquisition of utility easements and/or temporary construction easements
- d. Prepare 50% Opinion of Probable Construction Cost
- e. Submit one (1) full-size copy and one (1) PDF copy of the 50% Design Plans, as well as a copy of the Opinion of Probable Construction Cost
- f. Participate in 50% Design Review Meeting within thirty (30) days following submittal of the 50% Design Documents

4. Pre-Final Design Phase (90% Design Phase)

- a. Prepare final design calculations, plans, profiles, details, cross sections, street crossings, traffic detours and other items. Final plans shall incorporate comments from the 50% Design Review Meeting, evaluation data, record drawing information, and information obtained during site visits
 - i. Prepare construction details which depict all typical items, including but not limited to fire hydrants, valves, vaults, manholes, and bores utilizing the City of Fayetteville format and standard detail drawings where applicable
 - ii. Prepare traffic control plans in accordance with the MUTCD standards and ARDOT requirements



**Exhibit A – Preliminary Engineering Agreement
Scope of Services – Task 4
Utility Relocations for I-49/MLK Interchange
Fayetteville, Arkansas
HW Project No. 2022129
March 14, 2024**



- iii. Prepare stormwater and erosion control measures on plans. As needed, prepare a Stormwater Pollution Prevention Plan in accordance with the requirements of ADEQ General Permit ARR150000, Part II, Section A.4
- iv. Prepare plans identifying existing facilities that are to be removed
- b. Prepare final notes on plans to fully describe the construction work to be performed
- c. Identify material to be used under the Build America, Buy America Act (BABAA) requirements
- d. Prepare Specifications and Contract Documents. The City will provide templates for the front-end documents
- e. Provide construction bid proposal form in electronic format, meeting the City of Fayetteville's requirements
- f. Prepare 90% Opinion of Probable Construction Cost
- g. Perform QA/QC Review of Final Plans and Specifications
- h. Submit one (1) full size copy and one (1) PDF copy of the 90% Design Plans, as well as a copy of the 90% Opinion of Probable Construction Cost and Specifications
- i. Prepare permits (ADEQ STAA, ADEQ Stormwater Discharge Permit, ADEQ Hydrostatic Discharge Permit and ARDOT Utility Permit.
- j. Assist the City's Appraiser and Right-of-Way Acquisition Agent
- k. Participate in 90% Design Review Meeting within thirty (30) days following submittal of the 90% Design Documents

5. Final Design Phase (100% Design Phase)

- a. Incorporate any QA/QC Review Comments and 90% Design Review Comments
- b. Submit one (1) full-size copy, one (1) half-size copy and one (1) PDF copy of the "Issued for Bid" (IFB) Plans, IFB Specifications, and the Final Opinion of Probable Construction Cost
- c. Submit the Final Plans, Contract Documents, and an Opinion of Probable Construction Cost to the Arkansas Department of Health for review and respond to any questions or comments
- d. Submit the Final Plans, Contract Documents, and an Opinion of Probable Construction Cost to ARDOT for review and respond to any questions or comments



**Exhibit A – Preliminary Engineering Agreement
Scope of Services – Task 4
Utility Relocations for I-49/MLK Interchange
Fayetteville, Arkansas
HW Project No. 2022129
March 14, 2024**



6. Advertising and Bidding Phase

- a. Provide one (1) PDF copy of the IFB Plans and Specifications updated with the Owner's project number for use in the Owner's electronic procurement portal, Ion Wave. The Owner will maintain the official list of plan holders
- b. Prepare any necessary addenda for the project
- c. Attend Pre-Bid Conference and Site Visit to assist the Owner in answering questions concerning the project
- d. Participate in the Bid Opening
- e. Review bids and prepare a recommendation to the Owner for the award of a Construction Contract
- f. Assist in the preparation of Contract Documents for execution between the Owner and Contractor

Construction Engineering Services – Construction Phase

- a. Construction Phase Services for the I-49/MLK Relocation Project are not included in this Scope of Services

General

- a. The Engineer should anticipate a 30-calendar day review period by the City staff between the completion of one phase and the beginning of the following phase. Additional time may be required for review by agencies
- b. The Plans, Specifications and Contract Documents authorized by this Agreement shall be prepared to allow construction bids to be received and construction to be performed under one (1) Construction Contract for I-49/MLK Drive Interchange Utility Relocations
- c. Subcontracting of services by the Engineer shall have prior approval of the Owner

Exclusions to the Scope of Services

- a. Construction Observation or Administration services including submittal review, review or preparation of payment requests, assessment of substantial/final completion, review of Contractor's conformance to construction documents, and preparation of Record Drawings. Any Scope of Services for Construction Phase Services will be considered under a separate Agreement or Amendment to this Agreement
- b. Environmental assessment or evaluation of the site



Exhibit B
Scope of Services and Fee Proposal
Utility Relocations for I-49/MLK Interchange
Fayetteville, Arkansas
HW Project No. 2022129
March 14, 2024



PHASE 4 (TASK 4) : Preliminary Engineering Services - Final Design Phase

Utility Relocations for I-49/MLK, Fayetteville, Arkansas

Billing Rate	Task	Engr VII \$250	Engr V \$200	Engr III \$150	Designer II \$135	GPS Survey \$175	Surveyor \$150	Survey Technician \$50	Tech III \$120	Document Processor \$75	Total Hours	Total Cost
	1. Project Management and Administration											
	a. Prepare correspondence and consultation with Owner	16	24	8						8	56	\$10,600
	b. Develop a detailed project schedule that outlines the tasks and major milestone dates for the Final Design Phase	16	16	8						8	48	\$9,000
	c. Prepare a monthly status report for submission with each invoice	24	24								48	\$10,800
	2. Utility Coordination											
	a. Obtain location and size of existing and proposed overhead and underground utilities from the Construction Manager General Contractor (CMGC)		16	16			8				40	\$6,800
	b. Using utility field survey data, atlas mapping, and information from CMGC, plot existing and proposed utilities on plans		12	16	40		40				108	\$16,200
	c. Attend meetings with CMGC and utility companies to discuss necessary adjustments or relocations	40	40								80	\$18,000
	d. Perform field locates by using spot digging performed by Owner and/or CMGC		24	24		16	16	16			96	\$14,400
	3. Preliminary Design Phase (50% Design Phase)											
	a. Manage a geotechnical soils investigation by a subconsultant, GTS, Inc.	16	16	16						8	56	\$10,200
	b. Prepare preliminary plans (horizontal scale of drawings to be 1-inch equals 20 feet or larger, and vertical scale to be 1-inch equals 5 feet or larger). Cross section scale to be 1-inch equals 10 feet horizontal and 1-inch equals 5 feet vertical or larger including the following information:	16	40	80	120				24		280	\$43,080
	i. Proposed alignments of pipelines and roads	8	16	16	32				12		84	\$13,360
	ii. Existing and proposed surface profiles	8	24	16	8				8		64	\$11,240
	iii. Pipelines, roads, and structures detailed in the profile view	8	40	16	32				8		104	\$17,680
	iv. Buried utility crossing depths shown in profile	8	24	16	16				8		72	\$12,320
	v. Pipeline crossing locations (streams and roads)	8	24	16	24				8		80	\$13,400
	vi. Proposed utility easements and temporary construction easements	8	24	8	40	40	80	40	24		264	\$37,280
	c. Prepare exhibit showing anticipated easement acquisitions for the project. Prepare property descriptions and exhibits in a format approved by the Purchasing Department for the Owner's acquisition of utility easements and/or temporary construction easements		16	8	40		80			20	164	\$23,300
	d. Prepare 50% Opinion of Probable Construction Cost	8	40	64	32					12	156	\$24,820
	e. Submit one (1) full-size copy and one (1) PDF copy of the 50% Design Plans, as well as a copy of the Opinion of Probable Construction Cost		4	4						8	16	\$2,000
	f. Participate in 50% Design Review Meeting within thirty (30) days following submittal of the 50% Design Documents	16	16	16	8						56	\$10,680
	4. Pre-Final Design Phase (90% Design Phase)											
	a. Prepare final design calculations, plans, profiles, details, cross sections, street crossings, traffic detours and other items. Final plans shall incorporate comments from the 50% Design Review Meeting, evaluation data, record drawing information, and information obtained during site visits	8	24	40	56				8		136	\$21,320
	i. Prepare construction details which depict all typical items, including but not limited to fire hydrants, valves, vaults, manholes, and bores utilizing the City of Fayetteville format and standard detail drawings where applicable	8	24	40	56				8		136	\$21,320
	ii. Prepare traffic control plans in accordance with the MUTCD standards and ArDOT requirements	8	16	24	8				8		64	\$10,840
	iii. Prepare stormwater and erosion control measures on plans. As needed, prepare a Stormwater Pollution Prevention Plan in accordance with the requirements of ADEQ General Permit ARR150000, Part II, Section A.4	8	24	24	24				8	24	112	\$16,400
	iv. Prepare plans identifying existing facilities that are to be removed	8	24	32	16				8		88	\$14,720
	b. Prepare final notes on plans to fully describe the construction work to be performed	8	16	16	16				8		64	\$10,720
	c. Identify material to be used under the Build America, Buy America Act (BABAA) requirements	8	16	24						8	56	\$9,400



Exhibit B
Scope of Services and Fee Proposal
Utility Relocations for I-49/MLK Interchange
Fayetteville, Arkansas
HW Project No. 2022129
March 14, 2024



PHASE 4 (TASK 4) : Preliminary Engineering Services - Final Design Phase

Utility Relocations for I-49/MLK, Fayetteville, Arkansas

Billing Rate	Task	Engr VII \$250	Engr V \$200	Engr III \$150	Designer II \$135	GPS Survey \$175	Surveyor \$150	Survey Technician \$50	Tech III \$120	Document Processor \$75	Total Hours	Total Cost
d.	Prepare Specifications and Contract Documents. The City will provide templates for the front-end	8	24	40	16					120	208	\$23,960
e.	Provide construction bid proposal form in electronic format, meeting the City of Fayetteville's requirements	16	16	24	2					8	66	\$11,670
f.	Prepare Final Opinion of Probable Construction Cost	8	32	40	16					8	104	\$17,160
g.	Perform QA/QC Review of Final Plans and Specifications	24	32	40	80					16	192	\$30,400
h.	Submit one (1) full size copy and one (1) PDF copy of the 90% Design Plans, as well as a copy of the Final Opinion of Probable Construction Cost and Specifications		4	8						4	16	\$2,300
i.	Prepare permits (ADEQ STAA, ADEQ Stormwater Discharge Permit, ADEQ Hydrostatic Discharge Permit, ARDOT Utility Permit, and USACE Section 404)	8	16	24	20					16	84	\$12,700
j.	Assist the City's Appraiser and Right-of-Way Acquisition Agent		16	16	40	24	40	24		8	168	\$23,000
k.	Participate in 90% Design Review Meeting within thirty (30) days following submittal of the 90% Design Documents	8	8	8	8						32	\$5,880
5. Final Design Phase (100% Design Phase)												
a.	Incorporate any QA/QC Review Comments and 90% Design Review Comments	12	16	24	40					8	100	\$15,800
b.	Submit one (1) full-size copy, one (1) half-size copy and one (1) PDF copy of the "Issued for Bid" (IFB) Plans, IFB Specifications, and the Final Opinion of Probable Construction Cost		4	4	4					8	20	\$2,540
c.	Submit the Final Plans, Contract Documents, and an Opinion of Probable Construction Cost to the Arkansas Department of Health for review and respond to any questions or comments	8	40	40	24					12	124	\$20,140
d.	Submit the Final Plans, Contract Documents, and an Opinion of Probable Construction Cost to ARDOT for review and respond to any questions or comments	8	16	24	12					16	76	\$11,620
6. Advertising and Bidding Phase												
a.	Provide one (1) PDF copy of the IFB Plans and Specifications updated with the Owner's project number for use in the Owner's electronic procurement portal, Ion Wave. The Owner will maintain the official list of plan		4	4	4					8	20	\$2,540
b.	Prepare any necessary addenda for the project	8	24	16	4					8	60	\$10,340
c.	Attend Pre-Bid Conference and Site Visit to assist the Owner in answering questions concerning the project	8	16	16						8	48	\$8,200
d.	Participate in the Bid Opening	8	8	8							24	\$4,800
e.	Review bids and prepare a recommendation to the Owner for the award of a Construction Contract	8	16	4						8	36	\$6,400
f.	Assist in the preparation of Contract Documents for execution between the Owner and Contractor	8	16	8						16	48	\$7,600
Total Hours		396	892	896	838	80	264	80	140	368	3954	
Total Cost - Task 2 Final Design Engineering Services		\$99,000	\$178,400	\$134,400	\$113,130	\$14,000	\$39,600	\$4,000	\$16,800	\$27,600		\$626,930
7. Reimbursable Expenses												
Item		Description										Total
a. Outside Services		Geotechnical Boring										\$20,000
Total Estimated Reimbursable Expenses												\$20,000

ENGINEERING SERVICES SUMMARY

Utility Relocations for I-49/MLK, Fayetteville, Arkansas

PHASE 4 (TASK 4) : Preliminary Engineering Services - Final Design Phase												\$646,930
Total Engineering Fee - Not to Exceed												\$646,930



Hawkins-Weir Engineers, Inc.
Hourly Rate Schedule: 2024

Description	Billing Rate/Hour
Engineer VII	\$250
Engineer VI	\$225
Engineer V	\$200
Engineer IV	\$175
Engineer III	\$150
Engineer II	\$125
Engineer I	\$75
Environmental Specialist II	\$130
Environmental Specialist I	\$110
Designer II	\$135
Designer I	\$100
CAD/BIM Modeler II	\$135
CAD/BIM Modeler I	\$100
CAD/GIS Technician III	\$120
CAD/GIS Technician II	\$95
CAD/GIS Technician I	\$75
Construction Manager II	\$140
Construction Manager I	\$125
Construction Observer IV	\$135
Construction Observer III	\$115
Construction Observer II	\$95
Construction Observer I	\$75
Surveyor	\$150
GPS Survey	\$175
Survey Technician	\$50
Business Manager	\$100
Graphic Designer	\$100
Document Processor	\$75
Reimbursable Expenses	
Mileage	\$0.72/mile
Printing	@ Cost
Travel	@ Cost
Expert Witness	Rate x 2.0
Other Direct Costs	@ Cost

Notes:

1. Hourly rates may be equitably adjusted annually
2. Adjustment to rate schedule will not change contract lump sum or NTE amounts
3. If a conflict exists, hourly rates & reimbursable expenses will be invoiced per terms of Agreement.



MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Tim Nyander, Utilities Director
SUBJECT: **Olsson, Inc. - Engineering for Baxter Water Tank Improvements**

RECOMMENDATION:

Staff recommends approval of an Engineering Services Agreement with Olsson, Inc. for design of removal and replacement of coating systems and updating safety systems for the Baxter water storage tank in an amount not to exceed \$68,000.00.

BACKGROUND:

The Baxter 1-MG elevated storage tank is located at the end of Baxter Lane near North Street between College Ave. and Mission Blvd. This tank provides water to the City's primary pressure plane. The tank is in need of removal and replacement of the painted coating systems due to normal aging. Furthermore, the tank climbing systems are outdated and need to be updated to modern safety standards. Tank inspections performed in 2023 identified this tank as the top priority for reconditioning.

DISCUSSION:

Olsson Inc. has been involved in many past City tank rehabilitation projects, as well as new construction designs. On January 9, 2024, the City of Fayetteville conducted a formal Engineering Selection meeting for this project and selected Olsson, Inc. (RFQ 23-01, Selection #12). The scope of services for this project will include site visits, structural inspections and analyses, developing plans and specifications for coating systems and tank mixing retrofits, and bidding services.

BUDGET/STAFF IMPACT:

Funds are available in the Water Tank Improvements account within the Water & Sewer fund.

ATTACHMENTS: SRF (#3), Professional Engineering Services Agreement (#4), Appendix A - Scope of Services (#5)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-32

Olsson, Inc. - Engineering for Baxter Water Tank Improvements

A RESOLUTION TO APPROVE AN ENGINEERING SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$68,000.00 BETWEEN THE CITY OF FAYETTEVILLE AND OLSSON, INC. FOR DESIGN OF REMOVAL AND REPLACEMENT OF COATING SYSTEMS AND UPDATING SAFETY SYSTEMS FOR THE BAXTER WATER STORAGE TANK

WHEREAS, the Baxter storage tank provides water to the City's primary pressure plane; and

WHEREAS, the tank needs removal and replacement of the painted coating systems due to normal aging; and

WHEREAS, the tank climbing systems are outdated and need to be updated to modern safety standards.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign an agreement in an amount not to exceed \$68,000.00 with Olsson, Inc. for design of removal and replacement of coating systems and updating safety systems for the Baxter water storage tank.

City of Fayetteville Staff Review Form

2024-32

Item ID

5/7/2024

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

Tim Nyander

4/10/2024

WATER SEWER (720)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of an Engineering Services Agreement with Olsson, Inc. for design of removal and replacement of coating systems and updating safety systems for the Baxter water storage tank in an amount not to exceed \$68,000.00.

Budget Impact:

5400.720.5600-5314.00

Water & Sewer

Account Number

Fund

14010.1

Water Tank Improvements

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 2,706,879.00

Expenses (Actual+Encum)

\$ 78,910.70

Available Budget

\$ 2,627,968.30

Does item have a direct cost? Yes

Item Cost

\$ 68,000.00

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ 2,559,968.30

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments: RFQ 23-01, Selection #12

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

BAXTER 1MG GROUND WATER STORAGE TANK REHABILITATION

THIS AGREEMENT is made as of _____, 2024, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and Olsson, Inc. (hereinafter called ENGINEER).

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

ENGINEER shall serve as CITY OF FAYETTEVILLE's professional engineering consultant in those assignments to which this Agreement applies, and shall give consultation and advice to CITY OF FAYETTEVILLE during the performance of ENGINEER's services. All services shall be performed under the direction of a professional engineer registered in the State of Arkansas and qualified in the particular field.

SECTION 1 - AUTHORIZATION OF SERVICES

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

SECTION 2 - BASIC SERVICES OF ENGINEER

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

SECTION 3 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

- 3.1 CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of ENGINEER.
- 3.1.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.
- 3.1.2 Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.
- 3.1.3 Assist ENGINEER in obtaining access to property reasonably necessary for ENGINEER to perform its services under this Agreement.
- 3.1.4 Examine all studies, reports, sketches, cost opinions, proposals, and other documents presented by ENGINEER and render in writing decisions pertaining thereto.
- 3.1.5 Provide such professional legal, accounting, financial, and insurance counseling services as may be required for the Project.
- 3.1.6 The City Engineer is the CITY OF FAYETTEVILLE's project representative with respect to the services to be performed under this Agreement. The City Engineer shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.
- 3.1.7 CITY OF FAYETTEVILLE and/or its representative will review all documents and provide written comments to ENGINEER in a timely manner.

SECTION 4 - PERIOD OF SERVICE

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

SECTION 5 - PAYMENTS TO ENGINEER

- 5.1 The maximum not-to-exceed amount authorized for this Agreement is \$68,000.00. The CITY OF FAYETTEVILLE shall compensate ENGINEER based on an hourly NTE basis described in Appendix A.
- 5.2 Statements
 - 5.2.1 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for professional services consistent with ENGINEER's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by

ENGINEER and approved by CITY OF FAYETTEVILLE. Applications for payment shall be accompanied each month by the updated project schedule as the basis for determining the value earned as the work is accomplished. Final payment for professional services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the study and report for the Project.

5.3 Payments

- 5.3.1 All statements are payable upon receipt and due within thirty (30) days. If a portion of ENGINEER's statement is disputed by CITY OF FAYETTEVILLE, the undisputed portion shall be paid by CITY OF FAYETTEVILLE by the due date. CITY OF FAYETTEVILLE shall advise ENGINEER in writing of the basis for any disputed portion of any statement. CITY OF FAYETTEVILLE will make reasonable effort to pay invoices within 30 days of date the invoice is approved, however, payment within 30 days is not guaranteed.

5.4 Final Payment

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

SECTION 6 - GENERAL CONSIDERATIONS

6.1 Insurance

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

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

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

- 6.1.2 CITY OF FAYETTEVILLE and ENGINEER waive all rights against each other and their officers, directors, agents, or employees for damage covered by property insurance during and after the completion of ENGINEER's services.

6.2 Professional Responsibility

- 6.2.1 ENGINEER will exercise reasonable skill, care, and diligence in the performance of ENGINEER's services and will carry out its responsibilities in accordance with customarily accepted professional engineering practices. CITY OF FAYETTEVILLE will promptly report to ENGINEER any defects or suspected defects in ENGINEER's services of which CITY OF FAYETTEVILLE becomes aware, so that ENGINEER can take measures to minimize the consequences of such a defect. CITY OF FAYETTEVILLE retains all remedies to recover for its damages caused by any negligence of ENGINEER.

6.3 Cost Opinions and Projections

- 6.3.1 Cost opinions and projections prepared by ENGINEER relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on ENGINEER's experience, qualifications, and judgment as a design professional. Since ENGINEER has no control over weather, cost and availability of labor, material and equipment, labor productivity, construction Contractors' procedures and methods, unavoidable delays, construction Contractors' methods of determining prices, economic conditions, competitive bidding or market conditions, and other factors affecting such cost opinions or projections, ENGINEER does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost opinions and projections prepared by ENGINEER.

6.4 Changes

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

6.5 Termination

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

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

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

- 6.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that ENGINEER is given:
- 6.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,
- 6.5.2.2 An opportunity for consultation with the terminating party prior to termination.
- 6.5.3 If termination for default is effected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but
- 6.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,
- 6.5.3.2 Any payment due to ENGINEER at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of ENGINEER's default.
- 6.5.4 If termination for default is effected by ENGINEER, or if termination for convenience is effected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to ENGINEER for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by ENGINEER relating to commitments which had become firm prior to the termination.
- 6.5.5 Upon receipt of a termination action under Paragraphs 6.5.1 or 6.5.2 above, ENGINEER shall:
- 6.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),
- 6.5.5.2 After payment in accordance with Paragraphs 6.5.3 and 6.5.4 above, deliver or otherwise make available to CITY OF FAYETTEVILLE all project deliverables at the latest stage of completion (e.g. 30%, 90%, etc.) CITY OF FAYETTEVILLE shall have the limited right to use the deliverables subject to the provisions of Paragraph 6.12.2.
- 6.5.6 Upon termination under Paragraphs 6.5.1 or 6.5.2 above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.
- 6.5.7 If, after termination for failure of ENGINEER to fulfill contractual obligations, it is determined that ENGINEER had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of CITY OF FAYETTEVILLE. In such event, adjustments of the agreement price shall be made as provided in Paragraph 6.5.4 of this clause.
- 6.6 Delays
- 6.6.1 In the event the services of ENGINEER are suspended or delayed by CITY OF FAYETTEVILLE or by other events beyond ENGINEER's reasonable control, ENGINEER shall be entitled to additional compensation and time for reasonable costs incurred by ENGINEER in temporarily closing down or delaying the Project.

6.7 Rights and Benefits

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

6.8 Dispute Resolution

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

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

6.8.3 Notice of Dispute

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

- 6.8.3.2 For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give ENGINEER written Notice at the address listed in Paragraph 6.14 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.

- 6.8.4 Negotiation: Within seven days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and ENGINEER shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President of ENGINEER and the Mayor of CITY OF FAYETTEVILLE or his designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 days of the written request to resolve the dispute.

- 6.9 CITY OF FAYETTEVILLE represents that it has sufficient funds or the means of obtaining funds to remit payment to ENGINEER for services rendered by ENGINEER.

6.10 Publications

- 6.10.1 Recognizing the importance of professional development on the part of ENGINEER's employees and the importance of ENGINEER's public relations, ENGINEER may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to ENGINEER's services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to ENGINEER. CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise

CITY OF FAYETTEVILLE will not unreasonably withhold approval. The cost of ENGINEER's activities pertaining to any such publication shall be for ENGINEER's account.

6.11 Indemnification

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

6.12 Ownership of Documents

- 6.12.1 All documents provided by CITY OF FAYETTEVILLE including original drawings, CAD drawings, estimates, field notes, and project data are and remain the property of CITY OF FAYETTEVILLE. ENGINEER may retain reproduced copies of drawings and copies of other documents.
- 6.12.2 The CITY OF FAYETTEVILLE acknowledges the Engineer's plans and specifications, including all documents on electronic media ("delivered documents"), as instruments of professional service. Nevertheless, the delivered documents prepared under this Agreement shall be delivered to and become the property of the CITY OF FAYETTEVILLE upon completion of the services and payment in full of all monies due to the Engineer. Except for the Engineer's services provided for by this Agreement as related to the construction and completion of the Project, the ENGINEER accepts no liability arising from any reuse of the delivered documents by the CITY OF FAYETTEVILLE, unless the Engineer is retained by CITY OF FAYETTEVILLE to make modifications or otherwise reuse the delivered documents. Except where the CITY OF FAYETTEVILLE reuses the delivered documents subsequent to the completion of the Project, nothing contained in this paragraph shall alter the Engineer's responsibilities and obligations under this Agreement.
- 6.12.3 Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. ENGINEER makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

6.13 Notices

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

CITY OF FAYETTEVILLE's address:
113 West Mountain Street
Fayetteville, Arkansas 72701

ENGINEER's address:
3537 North Steele Blvd. STE 310
Fayetteville, Arkansas 72703

6.14 Successor and Assigns

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

6.15 Controlling Law

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

6.16 Entire Agreement

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

SECTION 7 - SPECIAL CONDITIONS

7.1 Additional Responsibilities of ENGINEER

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

7.2 Remedies

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

7.3 Audit: Access to Records

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

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

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

7.3.3.1 Negotiated prime agreements:

7.3.3.2 Negotiated change orders or agreement amendments in excess of \$10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement:

7.3.3.3 Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not apply to a prime agreement, lower tier subagreement or purchase order awarded after effective price competition, except:

7.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of ENGINEER;

7.3.3.3.2 If there is any indication that fraud, gross abuse or corrupt practices may be involved;

7.3.3.3.3 If the subagreement is terminated for default or for convenience.

7.4 Covenant Against Contingent Fees

7.4.1 ENGINEER warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by ENGINEER for the purpose of securing business. For breach or violation of this warranty, CITY OF FAYETTEVILLE shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

7.5 Gratuities

7.5.1 If CITY OF FAYETTEVILLE finds after a notice and hearing that ENGINEER or any of ENGINEER's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE, in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to ENGINEER terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

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

7.6 Arkansas Freedom of Information Act

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

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

CITY OF FAYETTEVILLE, ARKANSAS

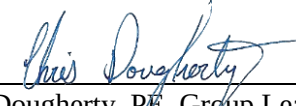
OLSSON, INC.

By: _____
Mayor, Lioneld Jordan

By: 
Chris Hall, PE, Water Market Leader

ATTEST:

By: _____
City Clerk

By: 
Chris Dougherty, PE, Group Leader

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES



Appendix A

SCOPE OF SERVICES

Corey Granderson
Utilities Engineer
City of Fayetteville, Arkansas

PROJECT DESCRIPTION AND LOCATION

Project will be located at: 456 E. Baxter Lane, Fayetteville, AR

Project Description: Baxter 1 MG Ground Storage Tank Rehabilitation

SCOPE OF SERVICES

Olsson hereby agrees to provide the following services ("Scope of Services") to the City of Fayetteville ("Client") for the Project:

PHASE 100 PROJECT MANAGEMENT

Project Management

Project management includes coordination of the various disciplines that have involvement in the project, tracking work completion, maintenance of project schedule, billings, and miscellaneous communication with the Owner and internal staff.

Project Kickoff Meeting

Olsson will schedule and attend a project kickoff meeting with the Owner. The purpose of the meeting will be to establish chains of communication, establish a schedule for completion, and perform a site visit to aid in the development of the Bidding Documents. The inspection report (December, 2023 by KLM Engineering), provided by the Owner will be reviewed at the kickoff meeting to identify which improvements identified in the inspection will be performed in conjunction with this project.

Olsson will make a formal data request at the kickoff meeting to identify additional information from the Owner to complete the project. The information request is anticipated to include, but is not limited to:

- Existing Tank Drawings
- Previous Inspection Reports
- Information on existing coatings systems

- Maps of the existing onsite water and electrical system

Olsson will provide the Meeting Agenda and generate and distribute meeting minutes within one week of the meeting's conclusion.

PHASE 200 DETAILED DESIGN

Project Site Visit

Olsson Engineer(s) shall visit site to conduct inspection of existing coating system and other tank rehabilitation items including ladders, rails, overflow pipe, existing cathodic protection and other items. Site visit will be coordinated with City preferred coating manufacturer professional to obtain recommendations. Lead testing of existing coating system will be requested from manufacturer's professional. A maximum of one site visit is included.

Project Specifications

Olsson will prepare Contract Documents to show the general scope, extent, and character of the work to be furnished and performed by the Contractor. The Bidding Documents are anticipated to include the following:

- Surface Preparation Requirements
- Recommended Coating Systems
- Permits and Regulatory Requirements
- Mixing System Specifications

It is anticipated that a full drawing set will not be developed with the project, and the specifications will include supplementary figures as necessary to detail proposed improvements. Specifications will be developed electronically using E-Specs software.

Structure Modifications Design

Olsson will prepare details and specifications for modifications to the tank structure based on recommendations noted within the KLM Inspection Report (2023), which shall include the following:

- Interior access system including ladder and fall arrest.
- Exterior access system including ladder, fall arrest, and security cage.
- Top of tank access system including platform from ladder, non-slip walking surface product and extents, and perimeter safety railing layout.
- Other miscellaneous interior modifications to structure based on recommendations within the KLM Inspection Report.

- Other miscellaneous exterior modifications to structure, based on recommendations within the KLM Inspection Report.

Electrical Service Connection Design

Olsson will design branch circuitry from the proposed mixing system to the onsite PLC, where it will be terminated and connected onto by others. Construction specifications will be added to plan sheets within the Bidding Documents and separate book specifications will not be generated.

Owner Review

Draft Bidding Documents will be submitted to the Owner for review and approval upon reaching 90% completion. The documents will be submitted, either electronically or via hard copy upon the Owner's request.

Olsson will incorporate comments and answer questions that arise out of the Client's review. It is anticipated that a one hour virtual meeting will be scheduled to discuss any comments to be incorporated into the final Bidding Documents.

Internal QA/QC Review

Olsson will perform an independent quality control review of the Bidding Documents to ensure completeness and constructability in accordance with Olsson's Quality Management Plan. Specifications and associated figures will be updated to address comments that arise during the review.

Opinion of Probable Cost

Using bid tabulations from recently bid projects, Means Estimating Guide, and discussions with tank painting contractors, Olsson will prepare an Opinion of Probable Cost and submit to the Owner.

Agency Review

Olsson will submit sealed bidding documents to the Arkansas Department of Health for the purpose of obtaining a Construction Report. The review fee of \$500 is included in this contract.

Olsson will address comments received from Arkansas Department of Health and reseal the updated bidding documents.

PHASE 300 BID AND PRECONSTRUCTION SERVICES

Invitation for Bids

Olsson will work with the Owner to identify potential contractors to bid upon the project. The Client will prepare and distribute an Invitation to Bids.

Distribute Bidding Documents

Olsson will provide bidding documents electronically to the Client to be posted on an electronic bidding site. The Client will manage the electronic bid and be responsible for any associated costs.

Pre-Bid Meeting

Olsson will attend a pre-bid meeting with the Client presiding. Olsson will collect questions received during the meeting and generate formal answers to each, submitting them to the Client to distribute to potential bidders.

Answer Questions/Prepare Addenda

All questions during bidding will initially be directed to the Client and forwarded to Olsson as necessary. Where deemed necessary, Olsson will develop addenda to clarify questions that arise during the bidding period. Olsson will generate addenda, and the Client will distribute them via the electronic bidding site.

Bid Opening

Olsson will attend the Bid Opening and be present for opening the bids. Olsson will collect the bids after the Bid Opening, summarize into a Bid Tabulation, and identify the Apparent Low Bidder.

Recommendation of Award

Olsson will review the bidding documents supplied by potential bidders to ensure that the apparent low bidder has submitted a complete bid. After verifying that all requirements have been met as identified in the front end documents, Olsson will generate a letter recommending award to the lowest responsive and responsible bidder. Olsson will provide the Owner with an engineer-certified Bid Tabulation with the Recommendation of Award.

PHASE 400 ENGINEERING CONSTRUCTION ADMINISTRATION

Services for Engineering Construction Administration are not included. These services are additional and shall be provided by amendment.

PHASE 500 CONSTRUCTION OBSERVATION SERVICES

Services for Construction Observation Services are not included. These services are additional and shall be provided by amendment.

PROJECT SCHEDULE

- Council Approval: Tuesday, May 07, 2024
- Kickoff Meeting: Tuesday, May 14, 2024
- Preliminary Design: 80 Days
- QA/QC: 14 Days
- Submit to ADH: Friday, August 16, 2024
- Est. Bid Advertisement: Sunday, October 13, 2024
- Bidding Phase Services: 21 Days
- Construction: Spring 2025

COMPENSATION

Client shall pay to Olsson for the performance of the Scope of Services, the actual hourly labor rates of personnel performing such services on the project times a factor of 3.20, and all actual reimbursable expenses in accordance with the Reimbursable Expense Schedule attached to this agreement. Olsson shall submit invoices on a monthly basis, and payment is due within 30 calendar days of invoice date.

Olsson's Scope of Services will be provided on a time-and-expense basis not to exceed \$68,000.00.

Should Client request work in addition to the Scope of Services, Olsson shall invoice Client for such additional services (Optional Additional Services) at the standard hourly billing labor rate charged for those employees actually performing the work, plus reimbursable expenses if any. Olsson shall not commence work on Optional Additional Services without Client's prior written approval. Optional Additional Services shall include but not limited to:

- Any meetings with local, State, or Federal agencies, or other affected parties to discuss the project, other than those specifically noted.

- Supplemental engineering work required to meet the requirements of regulatory or funding agencies that may become effective subsequent to the date of this agreement.
- Assist City with negotiating and reviewing any liquidated damages for delays caused by Contractor if the project extends beyond the anticipated contractual durations.
- Special consultants or independent professional associates requested or authorized by City.
- Services in making revisions to drawings and specifications occasioned by the acceptance of substitutions proposed by the Contractor, and services after the award of the contract in evaluating and determining the acceptability of substitutions proposed by the Contractor.
- Evaluation of unusually complex claims or an unreasonable or extensive number of claims submitted by the Contractor or others in connection with the work beyond the level of effort budgeted under Construction Phase Services.
- Changes in the general scope, extent, or character of the project or its design including, but not limited to, changes in size, complexity, the City's schedule, character of construction, or method of financing; and revisions to previously accepted studies, reports, design documents, or construction Contract Documents when such revisions are required by changes in laws, regulations, ordinances, codes, or are due to any other causes beyond the Engineer's control.

Olsson agrees to provide all of its services in a timely, competent and professional manner, in accordance with applicable standards of care, for projects of similar geographic location, quality and scope.

Job: Baxter 1 MG Ground Storage Tank Rehab

TOTALS

[illegible]

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Total Fee (rounded)	\$68,000.00
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Olsson 2024 Billing Rate Schedule

<u>Description</u>	<u>Range</u>
Principal	\$140.00 - \$463.00
Project Manager	\$129.00 - \$274.00
Project Professional	\$95.00 - \$242.00
Assistant Professional	\$71.00 - \$178.00
Designer	\$90.00 - \$216.00
CAD Operator	\$59.00 - \$137.00
Administrative/Clerical	\$47.00 - \$206.00
Survey	\$56.00 - \$210.00 *
Construction Services	\$49.00 - \$279.00 *

Note:

1. Special Services not included in above categories will be provided on a Special Labor Rate Schedule
2. Rates subject to change based upon updates to Billing Rates for upcoming year.



REIMBURSABLE EXPENSE SCHEDULE

The expenses incurred by Olsson or Olsson's independent professional associates or consultants directly or indirectly in connection with the Project shall be included in periodic billing as follows:

<u>Classification</u>	<u>Cost</u>
Automobiles (Personal Vehicle)	\$0.67/mile*
Suburban's and Pick-Ups	\$0.75/mile*
Automobiles (Olsson Vehicle)	\$95.00/day
Other Travel or Lodging Cost	Actual Cost
Meals	Actual Cost
Printing and Duplication including Mylars and Linens	
In-House	Actual Cost
Outside	Actual Cost+10%
Postage & Shipping Charges for Project Related Materials including Express Mail and Special Delivery	Actual Cost
Film and Photo Developing	Actual Cost+10%
Telephone and Fax Transmissions	Actual Cost+10%
Miscellaneous Materials & Supplies Applicable to this Project	Actual Cost+10%
Copies of Deeds, Easements or other Project Related Documents	Actual Cost+10%
Fees for Applications or Permits	Actual Cost+10%
Sub-Consultants	Actual Cost+10%
Taxes Levied on Services and Reimbursable Expenses	Actual Cost

*Rates consistent with the IRS Mileage Rate Reimbursement Guidelines (Subject to Change).

Job: Baxter 1 MG Ground Storage Tank Rehab

TOTALS

[illegible]

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Other Travel or Lodging Cost	Actual Cost
Meals	Actual Cost
Printing and Duplication including Mylars and Linens	
In-House	Actual Cost
Outside	Actual Cost+10%
Postage & Shipping Charges for Project Related Materials including Express Mail and Special Delivery	Actual Cost
Film and Photo Developing	Actual Cost+10%
Telephone and Fax Transmissions	Actual Cost+10%
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Copies of Deeds, Easements or other Project Related Documents	Actual Cost+10%
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Sub-Consultants	Actual Cost+10%
Taxes Levied on Services and Reimbursable Expenses	Actual Cost

*Rates consistent with the IRS Mileage Rate Reimbursement Guidelines (Subject to Change).



MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Tim Nyander, Utilities Director
SUBJECT: **Bid 24-30 D.J. Shubeck Company – Biosolids Sludge Pump**

RECOMMENDATION:

Staff recommends awarding Bid 24-30 and authorizing the purchase of a biosolids sludge pump from National Oilwell Varco L.P. c/o D.J. Schubeck Company in the amount of \$56,340.36 plus applicable taxes and freight charges for use at the West Side Water Resource Recovery Facility.

BACKGROUND:

The existing biosolids sludge pump at West Side WRRF failed in late 2023. It is 1 of 4 sludge pumps in the process, and it was original plant equipment from 2007. The cost of a rebuild on this pump is approximately 80% of the cost of purchasing a new pump.

DISCUSSION:

The City of Fayetteville solicited formal bids for a new biosolids sludge pump per Bid 24-30. National Oilwell Varco L.P. c/o D.J. Schubeck Company was the lowest qualified bidder in the amount of \$56,340.36. D.J. Shubeck is the manufacturer representative, and National Oilwell Varco is the pump manufacturer. The purchase would be made from National Oilwell Varco so that the City gets better pricing.

Staff recommends awarding Bid 24-30 and authorizing the purchase of a biosolids sludge pump from National Oilwell Varco in the amount of \$56,340.36 plus any applicable taxes and freight charges. This will bring all four sludge pumps back into operation at the West Side treatment facility.

BUDGET/STAFF IMPACT:

Funds are available in the Plant Pumps and Equipment account within the Water & Sewer fund.

ATTACHMENTS: SRF (#3), Bid 24-30, Bid Tab - Final (#4), Bid 24-30, Submittal - D.J. Shubeck Company - E (#5)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-43

Bid 24-30 D.J. Shubeck Company – Biosolids Sludge Pump

A RESOLUTION TO AWARD BID # 24-30 AND AUTHORIZE A CONTRACT WITH D.J. SCHUBECK COMPANY IN THE AMOUNT OF \$56,340.36 PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES FOR THE PURCHASE OF A BIOSOLIDS SLUDGE PUMP FOR USE AT THE WEST SIDE WATER RESOURCE RECOVERY FACILITY

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid No. 24-30 and authorizes Mayor Jordan to sign a contract with D.J. Schubeck Company in the amount of \$56,340.36 plus any applicable taxes and freight charges for the purchase of a biosolids sludge pump for use at the West Side Water Resource Recovery Facility.

City of Fayetteville Staff Review Form

2024-43

Item ID

5/7/2024

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

Tim Nyander

4/11/2024

WASTEWATER TREATMENT (730)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends awarding Bid 24-30 and authorizing the purchase of a biosolids sludge pump from National Oilwell Varco L.P. c/o D.J. Schubeck Company in the amount of \$56,340.36 plus applicable taxes and freight charges for use at the West Side Water Resource Recovery Facility.

Budget Impact:

5400.730.5800-5801.00

Water and Sewer

Account Number

Fund

02069.1

Plant Pumps and Equipment - WWTP

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 1,622,210.00

Expenses (Actual+Encum)

\$ 509,339.04

Available Budget

\$ 1,112,870.96

Does item have a direct cost? Yes

Item Cost

\$ 61,833.55

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ 1,051,037.41

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments: Freight is included within the bid pricing and taxes are estimated at \$5,493.19 for an estimated total of \$61,833.55.



CITY OF
FAYETTEVILLE
ARKANSAS

BID TABULATION

Bid 24-30, Biosolids Sludge Pump

DEADLINE: Tuesday, March 26, 2024 at 2:00 PM

				Seepex, Inc.	D.J. Shubeck Company	Jack Tyler Engineering	Electric Motor Center of Springdale	Haynes Pump & Process
TOTAL				\$26,510.00	\$56,340.36	\$62,500.00	\$80,966.00	\$108,104.00
Line #	Description	QTY	UOM	Unit	Unit	Unit	Unit	Unit
1	Biosolids Sludge Pump	1	EA	<u>\$26,510.00</u>	<u>\$56,340.36</u>	<u>\$62,500.00</u>	<u>\$80,966.00</u>	<u>\$108,104.00</u>

Rejected: Incomplete

 3/27/24
Kenny Fitch, Purchasing Agent

 3/27/24
Amanda Beilfuss, Sr. Purchasing Agent



Bid 24-30 Addendum 2

D.J. Shubeck Company

Supplier Response

Event Information

Number: Bid 24-30 Addendum 2
Title: Biosolids Sludge Pump
Type: Invitation to Bid
Issue Date: 3/3/2024
Deadline: 3/26/2024 02:00 PM (CT)
Notes: The City of Fayetteville is seeking bids from qualified vendors for the purchase of one (1) sludge pump. This bid is for the purchase of equipment only; installation will be the responsibility of the City. Any questions concerning the bidding process should be directed to Kenny Fitch, City of Fayetteville Purchasing Agent, at kfitch@fayetteville-ar.gov or by calling (479) 575-8258.

Contact Information

Contact: Kenny Fitch Purchasing Agent
Address: Purchasing
Room 306
City Hall
113 West Mountain Street - Room 306
Fayetteville, AR 72701
Email: kfitch@fayetteville-ar.gov

D.J. Shubeck Company Information

Contact: Ryan Smith
Address: 5800 E. Skelly Drive
Suite 709
Tulsa, OK 74012
Phone: (918) 742-0732
Email: ryansmith@djshubeck.com
Web Address: www.djshubeck.com

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

Ryan Smith

Signature

Submitted at 3/25/2024 03:40:54 PM (CT)

ryansmith@djshubeck.com

Email

Supplier Note

We are providing a genuine Moyno pump that is an exact duplicate of your existing Moyno pump.

Requested Attachments

Bid 24-30, Bid Form and Signature Pages

Completed Bid 24-30, Bid Form
(Addendum 1).pdf

Please attach your signed, completed form. This can be found in the 'Attachments' tab.

Response Attachments

Fayetteville Quote_QUO-110404-X4J4X7 rev1.pdf

Proposal, including the pump specifications.

City of Fayetteville AR WWTP References 3-25-24.doc

References

Bid Attributes

1 Check Yes or No:

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

☒ Yes

☐ No

2 Check Yes or No:

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

☒ Yes☐ No**3 Addendum Acknowledgement:**

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

☒ I agree**Bid Lines****1 Biosolids Sludge Pump**

Quantity: 1 UOM: EA Price: Total:

Supplier Notes:

Response Total: \$56,340.36



CITY OF
FAYETTEVILLE
ARKANSAS

City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8256

TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO BID

INVITATION TO BID: Bid 24-30, Biosolids Sludge Pump

DEADLINE: Tuesday, March 26, 2024 before 2:00 PM, Local Time

PURCHASING AGENT: Kenny Fitch, kfitch@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: 03/03/2024

INVITATION TO BID

Bid 24-30, Biosolids Sludge Pump

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

*City of Fayetteville
Purchasing Division – Room 306
113 West Mountain Street
Fayetteville, AR 72701*

All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Division.

City of Fayetteville
Bid 24-30, Biosolids Sludge Pump
Advertisement

City of Fayetteville, Arkansas
INVITATION TO BID
Bid 24-30, Biosolids Sludge Pump

The City of Fayetteville is seeking bids from qualified vendors for the purchase of one (1) sludge pump. This bid is for the purchase of equipment only; installation will be the responsibility of the City. Any questions concerning the bidding process should be directed to Kenny Fitch, City of Fayetteville Purchasing Agent, at kfitch@fayetteville-ar.gov or by calling (479) 575-8258.

Bidding documents and addenda shall be obtained at the City of Fayetteville Purchasing Division's electronic bidding platform at www.fayetteville-ar.gov/bids. All bids shall be received by **Tuesday, March 26, 2024 before 2:00 PM, Local Time** utilizing the electronic bidding software or by submitting a sealed physical bid to the City of Fayetteville, Purchasing Division address listed below. All bids are due before the time stated. Submitting a bid electronically is strongly encouraged. A public bid opening will be conducted shortly after the deadline at City Hall and livestreamed at <https://www.youtube.com/user/cityoffayettevillear>. No late bids shall be accepted. The City of Fayetteville shall not be responsible for lost or misdirected bids, or for failure of proposer's technical equipment.

City of Fayetteville
Purchasing Division – Room 306
113 West Mountain Street
Fayetteville, AR 72701

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

Any bidder providing a service must be registered with the Arkansas Secretary of State by the bid deadline. The City of Fayetteville reserves the right to waive irregularities, to reject bids, and to postpone the award of the Contract for a period of time which shall not exceed beyond ninety calendar days from the bid opening date.

City of Fayetteville
By: Kenny Fitch, Purchasing Agent
P: 479.575.8258 kfitch@fayetteville-ar.gov
TDD (Telecommunications Device for the Deaf): (479) 521-1316
Date of advertisement: 03/03/2024
This publication was paid for by the Purchasing Division of the City of Fayetteville, Arkansas.
Amount paid: \$177.41

EXECUTION OF BID:

All bidders shall submit this section, executed and completed in full by an authorized agent of the bidder. Bidders shall also complete submission through the City's online bidding portal (www.fayetteville-ar.gov/bids) and complete and submit all required information, which may include:

- Bid Attributes
- Bid Line Items – Bidders shall bid on all line items and not submit partial bids
- Response Attachments
 - Required Bid Form (this form, completed in its entirety)

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

PRICE: Bidders shall submit pricing on the City's online bidding portal (www.fayetteville-ar.gov/bids) in the format presented online.

Refer to the City's electronic bidding platform to submit bid pricing electronically.

Contact the City Purchasing Division to obtain documents necessary to submit a physical sealed bid; however, all bidders are strongly encouraged to submit on the City's online bidding portal.

Upon signing this Bid, the bidder certifies that:

1. Bidder has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Bidder is qualified and licensed in accordance with all applicable laws of federal, state, and local governments where the project is located. Any necessary registrations or licenses must be obtained prior to the bid deadline.
3. Unless otherwise noted and explained, the unit(s) bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.
4. Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or

while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.

5. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.
6. Bidder, as an officer of their organization, or per the attached letter of authorization, is duly authorized to certify the information provided herein is accurate and true.
7. Bidder shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment in addition to all federal, state, and local laws.
8. Bidder shall disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Response shall disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official. If no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response.

✗ 1.) NO KNOWN RELATIONSHIP EXISTS

2.) RELATIONSHIP EXISTS (Please explain):

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

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

*NAME OF FIRM: National Oilwell Varco
Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name: National Oilwell Varco L.P.

*BUSINESS ADDRESS: 8017 Breen Rd

*CITY: Richmond

*STATE: Texas

*ZIP: 77064

*PHONE: 346-223-5000

FAX: _____

*E-MAIL: TR-USA-moynorfq@nov.com

*BY: (PRINTED NAME) Kris Ellis

*AUTHORIZED SIGNATURE: 

*TITLE: Regional Sales Manager

UNIQUE ENTITY NUMBER: _____ CAGE NUMBER: _____

*TAX ID NUMBER: 76-0488987

Acknowledge Addendums:

Addendum No. 1 Dated: 3.12.24 Acknowledged by: Kris Ellis - Ryan Smith

Addendum No. 2 Dated: 3.25.24 Acknowledged by: Kris Ellis - Ryan Smith

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

1. SUBMISSION OF BID & BID EVALUATION:

- a. Bids shall be reviewed following the stated deadline, as shown on the cover sheet of this document.
- b. Bidders shall submit bids based on documentation published by the Fayetteville Purchasing Division.
- c. Bidding documents and addenda shall be obtained at the City of Fayetteville Purchasing Division's electronic bidding platform at www.fayetteville-ar.gov/bids. All bids shall be received by the deadline, utilizing the electronic bidding software or as stated in the bid advertisement. Submitting a bid electronically is strongly encouraged. A public bid opening will be conducted shortly after the deadline at City Hall and livestreamed at <https://www.youtube.com/user/cityoffayettevillear>. No late bids shall be accepted. The City of Fayetteville shall not be responsible for lost or misdirected bids, or for failure of proposer's technical equipment.
- d. The City will not be responsible for misdirected bids. Bidder should call the Purchasing Office at 479.575.8256 to ensure correct receipt of bidding documents prior to opening time and date listed on the bid form.
- e. Bidders shall have experience in providing products and/or services of the same or similar nature.
- f. Bidder is advised that exceptions to any of the terms contained in this bid must be identified in its response to the bid. Failure to do so may lead the City to declare any such term non-negotiable. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.
- g. Local time is defined as the time in Fayetteville, Arkansas on the due date of the deadline. Bids shall be received before the time as shown by the atomic clock located in the Purchasing Division Office.
- h. Bids will be evaluated and awarded based on the best interest of the City of Fayetteville. The City reserves the right to award bids in their entirety, none, or by line item.

2. WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:

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

3. DESCRIPTION OF SUPPLIES AND SERVICES:

Any reference to a particular brand or manufacturer is done in an effort to establish an acceptable level of quality for this project. Brands or manufacturers that are included in bid that are of at least equal quality,

size, design, and specification as to what has been specified, will be acceptable for consideration only if approved by the City of Fayetteville Purchasing Division. The City of Fayetteville reserves the right to accept or reject any requested equal.

4. RIGHTS OF CITY OF FAYETTEVILLE BID PROCESS:

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

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

5. COSTS INCURRED BY BIDDERS:

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

6. CONFLICT OF INTEREST:

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

7. WITHDRAWAL OF PROPOSAL:

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

8. LATE PROPOSAL OR MODIFICATIONS:

Bid modifications received after the time set for the bid submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected bids. Bidders should call the Purchasing Division at (479) 575-8256 to ensure receipt of their submittal documents prior to opening time and date listed.

9. LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

- a. The laws of the State of Arkansas apply to any purchase made under this bid. Bidders shall comply with all local, state, and federal directives, orders and laws as applicable to this proposal and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Disadvantaged Business Enterprises (DBE), & OSHA as applicable to this contract.
- b. Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to *qualified* small, minority and women business enterprises.

10. PROVISION FOR OTHER AGENCIES:

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

11. COLLUSION:

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

12. RIGHT TO AUDIT, FOIA, AND JURISDICITON:

- a. The City of Fayetteville reserves the privilege of auditing a vendor’s records as such records relate to purchases between the City and said vendor.
- b. Freedom of Information Act: City contracts and documents prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the (Contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
- c. Legal jurisdiction to resolve any disputes shall be in Washington County, Arkansas with Arkansas law applying to the case.

13. CITY INDEMNIFICATION:

The successful bidder(s) agrees to indemnify the City and hold it harmless from and against all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed trademark, patent or copyright infringement or litigation based thereon, with respect to the goods or any part thereof covered by this order, and such obligation shall survive acceptance of the goods and payment thereof by the City.

14. VARIANCE FROM STANDARD TERMS & CONDITIONS:

All standard terms and conditions stated in this request for bid apply to this contract except as specifically stated in the subsequent sections of this document, which take precedence, and should be fully understood by bidders prior to submitting a proposal on this requirement.

15. ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:

Persons with disabilities requiring reasonable accommodation to participate in this proceeding/event, should call 479.521.1316 (telecommunications device for the deaf), not later than seven days prior to the deadline. Persons needing translation of this document shall contact the City of Fayetteville, Purchasing Division, immediately.

16. PROCUREMENT POLICY FOR RECYCLED MATERIALS:

The City of Fayetteville wishes to encourage its bidders to use recycled products in fulfilling contractual obligations to the City and that such practices will serve as a model for other public entities and private sector companies.

17. PAYMENTS AND INVOICING:

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

- a. City Department that ordered the materials or services
- b. Order Date
- c. Delivery date or the date of services
- d. Name of the City Employee that requested or picked up the goods, materials, or service
- e. Bid Number that applies to the purchase and invoices. Amounts in the bid shall match invoicing.

18. CANCELLATION:

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

- d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the vendor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City.

19. ASSIGNMENT, SUBCONTRACTING, CORPORATE ACQUISITIONS AND/OR MERGERS:

- a. The Contractor shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a bidder intends to subcontract a portion of this work, the bidder shall disclose such intent in the bid submitted as a result of this bid.
- b. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the City within thirty (30) calendar days of Contractor's notice of such action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a firm that has disclosed its intent to assign or subcontract in its response to the bid, without exception shall constitute approval for purpose of this Agreement.

20. NON-EXCLUSIVE CONTRACT:

Award of this bid shall impose no obligation on the City to utilize the vendor for all work of this type, which may develop during the contract period. This is not an exclusive contract. The City specifically reserves the right to concurrently contract with other companies for similar work if it deems such an action to be in the City's best interest. In the case of multiple-term contracts, this provision shall apply separately to each item.

21. LOBBYING:

Lobbying of selection committee members, City of Fayetteville employees, or elected officials regarding request for proposals, request for qualifications, bids or contracts, during the pendency of bid protest, by the bidder/proposer/protestor or any member of the bidder's/proposer's/protestor's staff, and agent of the bidder/proposer/protestor, or any person employed by any legal entity affiliated with or representing an organization that is responding to the request for proposal, request for qualification, bid or contract, or has a pending bid protest is strictly prohibited either upon advertisement or on a date established by the City of Fayetteville and shall be prohibited until either an award is final or the protest is finally resolved by the City of Fayetteville; provided, however, nothing herein shall prohibit a prospective/bidder/proposer from contacting the Purchasing Division to address situations such as clarification and/or questions related to the procurement process. For purposes of this provision lobbying activities shall include but not be limited to, influencing or attempting to influence action or non-action in connection with any request for proposal, request for qualification, bid or contract through direct or indirect oral or written communication or an attempt to obtain goodwill of persons and/or entities specified in this provision. Such actions may cause any request for proposal, request for qualification, bid or contract to be rejected.

22. ADDITIONAL REQUIREMENTS:

The City reserves the right to request additional services relating to this bid from the bidder. When approved by the City as an amendment to the contract and authorized in writing prior to work, the Contractor shall provide such additional requirements as may become necessary.

23. ADD OR DELETE LOCATIONS OR SERVICES:

The City reserves the right to unilaterally add or delete locations and/or services, either collectively or individually, at the City's sole option, at any time after award has been made as may be deemed necessary or in the best interests of the City. In such case, the Contractor(s) will be required to provide services to this contract in accordance with the terms, conditions, and specifications.

24. INTEGRITY OF BID DOCUMENTS:

Bidders shall use the original bid form(s) provided by the Purchasing Division and enter information only in the spaces where a response is requested. Bidders may use an attachment as an addendum to the bid form(s) if sufficient space is not available on the original form for the bidder to enter a complete response.

Any modifications or alterations to the original documents by the bidder, whether intentional or otherwise, will constitute grounds for rejection of such response. Any such modifications or alterations a bidder wishes to propose shall be clearly stated in the bidder's response and presented in the form of an addendum to the original bid documents.

25. CERTIFICATE OF INSURANCE

The successful bidder shall provide a Certificate of Insurance in accordance with specifications listed in this request for proposal, prior to commencement of any work. Such certificate shall list the City of Fayetteville as an additional insured. Insurance shall remain valid, when applicable, throughout project completion.

Certificates of insurance are to be addressed to the City of Fayetteville, showing that the contractor carries the following insurance which shall be maintained throughout the term of the bid. Any work sublet; the contractor shall require the subcontractor similarly to provide the same insurance coverage. In case any employee engaged in work on the project is not protected under Workers' Compensation, the Contractor shall provide, and shall cause each subcontractor to provide, adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workers' Compensation:	Statutory Amount
Comprehensive General & Automotive Liability:	\$250,000 each person \$500,000 aggregate
Property Damage Liability:	\$100,000 aggregate

26. OTHER GENERAL CONDITIONS:

- a. Bidder is presumed to be familiar with all federal, state, and city laws, ordinances, and regulations which in any manner affect those engaged or employed in the Work, or the materials or equipment used, or that in any way affect the Work and shall in all respects comply with said laws, ordinances, and regulations. No claim of misunderstanding or ignorance on the part of Bidder or Proposer will in any way serve to modify the provisions of the contract. No representations shall be binding unless embodied in the contract.
- b. Prices shall include all labor, materials, overhead, profit, insurance, shipping, freight, etc., to cover the products and services presented. ***Sales tax shall not be included in the bid price.*** Applicable Arkansas sales tax laws will apply when necessary but will not be considered in award of this project.
- c. Each bidder should state the anticipated number of days from the date of receipt of an order for delivery of services to the City of Fayetteville.

- d. Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
- e. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
- f. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation. It shall be clearly understood that any costs incurred by the Bidder in responding to this solicitation is at the bidder's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Bidder for any expense so incurred, regardless of whether or not the submittal is accepted.
- g. If products, components, or services other than those described in this bid document are proposed, the bidder must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.
- h. **NOTE: Any uncertainties shall be brought to the attention to Kenny Fitch immediately via telephone (479.575.8258) or e-mail (kfitch@fayetteville-ar.gov). It is the intent and goal of the City of Fayetteville Purchasing Division to provide documents providing a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all bidders to be on equal bidding terms.**
- i. Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Kenny Fitch, City of Fayetteville, Purchasing Agent via e-mail (kfitch@fayetteville-ar.gov) or telephone (479.575.8258). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.
- j. Any information provided herein is intended to assist the bidder in the preparation of proposals necessary to properly respond to this bid. The bid is designed to provide qualified Proposers with sufficient basic information to submit proposals meeting minimum specifications and/or test requirements but is not intended to limit a bid's content or to exclude any relevant or essential data.
- k. Bidders irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be prevailed by Arkansas law. Proposer hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.
- l. The successful bidder shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful bidder assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that is agreed that the right of the assignee in and to any monies due or to become due to the successful bidder shall be subject to prior liens of all persons, firms, and corporations for services rendered or materials supplied for the performance of the services called for in this contract.

- m. The successful bidder's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful bidder shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in these Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to City of Fayetteville.

27. ATTACHMENTS TO BID DOCUMENTS: N/A

**ALL BIDDERS SHALL COMPLETE THIS "TECHNICAL SPECIFICATIONS" SECTION WITH BID.
FAILURE TO SUBMIT A RESPONSE ON THIS "TECHNICAL SPECIFICATIONS" FORM IN A
COMPLETED FORMAT CAN RESULT IN BID REJECTION.**

BIDDING REQUIREMENTS:

- **NOTICE: THIS SECTION CAN BE COMPLETED ON THE FOLLOWING MANNER:** When given a specification option containing a blank (example a.____), bidder shall write a "check mark" or write "yes" indicating yes if the accompanied specification is met. In the event a specification cannot be met, bidder shall indicate so by writing in "no" and writing on the City's bid forms how the specification is not met or how the unit(s) bid differ from what has been specified. Leaving item blank shall indicate bidder does not meet the listed specification and can result in bidder DISQUALIFICATION.
- Bidders shall NOT supply warranty papers for the City to interpret whether a warranty specification is met or not.

1. GENERAL –

- 1.1 It is the intent of the following specifications to describe a two-stage sludge pump.
- 1.2 Named manufacturers within the specifications shall be used as a basis of design on regard to establishing a minimum performance standard.
- 1.3 All unit(s) bid shall meet or exceed the minimum requirements, or they will be deemed incomplete and will not be considered for bid award.
- 1.4 All specifications written are to minimums, unless otherwise noted.
- 1.5 Unit(s) bid shall be new and of the latest standard production model as offered for commercial trade.
- 1.6 This bid is for equipment only. Installation shall be the responsibility of the City.
- 1.7 A list containing a minimum of three (3) users/references shall accompany this bid to qualify as a responsible bidder. The listing shall contain company, primary contact name, e-mail, phone number, and date of purchase. Users/references shall have had similar equipment purchased within the past five (5) years.

2. MANUFACTURER/MODEL –

- a. ☒ The pump shall be a standard, two-stage Moyno sludge pump, or equal.
- b. ☒ The body of the pump shall be made of cast iron.
- c. ☒ The stator shall be made of Nitrile RM100.
- d. ☒ The rotor shall be chrome plated.
- e. ☒ Internal materials making contact with the sludge shall be made of Alloy 4150.
- f. ☒ The pump shall be equipped with a 40 HP premium efficiency TEFC electric motor.
- g. ☒ The pump must be compatible with the existing flange connections. Current suction flange and discharge flange have a 10in diameter.
- h. ☒ Discharge flange face shall be 99.33" from the center of the suction flange, in order to maintain existing pipe infrastructure.
- i. ☒ The pump shall be designed to permanently connect to inlet and outlet pipes.
- j. ☒ The pump shall have an inline drive configuration with gear reducer.

k. ☒ The pump shall have a fiber deflector and a shaft sleeve.

3. PERFORMANCE SPECIFICATIONS –

a. ☒ Pump shall be capable of delivering 628 GPM at a maximum discharge pressure of 45 PSI.

b. ☐ No Pump shall be capable of 213 RPM.

c. ☐ No Pump shall be capable of operating with 6.362 ft net positive suction head.

4. WARRANTY –

a. ☒ The warranty shall begin at the time the pump is installed.

b. ☒ Pump shall be provided with prorated a 60-month (5 year) warranty against defects in materials and/or workmanship.

c. ☒ The warranty shall be the latest revision in printed form and previously published as the manufacturer's standard warranty for all similar manufactured units.

d. ☒ A certificate shall be provided to the City of Fayetteville with the local contact information and effective start-up date.

3b. - The gear reducer ratio has an output rpm of 216 not 213 rpm based on the gear reducer ratio available.

3c. - The NPSHR of 6.362 ft for a 2J345G1 equates to a pump speed of 194 RPM. The specs. in 3b. call out for 213 rpm (which 216 rpm was the closest ratio as stated above). If the pump runs at 216 rpm the NPSHR is 7.76 ft. There is no getting around the fact that if the pump runs faster it will have a higher NPSHR.

D.J. Shubeck Company
Fluid Handling Specialist
5800 E Skelly Dr Suite 709 • Tulsa, Oklahoma 74135
Office (918) 742-0732 • Fax (918) 742-4529

City of Fayetteville, AR Bid 24-30 – Biosolids Sludge Pump References:

3-25-24

Reference 1:

City of Fayetteville, AR – Noland WWTP
Buddy Carter – Buddy.Carter@jacobs.com
WS Moyno Sludge Pump 19-4 – 2J345G1 CDQ-A-RS-A
479-443-3292

Reference 2:

City of Memphis, TN Stiles WWTP
Alan Meadors – Mtn Manager - alan.meadors@memphistn.gov
373 Stiles Drive – Memphis TN 38127
901-636-4313
Moyno Sludge pumps in service since the 80's

Reference 3:

City Water & Light (CW&L)
105 West Johnson
Jonesboro, Arkansas 72401
Scott Maynard – WWTP Superintendent
Phone: 870-935-5581 Ext 388
Email: smaynard@jonesborocwl.com

Ryan Smith

D.J. Shubeck Co.
5800 E. Skelly Dr Suite 709
Tulsa, OK 74135
P. 918.742.0732
F. 918.742.4529
www.djshubeck.com

Fluid Motion Solutions





City of Fayetteville, AR
Purchasing Division Room 306
113 W. Mountain Road
Fayetteville, AR 72701

Quote Number : QUO-110404-X4J4X7
Revision : 1
Quote Date : 13 March 2024
Validity (Days) : 30
Incoterms : FOB
Currency : USD
Payment Terms : Net 30 Days
T&Cs : NOV Terms and Conditions
Final Destination : United States
End User : City of Fayetteville, AR

Sales Person : Kristen Ellis
Quote Prepared By : Jonathan Dorland
Customer Contact : Ryan Smith
Phone : 918-742-0732
Email : ryansmith@djshubeck.com

Line	Part Number	Description	UOM	Lead Time (Working Weeks)	Qty	Net Price Each	Net Extended Price
1.0	2J345G1CDQ3AQA	MOYNO - 2000_SERIES_PACKAGE 2000 Series Pump fitted with 30.0 kW / 40 HP Long Coupled Gearbox and Motor	EA	17	1	\$52,038.44	\$52,038.44
2.0	WARRANTY-NOV	60-month warranty	EA	TBD	1	\$2,601.92	\$2,601.92
3.0	FREIGHT-G	FREIGHT FOR GOODS	EA	TBD	1	\$1,700.00	\$1,700.00
Total in USD (Excluding Applicable Taxes)							\$56,340.36

The net pricing cited herein is exclusive of any applicable taxes. Therefore, final net price will be subject to variation based on the geographical location of the transaction or if the company is sales tax exempt.

"Quoted delivery times are applicable at time of writing but are subject to prior sales."



Customer Name : DJ SHUBECK COMPANY-EMAIL ONLY Quote Number : QUO-110404-X4J4X7

Customer Ref. : Quote Date : 13 March 2024

Application Data			
Pumped Product	:	SG	: 1.00
Capacity	:	628.00 US GPM	Product Temperature : 20.00 deg C
Suction Pressure	:	0.00 psi	Viscosity : 1.0 cP
Discharge Pressure	:	45.00 psi	pH :
Differential Pressure	:	45.00 psi	Solid Percentage : 0.00
		Solid Size	: 0.00 mm (Hard) : 0.00 mm (Soft)
Actual Performance Data			
Capacity	Speed	Frequency	NPSHr : 4.76 m
653.52 US GPM	216 rpm	60 Hz	Absorbed Power : 26.24 kW / 35.19 HP
Variation of above information may affect pump duty point, drive power / rpm or selected pump materials.			
Pump Construction Details			
Product Line	: 2000 Series	Max Solid Handling	: 21.8 MM (Hard) / 87.2 MM (Soft)
Pump Model	: 2J345G1CDQ3AQA	Rotation	: Suction On Gland
No. Stage	: 2	Suc. Chamber Handling	: Vertical
Rotor Mark	: Standard Rotor	Pump Option	: Fiber Deflector & Shaft Sleeve
Drive Mech	: Connecting Rod	Inlet Port	: 10 IN ANSI
Joint Type	: Gear Joint	Outlet Port	: 10 IN ANSI
Drive Coupling	: Long Coupled Gearbox and Motor	Paint Finish	: Standard Two-Pack Epoxy Paint- RAL 5005 Blue
Sealing		Materials	
Shaft Size	: 4.50 IN	Casing Parts	: Cast Iron
Sealing Type (Materials)	: Braided Teflon & Graphite Packing - Black	Stator	: Nitrile
		Rotating Parts	: Alloy Steel 4150 - Hard Chrome Plated Rotor
Drive Specification			
Installed Power	: 40 HP	Insulation Class	: F
Starting Method	: DOL 3 PH	Enclosure	: TEFC
Gearbox Mfg.	: NORD	Efficiency Class	: Premium Efficient
Model	: SK72	Duty	: Severe Duty
Frame Size	: IEC N/A - NEMA 320TC	IP Rating	: IP55
Gearbox Speed (Ratio)	: 205.0 rpm (8.19 : 1)	Area Classification	: -
Gearbox Mounting	: B3	Explosion Rating (Gbox)	: -
Motor Mfg.	: WEG	Explosion Rating (Motor)	: -
Motor Mounting	: B34	Terminal Box Orien.	:
Motor Speed	: 1750.0 rpm	Force Ventilation	: N
Orientation	: 208/230/460V / 3 PH - 60 Hz	Thermostats	: -
Electricity Supply	:	Thermistors	: N
		Anti-Condensation	: N
		Tropical Protection	: -
		Drip Cover	: -

NATIONAL OILWELL VARCO, L.P.
8017 Breen Road
Houston 77064,
USA ABN 77 004 449 478

E industrial@nov.com
<https://www.nov.com/fms>

Page 3 of 7

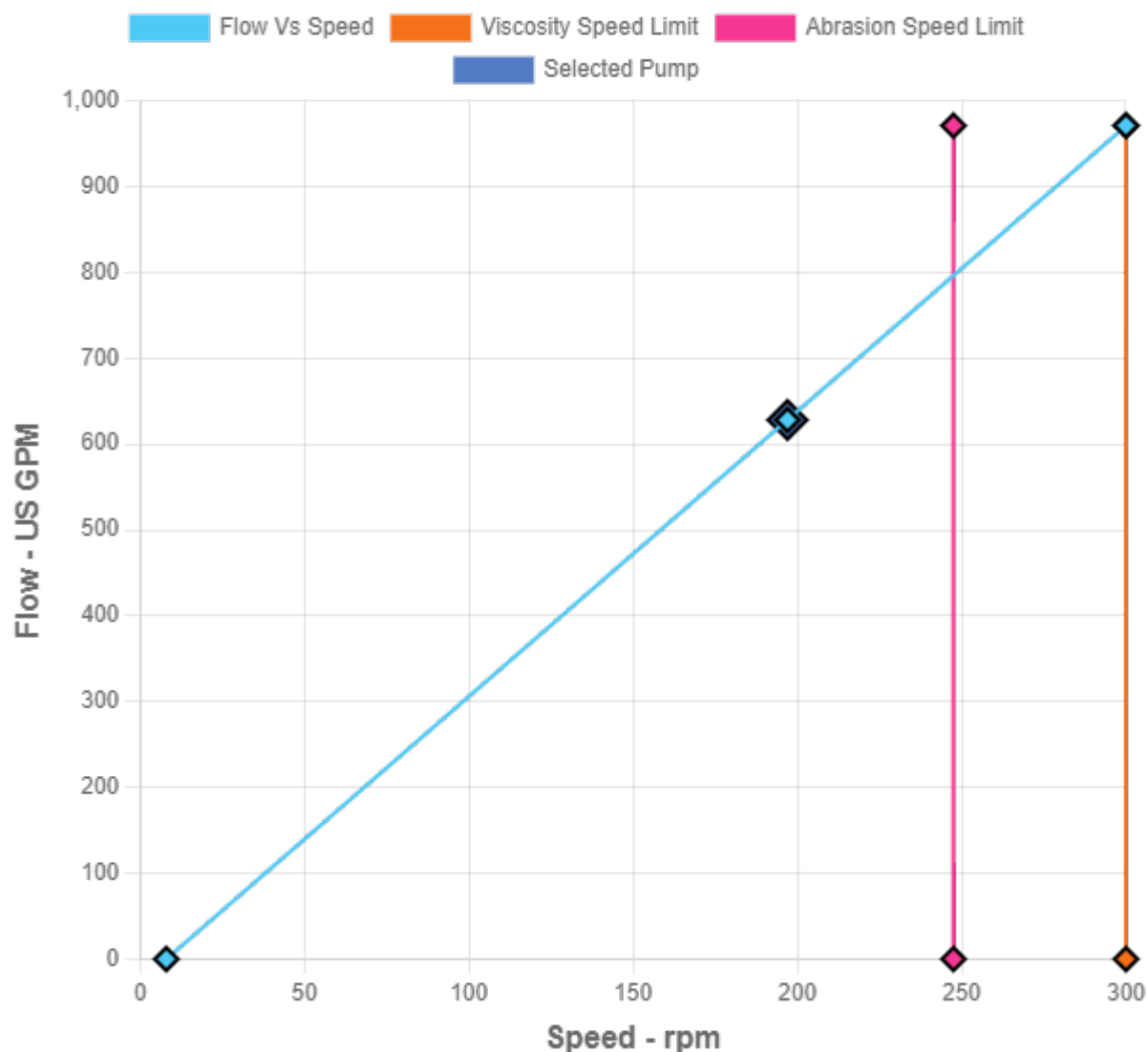


Baseplate		Traceability Requirements	
Baseplate Type (Material)	: Inline Long Coupled Baseplate- Mild Steel	Traceability	: Not Required
Baseplate Options	: None		
Accessories			
Dry Run Protection	: None		
Suc. Protection Device	: None		
Dis. Protection Device	: None		
Testing & Certificates			
Documentation			
Documents	: Operational & Maintenance Manual : General Arrangement Drawing : Standard Submittal Package		

Pump Model : 2J345G1CDQ3AQA (Line Number : 1.0)

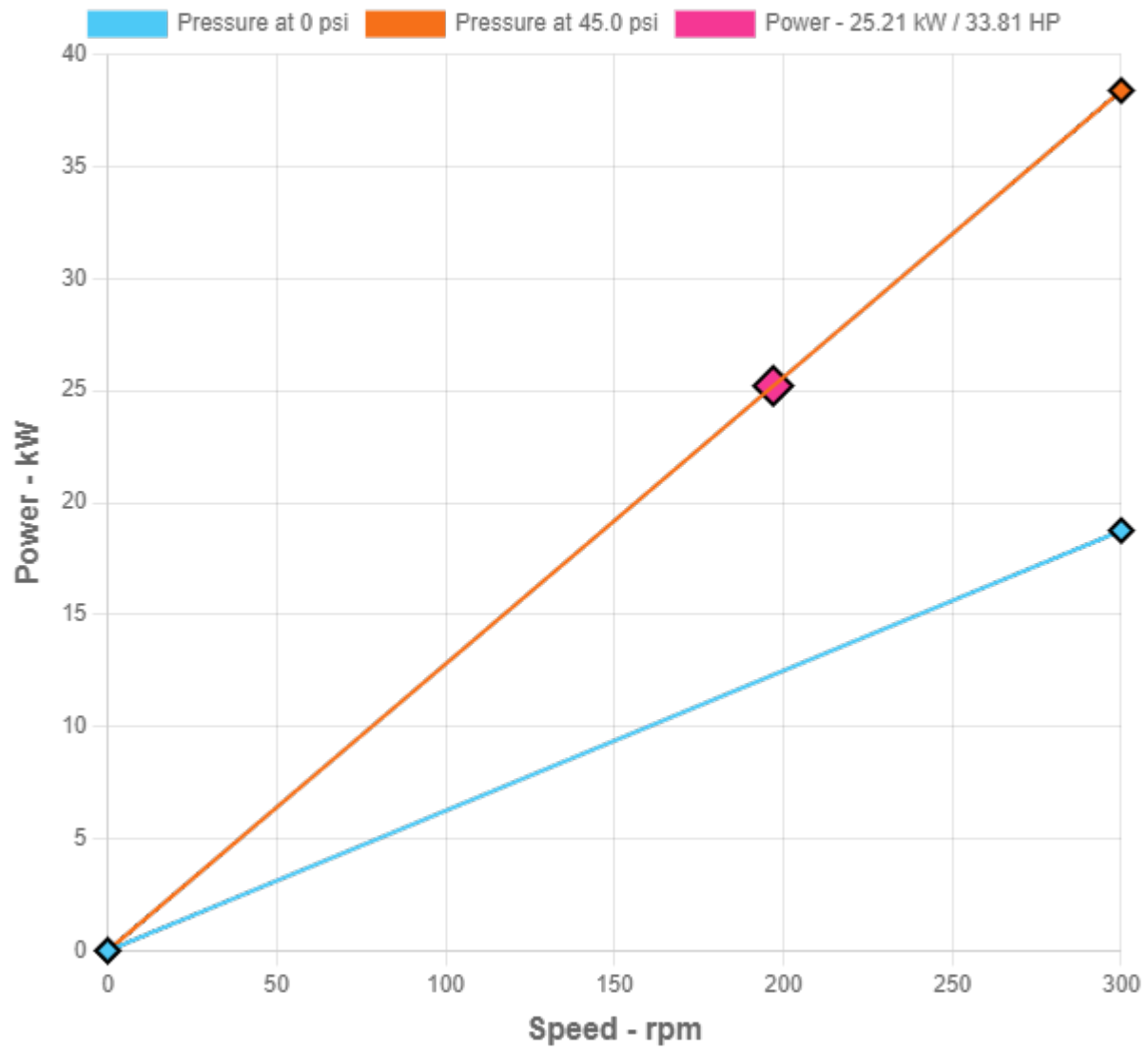
Inputs		
Pumped Product :	Capacity : 628.00 US GPM	Solids Percentage : 0.00
Product Temperature : 20.00 deg C	Differential Pressure : 45.00 psi	Viscosity : 1.0 cP
Results		
Speed : 216 rpm	Start Torque : 1222.34 Nm / 901.55 ft-lb	NPSHr : 4.76 m
Actual Capacity : 653.52 US GPM	Running Torque : 1222.11 Nm	Absorbed Power : 26.24 kW / 35.19 HP

Flow Vs Speed



NATIONAL OILWELL VARCO, L.P.
8017 Breen Road
Houston 77064,
USA ABN 77 004 449 478

Power Vs Speed



NATIONAL OILWELL VARCO, L.P.
 8017 Breen Road
 Houston 77064,
 USA ABN 77 004 449 478



COMMENTS AND EXTRAS

Packaging : See item price sheets

Prices : Unless Seller has issued to the Buyer or Buyer's customer a limited period of price protection, prices are subject to change without notice. The Order is based on the prices of materials, labor, and transport ruling at the date of Order, and the Seller reserves the right to amend the price to meet any increase due to legislation, government orders, regulations, changes to prevailing wages and conditions in the industry, Force Majeure and/or any differences in exchange rates. Goods will be invoiced at the price in effect on the date the Goods are made ready for delivery at Seller's plant.

Warranty : Please refer to our Terms and Conditions of Sale for further information.

Terms and Conditions of Sale : NOV T&Cs – Available upon request.

Exceptions List

Unless specifically mentioned in our detailed offer for each item listed, the following are NOT included in our price whether specified or not:

Anchor Bolts, Gauges, Panels, Seal or Packing Flush Hardware, Seal Systems, Controls, Contacts, VFDs, Starters (AC Motors), Tools, Valves, Test/Certificate Equipment Recording, Lubricants, Pressure Switches, Special Paint or Paint Preparation, Timers, Taxes and Noise & Vibration Testing.

Pump is calculated to need 7.76 feet NPSHR at 216 RPM.

ISO 9001:2015

We hereby assure that NOV-FMS product meets our Quality Management System requirements in accordance with ISO9001:2015.

Pump Model: 2J345G1CDQ3AQA (Line Number : 1.0)

Area Classification

Unless otherwise stated, goods supplied are for use in non-hazardous "safe" areas only. If in doubt please contact us.

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

NATIONAL OILWELL VARCO, L.P.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☒ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ►

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) 5

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

10353 RICHMOND AVENUE

6 City, state, and ZIP code

HOUSTON, TX 77042

Requester's name and address (optional)

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

____ - ____ - _____

or

Employer identification number

7 6 - 0 4 8 8 9 8 7

Part II Certification

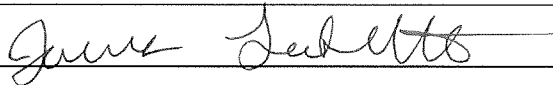
Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►



Date ►

1/3/24

National Oilwell Varco, L.P.

Texas Registered DBA Names:

Grant Prideco, L.P.

National Oilwell DHT, L.P.

NOV Process & Flow Technologies US, Inc.

XL Systems, L.P.

Division/Branch Names:

Grant Prideco

Chemineer

Completion Tools

Directional Drilling Technologies (DDT)

Downhole

Hydra Rig

M/D Totco

Moyno US

NOV Elmar

NOV Intervention Stimulation Equipment

NOV Pressure Control Group

Quality Tubing

ReedHycalog

Rolligon

Texas Oil Tools

Tuboscope

Wellsite Services

Wilco Machine & Fab Inc



MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Tim Nyander, Utilities Director
SUBJECT: **Jack Tyler Engineering, Inc. – Pump No. 2 Rebuild for Hamestring Sewer Lift Station**

RECOMMENDATION:

Staff recommends accepting a quote in the amount of \$64,572.61 plus applicable taxes and freight charges from Jack Tyler Engineering, Inc. for the repair of a pump used at the Hamestring sewer lift station.

BACKGROUND:

Hamestring sewer lift station has seven (7) 350-horsepower pumps. All of the pumps are original to the lift station when it was constructed. Pump No. 2 has been worked on by a few different vendors over the past 4 years. The latest failure was due to the impeller bolt breaking and causing damage to the impeller, wear rings, and shroud plates that hold them in place.

DISCUSSION:

The pump was pulled from the lift station and sent to Jack Tyler Engineering for an inspection. It was determined that a complete rebuild including the rotating assembly, bearings, impeller, wear rings, and seals will be needed. Jack Tyler Engineering submitted a quote in the amount of \$64,572.61 plus applicable taxes and freight charges. Staff recommends approval of this pump rebuild so that Pump No. 2 can be re-installed to get the lift station fully operational.

Pursuant to Ark. Code Ann. §14-58-104(6), formal competitive bidding is not necessary for replacement parts and labor for repairs of machinery and equipment.

BUDGET/STAFF IMPACT:

Funds are available in the Upgrade/Replace Lift Stations account.

ATTACHMENTS: SRF (#3) , Jack Tyler Engineering Quote (#4)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-44

Jack Tyler Engineering, Inc. – Pump No. 2 Rebuild for Hamestring Sewer Lift Station

A RESOLUTION TO ACCEPT A QUOTE FROM JACK TYLER ENGINEERING, INC. IN THE AMOUNT OF \$64,572.61 PLUS APPLICABLE TAXES AND FREIGHT CHARGES FOR THE REPAIR OF A PUMP USED AT THE HAMESTRING SEWER LIFT STATION

WHEREAS, the Hamestring Sewer Lift Station has seven 350-horsepower pumps that are all original to the lift station; and

WHEREAS, pump 2 has been worked on by different vendors over the past 4 years, but it has been determined that a complete rebuild will be needed.

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, accepts the quote from Jack Tyler Engineering, Inc. in the amount of \$64,572.61 plus applicable taxes and freight charges for the repair of a pump used at the Hamestring Sewer Lift Station.

City of Fayetteville Staff Review Form

2024-44

Item ID

5/7/2024

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

Tim Nyander

4/11/2024

WASTEWATER TREATMENT (730)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends accepting a quote in the amount of \$64,572.61 plus applicable taxes and freight charges from Jack Tyler Engineering, Inc. for the repair of a pump used at the Hamestring sewer lift station.

Budget Impact:

5400.730.5800-5414.00

Water & Sewer

Account Number

Fund

02068.1

WWTP Upgrade/Replace Lift Stations

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 1,007,764.00

Expenses (Actual+Encum)

\$ 301,513.55

Available Budget

\$ 706,250.45

Does item have a direct cost? Yes

Item Cost

\$ 71,965.94

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ 634,284.51

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments: Freight is estimated at \$1,000.00, and taxes are estimated at \$6,393.33 for a total estimated cost of \$71,965.94.

Quote



Jack Tyler Engineering, Incorporated
6301 S. University Avenue
Little Rock, AR 72209
(501) 562-2296 Phone
(501) 562-4273 Fax

Order Number: 0141603
Order Date: 3/8/2024
Quoted By: bfleming
Entered by: bfleming
Salesperson: 0016
Customer Number: 0010802
Customer Fax: (720) 286-9184

Sold To:

CH2M Hill
 Operations Management (OMI)
 P.O. Box 241329
 Denver, CO 80224-1329

Confirm To:

Josh Alleman

Ship To:

City of Fayetteville Pollution
 1500 N. Fox Hunter
 Fayetteville, AR 72701

Customer P.O.	Ship VIA	Freight	F.O.B.	Terms		
	JTE DELIVERY	PREPAID		Net 15		
Item Number	Unit	Ordered	Shipped	Back Order	Price	Amount
PUMP REPAIR						
CORNELL PUMP MODEL 12NHG28-F20TB; SN: 145781 22.06						
NORMAL LEAD TIME FOR REPAIR IS 5-7 WEEKS, ARO						
/REPAIR	EACH	1.00	0.00	0.00	43,875.61	43,875.61
Repair						
A20815-15-SG	EACH	1.00	0.00	0.00	0.00	0.00
SLV 4X3.5X5.75 (400-500BHN)			Whse: 004			
A15010D-40	EACH	1.00	0.00	1.00	0.00	0.00
SEAL MECH, 4002S MC			Whse: 004			
*A15251V-59-EB	EACH	1.00	0.00	0.00	0.00	0.00
O-RING 3.50 X 3.75 X .12 THK						
A15250U-59-EB	EACH	1.00	0.00	1.00	0.00	0.00
O-Ring (Cornell)			Whse: 004			
A659AI-197GA	EACH	2.00	0.00	2.00	0.00	0.00
VOLUTE GASKET			Whse: 004			
A21178D-18	EACH	1.00	0.00	1.00	0.00	0.00
LIP SEAL CR46155			Whse: 004			
*A21178E-18	EACH	1.00	0.00	0.00	0.00	0.00
LIP SEAL CR 48692						

Continued

Quote



Jack Tyler Engineering, Incorporated
6301 S. University Avenue
Little Rock, AR 72209
(501) 562-2296 Phone
(501) 562-4273 Fax

Order Number: 0141603
Order Date: 3/8/2024
Quoted By: bfleming
Entered by: bfleming
Salesperson: 0016
Customer Number: 0010802
Customer Fax: (720) 286-9184

Sold To:

CH2M Hill
 Operations Management (OMI)
 P.O. Box 241329
 Denver, CO 80224-1329

Confirm To:

Josh Alleman

Ship To:

City of Fayetteville Pollution
 1500 N. Fox Hunter
 Fayetteville, AR 72701

Customer P.O.	Ship VIA JTE DELIVERY	Freight PREPAID	F.O.B.	Terms Net 15			
Item Number	Unit	Ordered	Shipped	Back Order	Price	Amount	
A15018H-20 BALL BEARING 7226B,MP,UO	EACH	3.00	0.00 Whse: 004	3.00	0.00	0.00	
A16814M-20 BALL BEARING, 6324M	EACH	1.00	0.00 Whse: 004	1.00	0.00	0.00	
*E4133-38-CP BACKPL. 20NH T2 SGL.	EACH	1.00	0.00	0.00	0.00	0.00	
*A20724B-28-KS IMPELLER WASHER 1.19 X 4.50 X 1.00 12NHG22	EACH	1.00	0.00	0.00	0.00	0.00	
A16757T-12-SD IMPELLER BOLT	EACH	1.00	0.00 Whse: 004	1.00	0.00	0.00	
*A14432M-149-SD SOC SET SCREW 3/8-24 X 1"LG.	EACH	2.00	0.00	0.00	0.00	0.00	
*A20687E-28-KS KEY .88 X 3.50	EACH	1.00	0.00	0.00	0.00	0.00	
*A12339K-107-SDA SHIM, 1.25 X 3.44 X 0.015 (AS REQD)	EACH	3.00	0.00	0.00	0.00	0.00	
*A20727B-107-AS SHIM .010 THICK (AS REQ'D.)	EA	4.00	0.00	0.00	0.00	0.00	
*A20727A-107-AS SHIM .005 THICK (AS REQ'D.)	EACH	1.00	0.00	0.00	0.00	0.00	

Continued

Quote



Jack Tyler Engineering, Incorporated
6301 S. University Avenue
Little Rock, AR 72209
(501) 562-2296 Phone
(501) 562-4273 Fax

Order Number: 0141603
Order Date: 3/8/2024
Quoted By: bfleming
Entered by: bfleming
Salesperson: 0016
Customer Number: 0010802
Customer Fax: (720) 286-9184

Sold To:

CH2M Hill
 Operations Management (OMI)
 P.O. Box 241329
 Denver, CO 80224-1329

Confirm To:

Josh Alleman

Ship To:

City of Fayetteville Pollution
 1500 N. Fox Hunter
 Fayetteville, AR 72701

Customer P.O.	Ship VIA	Freight	F.O.B.	Terms		
	JTE DELIVERY	PREPAID		Net 15		
Item Number	Unit	Ordered	Shipped	Back Order	Price	Amount
*D5886-1-CP SUCTION COVER 12NHG28	EACH	1.00	0.00	0.00	0.00	0.00
CUSTOMER HAS REQUESTED A NEW SUCTION COVER LEAD TIME FOR A NEW SUCTION COVER IS 8-10 WEEKS						
/LABOR Service Labor	HR	16.00	0.00	0.00	0.00	0.00
/SHOP SUPPLIES Misc Shop Supplies		1.00	0.00	0.00	0.00	0.00
/FREIGHT Freight, Shipping & Handling	EA	1.00	0.00	0.00	0.00	0.00
Net Order:						43,875.61

PRICING FOR WET END PARTS

NORMAL LEAD TIME FOR DELIVERY IS 2-4 WEEKS, ARO

A20976A-6-SG WEAR RING, CASING - CORNELL	EACH	0.00	0.00	0.00	3,846.00	0.00
			Whse: 001			
A20976B-6-SG WEAR RING, IMPELLER - CORNELL	EACH	0.00	0.00	0.00	3,846.00	0.00
			Whse: 001			
D5884-3PB-CI-L IMPELLER - CORNELL 12NHG28 FULL BACKSHROUD	EACH	0.00	0.00	0.00	13,005.00	0.00
			Whse: 001			

Sales Tax IS NOT included in quoted price

Thank you for the opportunity to quote on your requirements. If you have any questions, please do not hesitate to contact us. NOTE: This quotation expires 30 days from above date unless noted.



JACK TYLER ENGINEERING, INCORPORATED

6301 S. UNIVERSITY AVENUE, LITTLE ROCK, ARKANSAS 72209
(501) 562-2296 • FAX (501) 562-4273 • ARKANSAS WATS 1-800-562-2296

STATEMENT OF TERMS AND CONDITIONS

TERMS/PAYMENTS: Our terms of payment are net cash 15 days from date of the invoice subject to

Seller's prior credit approval. If the Buyer shall fail to make any payments in accordance with the terms and conditions of sale, the Seller, in addition to its other rights and remedies, but not in limitation thereof, may, at its option, without prior notice, cancel this order as to any undelivered products or defer shipments or deliveries hereunder, or under any other agreement between Buyer and Seller, except upon Seller's receipt of cash before shipment or such security as Seller considers satisfactory. Seller reserves the right to impose an interest charge of 16% on the balance of each invoice not paid on its due date for the period from the due date to the date of receipt of payment by Seller. In the event Buyer's failure to make timely payments to Seller results in Seller incurring additional costs, including but not limited to collection expenses and attorneys' fees, said costs shall be added to the amount due Seller from Buyer. Buyer shall have no right to any discount or retainage and shall not withhold payment as a set-off on Seller's invoice in any amount. Visa, MasterCard, Discover, and American Express credit card purchases are accepted.

SHIPMENT: The date of shipment is subject to our receiving your order with complete information at our office, final approval of any prints or drawings as may be required, credit approval, and the acceptance of your order by the company.

EXPIRATION: Quotation expires 30 days from the date of proposal and, in the interim, is subject to change without notice.

TAXES: Unless otherwise stated in the proposal, the prices quoted herein are exclusive of all sales, use and similar taxes and, wherever applicable, such taxes will be added to the invoice as separate items.

RETURNS/REFUNDS: Items wished to be returned are subject to prior approval and must be accompanied by a Return Merchandise Authorization (RMA). Items returned without proper approval and/or paperwork will be returned to the customer at their expense. Returns past 30 days of initial receipt will not be accepted.

All returned items are subject to a restocking fee. The customer's credit will be equal to the credit Jack Tyler Engineering, Inc. receives from the vendor, minus original freight and freight back to the vendor. Please note that all items must be returned to JTEI, who will return the item to the vendor. Credit will only be issued once JTEI receives credit from the vendor.

SPECIAL NOTE:

THIS PROPOSAL IS BASED ON CURRENT PRICES. EQUIPMENT IS SUBJECT TO THE SAME PERCENTAGE INCREASE AS MADE BY OUR SUPPLIERS AND THE INVOICE WILL REFLECT PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS SPECIFICALLY EXCEPTED. **WE WILL NOT ACCEPT RETAINAGE ON ANY OF OUR INVOICES!**

******* A \$50.00 minimum order charge will apply *******

WARRANTY:

"The products sold by Jack Tyler Engineering, Inc. hereunder are manufactured by others, and the only warranties that apply to these products are those of the manufacturer of the products which can be passed on by Jack Tyler Engineering, Inc. to its customers. No other warranty of any kind is given in connection with the sale of any of the above products, and JACK TYLER ENGINEERING, INC. MAKES NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, AS TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR AS TO ANY OTHER MATTER RESPECTING THESE PRODUCTS. Jack Tyler Engineering, Inc. shall not be liable in connection with the sale of the above products for any incidental or consequential damages of any kind."

An electronic copy of the latest version is available online at www.jteng.com.



MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Tim Nyander, Utilities Director
SUBJECT: **Garney Companies, Inc. - Change Order No. 1 for West Corridor Water Transmission Line**

RECOMMENDATION:

Staff recommends approval of Change Order No. 1 with Garney Companies, Inc. in the amount of **\$75,450,081.00** for the West Corridor Water Transmission Line Project.

BACKGROUND:

The City of Fayetteville owns and operates two parallel water transmission lines from Beaver Water District (BWD) in Lowell that enter from the northeast corner of the City. These lines are a 36-inch pipe installed in 1967 and a 42-inch pipe installed in 1993. BWD intends to build a western water distribution point near HWY-112 and the newly constructed Springdale Northern Bypass, HWY-612. This facility will supply a western water transmission feed to all four customer cities, helping with hydraulics, critical redundancy, and overall utility resiliency. Fayetteville's 11.4-mile connection to the proposed BWD facility is currently under engineering design and permitting.

Garney Companies, Inc. was selected (RFQ 23-05) and a contract executed (Res. 243-23) for Construction Manager At-Risk services on this project. Garney's pre-construction services have been ongoing, with the project successfully on-track with permitting and procurement goals.

DISCUSSION:

To meet the project's loan closing deadline of June 30th, 2024 with ANRD, a Guaranteed Maximum Price (GMP) must be established by Garney, approved by the Fayetteville City Council via change order, and submitted to ANRD immediately following the May 7th City Council meeting. The GMP developed by Garney includes known material procurement pricing received through sealed competitive bidding on April 5th, 2024 and includes detailed construction estimates by Garney of the 90% Construction Documents prepared by McClelland Consulting Engineers.

BUDGET/STAFF IMPACT:

On August 1st, 2023, City Council approved Resolution 169-23 approving a Budget Adjustment to recognize loan funding from the Arkansas Natural Resources Commission in the amount of \$85,000,000.00, contingent on the approval of the bond issuance and the completion of the loan closing.

On April 16th, 2024, Ordinance 6737 was approved by the City Council authorizing the issuance and sale of a not to exceed \$85,000,000.00 Water and Sewer System Revenue Bond, Series 2024. Once the execution and

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

delivery of a bond purchase agreement providing for the sale of the bond has been done, the Budget Adjustment will be posted.

ATTACHMENTS: SRF (#3), Recommendation of Approval from McClelland Consulting Engineers (#4), Garney Companies, Inc. - GMP Submission (#5)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-53

Garney Companies, Inc. - Change Order No. 1 for West Corridor Water Transmission Line

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 WITH GARNEY COMPANIES, INC. IN THE AMOUNT OF \$75,450,081.00 FOR CONSTRUCTION MANAGER AT-RISK SERVICES FOR THE WEST CORRIDOR WATER TRANSMISSION LINE PROJECT

WHEREAS, the City of Fayetteville needs to construct a new 48" water transmission line about 11.4 miles north just across the Benton County line near Highway 112 and the Springdale Northern Bypass to access Beaver Water District's new 60" water transmission line to improve hydraulics, provide critical redundancy for our two older transmission lines (57 and 31 years old), and ensure overall resilience of our system; and

WHEREAS, Garney Companies, Inc. was selected by RFQ 23-05 and entered into a contract with the City approved by Resolution 243-23 for construction manager at-risk services for this West Corridor Water Transmission Line Project; and

WHEREAS, to meet the project's \$85 Million loan closing deadline of June 30, 2024, with the Arkansas Natural Resources Commission, a guaranteed maximum price must be established by Garney Companies, Inc., approved by the Fayetteville City Council and submitted to the Arkansas Natural Resources Commission immediately following the May 7, 2024 City Council Meeting.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Change Order No. 1 with Garney Companies, Inc. as the construction manager at-risk in the amount of \$75,450,081.00 as the approved guaranteed maximum price for the West Corridor Water Transmission Line Project.

City of Fayetteville Staff Review Form

2024-53

Item ID

5/7/2024

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

Tim Nyander

4/18/2024

WATER SEWER (720)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of Change Order No. 1 and Amendment No. 1 with Garney Companies, Inc. in the amount of \$75,450,081.00 for the West Corridor Water Transmission Line Project.

Budget Impact:

5400.800.5650-5808.00

Water and Sewer

Account Number

Fund

18015.2401

West Water Transmission Line

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 87,476,030.00

Expenses (Actual+Encum)

\$ 2,253,236.16

Available Budget

\$ 85,222,793.84

Does item have a direct cost? Yes

Item Cost

\$ 75,450,081.00

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ 9,772,712.84

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # 169-23, Ord 6737

Change Order Number:

Approval Date:

Original Contract Number:

Comments: RFQ 23-05

April 18, 2024

Mr. Corey Granderson, PE
Utilities Engineer
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

RE: West Transmission Main
Recommendation of Approval – Guaranteed Maximum Price Submission
MCE Project No. 11-2184
ANRD Project No. 23-127

Dear Mr. Granderson,

We have received the GMP submission document provided by Garney Companies, Inc. dated April 15, 2024. Based on our review of this document, we recommend that the City of Fayetteville execute a GMP Change Order in the amount of \$75,450,081.00 in accordance with Paragraph 11.4 of the Contract for Construction Manager at Risk Services dated November 7, 2023.

Please do not hesitate to call should you have any questions and as always, thank you for allowing us to be of service.

Sincerely,
McClelland Consulting Engineers, Inc.



Nicholas R. Batker, P.E., CFM®
Senior Associate | Senior Project Manager

cc: Matthew Brooks, P.E. – Natural Resources Division, Department of Agriculture
Zachary Smith – Natural Resources Division, Department of Agriculture



WEST TRANSMISSION WATER MAIN (CMAR)

CITY OF FAYETTEVILLE, AR

SUBJECT: GMP SUBMISSION

APRIL 15TH, 2024

SUBMITTED BY:
GARNEY COMPANIES, INC.

1700 SWIFT STREET,
NORTH KANSAS CITY, MO 64116
816.741.4600

WADE PIERPOINT
918.779.8975

Resolution 243-23; RFQ 23-05
Change Order No. 1



Table of Contents

- **SECTION 1 - TRANSMITTAL LETTER**
- **SECTION 2 - GARNEY EXECUTIVE LETTER**
- **SECTION 3 - LINK TO CONTRACT DOCUMENTS**
- **SECTION 4 - DESCRIPTION OF VARIATIONS AND ASSUMPTIONS**
- **SECTION 5 – OWNER SUMMARY – GMP PRICE BREAKDOWN**
- **SECTION 6 - BID PACKAGES**
 - **SOV 1.01 – LARGE DIAMETER PIPE**
 - **SOV 1.02 – LARGE DIAMETER VALVES**
 - **SOV 1.03 – SMALL DIAMETER VALVES**
 - **SOV 1.04 – COMBINATION AIR RELEASE VALVES**

Section 01

Transmittal Letter



Construction Manager at Risk

GMP Proposal

April 17, 2024

Resolution 243-23; RFQ 23-05
Change Order No. 1





Corey Granderson, P.E.
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

4/17/2024

RE: West Transmission Main – GMP

Mr. Granderson,

In accordance with the Agreement between Garney Companies, Inc. and City of Fayetteville, Garney is pleased to provide the below information and attached documentation to establish the Guaranteed Maximum Price for City of Fayetteville – West Transmission Main.

Garney proposes to establish the Guaranteed Maximum Price (GMP) for this project at \$75,450,081.00. This GMP Proposal includes the previously accepted early material procurement scopes as well as the costs for future proposals for the complete installation of the Water Pipeline. Attached hereto are the early material procurements for reference.

All scopes of work and material supply will be contracted by Garney Construction within the requirements of the Agreement for the CMAR Project. The scopes are included herein conveyed as the Bid Packages in which they were or will be procured with their respective costs along with explanations of any allowances included. Also included in this proposal is the cost for the CMAR management, fee, insurances, and contingency per the Agreement along with the anticipated Construction schedule.

The GMP proposal includes the above scope of work and supply as identified in the plans and specifications made available to Garney for the purpose of construction. These plans, CMAR Contract, and specifications are generally referred to as the “West Transmission Main Fayetteville, AR – 60% CMAR Submittal” and Bidding Documents, Contract Documents and General Requirements (Volume 1) and Technical Specifications (Volume 2) “Project Manual – West Transmission Main – March 2024.”

The plans and specifications were not final at the time of procurement of the early work and supply packages and were intended for the sole purpose of early procurement of the above referenced items. It is both possible and likely that design revisions will be made as the project progresses to the Final Design for Construction. Any known revisions to these plans and specifications, and cost adjustments associated with those revisions, are captured in this GMP proposal. Changes in scope may require a Change to this GMP proposal, as directed by the City of Fayetteville, and in accordance with the Agreement.

This GMP includes the Construction Manager at Risk’s Fees and Expenses, the estimated Cost of the Work, and expenditures as outlined in the Contract Documents and Agreement.

Project Schedule reflects a Substantial Completion of May 22nd, 2026 with a Final Completion of June 22nd, 2026.

Please contact Garney directly if there are any questions regarding this GMP Proposal.

Sincerely,
GARNEY COMPANIES, INC.

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

Wade Pierpoint
Sr. Project Manager

CC: Sam Marston - Garney
Bill Williams - Garney
Joey Perell - Garney
Trent Williams - McClelland Consulting Engineers
Nick Batker - McClelland Consulting Engineers

Bidding documents:

- West Transmission Main Fayetteville, AR - 60% CMAR Submittal
- Project Manual - West Transmission Main - March 2024
- RFQ 23-05 - Contract for CMAR for West Transmission Main 10/19/2023
- Geotechnical Report for Fayetteville West Transmission Main - 2/5/2024

Section 02

Executive Letter



Construction Manager at Risk

GMP Proposal

April 17, 2024

Resolution 243-23; RFQ 23-05
Change Order No. 1





Corey Granderson, P.E.
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

4/17/2024

RE: West Transmission Main – GMP

Mr. Granderson,

In accordance with the Agreement between Garney Companies, Inc. and City of Fayetteville, Garney is pleased to provide the below information and attached documentation to establish the Guaranteed Maximum Price for City of Fayetteville – 48" West Transmission Main.

Garney proposes to establish the Guaranteed Maximum Price (GMP) for this project at \$75,450,081.00. This GMP Proposal includes the solicitation packages and scopes with the corresponding estimated costs for the complete installation of the Water Pipeline. The estimated costs within the GMP are indicative of the Arkansas Revolving Loan Fund (RLF) allocation to the City of Fayetteville. It is mutually understood as the project develops, and design progresses from 60% to Final, there is potential that the Project value surpasses the loaned amount by which the City of Fayetteville and CMAR shall evaluate alternative funding provided by the City for the completion of the work. Any revisions to these plans and specifications, and cost adjustments associated with those revisions, are not captured in this GMP proposal. Changes in scope may require a Change to this GMP proposal, as directed by City of Fayetteville, and in accordance with the Agreement.

The plans and specification reference items below the time of GMP and were intended for the sole purpose of early procurement of the below referenced items. It is both possible and likely that design revisions will be made as the project progresses to the Final Design for Construction. Packages included in the early material procurements generally described as – Large Diameter Pipe, Large Diameter Valves, Small Diameter Valves, and Combination Air Valves. The GMP also includes future packages generally described as Clearing and Temporary Fences, SWPPP, Tunneled Crossings, Cathodic Protection Impressed Current System, Pipeline Installation Segments, and other costs including but not limited to Insurance and Bonding and Allowances.

Attached hereto are supporting documents to the GMP for reference.

This GMP includes the Construction Manager at Risk's Fees and Expenses, the estimated Cost of the Work, and expenditures as outlined in the Contract Documents and Agreement.

Please contact Garney directly if there are any questions regarding this GMP Proposal.

Sincerely,
GARNEY COMPANIES, INC.

Wade Pierpoint
Sr. Project Manager

CC: Sam Marston – Garney

Bill Williams – Garney
Joey Perell - Garney
Nick Batker, P.E. – MCE
Trent Williams, P.E. - MCE

Bidding documents:

- West Transmission Main Fayetteville, AR – 60% CMAR Submittal (2/15/2024)
- Project Manual – West Transmission Main – March 2024
- RFQ 23-05 – Contract for CMAR for West Transmission Main 10/19/2023
- Geotechnical Report for Fayetteville West Transmission Main – 2/5/2024

Section 03

Link to Contract Documents



Construction Manager at Risk
GMP Proposal
April 17, 2024



Contract Documents per GMP

The West Water Main Contract Documents can be accessed on the Project document asset management site. On this site, we have posted the following documents*.

- **West Transmission Main Fayetteville, AR – 60% CMAR Submittal**
- **Project Manual – West Transmission Main – March 2024**
- **RFQ 23-05 – Contract for CMAR for West Transmission Water Main 10/19/2023**

*Early work and material procurements were utilized at time of Bid.

To access the Contract Documents:

- Navigate to the following Website: <https://app.buildingconnect.com>

Section 04

Description of Variations and Assumptions



Construction Manager at Risk
GMP Proposal
April 17, 2024



Description of Variations, Substitutions Proposed

1. **Specifications** The GMP is per the Technical Specifications as provided (pending any future changes or value .
 - a. Qualifications and Assumptions (See Below)
 - b. Exclusions (See Below)
2. **Assumptions, Clarifications, and Exclusions**
 - a. Early Material procurement per plans and specifications available at time of bid. Allowances have been developed for changes up to the documents named in this GMP. Future changes may require an amendment to the GMP.
 - b. GMP is provided as a not to exceed pricing for the scope included in the Contract Documents. It is assumed that funds approved for the project are available for the CMARs use interchangeably within the GMP.
 - c. Any funds appropriated to the project that are not expended on the cost of work, CMAR (FEE/Contingency), or Allowances will be credited back to the Owner at project closeout.
 - d. GMP pricing and schedule contingent upon RLF approval and fund release.
 - e. All permits are to be provided by others.
 - f. GMP does not reflect any additional cost or concessions for existing utility relocation.
 - g. GMP assumes access to easements throughout the duration of the project.
 - h. GMP includes all GCs, Overhead Expenses, and CMAR cost of work, as previously discussed, for a duration of **23** months from the end of the Pre-Construction Services through the Final Completion date of **June 22nd, 2026**. Any extension of the project and Garney's CMAR services, outside of Garney's scope of work, is excluded.
 - i. GMP does not include costs associated with the purchase of temporary easements for construction.
 - j. GMP does not include an alternative access to the easement from roads or other thoroughfares.
 - k. Milestones included in the bid package(s) scopes of work may and likely will change as the project progresses.
 - l. GMP does not reflect abnormal cost escalations incurred to pandemics, changes in law or regulations by the State or Federal Government, or Global affairs that directly or indirectly affect the procurement, schedule, or construction of the transmission line.
 - m. GMP does not include third party material testing by the CMAR, the Owner will assume the responsibility of contracting this service to be coordinated with the CMAR.
 - n. GMP does not include continuity survey for the cathodic protection system.
 - o. GMP based on geotechnical reports available at the time of transmittal.
 - p. GMP does not include funds to repair or remediate roads or thoroughfares used for the deliveries on the project.
 - q. GMP does not include any special concessions for land owners per their easement agreements.
 - r. GMP does not include layout, staking, material testing, third-party inspections. Owner will assume responsibility of contracting this service to be coordinated with CMAR.
3. **Value Analysis**
 - a. Opportunities for value to the Project will continuously be explored and negotiated based on team consensus.
4. **Allowance Schedule**
 - a. GMP – Allowances to be determined within the GMP
5. **Schedule of Unit Prices**
 - a. Schedule of Unit Prices are listed by Bid Packages and detailed as included in the schedule of values provided by the proposers.
6. **All other information (Not applicable)**

Section 05

Owners Summary GMP Price Breakdown



Construction Manager at Risk **GMP Proposal** April 17, 2024

Resolution 243-23; RFQ 23-05
Change Order No. 1



West Transmission Main - Fayetteville, AR - 30% CMAR
Resolution 243-23; RFQ 23-05
Change Order No. 1

City of Fayetteville						4/18/24 10:11 AM	
ITEM NUMBER	BID PACKAGE	SYSTEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENSION
1000	CMAR COW	Treated Water	CMAR GENERAL CONDITIONS (23 Months)	1.0	Lump Sum	\$ 4,948,434	\$ 4,948,434
1010	CMAR COW	Treated Water	PROJECT SPECIFIC INSURANCE	1.0	Lump Sum	\$ 195,825	\$ 195,825
2000	1.01	Treated Water	STEEL PIPE MANUFACTURING	1.0	Lump Sum	\$ 14,056,569	\$ 14,056,569
2010	1.02	Treated Water	BUTTERFLY ISOLATION VALVES	1.0	Lump Sum	\$ 563,347	\$ 563,347
2020	1.03	Treated Water	COMBINATION AIR VALVES	1.0	Lump Sum	\$ 438,232	\$ 438,232
2040	2.02	Treated Water	SWPPP INSTALLATION AND INSPECTION	1.0	Lump Sum	\$ 478,291	\$ 478,291
2050	2.03	Treated Water	TUNNEL LINER PLATE/CASING INSTALLATION	1.0	Lump Sum	\$ 7,559,500	\$ 7,559,500
2060	2.04	Treated Water	CLEARING AND TEMPORARY GATES	1.0	Lump Sum	\$ 854,900	\$ 854,900
2070	3.01	Treated Water	SEGMENT 1 PIPE INSTALLATION	1.0	Lump Sum	\$ 18,886,111	\$ 18,886,111
2080	3.02	Treated Water	SEGMENT 2 PIPE INSTALLATION	1.0	Lump Sum	\$ 16,008,491	\$ 16,008,491
SUBTOTAL TREATED WATER (COST OF WORK)							\$ 63,989,700
3000	CMAR PRECON	CMAR Contract	PRECONSTRUCTION SERVICE FEE	1.00	Lump Sum	\$ 429,017	\$ 429,017
3010	CMAR PROCURE	CMAR Contract	PROCUREMENT SERVICE FEE	1.00	Lump Sum	\$ 261,312	\$ 261,312
3020	CMAR	CMAR Contract	GENERAL LIABILITY INSURANCE	1.50%	Percent of Cost of Work	\$ 63,793,875	\$ 956,908
3030	CMAR	CMAR Contract	PERFORMANCE AND PAYMENT BONDS	0.85%	Percent of Cost of Work	\$ 63,793,875	\$ 542,248
3040	CMAR	CMAR Contract	CONSTRUCTION SERVICES (CMAR) FEE	9.00%	Percent of COW & Bonds & GLI	\$ 65,488,856	\$ 5,893,997
3050	CMAR	CMAR Contract	CMAR CONTINGENCY	5.16%	Percent of COW & Bonds & GLI	\$ 65,488,856	\$ 3,376,899
SUBTOTAL CMAR							\$ 11,460,381
TOTAL COW AND CMAR							\$ 75,450,081
*Indicative pricing based on the plans provided generally described as "West Transmission Main - Fayetteville, AR - 60% CMAR Submittal".							
*General Liability Insurance (Item No. 3020) and Payment & Performance Bonds (Item No. 3030) are expressed as a Percentage of the Cost of Work (COW) (Subtotal Treated Water) which creates the Cost of Work (COW) + Bonds & GLI.							
*Construction Services (CMAR) Fee (Item No. 3040) and CMAR Contingency (Item No. 3050) are expressed as a Percentage of the Cost of Work (COW) + Bonds & GLI.							
*Preconstruction Services Fee (Item No. 3000) and Procurement Service Fee (Item No. 3010) are not part of the the General Liability Ins., P & P Bonds, CMAR Fee, and CMAR Contingency since they were previously negotiated and are a Lump Sump number.							

Section 06

Bid Packages



Construction Manager at Risk
GMP Proposal
April 17, 2024



Section 06

SOV 1.01

Large Diameter Pipe



Construction Manager at Risk
GMP Proposal
April 17, 2024



City of Fayetteville West Transmission Main - SOV Bid Package 1.01 - Large Diameter Pipe - Add01		
BID ITEM NUMBER	Size	DESCRIPTION
1	48"	Pipe: Minimum 0.250" Wall @ 42ksi (see specifications) (Installed In Open Cut Trench) ** Includes All Grade Breaks and Mitters (≤ 5°) **Includes All Bonding Materials as Required
2	48"	Pipe: 0.250" Wall Bend From 05.00 Degree to 11.25 Degree (Installed In Open Cut Trench)
3	48"	Pipe: 0.250" Wall Bend From 11.26 Degree to 22.50 Degree (Installed In Open Cut Trench)
4	48"	Pipe: 0.250" Wall Bend From 22.51 Degree to 45.00 Degree (Installed In Open Cut Trench)
5	48"	Pipe: 0.250" Wall Bend From 45.01 Degree to 67.5 Degree (Installed In Open Cut Trench)
6	48"	Pipe: 0.250" Wall Bend From 67.51 Degree to 90.00 Degree (Installed In Open Cut Trench)
7	48"	Pipe: Minimum 0.300" Wall @ 42ksi (see specifications) (Installed In Open Cut Trench) ** Includes All Grade Breaks and Mitters (≤ 5°) **Includes All Bonding Materials as Required
8	48"	Pipe: 0.300" Wall Bend From 05.00 Degree to 11.25 Degree (Installed In Open Cut Trench)
9	48"	Pipe: 0.300" Wall Bend From 11.26 Degree to 22.50 Degree (Installed In Open Cut Trench)
10	48"	Pipe: 0.300" Wall Bend From 22.51 Degree to 45.00 Degree (Installed In Open Cut Trench)
11	48"	Pipe: 0.300" Wall Bend From 45.01 Degree to 67.5 Degree (Installed In Open Cut Trench)
12	48"	Pipe: 0.300" Wall Bend From 67.51 Degree to 90.00 Degree (Installed In Open Cut Trench)
13	48"	Pipe: Minimum 0.300" Wall (see specifications) (20# Lay Length, Installed In Casing or Liner Plate, per the Contract Documents) * Includes One buttstrap and 1 foot of cut to fit at each tunnel
14		Access Manway; Manhole Assembly
15	6"	Outlet for Combination Air Valve: Single CAV Assembly
16	8"	Outlet for Combination Air Valve: Single CAV Assembly
17	8"	Outlet for Blow Off Valve Assembly
18	12"	Flanged Outlet for Tie-in to Existing System per Detail D21 (Includes 30" Outlet, Reducing Flange, Blind Flange, and Hardware)
19	48"	Test Plug; Temporary (Includes 30" Outlets and Flanges on Each Side of Plug)
20	ALL	Connection to existing facilities per Detail D14 at Sta.1+00 (including all Flanges, Fittings, and Piping up to the 48" Butterfly Valve)
21		Outlet for Welding (Including Rolled Plate and Patch Material, Total quantity TBD)
22	48"	Butterfly Valve Valve Connection Assembly * Includes 2 Each Flanged Connections * Includes 2 Each Butt-Straps
23	48"	Butt Strap (w/ 1/4" air test port - buttstraps at tunnels to be included in items above)
24	48"	Mitered Bells ≤ 5° *Vendor Write-In per Estimated Quantity and Unit Price (Extension carried in Open Cut Line Item)
25		Supply Bond in the amount of 25% of the total bid value

		48" Pipe:
		TOTAL BASE BID:

- Note: 1

Bidder shall provide all components for exterior field joint coating system including a 3% waste and field coating repair tools and materials
- Note: 2

Bidder shall provide all "hardware" required for connecting "mating" components provided by supplier including: bolts, nuts, gaskets, and insulating kits where applicable. Manways shall be shipped on pallet on same truck as pipe. Connecting Hardware to be shipped loose direct to Installer.
- Note: 3

Bidder shall supply all Blind Flanges and Reducing Flanges (CARV, BOV, Access Manway), Connection Adapters, Couplings, Harnesses, etc. required for complete assembly of transmission pipeline and Connections to adjacent segments
- Note: 4

Manufacturer shall include minimum 1-foot Cut to Fit and 1 Butt-Strap at each Tunnel Location.
- Note: 5

Manufacturer shall include 2 each butt-straps for each Large Diameter Valve.
- Note: 6

Above components shall be provided at no additional cost and included in total amount bid
- Note: 7

Complete Submittal Package Including Front End June 21st, 2024
- Note: 8

Manufacturer shall maintain manufacturing and delivery milestones as outlined for each bid option
- Note: 9

Owner and CMAR reserves the right to award all or part to multiple suppliers.

Each bidder shall submit one (1) hard copy of SOV and one (1) digital copy of SOV in excel format as specified in Instructions to Bidders.

ALL SEGMENTS			
48" Pipe: Manufactured at rates to achieve or exceed the milestone dates and delivery schedule below.			
Estimated Quantity	Unit	Unit Price	Extension
51,123.00	Linear Feet	\$ 153.40	\$ 7,842,268.20
35.00	Each	\$ 4,030.00	\$ 141,050.00
35.00	Each	\$ 4,030.00	\$ 141,050.00
30.00	Each	\$ 8,370.00	\$ 251,100.00
18.00	Each	\$ 11,940.00	\$ 214,920.00
1.00	Each	\$ 17,940.00	\$ 17,940.00
6,597.00	Linear Feet	\$ 167.50	\$ 1,104,997.50
10.00	Each	\$ 4,130.00	\$ 41,300.00
15.00	Each	\$ 4,130.00	\$ 61,950.00
20.00	Each	\$ 9,120.00	\$ 182,400.00
6.00	Each	\$ 12,640.00	\$ 75,840.00
1.00	Each	\$ 17,820.00	\$ 17,820.00
1,880.00	Linear Feet	\$ 186.50	\$ 350,620.00
1.00	Each	\$ 15,360.00	\$ 15,360.00
19.00	Each	\$ 17,240.00	\$ 327,560.00
13.00	Each	\$ 17,720.00	\$ 230,360.00
25.00	Each	\$ 18,570.00	\$ 464,250.00
1.00	Each	\$ 18,240.00	\$ 18,240.00
8.00	Each	\$ 44,110.00	\$ 352,880.00
1.00	Each	\$ 125,664.30	\$ 125,664.30
30.00	Each	\$ 2,030.00	\$ 60,900.00
6.00	Each	\$ 15,850.00	\$ 95,100.00
15.00	Each	\$ 1,130.00	\$ 16,950.00
189.00	Each	\$ 200.00	
1.00	Each	\$ 11,392.00	\$ 11,392.00

59,600.00	Linear Feet		
59,600.00	Linear Feet	Total Base Bid	\$ 12,161,912.00

Manufactured and Ready For Delivery			
20,000	Linear Feet	Milestone: 01	January 6, 2025
40,000	Linear Feet	Milestone: 02	February 5, 2025
Remainder	Linear Feet	Milestone: 03	March 7, 2025

Delivery Rate	
Minimum Delivery Rate @ 2,500 LF Average per week per installation Section (2 installation sections total) 1 and 2 (Delivery rates shall be further coordinated with Installation Contractor) Anticipated Date to Start Deliveries 1/13/25	

\$5,000 Per Day Penalty For Not Achieving Milestones
--

Company Name:

American SpiralWeld Pipe Company, LLC

Pipe Material:

AWWA C200 Steel Pipe

BID BOND

Know all men by these presents, that we, the undersigned, American SpiralWeld Pipe Company, LLC as Principal, and Travelers Casualty and Surety Company of America as Surety, are hereby held and firmly bound unto City of Fayetteville Arkansas, as Owner in the penal sum of Two Million Seventy Thousand Eight Hundred Forty Five Dollars (\$2,070,845) for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

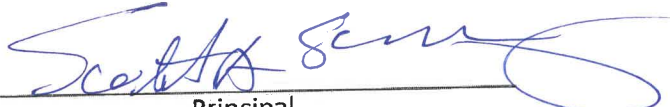
Signed, this 2nd day of April, 2024. The Condition of the above obligation is such that whereas the Principal has submitted to Garney Construction Co. a certain Bid, attached hereto and hereby made a part hereof to enter into a contract in writing, for the City of Fayetteville Arkansas West Transmission Main ANRC Project No. 23-127

Now, therefore,

- (a) If said Bid shall be rejected, or
- (b) If said Bid shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attachment hereto (properly completed in accordance with said Bid) and shall furnish a Bond for faithful performance of said contract, and for the payment of all persons performing labor furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid, then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its Bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In witness whereof, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.


Principal

Travelers Casualty and Surety Company of America
Surety

By: 
Paulett Eason

Important - Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized in accordance with the Supplemental General Conditions to transact business in the State of Arkansas.



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 230896

Certificate No. 006816379

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Bradley S. Davis, Paulett D. Eason, Lynn Miles Thompson, Donna Bagley, Sarah L. Ivy, Sylvia Kiilerich, Andrew Fisher, and Georgina C. Serio

of the City of Brentwood, State of Tennessee, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

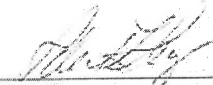
IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 1st day of June, 2016.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: 

Robert L. Raney, Senior Vice President

On this the 1st day of June, 2016, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2021.




Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

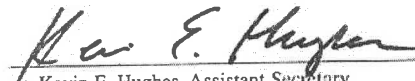
FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 2nd day of April, 2024


Kevin E. Hughes, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.



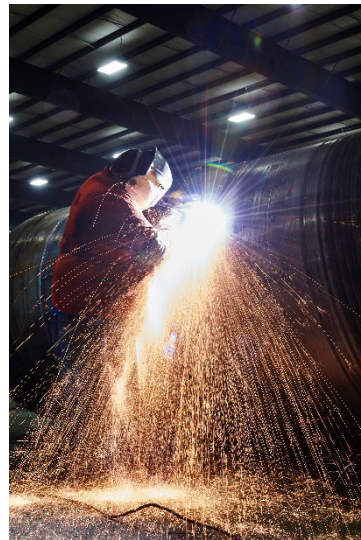
AMERICAN
SPIRALWELD PIPE
THE RIGHT WAY



**CITY OF
FAYETTEVILLE
ARKANSAS**

Technical Proposal

West Transmission Main – Solicitation Set No. 1
Fayetteville, AR
AMERICAN Project Number: WAR03317
Bid Date: 4/5/24



BID

Proposal of American SpiralWeld Pipe Company, LLC (hereinafter called "Bidder"), organized and existing under the laws of the State of South Carolina doing business as a corporation. To the City of Fayetteville, AR (hereinafter called "Owner").

* Insert "a corporation", "a partnership", or "an individual" as applicable.

In compliance with your Advertisement for Bids, Bidder hereby proposes to perform all Work for the construction of Goods, Special Services, or Work on the City of Fayetteville – West Transmission Main in strict accordance with the Contract Documents, within the time set forth therein, and at the prices stated below.

The Contractor's Act of Assurance Form must be included in the bid proposal. The DBE/MBE/WBE Compliance Evaluation Forms must be supplied after the Low Bidder is confirmed.

By submission of this Bid, each Bidder certifies, and in the case of a joint Bid each party thereto certifies as to its own organization, that this Bid has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this Bid with any other Bidder or with any competitor.

Bidder hereby agrees to commence Work under this contract on or before a date to be specified in the Notice to Proceed and to fully complete the Project within the time outlined in the Contract Documents or within the number of calendar days indicated in the Agreement. Bidder further

agrees to pay as liquidated damages, the sum of \$2,500.00 for each consecutive calendar day thereafter as provided in the Supplemental Conditions.

Bidder acknowledges receipt of the following Addendum:

Addendum No.	Addendum Date	Signature Acknowledging Receipt
1	March 19, 2024	<i>Charles A. Marsh</i>
2	March 20, 2024	<i>Charles A. Marsh</i>
3	April 1, 2024	<i>Charles A. Marsh</i>

Bidder is aware of the general nature of work to be performed by Owner, CMAR, and others at the Site that relates to the Work as indicated in the Bidding Documents.

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

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

The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the work for which this bid is submitted.

Bidder will submit written evidence of its authority to do business in the state where the Project is located no later than the date of its execution of the Agreement.

Bidder agrees to perform all the work described in the Contract Documents for the following unit prices or lump sum:

Bid Schedule

Reference Specification Section 00 42 23.02 – Bid Package Scope of Supply (SOV)

Bidder will complete the Work in accordance with the Contract Documents for the prices shown in Specification Section 00 42 23.02.

Bidder Acknowledges that the estimated quantities are not guaranteed, and final payment for all Unit Price Bid items will be based on actual quantities provided, measured as provided in the Contract Documents.

Unit Price and figures column will be used to compute the actual Bid price.

Respectfully submitted:

[Signature] 2700 J. Eagan St. Paris, TX 75460
Signature Address
DIRECTOR, PROJECT 4-2-24
Title MANAGEMENT Date

License Number (if applicable) _____

Contact for receipt of official communications

Name: Ian K. Willoughby
(typed or printed)

Business address: 1501 31st Avenue North
Birmingham, AL 35207

Phone: 205-325-8094 Facsimile: 205-307-3816 E-mail: iwilloughby@american-usa.com

SEAL - (if BID is by a Corporation)



00 42 23.01 STATEMENT OF QUALIFICATIONS AND PROJECT APPROACH

1.00 GENERAL

- A. The statement of qualifications must be submitted with the Bid Proposal and include, as a minimum, the information described in this section of the contract documents. Failure to submit the required information in the statement of qualifications may result in considering the bid non-responsive and result in rejection of the bid by the Owner. Bidders may be required to provide supplemental information if requested by the Owner to clarify, enhance or supplement the information provided in the statement of qualifications.
- B. Bidders must complete the forms included in this section. Information in these forms must be provided completely and in detail. Information that cannot be totally incorporated in the form may be included in an appendix to the form. This appendix must be clearly referenced by appendix number in the form, and the appended material must include the appendix number on every sheet of the appendix. The appendix must include only the information that responds to the question or item number to which the appended information applies.
- C. Bidders may provide supplemental information to the statement of qualifications using AIA, AGC or other industry standard statement of qualification forms and / or bidders may submit additional information such as organizational brochures or other marketing information to help demonstrate the ability to provide best value to the owner. This information may not be submitted as a substitute to the information specifically requested in this section, or in the statement of qualifications forms.

2.00 REQUIRED INFORMATION

- A. **In addition** to the forms required in paragraph B above, **ALL** bidders shall also provide the following information in narrative format:
 - 1. Project Approach – Response should be no more than 2-pages and include the following information and should describe how the Bidder proposes to produce material and manage and staff the material procurement process for this Project.
 - a. How Bidder plans to coordinate material procurement between different Segments of the Project, if awarded more than one Segment including their approach to delivering to the site.
 - b. Number and type of employees proposed for the project, both total number of bidder's and their subcontractors' employees.
 - c. Type and percentage of work that may be subcontracted out by the Bidder (if applicable).
 - d. Type and size of equipment and/or number of machines proposed to be used to manufacture and supply material (if applicable).
 - 2. Experience – Response should be no more than 3-pages excluding letters of recommendation and resumes.
 - a. Bidder's experience on similar projects. Submit photographs, project descriptive narratives, letters of recommendation, project awards, and references to demonstrate similar project experience in procuring material which meets the CMAR's expectations for quality. Experience should include, as a minimum, the satisfactory completion of at

least five similar projects within the last 5 years. If Bidder does not have specific experience with projects of this type and magnitude, the Bidder may describe its proposed approach and how its experience with other projects enhances their capability to successfully complete this Project.

3. Qualifications of Bidder – Response should include no more than 2-pages excluding resumes of Key Personnel.

See Attachments 1-2

- a. Provide information for individuals that will be actively working on this Project. Bidder is to provide a list of Key Personnel proposed for the Project. Key Personnel include the Project Manager, Quality Control Manager, and Pipe Layout Engineer (if applicable). If one or more of these key roles are to be filled by one individual, this information is to be provided with the list of proposed individuals. The Bidder must provide the services of the proposed key personnel for the life of the Project as a condition of qualification. Failure to provide the proposed Key Personnel may result in the disqualification of the Bidder and may void the award of the Contract.

- b. Include experience on similar projects of proposed Key Personnel. Provide the resumes of proposed Key Personnel with the Statement of Qualifications and list projects on which they have had significant involvement in the last 5 years. This list is to include the name and a current telephone number for references for each of these project assignments.

See Attachments 1, 2-8 and 10

4. Ability to Meet Project Milestones – Response should be no more than 1-page excluding list of prior projects.

- a. Provide information to demonstrate the ability of the organization to meet milestones as listed in Scope of Work / Supply 00 42 23.02. Bidders are to provide a tabulation of all projects completed by the Organization within the last 5 years. Indicate the number and dollar volume **in terms of size and unit quantity** currently under contract and the projected completion date of each active project and how the resources dedicated to these assignments will impact Bidder's ability to effectively execute their Scope of Work / Supply on this Project. Provide an estimate of the amount of the Project that will be performed using in-house resources and the amount to be performed by Subcontractors and other Suppliers. Provide, on a separate sheet, a schedule including all major components of the manufacturing of the material applicable to the bidders response.

See Attachments 1,9, 10 and 11

General Information

Organization doing business as	American SpiralWeld Pipe Company, LLC		
Business address of principal office	2700 J. Eagan Street		
	Paris, TX 75460		
Telephone numbers			
Main number	903-705-1112		
Fax number	803-695-2201		
Website address	www.american-usa.com		
Form of business (check one)	☒ A corporation	☐ A partnership	☐ An individual
If a corporation			
Date of incorporation	8/11/99		
State of incorporation	South Carolina		
Chief Executive Manager's name	Mike O'Brien		
President's name	Mike O'Brien		
Vice President's name(s)	Pat Hook	Vice President of Operations	
	C.S. Peek	Vice President and Works Manager	
	S.G. Murphy	Vice President Finance and Treasurer	
	Joe Thomas	Vice President Engineering	
	John E. Hagelskamp	Vice President, Sales Manager	
Secretary's name	Mike O'Brien		
Treasurer's name	S. G. Murphy		
If a Partnership			
Date of organization	N/A		
State whether partnership is general or limited			
If an Individual			
Name	N/A		
Business address			
Identify all individuals not previously named which exert a significant amount of business control over the organization			
N/A			
Indicators of organization size			
Average number of current full-time employees	327	Average estimate of revenue for the current year	N/A

Affidavits

One of the following four affidavits shall be executed and provided with this information. The individual signing the affidavit shall attach evidence of their authority to bind the organization to an agreement.

AFFIDAVIT FOR CORPORATION

State Alabama) §

County of Jefferson) §

K.S. Summers, being duly sworn deposes and says
(Name)

that they are DIRECTOR, PROJECT of the
(Title) MANAGEMENT

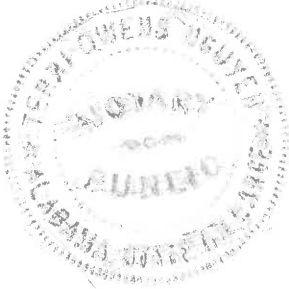
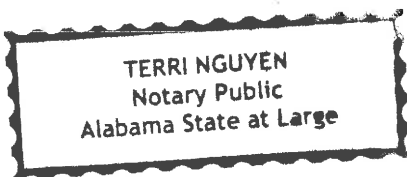
American SpiralWeld Pipe Company, LLC corporation submitting the foregoing qualification form and related information; have read such documents; and that such documents are true and correct and contain no material misrepresentations; and that they are authorized to make this affidavit on behalf of the Corporation.

[Signature]
(Signature)

Signed and sworn to me before this 2 day of April, 2021

[Signature]
(Notary Public)

My commission expires: 9/27/2024



West Transmission Main

STATE OF ALABAMA)
JEFFERSON COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That the bearer, K. S. Summers, whose signature appears as

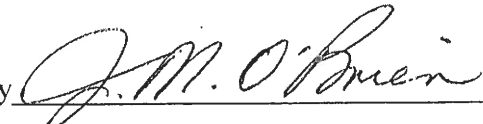

(not valid unless signed)

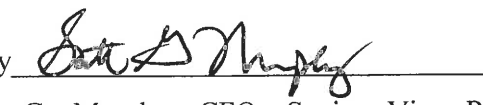
be and he/she hereby is duly authorized and appointed the true and lawful attorney of the undersigned American Cast Iron Pipe Company, with full power to execute on behalf of said Company and all contracts for the manufacture, sale, and delivery of goods manufactured or sold by this Company; and he/she is further authorized to sign all documents, and other papers in connection with such contracts.

This power-of-attorney, unless otherwise revoked, shall continue in force through December 31, 2024, and any and all previous powers-of-attorney issued to said K. S. Summers are hereby cancelled and revoked.

In witness whereof the said American Cast Iron Pipe Company, by its President and Vice President, who are authorized to execute this instrument have hereto set their signatures and seal, this the 5th day of March 2024.

AMERICAN CAST IRON PIPE COMPANY

By 
J. M. O'Brien, President and CEO

By 
S. G. Murphy, CFO, Senior Vice President of
Finance and Treasurer

N/A

§

§

(Name)

(Title)

behalf of the Partnership.

(Signature)

N/A

(Notary Public)

My commission expires:

State N/A) §

_____, being duly sworn deposes and says
(Name)

_____ company submitting the foregoing qualification form and related information; have read such documents; and that such documents are true and correct and contain no material misrepresentations.

N/A

(Signature)

Signed and sworn to me before this N/A day of N/A, 20 .

N/A

(Notary Public)

My commission expires:

JOINT VENTURE STATEMENT **N/A**

We the undersigned do hereby give notice to our agreement to bid as a joint venture on the Project.

N/A

(Name of Joint Venture) N/A

N/A

(Name of Firm)

N/A

(Signature)

Signed and sworn to me before this N/A day of N/A, 20 .

N/A

(Notary Public)

My commission expires:

N/A

(Name of Firm)

N/A

(Signature)

Signed and sworn to me before this N/A day of N/A, 20 .

N/A

(Notary Public)

My commission expires:

END OF SECTION

CONTRACTOR'S ACT OF ASSURANCE FORM

As the authorized agent of the individual, incorporation, or corporation (hereinafter referred to as the Contractor) bidding on or participating in a Revolving Loan Fund (RLF) financed project, I certify that I have read and understand the requirements of the RLF Supplemental General Conditions, and that the principles, agents and employees of the Contractor will comply with these requirements, including all relevant statutes and regulations issued pursuant thereto. As the authorized agent of the Contractor, I further certify that:

DBE/MBE/WBE - During the bid process, and throughout the performance of the Contract, whenever subcontracts are to be awarded, I will take the six affirmative steps described in the RLF Supplemental General Conditions to use Disadvantaged, Minority and Women's Business (DBE/MBE/WBE) firms wherever possible. I will document to the borrower and the Arkansas Natural Resources Commission all efforts to secure DBE/MBE/WBE participation, including follow-up efforts, and will report to the Owner the dollar value of all DBE/MBE/WBE contracts and subcontracts awarded.

AMERICAN IRON AND STEEL - I will comply with the statutory requirements commonly known as "American Iron and Steel;" that requires all of the iron and steel products used in the project to be produced in the United States pursuant to this contract and the RLF Supplemental General Conditions. I understand that all of the iron and steel products used in the project will be and/or have been produced in the United States in a manner that complies with the American Iron and Steel Requirement, unless a waiver of the requirement is approved, and I will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the American Iron and Steel Requirement as detailed in the RLF Supplemental General Conditions.

EQUAL OPPORTUNITY - I will comply with all requirements of 41 CFR Chapter 60 and Executive Orders 11246 and 11375, including inclusion of all required equal opportunity clauses in each subcontract awarded in excess of \$10,000, and will furnish a similar statement from each proposed subcontractor, when appropriate. I will also comply with all Equal Employment Opportunity requirements as defined by Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 regarding sex discrimination.

NONSEGREGATED FACILITIES - The Contractor that I represent does not and will not maintain any facilities provided for its employees in a segregated manner, or permit its employees to perform their services at any location under the Contractor's control where segregated facilities are maintained. I will also obtain a similar certification from each subcontractor prior to the award

of any subcontract exceeding \$10,000 to said subcontractor, which is not exempt from the equal opportunity clause.

LABOR STANDARDS - I will comply with the Labor Standards Provisions contained in Davis-Bacon wage rates specific to this contract and the RLF Supplemental General Conditions. I understand that the aggregate wage rates paid to any employees must equal or exceed the sum total of the base rate plus any listed fringe rate. I will furnish weekly payrolls and certifications as may be required by the Owner to affirm compliance. I will also require that weekly payrolls be submitted to the Owner for all Subcontracts.

OSHA REQUIREMENTS - I will comply with the Department of Labor Occupational Safety and Health Administration (OSHA) Regulations promulgated under Section 107 of the Contract Work Hours and Safety Standard Act (40 U.S.C. 327-333) in performance of the contract.

PROCUREMENT PROHIBITIONS - In compliance with Executive Order 11738, Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, I certify that I will not procure goods and services from persons who have been convicted of violations of either law, if the facility that gave rise to said violations produces said goods or services.

PRESERVATION OF OPEN COMPETITION - In accordance with Executive Order 13202 and its amendments, I certify that I have not discriminated against my employees or any subcontractor based upon labor affiliation or lack thereof.

RESPONSIBILITIES OF PARTICIPANTS REGARDING TRANSACTIONS (A.K.A. DEBARMENT AND SUSPENSION) - I certify that I shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." I am responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. I am responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. I acknowledge that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment. I further acknowledge that I may access the Excluded Parties List System at <http://www.epls.gov>. This term and condition supersede EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

PROHIBITION ON CERTAIN TELECOMMUNICATION AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT - I will comply with regulations at 2 CFR 200.216, designated as the "Prohibition on

certain telecommunication and video surveillance services or equipment", implementing section 889 of Public Law 115-232 and repeated in the RLF Supplemental General Conditions. The regulation prohibits the use of federal funds to procure, enter into, extend, or renew contracts, or obtain equipment, systems, or services that use "covered telecommunications equipment or services" identified in the regulation as a substantial or essential component of any system, or as critical technology as part of any system. I understand that all products used in this contract will meet this requirement and that I will provide further verified information, certification or assurance of compliance with this paragraph, or information necessary to this prohibition as detailed in the RLF Supplemental General Conditions.

I understand that a false statement on this certification regarding any of the above certifications may subject the Contractor or Subcontractor to civil or criminal prosecution. I further certify that I will obtain a similar certification for each subcontract awarded.

AUTHORIZED AGENT

CONTRACTOR NAME:	<u>N/A</u>	ARKANSAS LICENSE NO.	<u>N/A</u>
SIGNATURE:	<u>N/A</u>	DATE:	<u>N/A</u>
PRINTED NAME:	<u>N/A</u>	TITLE:	<u>N/A</u>

N/A - American SpiralWeld Pipe Company is a Pipe Manufacturer



AMERICAN

SPIRALWELD PIPE

THE RIGHT WAY

P. O. Box 2727 • Birmingham, Alabama 35202
(205) 325-7730 • Fax (205) 307-3941 • cmarsh@american-usa.com

Charles A. Marsh
ASWP Territory Manager

April 4, 2024

RE: Attachment 1 – West Transmission Main

Experience – Project Approach, Experience / Past Performance,
Qualifications, Ability to Meet Project Milestones, Similar Project
Experience

To Whom It May Concern:

Thank you for the opportunity to bid on the subject project. Information is attached and below regarding AMERICAN's Project Approach, Experience, Qualification of Bidder and Ability to Meet Project Milestones as required in 2.00 (Required Information) on page 00 42 23.01-1:

1. Project Approach

a) **How Bidder plans to coordinate material procurement between different Segments of the Project, if awarded more than one Segment.** AMERICAN has relationships with multiple potential steel coil vendors we can discuss this project with. The total amount of tons required on this project is approximately 4,200 tons which is a substantial number but still considered spot buy. There will be no issues procuring and coordinating the number of tons for this project. We would coordinate the tons needed first and have the steel coil delivered at a consistent rate needed for production to meet the agreed upon shipping schedule.

b) **Number and type of employees proposed for the project, both total number of bidder's and their subcontractors' employees.**

AMERICAN will have over 300 employees committed to working on this project between manufacturing, sales, project management and any potential sub-fabricators if utilized.

c) **Type and percentage of work that may be subcontracted out by the Bidder (if applicable).** AMERICAN may or may not subcontract out the

fabrications on this project. The estimated percentage of work to be subcontracted for fabrications is approximately 22% if it does get subcontracted out.

d) **Type and size of equipment and/or number of machines proposed to be used to manufacture and supply material (if applicable).**

AMERICAN has three manufacturing facilities with a total of 4 pipe mills in the central/eastern half of the USA. AMERICAN has ample capacity to manufacture this entire project per the “Ability to Meet Project Milestones” portion of the proposal.

2. **Experience on Similar Projects** – See AMERICAN’s attached project reference list. (Attachment 9). In addition to the many large projects listed on our project list, one project should be highlighted. AMERICAN Cast Iron Pipe Company (ACIPCO) entered a competitively negotiated contract with the Karegnondi Water Authority (KWA) in September 2013 that consisted of 75 miles of 66”, 60”, 48” and 36” diameter pipe, resilient seated gate valves ranging in diameters from 16” to 60” as well as fire hydrants. The pipeline was built to bring water from Lake Huron to Genesee County, Michigan. AMERICAN coordinated and managed all aspects of our products with thirteen different contracts that KWA designated for the construction of its project. AMERICAN SpiralWeld Pipe (ASWP), a wholly owned subsidiary of AMERICAN Cast Iron Pipe Company (ACIPCO), supplied 30 miles of 60” and 66” as well as 5 miles of 48” spiral-welded steel pipe as part of this KWA contract. The 36” pipe supplied for the KWA project was ductile iron pipe manufactured by ACIPCO’s Ductile Iron Pipe Division. This project was a tremendous success not only for AMERICAN, but also for KWA. Please feel free to reach out to the contacts for this project listed on the project spreadsheet.

3. **Qualifications of Bidder**

- a. See Attachments 2-8 for list of individuals that will be working on this project. Key personnel on this list include Project Managers, Quality Control Managers and Pipe Layout Engineers.
- b. See attachments 3 and 10 for project experience of Desi Gunter who is our proposed project manager for this project. Kevin Boyd is our backup project manager.
- c. ASWP is a wholly owned subsidiary of AMERICAN Cast Iron Pipe Company (ACIPCO) and manufactures spiral-welded steel pipe in state-of-the-art facilities located in Paris, TX, Columbia, SC and Flint, MI. ASWP’s spiral weld-seam pipe mills are the most technically advanced mills in the world with the capacity to produce high quality spiral welded steel pipe up to 144-inches with wall thicknesses through 1-inch. ASWP operations began in August of 2000, and ASWP has supplied over 2 million feet of pipe for various projects since manufacturing began. These projects include pipe for penstocks, water lines, wastewater lines, circulating cooling lines for power

plants, water treatment plants, wastewater treatment plants, and structural applications. ASWP has experience in supplying pipe meeting the requirements of AWWA, AWS, and ASTM specifications and all applicable codes.

- d. AMERICAN SpiralWeld Pipe is a member of the Steel Tank Institute & Steel Plate Fabricators Association (STI/SPFA), dedicated to the promotion of steel as the choice material for quality piping for the petroleum, chemical, food and water storage industries; steel tanks; pressure vessels; and specialty products. AMERICAN's production facilities in Paris, TX, Columbia, South Carolina, and Flint, Michigan, along with our Customer Service Department in Birmingham are quality accredited by the SPFA Quality Certification Program. This accreditation certifies AMERICAN's design and fabrication processes meet the highest standards. The Steel Plate Fabricators Association (SPFA) pipe certification program is one of the most recognized third-party certification programs in the water transmission industry. Applicants go through a rigorous audit with more than 100 individual checklist items every three years. After the initial audit, every other year, our third-party assessor returns for a follow-up that includes more than 50 individual checks. The checklist, as mentioned previously, is a consensus document produced by the manufacturers, assessors and SPFA. The checklist identifies the most critical AWWA standard requirements. All the necessary testing, inspection instruments, welding, coating and lining, and personnel certification requirements, as prescribed by the standard are included in the SPFA checklist. The assessors of the third-party organization have many years of experience in steel fabricated pipe and the SPFA certification program. Assessors are assigned to the plant by the third-party agency, so the manufacturer cannot arbitrarily choose the assessor of its liking. Our third-party agency, Lloyd's Registry Quality Assurance, Inc. has an excellent reputation in the inspection/auditing service industry.

4. Ability to Meet Project Milestones

AMERICAN is committed to meeting the pipe delivery requirements for the subject project as shown on the Schedule of Values Worksheet. Specific milestone dates for layout drawings submittal, approval of layout drawings, and full release of drawings will be developed and be the mutual responsibility of AMERICAN and Garney to achieve and maintain the project schedule. These dates will keep both AMERICAN and Garney on track so that each party understands their obligations required to maintain the project schedule. If any of the milestone dates are not met, the shipping schedules are subject to change. Accordingly, any delay in material being placed on order could cause appreciable increases in the shipping schedule. If this occurs, AMERICAN and Garney will have

to negotiate a rate and start ship date that satisfies both parties. Please see the attached Gantt Chart (Attachment 11) for project milestone dates. The Gantt Chart shows 120 days for submittals and 120 days for approval time. This isn't to say drawings or approval will take this much time, it is just the total time available to get drawings submitted and approved. To clarify, ASWP would need approval by 10/31/24 in order to meet the schedule Garney is requesting.

5. Clarifications

- a. The bid documents require bids to be valid for a period of 60 days from the date bids are opened. Therefore, AMERICAN's price proposal has a price validity of 60 days going through 6/4/24. If AMERICAN can be released to order steel between 4/5/24 and 5/5/24, there would be a Lump Sum deduct available in the amount of (\$126,330). AMERICAN would need to be contacted to offer a new price if the award date goes past 6/4/24.

6. Acceptance of Contractual Terms

AMERICAN and the CMAR (Garney) have a mutual corporate agreement addressing Terms & Conditions of Sale (T's & C's). As directed, AMERICAN is submitting our proposal per this mutual corporate agreement.

Thank you for the opportunity to bid on this important project. Should you have any questions, or need further clarification about our bid, we would welcome the opportunity to discuss and provide additional information. I can be reached at (205) 325-7730.

Sincerely,

A handwritten signature in black ink that reads "Charles Marsh". The signature is fluid and cursive, with a long horizontal line extending from the end.

Charles Marsh
ASWP Senior Territory Manager

Proposed Project Managers

Organization doing business as		American SpiralWeld Pipe Company, LLC	
Primary candidate			
Name of individual		Desi Gunter	
Years of experience as project manager		9	
Years of experience with this organization		20	
Number of similar projects as project manager		20+	
Number of similar projects in other positions		20+	
Current project assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
WTX03066		60%	October 2024
CMI05387		20%	May 2024
WCO03057		20%	April 2024
Reference contact information (listing names indicates approval to contacting the names individuals as a reference)			
Name	Steve Ford	Name	Randy Tummers
Title/ position	Vice President	Title/ position	Senior Estimator
Organization	Garney Construction	Organization	Reynolds Construction
Telephone	615-953-2300	Telephone	877-770-0127
E-mail	sford@garney.com	E-mail	Randy.tummers@reynoldscon.com
Project	BKY07385	Project	PPA06169
Candidate role on project	Project Manager	Candidate role on project	Project Manager
Alternate candidate			
Name of individual		Kevin Boyd	
Years of experience as project manager		3	
Years of experience with this organization		3	
Number of similar projects as project manager		12	
Number of similar projects in other positions		12	
Current project assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
EFL00210		30%	October 2024
LLA00156		30%	December 2026
WTX03070		40%	July 2024
Reference contact information (listing names indicates approval to contacting the names individuals as a reference)			
Name	Thomas Seltz	Name	Mark Dutton
Title/ position	Project Manager	Title/ position	Project Manager
Organization	MC2 Main Lane	Organization	Harper Brothers
Telephone	832-797-0970	Telephone	832-657-2320
E-mail	Thomas.seltz@mc2civil.com	E-mail	Mark.dutton@harperbro.com
Project	WTX02906	Project	WTX02915
Candidate role on project	Project Manager	Candidate role on project	Project Manager

Proposed Quality Control Manager

Organization doing business as		American SpiralWeld Pipe Company, LLC	
Primary candidate			
Name of individual		Rupesh Patel	
Years of experience as quality control manager		1.75	
Years of experience with this organization		1.75	
Number of similar projects as quality control manager		12	
Number of similar projects in other positions		100+ for Oil and Gas Industry – Previous Employer	
Current project assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
WCO03057		10%	April 2024
WTX03066		50%	October 2024
WTX02936		20%	June 2024
Reference contact information (listing names indicates approval to contacting the names individuals as a reference)			
Name	John Luka	Name	Rahul Patwardhan
Title/ position	Chief Engineer	Title/ position	Director of QA
Organization	American SpiralWeld Pipe	Organization	American SpiralWeld Pipe
Telephone	803-530-2028	Telephone	501-551-2833
E-mail	jluka@american-usa.com	E-mail	rpatwardhan@american-usa.com
Project	N/A	Project	N/A
Candidate role on project	Technical & Operating Assistance for Manufacturing	Candidate role on project	Administer & Support QA Activities
Alternate candidate			
Name of individual		Rahul Patwardhan	
Years of experience as quality control manager		12	
Years of experience with this organization		2.2	
Number of similar projects as quality control manager		50+	
Number of similar projects in other positions		100+ for Oil and Gas Industry – Previous Employer	
Current project assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
WCO03057		10%	April 2024
WTX03066		50%	October 2024
WTX02936		20%	June 2024
Reference contact information (listing names indicates approval to contacting the names individuals as a reference)			
Name	John Luka	Name	Patrick Hook
Title/ position	Chief Engineer	Title/ position	Vice President of Operations
Organization	American SpiralWeld Pipe	Organization	American SpiralWeld Pipe
Telephone	803-530-2028	Telephone	501-551-2833
E-mail	jluka@american-usa.com	E-mail	phook@american-usa.com
Project	N/A	Project	N/A
Candidate role on project	Technical & Operational Assistance for Manufacturing	Candidate role on project	Vice President of Operations

Proposed Pipe Layout Engineer (if applicable)

Organization doing business as		American SpiralWeld Pipe Company, LLC	
Primary candidate			
Name of individual		Wade Bowman	
Years of experience as pipe layout engineer		23	
Years of experience with this organization		23	
Number of similar projects as pipe layout engineer		40+	
Number of similar projects in other positions		20+	
Current project assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
CMI05387		20%	May 2024
EFL00280		30%	July 2024
WTX03288		50%	August 2024
Reference contact information (listing names indicates approval to contacting the names individuals as a reference)			
Name	Kyle Couture	Name	Scott Summers
Title/ position	Territory Manager	Title/position	Director of Project Management
Organization	American SpiralWeld Pipe	Organization	American SpiralWeld Pipe
Telephone	205-325-7052	Telephone	205-325-1934
E-mail	kcouture@american-usa.com	E-mail	ssummers@american-usa.com
Project	N/A	Project	N/A
Candidate role on project	Pipe Layout Engineer	Candidate role on project	Pipe Layout Engineer
Alternate candidate			
Name of individual		Amanda Moses	
Years of experience as pipe layout engineer		24	
Years of experience with this organization		24	
Number of similar projects as pipe layout engineer		40+	
Number of similar projects in other positions		20+	
Current project assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
CMI05482		20%	July 2024
WTX03082		20%	May 2024
WCO03266		60%	October 2024
Reference contact information (listing names indicates approval to contacting the names individuals as a reference)			
Name	Kyle Couture	Name	Scott Summers
Title/ position	Territory Manager	Title/ position	Director of Project Management
Organization	American SpiralWeld Pipe	Organization	American SpiralWeld Pipe
Telephone	205-325-7052	Telephone	205-325-1934
E-mail	kcouture@american-usa.com	E-mail	ssummers@american-usa.com
Project	N/A	Project	N/A
Candidate role on project	Pipe Layout Engineer	Candidate role on project	Pipe Layout Engineer

Christina “Desi” Gunter

304 Cathy Lane – Gardendale, AL 35071 | 205-540-1872 | DGunter@American-USA.com

Language

- English

Education

ASSOCIATES DEGREE | 2003 | JEFFERSON STATE COMMUNITY COLLEGE

- Major: Architectural / Civil Design – Summa Cum Laude

ASSOCIATES DEGREE | 2003 | JEFFERSON STATE COMMUNITY COLLEGE

- Major: Construction Management – Summa Cum Laude

BACHELOR OF SCIENCE DEGREE | 2014 | UNIVERSITY OF ALABAMA AT BIRMINGHAM

- Major: Industrial Distribution
- Graduated Magna Cum Laude
- Related coursework: Business Degree

Career Roles, Skills, & Abilities

ASWP PROJECT MANAGER – 2016-current

- Single point of contact for the client on all aspects of a project from award to completion (managing approximately 12 projects at a time).
- Stays in constant contact with production, clients (contractors and/or engineers), and vendors to endure timely completion of projects.
- Responsible for having expert knowledge on each project’s contract drawings and specifications.
- Solves all technical, scheduling, and financial issues and clearly communicates solutions to a variety of audiences.
- Responsible for identifying value engineering opportunities that could potentially save the client money.
- Responsible for building strong relationship with clients.

ADIP DETAIL DRAFTER – 2004-2015

- Trained in AutoCAD, CoCreate, & ANT drawing package software programs.
- Over 10 years of experience in both plant work and water transmission lines in the ADIP product line.
- Developed lay schedules from an excel based program.

LEADERSHIP

- National Society of Leadership and Success – current member
- American Leadership Association – current member
- Phi Kappa Phi Honor Society – current member
- Golden Key International Honor Society – current member

Kevin J. Boyd

(205) 295-8873 | kevinboyd1039@yahoo.com

PROFILE

- Experience in programming in software MATLAB.
- Working knowledge of AutoCAD, SolidWorks, and ANT.
- Experience in problem solving and teamwork.

EDUCATION

University of Alabama at Birmingham

Bachelor of Science, Mechanical Engineering
2020

Member of Pi Tau Sigma mechanical engineering honor society

Birmingham, AL

Graduation Date: May

Bevill State Community College

Associate of Science, Engineering
2016

Jasper, AL

Graduation Date: May

EXPERIENCE & INVOLVEMENT

University of Alabama at Birmingham

Capstone Senior Design Project

Respirometer for Exercising Drosophila

Birmingham, AL

American Cast Iron Pipe Company ASWP Project Manager

Birmingham, AL

Project Management

May 2021-present

- Managed projects across the country for project life cycle. Projects varied from line jobs to adapter/connection pieces.
- Gained substantial knowledge in ERP software JD Edwards.
- Worked with detailers/estimators on drawings based on contract documents such as plans and specs.
- Gained key problem-solving skills while working to solve problems with both internal and external applications.

American Cast Iron Pipe Company ASWP Project Detailer

Birmingham, AL

Project Management

May 2020-May 2021

- Worked with multiple project managers on start to finish drawing packages for ASWP. This included reading contract drawings, acquiring necessary information for the drawings, and learning all necessary components of AMERICAN Spiral Weld Pipe for each job worked on.
- Gained substantial knowledge in AutoCAD and ANT when detailing projects from start to finish and when helping other detailers with work when needed.
- Gained knowledge in ASWP such as knowledge of end types, fittings, AWWA Standards, shop manufacturing standards, and project specifications.
- Worked with training ASWP Co-op. This included teaching them how to use AutoCAD, release authorizations, independent projects, and compiling data for SPFA audits.

American Cast Iron Pipe Company Co-op (3 term)

Birmingham, AL

Project Management

August 2018-May

2020

- Tracked data and information that was distributed to American Spiral Weld Pipe in Columbia, SC.
- Gained substantial knowledge in AutoCAD, ANT, and SolidWorks while creating and modifying engineering drawings given to the shop.
- Worked closely with the Project Engineer and manager to improve the overall efficiency of the department. Standardized drawings for detailers and estimators such as blind flanges and hinged manway
- Completed a start to finish “project reconciliation” project that recapped how efficient the company was on any given project.
- Researched Academic papers published from ASCE Pipelines Convention from 2006 to 2019 and categorized them into a spreadsheet to be used by the sales department and internally for continued knowledge growth.



Rupesh Patel

EMPLOYMENT

- July 2022-Present American SpiralWeld Pipe Company, LLC, Paris, TX, USA**
QA Manager
 Responsible for daily Quality operation of Paris Facility Quality Assurance department. Responsibilities include managing QA staff; monitoring production and Quality processes for conformance to governing specifications, codes, and standards; defining and entering required quality tests for manufactured items; reviewing and approving all quality documentation; managing and expanding the quality program, policies, and procedures; providing additional inspection and QC support throughout production; driving continuous improvement in the QA department. Carry out periodic Audit to improve and streamline process and documentation. Assisting Director Quality for Development of QMS System.
- 2010-2022 Welspun Tubular LLC, Little Rock, AR, USA-72206 –**
(General Supervisor, QA&C, Shift Supervisor QA&C, Sr. Process Engineer Finishing, QA Engineer Spiral QC)
 As General Supervisor role, managed all QA & C aspects of large diameter Spiral plant's Day to Day activity including QC Lab testing, identifying critical to quality requirements, and controlling output at each stage of the process to handing over finished product to customer. Contribute to company's EBITA by ensuring Daily Quality Inspection activity are in compliance with Customer Requirements. Directing and coordinating all QA& C activities to meet daily targets, achieve Safety ORIR, reduce 3R (Repairs, Rework, and Reject), and operate within approved Budget. Maintaining Quality Records to meet API 5L, ISO 9001, and ITP protocols. Training of Employees for Each Project/Size to meet Customer's Specific requirements. Dealing with Customer appointed Third Party Inspection (TPI) personnel. No major non-conformance for 10 years of Supplied Pipes to various Customers. Reduced project start-up time and correction by developing process control parameters on various sizes of the pipe, and specifications. Establish internal feedback protocol by increasing the no of sampling pipes at major inspection station to reduce the risk of cyclic / repetitive errors. Process control activity by periodically measured, monitored, and improved based on the feedback received from internal stations (Internal station feedback to next and previous stations)
- 2008-2010 Body Blue 2006 Inc. - 2300 Drew Road, Mississauga, ON, Canada –**
Sr Quality Inspector
 Carried out Sampling of all Raw Material as per SOP and Test Plan. Warehouse Manager to maintain the Inventory Count. Strategic Sampling of Finish product in case of Material Recall
- 2006-2008 Celestica - 844 Don Mills Road, Toronto, ON, Canada**
Failure Analysis Technician
 Carried out the board level inspection for different Telecommunication boards for IBM as per IPC 610, In-circuit and functional testing of boards, press fit of connectors, Heat sink attachments, and debug for any repairs, mechanical assembly, and final inspection of product as per the MPI. Carry out failure analysis of different boards as per the MPI, WHIMS, and Health & Safety instructions to meet the production target

1997-2005

Welspun Gujarat Stahl Rohren Ltd. Bharuch, Gujarat, India
Graduate Trainee, Sr. Engineer QC, Asst. Manager QC

Carried out Daily Online & Offline Ultrasonic testing of Spiral Welded pipes. Assisted in Ultrasonic Operation at L SAW pipe plant. Carried out inspection at Raw material Supplier's facility. Carried Daily shift inspection activities as per ITP and Process chart. Managed all QA&C activity for Spiral plant including Lab Testing and Supervise Contractor activities for External Cement Coating & Internal Paint Coating. Executed Gujarat Water works order at Madhasana Site.

**OTHER
EXPERIENCE**

Bachelor of Engineering - Poona / North Maharashtra University, India
Certified ISO 9001:2015 Lead Auditor Course in 2016
Visual Inspection Level II course in Littlerock, USA 2010
ASNT Certificate in Ultrasonic Testing Level – II in 2005
CWI from IIW, India – 2003

Rahul Patwardhan

PROFILE

Quality Management System, Quality Assurance and Control & Operation Management in SAW & HFW Pipe Manufacturing industry, Expertise in Fusion Bonded Epoxy Coating System & Process

- Core member of leadership Group, involved in creating strategies for organization; safety strategies to minimize incidences, resolving operation, quality, and employee-related issues, strategy for Inventory control and min-max levels, finalizing Monthly and Quarterly Plant Performance Reports, Planning and decision making of HR policies related to the disciplinary point system for an hourly employee, COVID Protocols.
- Championed customer satisfaction objectives that include customer relationship management, customer complaint resolution supported by root cause and corrective action methodologies, Identifying Critical to Quality (CTQ) requirements and accordingly building control plan that defines criteria for product quality checks, frequencies, methods and procedures for manufacturing operations to controls and deliver quality product.
- Developed, implemented and managed Quality Management system for four plants based on ISO 9001:2015, API Q1 9th Edition, and Production strategies. Developed functional audit checklists, administered periodic internal audits, assessment, and audits of external suppliers, and led to identifying and closing gaps to ensure Quality system meeting compliance to accepted quality protocol.
- Lead continuous improvement activities related to cost reduction, cycle time reduction, performance improvement and waste elimination for operations, supply chain and yard using techniques such as DMAIC, CAPA and tools such as histograms, FMEA, root cause analysis, Statistical process control charts SPC.
- People management includes recruitment, retention of talent, coaching, performance appraisals, and disciplines: strong communication and Team Building skills.
- Highly experienced in preparing annual departmental budget including: staffing requirements, capital equipment, and operation expenditures. Operated department within an average of 3% below approved budget.
- Digital transformation strategist who understands the needs of transforming legacy systems into modern digital applications using Agile Scrum methodologies (e.g. Automated Customer Inquiry Process, Coil & Pipe Traceability process)
- Successfully completed multi-million dollars Greenfield projects (Spiral Weld Pipe & Coating Plant at Little Rock, Coating & HFW Plant at Dahej, India) and brownfield projects (HFW and coating plant at Little Rock) in time; starting from Project Initiation, Layout designing, Planning and Execution to Project closing.

CAREER CHRONOLOGY

Director - Quality Assurance

Jan 2021– Till Date

AMERICAN SpiralWeld Pipe Co. Columbia, SC

- Director role, overall responsible for managing all QA functions across three locations.

Sr Manager (Head of Department) –Quality Assurance & Technical Service

Dec 2009– Aug 2021

Welspun Tubular, Little Rock, AR, USA

Senior Manager role, lead and managed all quality control and assurance aspects of large, multi-million dollars Oil & Gas Pipeline and coating Projects starting from bidding, identifying critical to quality requirements, approving quality documents and controlling output at each stage of the process to handing over finished product to customer.

- Contributed to achieving EBITA +90% of the time by managing, directing, and coordinating all quality control, quality assurance and Operations activities, personnel, Operations & Qualitative targets (e.g. productivity, plant uptime, rework and rejection within norms, operating within approved budget, consumption within norms), Safety ORIR, ensuring compliance with quality industry regulatory and customer requirements.
- Zero major non-conformance consecutively for five years in customer and API-ISO 9001:2015 audits.

- Consistently achieved high Customer satisfaction ratings (average of 4 out of 5 for each customer) in quality of product, customer service and project documentation.
- Reduced project start-up time and correction by developing coating process control parameters on various sizes of the pipe and specifications.
- Initiated and lead weekly quality review meetings with internal stakeholders of each unit to analyse and improve plant operation and quality performance, Monthly and quarterly quality reviews with Top Management. Developed presentations for Quality Management Reviews.

**Plant Manager (Coatings) / Sr. Manager – Operations
Welspun Gujarat Stahl Rohren LTD, Dahej, India.**

Dec 2007– Dec 2009

- Oversaw all plant operations ensuring adherence to policies and procedures.
- Achieved production targets +95% of time, plant up time, rework and rejection within norms, expenses within approved budget, first time yield and Safety ORIR each year by collaborating with personnel from all functions.
- Reduced changeover time from 24 hours duration to 4 hours by designing new conveyor rollers operates with connected links and common drive motor, reduced waste (e.g. motion, waiting time) by designing and installing coupling conveyor systems.
- Managed reduction in downtime by 4% by initiating and implementing 5S and lean methodology application; Muda (non-value added task within process) in Motion, Conveyance and waiting forms.

Plant Manager - TYCO (India) Pvt. Ltd., Nagpur, India

Jun 2004 - Dec 2007

- Oversaw all plant operations ensuring adherence to policies and procedures.
- Reduced overall machining and assembly time by 14.3% by collaborating with casting foundries on redesigning of dies for closer tolerances and accuracy of the product.
- Raised Weighing & Bagging machine Client base by 15.8% by aggressively working on dormant clients, understanding their issues and achieving the accuracy and precision in weight by modifying control panels.
- Lead annual contract negotiations with employee groups and union representatives and ensured effective working relationship between management and labor all the time.

Asst. Manager - Operations - EUPEC-Welspun Pipe Coating (I) Ltd., Dahej, India

Apr 2000 - Jun 2004

- Responsible for day-to-day coating operations.
- Successfully completed Fabrication, Erection and commissioning of 30 million dollars 3-Layer Polyethylene Coating plant.
- Project Manager for fabrication, erection & commissioning of multi-million dollars Coal Tar, Concrete Coating and HFW Plant.

Planning / Production Engineer- Kilburn Engineering Ltd., India

Nov 1996 - Mar 2000

- Responsible for Planning of material, fabrication process, and shipping.

EDUCATION

Bachelor of Engineering (Production) | Walchand Institute of Technology, Solapur, India

CERTIFICATION

-
- Certified ISO 9001:2015 Lead Auditor
 - Lean six sigma Green & Black belt training was completed recently and preparing for the certification examination even though used most of the techniques during Welspun Tenure.

SKILLS

- Operation & Quality Management. Problem Solving, Leadership and Time Management Skills.
- IT skills: Working Knowledge of SAP, Microsoft Office, MS-Project, AutoCAD

Wade Bowman
Drafter
American Cast Iron Pipe Company
2916 16th Street North
Birmingham, Alabama 35207
Office: 866-442-2797
Fax: 205-488-7576
Direct Line: 205-325-7805
wbowman@american-usa.com

Experience:

American Cast Iron Pipe Company – 20 years

Drafter: 02/02-Present
Responsible for detailing layout and shop drawings of pipeline projects secured by American SpiralWeld Pipe.

Daniel Industrial Metals – 11 years

Detailer, Drafting Department: 04/91-02/02
Responsibilities included detailing shop and erection drawings for miscellaneous and structural steel for commercial projects.

Structural Techniques – 1.5 years

Drafter: 01/90-04/91
Responsible for detailing shop and erection drawings for commercial structural steel projects.

Drafting Service – 11 years

Drafter: 09/79-01/90
Responsible for detailing shop and erection drawings for commercial structural steel projects.

Amanda Moses
Drafter
American Cast Iron Pipe Company
2916 16th Street North
Birmingham, Alabama 35207
Office: 866-442-2797
Fax: 205-488-7576
Direct Line: 205-307-2839
amoses@american-usa.com

Experience:

American Cast Iron Pipe Company – 22 years

Drafter: 11/00-Present
Responsible for detailing layout and shop drawings of pipeline and structural projects secured by American SpiralWeld Pipe.

Merchandising Equipment, Inc. – 2 years

Assistant Manager, Drafting Department: 12/99-10/00
Responsibilities included supervising and training of all department employees, managing design projects, and maintaining company certifications.

Drafter: 12/98-12/99
Responsible for managing design projects of retail store designs and case work, and reading blueprints.

Education:

University of Alabama at Birmingham, Alabama
Bachelor of Science in Computer Science

University of Alabama at Birmingham, Alabama
Bachelor of Science in Chemistry

University of Alabama at Birmingham, Alabama
Bachelor of Arts in Spanish

Virginia College of Birmingham
Associate of Applied Science, Computer Aided Drafting and Design

American SpiralWeld Pipe Company, LLC
Last 5 Year Project Reference List

Ship Date	% Complete	Project Location and Description	Owner	Engineer	Contractor or Purchaser	Quantity (ft)	Size	Wall Thickness	Lining	Coating
10/1/2014	100%	Lake Huron Initiative Flint, MI	Karegnondi Water Authority G-4610 Beecher Rd Flint, MI Matt Raysin - 810-235-2555	Direct Bid	Direct Bid to KWA	131,690	60"	0.294"	CML	Poly
						128,891	66"	0.294"	CML	Poly
7/15/2015	100%	Genesee County Impoundment Plan S5002 Genesee County, MI	Karegnondi Water Authority G-4610 Beecher Rd Flint, MI 810-732-7870	Direct Bid	Direct Bid	394	66"	0.294"	CML	Poly
						956	60"	0.294"	CML	Poly
						2,500	48"	0.294"	CML	Poly
						373	36"	0.294"	CML	Poly
9/15/2015	100%	Genesee County Impoundment Plan S5004 Genesee County, MI	Karegnondi Water Authority G-4610 Beecher Rd Flint, MI 810-235-2555 Matt Raysin	Direct Bid	Direct Bid	5,200	48"	0.294"	CML	Poly
						3,400	36"	0.294"	CML	Poly
4/16/2016	100%	Genesee County Impoundment Plan S5005 Genesee Co, MI	KaregonDI Water Authority G-4610 Beecher Rd. 810-235-2555 Flint, MI	Direct Bid	Direct Bid	34,320	48"	0.294	CML	Poly
6/17/2017	100%	S-5006 Potter Rd SE Loop Extension Flint, MI	Genessee County Drain Commission G-4610 Beecher Rd. Flint, MI 810-235-2555	Fleis & Vandenbrink 2125 Ridgewood Dr, Suite 101 Midland, MI 48642 989-837-3280		38,887	42	0.27	CML	Poly
11/17/2017	100%	Eastern Parkway 48" TMR - Phase 2 Louisville, KY	Louisville Water Company 550 South 3rd St. Louisville, KY 40202 Mike Meyer - 502-569-3600 EXT 2326	Louisville Water Company 550 South 3rd St. Louisville, KY 40202 Mike Meyer - 502-569-3600 EXT 2327	Garney Construction 200 Crutchfield Ave Nashville, TN 37210 615-350-7975	8,319	42"	0.375	CML	Bare / Poly
6/17/2017	100%	Raw Water Main Transmission Pipeline Upgrades Intake to Zap Reservoirs Beulah, ND	North Dakota State Water Commission SWC Project 1736 900 East Blvd, Dept 770 Bismarck, ND 58501 1-800-366-6888	Bartlett & West 3456 E. Century Avenue Bismarck, ND 58501 701-258-1110	Rachel Contracting 4125 Napier Court NE St. Michael, MN 55376 763-242-4749	15146	31.375"	0.250"	CML	Tape
						4276	31.375"	0.281"		
						216	31.375"	0.375"		
						394	48.000"	0.500"		
12/17/2017	100%	QED 991 Queens, NY	NYC-Design & Construction 30-30 Thompson Avenue Long Island City, NY 11101 718-391-1000	NYC - Design & Construction 30-30 Thomas Ave Long Island City, NY 11101 718-391-1000	CAC Industries 37-10 Review Ave Long Island City, NY 11101 732-946-8400	7,900	48	0.500	CML	Tape
						5,700	60	0.750	CML	Tape
						50	72	0.750	CML	Tape
12/17/2017	100%	HWX710A Bronx, NY	NYC-Design & Construction 30-30 Thompson Avenue Long Island City, NY 11101 718-391-1000	NYC - Design & Construction 30-30 Thomas Ave Long Island City, NY 11101 718-391-1000	CAC Industries 37-10 Review Ave Long Island City, NY 11101 732-946-8400	8,250	48	0.500	CML	Tape
						1,000	36	0.375	CML	Tape
						450	30	0.375	CML	Tape
						400	24	0.375	CML	Tape
12/17/2017	100%	Horse Creek Pollution Control Facility Improvements Aiken, SC	Aiken County Public Service Authority 70 Psa Rd Beech Island, SC 29842 803-278-1911	Goodwyn Mills Cawood 101 East Washington St, Suite 200 Greenville, SC 29601 864-527-0460	Brasfield & Gorrie 3021 7th Ave South Birmingham, AL 35233 205-328-4000	400	42"	0.188"	Epoxy, C210	Pol
						300	48"	0.188"	Epoxy, C210	Pol
						925	54"	0.199"	Epoxy, C210	Pol
12/17/2017	100%	Raw Water Transmission Parallel Pipeline Cary, NC	Town of Cary 316 N. Academy St Cary, NC 27513 Betsy Drake - 919-469-4030	HDR Engineering 440 S. Church St; Suite 1000 Charlotte, NC 28202 Matt Schultz - 704-338-6700	Garney Construction 505 James Jackson Ave Cary, NC 27513 540-707-2004	26,000	42"	0.180"	CML	Pol
						4,900	48"	0.200	CML	Pol
						1,200	54"	0.230"	CML	Pol
5/18/2018	100%	Shades Mountain Filter Plant Birmingham, AL	Birmingham Water Works 3600 1st Ave North Birmingham, AL 35222 205-244-4000	2170 Highlands Avenue South; Suite 250 Birmingham, AL 35205 205-930-5707	BL Harbert International 820 Shades Creek Pkwy; Suite 3000 Birmingham, AL 35209 205-802-2880	626	60"	0.375"	Epoxy, C210	Polyurethane
						60	48"	0.313"	Epoxy, C210	Polyurethane
8/18/2018	100%	54" Waterline Along Vickery Drive Houston, TX	City of Houston, Department of Public Works 611 Walker St Houston, TX 77002 832-395-2511	Lockwood, Andrews, & Newnam, Inc. 2925 Briarpark Drive Houston, TX 77042 (713) 266-6900	Harper Brothers 654 N. Sam Houston Pkwy East, Suite 100 Houston, TX 77060 713-893-4593	3,200	54"	0.271"	CML, C205	Polyurethane
6/18/2018	100%	Morton Street Lift Station FM Fort Wayne, IN	City of Fort Wayne, IN 200 East Berry St, Room 130 Fort Wayne, IN 46802 260-427-1234	AECOM One Indiana Square, Suite 2100 Indianapolis, IN 46204 317-532-5400	Cleary Construction 2006 Edmonton Rd Tompkinsville, KY 42167 270-487-1784	2,880	54"	0.188"	Poly, C222	Polyurethane
11/18/2018	100%	Eastern Pkwy 48" Transmission Main Rehab Phase 2B, South 3rd St to Interstate 65 Louisville, KY	Louisville Water Company 550 South 3rd St. Louisville, KY 40202 Mike Meyer - 502-569-3600 EXT 2326	Louisville Water Company 550 South 3rd St. Louisville, KY 40202 Mike Meyer - 502-569-3600 EXT 2327	MAC Construction 1500 Envoy Circle, Suite 1510 Louisville, KY 40299 502-671-0774	1,420	42"	0.375"	CML, C205	Polyurethane

American SpiralWeld Pipe Company, LLC
Last 5 Year Project Reference List

7/1/2018	100%	Conduit 16 West Segment Arvada, CO	Denver Water 1600 W 12th Ave Denver, CO 80204 303-628-6614	HDR / Dewberry 1670 Broadway Denver, CO 80202 303-764-1520	Garney Construction 7911 Shaffer Pkwy Littleton, CO 80127 303-791-3600	9,300	66"	0.322"	CML, C205	Polyurethane
11/18/2018	100%	QED - 1007 (Rockaway Blvd) Queens, NY	NYC-Design & Construction 30-30 Thompson Avenue Long Island City, NY 11101 732-946-8400 EXT 114	NYC-Design & Construction 30-30 Thompson Avenue Long Island City, NY 11101 732-946-8400 EXT 114	Perfetto Contracting Co Inc 152 41st St Brooklyn, NY 11232 718-541-9376	2,945	36"	0.375"	CML, C205	Tape
						18	48"	0.875"	CML, C205	Tape
5/19/2019	100%	Purple Line Project College Park, MD	Washington Suburban Sanitary Commission 14501 Sweitzer Lane Laurel, MD 20707 301-206-4001	Atkins 400 E. Pratt St Baltimore, MD 21202 443-393-6084	Garney Construction 4515 Daly Drive, Suite K, Chantilly, VA 20151 703-794-6194	600	60"	0.660"	CML, C205	Tape - C214
1/23/2019	100%	Druid Lake Finished Water Tanks Baltimore, MD	City of Baltimore Department of Public Works 2700 Madison Ave Baltimore, MD 21217	Brierley Associates 999 Waterside Dr Norfolk, VA 23510 757-777-3712	Oscar Renda Contracting, Inc. 608 Henrietta Creek Rd Roanoke, TX 817-293-4263	5,571	72"	0.431"	CML, C205	Tape - C214
						100	48"	0.294"	CML, C206	Tape - C215
						75	30"	0.198"	CML, C207	Tape - C216
1/19/2019	100%	Package B - Effluent Pipeline for Fenholloway WWQI Perry, FL	Georgia Pacific - Foley Cellulose Plant 1 Buckeye Drive Perry, FL 32348 954-987-0066	Hazen and Sawyer 4000 Hollywood Blvd; Suite 750N Hollywood, FL 33021 954-987-0066	Reynolds Construction, LLC 12421 San Jose Blvd; Suite 200B Jacksonville, FL 32223 904-695-9290	54,096	54"	0.225"	CML, C205	Poly - C222
11/18/2018	100%	Package A - Effluent Pipeline for Fenholloway WWQI Perry, FL	Georgia Pacific - Foley Cellulose Plant 1 Buckeye Drive Perry, FL 32348 954-987-0067	Hazen and Sawyer 4000 Hollywood Blvd; Suite 750N Hollywood, FL 33021 954-987-0067	Wharton-Smith, Inc. 750 Monroe Rd Sanford, FL 32771 Sloan Hagerty - 407-230-4959	295	84"	0.385"	CML, C205	Poly - C222
						450	54"	0.225"	CML, C205	Poly - C222
3/1/2020	100%	Homestake Suction Pipeline Replacement Project Granite, CO	Colorado Springs Utilities 1521 Hancock Expressway, PO Box 1103, Mail Coe 1821 Colorado Springs, CO 80947 (719) 668-8537	Dewberry 990 S Broadway, Suite 400 Denver, CO 80209 (303) 951-0613	Garney Construction 7911 Shaffer Pkwy Littleton, CO 80127 303-791-3600	1,700	66"	0.375"	CML, C205	Poly - C222
9/1/2019	100%	Eastern Pkwy 48" Transmission Main Rehab Phase 3 Louisville, KY	Louisville Water Company 550 South 3rd St. Louisville, KY 40202 Mike Meyer - 502-569-3600 EXT 2326	HDR 401 West Main Street Louisville, KY 40202 502-584-4118	Cleary Construction 2006 Edmonton Rd Tompkinsville, KY 42167 270-487-1784	8,731	42"	0.375"	CML, C205	Poly / Bare
11/19/2019	100%	Grassy Key Tranmission Main Replacement Marathon, FL	Florida Keys Aqueduct Authority 3200 Overseas Hwy Marathon, FL 33050 305-296-2454	Carollo 2056 Vista Pkwy, Suite 400 West Palm Beach, FL 33441 561-868-6403	Metro Equipment Services 9415 SW 72nd Street #123 Miami, FL 33173 786-663-2811	10,300	31.375"	0.375"	CML, C205	Tape, C214
11/19/2019	100%	54" & 48" Treated Transmission Waterline Project - Contract 1 Corpus Christi, TX	San Patricio Municipal Water 4213 TX-361 Portland, TX 78374 361-643-6521	J Schwarz & Associates, Inc Corpus Christi, TX 78412 361-906-2430	Cash Construction Co., Inc. 217 Kingston Lacy Blvd Pflugerville, TX 78660 512-251-7872	20,586	49.75"	0.200"	CML, C205	Poly, C222
						5,371	55.750"	0.225"	CML, C205	Poly, C222
						2,550	49.750"	0.875"	Poly, C222	Poly, C222
4/20/2020	100%	WTM Package No 6A Oak Lawn, IL	The Village of Oak Lawn 9446 S. Raymond Ave Oak Lawn, IL 708-636-4400	CDM Smith 125 South Wacker Drive, Suite 700 Chicago, IL 60606 312-346-5000	Reliable Contracting and Equipment Co. 4100 S. Emerald Ave Chicago, IL 60609 312-666-3626	26,476	60"	.290", .320", .640", .730"	CML, C205	Poly, C222
1/1/2020	100%	Phase 3B - Regional Integrated Loop System Sarasota County, FL	Peace River / Manasota Regional Water Supply 9415 Town Center Pkwy Lakewood Ranch, FL 34202 941-316-1776	King Engineering Association 2930 University Pkwy Sarasota, FL 34243 941-358-6540	Garney Construction 2151 NE Coachman Road Clearwater, FL 33765 407-877-5903	21,200	48"	0.240"	CML, C205	Poly, C222
5/1/2020	100%	Rondout Tunnel Project Wawarsing, NY	NYC DEP 59-17 Junction Blvd, 13th Floor Flushing, NY 11373 212-639-9675	CH2MHill 29 Broadway #1700 New York, NY 100006 212-545-6300	Kiewit-Shea Constructors, AJV 5503-US-9W Newburgh, NY 12550 201-575-9689	1,300	48"	0.500"	Bare	Bare
5/1/2020	100%	N-S Phase 3 WTM Denton, TX	City of Denton 901-B Texas Street Denton, TX 76209 940-349-7133	Freese and Nichols 2220 San Jacinto Blvd, Suite 330 Denton, TX 76205 940-220-4340	S&J Construction 1009 South Redmond Rd Jacksonville, AR 72076 501-247-2298	4,225	43.750"	0.198"	CML, C205	Poly, C222
7/1/2020	100%	Schoolcraft Road 48in Water Transmission Main Livonia, MI	Great Lakes Water Authority 9101 W Jefferson Ave Detroit, MI 48209 844-455-4592	Somat Engineering, Inc. 3031 W. Grand Blvd, Suite 228 Detroit, MI 48202 313-963-2721	LGC Global 7310 Woodward, Suite 500 Detroit, MI 48202 313-989-4141	12,425	48"	0.200"	CML, C205	Poly, C222
4/20/2020	100%	48" Water Line from US Hwy 701 to SC Hwy 544 Myrtle Beach, SC	Grand Strand Water and Sewer Authority PO Box 2368 Conway, SC 29528 843-443-8200	DDC Engineers 1298 Professional Dr Myrtle Beach, SC 29577 843-692-3200	Ruby Collins Monte Beasley 4875 Martin Court Smyrna, GA 770-432-2900	25,350	48"	0.200"	CML, C205	Poly, C222
						2,800	48"	0.675"	Poly, C222	Poly, C222

American SpiralWeld Pipe Company, LLC
Last 5 Year Project Reference List

8/20/2020	100%	Binney Connection Project Aurora, CO	South Metro WISE Authority 8400 E Prentice Ave; Suite 315 Greenwood Village, CO 80111 720-216-5158	Jacobs Engineering Inc. 9191 S. Jamaica Street Englewood, CO 80112 303-771-0900	T Lowell Construction 3211 S Interstate 25 Castle Rock, CO 80109 303-688-2330	21,473	43.75"	0.210"	CML, C205	Poly, C222
7/17/2020	100%	Thornton Water Project Work Package 1 Thornton, CO	City of Thornton, CO 9500 Civic Center Drive Thornton, CO 80229Bismarck, ND 58501 1-800-366-6888	Burns & McDonnell Engineering Co, Inc 9785 Maroon Cir, Suite 400 Centennial, CO 80112701-258-1110	Scott Contracting 9200 E Mineral Ave; Suite 400 Centennial, CO 80112 Justin Kulbacki - 720-256-5284763-242-4749	1,200	43.75"	0.500"	CML, C205	Poly, C222
						2,550	43.75"	0.340"		
						13,268	43.75"	0.320"		
						10,262	43.75"	0.290"		
						1,902	43.75"	0.235"		
						9,871	43.75"	0.235"		
11/22/2022	75%	BED776 Brooklyn, NY	NYC-Design & Construction 30-30 Thomas Ave Long Island City, NY 11101 732-946-8400 - EXT 114	NYC-Design & Construction 30-30 Thomas Ave Long Island City, NY 11101 732-946-8400 - EXT 115	CAC Industries 54-08 Vernon Blvd Long Island City, NY 11101 718-729-3600	7,500	49.000"	0.500"	CML, C205	Poly, C222
6/20/2022	100%	Yard Piping, Valves and Venturi Meters Replacement at Water Works Part	Great Lakes Water Authority 9101 W Jefferson Ave Detroit, MI 48209 844-455-4592	AECOM 400 Renaissance Center, Suite 2600 Detroit, MI 48343 313-309-7184	LGC Global 7310 Woodward, Suite 500 Detroit, MI 48202 313-989-4141	202	24"	Varies	CML, C205	Poly, C222
						398	30"	Varies	CML, C205	Poly, C222
						643	42"	Varies	CML, C205	Poly, C222
						1,998	48"	Varies	CML, C205	Poly, C222
						55	54"	Varies	CML, C205	Poly, C222
						692	60"	Varies	CML, C205	Poly, C222
						156	66"	Varies	CML, C205	Poly, C222
						2,166	72"	Varies	CML, C205	Poly, C222
5/21/2021	100%	Segment 2, Zone 4A Water Transmission Main Phoenix, AZ	City of Phoenix 200 W Washington St. Phoenix, AZ 85003 602-262-6011	Stanley Consultants, Inc. 1661 E. Camelback Rd, Suite 400 Phoenix, AZ 85016 Jay Horak, PE	Sundt Construction, Inc. 2620 S 55th St Tempe, AZ 85282 480-293-3000	20,974	67.875"	0.310"	CML, C205	Poly, C222
						2,037	67.875"	0.490"	CML, C205	Poly, C222
3/21/2021	100%	WRIP Phase 2 - Pipeline Segment 2C & 3 San Antonio, TX	San Antonio Water System 2800 US-281 San Antonio, TX 78212 210-704-7297	Freese & Nichols 9601 McAllister Freeway, Suite 1008 San Antonio, TX 78216 210-298-3800	Thalle Construction Co. 900 NC-86 Hillsborough, NC 27278 919-245-1490	6,480	49.750"	0.365"	CML, C205	Poly, C222
						12,312	49.750"	0.281"		
						62,967	49.750"	0.260"		
						1,744	49.750"	0.306"		
						3,256	49.750"	0.260"		
5/21/2021	100%	Project 25D Proposed 84" Water Line Along Plaza Verde & Centerpoint Houston, TX	North Harris County Regional Water Authority 3648 Cypress Creek Pkwy: Suite 110 Houston, TX 77068 281-440-3924	Aurora Technical Services 2121 Sage Road, Suite 150 Houston, TX 77056 281-453-7700	Harper Brothers Construction 654 N. Sam Houston, Pkwy, Suite 330 Houston, TX 77060 713-893-4593	10,087	84"	0.414", 0.433", 0.635"	CML, C205	Poly, C222
						92	36"	0.250"	CML, C205	Poly, C222
						530	30"	0.385"	CML, C205	Poly, C222
6/21/2021	100%	Central WWTP Capcity Improvements & CSO Nashville, TN	Nashville Metro Water Services 1450 Lebanon Pike Nashville, TN 37210 615-880-2420	Brown and Caldwell 220 Athen Way, Suite 500 Nashville, TN 37228 615-255-2288	Garney Construction 200 Crutchfield Avenue Nashville, TN 37210 615-350-7975	1,000	84"	0.350"	CML, C205	Poly, C222
12/21/2021	100%	GLWA Contract No 2004456, 14 Mile Transmission Main Loop - Phase 2 Oakland County, MI	Great Lakes Water Authority 9101 W Jefferson Ave Detroit, MI 48209 844-455-4592	Brown and Caldwell 100 West Big Beaver Road, Suite 540 Troy, MI 48084 248-786-4760	Ric-Man Construction, Inc. 38600 Van Dyke Ave, Suite 100 Sterling Heights, MI 48312 586-997-8830	42,500	54"	0.268"-0.625"	CML, C205	Poly, C222
9/21/2021	100%	Project 25A Proposed 84" Water Line Along Centerpoint Energy Northbelt Corridor Houston, TX	North Harris County Regional Water Authority 3648 Cypress Creek Pkwy: Suite 110 Houston, TX 77068 281-440-3924	Binkley & Barfield, Inc. 1710 Seamist Dr. Houston, TX 77008 719-869-3433	Harper Brothers Construction 654 N. Sam Houston, Pkwy, Suite 330 Houston, TX 77060 713-893-4593	11,768	84"	0.423"	CML, C205	Poly, C222
3/22/2022	100%	Project 25G - 84" Water Line Along Gessner Road Houston, TX	North Harris County Regional Water Authority 3648 Cypress Creek Pkwy: Suite 110 Houston, TX 77068 281-440-3924	Arcadis 10205 Wesheimer Road - Suite 800 Houston, TX 77042 713-953-4800	Reytec Construction, Inc. 1901 Hollister St Houston, TX 77080	3,550	84"	0.423"	CML, C205	Poly, C222
3/22/2022	100%	Project 25E Houston, TX	North Harris County Regional Water Authority 3648 Cypress Creek Pkwy: Suite 110 Houston, TX 77068 281-440-3924	Kimley-Horn 10814 Jollyville Rd, Campus IV, Suite 200 Austin, TX 78759 512-418-1771	MC2 Civil, Inc. 14115 Luthe Rd, Suite 100 Houston, TX 77039 713-896-3141	8,300	36"	0.210" - 0.500"	CML, C205	Poly, C222
5/22/2022	100%	Phase 1B Treated Water Pipeline Segment B San Marcos, TX	Alliance Regional Water Authority 630 E. Hopkins San Marcos, TX 512-294-3214	K Friese and Associates 1120 S. Capital of Texas Hwy Cityview II, Suite 100 Austin, TX 78746 512-338-1704	Garney Construction 40 NE Interstate 410 Loop #343 San Antonio, TX 78216 210-981-2645	60,675	42"	0.198"	CML, C205	Poly, C222
						33,825	36"	0.198"	CML, C205	Poly, C222
6/22/2022	100%	72" Water Line from Crawford to Mt Vernon Houston, TX	City of Houston, Department of Public Works 611 Walker St Houston, TX 77002 832-395-2500	HDR Engineering, Inc. 4828 Loop Central Drive, Suite 800 Houston, TX 77081 713-622-9264	Harper Brothers Construction 654 N. Sam Houston, Pkwy, Suite 330 Houston, TX 77060 713-893-4593	9,631	72"	0.362"	CML, C205	Poly, C222

American SpiralWeld Pipe Company, LLC
Last 5 Year Project Reference List

7/22/2022	100%	Water Transmission Bid Package 4B Oak Lawn, IL	The Village of Oak Lawn 9446 S. Raymond Ave Oak Lawn, IL 708-636-4400	CDM Smith 125 South Wacker Drive; Suite 700 Chicago, IL 60606 312-346-5000	Reliable Contracting & Equipment Co. 4100 S. Emerald Avenue Chicago, IL 60609 312-666-3626	2,750	60"	0.270"	CML, C205	Poly, C222
7/22/2022	100%	Lake Keowee Intake to Adkins Water Plant Raw Water System Improvements Greenville, SC	Greenville Water System 407 W Broad St Greenville, SC 29601 864-241-6000	Brown and Caldwell 250 Berryhill Road; Suite 104 Columbia, SC 29210 803-873-9701	Ruby-Collins, Inc. 4325 Dick Pond Road, Suite D Conway, SC 29588 843-748-9000	3,760	54"	0.225"	CML, C205	Poly, C222
						400	54"	0.300"	CML, C205	Poly, C222
7/22/2022	100%	Contract 2, Raw Water Supply Transmission Pipe Line Project, Section 1 and Section 2 Hot Springs, AR	City of Hot Springs, AR Utility Dept 324 Malvern Ave Hot Springs, AR 71901 501-321-6830	Crist Engineers, Inc. 205 Executive Court Little Rock, AR 72205 501-664-1552	Belt Construction, Inc. 2507 E. Broad Street Texarkana, AR 71854 870-772-7216	20,550	42"	0.198"	CML, C205	Poly, C222
10/22/2022	100%	Val Vista Transmission Main Mesa, AZ	City of Phoenix 200 W Washington St. Phoenix, AZ 85003 602-262-6011	Wilson Engineers 1620 W Foundationhead PKWY Suite 501 Tempe, AZ 85282 480-893-8860	Achen-Gardner Construction, LLC 550 S 79th Street Chandler, AZ 85226 480-490-1300	3,960	90"	0.510"	CML, C205	Bare
7/1/2023	100%	WHCROWA Segment B2 Houston, TX	West Harris County Regional Water Authority 7215 Harms Rd Houston, TX 77098 (713) 860-6400	Black & Veatch 920 Memorial City Way Suite 600 Houston, TX 77024 713-961-1100	Harper Brothers Construction 654 N. Sam Houston, Pkwy, Suite 330 Houston, TX 77060 713-893-4593	23,617	96"	0.5", 0.6"	CML, C205	Poly, C222
						100	96"	0.750"	CML, C205	Poly, C222
11/22/2022	100%	Windler GVP 36" Water Relocation Aurora, CO	Windler Public Improvement Authority 5750 DTC Pkwy; Suite 210 Greenwood Village, CO 80111 303-795-9900	Olsson Engineering 1525 Raleigh St.; Suite 400 Denver, CO 80204 303-237-2072	Windler Public Improvement Authority 5750 DTC Pkwy; Suite 210 Greenwood Village, CO 80111 303-795-9900	4,900	36"	0.233"	CML, C205	Poly, C222
12/1/2022	100%	Phase 1B Treated Water Pipeline Segment B - Change Order San Marcos, TX	Alliance Regional Water Authority 630 E. Hopkins San Marcos, TX 512-294-3214	K Friese and Associates 1120 S. Capital of Texas Hwy Cityview II, Suite 100 Austin, TX 78746 512-338-1704	Garney Construction 40 NE Interstate 410 Loop #343 San Antonio, TX 78216 210-981-2645	4,068	42"	0.198" and 0.375"	CML, C205	Poly, C222
						3,214	36"	0.198" and 0.375"	CML, C205	Poly, C222
1/23/2023	95%	Islamorada Transmission Main Islamorada, FL	Florida Keys Aqueduct Authority 1100 Kenndy Drive Key West, FL 33040 305-295-2136	Wade Trim 201 One Tampe Center N Franklin St #1350 Tampa, FL 33602	Florida Keys Aqueduct Authority 1100 Kenndy Drive Key West, FL 33040 305-295-2136	30,000	37.500"	0.385"	CML, C205	Poly, C222
11/22/2023	100%	Rampart PCCP Slipline Phase 2 Aurora, CO	Aurora Water Project Manager 1515 E Alameda Pkwy, Suite 4400 Aurora, CO 80012 720-859-4342	Dewberry Engineers Inc. 990 S. Broadway, Suite 400 Denver, CO 80209 303-95100615	BT Construction 9885 Emporia St Henderson, CO 80640 303-469-0199	1,650	49.75	0.335"	CML, C205	Bare
6/27/2023	95%	Eastern Utility Extension Zone 4 Aurora, CO	Aurora City Water Utility Administration 1515 E Alameda Pkwy, Suite 3600 Aurora, CO 80012 303-739-7370	HDR 1670 Broadway, Suite 3400 Denver, CO 80202 303-764-1547	Reynolds Construction Company 1775 East 69th Avenue Denver, CO 80229 303-287-7700	42,520	31.375	0.198"	CML, C205	Poly, C222
8/15/2023	90%	Lake Ralph Hall Raw Water Pipeline Ladonia, TX	Upper Trinity Regional Water District 900 North Kealy Avenue; PO Box 305 Lewisville, TX 75067 972-219-1228	LAN 8350 N. Central Expressway; Suite 1400 Dallas, TX 75206 214-522-8778	Garney Construction (CMAR) 40 NE Interstate 410; Loop #343 San Antonio, TX 78216 210-981-2645	142,711	66"	0.290"	CML, C205	Poly, C222
						26,250	72"	0.320"	CML, C205	Poly, C222
8/15/2023	75%	ARWA Phase 1B Treated Pipeline, Segment E New Braunfels, TX	Alliance Regional Water Authority 630 E. Hopkins San Marcos, TX 512-294-3214	Walker Partners Engineers and Surveyors 804 Las Cimas Pkwy Austin, TX 78746 512-294-3214	Garney Construction 40 NE Interstate 410; Loop #343 San Antonio, TX 78216 210-981-2645	44,270	36"	0.198"	CML, C205	Poly, C222
7/15/2023	40%	Peace River - Phase 3C Sarasota, FL	Peace River / Manasota Regional Water Supply 9415 Town Center Pkwy Lakewood Ranch, FL 34202 941-316-1776	Wade Trim 201 N. Frankin St. Suite 1350 Tampa, FL 33602 813-882-4373	Garney Construction 370 E Crown Point Rd Winter Garden, FL 34787 941-451-1488	37,500	43.750"	0.250"	CML, C205	Poly, C222
3/27/2023	85%	Terry Ranch Pipeline Project Segment 1 Greeley, CO	Greeley Water & Sewer Department 1001 11th Avenue, 2nd Floor Greeley, CO 80631 970-350-9811	Providence Infrastructure Consultants 300 Plaza Drive Suite 320 Highlands Ranch, CO 80129 303-997-5035	Reynolds Construction Company 1775 East 69th Avenue Denver, CO 80229 303-287-7700	33,710	37.5	0.198"	CML, C205	Poly, C222
						10,510	37.5	0.221"	CML, C205	Poly, C222

American SpiralWeld Pipe Company, LLC
Project Manager Project Reference List

Ship Date	American Project Manager	Project Location and Description	Owner	Engineer	Contractor or Purchaser	Quantity (ft)	Size
11/17/2017	Desi Gunter	Eastern Parkway 48" TMR - Phase 2 Louisville, KY	Louisville Water Company 550 South 3rd St. Louisville, KY 40202 Mike Meyer - 502-569-3600 EXT 2326	Louisville Water Company 550 South 3rd St. Louisville, KY 40202 Mike Meyer - 502-569-3600 EXT 2327	Garney Construction 200 Crutchfield Ave Nashville, TN 37210 615-350-7975	8,319	42"
6/18/2018	Desi Gunter	Morton Street Lift Station FM Fort Wayne, IN	City of Fort Wayne, IN 200 East Berry St, Room 130 Fort Wayne, IN 46802 260-427-1234	AECOM One Indiana Square, Suite 2100 Indianapolis, IN 46204 317-532-5400	Cleary Construction 2006 Edmonton Rd Tompkinsville, KY 42167 270-487-1784	2,880	54"
11/18/2018	Desi Gunter	Eastern Pkwy 48" Transmission Main Rehab Phase 2B, South 3rd St to Interstate 65 Louisville, KY	Louisville Water Company 550 South 3rd St. Louisville, KY 40202 Mike Meyer - 502-569-3600 EXT 2326	Louisville Water Company 550 South 3rd St. Louisville, KY 40202 Mike Meyer - 502-569-3600 EXT 2327	MAC Construction 1500 Envoy Circle, Suite 1510 Louisville, KY 40299 502-671-0774	1,420	42"
7/1/2018	Desi Gunter	Conduit 16 West Segment Arvada, CO	Denver Water 1600 W 12th Ave Denver, CO 80204 303-628-6614	HDR / Dewberry 1670 Broadway Denver, CO 80202 303-764-1520	Garney Construction 7911 Shaffer Pkwy Littleton, CO 80127 303-791-3600	9,300	66"
1/19/2019	Desi Gunter	Package B - Effluent Pipeline for Fenholloway WWQI Perry, FL	Georgia Pacific - Foley Cellulose Plant 1 Buckeye Drive Perry, FL 32348 954-987-0066	Hazen and Sawyer 4000 Hollywood Blvd; Suite 750N Hollywood, FL 33021 954-987-0066	Reynolds Construction, LLC 12421 San Jose Blvd; Suite 200B Jacksonville, FL 32223 904-695-9290	54,096	54"
3/1/2020	Desi Gunter	Homestake Suction Pipeline Replacement Project Granite, CO	Colorado Springs Utilities 1521 Hancock Expressway, PO Box 1103, Mail Coe 1821 Colorado Springs, CO 80947 (719) 668-8537	Dewberry 990 S Broadway, Suite 400 Denver, CO 80209 (303) 951-0613	Garney Construction 7911 Shaffer Pkwy Littleton, CO 80127 303-791-3600	1,700	66"
9/1/2019	Desi Gunter	Eastern Pkwy 48" Transmission Main Rehab Phase 3 Louisville, KY	Louisville Water Company 550 South 3rd St. Louisville, KY 40202 Mike Meyer - 502-569-3600 EXT 2326	HDR 401 West Main Street Louisville, KY 40202 502-584-4118	Cleary Construction 2006 Edmonton Rd Tompkinsville, KY 42167 270-487-1784	8,731	42"
11/19/2019	Desi Gunter	Grassy Key Transmission Main Replacement Marathon, FL	Florida Keys Aqueduct Authority 3200 Overseas Hwy Marathon, FL 33050 305-296-2454	Carollo 2056 Vista Pkwy, Suite 400 West Palm Beach, FL 33441 561-868-6403	Metro Equipment Services 9415 SW 72nd Street #123 Miami, FL 33173 786-663-2811	10,300	31.375"
4/20/2020	Desi Gunter	WTM Package No 6A Oak Lawn, IL	The Village of Oak Lawn 9446 S. Raymond Ave Oak Lawn, IL 708-636-4400	CDM Smith 125 South Wacker Drive, Suite 700 Chicago, IL 60606 312-346-5000	Reliable Contracting and Equipment Co. 4100 S. Emerald Ave Chicago, IL 60609 312-666-3626	26,476	60"
5/1/2020	Desi Gunter	N-S Phase 3 WTM Denton, TX	City of Denton 901-B Texas Street Denton, TX 76209 940-349-7133	Freese and Nichols 2220 San Jacinto Blvd, Suite 330 Denton, TX 76205 940-220-4340	S&J Construction 1009 South Redmond Rd Jacksonville, AR 72076 501-247-2298	4,225	43.750"
6/20/2022	Desi Gunter	Yard Piping, Valves and Venturi Meters Replacement at Water Works Part	Great Lakes Water Authority 9101 W Jefferson Ave Detroit, MI 48209 844-455-4592	AECOM 400 Renaissance Center, Suite 2600 Detroit, MI 48343 313-309-7184	LGC Global 7310 Woodward, Suite 500 Detroit, MI 48202 313-989-4141	202 398 643 1,998 55 692 156 2,166	24" 30" 42" 48" 54" 60" 66" 72"
5/21/2021	Desi Gunter	Project 25D Proposed 84" Water Line Along Plaza Verde & Centerpoint Houston, TX	North Harris County Regional Water Authority 3648 Cypress Creek Pkwy: Suite 110 Houston, TX 77068 281-440-3924	Aurora Technical Services 2121 Sage Road, Suite 150 Houston, TX 77056 281-453-7700	Harper Brothers Construction 654 N. Sam Houston, Pkwy, Suite 330 Houston, TX 77060 713-893-4593	10,087 92 530	84" 36" 30"
6/21/2021	Desi Gunter	Central WWTP Capacity Improvements & CSO Nashville, TN	Nashville Metro Water Services 1450 Lebanon Pike Nashville, TN 37210 615-880-2420	Brown and Caldwell 220 Athen Way, Suite 500 Nashville, TN 37228 615-255-2288	Garney Construction 200 Crutchfield Avenue Nashville, TN 37210 615-350-7975	1,000	84"
9/21/2021	Desi Gunter	Project 25A Proposed 84" Water Line Along Centerpoint Energy Northbelt Corridor Houston, TX	North Harris County Regional Water Authority 3648 Cypress Creek Pkwy: Suite 110 Houston, TX 77068 281-440-3924	Binkley & Barfield, Inc. 1710 Seamist Dr. Houston, TX 77008 719-869-3433	Harper Brothers Construction 654 N. Sam Houston, Pkwy, Suite 330 Houston, TX 77060 713-893-4593	11,768	84"
3/22/2022	Kevin Boyd	Project 25G - 84" Water Line Along Gessner Road Houston, TX	North Harris County Regional Water Authority 3648 Cypress Creek Pkwy: Suite 110 Houston, TX 77068 281-440-3924	Arcadis 10205 Wesheimer Road - Suite 800 Houston, TX 77042 713-953-4800	Reytec Construction, Inc. 1901 Hollister St Houston, TX 77080	3,550	84"
3/22/2022	Kevin Boyd	Project 25E Houston, TX	North Harris County Regional Water Authority 3648 Cypress Creek Pkwy: Suite 110 Houston, TX 77068 281-440-3924	Kimley-Horn 10814 Jollyville Rd, Campus IV, Suite 200 Austin, TX 78759 512-418-1771	MC2 Civil, Inc. 14115 Luthe Rd, Suite 100 Houston, TX 77039 713-896-3141	8,300	36"

American SpiralWeld Pipe Company, LLC
Project Manager Project Reference List

5/22/2022	Desi Gunter	Phase 1B Treated Water Pipeline Segment B San Marcos, TX	Alliance Regional Water Authority 630 E. Hopkins San Marcos, TX 512-294-3214	K Friese and Associates 1120 S. Capital of Texas Hwy Cityview II, Suite 100 Austin, TX 78746 512-338-1704	Garney Construction 40 NE Interstate 410 Loop #343 San Antonio, TX 78216 210-981-2645	60,675	42"
						33,825	36"
6/22/2022	Kevin Boyd	72" Water Line from Crawford to Mt Vernon Houston, TX	City of Houston, Department of Public Works 611 Walker St Houston, TX 77002 832-395-2500	HDR Engineering, Inc. 4828 Loop Central Drive, Suite 800 Houston, TX 77081 713-622-9264	Harper Brothers Construction 654 N. Sam Houston, Pkwy, Suite 330 Houston, TX 77060 713-893-4593	9,631	72"
7/22/2022	Desi Gunter	Water Transmission Bid Package 4B Oak Lawn, IL	The Village of Oak Lawn 9446 S. Raymond Ave Oak Lawn, IL 708-636-4400	CDM Smith 125 South Wacker Drive; Suite 700 Chicago, IL 60606 312-346-5000	Reliable Contracting & Equipment Co. 4100 S. Emerald Avenue Chicago, IL 60609 312-666-3626	2,750	60"
7/22/2022	Desi Gunter	Contract 2, Raw Water Supply Transmission Pipe Line Project, Section 1 and Section 2 Hot Springs, AR	City of Hot Springs, AR Utility Dept 324 Malvern Ave Hot Springs, AR 71901 501-321-6830	Crist Engineers, Inc. 205 Executive Court Little Rock, AR 72205 501-664-1552	Belt Construction, Inc. 2507 E. Broad Street Texarkana, AR 71854 870-772-7216	20,550	42"
1/1/2023	Kevin Boyd	WHCRWA Segment B2 Houston, TX	West Harris County Regional Water Authority 7215 Harms Rd Houston, TX 77098 (713) 860-6400	Black & Veatch 920 Memorial City Way Suite 600 Houston, TX 77024 713-961-1100	Harper Brothers Construction 654 N. Sam Houston, Pkwy, Suite 330 Houston, TX 77060 713-893-4593	23,617	96"
						100	96"
11/22/2022	Desi Gunter	Windler GVP 36" Water Relocation Aurora, CO	Windler Public Improvement Authority 5750 DTC Pkwy; Suite 210 Greenwood Village, CO 80111 303-795-9900	Olsson Engineering 1525 Raleigh St.; Suite 400 Denver, CO 80204 303-237-2072	Windler Public Improvement Authority 5750 DTC Pkwy; Suite 210 Greenwood Village, CO 80111 303-795-9900	4,900	36"
12/1/2022	Desi Gunter	Phase 1B Treated Water Pipeline Segment B - Change Order San Marcos, TX	Alliance Regional Water Authority 630 E. Hopkins San Marcos, TX 512-294-3214	K Friese and Associates 1120 S. Capital of Texas Hwy Cityview II, Suite 100 Austin, TX 78746 512-338-1704	Garney Construction 40 NE Interstate 410 Loop #343 San Antonio, TX 78216 210-981-2645	4,068	42"
						3,214	36"
1/23/2023	Kevin Boyd	Islamorada Transmission Main Islamorada, FL	Florida Keys Aqueduct Authority 1100 Kenndy Drive Key West, FL 33040 305-295-2136	Wade Trim 201 One Tampe Center N Franklin St #1350 Tampa, FL 33602	Florida Keys Aqueduct Authority 1100 Kenndy Drive Key West, FL 33040 305-295-2136	22,000	37.500"
5/23/2023	Desi Gunter	Eastern Utility Extension Zone 4 Aurora, CO	Aurora City Water Utility Administration 1515 E Alameda Pkwy, Suite 3600 Aurora, CO 80012 303-739-7370	HDR 1670 Broadway, Suite 3400 Denver, CO 80202 303-764-1547	Reynolds Construction Company 1775 East 69th Avenue Denver, CO 80229 303-287-7700	42,520	31.375
8/15/2023	Desi Gunter	Lake Ralph Hall Raw Water Pipeline Ladonia, TX	Upper Trinity Regional Water District 900 North Kealy Avenue; PO Box 305 Lewisville, TX 75067 972-219-1228	LAN 8350 N. Central Expressway; Suite 1400 Dallas, TX 75206 214-522-8778	Garney Construction (CMAR) 40 NE Interstate 410; Loop #343 San Antonio, TX 78216 210-981-2645	142,711	66"
						26,250	72"
8/15/2023	Kevin Boyd	ARWA Phase 1B Treated Pipeline, Segment E New Braunfels, TX	Alliance Regional Water Authority 630 E. Hopkins San Marcos, TX 512-294-3214	Walker Partners Engineers and Surveyors 804 Las Cimas Pkwy Austin, TX 78708 Walker Partners Engineers and Surveyors 804 Las Cimas Pkwy Austin, TX 78746 512-294-3214	Garney Construction (CMAR) 40 NE Interstate 410; Loop #343 San Antonio, TX 78216 210-981-2646	44,270	36"
3/27/2023	Desi Gunter	Terry Ranch Pipeline Project Segment 1 Greeley, CO	Greeley Water & Sewer Department 1001 11th Avenue, 2nd Floor Greeley, CO 80631 970-350-9811	Providence Infrastructure Consultants 300 Plaza Drive Suite 320 Highlands Ranch, CO 80129 303-997-5035	Reynolds Construction Company 1775 East 69th Avenue Denver, CO 80229 303-287-7700	33,710	36"
						10,510	36"



Project Gantt Chart

Project Number:WAR03317

Project Name:West Transmission Main - 50,200' of 48" x 0.260" Pipe; 11,050' of 48" x 0.310" Pipe

Location:Fayetteville, AR

Customer:Garney Construction

Original Issue Date:3/14/2024

Revision:0

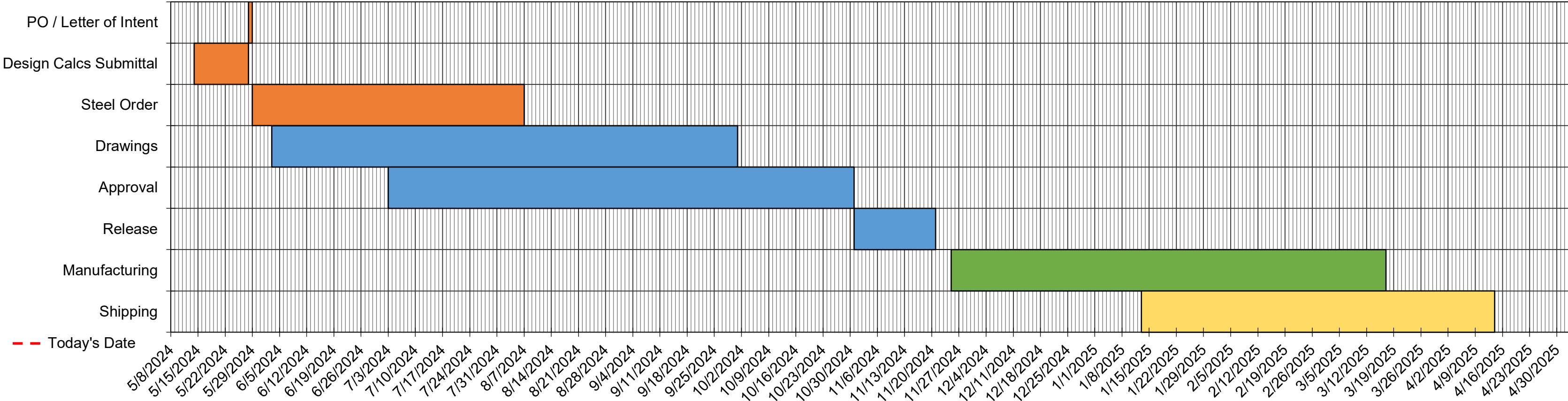
Revision Date:

Project Manager:

Project Detailer:

Note: All dates are estimates. Actual dates are dependant upon information received in order to complete necessary activities.

Today's Date	3/14/2024	Ship Rate	2,500' / week / Crew - 2 Crews (5000' / Week Total)					
Task Name	Start	Weekend/Weekday?	End	Duration (Days)	Queue Time (Days)	Depends On:		Completed
PO / Letter of Intent	5/28/2024	Weekday	5/29/2024	1	0	None	None	No
Design Calcs Submittal	5/14/2024	Weekday	5/28/2024	14	0	None	None	No
Steel Order	5/29/2024	Weekday	8/7/2024	70	0	PO / Letter of Intent	Purchase Order	No
Drawings	6/3/2024	Weekday	10/1/2024	120	0	None	None	No
Approval	7/3/2024	Weekday	10/31/2024	120	0	Drawings	None	No
Release	10/31/2024	Weekday	11/21/2024	21	0	Approval	None	No
Manufacturing	11/25/2024	Weekday	3/17/2025	112	49	Release	Steel Order	No
Shipping	1/13/2025	Weekday	4/14/2025	91	0	Manufacturing	None	No



Section 06

SOV 1.02

Large Diameter Valves



Construction Manager at Risk
GMP Proposal
April 17, 2024



City of Fayetteville West Transmission Main - SOV Bid Package 1.02 - Large Diameter Valves - Addendum 01

ITEM	SIZE	DESCRIPTION
1	24"	Gate Valve: Direct Bury Class 250 (Class 125# Drill Pattern)
2	24"	Butterfly Valve: Direct Bury Class 250 (Class 125# Drill Pattern)
3	36"	Butterfly Valve: Direct Bury Class 250 (Class 125# Drill Pattern) (FlangedMJ)
4	48"	Butterfly Valve: Direct Bury Class 250 (Class 125# Drill Pattern)

TOTAL BASE BID:

Proposed Manufacturer per Base Bid (Write-In):
Valmatic - Proposing the use of a Butterfly Valves for Item #1; Quoting FLG x FLG for 36" Butterfly for Item #3

- Note: 1 Provide initial submittal package with technical proposal. Formal submittal due no later than 5/30/2024
- Note: 2 Manufacturer shall maintain manufacturing and delivery milestones as outlined.
- Note: 3 Acceptable manufacturers are explicitly defined in the specifications. Substitutions may be deemed non-responsive.
- Note: 4 Manufacturer to coordinate delivery with installation contractor (future solicitation).
- Note: 5 Manufacturer to provide assembly of valve as applicable and field representation during installation and testing.

Each bidder shall submit one (1) hard copy of SOV and one (1) digital copy of SOV in excel format as specified in Instructions to Bidders.

ALL SEGMENTS

Quantity	Unit	Unit Price	Extension
1.00	Each	\$ 32,250.00	\$ 32,250.00
1.00	Each	\$ 18,850.00	\$ 18,850.00
2.00	Each	\$ 39,850.00	\$ 79,700.00
6.00	Each	\$ 63,750.00	\$ 382,500.00

1.00 Lump Sum TOTAL: \$ 513,300.00

All	<48" Valves Manufactured and Ready For Delivery	Milestone: 01	March 17, 2025
	of total quantity		

All	All 48" Valves Manufactured and Ready For Delivery	Milestone: 02	March 17, 2025
	of total quantity		

\$2,500 Per Day Penalty For Not Achieving Milestones

COMPANY: Ferguson Enterprises LLC dba Ferguson Waterworks

BID

Proposal of Ferguson Enterprises, LLC - dba Ferguson Waterworks (hereinafter called "Bidder"),
organized and existing under the laws of the State of Arkansas
doing business as a Limited Liability Corp *. To the City of Fayetteville,
113 West Mountain Street, Fayetteville, AR 72701 (hereinafter called "Owner").

* Insert "a corporation", "a partnership", or "an individual" as applicable.

In compliance with your Advertisement for Bids, Bidder hereby proposes to perform all Work for
the construction of Goods, Special Services, or Work on the City of Fayetteville – West
Transmission Main in strict accordance with the Contract Documents, within the time set forth
therein, and at the prices stated below.

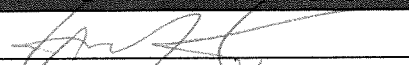
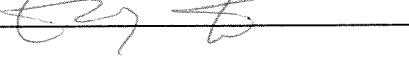
The Contractor's Act of Assurance Form must be included in the bid proposal. The
DBE/MBE/WBE Compliance Evaluation Forms must be supplied after the Low Bidder is
confirmed.

By submission of this Bid, each Bidder certifies, and in the case of a joint Bid each party thereto
certifies as to its own organization, that this Bid has been arrived at independently, without
consultation, communication, or agreement as to any matter relating to this Bid with any other
Bidder or with any competitor.

Bidder hereby agrees to commence Work under this contract on or before a date to be specified
in the Notice to Proceed and to fully complete the Project within the time outlined in the Contract
Documents or within the number of calendar days indicated in the Agreement. Bidder further

agrees to pay as liquidated damages, the sum of \$2,500.00 for each consecutive calendar day thereafter as provided in the Supplemental Conditions.

Bidder acknowledges receipt of the following Addendum:

Addendum No.	Addendum Date	Signature Acknowledging Receipt
1	March 19, 2024	
2	March 20, 2024	
3	April 1, 2024	

Bidder is aware of the general nature of work to be performed by Owner, CMAR, and others at the Site that relates to the Work as indicated in the Bidding Documents.

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

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

The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the work for which this bid is submitted.

Bidder will submit written evidence of its authority to do business in the state where the Project is located no later than the date of its execution of the Agreement.

Bidder agrees to perform all the work described in the Contract Documents for the following unit prices or lump sum:

Bid Schedule

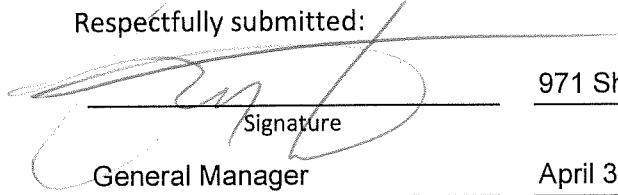
Reference Specification Section 00 42 23.02 – Bid Package Scope of Supply (SOV)

Bidder will complete the Work in accordance with the Contract Documents for the prices shown in Specification Section 00 42 23.02.

Bidder Acknowledges that the estimated quantities are not guaranteed, and final payment for all Unit Price Bid items will be based on actual quantities provided, measured as provided in the Contract Documents.

Unit Price and figures column will be used to compute the actual Bid price.

Respectfully submitted:



Signature

971 Shaver Street, Springdale, AR 72762

Address

General Manager

Title

April 3, 2024

Date

License Number (if applicable) _____

Contact for receipt of official communications

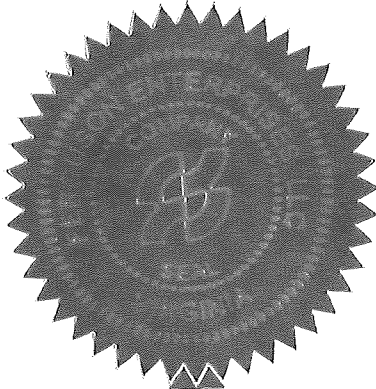
Name: Andy Henderson

(typed or printed)

Business address: 971 Shaver Street, Springdale, AR 72762

Phone: 918-508-4956 Facsimile: _____ E-mail: andy.henderson@ferguson.com

SEAL - (if BID is by a Corporation)



General Information

Organization doing business as	Ferguson Enterprises LLC dba Ferguson Waterworks		
Business address of principal office	971 Shaver Street		
	Springdale AR 72762		
Telephone numbers	479-927-1688		
Main number	918-508-4956 - Andy Henderson Sales Manager		
Fax number			
Website address	Ferguson.com		
Form of business (check one)	☒ A corporation	☐ A partnership	☐ An individual
If a corporation			
Date of incorporation	1953		
State of incorporation	Virginia		
Chief Executive Manager's name	Kevin Murphy		
President's name	Robert Camposano		
Vice President's name(s)	Chris Tuinstra		
Secretary's name	Tracy Jacobs		
Treasurer's name	Shaun McElhannon		
If a Partnership			
Date of organization	NA		
State whether partnership is general or limited			
If an Individual			
Name	NA		
Business address			
Identify all individuals not previously named which exert a significant amount of business control over the organization			
Indicators of organization size			
Average number of current full-time employees	30K+	Average estimate of revenue for the current year	30b+

Affidavits

One of the following four affidavits shall be executed and provided with this information. The individual signing the affidavit shall attach evidence of their authority to bind the organization to an agreement.

AFFIDAVIT FOR CORPORATION

State Arkansas) §

County of Washington) §

Tommy Tanner, being duly sworn deposes and says

(Name)

that they are General Manager of the

(Title)

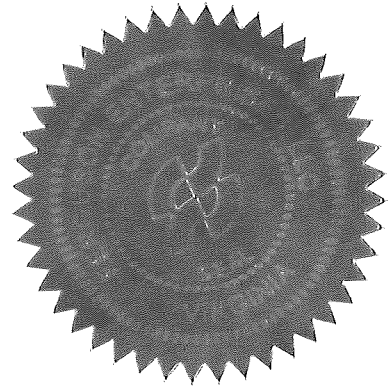
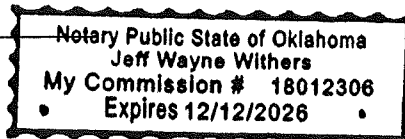
Ferguson Enterprises, LLC - dba Ferguson Waterworks corporation submitting the foregoing qualification form and related information; have read such documents; and that such documents are true and correct and contain no material misrepresentations; and that they are authorized to make this affidavit on behalf of the Corporation.

(Signature)

Signed and sworn to me before this 21 day of April, 2024.

(Notary Public)

My commission expires:

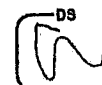


SECRETARIAL CERTIFICATE OF AUTHORIZATION

The undersigned Assistant Secretary of **Ferguson Enterprises, LLC**, duly organized and existing under the laws of Virginia (the "Company"), hereby designates and certifies that the following employee of the Company, is authorized, on behalf of the Company to take the action(s) designated herein and to execute any and all documents necessary to further such actions:

Individual Name: Tommy Tanner

Title: General Manager

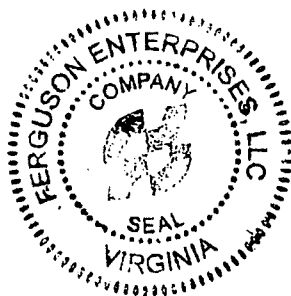
DS


Authorized Action(s):

1. To enter into contracts, agreements or other documents, and to execute such documents and undertake all such acts as may deemed in the best interest of the Company.
2. To prepare and submit bids and proposals to the Company's customers.

This certificate of authorization shall be effective from the date hereof until **February 11, 2025** unless withdrawn sooner in writing. The provisions of this Certificate are in conformity with a Resolution adopted by the Board of Directors of the Company effective July 31, 2023.

In witness whereof, I have hereunto subscribed my name and affixed the seal of the Company, effective **February 12, 2024**.



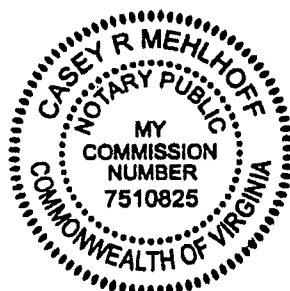
(Company Seal)

Ferguson Enterprises, LLC

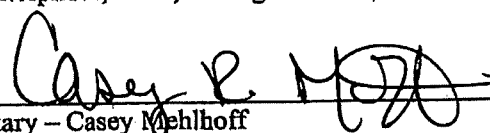

Wesley E. Rice
Assistant Secretary

Commonwealth of Virginia
City of Newport News

Sworn to subscribe and acknowledged before me on February 12, 2024, by Wesley E. Rice, personally known to me, in his capacity as Assistant Secretary of Ferguson Enterprises, LLC, a Virginia LLC, on behalf of such Company.



(Notary Seal)


Notary – Casey Mehlhoff
My commission expires: July 31, 2026

BID BOND

Know all men by these presents, that we, the undersigned,
Ferguson Enterprises, LLC dba Ferguson Waterworks, as Principal, and
Federal Insurance Company as Surety, are hereby held and firmly bound
unto the City of Fayetteville, Arkansas, as Owner in the penal sum of
Five Percent of the Total Amount Bid-----(\$-----5%-----) for the payment of which,
well and truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

Signed, this 5th day of April, 20 24. The
Condition of the above obligation is such that whereas the Principal has submitted to
the City of Fayetteville a certain Bid,
attached hereto and hereby made a part hereof to enter into a contract in writing, for the
West Transmission Main Solicitation Set No. 1(Steel Pipe, Large Diameter Valves, Small Diameter Valves,
Combination Air Release Valves)

Now, therefore,

- (a) If said Bid shall be rejected, or
- (b) If said Bid shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attachment hereto (properly completed in accordance with said Bid) and shall furnish a Bond for faithful performance of said contract, and for the payment of all persons performing labor furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid, then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its Bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In witness whereof, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

FERGUSON ENTERPRISES, LLC DBA
FERGUSON WATERWORKS

By: Brenda Crowder

Principal

Brenda Crowder
Assistant Treasurer



FEDERAL INSURANCE COMPANY

Surety

By: Wendy Lee Watkins

Wendy Lee Watkins/Attorney-In-Fact
Arkansas Non-Resident Agent License #
1981735

Important - Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized in accordance with the Supplemental General Conditions to transact business in the State of Arkansas.

FEDERAL INSURANCE COMPANY
STATEMENT OF ASSETS, LIABILITIES AND SURPLUS TO POLICYHOLDERS

Statutory Basis

December 31, 2022

(in thousands)

ASSETS		LIABILITIES AND SURPLUS TO POLICYHOLDERS	
Cash and Short Term Investments	\$ 123,147	Outstanding Losses and Loss Expenses	\$ 9,263,034
United States Government, State and Municipal Bonds	3,769,695	Reinsurance Payable on Losses and Expenses	1,723,796
Other Bonds	5,964,508	Unearned Premiums	2,632,590
Stocks	245,498	Ceded Reinsurance Premiums Payable	380,182
Other Invested Assets	<u>1,979,184</u>	Other Liabilities	<u>471,528</u>
TOTAL INVESTMENTS	<u>12,082,042</u>	TOTAL LIABILITIES	<u>14,471,130</u>
 Investments in Affiliates		 Capital Stock	20,980
Great Northern Ins. Co.	422,405	Paid-In Surplus	2,711,474
Vigilant Ins. Co.	361,723	Unassigned Funds	<u>1,545,403</u>
Chubb Indemnity Ins. Co.	185,044	 SURPLUS TO POLICYHOLDERS	<u>4,277,857</u>
Chubb National Ins. Co.	194,379		
Other Affiliates	124,046		
Premiums Receivable	1,859,933		
Other Assets	<u>3,519,415</u>		
 TOTAL ADMITTED ASSETS	<u>\$ 18,748,987</u>	 TOTAL LIABILITIES AND SURPLUS	<u>\$ 18,748,987</u>

Investments are valued in accordance with requirements of the National Association of Insurance Commissioners. At December 31, 2022, investments with a carrying value of \$512,747,632 were deposited with government authorities as required by law.

STATE OF PENNSYLVANIA

COUNTY OF PHILADELPHIA

John Taylor, being duly sworn, says that he is Senior Vice President of Federal Insurance Company and that to the best of his knowledge and belief the foregoing is a true and correct statement of the said Company's financial condition as of the 31 st day of December, 2022.

Sworn before me this March 16, 2023


 Senior Vice President


 Notary Public

September 19, 2023
 My commission expires

Commonwealth of Pennsylvania - Notary Seal
 Jaime L. Yates, Notary Public
 Philadelphia County
 My commission expires September 19, 2023
 Commission number 1357070
 Member, Pennsylvania Association of Notaries

CHUBB

Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company

Westchester Fire Insurance Company | ACE American Insurance Company

Know All by These Presents, that **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** corporations of the Commonwealth of Pennsylvania, do each hereby constitute and appoint Kaitlyn Malkowski, Christopher F. Mulvaney, Pablo Rios Jr. and Wendy Lee Wadkins of Radnor, Pennsylvania -----

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

In Witness Whereof, said **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** have each executed and attested these presents and affixed their corporate seals on this 9th day of August, 2022.

Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

Stephen M. Haney

Stephen M. Haney, Vice President



STATE OF NEW JERSEY

County of Hunterdon

SS.

On this 9th day of August, 2022 before me, a Notary Public of New Jersey, personally came Dawn M. Chloros and Stephen M. Haney, to me known to be Assistant Secretary and Vice President, respectively, of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY**, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros and Stephen M. Haney, being by me duly sworn, severally and each for herself and himself did depose and say that they are Assistant Secretary and Vice President, respectively, of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** and know the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that their signatures as such officers were duly affixed and subscribed by like authority.

Notarial Seal



KATHERINE J. ADELAAR
NOTARY PUBLIC OF NEW JERSEY
No. 2316685
Commission Expires July 18, 2024

Katherine J. Adelaar

Notary Public

CERTIFICATION

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

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

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

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

I, Dawn M. Chloros, Assistant Secretary of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** (the "Companies") do hereby certify that

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

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this

5th day of April, 2024



Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

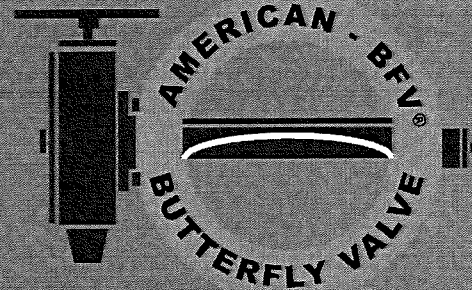
IN THE EVENT YOU WISH TO VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT:
Telephone (908) 903-3493 Fax (908) 903-3656 e-mail: surety@chubb.com

VAL-MATIC®

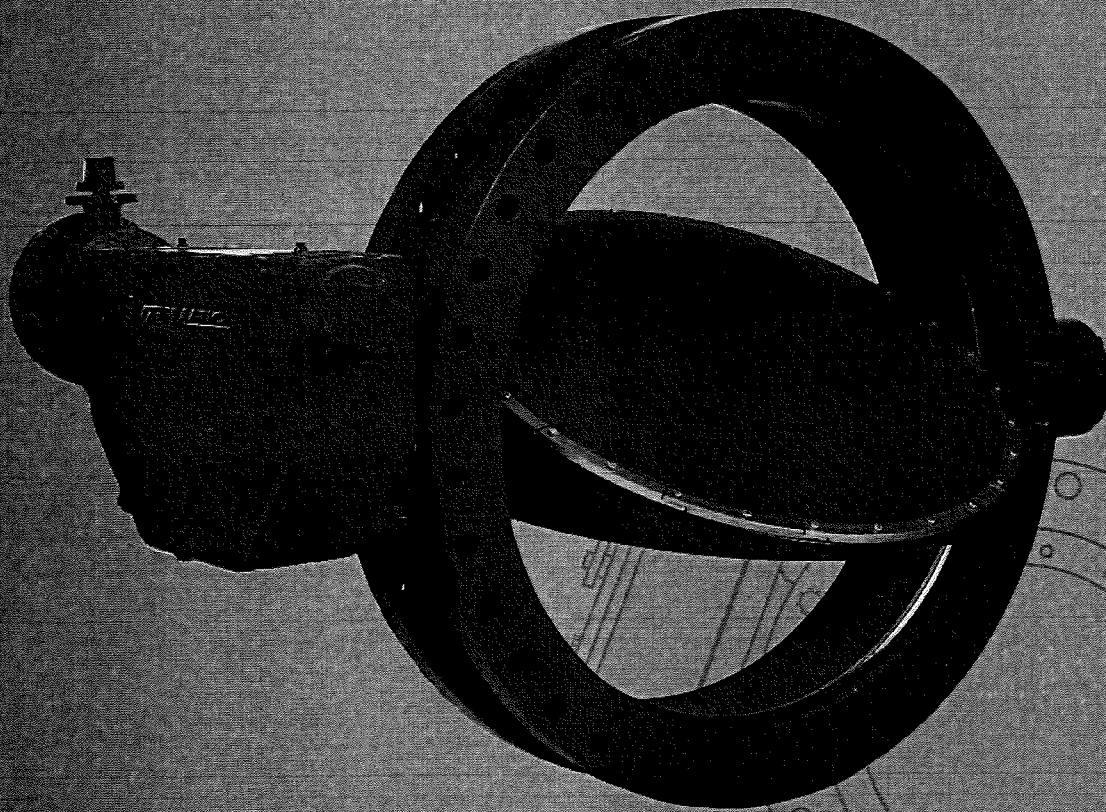
Proven Design

Preferred Features

Advanced Technology



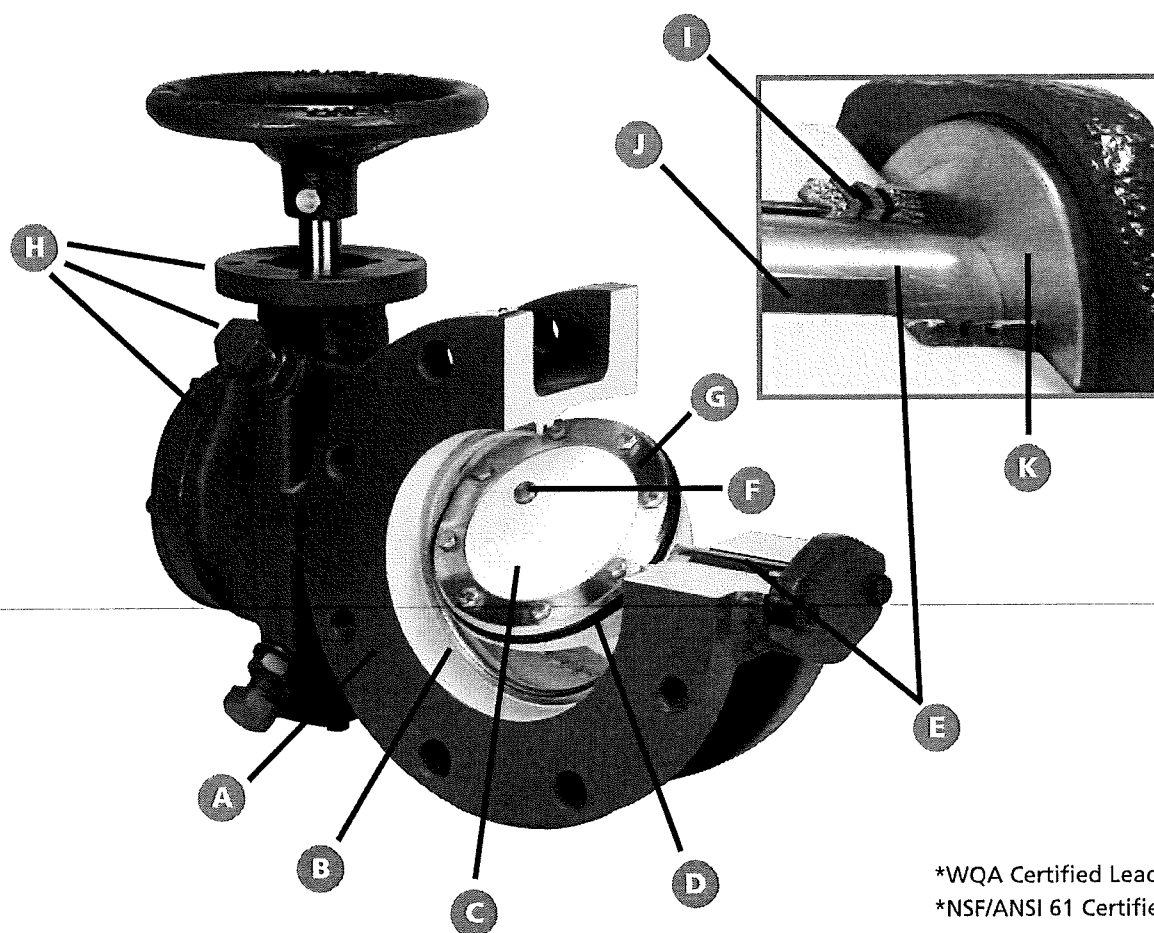
**AWWA
Rubber Seated
Butterfly Valve**



www.valmatic.com

WQA Certified Lead-Free
NSF/ANSI 61 Certified

Feature Highlights



*WQA Certified Lead Free

*NSF/ANSI 61 Certified

A. Body

Available in Wafer, Flanged, Mechanical Joint and Flange x Mechanical Joint End Connections in AWWA Classes 150B and 250B.

B. Body Seat

360° uninterrupted body seat with no shaft penetration insures leak free performance. Type 316 Stainless Steel provides long life and corrosion free mating surface for resilient seat.

C. Ductile Iron Disc

Ductile Iron provides strength and rigidity to withstand dynamic forces from flow and pressure transients. The added strength allows the disc design to have a smaller cross section providing improved headloss characteristics.

D. Rubber Seat

Special formulated elastomers for chemical resistance and long cycle

life. The 360° resilient seat is uninterrupted for positive seating.

E. Shaft

Stainless Steel shafts meet AWWA C504 diameter requirements. Through-shafts provided standard on sizes 3"- 24" and available on 30" and larger when specified.

F. Tangential Taper Pins

Stainless Steel Taper Pins with lock nut and o-ring seal utilize tangential forces of the taper pin and lock nut to provide the most secure method available of locking the disc to the shaft.

G. Tri-Loc™ Seat Retention System

With over 35 years of proven dependability the Tri-Loc™ Seating System is easily adjusted and field replaceable. All seat hardware is Type 316 Stainless Steel.

H. Traveling Nut Actuator

The traveling nut design provides characterized closure during the last half of travel. Exclusive externally adjustable stops are rated to 450 ft-lbs of input torque. Standard FA10 motor mounting flange provides ease of automation.

I. Shaft Seal

Shaft seal is a self-adjusting/wear compensating V-Type packing. Packing is easily replaced without removal of the valve from the line.

J. Sleeve Bearings

Low friction bearings are self-lubricating and non-corrosive, for a long, trouble-free life.

K. Thrust Bearing

Factory-set bronze thrust bearing assures proper centering of valve disc. Thrust bearings are field adjustable in sizes 30" and larger.

PROVEN DESIGN

The American-BFV® is designed, manufactured, and tested to meet all AWWA C504 and C516 requirements including performance tests, leakage tests, and hydrostatic testing. Third-party Proof of Design Testing was successfully completed and flow testing was performed at the Utah State Hydraulics Lab, one of the premier testing labs in the world.

With thousands of field installations throughout the world, the American-BFV® design has proven dependable since 1971.

The valves are certified for use in drinking water in accordance with NSF/ANSI 61 and are WQA Certified Lead-Free.

PREFERRED FEATURES

The American-BFV® provides the features that engineers and users have requested and are included in the AWWA C504 and C516 Butterfly Valve standards. The American-BFV® is designed to provide long life and trouble-free performance. If maintenance becomes necessary, the valve is also designed for easy field service. The shaft seal incorporates V-type packing which is easily replaced in the field without removal from the line. Adjustment of the resilient seat is easily performed with a torque wrench, as compared to epoxy filled seats that require special equipment and materials or bonded seats that cannot be replaced or adjusted in the field.

The unique Tri-Loc™ seat retention system assures seat integrity

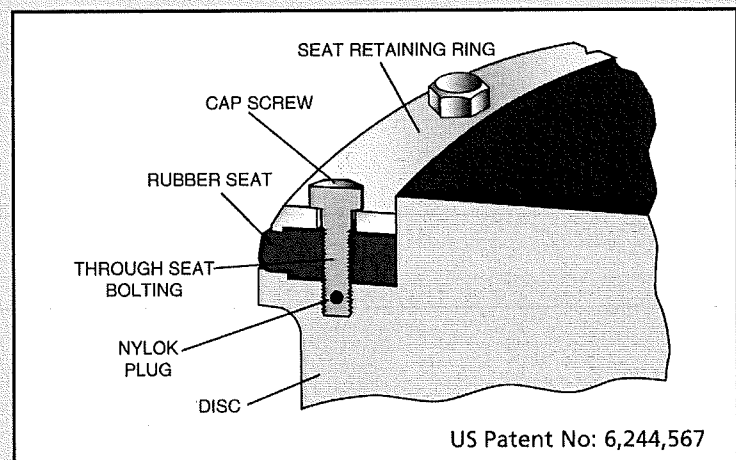
by securing the seat through three different mechanical methods to assure long-term dependable service, See Figure 1. All seat designs provide excellent seating but only the Tri-Loc™ provides ease of adjustment or replacement in the field if ever needed.

The American-BFV® disc is ductile iron in all sizes. The added strength allows the disc design to have a smaller cross section providing improved headloss characteristics. The American-BFV® will withstand flow rates and pressure transients beyond the maximum AWWA pressure rating.

ADVANCED TECHNOLOGY

Incorporating the latest in valve technology assures a high-quality valve that will provide long service. The design process utilized Solid Modeling and Finite Element Analysis (FEA) of the key structural components. Flow and torque data was derived from flow tests, mathematical models and Computational Fluid Dynamics (CFD). Manufacturing technology uses automated process control in the foundry and ISO 9001 controlled manufacturing processes. Every valve is tested in accordance with AWWA C504 and C516.

Figure 1. Tri-Loc™ Seat Retention System



The Tri-Loc™ seat retention system provides reliable sealing and positive mechanical retention of the valve seat while allowing easy adjustment or replacement in the field.

The seat is secured by three methods: 1) clamp force, 2) through the seat bolting and 3) opposing machined registers in the disc and seat retaining ring. Clamp force is provided by tightening the Nylok* cap screws. Tightening the screws applies pressure to the serrated seat retaining ring which in turn creates a "clamp force" on the rubber molded seat. These same cap screws provide through-bolting seat retention by passing through precision molded holes in the rubber seat. Finally, molded shoulders in the rubber seat are captured by machined registers in the disc and retention ring preventing outward movement of the seat.

*Nylok is a registered trademark of Nylok corporation.

Valve Construction

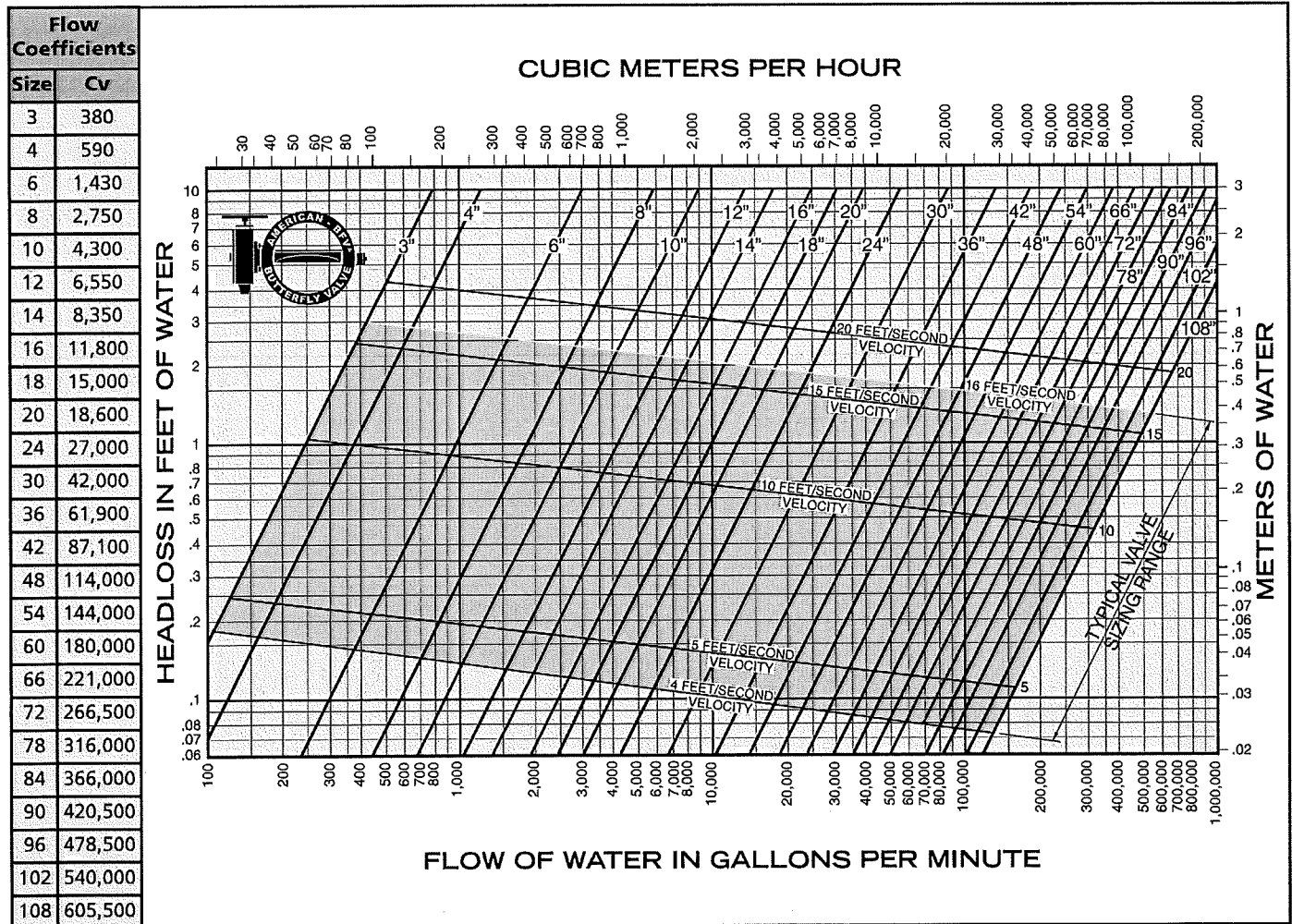
PRESSURE RATINGS

MAXIMUM PRESSURE RATINGS			
SERIES	CONNECTION	AWWA Class	CWP (psig)
2000	ANSI 125# Gray Iron Flange	150B	150
2100	AWWA MJ Gray Iron	150B	150
2200	ANSI 250# Ductile Iron Flange	250B	250
2300	AWWA MJ Ductile Iron	250B	250
2400	ANSI 125# Ductile Iron Flange	250B	250
2500	ANSI 125# Gray Iron Wafer	150B	150
2600	ANSI 125# FLG x MJ Gray Iron	150B	150

MATERIALS OF CONSTRUCTION

COMPONENT	STANDARD	OPTIONAL
150B Body 3"-72"	Cast Iron ASTM A126, Class B	Ductile Iron, Bronze Stainless Steel Steel
150B Body 78"-108"	Ductile Iron ASTM A536 Gr. 65-45-12	Bronze Stainless Steel Steel
250B Body 3"-108"		
Disc	Ductile Iron ASTM A536 Gr. 65-45-12	Bronze Stainless Steel Steel
150B Shaft 3"-72"	Stainless Steel ASTM A276 Type 304	Stainless Steel Type 316, Monel
150B Shaft 78"-108"	Stainless Steel ASTM A564 Type 630, H1150	Monel
250B Shaft 3"-108"		
Resilient Seat	Buna-N	EPDM, Viton
Body, Seat and Hardware	Type 316 Stainless Steel	Monel
Shaft Bearings 3" - 24"	Nylatron	Teflon, Bronze
Shaft Bearings 30" and Larger	Teflon-Lined, Fiberglass-Backed	Teflon-Lined, Stainless Steel or Bronze Backed

Headloss Chart



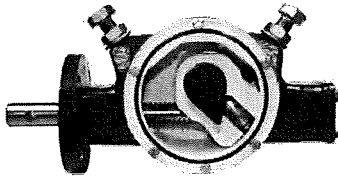
Actuation/Controls

Val-Matic manufactures a wide variety of manual and power actuators that include traveling nut actuators, worm gears, cylinders and motors. In addition Val-Matic valves are easily adaptable for mounting custom actuators such as: vane, spring-return, rack and pinion, electro-hydraulic, air/oil and other specified cylinder or electric motor actuators.

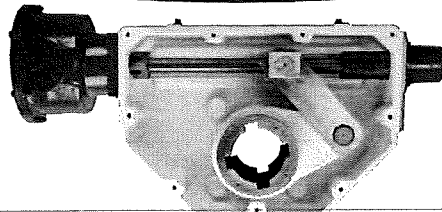
Val-Matic control systems provide reliable power and control of hydraulic actuated butterfly valves. Val-Matic control panels use the highest quality components and provide field adjustable operation of valves. Oil accumulator systems provide hydraulic power for valves even after power failure. Electrical panels provide for remote monitoring of valve operation and alarm conditions.

TRAVELING NUT ACTUATOR

SLOTTED LEVER

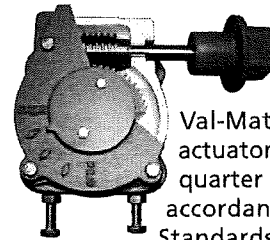


LINK AND LEVER



Val-Matic's traveling nut manual actuators are designed to specifically match the torque characteristics of Val-Matic Butterfly Valves and are built in accordance with AWWA Standards. The traveling nut actuator provides characterized closure which allows the valve to slowly close during the last half of travel to reduce pipeline surges. Val-Matic actuators have the exclusive feature of externally adjustable stops rated to 450 ft-lbs of input torque.

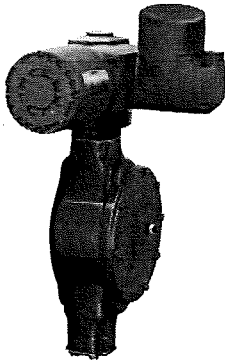
WORM GEAR MANUAL ACTUATOR



Val-Matic's worm gear actuators provide precise quarter turn actuation in accordance with AWWA Standards. Worm gears

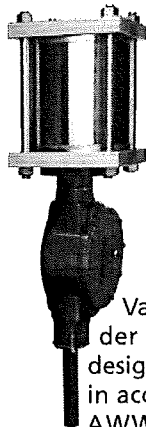
include externally adjustable mechanical stops to control end of valve travel. Optional spur gear assemblies are provided to increase mechanical advantage thereby reducing the handwheel and nut input torques.

ELECTRIC MOTOR ACTUATION



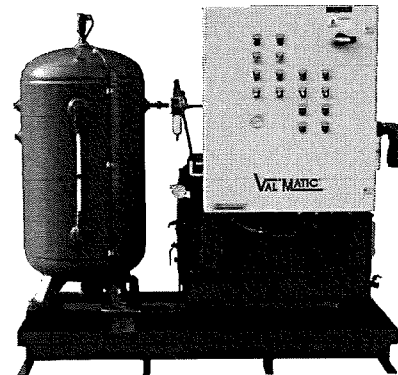
Val-Matic's motorized traveling nut and worm gear actuators are designed to match the torque characteristics of quarter turn valves. The actuators are built in accordance with AWWA Standard C542 for Electric Actuators and are equipped with thermal overloads, torque switches and limit switches to protect the actuator and valve.

AIR, OIL AND WATER CYLINDER ACTUATOR

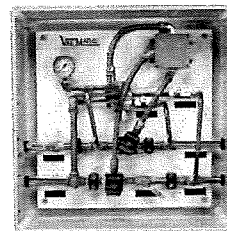


Val-Matic's cylinder actuators are designed and built in accordance with AWWA C541 for Hydraulic Actuators. They provide reliable characterized closure and feature externally adjustable closed stops. Cylinders are constructed of stainless steel for air, oil or water supply media to 150 psig. Cylinder actuators can be equipped with limit switches, positioners, solenoid valves, and flow control valves to provide control functions.

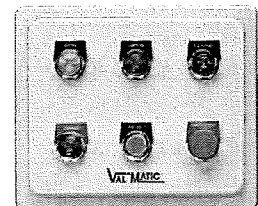
CONTROL SYSTEMS



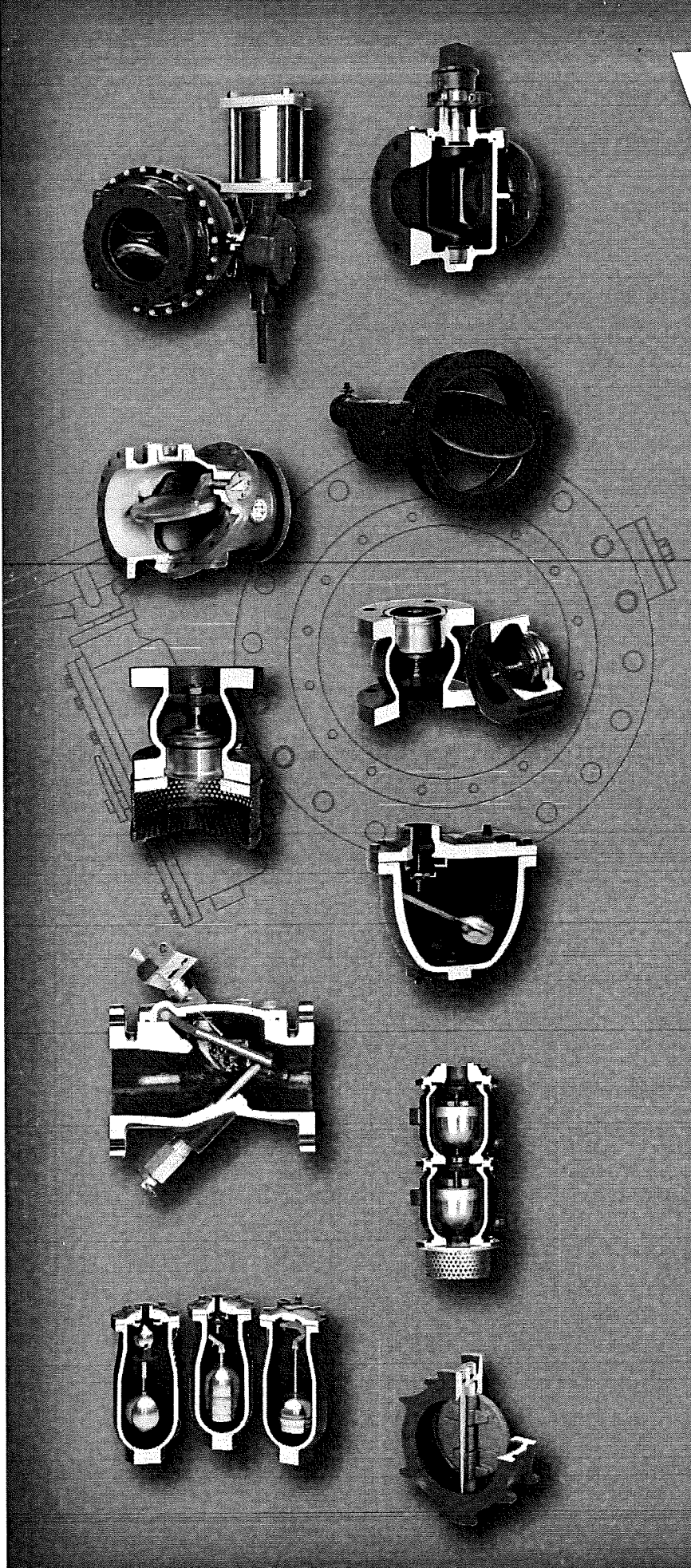
Oil Accumulator Systems consist of redundant oil pumps and air compressors piped to an ASME certified air-over-oil accumulator tank. The system provides a clean and reliable oil supply to operate all of the pump control valves even after power outages.



Hydraulic Control Panels operate pump control valves using air, oil, or water and include solenoid and flow control valves for slow open, slow close, and emergency shutdown. The panels feature rugged corrosion resistant piping in a NEMA 4X enclosure with window, shutoff valve, and supply pressure gauge.



Electric Control Panels provide the interface between the hydraulic control panel and the pump motor controls. The NEMA 4X panel displays valve position and alarm conditions with heavy-duty pilot lights and controls critical system functions with socket-type relays and timers.



VAL-MATIC®

Val-Matic's quality of design and meticulous workmanship has set the standards by which all others are measured. Quality design features such as an Ener-G® efficient AWWA Ball Valve with fusion bonded epoxy and adjustable resilient seating....Cam-Centric® Plug Valves with more requested features than any other eccentric plug valve....the American-BFV® Butterfly Valve that provides field replaceable seat without the need for special tools....high strength and wear resistant aluminum bronze trim as standard for Tilted Disc® Check Valves....combined resilient/metal to metal seating for Silent Check Valves....heavy duty stainless steel screened inlet on Sure Seal Foot Valves....unrestricted full flow area through Swing-Flex® and Surgebuster® Check Valves....and stabilized components that provide extended life of the Dual Disc® Check Valves....Type 316 stainless steel trim as standard on Air Release, Air/Vacuum and Combination Air Valves....the VaultSafe® family of products includes the FloodSafe® Inflow Preventer, FrostSafe® two-way damper and the VentSafe® vent pipe security cage. These features coupled with our attention to detail put Val-Matic Valves in a class by themselves.

Val-Matic is totally committed to providing the highest quality valves and outstanding service to our customers. Complete customer satisfaction is our goal.

Make the Change
to Quality!

Specify

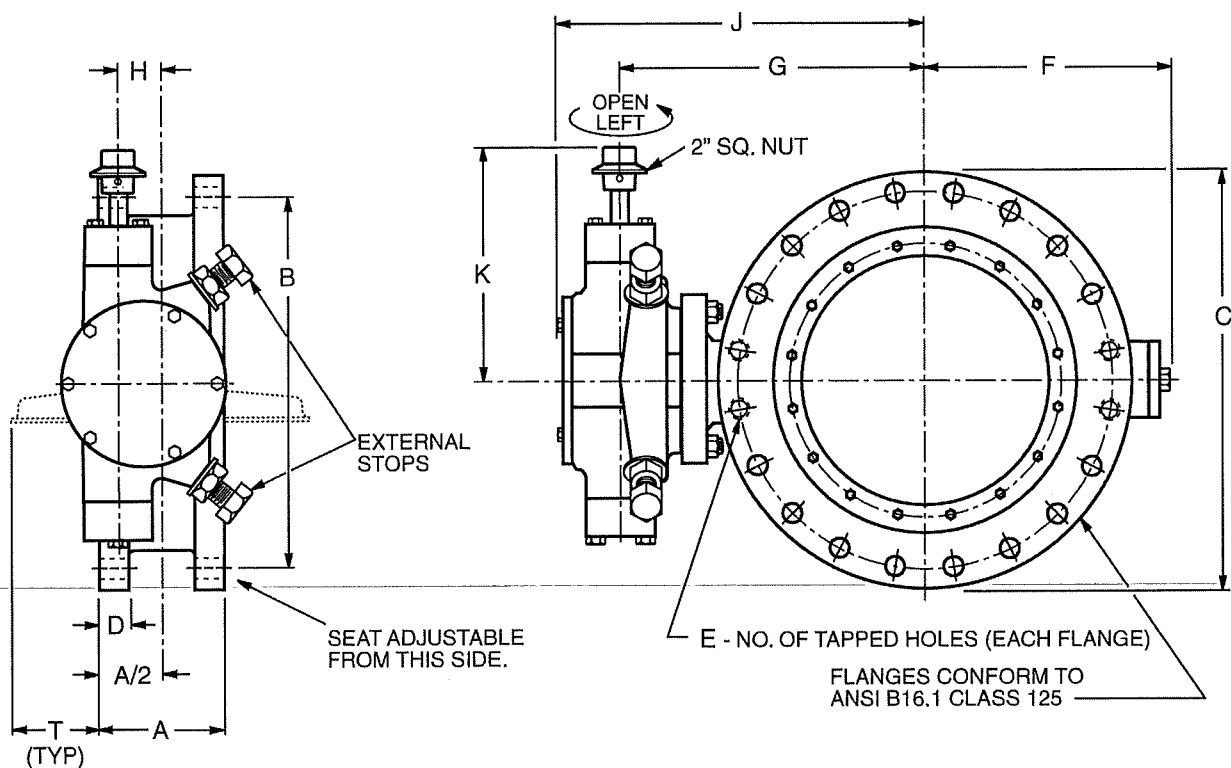
VAL-MATIC®

Val-Matic Valve and Manufacturing Corp.
905 Riverside Drive, Elmhurst, IL 60126
Phone: 630-941-7600 Fax: 630-941-8042
www.valmatic.com
valves@valmatic.com

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ISO 9001:2008 certified company

12/10

24" Valves



COLD WORKING PRESSURE 250 PSI (250B)

SEE DRAWING NO. VM-2004-M FOR STANDARD 250B MATERIALS OF CONSTRUCTION.

CLASS 125 LB. DUCTILE IRON FLANGE DIMENSIONS, INCHES

VALVE SIZE	AWWA C504 CLASS	A	B	C	D	E	F	G	H	J	K	T	TURNS TO OPEN	NO. OF BOLTS	BOLT SIZE	ACTUATOR SIZE	SHPG. WT. LBS.
4	250B	5.00	7.50	9.00	0.94	0	6.00	7.46	1.50	9.96	7.83	—	15	8	5/8	LS-1A	71
6	250B	5.00	9.50	11.00	1.00	0	7.00	8.15	1.50	10.65	7.83	0.69	15	8	3/4	LS-1.2A	90
8	250B	6.00	11.75	13.50	1.13	0	8.00	9.13	1.50	11.63	7.83	1.18	15	8	3/4	LS-1.2A	125
10	250B	8.00	14.25	16.00	1.19	0	10.00	11.50	2.00	14.19	8.71	1.13	20	12	7/8	LS-2A	200
12	250B	8.00	17.00	19.00	1.25	0	11.06	12.56	2.00	15.25	8.71	2.13	20	12	7/8	LS-2A	250
14	250B	8.00	18.75	21.00	1.38	0	13.50	15.65	3.50	19.03	12.06	3.13	35	12	1	LS-3A	400
16	250B	8.00	21.25	23.50	1.44	0	14.63	16.69	3.50	20.06	12.06	4.13	35	16	1	LS-3A	480
18	250B	8.00	22.75	25.00	1.56	4	15.50	17.94	5.00	21.38	13.81	5.13	50	16	1 1/8	LS-4A	640
20	250B	8.00	25.00	27.50	1.69	4	17.50	19.94	5.00	23.38	13.81	6.06	50	20	1 1/8	LS-4A	775
24	250B	8.00	29.50	32.00	1.88	4	20.50	22.94	5.00	26.38	13.81	8.06	50	20	1 1/4	LS-4A	1,085

Revised 12-21-18

250B / 125 LB. DUCTILE IRON FLANGED BUTTERFLY VALVE WITH BURIED SERVICE ACTUATOR

DATE 3-14-11

VAL-MATIC®

VALVE AND MANUFACTURING CORP.

DRWG. NO.

VM-2404/BLS

BUTTERFLY VALVE

3"-24" AWWA CLASS 150B AND 250B SERIES 2000

MATERIALS OF CONSTRUCTION

PART NO.	PART NAME	STANDARD MATERIAL	OPTIONAL MATERIAL
1	BODY (CLASS 150B) BODY (CLASS 250B)	CAST IRON, ASTM A126, CLASS B DUCTILE IRON, ASTM A536, GRADE 65-45-12	DUCTILE IRON, ASTM A536, GRADE 65-45-12
2	BODY SEAT	STAINLESS STEEL ASTM A276, T316	WELDED NICKEL (OVERLAID ON BODY)
3	DISC	DUCTILE IRON, ASTM A536, GRADE 65-45-12	-
4	SHAFT (CLASS 150B) SHAFT (CLASS 250B)	STAINLESS STEEL ASTM A276, T304 STAINLESS STEEL ASTM A564, T630, H1150	STAINLESS STEEL ASTM A276, T316
5	SLEEVE BEARING	NYLATRON®	PTFE LINED; FIBERGLASS BACKED
6	RESILIENT SEAT	BUNA-N	PEROXIDE-CURED EPDM, FKM
7	SEAT RETAINING RING	STAINLESS STEEL ASTM A743, GRADE CF8M	-
8	LOCKING CAP SCREWS	STAINLESS STEEL ASTM F593, T316 WITH NYLON PELLET	-
9	TAPER PIN	STAINLESS STEEL ASTM A582, T416	-
10	TAPER PIN O-RING	PEROXIDE-CURED EPDM	FKM
11	TAPER PIN NUT	STAINLESS STEEL ASTM F594, T316	-
12	TAPER PIN WASHER	STAINLESS STEEL ASTM A276, T316	-
13	PACKING, V-TYPE	BUNA-N	EPDM, FKM
14	KEY	CARBON STEEL	-
15	THRUST BEARING CAP	CAST IRON ASTM A126, CLASS B	-
16	CAP SCREWS	CARBON STEEL, ZINC PLATED	STAINLESS STEEL, T316
18	THRUST BEARING	BRONZE ASTM 763, ALLOY C99500	-
24	BODY O-RING	RESILIENT, ASTM D2000	-

Revised: 4/19/23

MATERIALS OF CONSTRUCTION

DATE: 6-7-99

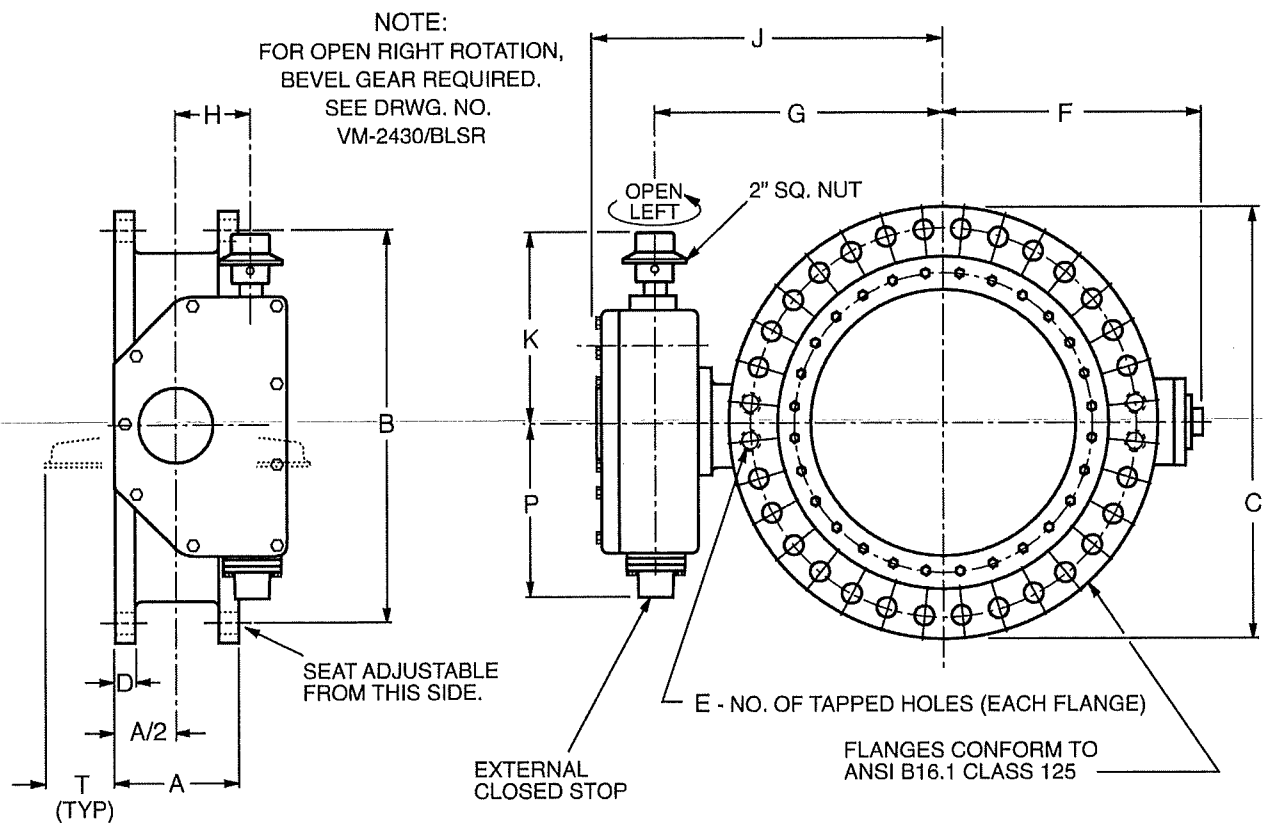
VAT-MATIC®

VALVE AND MANUFACTURING CORP.

DRWG. NO.

VM-2004-M

36" Valves



COLD WORKING PRESSURE 250 PSI (250B)

CLASS 125 LB. DUCTILE IRON DIMENSIONS, INCHES

VALVE SIZE	AWWA C504 CLASS	A	B	C	D	E Qty.	E Tap	E Deep	F	G	H	J	K	P	T	TURNS TO OPEN	NO. OF BOLTS	BOLT SIZE	ACTUATOR SIZE	SHPG. WT. LBS.
30	250B	12.00	36.00	38.75	2.12	4	1 1/4-7	2.00	27.38	29.12	8.50	34.50	20.50	17.75	8.81	63	28	1.25	LS-5A	2435
36	250B	12.00	42.75	46.00	2.38	4	1 1/2-6	2.38	29.50	31.88	8.50	37.25	20.50	17.75	11.81	63	32	1.50	LS-5A	3425

Revised 1-22-14

250B/125 LB. DUCTILE IRON FLANGED BUTTERFLY VALVE WITH BURIED SERVICE ACTUATOR

DATE 3-14-11

VAL-MATIC® VALVE AND MANUFACTURING CORP.

DRWG. NO.
VM-2430/BLS

BUTTERFLY VALVE

30"-72" SERIES 2000

MATERIALS OF CONSTRUCTION

PART NO.	PART NAME	STANDARD MATERIAL	OPTIONAL MATERIAL
1	BODY (CLASS 150B) BODY (CLASS 250B)	CAST IRON, ASTM A126, CLASS B DUCTILE IRON, ASTM A536, GRADE 65-45-12	DUCTILE IRON, ASTM A536, GRADE 65-45-12
2	BODY SEAT	STAINLESS STEEL ASTM A276, T316	WELDED NICKEL (OVERLAID ON BODY)
3	DISC	DUCTILE IRON, ASTM A536, GRADE 65-45-12	-
4	SHAFT (CLASS 150B) SHAFT (CLASS 250B)	STAINLESS STEEL ASTM A276, T304 STAINLESS STEEL ASTM A564, T630, H1150	STAINLESS STEEL ASTM A276, T316
5	SLEEVE BEARING	PTFE LINED, FIBERGLASS BACKED	-
6	RESILIENT SEAT	BUNA-N	EPDM, FKM
7	SEAT RETAINING RING	STAINLESS STEEL ASTM A743, GRADE CF8M	-
8	LOCKING CAP SCREWS	STAINLESS STEEL ASTM F593, T316 WITH NYLON PELLET	-
9	TAPER PIN	STAINLESS STEEL ASTM A582, T416	-
10	TAPER PIN O-RING	EPDM	FKM
11	TAPER PIN NUT	STAINLESS STEEL ASTM F594, T316	-
12	TAPER PIN WASHER	STAINLESS STEEL ASTM A276, T316	-
13	PACKING, V-TYPE	BUNA-N	EPDM, FKM
14	KEY	CARBON STEEL	-
15	THRUST BEARING CAP	BRONZE PER ASTM B763	-
16	CAP SCREWS	STAINLESS STEEL ASTM A276, T316	-
17	THRUST BEARING STUD	BRONZE PER ASTM B763	-
18	THRUST PLATE	CAST IRON, ASTM A126, CLASS B	-
19	THRUST PLATE BOLTS	CARBON STEEL (ZINC PLATED)	STAINLESS STEEL, T316
20	THRUST PLATE GASKET	COMPRESSED NON-ASBESTOS FIBER	-
21	LOCK CAP	CAST IRON ASTM A126, CLASS B	-
22	LOCK CAP BOLTS	CARBON STEEL (ZINC PLATED)	STAINLESS STEEL, T316
23	LOCK CAP GASKET	COMPRESSED NON-ASBESTOS FIBER	-
24	BODY O-RING	RESILIENT, ASTM D2000	-

Revised: 6/21/23

MATERIALS OF CONSTRUCTION

DATE: 6-7-99

VAL-MATIC®

VALVE AND MANUFACTURING CORP.

DRWG. NO.

VM-2030-M

TRAVELING NUT ACTUATOR

SIZE LS-5A

<u>PART NO.</u>	<u>PART NAME</u>	<u>MATERIAL</u>
1	HOUSING	CAST IRON ASTM A48, CLASS 40
2	HOUSING COVER	CAST IRON ASTM A48, CLASS 40
3	HOUSING & COVER BUSHING	TEFLON / FIBERGLASS BACKED
4	HOUSING COVER BOLTS	STAINLESS STEEL T316
5	HOUSING COVER GASKET	RTV SEALANT
6	INDICATOR SHAFT COVER (ABOVE GROUND SERVICE) NON-ROTATING SHAFT COVER (BURIED SERVICE)	CAST IRON ASTM A48, CLASS 40
7	SHAFT COVER BOLTS	STAINLESS STEEL T316
8	SHAFT COVER GASKET	RTV SEALANT
9	LEVER	DUCTILE IRON ASTM A536, GRADE 65-45-12
9A	LOCKING PIN	ALLOY STEEL
10	LEVER O-RING	BUNA-N
11	LEVER RETAINING RING	STEEL
12	LINK	STEEL
13	LINK BUSHING	TEFLON / FIBERGLASS BACKED
14	CROSSHEAD	BRONZE ASTM B124, ALLOY C67500
15	TRAVELING GUIDE	BRONZE ASTM B124, ALLOY C67500
16	OPERATOR STEM	HIGH TENSILE STEEL (NICKEL PLATED EXPOSED END)
17	STEM TRUST BEARING COLLAR	BRONZE ASTM B124, ALLOY C37700
18	STEM COLLAR PIN	STEEL
19	STOP NUT	STEEL
20	STOP NUT PIN	STEEL
21	END CAP (FOR SOIL PIPE ALIGNMENT OR MOTOR ATTACHMENT)	CAST IRON ASTM A48, CLASS 40
22	END CAP SOCKET HD. BOLTS	STAINLESS STEEL 17-4 PH
33	STEM O-RING	BUNA-N
36	HANDWHEEL (OPTIONAL)	CAST IRON
37	PIN	STEEL
39	BALL BEARINGS	STEEL
40	BEARING RACE	STEEL
42	OPERATING NUT (OPTIONAL FOR ABOVE GROUND SERVICE, STANDARD FOR BURIED SERVICE)	CAST IRON
43	CHAINWHEEL KIT (OPTIONAL)	DUCTILE IRON
46	STOP COVER	CAST IRON ASTM A48, CLASS 40
47	STOP COVER O-RING	BUNA-N
48	END CAP O-RING	BUNA-N
50	STOP COVER BOLTS	STAINLESS STEEL T316

NOTE: ALL SPECIFICATIONS AS
LAST REVISED.

MATERIALS OF CONSTRUCTION

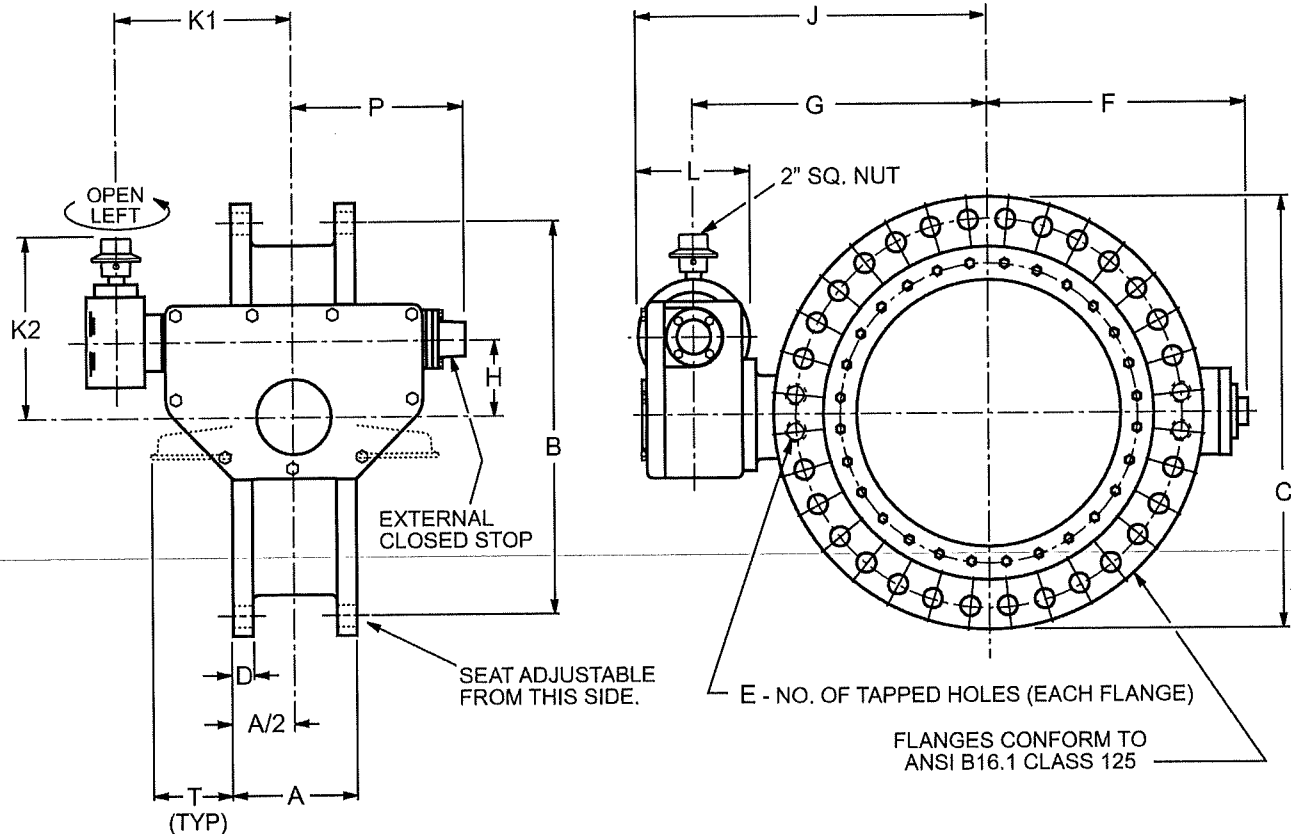
DATE 8/22/08



VALVE AND MANUFACTURING CORP.

DRWG. NO.

VM-LS5A-M



SEE DRWG. NO. VM-2030-M FOR STANDARD 250B MATERIALS OF CONSTRUCTION.

COLD WORKING PRESSURE 250 PSI (250B)

CLASS 125 LB. DUCTILE IRON FLANGE DIMENSIONS, INCHES

VALVE SIZE	AWWA C504 CLASS	A	B	C	D	E Qty.	E Tap	E Deep	F	G	H	J	K1	K2	L	P	T	TURNS TO OPEN	NO. OF BOLTS	BOLT SIZE	ACTUATOR SIZE	SHPG. WT. LBS.
42	250B	12	40.50	53.00	2.62	4	1 1/2-6	2.50	35.25	35.88	8.50	41.75	10.50	17.50	11.75	17.75	14.75	187	36	1 1/2	LS-5.2A	4544
48	250B	15	56.00	59.50	2.75	4	1 1/2-6	2.50	39.31	41.44	10.50	50.18	24.88	22.25	17.50	21.88	16.25	290	44	1 1/2	LS-6A	6925
54	250B	15	62.75	66.25	3.00	8	1 3/4-5	2.62	44.25	45.44	10.50	54.18	24.88	22.25	17.50	21.88	19.25	290	44	1 3/4	LS-6A	9255
60	250B	15	69.25	73.00	3.12	8	1 3/4-5	2.62	48.25	53.12	10.50	61.88	24.88	22.25	17.50	21.88	22.25	290	52	1 3/4	LS-6A	12880
66	250B	18	76.00	80.00	3.38	8	1 3/4-5	2.62	53.31	59.38	10.50	68.12	24.88	22.25	17.50	21.88	23.69	290	52	1 3/4	LS-6A	14820
72	250B	18	82.50	86.50	3.50	8	1 3/4-5	2.38	59.00	61.00	14.00	72.00	32.25	27.75	22.00	28.75	26.69	579	60	1 3/4	LS-7A	17800
84	250B	24	95.50	99.75	3.88	8	2-4 1/2	3.88	61.25	61.62	14.00	72.62	32.25	27.75	22.00	28.75	29.63	579	64	2	LS-7A	27060

250B/125 LB. DUCTILE IRON FLANGED BUTTERFLY VALVE WITH BURIED SERVICE ACTUATOR

DATE 3-14-11

VAL-MATIC®

VALVE AND MANUFACTURING CORP.

DRWG. NO.

VM-2442/BLS

BUTTERFLY VALVE

30"-72" SERIES 2000

MATERIALS OF CONSTRUCTION

PART NO.	PART NAME	STANDARD MATERIAL	OPTIONAL MATERIAL
1	BODY (CLASS 150B) BODY (CLASS 250B)	CAST IRON, ASTM A126, CLASS B DUCTILE IRON, ASTM A536, GRADE 65-45-12	DUCTILE IRON, ASTM A536, GRADE 65-45-12
2	BODY SEAT	STAINLESS STEEL ASTM A276, T316	WELDED NICKEL (OVERLAID ON BODY)
3	DISC	DUCTILE IRON, ASTM A536, GRADE 65-45-12	-
4	SHAFT (CLASS 150B) SHAFT (CLASS 250B)	STAINLESS STEEL ASTM A276, T304 STAINLESS STEEL ASTM A564, T630, H1150	STAINLESS STEEL ASTM A276, T316
5	SLEEVE BEARING	PTFE LINED, FIBERGLASS BACKED	-
6	RESILIENT SEAT	BUNA-N	EPDM, FKM
7	SEAT RETAINING RING	STAINLESS STEEL ASTM A743, GRADE CF8M	-
8	LOCKING CAP SCREWS	STAINLESS STEEL ASTM F593, T316 WITH NYLON PELLET	-
9	TAPER PIN	STAINLESS STEEL ASTM A582, T416	-
10	TAPER PIN O-RING	EPDM	FKM
11	TAPER PIN NUT	STAINLESS STEEL ASTM F594, T316	-
12	TAPER PIN WASHER	STAINLESS STEEL ASTM A276, T316	-
13	PACKING, V-TYPE	BUNA-N	EPDM, FKM
14	KEY	CARBON STEEL	-
15	THRUST BEARING CAP	BRONZE PER ASTM B763	-
16	CAP SCREWS	STAINLESS STEEL ASTM A276, T316	-
17	THRUST BEARING STUD	BRONZE PER ASTM B763	-
18	THRUST PLATE	CAST IRON, ASTM A126, CLASS B	-
19	THRUST PLATE BOLTS	CARBON STEEL (ZINC PLATED)	STAINLESS STEEL, T316
20	THRUST PLATE GASKET	COMPRESSED NON-ASBESTOS FIBER	-
21	LOCK CAP	CAST IRON ASTM A126, CLASS B	-
22	LOCK CAP BOLTS	CARBON STEEL (ZINC PLATED)	STAINLESS STEEL, T316
23	LOCK CAP GASKET	COMPRESSED NON-ASBESTOS FIBER	-
24	BODY O-RING	RESILIENT, ASTM D2000	-

Revised: 6/21/23

MATERIALS OF CONSTRUCTION

DATE: 6-7-99

VAL-MATIC®

VALVE AND MANUFACTURING CORP.

DRWG. NO.

VM-2030-M

TRAVELING NUT ACTUATOR

SIZES LS-5.2A THROUGH LS-7A

PART NO.	PART NAME	MATERIAL
1	OPERATOR HOUSING	CAST IRON ASTM A48, CLASS 40
2	HOUSING COVER	CAST IRON ASTM A48, CLASS 40
3	HOUSING & COVER BUSHINGS	TEFLON / FIBERGLASS BACKED
4	HOUSING COVER BOLTS	STAINLESS STEEL T316
5	HOUSING COVER GASKET	RTV SEALANT
6	INDICATOR SHAFT COVER (ABOVE GROUND SERVICE)	CAST IRON ASTM A48, CLASS 40
	NON-ROTATING SHAFT COVER (BURIED SERVICE)	
7	SHAFT COVER BOLTS	STAINLESS STEEL T316
8	SHAFT COVER GASKET	RTV SEALANT
9	LEVER	DUCTILE IRON ASTM A536, GRADE 65-45-12
9A	LOCKING PIN	ALLOY STEEL
10	LEVER O-RING	BUNA-N
11	LEVER RETAINING RING	STEEL
12	LINK	STEEL
13	LINK BUSHING	TEFLON / FIBERGLASS BACKED
14	CROSSHEAD	BRONZE ASTM B124, ALLOY C67500
15	TRAVELING GUIDE	BRONZE ASTM B124, ALLOY C67500
16	OPERATOR STEM	HIGH TENSILE STEEL
17	STEM TRUST BEARING COLLAR	BRONZE ASTM B124, ALLOY C37700
18	STEM COLLAR PIN	STEEL
19	STOP NUT	STEEL
20	STOP NUT PIN	STEEL
21	BEVEL GEAR HOUSING	CAST IRON ASTM A48, CLASS 40
22	BEVEL GEAR HOUSING BOLTS	ALLOY STEEL
23	BEVEL GEAR HOUSING COVER	CAST IRON ASTM A48, CLASS 40
24	B.G. HOUSING COVER BOLTS	STAINLESS STEEL T316
26	BEVEL GEAR	STEEL
27	BEVEL GEAR KEY	STEEL
28	PINION GEAR	STEEL
29	PINION GEAR KEY	STEEL
30	SPACER	STEEL
31	INPUT SHAFT	STAINLESS STEEL T416, ASTM A582
32	SHAFT RETAINING RING	STEEL
33	INPUT SHAFT O-RING	BUNA-N
34	SHAFT BEARING	BRONZE
36	HANDWHEEL (OPTIONAL)	STEEL
37	PIN	STEEL
38	THRUST WASHER	BRONZE
39	BALL BEARINGS	STEEL
40	BEARING RACE	STEEL
42	OPERATING NUT (OPTIONAL FOR ABOVE GROUND SERVICE, STANDARD FOR BURIED SERVICE)	CAST IRON
43	CHAINWHEEL KIT (OPTIONAL)	DUCTILE IRON
46	STOP COVER	CAST IRON, ASTM A48, CLASS 40
47	STOP COVER O-RING	BUNA-N
48	BEVEL HOUSING O-RING	BUNA-N
49	BEVEL COVER O-RING	BUNA-N
50	STOP COVER BOLTS	STAINLESS STEEL T316

NOTE: ALL SPECIFICATIONS AS
LAST REVISED.

MATERIALS OF CONSTRUCTION

DATE 8/22/08



VALVE AND MANUFACTURING CORP.

DRWG. NO.

VM-LS5.2A-M

Coating system for all valves quoted for this project will be fusion bonded epoxy, inside and out.

FUSION BONDED EPOXY (FBE) COATING

General Description:

Fusion Bonded Epoxy is a one-part, heat cured, thermosetting epoxy coating that is applied as a dry powder to the sandblasted surface of a pre-heated valve and then fused and cured in a high-temperature oven. The result is a durable coating with exceptional abrasion and chemical resistance ideally suited for valves in water and wastewater applications.

Advantages of FBE:

1. The coating is applied in accordance with AWWA Standard C550 "Protective Epoxy Coatings for Valves and Hydrants" and certified by to the requirements of ANSI/ NSF Standard 61 - "Drinking Water System Components - Health Effects" for coating valves and fittings.
2. FBE coatings are applied in an automated one-part process so that the mixing, surface preparation, and multiple-coat problems associated with liquid paints are eliminated.
3. The electrostatic application process for FBE provides a smooth, even coating thickness with no runs, sags, or thin spots common with applying liquid paints.
4. FBE coatings are durable and provide twice the impact strength of liquid epoxies. The surface provides high abrasion resistance and has become a standard seating material for resilient gate and check valves.
5. FBE has a long-term performance history in water and sewage environments including salt water, slurries, methane and hydrogen sulfide exposure.

Application Process:

1. FBE is applied in an automated manufacturing process in accordance with the coating manufacturers' procedures and industry standards to assure consistency and high quality.
2. The valve is cleaned, sandblasted, and preheated in an oven.
3. An electrical charge is applied to the body and the powder is deposited over the surfaces of the valve to the specified thickness.
4. The epoxy is post cured in an oven to cure specifications and allowed to air cool to room temperature.
5. The final surface is visually and electrically (when specified) tested to verify thickness and that it is holiday free.

Typical Performance Characteristics:

1. Color:	Blue	
2. Thickness	12-20 mils	1 Coat
3. Gloss at 60 deg:	60-80 units	Din 67 530
4. Impact Resistance	>5 Joule (44 in-lb)	Din 30 677-2
5. Elongation:	>5%	Din 30 671
6. Hardness:	>100	Din 53 153
7. Water Immersion:	No visible change	90C, 672 Hours
8. Salt Spray Test:	>3000 hours	Din 53167
9. Adhesion:	16 Mpa (2320 psi)	7 days, 90C EN 24 624

Revised 2-15-17

FUSION BONDED EPOXY (FBE) COATING

DATE 7-17-02



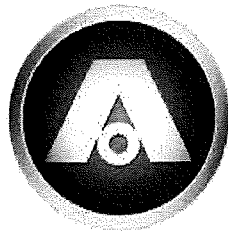
VALVE AND MANUFACTURING CORP.

DRWG. NO.

SS-1847

American Iron & Steel

The material in this quote conforms to AIS. If we are selected for the bid, we will provide project specific documentation.



AMERICAN

FLOW CONTROL

THE RIGHT WAY

AMERICAN Flow Control

P.O. Box 2727

Birmingham, AL 35202-2727

Telephone: 1-800-326-8051

Fax: 1-800-610-3569

E-mail: afcsales@american-usa.com

Waterous Company

125 Hardman Avenue South

South St. Paul, MN 55075-1191

Telephone: 1-888-266-3686

Fax: 1-800-601-2809

E-mail: afcsales@american-usa.com

WWW.AMERICAN-USA.COM

AMERICAN Flow Control Product Submittal Package

Cover Page Information

Distributed By: Ferguson Waterworks

Project Name: West Transmission Main - City of Fayetteville

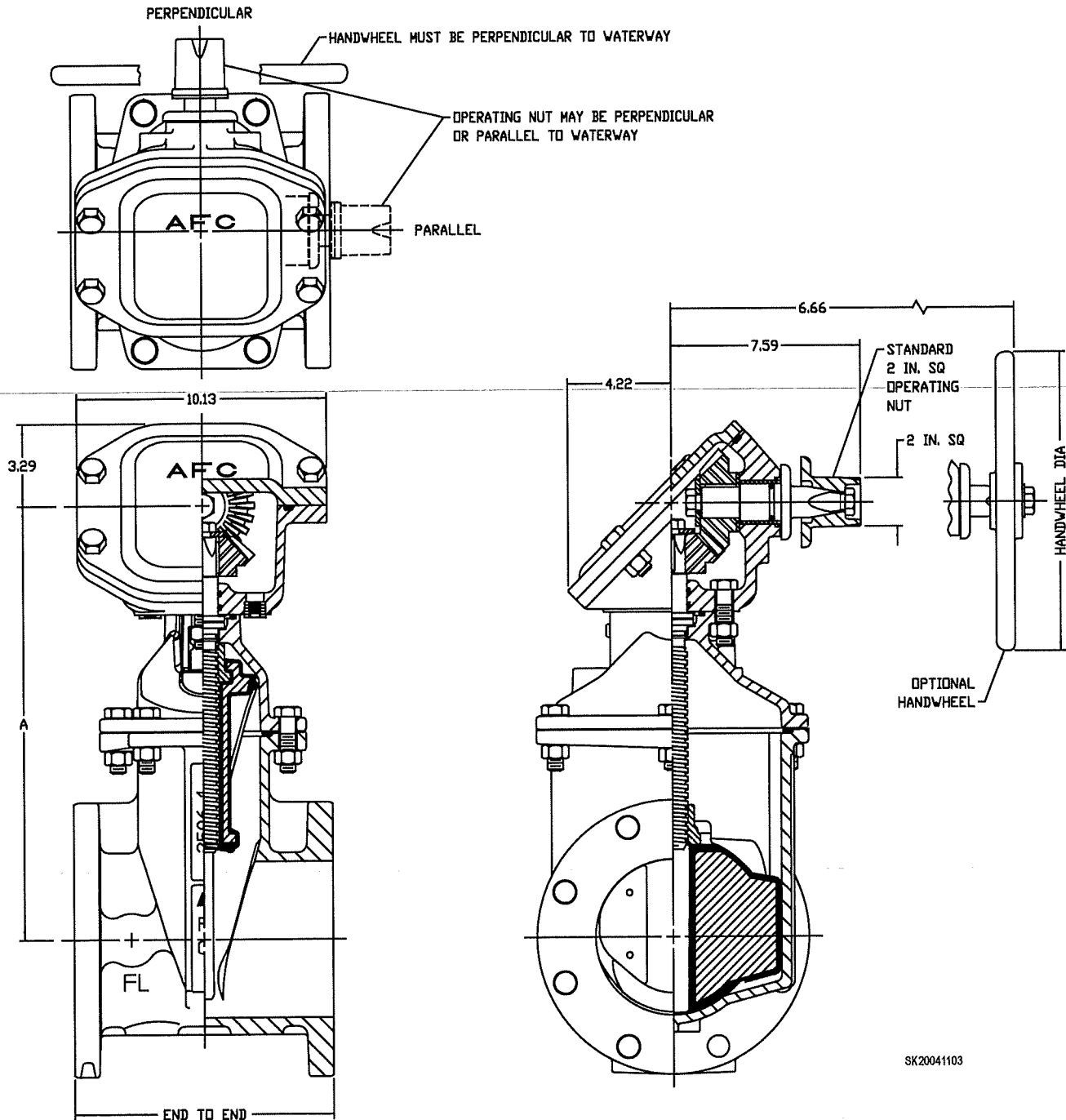
Project Location: Fayetteville, AR

Products Submitted in this Package Include:

1. 4" - 12" Series 2500-1 RW Gate Valve With Enclosed A277 Mitergearing, NRS (pg.1)
2. 14" - 24" Series 2500 RW Gate Valve NRS Class 125 FLG x FLG (pg.4)

AMERICAN Flow Control Submittal Information

4" - 12" SERIES 2500-1 RESILIENT WEDGE GATE VALVE WITH ENCLOSED A277 MITERGEARING (1:1 RATIO), NRS



SK20041103

VALVE SIZE	DIMENSION		
	A	END TO END FLANGE X FLANGE	HANDWHEEL DIA.
4"	14.16	9.00	10.00
6"	17.03	10.50	12.00
8"	20.59	11.50	14.00
10"	24.22	13.00	14.00
12"	27.66	14.00	14.00



AMERICAN

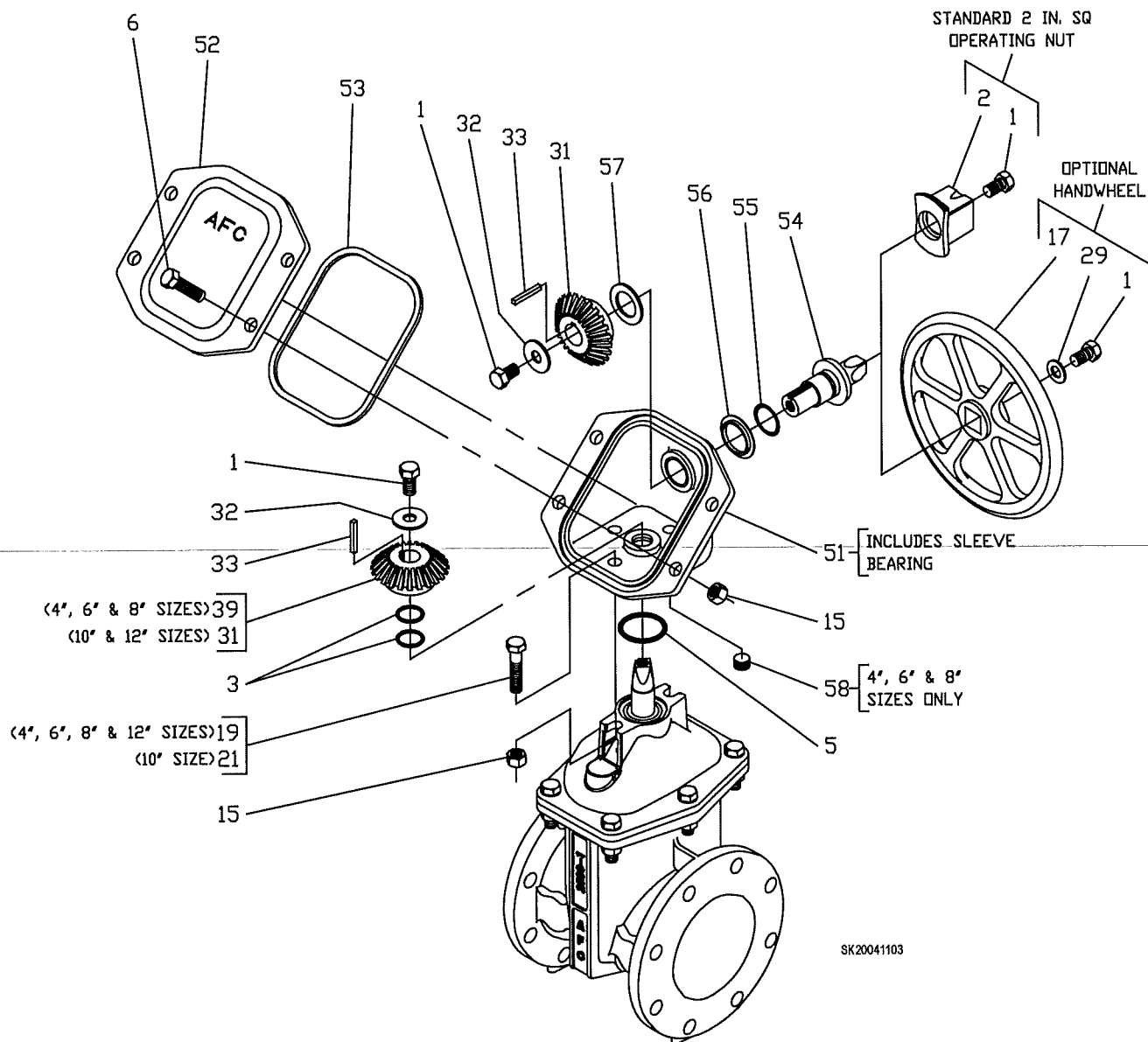
FLOW CONTROL

THE RIGHT WAY

AMERICAN Flow Control
P.O. Box 2727
Birmingham, Al. 35202-2727
Phone: 1-800-326-8051
Fax: 1-800-610-3569
E-mail: afcsales@american-usa.com

Waterous Company
125 Hardman Avenue South
South St. Paul, Mn. 55075-1191
Phone: 1-888-266-3686
Fax: 1-800-601-2809
E-mail: afcsales@american-usa.com

WWW.AMERICAN-USA.COM



Construction shown is typical of the 6-inch size with flanged end connections and is illustrative only. Construction of other sizes and end connection types vary slightly. See elsewhere on this submittal for specific details.



AMERICAN
FLOW CONTROL

THE RIGHT WAY

AMERICAN Flow Control
P.O. Box 2727
Birmingham, Al. 35202-2727
Phone: 1-800-326-8051
Fax: 1-800-610-3569
E-mail: afcsales@american-usa.com

Waterous Company
125 Hardman Avenue South
South St. Paul, Mn. 55075-1191
Phone: 1-888-266-3686
Fax: 1-800-601-2809
E-mail: afcsales@american-usa.com

WWW.AMERICAN-USA.COM

REF NO.	DESCRIPTION	MATERIAL
1	Hex Head Bolt, 5/8-11 x 1"	304 Stainless Steel
2	Operating Nut, 2" Square	Ductile Iron, ASTM A536
3	O-ring	Rubber
5	Stuffing Box Gasket	Rubber O-ring
6	Hex Head Bolt, 5/8-11 x 1-3/4"	304 Stainless Steel
15	Hex Nut, 5/8-11	304 Stainless Steel
17	Handwheel	Ductile Iron, ASTM A536
19	Hex Head Bolt, 5/8-11 x 2-1/4"	304 Stainless Steel
29	Flat Washer, 5/8	304 Stainless Steel
31	Miter Gear	Steel, SAE 1020
32	Flat Washer	Aluminum, 2024-T4, ASTM B209M
33	Square Key, 1/4"	Stainless Steel
39	Miter Gear	Steel, SAE 1020
51	Gear Housing Assembly	Ductile Iron, ASTM A536 with a Sintered Bronze Bushing, ASTM B438, Grade 1, Type 2
52	Gear Housing Cover	Ductile Iron, ASTM A536
53	Housing Gasket	Rubber
54	Gear Shaft	Ductile Iron, ASTM A536
55	O-ring	Rubber
56	Thrust Bushing	Sintered Bronze, ASTM B438, Grade 1, Type 2
57	Thrust Washer	Sintered Bronze, ASTM B438, Grade 1, Type 2
58	Headless Pipe Plug, 1/2 NPT	Brass, UNS C27000

OPTIONAL MATERIALS ARE AS FOLLOWS

BOLTS and NUTS: 316 Stainless Steel

NOTES:

1. Meets requirements of ANSI/AWWA C515 with 250 psig rated working pressure.
2. Fusion-bonded epoxy-coated in accordance with ANSI/AWWA C550.
3. Certified to NSF/ANSI/CAN 61 & 372.



AMERICAN

FLOW CONTROL

THE RIGHT WAY

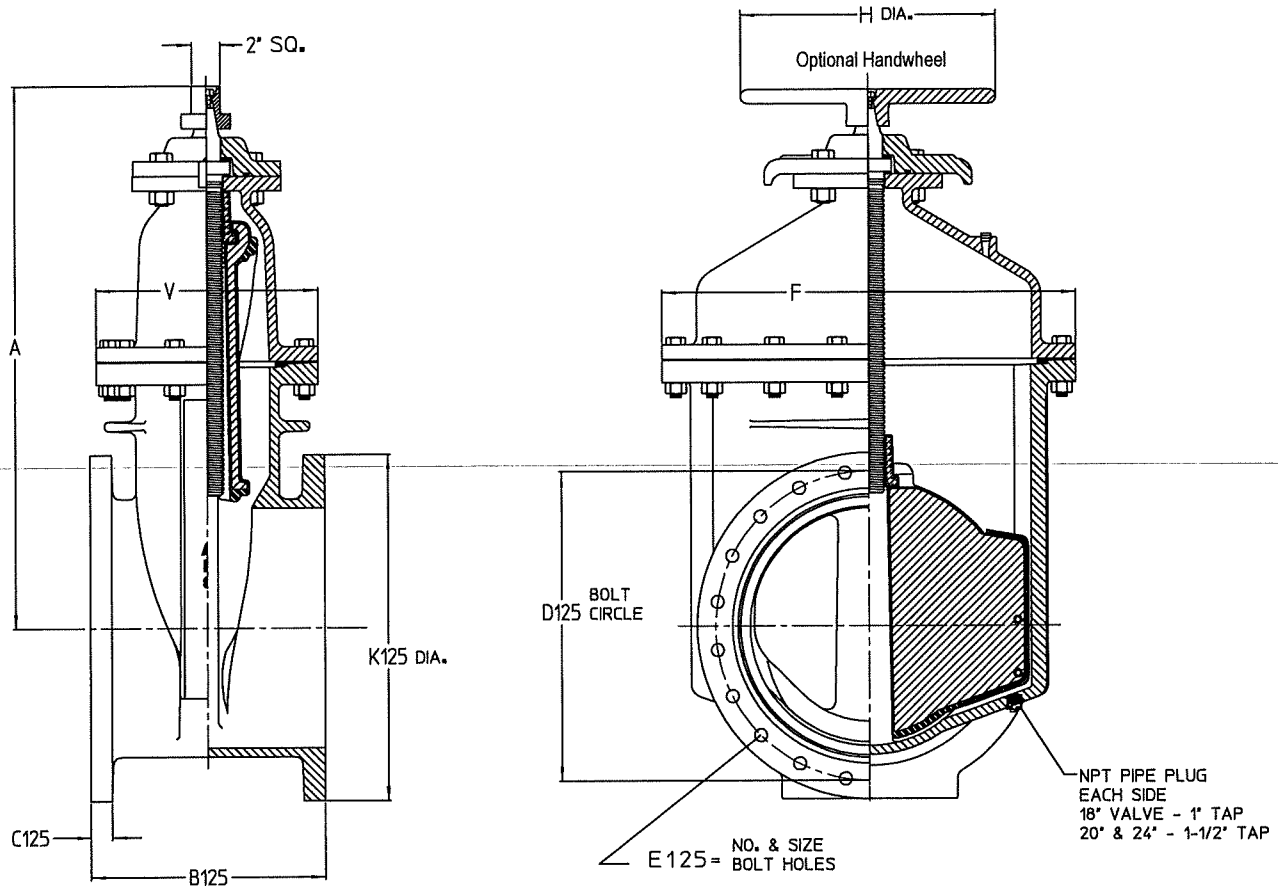
AMERICAN Flow Control
P.O. Box 2727
Birmingham, Al. 35202-2727
Phone: 1-800-326-8051
Fax: 1-800-610-3569
E-mail: afcsales@american-usa.com

Waterous Company
126 Hardman Avenue South
South St. Paul, Mn. 55075-1191
Phone: 1-888-266-3686
Fax: 1-800-601-2809
E-mail: afcsales@american-usa.com

WWW.AMERICAN-USA.COM

AMERICAN Flow Control Submittal Information

14" - 24" SERIES 2500 RESILIENT WEDGE GATE VALVE NRS CLASS 125 FLANGED ENDS (FLG X FLG)



91-21386

Size	14"	16"	18"	20"	24"
A	33.25	36.75	39.63	43.25	51.25
B125	15.00	16.00	17.00	18.00	20.00
C125	1.38	1.44	1.56	1.69	1.88
D125	18.75	21.25	22.75	25.00	29.50
E125	12 - 1.13	16 - 1.13	16 - 1.25	20 - 1.25	20 - 1.38
F	26.00	28.25	32.00	34.50	39.00
H	20.00	20.00	20.00	28.00	28.00
K125	21.00	23.50	25.00	27.50	32.00
V	13.50	15.13	15.00	16.25	17.75
Turns to Open	44	50	56	62	76
Weight	735 lbs.	909 lbs.	1147 lbs.	1509 lbs.	2245 lbs.



AMERICAN

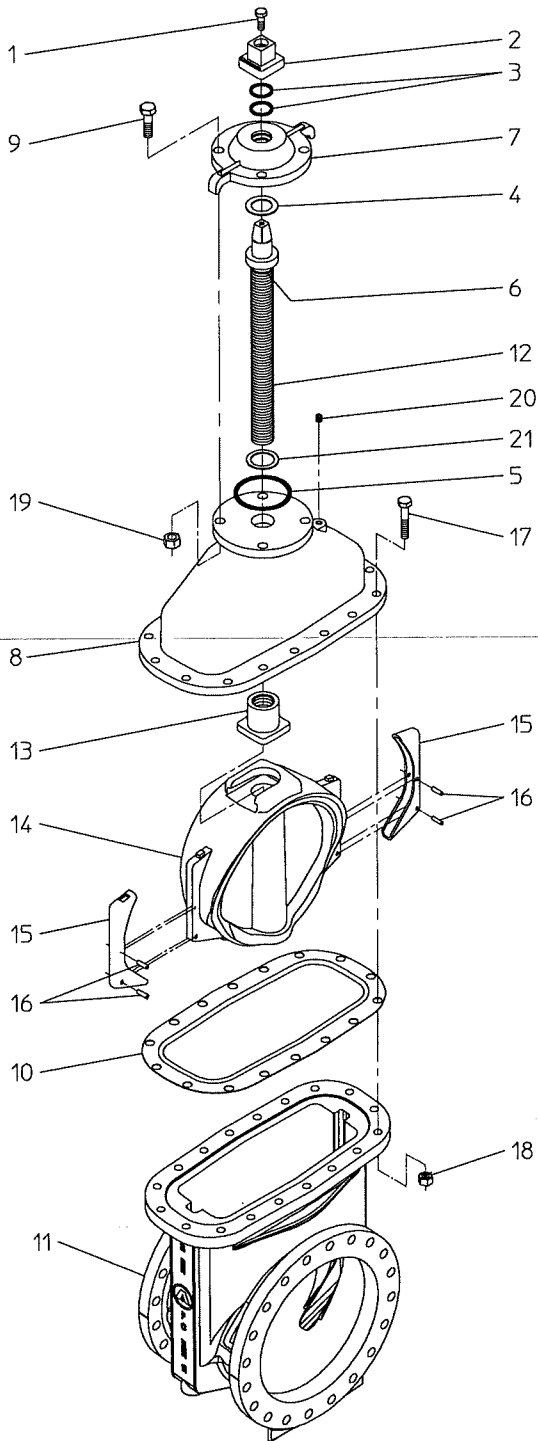
FLOW CONTROL

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IL1507-2A

Construction shown is typical of the 20-inch size with flange joint end connections and is illustrative only. Construction of other sizes and end connection types vary slightly. See elsewhere on this drawing for specific details.

Ref. No.	Description	Material
1	Hex Head Bolt	304 Stainless Steel
2	Wrench Nut	Ductile Iron ASTM A536
3	O-Ring	Rubber
4	Upper Thrust Washer	Delrin
5	Stuffing Box Gasket	Rubber O-Ring
6	O-Ring	Rubber
7	Stuffing Box	Ductile Iron ASTM A536
8	Bonnet	Ductile Iron ASTM A536
9	Hex Head Bolt	304 Stainless Steel
10	Throat Flange Gasket	Rubber
11	Valve Body	Ductile Iron ASTM A536
12	Stem	Manganese Bronze, ASTM B763, UNS C86700
13	Wedge Nut	Silicon Bronze, ASTM B584, UNS C87600
14	Resilient Wedge	EPDM Rubber Encapsulated Ductile Iron ASTM A536
15	Wedge Cover	Acetal Polymer
16	Wedge Cover Pin	Acetal Polymer
17	Hex Head Bolt	304 Stainless Steel
18	Hex Nut	304 Stainless Steel
19	Hex Nut	304 Stainless Steel
20	Pipe Plug	Stainless Steel
21	Lower Thrust Washer	Delrin
26	Handwheel	Ductile Iron ASTM A536

OPTIONAL MATERIALS ARE AS FOLLOWS

BOLTS and NUTS: 316 Stainless Steel

STEM: Cast NDZ-S Bronze, ASTM B763, UNS C99500

STEM: Stainless Steel

Open Direction ☐ Left(C.C.W.) ☐ Right(C.W.)

NOTES:

1. Bolt patterns of class 125 flanged ends are in accordance with ANSI/AWWA C110/A21.10 (ASME B16.1 class 125).
2. Fusion-bonded epoxy-coated in accordance with AWWA C550.
3. Certified to NSF/ANSI 61 & 372.
4. Meets requirements of AWWA C515 with rated working pressure of 250 psig.
5. 14 through 24-inch sizes available in configurations that are UL Listed and FM Approved with 250 psig rated working pressure.



AMERICAN

FLOW CONTROL

THE RIGHT WAY

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P.O. Box 2727
Birmingham, Al. 35202-2727
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Section 06

SOV 1.03

Small Diameter Valves



Construction Manager at Risk
GMP Proposal
April 17, 2024



City of Fayetteville West Transmission Main - SOV Bid Package 1.03 - Small Diameter Valves - Addendum 01

ITEM	SIZE	DESCRIPTION
1	6"	Flange Gate Valve Class 250 w/ Bevel Gear
2	8"	Flange Gate Valve Class 250 w/ Bevel Gear
3	12"	Flange Gate Valve Class 250 w/ Bevel Gear

TOTAL BASE BID:
Proposed Manufacturer per Base Bid (Write-In): American Flow Control (AFC) - Proposing Miter Gear for small diameter valves

- Note: 1 All Small Diameter Gate Valves shall have a CL125 drill pattern
- Note: 2 Complete Submittal Package submitted to CMAR no later than 5/30/2024
- Note: 3 Manufacturer shall maintain manufacturing and delivery milestones as outlined.
- Note: 4 This is a CMAR Provided Supply Bid Package: Deliveries to be Coordinated with Respective Installation Contractor

Each bidder shall submit one (1) hard copy of SOV and one (1) digital copy of SOV in excel format as specified in Instructions to Bidders.

ALL SEGMENTS

QUANTITY	UNIT	UNIT PRICE	EXTENSION
19.00	Each	\$ 4,850.00	\$ 92,150.00
38.00	Each	\$ 5,250.00	\$ 199,500.00
1.00	Each	\$ 7,350.00	\$ 7,350.00

1.00	Lump Sum	TOTAL:	\$ 299,000.00
------	----------	--------	---------------

Manufactured and Ready to Ship			
50% of total quantity	Milestone: 01	January 6, 2025	
Remainder of total quantity	Milestone: 02	February 24, 2025	
\$2,500 Per Day Penalty For Not Achieving Milestones			

COMPANY: Ferguson Enterprises LLC dba Ferguson Waterworks

BID

Proposal of Ferguson Enterprises, LLC - dba Ferguson Waterworks (hereinafter called "Bidder"),
organized and existing under the laws of the State of Arkansas
doing business as a Limited Liability Corp *. To the City of Fayetteville,
113 West Mountain Street, Fayetteville, AR 72701 (hereinafter called "Owner").

* Insert "a corporation", "a partnership", or "an individual" as applicable.

In compliance with your Advertisement for Bids, Bidder hereby proposes to perform all Work for
the construction of Goods, Special Services, or Work on the City of Fayetteville – West
Transmission Main in strict accordance with the Contract Documents, within the time set forth
therein, and at the prices stated below.

The Contractor's Act of Assurance Form must be included in the bid proposal. The
DBE/MBE/WBE Compliance Evaluation Forms must be supplied after the Low Bidder is
confirmed.

By submission of this Bid, each Bidder certifies, and in the case of a joint Bid each party thereto
certifies as to its own organization, that this Bid has been arrived at independently, without
consultation, communication, or agreement as to any matter relating to this Bid with any other
Bidder or with any competitor.

Bidder hereby agrees to commence Work under this contract on or before a date to be specified
in the Notice to Proceed and to fully complete the Project within the time outlined in the Contract
Documents or within the number of calendar days indicated in the Agreement. Bidder further

agrees to pay as liquidated damages, the sum of \$2,500.00 for each consecutive calendar day thereafter as provided in the Supplemental Conditions.

Bidder acknowledges receipt of the following Addendum:

Addendum No.	Addendum Date	Signature Acknowledging Receipt
1	March 19, 2024	
2	March 20, 2024	
3	April 1, 2024	

Bidder is aware of the general nature of work to be performed by Owner, CMAR, and others at the Site that relates to the Work as indicated in the Bidding Documents.

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

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

The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the work for which this bid is submitted.

Bidder will submit written evidence of its authority to do business in the state where the Project is located no later than the date of its execution of the Agreement.

Bidder agrees to perform all the work described in the Contract Documents for the following unit prices or lump sum:

Bid Schedule

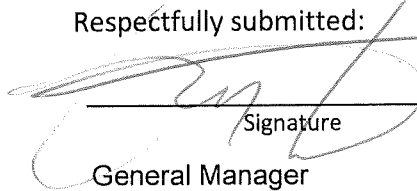
Reference Specification Section 00 42 23.02 – Bid Package Scope of Supply (SOV)

Bidder will complete the Work in accordance with the Contract Documents for the prices shown in Specification Section 00 42 23.02.

Bidder Acknowledges that the estimated quantities are not guaranteed, and final payment for all Unit Price Bid items will be based on actual quantities provided, measured as provided in the Contract Documents.

Unit Price and figures column will be used to compute the actual Bid price.

Respectfully submitted:



Signature

971 Shaver Street, Springdale, AR 72762

Address

General Manager

Title

April 3, 2024

Date

License Number (if applicable)

Contact for receipt of official communications

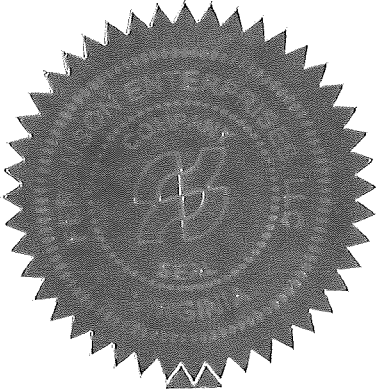
Name: Andy Henderson

(typed or printed)

Business address: 971 Shaver Street, Springdale, AR 72762

Phone: 918-508-4956 Facsimile: E-mail: andy.henderson@ferguson.com

SEAL - (if BID is by a Corporation)



General Information

Organization doing business as	Ferguson Enterprises LLC dba Ferguson Waterworks		
Business address of principal office	971 Shaver Street		
	Springdale AR 72762		
Telephone numbers	479-927-1688		
Main number	918-508-4956 - Andy Henderson Sales Manager		
Fax number			
Website address	Ferguson.com		
Form of business (check one)	☒ A corporation	☐ A partnership	☐ An individual
If a corporation			
Date of incorporation	1953		
State of incorporation	Virginia		
Chief Executive Manager's name	Kevin Murphy		
President's name	Robert Camposano		
Vice President's name(s)	Chris Tuinstra		
Secretary's name	Tracy Jacobs		
Treasurer's name	Shaun McElhannon		
If a Partnership			
Date of organization	NA		
State whether partnership is general or limited			
If an Individual			
Name	NA		
Business address			
Identify all individuals not previously named which exert a significant amount of business control over the organization			
Indicators of organization size			
Average number of current full-time employees	30K+	Average estimate of revenue for the current year	30b+

Affidavits

One of the following four affidavits shall be executed and provided with this information. The individual signing the affidavit shall attach evidence of their authority to bind the organization to an agreement.

AFFIDAVIT FOR CORPORATION

State Arkansas) §

County of Washington) §

Tommy Tanner, being duly sworn deposes and says

(Name)

that they are General Manager of the

(Title)

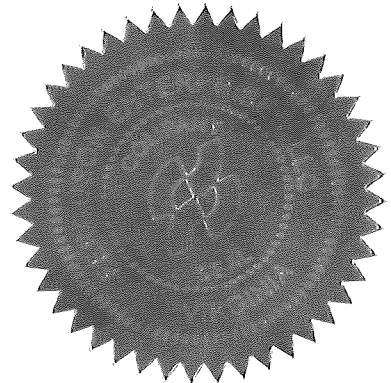
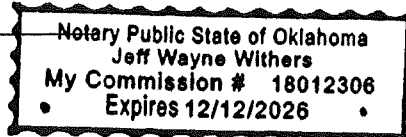
Ferguson Enterprises, LLC - dba Ferguson Waterworks corporation submitting the foregoing qualification form and related information; have read such documents; and that such documents are true and correct and contain no material misrepresentations; and that they are authorized to make this affidavit on behalf of the Corporation.

(Signature)

Signed and sworn to me before this 21 day of April, 2024.

(Notary Public)

My commission expires:

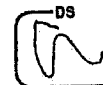


SECRETARIAL CERTIFICATE OF AUTHORIZATION

The undersigned Assistant Secretary of **Ferguson Enterprises, LLC**, duly organized and existing under the laws of Virginia (the "Company"), hereby designates and certifies that the following employee of the Company, is authorized, on behalf of the Company to take the action(s) designated herein and to execute any and all documents necessary to further such actions:

Individual Name: Tommy Tanner

Title: General Manager

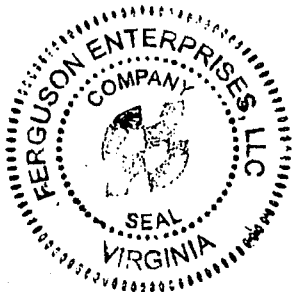
DS


Authorized Action(s):

1. To enter into contracts, agreements or other documents, and to execute such documents and undertake all such acts as may deemed in the best interest of the Company.
2. To prepare and submit bids and proposals to the Company's customers.

This certificate of authorization shall be effective from the date hereof until **February 11, 2025** unless withdrawn sooner in writing. The provisions of this Certificate are in conformity with a Resolution adopted by the Board of Directors of the Company effective July 31, 2023.

In witness whereof, I have hereunto subscribed my name and affixed the seal of the Company, effective **February 12, 2024**.



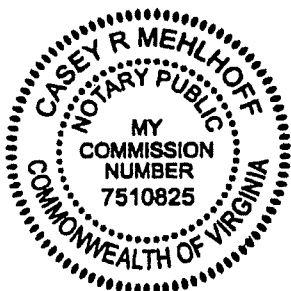
(Company Seal)

Ferguson Enterprises, LLC

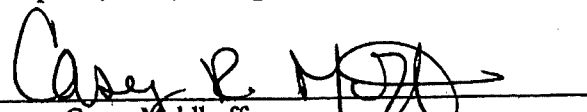

Wesley E. Rice
Assistant Secretary

Commonwealth of Virginia
City of Newport News

Sworn to subscribe and acknowledged before me on February 12, 2024, by Wesley E. Rice, personally known to me, in his capacity as Assistant Secretary of Ferguson Enterprises, LLC, a Virginia LLC, on behalf of such Company.



(Notary Seal)


Notary – Casey Mehlhoff
My commission expires: July 31, 2026

BID BOND

Know all men by these presents, that we, the undersigned,
Ferguson Enterprises, LLC dba Ferguson Waterworks, as Principal, and
Federal Insurance Company as Surety, are hereby held and firmly bound
unto the City of Fayetteville, Arkansas, as Owner in the penal sum of
Five Percent of the Total Amount Bid-----(\$-----5%-----) for the payment of which,
well and truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

Signed, this 5th day of April, 20 24. The
Condition of the above obligation is such that whereas the Principal has submitted to
the City of Fayetteville a certain Bid,
attached hereto and hereby made a part hereof to enter into a contract in writing, for the
West Transmission Main Solicitation Set No. 1(Steel Pipe, Large Diameter Valves, Small Diameter Valves,
Combination Air Release Valves)

Now, therefore,

- (a) If said Bid shall be rejected, or
- (b) If said Bid shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attachment hereto (properly completed in accordance with said Bid) and shall furnish a Bond for faithful performance of said contract, and for the payment of all persons performing labor furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid, then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its Bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In witness whereof, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

FERGUSON ENTERPRISES, LLC DBA
FERGUSON WATERWORKS

By: Brenda Crowder

Principal

Brenda Crowder
Assistant Treasurer



FEDERAL INSURANCE COMPANY

Surety

By: Wendy Lee Watkins

Wendy Lee Watkins/Attorney-In-Fact
Arkansas Non-Resident Agent License #
1981735

Important - Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized in accordance with the Supplemental General Conditions to transact business in the State of Arkansas.

FEDERAL INSURANCE COMPANY
STATEMENT OF ASSETS, LIABILITIES AND SURPLUS TO POLICYHOLDERS
Statutory Basis
December 31, 2022
(in thousands)

ASSETS		LIABILITIES AND SURPLUS TO POLICYHOLDERS	
Cash and Short Term Investments	\$ 123,147	Outstanding Losses and Loss Expenses	\$ 9,263,034
United States Government, State and Municipal Bonds	3,769,695	Reinsurance Payable on Losses and Expenses	1,723,786
Other Bonds	5,984,508	Unearned Premiums	2,632,590
Stocks	245,498	Ceded Reinsurance Premiums Payable	380,182
Other Invested Assets	<u>1,979,184</u>	Other Liabilities	<u>471,528</u>
TOTAL INVESTMENTS	<u>12,082,042</u>	TOTAL LIABILITIES	<u>14,471,130</u>
Investments in Affiliates		Capital Stock	20,980
Great Northern Ins. Co.	422,405	Paid-In Surplus	2,711,474
Vigilant Ins. Co.	381,723	Unassigned Funds	<u>1,545,403</u>
Chubb Indemnity Ins. Co.	185,044	SURPLUS TO POLICYHOLDERS	<u>4,277,857</u>
Chubb National Ins. Co.	194,379		
Other Affiliates	124,046		
Premiums Receivable	1,859,933		
Other Assets	<u>3,519,415</u>		
TOTAL ADMITTED ASSETS	<u>\$ 18,748,987</u>	TOTAL LIABILITIES AND SURPLUS	<u>\$ 18,748,987</u>

Investments are valued in accordance with requirements of the National Association of Insurance Commissioners. At December 31, 2022, investments with a carrying value of \$512,747,632 were deposited with government authorities as required by law.

STATE OF PENNSYLVANIA
COUNTY OF PHILADELPHIA

John Taylor, being duly sworn, says that he is Senior Vice President of Federal Insurance Company and that to the best of his knowledge and belief the foregoing is a true and correct statement of the said Company's financial condition as of the 31 st day of December, 2022.

Sworn before me this March 16, 2023



Senior Vice President



Notary Public

September 19, 2023
My commission expires

Commonwealth of Pennsylvania - Notary Seal
Jaime L. Yates, Notary Public
Philadelphia County
My commission expires September 19, 2023
Commission number 1357070
Member, Pennsylvania Association of Notaries

CHUBB

Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company

Westchester Fire Insurance Company | ACE American Insurance Company

Know All by These Presents, that **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** corporations of the Commonwealth of Pennsylvania, do each hereby constitute and appoint Kaitlyn Malkowski, Christopher F. Mulvaney, Pablo Rios Jr. and Wendy Lee Wadkins of Radnor, Pennsylvania -----

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

In Witness Whereof, said **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** have each executed and attested these presents and affixed their corporate seals on this 9th day of August, 2022.

Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

Stephen M. Haney

Stephen M. Haney, Vice President



STATE OF NEW JERSEY

County of Hunterdon

SS.

On this 9th day of August, 2022 before me, a Notary Public of New Jersey, personally came Dawn M. Chloros and Stephen M. Haney, to me known to be Assistant Secretary and Vice President, respectively, of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY**, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros and Stephen M. Haney, being by me duly sworn, severally and each for herself and himself did depose and say that they are Assistant Secretary and Vice President, respectively, of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** and know the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that their signatures as such officers were duly affixed and subscribed by like authority.

Notarial Seal



KATHERINE J. ADELAAR
NOTARY PUBLIC OF NEW JERSEY
No. 2316685
Commission Expires July 16, 2024

Katherine J. Adelaar

Notary Public

CERTIFICATION

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

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

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

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

I, Dawn M. Chloros, Assistant Secretary of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** (the "Companies") do hereby certify that

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

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this

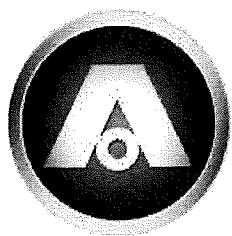
5th day of April, 2024



Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

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



AMERICAN

FLOW CONTROL

THE RIGHT WAY

AMERICAN Flow Control

P.O. Box 2727

Birmingham, AL 35202-2727

Telephone: 1-800-326-8051

Fax: 1-800-610-3569

E-mail: afcsales@american-usa.com

Waterous Company

125 Hardman Avenue South

South St. Paul, MN 55075-1191

Telephone: 1-888-266-3686

Fax: 1-800-601-2809

E-mail: afcsales@american-usa.com

WWW.AMERICAN-USA.COM

AMERICAN Flow Control Product Submittal Package

Cover Page Information

Distributed By: Ferguson Waterworks

Project Name: West Transmission Main - City of Fayetteville

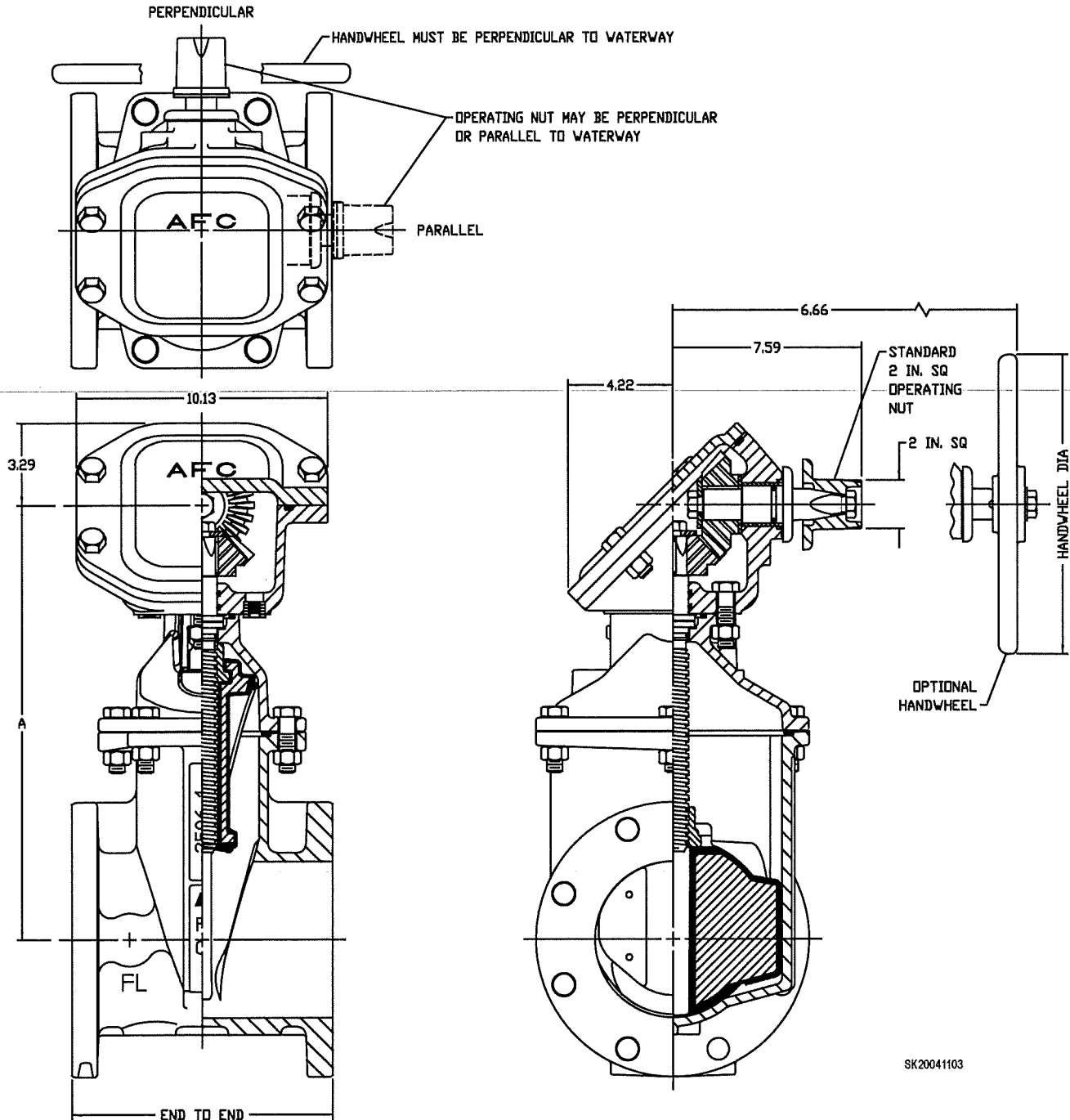
Project Location: Fayetteville, AR

Products Submitted in this Package Include:

1. 4" - 12" Series 2500-1 RW Gate Valve With Enclosed A277 Mitergearing, NRS (pg.1)
2. 14" - 24" Series 2500 RW Gate Valve NRS Class 125 FLG x FLG (pg.4)

AMERICAN Flow Control Submittal Information

4" - 12" SERIES 2500-1 RESILIENT WEDGE GATE VALVE WITH ENCLOSED A277 MITERGEARING (1:1 RATIO), NRS



VALVE SIZE	DIMENSION		
	A	END TO END FLANGE X FLANGE	HANDWHEEL DIA.
4"	14.16	9.00	10.00
6"	17.03	10.50	12.00
8"	20.59	11.50	14.00
10"	24.22	13.00	14.00
12"	27.66	14.00	14.00



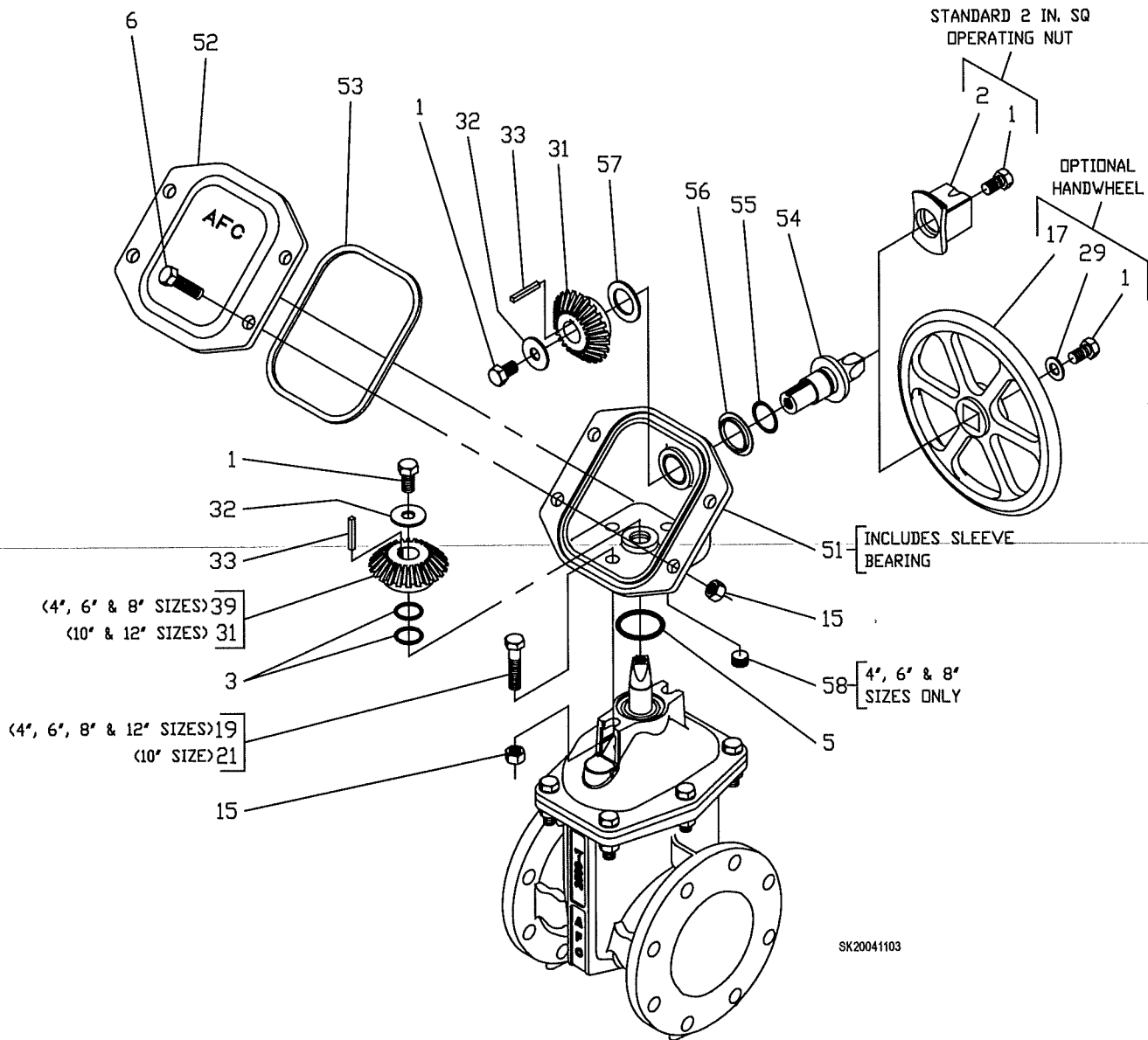
AMERICAN
FLOW CONTROL

THE RIGHT WAY

AMERICAN Flow Control
P.O. Box 2727
Birmingham, Al. 35202-2727
Phone: 1-800-326-8051
Fax: 1-800-610-3569
E-mail: afcsales@american-usa.com

Waterous Company
125 Hardman Avenue South
South St. Paul, Mn. 55075-1191
Phone: 1-888-266-3686
Fax: 1-800-601-2809
E-mail: afcsales@american-usa.com

WWW.AMERICAN-USA.COM



Construction shown is typical of the 6-inch size with flanged end connections and is illustrative only. Construction of other sizes and end connection types vary slightly. See elsewhere on this submittal for specific details.



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REF NO.	DESCRIPTION	MATERIAL
1	Hex Head Bolt, 5/8-11 x 1"	304 Stainless Steel
2	Operating Nut, 2" Square	Ductile Iron, ASTM A536
3	O-ring	Rubber
5	Stuffing Box Gasket	Rubber O-ring
6	Hex Head Bolt, 5/8-11 x 1-3/4"	304 Stainless Steel
15	Hex Nut, 5/8-11	304 Stainless Steel
17	Handwheel	Ductile Iron, ASTM A536
19	Hex Head Bolt, 5/8-11 x 2-1/4"	304 Stainless Steel
29	Flat Washer, 5/8	304 Stainless Steel
31	Miter Gear	Steel, SAE 1020
32	Flat Washer	Aluminum, 2024-T4, ASTM B209M
33	Square Key, 1/4"	Stainless Steel
39	Miter Gear	Steel, SAE 1020
51	Gear Housing Assembly	Ductile Iron, ASTM A536 with a Sintered Bronze Bushing, ASTM B438, Grade 1, Type 2
52	Gear Housing Cover	Ductile Iron, ASTM A536
53	Housing Gasket	Rubber
54	Gear Shaft	Ductile Iron, ASTM A536
55	O-ring	Rubber
56	Thrust Bushing	Sintered Bronze, ASTM B438, Grade 1, Type 2
57	Thrust Washer	Sintered Bronze, ASTM B438, Grade 1, Type 2
58	Headless Pipe Plug, 1/2 NPT	Brass, UNS C27000

OPTIONAL MATERIALS ARE AS FOLLOWS

BOLTS and NUTS: 316 Stainless Steel

NOTES:

1. Meets requirements of ANSI/AWWA C515 with 250 psig rated working pressure.
2. Fusion-bonded epoxy-coated in accordance with ANSI/AWWA C550.
3. Certified to NSF/ANSI/CAN 61 & 372.



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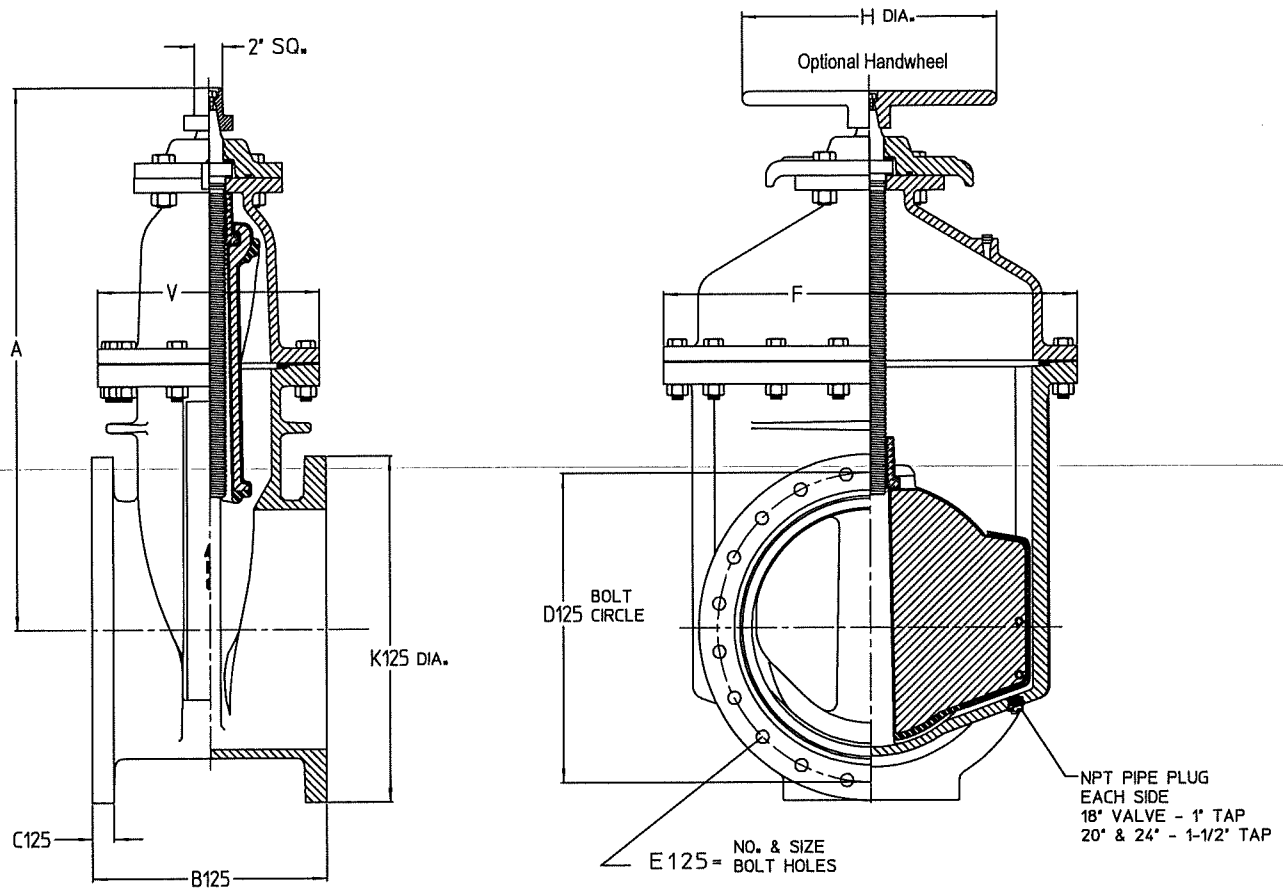
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AMERICAN Flow Control Submittal Information

14" - 24" SERIES 2500 RESILIENT WEDGE GATE VALVE NRS CLASS 125 FLANGED ENDS (FLG X FLG)



91-21386

Size	14"	16"	18"	20"	24"
A	33.25	36.75	39.63	43.25	51.25
B125	15.00	16.00	17.00	18.00	20.00
C125	1.38	1.44	1.56	1.69	1.88
D125	18.75	21.25	22.75	25.00	29.50
E125	12 - 1.13	16 - 1.13	16 - 1.25	20 - 1.25	20 - 1.38
F	26.00	28.25	32.00	34.50	39.00
H	20.00	20.00	20.00	28.00	28.00
K125	21.00	23.50	25.00	27.50	32.00
V	13.50	15.13	15.00	16.25	17.75
Turns to Open	44	50	56	62	76
Weight	735 lbs.	909 lbs.	1147 lbs.	1509 lbs.	2245 lbs.



AMERICAN

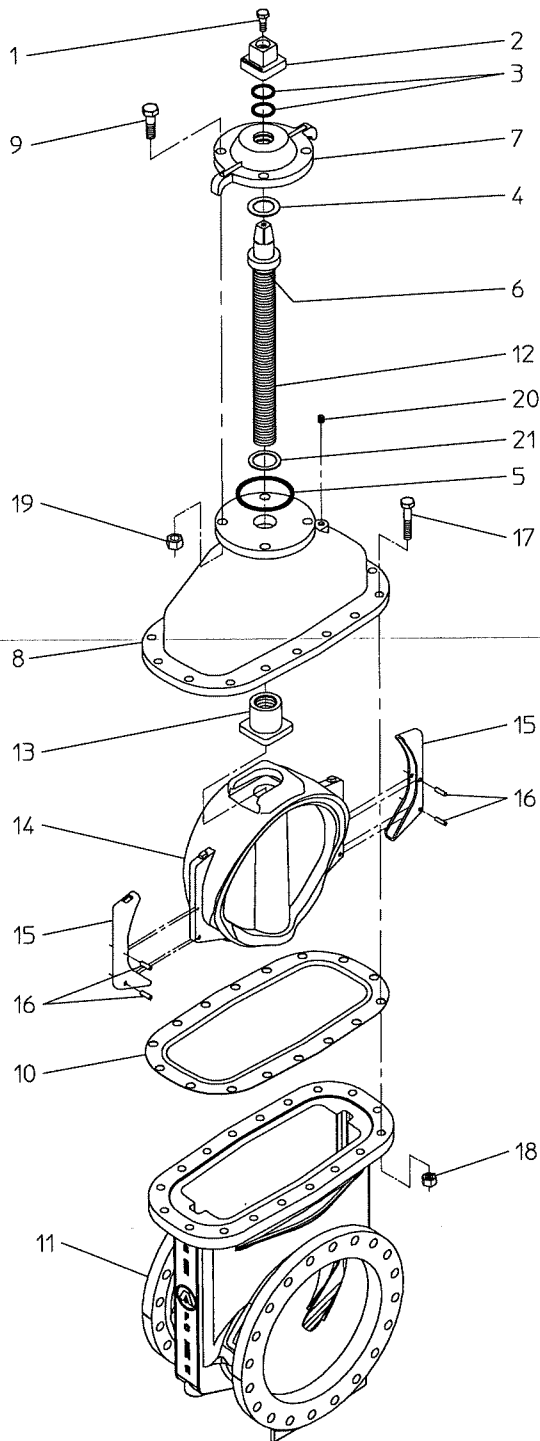
FLOW CONTROL

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IL 1507-2A

Construction shown is typical of the 20-inch size with flange joint end connections and is illustrative only. Construction of other sizes and end connection types vary slightly. See elsewhere on this drawing for specific details.

Ref. No.	Description	Material
1	Hex Head Bolt	304 Stainless Steel
2	Wrench Nut	Ductile Iron ASTM A536
3	O-Ring	Rubber
4	Upper Thrust Washer	Delrin
5	Stuffing Box Gasket	Rubber O-Ring
6	O-Ring	Rubber
7	Stuffing Box	Ductile Iron ASTM A536
8	Bonnet	Ductile Iron ASTM A536
9	Hex Head Bolt	304 Stainless Steel
10	Throat Flange Gasket	Rubber
11	Valve Body	Ductile Iron ASTM A536
12	Stem	Manganese Bronze, ASTM B763, UNS C86700
13	Wedge Nut	Silicon Bronze, ASTM B584, UNS C87600
14	Resilient Wedge	EPDM Rubber Encapsulated Ductile Iron ASTM A536
15	Wedge Cover	Acetal Polymer
16	Wedge Cover Pin	Acetal Polymer
17	Hex Head Bolt	304 Stainless Steel
18	Hex Nut	304 Stainless Steel
19	Hex Nut	304 Stainless Steel
20	Pipe Plug	Stainless Steel
21	Lower Thrust Washer	Delrin
26	Handwheel	Ductile Iron ASTM A536

OPTIONAL MATERIALS ARE AS FOLLOWS

BOLTS and NUTS: 316 Stainless Steel

STEM: Cast NDZ-S Bronze, ASTM B763, UNS C99500

STEM: Stainless Steel

Open Direction ☐ Left(C.C.W.) ☐ Right(C.W.)

NOTES:

1. Bolt patterns of class 125 flanged ends are in accordance with ANSI/AWWA C110/A21.10 (ASME B16.1 class 125).
2. Fusion-bonded epoxy-coated in accordance with AWWA C550.
3. Certified to NSF/ANSI 61 & 372.
4. Meets requirements of AWWA C515 with rated working pressure of 250 psig.
5. 14 through 24-inch sizes available in configurations that are UL Listed and FM Approved with 250 psig rated working pressure.



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Section 06

SOV 1.04

Combination Air Release Valves



Construction Manager at Risk

GMP Proposal

April 17, 2024



City of Fayetteville West Transmission Main - SOV Bid Package 1.04 - Combination Air Release Valves - Add01

ITEM	SIZE	DESCRIPTION
1	6"	Combination Air Valve (CAV)
2	8"	Combination Air Valve (CAV)

TOTAL BASE BID:
Proposed Manufacturer per Base Bid (Write-In): Valmatic - Please note - Delivery by March 17, 2025 to coincide with large diameter BFV delivery

- Note: 1 Acceptable manufacturers are explicitly defined in the specifications. Substitutions may be deemed non-responsive.
- Note: 2 Complete Submittal Package submitted to CMAR no later than 5/30/2024
- Note: 3 Manufacturer shall maintain manufacturing and delivery milestones as outlined for each bid option
- Note: 4 This is a CMAR Provided Supply Bid Package: Deliveries to be Coordinated with Respective Installation Contractor

Each bidder shall submit one (1) hard copy of SOV and one (1) digital copy of SOV in excel format as specified in Instructions to Bidders.

ALL SEGMENTS				
QUANTITY		UNIT	UNIT PRICE	EXTENSION
19.0	Each	\$	11,625.00	\$ 220,875.00
13.0	Each	\$	13,725.00	\$ 178,425.00
1.00	Lump Sum	SUBTOTAL:		\$ 399,300.00
Manufactured and Ready to Ship				
50% of each size quantity		Milestone: 01		January 6, 2025
Remainder of each size quantity		Milestone: 02		February 24, 2025
\$2,500 Per Day Penalty For Not Achieving Milestones				

COMPANY:

Ferguson Enterprises LLC dba Ferguson Waterworks

BID

Proposal of Ferguson Enterprises, LLC - dba Ferguson Waterworks (hereinafter called "Bidder"),
organized and existing under the laws of the State of Arkansas
doing business as a Limited Liability Corp *. To the City of Fayetteville,
113 West Mountain Street, Fayetteville, AR 72701 (hereinafter called "Owner").

* Insert "a corporation", "a partnership", or "an individual" as applicable.

In compliance with your Advertisement for Bids, Bidder hereby proposes to perform all Work for
the construction of Goods, Special Services, or Work on the City of Fayetteville – West
Transmission Main in strict accordance with the Contract Documents, within the time set forth
therein, and at the prices stated below.

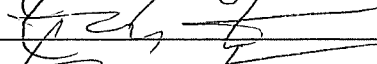
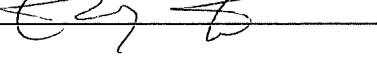
The Contractor's Act of Assurance Form must be included in the bid proposal. The
DBE/MBE/WBE Compliance Evaluation Forms must be supplied after the Low Bidder is
confirmed.

By submission of this Bid, each Bidder certifies, and in the case of a joint Bid each party thereto
certifies as to its own organization, that this Bid has been arrived at independently, without
consultation, communication, or agreement as to any matter relating to this Bid with any other
Bidder or with any competitor.

Bidder hereby agrees to commence Work under this contract on or before a date to be specified
in the Notice to Proceed and to fully complete the Project within the time outlined in the Contract
Documents or within the number of calendar days indicated in the Agreement. Bidder further

agrees to pay as liquidated damages, the sum of \$2,500.00 for each consecutive calendar day thereafter as provided in the Supplemental Conditions.

Bidder acknowledges receipt of the following Addendum:

Addendum No.	Addendum Date	Signature Acknowledging Receipt
1	March 19, 2024	
2	March 20, 2024	
3	April 1, 2024	

Bidder is aware of the general nature of work to be performed by Owner, CMAR, and others at the Site that relates to the Work as indicated in the Bidding Documents.

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

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

The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the work for which this bid is submitted.

Bidder will submit written evidence of its authority to do business in the state where the Project is located no later than the date of its execution of the Agreement.

Bidder agrees to perform all the work described in the Contract Documents for the following unit prices or lump sum:

Bid Schedule

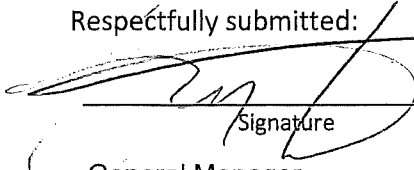
Reference Specification Section 00 42 23.02 – Bid Package Scope of Supply (SOV)

Bidder will complete the Work in accordance with the Contract Documents for the prices shown in Specification Section 00 42 23.02.

Bidder Acknowledges that the estimated quantities are not guaranteed, and final payment for all Unit Price Bid items will be based on actual quantities provided, measured as provided in the Contract Documents.

Unit Price and figures column will be used to compute the actual Bid price.

Respectfully submitted:



Signature

971 Shaver Street, Springdale, AR 72762

Address

General Manager

Title

April 3, 2024

Date

License Number (if applicable) _____

Contact for receipt of official communications

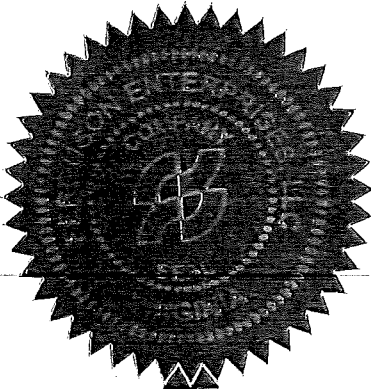
Name: Andy Henderson

(typed or printed)

Business address: 971 Shaver Street, Springdale, AR 72762

Phone: 918-508-4956 Facsimile: _____ E-mail: andy.henderson@ferguson.com

SEAL - (if BID is by a Corporation)



General Information

Organization doing business as	Ferguson Enterprises LLC dba Ferguson Waterworks		
Business address of principal office	971 Shaver Street		
	Springdale AR 72762		
Telephone numbers	479-927-1688		
Main number	918-508-4956 - Andy Henderson Sales Manager		
Fax number			
Website address	Ferguson.com		
Form of business (check one)	☒ A corporation	☐ A partnership	☐ An individual
If a corporation			
Date of incorporation	1953		
State of incorporation	Virginia		
Chief Executive Manager's name	Kevin Murphy		
President's name	Robert Camposano		
Vice President's name(s)	Chris Tuinstra		
Secretary's name	Tracy Jacobs		
Treasurer's name	Shaun McElhannon		
If a Partnership			
Date of organization	NA		
State whether partnership is general or limited			
If an Individual			
Name	NA		
Business address			
Identify all individuals not previously named which exert a significant amount of business control over the organization			
Indicators of organization size			
Average number of current full-time employees	30K+	Average estimate of revenue for the current year	30b+

Affidavits

One of the following four affidavits shall be executed and provided with this information. The individual signing the affidavit shall attach evidence of their authority to bind the organization to an agreement.

AFFIDAVIT FOR CORPORATION

State Arkansas) §

County of Washington) §

Tommy Tanner, being duly sworn deposes and says

(Name)

that they are General Manager of the

(Title)

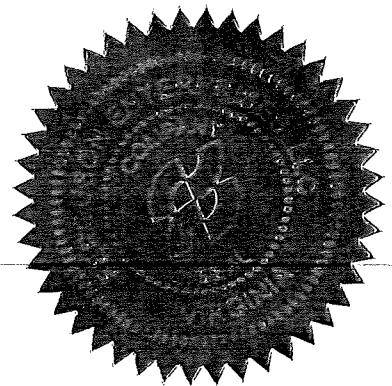
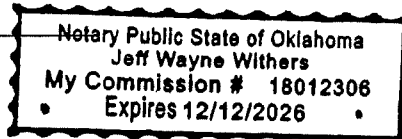
Ferguson Enterprises, LLC - dba Ferguson Waterworks corporation submitting the foregoing qualification form and related information; have read such documents; and that such documents are true and correct and contain no material misrepresentations; and that they are authorized to make this affidavit on behalf of the Corporation.

(Signature)

Signed and sworn to me before this 4 day of April, 2024.

(Notary Public)

My commission expires:



SECRETARIAL CERTIFICATE OF AUTHORIZATION

The undersigned Assistant Secretary of **Ferguson Enterprises, LLC**, duly organized and existing under the laws of Virginia (the "Company"), hereby designates and certifies that the following employee of the Company, is authorized, on behalf of the Company to take the action(s) designated herein and to execute any and all documents necessary to further such actions:

Individual Name: Tommy Tanner

Title: General Manager

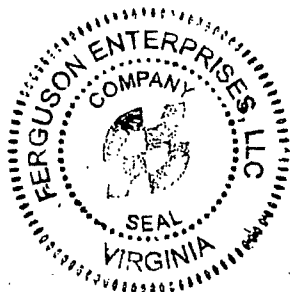


Authorized Action(s):

1. To enter into contracts, agreements or other documents, and to execute such documents and undertake all such acts as may deemed in the best interest of the Company.
2. To prepare and submit bids and proposals to the Company's customers.

This certificate of authorization shall be effective from the date hereof until **February 11, 2025** unless withdrawn sooner in writing. The provisions of this Certificate are in conformity with a Resolution adopted by the Board of Directors of the Company effective July 31, 2023.

In witness whereof, I have hereunto subscribed my name and affixed the seal of the Company, effective **February 12, 2024**.



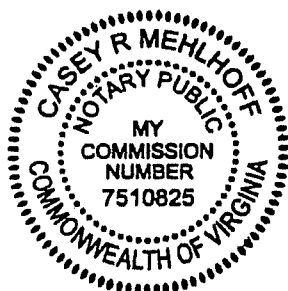
(Company Seal)

Ferguson Enterprises, LLC

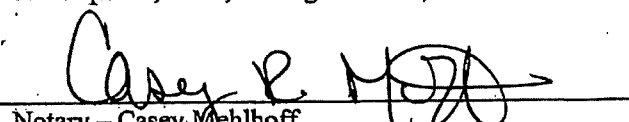

Wesley E. Rice
Assistant Secretary

Commonwealth of Virginia
City of Newport News

Sworn to subscribe and acknowledged before me on February 12, 2024, by Wesley E. Rice, personally known to me, in his capacity as Assistant Secretary of Ferguson Enterprises, LLC, a Virginia LLC, on behalf of such Company.



(Notary Seal)


Notary – Casey Mehlhoff
My commission expires: July 31, 2026

BID BOND

Know all men by these presents, that we, the undersigned,
Ferguson Enterprises, LLC dba Ferguson Waterworks, as Principal, and
Federal Insurance Company as Surety, are hereby held and firmly bound
unto the City of Fayetteville, Arkansas, as Owner in the penal sum of
Five Percent of the Total Amount Bid (\$ 5%) for the payment of which,
well and truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

Signed, this 5th day of April, 20 24. The
Condition of the above obligation is such that whereas the Principal has submitted to
the City of Fayetteville a certain Bid,
attached hereto and hereby made a part hereof to enter into a contract in writing, for the
West Transmission Main Solicitation Set No. 1(Steel Pipe, Large Diameter Valves, Small Diameter Valves,
Combination Air Release Valves)

Now, therefore,

- (a) If said Bid shall be rejected, or
- (b) If said Bid shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attachment hereto (properly completed in accordance with said Bid) and shall furnish a Bond for faithful performance of said contract, and for the payment of all persons performing labor furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid, then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its Bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In witness whereof, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

FERGUSON ENTERPRISES, LLC DBA
FERGUSON WATERWORKS

By: Brenda Crowder
Principal
Brenda Crowder
Assistant Treasurer



FEDERAL INSURANCE COMPANY
Surety

By: Wendy Lee Watkins
Wendy Lee Watkins/Attorney-In-Fact
Arkansas Non-Resident Agent License #
1981735

Important - Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized in accordance with the Supplemental General Conditions to transact business in the State of Arkansas.

FEDERAL INSURANCE COMPANY
STATEMENT OF ASSETS, LIABILITIES AND SURPLUS TO POLICYHOLDERS

Statutory Basis

December 31, 2022

(in thousands)

ASSETS		LIABILITIES AND SURPLUS TO POLICYHOLDERS	
Cash and Short Term Investments	\$ 123,147	Outstanding Losses and Loss Expenses	\$ 9,263,034
United States Government, State and Municipal Bonds	3,769,695	Reinsurance Payable on Losses and Expenses	1,723,786
Other Bonds	5,984,508	Unearned Premiums	2,632,590
Stocks	245,498	Ceded Reinsurance Premiums Payable	380,182
Other Invested Assets	<u>1,979,194</u>	Other Liabilities	<u>471,528</u>
TOTAL INVESTMENTS	<u>12,082,042</u>	TOTAL LIABILITIES	<u>14,471,130</u>
Investments in Affiliates:		Capital Stock	20,980
Great Northern Ins. Co.	422,405	Paid-In Surplus	2,711,474
Vigilant Ins. Co.	361,723	Unassigned Funds	<u>1,545,403</u>
Chubb Indemnity Ins. Co.	185,044	SURPLUS TO POLICYHOLDERS	<u>4,277,857</u>
Chubb National Ins. Co.	194,379		
Other Affiliates	124,046		
Premiums Receivable	1,859,933		
Other Assets	<u>3,519,415</u>		
TOTAL ADMITTED ASSETS	<u>\$ 18,748,987</u>	TOTAL LIABILITIES AND SURPLUS	<u>\$ 18,748,987</u>

Investments are valued in accordance with requirements of the National Association of Insurance Commissioners. At December 31, 2022, investments with a carrying value of \$512,747,632 were deposited with government authorities as required by law.

STATE OF PENNSYLVANIA

COUNTY OF PHILADELPHIA

John Taylor, being duly sworn, says that he is Senior Vice President of Federal Insurance Company and that to the best of his knowledge and belief the foregoing is a true and correct statement of the said Company's financial condition as of the 31 st day of December, 2022.

Sworn before me this March 16, 2023

James L. Yates
 Senior Vice President
James L. Yates
 Notary Public

September 19, 2023
 My commission expires

Commonwealth of Pennsylvania - Notary Seal
 Jaime L. Yates, Notary Public
 Philadelphia County
 My commission expires September 19, 2023
 Commission number 1357070
 Member, Pennsylvania Association of Notaries

CHUBB

Power of Attorney

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

Know All by These Presents, that **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** corporations of the Commonwealth of Pennsylvania, do each hereby constitute and appoint Kaitlyn Malkowski, Christopher F. Mulvaney, Pablo Rios Jr. and Wendy Lee Wadkins of Radnor, Pennsylvania -----

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

In Witness Whereof, said **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** have each executed and attested these presents and affixed their corporate seals on this 9th day of August, 2022.

Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

Stephen M. Haney

Stephen M. Haney, Vice President



STATE OF NEW JERSEY
County of Hunterdon

SS.

On this 9th day of August, 2022 before me, a Notary Public of New Jersey, personally came Dawn M. Chloros and Stephen M. Haney, to me known to be Assistant Secretary and Vice President, respectively, of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY**, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros and Stephen M. Haney, being by me duly sworn, severally and each for herself and himself did depose and say that they are Assistant Secretary and Vice President, respectively, of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** and know the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that their signatures as such officers were duly affixed and subscribed by like authority.

Notarial Seal



KATHERINE J. ADELAAR
NOTARY PUBLIC OF NEW JERSEY
No. 2316685
Commission Expires July 16, 2024

Katherine J. Adelaar

Notary Public

CERTIFICATION

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

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

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

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

I, Dawn M. Chloros, Assistant Secretary of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, **PACIFIC INDEMNITY COMPANY**, **WESTCHESTER FIRE INSURANCE COMPANY** and **ACE AMERICAN INSURANCE COMPANY** (the "Companies") do hereby certify that

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

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this

5th day of April, 2024



Dawn M. Chloros

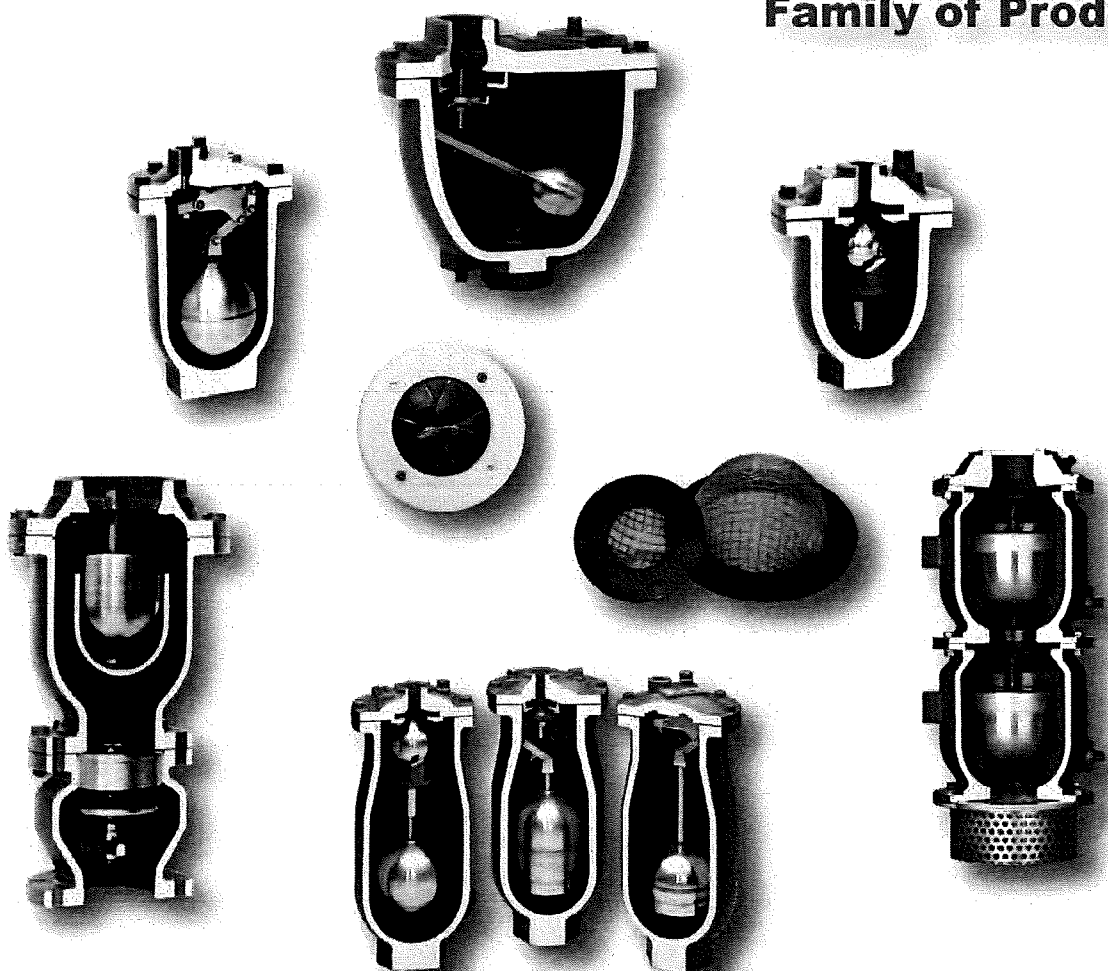
Dawn M. Chloros, Assistant Secretary

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

VAL-MATIC®



**Air Valves
& VaultSafe®
Family of Products**



www.valmatic.com

Meets AWWA C512 & C514
NSF 61 & 372 Certified

Features & Benefits

Experience

Val-Matic offers over 50 years of experience in providing a full line of air valves up to 20 inch and vacuum breakers up to 42 inch in size. The Val-Matic Air Release, Air/Vacuum and Combination Air Valves are manufactured in accordance to the rigorous industry requirements given in American Waterworks Association (AWWA) Standard C512. The standard was developed and based on decades of successful applications of air valves in our industry. Val-Matic's AWWA Air Valves feature 316 stainless steel trim, full size ports, ANSI threaded or flanged connections and stringent testing. From the float material to the shape of the body, Val-Matic Air Valves are designed for optimum performance. Val-Matic manufactures air valves in a wide range of materials and pressure ratings with many accessories including Regulated-Exhaust Devices, Dual Port Throttling Devices, Isolation Valves, Screened Hoods and Backwash Accessories. Val-Matic also provides web-based software to locate, select and size air valves for pipelines and force mains.

Type 316 Stainless Steel Trim

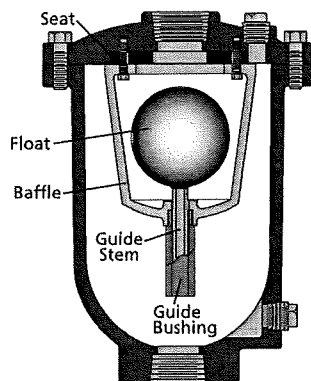
Type 316 stainless steel is the standard for all internal components in Val-Matic Air Valves. Type 316 stainless steel provides the greatest protection from aggressive waters and hydrogen sulfide exposure in wastewater applications.

Unconditionally Guaranteed Floats

Floats are unconditionally guaranteed for the life of the valve from corrosion, collapse or leakage. Val-Matic has such confidence in the design and manufacturing of our floats that we are able to provide this unconditional guarantee.

Guided Floats

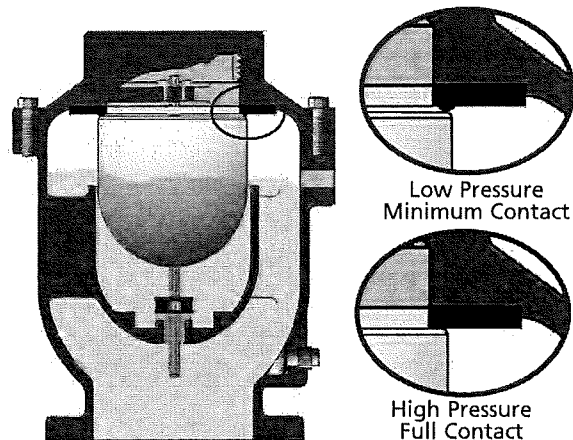
Providing a quality float is not enough to ensure a reliable seal every time. When entering the seat, a damaged or off-center float will prevent a valve from sealing tight. The high air and water velocities in air valves can cause unguided floats to violently strike the sides of the valve body. Val-Matic air/vacuum floats are guided with hexagonal stems in round bushings to prevent the build-up of debris or scale. Guiding assures



that the float approaches the center of the seat every time to provide a positive drop tight seal.

Resilient Seats

All Val-Matic valves incorporate a resilient seat or orifice button which mates with a 316 stainless steel float or seat for positive drip tight seating. Val-Matic elastomers are specially formulated for water and wastewater service and have been NSF 61 certified. Air Release Valves have a synthetic sealing button mounted to the float linkage mechanism. On Air/Vacuum and Combination Air Valves, the stainless steel float closes against the resilient seat mechanically retained in a cover register. The seats contain raised sealing beads that provide positive shutoff from the lowest system pressure to the valve's rated working pressure.



Pressure Sensitive Seating with Raised Sealing Beads

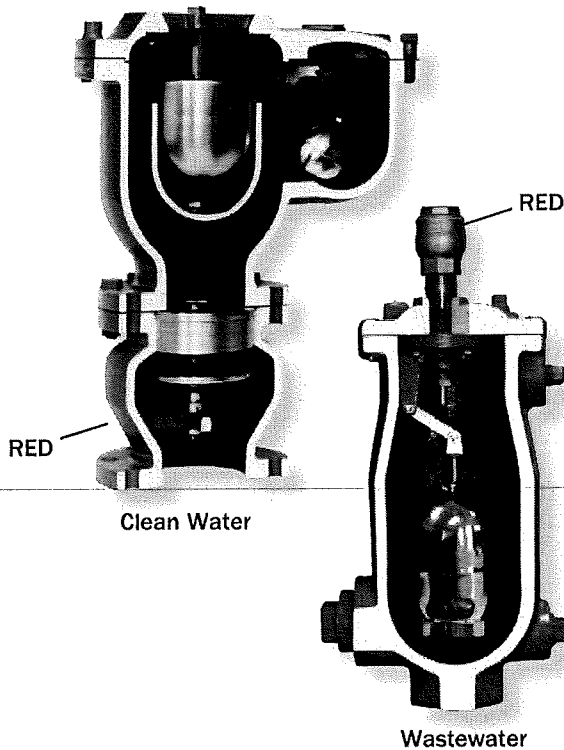
Full Size Flow Area

Val-Matic Air/Vacuum and Combination Air Valves are equipped with full and equal size inlets and outlets in accordance with AWWA C512. Some air valve manufacturers use common covers for different size air valves resulting in undersized outlets and reduced flow. Standard industry calculations assume a full port size so the air valve should provide the same. You can be assured that the inlets and outlets of Val-Matic's Air Valves are equal to or larger than the area of the nominal valve size. Finally, all Combination Air Valves with float guides in the outlet have expanded flow areas around the guide spokes to provide full flow area through the valve.

Certifications

Val-Matic Air Valves for water service are NSF 61 and 372 certified and marked for use in drinking water applications. All Air Valves meet AWWA C512 requirements.

Surge-Suppression Air Valves



Operational Highlights:

- Provides full vacuum protection for the pipeline
- Provides slow closure suppressing surge in the pipeline
- Minimizes water blow-by during Air Valve closure
- Allows the use of smaller valve size by utilizing a maximum sizing differential pressure of 5 psig
- Releases entrained air while pipeline is operating to maintain pumping efficiency
- Includes Regulated Exhaust Device (RED)
- Fully complies with AWWA C512 and NSF 61

Surge-Suppression Air Valve Features:

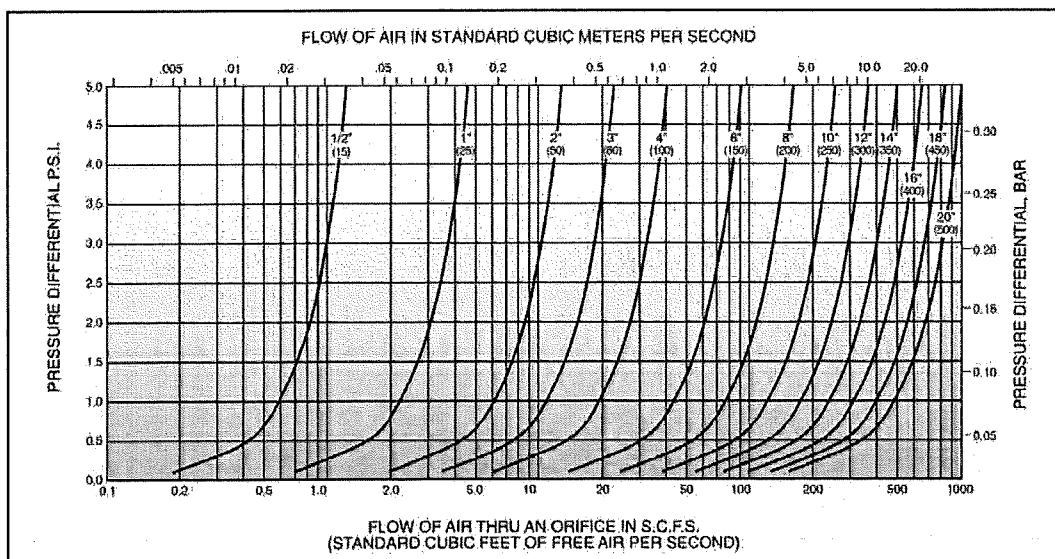
- Restrictor disc provides regulated exhaust to limit secondary surges during column separation
- Ability to adjust air exhaust for greater surge suppression
- Provides full vacuum flow port

Optional Accessories:

- Outlet hood with screen (prevents debris from entering valves)
- Ball and butterfly isolation valves (allows valve maintenance)
- Inflow Preventer on outlet (stops flood water and resulting contamination from entering pipeline)
- Backwash kit (for severe wastewater applications)

MATERIALS OF CONSTRUCTION		
COMPONENT	STANDARD	OPTIONAL
Body	Cast Iron ASTM A126 Class B	Ductile Iron ASTM A536 Grade 65-45-12
Trim	Type 316 Stainless Steel (Air Valve) Lead Free Bronze ASTM B584 C87600 (RED)	Stainless Steel ASTM A351 Grade CF8M (RED)
Coating	Universal Acrylic Primer (external)	Non-Stick Fusion Bonded Epoxy (Internal & external)

VENTING CAPACITY OF SURGE-SUPPRESSION AIR VALVE ORIFICES



Surge-Suppression Air Valves

WATER SURGE-SUPPRESSION AIR VALVES (SINGLE BODY)						
Inlet Size	Outlet Size	Model Number*	CWP PSI	Orifice Size	Dimensions (Inches)	
					A	B
1" NPT	1" NPT	201CSS.1	250	5/64"	11.40	13.60
2" NPT	2" NPT	202CSS.1	250	3/32"	14.00	17.30
3" 125lb Flg	3" NPT	203CSSA.1	150	3/32"	16.00	22.75
3" 250lb Flg	3" NPT	253CSSA.1	300	3/32"	16.00	22.75
4" 125lb Flg	4" NPT	204CSSA.1	150	3/32"	18.50	27.00
4" 250lb Flg	4" NPT	254CSSA.1	300	3/32"	18.50	27.00
6" 125lb Flg	6" NPT	206CSSA.1	150	3/8"	21.00	30.00
6" 250lb Flg	6" NPT	256CSSA.1	300	7/32"	21.00	30.00
8" 125lb Flg	8" NPT	208CSSA.1	150	3/8"	25.00	36.00
8" 250lb Flg	8" NPT	258CSSA.1	300	7/32"	25.00	36.00

*NSF 61 & 372 Certified

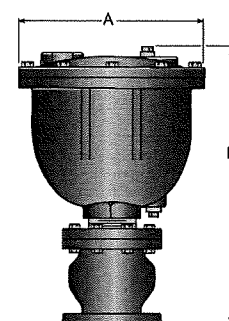
WATER SURGE-SUPPRESSION AIR VALVES (DUAL BODY)						
Inlet Size	Outlet** Size	Model Number*	CWP PSI	Orifice Size	Dimensions (Inches)	
					A	B
4" 125lb Flg	4" NPT	104SSA/38	150	3/16"	21.00	29.00
4" 250lb Flg	4" NPT	154SSA/38.5	300	5/32"	21.00	29.00
6" 125lb Flg	6" NPT	106SSA/38	150	3/16"	24.00	33.00
6" 250lb Flg	6" NPT	156SSA/38.5	300	5/32"	24.00	33.00
8" 125lb Flg	8" NPT	108SSA/38	150	3/16"	27.00	39.00
8" 250lb Flg	8" NPT	158SSA/38.5	300	5/32"	27.00	39.00
10" 125lb Flg	10" Flg	110FSSA/45	150	23/64"	32.10	46.20
10" 250lb Flg	10" Flg	160FSSA/45.5	300	7/32"	32.10	46.20
12" 125lb Flg	12" Flg	112FSSA/45	150	23/64"	36.10	48.20
12" 250lb Flg	12" Flg	162FSSA/45.5	300	7/32"	36.10	48.20

*NSF 61 & 372 Certified

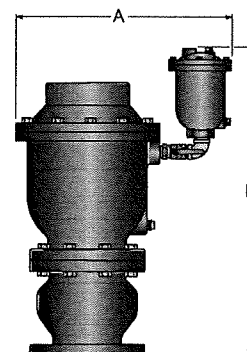
**All outlet flanges are class 125 lb.

Note: For sizes 14" - 20" Consult Factory

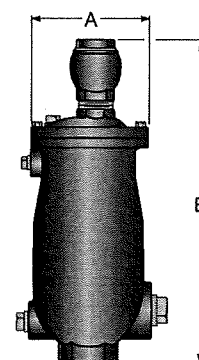
WASTEWATER SURGE-SUPPRESSION AIR VALVES (SINGLE BODY)						
Inlet Size	Outlet Size	Model Number	CWP PSI	Orifice Size	Dimensions (Inches)	
					A	B
2" NPT	1" NPT	801SS	150	1/8"	7.00	18.00
2" NPT	2" NPT	802SS	150	9/64"	9.50	22.40
3" NPT	3" NPT	803SSA	150	11/64"	11.00	27.20
4" NPT	4" NPT	804SSA	150	11/64"	11.00	33.20



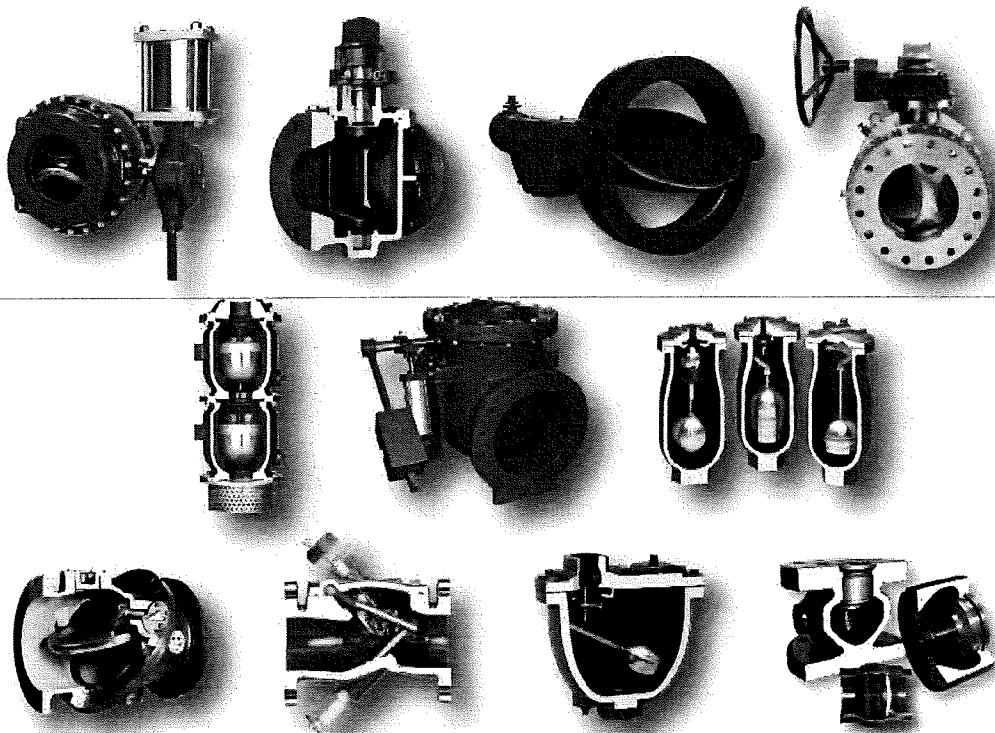
201CSS.1 - 258CSSA.1
Surge-Suppression Single Body
Air Valves



104SSA/38 - 162FSSA/45.5
Surge-Suppression Dual Body
Air Valves



801SS - 804SSA
Surge-Suppression Single Body
Wastewater Air Valves



Val-Matic's quality of design and meticulous workmanship has set the standards by which all others are measured. Quality design features such as the AWWA **Ener-G® Ball Valve** with its energy efficient design, fusion bonded epoxy and adjustable resilient seating....**Cam-Centric® Plug Valves** have more requested features than any other eccentric plug valve....**American-BFV® Butterfly Valves** include a field replaceable seat without the need for special tools....**Tilted Disc® Check Valves** with high strength and wear resistant aluminum bronze trim as standard....**Silent Check Valves** featuring combined resilient/metal-to-metal seating and are **NSF/ANSI 61 & 372 Certified**....**Sure Seal Foot Valves** provided with a heavy duty stainless steel screened inlet....**Swing-Flex® and Surgebuster® Check Valves** designed with an unrestricted full flow area....**Swing Check Valves** with field

adjustable closure versatility....**Dual Disc® Check Valves** utilizing stabilized components to provide extended life....**Air Release, Air/Vacuum and Combination Air Valves** provided standard with Type 316 stainless steel trim....**VaultSafe®** family of products includes the **FloodSafe® Inflow Preventer**, **FrostSafe®** two-way damper and the **VentSafe®** vent pipe security cage. The **QuadroSphere® Trunnion Ball Valve** features a unique ball design with recessed surfaces creating additional flow paths to provide a self-cleaning action and reduced wear and torque.

Val-Matic is totally committed to providing the highest quality valves and outstanding service to our customers. Complete customer satisfaction is our goal. **Make the change to quality, specify Val-Matic!**



Air Valves

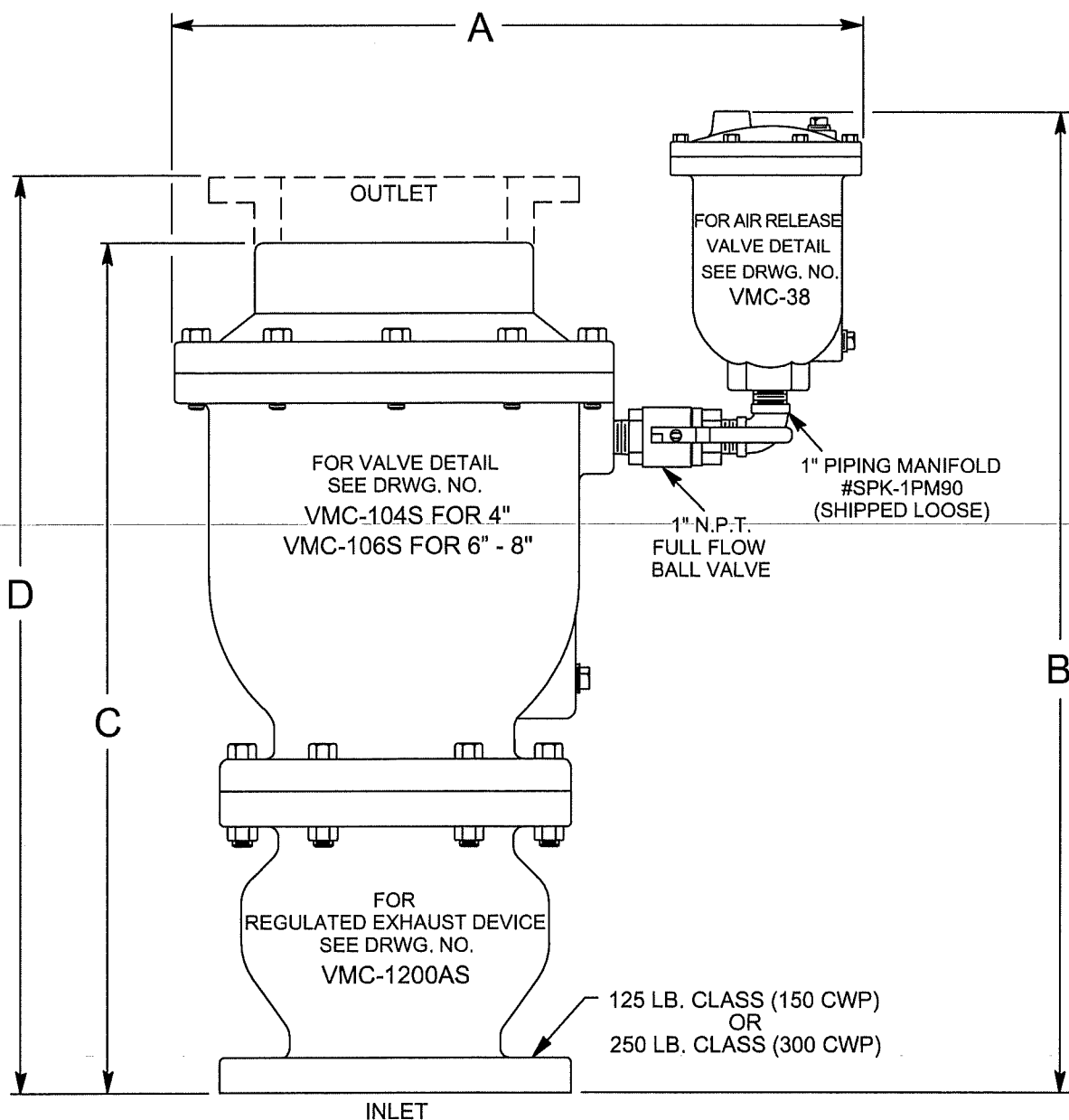


VaultSafe®

VAL-MATIC® *Your Valve Experts™*

Val-Matic Valve and Manufacturing Corp.
905 Riverside Drive, Elmhurst, IL 60126
Phone: 630-941-7600 • Fax: 630-941-8042
www.valmatic.com • valves@valmatic.com

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VALVE SIZE	MODEL NO.		A	B	C	D	INLET SIZE	OUTLET SIZE	OUTLET SIZE
	125 LB.	250 LB.							
4	104SSA/38	154SSA/38	21.00	29.00	23.63	26.50	4" FLG.	4" N.P.T.	4" FLG.
6	106SSA/38	156SSA/38	24.00	33.00	28.50	29.00	6" FLG.	6" N.P.T.	6" FLG.
8	108SSA/38	158SSA/38	27.00	39.00	34.63	34.75	8" FLG.	8" N.P.T.	8" FLG.

REV 7-19-19

SURGE SUPPRESSION COMBINATION AIR VALVE

DATE 1-11-17

VAL-MATIC®

VALVE AND MANUFACTURING CORP.

DRWG. NO.

VM-104SSA-38



MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU:

FROM: Mike Reynolds, Police Chief

SUBJECT: **2024 Community Oriented Policing Services Hiring Program Grant Application**

RECOMMENDATION:

Staff recommends approval of the 2024 Community Oriented Policing Services (COPS) Hiring Program grant application to fund two (2) police officers to be assigned as School Resource Officers (SRO) to the Fayetteville Public Schools for a period of four (4) years with a total project amount of \$746,100. The COPS Hiring Grant will fund \$250,000 while local expenses will be \$496,100. Local match requirements will be split proportionately with the Fayetteville Public Schools contributing \$339,710 and the City of Fayetteville contributing \$156,390.

BACKGROUND:

The COPS Hiring Program is a competitive grant program that provides funding for three (3) years directly to law enforcement agencies to create and preserve jobs and to increase their community policing capacity and crime prevention efforts. Each grant recipient is afforded five (5) years to complete three (3) years of grant funded activity. Year 1 is structured for recruitment and certification for new officers awarded COPS funds, Years 2-4 are grant funded activities specified in the grant application, and Year 5 requires the recipient to 100% fund the position for 1-year. Funding will be based on our current entry-level salaries and benefits for sworn officer positions plus annual step increases per our current pay plan policy. Any additional costs for positions, hired under the COPS Hiring Program beyond salaries and benefits must be paid for with local matching funds.

Furthermore, Resolution #190-22 (see attached) approved by City Council on August 16, 2022 expresses the intent of the City Council to add two (2) new School Resource Officer positions each budget year, until every school in the district is able to have an officer on site each school day. This COPS Hiring Program grant application, if awarded, will provide federal funding to mitigate future general fund expenses necessary to meet City Council's goal of Resolution #190-22.

DISCUSSION:

The Fayetteville Police Department will utilize the COPS Hiring Program Grant funding to hire two (2) police officer positions. Fayetteville Public Schools has previously requested additional SROs for each school within their district, but our staffing and budget levels have not allowed for these positions. Fayetteville Public Schools has 17 schools within their district beginning with the 2023-2024 academic year. Our SRO Program currently has eleven (11) positions budgeted within the 2024 Approved Operating Budget. Nine (9) of these positions are active while two (2) recently added positions are vacant pending recruitment and certification of new officers. This grant application, if awarded, will be used to add two (2) officers to our SRO Program bringing our total approved SRO positions to thirteen (13) at the start of the 2025-2026 academic year.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Fayetteville Public Schools has agreed to pay their proportionate share of the \$496,100 local match requirements, if awarded. The attached spreadsheet shows the total cost for two new officers throughout the four (4) year grant period to be \$746,100. Grant funds in the amount of \$250,000 will result in the City's local match requirements to be \$496,100 with the Fayetteville Public Schools reimbursing \$339,710. The City's net expense over the grant period is projected to be \$156,390.

Letters of support have been requested from Fayetteville Public Schools, Fayetteville School Board, Arkansas U.S. Senators and Representatives. Once the Fayetteville Police Department receives these letters of support, they will be forwarded to the City Clerk to be included in this agenda packet.

BUDGET/STAFF IMPACT:

There is no budget or staff impact for applying for the 2024 COPS Hiring Program Grant. If the grant were awarded to us, the City Council would be asked to accept the grant award, approve a budget adjustment to appropriate funding for the grant's local match requirement, and approve an agreement with the Fayetteville Public Schools to cost-share the SRO expenses.

ATTACHMENTS: SRF (#3), SRM (#4), 190-22 RESOLUTION (#5), Budget Summary - 2024 CHP Grant Application (#6), 2024 CHP Grant Application (#7), Fayetteville COPS Hiring Program LOS - Womack (#8), 2024 COPS Grant Support Letters - Eichmann (#9), FPS - SRO Letter - Hudson (#10), SRO Funding - City Council Letter (#11), FPD - Cops Los (#12)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-47

2024 Community Oriented Policing Services Hiring Program Grant Application

A RESOLUTION TO APPROVE AN APPLICATION FOR A 2024 COPS HIRING PROGRAM MATCHING GRANT IN THE AMOUNT OF \$250,000.00 TO FUND TWO SCHOOL RESOURCE OFFICERS FOR A PERIOD OF FOUR YEARS WITH THE \$496,100.00 MATCHING REQUIREMENT SPLIT PROPORTIONALLY BETWEEN THE CITY AND FAYETTEVILLE PUBLIC SCHOOLS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes an application for a 2024 COPS Hiring Program matching grant in the amount of \$250,000.00 to fund two police officers to be assigned as school resource officers to the Fayetteville Public Schools for a period of four years with the \$496,100.00 matching requirement to be paid by the City in the amount of \$156,390.00 and by the Fayetteville Public Schools in the amount of \$339,710.00.

City of Fayetteville Staff Review Form

2024-47

Item ID

5/7/2024

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Mike Reynolds

4/18/2024

POLICE (200)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of the 2024 Community Oriented Policing Services (COPS) Hiring Program grant application to fund two (2) police officers to be assigned as School Resource Officers (SRO) to the Fayetteville Public Schools for a period of four (4) years with a total project amount of \$746,100. The COPS Hiring Grant will fund \$250,000 while local expenses will be \$496,100. Local match requirements will be split proportionately with the Fayetteville Public Schools contributing \$339,710 and the City of Fayetteville contributing \$156,390.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$

-

Expenses (Actual+Encum)

\$

-

Available Budget

\$

-

Does item have a direct cost? No

Item Cost

\$

-

Is a Budget Adjustment attached? No

Budget Adjustment

\$

-

Remaining Budget

\$

-

Purchase Order Number:

Previous Ordinance or Resolution #

V20221130

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

City of Fayetteville Staff Review Form

2024-47

Item ID

5/7/2024

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Mike Reynolds

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\$

-

Available Budget

\$

-

Does item have a direct cost? No

Item Cost

\$

-

Is a Budget Adjustment attached? No

Budget Adjustment

\$

-

Remaining Budget

\$

-

Purchase Order Number:

Previous Ordinance or Resolution #

V20221130

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF MAY 7, 2024

TO: Mayor and City Council

FROM: Mike Reynolds, Chief of Police

A handwritten signature in black ink that reads "Mike Reynolds".

DATE: April 18, 2024

SUBJECT: 2024 Community Oriented Policing Services Hiring Program Grant Application

RECOMMENDATION:

Staff recommends approval of the 2024 Community Oriented Policing Services (COPS) Hiring Program grant application to fund two (2) police officers to be assigned as School Resource Officers (SRO) to the Fayetteville Public Schools for a period of four (4) years with a total project amount of \$746,100. The COPS Hiring Grant will fund \$250,000 while local expenses will be \$496,100. Local match requirements will be split proportionately with the Fayetteville Public Schools contributing \$339,710 and the City of Fayetteville contributing \$156,390.

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Furthermore, Resolution #190-22 (see attached) approved by City Council on August 16, 2022 expresses the intent of the City Council to add two (2) new School Resource Officer positions each budget year, until every school in the district is able to have an officer on site each school day. This COPS Hiring Program grant application, if awarded, will provide federal funding to mitigate future general fund expenses necessary to meet City Council's goal of Resolution #190-22.

DISCUSSION:

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Fayetteville Public Schools has agreed to pay their proportionate share of the \$496,100 local match requirements, if awarded. The attached spreadsheet shows the total cost for two new officers throughout the four (4) year grant period to be \$746,100. Grant funds in the amount of \$250,000 will result in the City's local match requirements to be \$496,100 with the Fayetteville Public Schools reimbursing \$339,710. The City's net expense over the grant period is projected to be \$156,390.

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BUDGET/STAFF IMPACT:

There is no budget or staff impact for applying for the 2024 COPS Hiring Program Grant. If the grant were awarded to us, the City Council would be asked to accept the grant award, approve a budget adjustment to appropriate funding for the grant's local match requirement, and approve an agreement with the Fayetteville Public Schools to cost-share the SRO expenses.

Attachments:

- Resolution #190-22
- FY24 CHP Budget Summary
- FY24 CHP Grant Application



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

Resolution: 190-22

File Number: 2022-0707

SCHOOL RESOURCE OFFICER:

A RESOLUTION TO APPROVE THE ADDITION OF A NEW FULL TIME EQUIVALENT POLICE OFFICER POSITION TO BE ASSIGNED TO THE FAYETTEVILLE PUBLIC SCHOOL DISTRICT AS A SCHOOL RESOURCE OFFICER BEGINNING IN THE 2022-2023 SCHOOL YEAR, TO APPROVE UP TO \$3,000.00 FOR EACH SCHOOL RESOURCE OFFICER FOR SOCIAL WORK OR COUNSELING EDUCATION FOR THE 2022-2023 SCHOOL YEAR, TO EXPRESS THE INTENT OF THE CITY COUNCIL TO ADD TWO NEW SCHOOL RESOURCE OFFICER POSITIONS EACH YEAR THEREAFTER UNTIL EVERY SCHOOL IN THE DISTRICT IS ABLE TO HAVE AN OFFICER ON SITE EACH SCHOOL DAY, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, pursuant to Ark. Code Ann. § 6-10-128, the City of Fayetteville and the Fayetteville Public School District must enter into a memorandum of understanding regarding the assignment of school resource officers (SROs) to the Fayetteville Public School District including the financial responsibilities of each party, chain of command, the roles and responsibilities of the school resource officers, training requirements, hours of assignment, the provision of benefits, and other matters; and

WHEREAS, the City currently has six school resource officers assigned to the Fayetteville Public School District which has fifteen schools in operation and a sixteenth under construction; and

WHEREAS, the District has requested that the City assign another school resource officer to the District beginning in the 2022-2023 school year; and

WHEREAS, the District has also requested that the City assign additional officers in the future to ensure that each school is able to have a school resource officer on site; and

WHEREAS, the additional school resource officer positions will be new full time equivalent officers

and will not reduce the Police Department's current staffing levels; and

WHEREAS, on August 2, 2022, the Arkansas School Safety Commission released its Interim Report with findings and recommendations including the following from the Law Enforcement and Security Subcommittee which is chaired by Washington County Sheriff Tim Helder:

- Recommendation 1: No campus should ever be without an armed presence "AT ALL TIMES" when staff and children are attending class or a major extracurricular activity.
- Recommendation 2: If financially practicable, school should ideally have at least one SRO for each campus.
- Recommendation 3: School districts should execute a Memorandum of Understanding (MOU) with their partnering law-enforcement agencies that identify the roles and responsibilities of SROs and other critical elements.
- Recommendation 4: SROs whose primary assignment is within the school should receive specialized training.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the addition of a new full time equivalent officer position for the Police Department to be assigned to the Fayetteville Public School District in accordance with the memorandum of understanding required by Ark. Code Ann. § 6-10-128.

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, to fund the new position.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to approve the addition of two new full time equivalent officer positions every year beginning in 2023 and authorize those positions to be assigned to the Fayetteville Public School District as school resource officers until each school is able to have an officer on site.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby approves up to \$3,000.00 for each School Resource Officer for the 2022-2023 school year to be used for tuition or education costs to enable that School Resource Officer to obtain a Social Work Certification or for college level classes toward earning a degree in Social Work or Counseling.

PASSED and APPROVED on 8/16/2022

Resolution: 190-22

File Number: 2022-0707

Approved:


Lioneld Jordan, Mayor

Attest:


Kara Paxton, City Clerk Treasurer



FY2024 COPS Hiring Program Grant

Budget Summary

2025-2028

	<u>Year 1 - Step A</u>	<u>Year 2 - Step B</u>	<u>Year 3 - Step C</u>	<u>Year 4 - Step D</u>	<u>Total</u>
Base Annual Pay	\$ 53,102	\$ 55,682	\$ 58,261	\$ 60,840	\$ 227,885
Premium Holiday Pay	2,655	2,784	2,913	3,042	11,394
Sign-on Pay	5,000	-	-	-	5,000
Longevity Pay	-	-	-	-	-
Education Pay	1,593	1,670	1,748	1,825	6,837
Specialized Pay	-	-	-	-	-
Certificate Pay	-	300	300	300	900
Shift Differential	-	-	-	-	-
Academy Training - OT	3,115	-	-	-	3,115
Total Base Pay	\$ 65,466	\$ 60,436	\$ 63,222	\$ 66,007	\$ 255,131
Fringe Benefits per Officer					
Medicare	\$ 949	\$ 876	\$ 917	\$ 957	\$ 3,699
Health Insurance	4,709	4,977	5,211	5,211	20,108
Life Insurance	134	142	148	156	580
LTD Insurance	78	82	86	90	336
Retirement	16,023	16,016	16,754	17,492	66,285
Workers Comp	1,290	1,191	1,245	1,300	5,026
Professional Liability Insurance	300	300	300	300	1,200
Total Fringe Benefits per Officer	\$ 23,483	\$ 23,583	\$ 24,661	\$ 25,507	\$ 97,234
Total Salary & Fringe per Officer	\$ 88,949	\$ 84,020	\$ 87,883	\$ 91,514	\$ 352,365
Uniform, Equipment, & Training Per Officer					
Uniform	\$ 6,126	\$ 600	\$ 600	\$ 600	\$ 7,926
Bulletproof Vest	1,810	-	-	-	1,810
Axon Officer Safety Plan	3,620	-	-	-	3,620
Duty Weapon	680	-	-	-	680
Radio APX6000	5,324	-	-	-	5,324
Academy Training - Per Diem	365	-	-	-	365
FTO Trainer	960.00	-	-	-	960
Total Equip & Training per Officer	\$ 18,885	\$ 600	\$ 600	\$ 600	\$ 20,685
Total Operating Expense per Officer	\$ 107,834	\$ 84,620	\$ 88,483	\$ 92,114	\$ 373,050
Total Expenses - 2 New Officers	\$ 215,668	\$ 169,239	\$ 176,965	\$ 184,228	\$ 746,100
Cost Share - 2 School Resource Officers					
Grant Program (\$125,000 max per position over 3 years)	\$ 130,740.00	\$ 84,312.00	\$ 34,948.00	\$ -	\$ 250,000.00
City's General Fund	0.43	(0.33)	57,089.80	99,300.34	156,390.25
Fayetteville Public Schools SRO Reimbursement	84,927.36	84,927.36	84,927.36	84,927.36	339,709.44
Total Revenue	\$ 215,667.79	\$ 169,239.03	\$ 176,965.16	\$ 184,227.70	\$ 746,099.69

Standard Applicant Information

Project Information

Project Title	Proposed Project Start Date	Proposed Project End Date
FY2024 COPS Hiring Program Grant	10/1/24	9/30/29
Federal Estimated Funding (Federal Share)	Applicant Estimated Funding (Non-Federal Share)	Program Income Estimated Funding
250000	198844.00	0.00
Total Estimated Funding		
448844.00		

Areas Affected by Project (Cities, Counties, States, etc.)

Fayetteville, AR

Type Of Applicant

Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

Other (specify):

Application Submitter Contact Information

Application POC Prefix
Name

Name

Application POC First Name
Willie

Application POC Middle
Name

Application POC Last Name
Newman

Application POC Suffix
Name

Organizational Affiliation
Fayetteville Police Department

Title
Support Services Manager

Email ID
wnewman@fayetteville-ar.gov

Phone Number
479-587-3581

Fax Number
479-587-3570

ORINumber

Executive Order and Delinquent Debt Information

Is Application Subject to Review by State Under Executive Order 12372? *

a. This application was made available to the State under the Executive Order 12372 Process for review on:

State Review Available Date

04/19/2024

Is the Applicant Delinquent on Federal Debt?

No

SF424 Attachments (3)



Name

Form SF424_4_0-V4.0.pdf

Date Added

4/15/24

Name

Date Added

	Name Form SFLLL_2_0-V2.0.pdf	Date Added 4/15/24
	Name GrantApplication.xml	Date Added 4/15/24

Authorized Representative

Law Enforcement Executive Information Title Chief of Police Prefix Name _____ First Name Middle Name Mike _____ Last Name Reynolds Suffix Name _____	Government Executive Information Title Mayor Prefix Name _____ First Name Middle Name Lioneld _____ Last Name Jordan Suffix Name _____
--	--

Verify Legal Name, Doing Business As, and Legal Address

Legal Name
CITY OF FAYETTEVILLE

UEI
ZGAZNS4HKFY3

Doing Business As
POLICE DEPARTMENT

Legal Address
Street 1
 113 WEST MOUNTAIN STREET
Street 2

City FAYETTEVILLE	State AR	Zip/Postal Code 72701
Congressional District 03	Country USA	

Certification

The legal name + Doing Business As (DBA) and legal address define a unique entity in the system as represented in its entity profile. The profile legal name and address is applicable to ALL applications and awards associated to this fiscal agent.

1. If this information is correct confirm/acknowledge to continue with completion of this application.

I confirm this is the correct entity.

Signer Name

WILLIE NEWMAN

Certification Date / Time

04/15/2024 05:15 PM

2. If the information displayed does not accurately represent the legal entity applying for federal assistance:

- a. Contact your Entity Administrator.
- b. Contact the System for Award Management (SAM.gov) to update the entity legal name/address.

3. If the above information is not the entity for which this application is being submitted, Withdraw/Delete this application. Please initiate a new application in Grants.gov with using the correct UEI/SAM profile.

Proposal Abstract

Data Requested with Application

> **CHP Solicitation FY2024**

Proposal Narrative

Budget and Associated Documentation

Budget Summary

Budget Category

Total Cost

Sworn Officer Positions:	\$448,844.00
Civilian or Non-Sworn Personnel:	\$0.00
Travel:	\$0.00
Equipment:	\$0.00
Supplies:	\$0.00
SubAwards:	\$0.00
Procurement Contracts:	\$0.00
Other Costs:	\$0.00
Total Direct Costs:	\$448,844.00
Indirect Costs:	\$0.00
Total Project Costs:	\$448,844.00
Federal Funds:	\$250,000.00
Match Amount:	\$198,844.00
Program Income:	\$0.00

Local Match Details

Local Match Progression Table

As part of the local match requirement for the COPS Hiring Program, grantees must assume a progressively larger share of the cost of the grant with local funds over the three-year grant period. This means that your local match must increase each year, while the federal share must decrease.

Please project in the chart below how your agency plans to assume a progressively larger share of the grant cost during each year of the program. The chart is only a projection of your plans. While your agency may deviate from these specific projects during the grant period, it must still ensure that the federal share decreases and the local share increases.

	Year 1	Year 2	Year 3	Total	Total from Budget
Local Match	\$10,684	\$59,614	\$128,546	\$198,844	\$198,844
Federal Share	\$132,000	\$90,000	\$28,000	\$250,000	\$250,000
Total	\$142,684.00	\$149,614.00	\$156,546.00	\$448,844	\$448,844

Waiver of Local Match

The COPS Office may waive some or all of a grantee's local match requirement based on severe fiscal distress. During the application review process, your agency's waiver request will be evaluated based on the availability of funding, a demonstration of severe fiscal distress as reflected through the fiscal health data provided in the application, and a comparison of your fiscal health data with that of the overall applicant pool.

No

Budget / Financial Attachments

Additional Attachments

No documents have been uploaded for Additional Attachments

Budget and Associated Documentation

DOES THIS BUDGET CONTAIN CONFERENCE COSTS WHICH IS DEFINED BROADLY TO INCLUDE MEETINGS, RETREATS, SEMINARS, SYMPOSIA, AND TRAINING ACTIVITIES? _____

Base Salary and Fringe Benefits for Sworn Officer

Sworn Officer

Position

Position Title

Sworn Officer

Position Description

School Resource Officer

Number of Positions

2

✓ Salary per Officer

Salary

Year 1

\$55,758.00

Year 2

\$58,466.00

Year 3

\$61,174.00

✓ Fringe Benefits per Officer

Year 1

Year 2

Year 3

Social Security

Exempt

\$0.00

\$0.00

\$0.00

0.00%

Medicare				
1.45%		\$808.49	\$847.76	\$887.02
	1.45%			
Health Insurance				
Exempt		\$0.00	\$0.00	\$0.00
Life Insurance				
Exempt		\$0.00	\$0.00	\$0.00
Vacation				
Included in Salary?	Hours	\$0.00	\$0.00	\$0.00
No				
Sick Leave				
Included in Salary?	Hours	\$0.00	\$0.00	\$0.00
No				
Retirement				
Fixed Rate		\$14,775.87	\$15,493.49	\$16,211.11
		26.50%	26.50%	26.50%
Workers Compensation				
Exempt		\$0.00	\$0.00	\$0.00
Unemployment Insurance				
Fixed Amount				
Other Benefit				
None				

Other Benefit

None

Other Benefit

None

Summary Totals

	Year 1	Year 2	Year 3
Benefits per Officer	\$15,584	\$16,341	\$17,098
Salary per Officer	\$55,758	\$58,466	\$61,174
Total per Officer	.00	.00	.00
	\$71,342	\$74,807	\$78,272
Total per Officer All Years			
\$224,422			
Total Salary and Benefits			
\$448,844			

Personnel

Instructions

List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid

for similar work within the applicant organization. In the narrative section, please provide a specific description of the

responsibilities and duties for each position, and explain how the responsibilities and duties support the project goals and objectives outlined in your application.

Fringe Benefits

Instructions

Fringe benefits should be based on the actual known costs or an approved negotiated rate by a Federal Agency. If not based on an approved negotiated rate, list the composition of the fringe benefit package. Fringe benefits are for the personnel listed in Personnel budget category listed and only for the percentage of time devoted to the project. In the narrative section, please provide a specific description for each item

Travel

Instructions

Itemize travel expenses of staff personnel (e.g. staff to training, field interviews, advisory group meeting, etc.). Describe the purpose of each travel expenditure in reference to the project objectives. Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known; or if unknown, indicate "location to be determined." Indicate whether applicant's formal written travel policy or the Federal Travel Regulations are followed. Note: Travel expenses for consultants should be included in the "Consultant Travel" data fields under the "Subawards (Subgrants)/Procurement Contracts" category. For each Purpose Area applied for, the budget should include the estimated cost for travel and accommodations for two staff to attend two three-day long meetings, with one in Washington D.C. and one in their region, with the exception of Purpose Area 1, which should budget for one meeting in Washington D.C. and Purpose Areas 6 and 7, which should budget for 3 meetings within a 3 year period, with 2 in Washington D.C. and 1 within their region. All requested information must be included in the budget detail worksheet and budget narrative.

Equipment

Instructions

List non-expendable items that are to be purchased (Note: Organization's own capitalization policy for classification of equipment should be used). Expendable items should be included in the "Supplies" category Applications should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technological advances. Rented or leased equipment costs should be listed in the "Contracts" data fields under the "Sub awards" (Sub grants)/Procurement Contracts" category. In the budget narrative, explain how the equipment is necessary for the success In the budget narrative, explain how the equipment is necessary for the success of the project, and describe the procurement method to be used. All requested information must be included in the budget detail worksheet and budget narrative.

Supply Items

Instructions

List items by type (office supplies, postage, training materials, copy paper, and expendable equipment items costing less than \$5,000, such as books, hand held tape recorders) and show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project. All requested information must be included in the budget detail worksheet and budget narrative.

Construction

Instructions

As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Consult with the DOJ grant-making component before budgeting funds in this category. In the narrative section, please provide a specific description for each item, and explain how the item supports the project goals and objectives outlined in your application.

Subawards

Instructions

Subawards (see "Subaward" definition at 2 CFR 200.92) : Provide a description of the Federal Award activities proposed to be carried out by any subrecipient and an estimate of the cost (include the cost per subrecipient, to the extent known prior to the application submission). For each subrecipient, enter the subrecipient entity name, if known. Please indicate any subaward information included under budget category Subawards (Subgrants) Contracts by including the label "(subaward)" with each subaward category.

Procurement contracts (see "Contract" definition at 2 CFR 200.22): Provide a description of the product or service to be procured by contract and an estimate of the cost. Indicate whether the applicant's formal, written Procurement Policy or the Federal Acquisition Regulation is followed. Applicants are encouraged to promote free and open competition in awarding procurement contracts. A separate justification must be provided for sole source procurements in excess of the Simplified Acquisition Threshold set in accordance with 41 U.S.C. 1908 (currently set at \$250,000) for prior approval. Please provide a specific description for each item, and explain how the item supports the project goals and objectives outlined in your application. **Consultant Fees:** For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Unless otherwise approved by the COPS Office, approved consultant rates will be based on the salary a consultant receives from his or her primary employer. Consultant fees in excess of \$650 per day require additional written justification, and must be pre-approved in writing by the COPS Office if the consultant is hired via a noncompetitive bidding process. Please provide a specific description for each item, and explain how the item supports the project goals and objectives outlined in your application. Please visit <https://cops.usdoj.gov/grants> for a list of allowable and unallowable costs for this program.

Instructions

Procurement contracts (see "Contract" definition at 2 CFR 200.1): Provide a description of the product or service to be procured by contract and an estimate of the cost. Indicate whether the applicant's formal, written Procurement Policy or the Federal Acquisition Regulation is followed. Applicants are encouraged to promote free and open competition in awarding procurement contracts. A separate justification must be provided for noncompetitive procurements in excess of the Simplified Acquisition Threshold set in accordance with 41 U.S.C. 1908 (currently set at \$250,000).

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Written prior approval and additional justification is required for consultant fees in excess of the DOJ grant-making component's threshold for an 8-hour day.

In the narrative section, please provide a specific description for each item, and explain how the item supports the project goals and objectives outlined in your application.

Other Direct Costs

Instructions

List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide a monthly rental cost and how many months to rent. All requested information must be included in the budget detail worksheet and budget narrative.

Indirect Costs

Instructions

Indirect costs are allowed only if: a) the applicant has a current, federally approved indirect cost rate; or b) the applicant is eligible to use and elects to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f). (See paragraph D.1.b. in Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals for a description of entities that may not elect to use the "de minimis" rate.) An applicant with a current, federally approved indirect cost rate must attach a copy of the rate approval, (a fully-executed, negotiated agreement). If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories. (Applicant Indian tribal governments, in particular, should review Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals regarding submission and documentation of indirect cost proposals.) All requested information must be included in the budget detail worksheet and budget narrative. In order to use the "de minimis" indirect rate an applicant would need to attach written documentation to the application that advises DOJ of both the applicant's eligibility (to use the "de minimis" rate) and its election. If the applicant elects the de minimis method, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. In addition, if this method is chosen then it must be used consistently for all federal awards until such time as the applicant entity chooses to negotiate a federally approved indirect cost rate.

Memoranda of Understanding (MOUs) and Other Supportive Documents

Memoranda of Understanding (MOUs) and Other Supportive Documents

Upload

The recommended files to upload are PDF, Microsoft Word and Excel.



Name

2023-2024 School
Resource Officer
Memorandum of
Understanding.pdf

Category

Memoranda of
Understanding
(MOUs) and Other
Supportive
Documents

Created by

WILLIE NEWMAN

Date Added

4/16/2024 12:27 PM

Additional Application Components

Letters of Support

No documents have been uploaded for Letters of Support

Additional Attachments

No documents have been uploaded for Additional Attachments

Disclosures and Assurances

Disclosure of Lobbying Activities



Name
Form SFLLL 2.0-
V2.0.pdf

Category
LobbyingActivities
Disclosure

Created by
—

Disclosure of Duplication in Cost Items

No. [Applicant Name on SF-424] does not have (and is not proposed as a subrecipient under) any pending applications submitted within the last 12 months for federally funded grants or cooperative agreements (or for subawards under federal grants or cooperative agreements) that request funding to support the same project being proposed in this application to OJP and that would cover any identical cost items outlined in the budget submitted as part of this application.

DOJ Certified Standard Assurances

★

OMB APPROVAL NUMBER 1121-0140

EXPIRES 05/31/2019

U.S. DEPARTMENT OF JUSTICE

CERTIFIED STANDARD ASSURANCES

On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the U.S. Department of Justice ("Department"), that all of the following are true and correct:

(1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any Department decision to make an award to the Applicant based on its application.

(2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.

(3) I assure that, throughout the period of performance for the award (if any) made by the Department based on the application--

- a. the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award;
- b. the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
- c. the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.

(4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition--

- a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
- b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;
- c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and
- d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.

(5) The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

(6) I assure that the Applicant will assist the Department as necessary (and will require subrecipients

and contractors to assist as necessary) with the Department's compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).

(7) I assure that the Applicant will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by the Department based on the application.

(8) If this application is for an award from the National Institute of Justice or the Bureau of Justice Statistics pursuant to which award funds may be made available (whether by the award directly or by any subaward at any tier) to an institution of higher education (as defined at 34 U.S.C. § 10251(a)

(17)), I assure that, if any award funds actually are made available to such an institution, the Applicant will require that, throughout the period of performance--

- a. each such institution comply with any requirements that are imposed on it by the First Amendment to the Constitution of the United States; and
- b. subject to par. a, each such institution comply with its own representations, if any, concerning academic freedom, freedom of inquiry and debate, research independence, and research integrity, at the institution, that are included in promotional materials, in official statements, in formal policies, in applications for grants (including this award application), for accreditation, or for licensing, or in submissions relating to such grants, accreditation, or licensing, or that otherwise are made or disseminated to students, to faculty, or to the general public.

(9) I assure that, if the Applicant is a governmental entity, with respect to the award (if any) made by the Department based on the application--

- a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- b. it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

(10) If the Applicant applies for and receives an award from the Office of Community Oriented Policing Services (COPS Office), I assure that as required by 34 U.S.C. § 10382(c)(11), it will, to the extent practicable and consistent with applicable law--including, but not limited to, the Indian Self-Determination and Education Assistance Act--seek, recruit, and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions, as provided under 34 U.S.C. § 10382(c)(11).

(11) If the Applicant applies for and receives a DOJ award under the STOP School Violence Act program, I assure as required by 34 U.S.C. § 10552(a)(3), that it will maintain and report such data, records, and information (programmatic and financial) as DOJ may reasonably require.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

Please Acknowledge *

Not Signed

SignerID

Signing Date / Time

DOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements; Law Enforcement and Community Policing

U.S. DEPARTMENT OF JUSTICE

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS;
DRUG-FREE WORKPLACE REQUIREMENTS; LAW ENFORCEMENT AND COMMUNITY POLICING**

Applicants should refer to the regulations and other requirements cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations or other cited requirements before completing this form. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice ("Department") determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by 31 U.S.C. § 1352, as implemented by 28 C.F.R. Part 69, the Applicant certifies and assures (to the extent applicable) the following:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If the Applicant's request for Federal funds is in excess of \$100,000, and 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 grant or cooperative agreement, the Applicant shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities" in accordance with its (and any DOJ awarding agency's) instructions; and

(c) The Applicant shall require that the language of this certification be included in the award documents for all

subgrants and procurement contracts (and their subcontracts) funded with Federal award funds and shall ensure that any certifications or lobbying disclosures required of recipients of such subgrants and procurement contracts (or their subcontractors) are made and filed in accordance with 31 U.S.C. § 1352.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

A. Pursuant to Department regulations on nonprocurement debarment and suspension implemented at 2 C.F.R. Part 2867, and to other related requirements, the Applicant certifies, with respect to prospective participants in a primary tier "covered transaction," as defined at 2 C.F.R. § 2867.20(a), that neither it nor any of its principals--

(a) is presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) has within a three-year period preceding this application been convicted of a felony criminal violation under any Federal law, or been convicted or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, tribal, or local) transaction or private agreement or transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, or obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects its (or its principals') present responsibility;

(c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, tribal, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and/or

(d) has within a three-year period preceding this application had one or more public transactions (Federal, State, tribal, or local) terminated for cause or default.

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application. Where the Applicant or any of its principals was convicted, within a three-year period preceding this application, of a felony criminal violation under any Federal law, the Applicant also must disclose such felony criminal conviction in writing to the Department (for OJP Applicants, to OJP at Ojpcompliancereporting@usdoj.gov; for OVW Applicants, to OVW at OVW.GFMD@usdoj.gov; or for COPS Applicants, to COPS at AskCOPSRC@usdoj.gov), unless such disclosure has already been made.

3. FEDERAL TAXES

A. If the Applicant is a corporation, it certifies either that (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to the Department (for OJP Applicants, to OJP at Ojpcompliancereporting@usdoj.gov; for OVW Applicants, to OVW at OVW.GFMD@usdoj.gov; or for COPS Applicants, to COPS at AskCOPSRC@usdoj.gov).

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application.

4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, as implemented at 28 C.F.R. Part 83, Subpart F, for grantees, as defined at 28 C.F.R. §§ 83.620 and 83.650:

A. The Applicant certifies and assures that it will, or will 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 its workplace and specifying the actions that will be

taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The Applicant'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 award 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 award, the employee will--

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of the employee's 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 Department, in writing, within 10 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 of any such convicted employee to the Department, as follows:

For COPS award recipients - COPS Office, 145 N Street, NE, Washington, DC, 20530;

For OJP and OVW award recipients - U.S. Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531.

Notice shall include the identification number(s) of each affected award;

(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; and

(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).

5. LAW ENFORCEMENT AGENCY CERTIFICATION REQUIRED UNDER DEPARTMENT OF JUSTICE DISCRETIONARY GRANT PROGRAMS ("SAFE POLICING CERTIFICATION")

If this application is for a discretionary award pursuant to which award funds may be made available (whether by the award directly or by any subaward at any tier) to a State, local, college, or university law enforcement agency, the Applicant certifies that any such law enforcement agency to which funds will be made available has been certified by an approved independent credentialing body or has started the certification process. To become certified, a law enforcement agency must meet two mandatory conditions:

(a) the agency's use of force policies adhere to all applicable federal, State, and local laws; and

(b) the agency's use of force policies prohibit chokeholds except in situations where use of deadly force is allowed by law.

For detailed information on this certification requirement, see <https://cops.usdoj.gov/SafePolicingEU>.

The Applicant acknowledges that compliance with this safe policing certification requirement does not ensure compliance with federal, state, or local law, and that such certification shall not constitute a defense in any federal lawsuit. Nothing in the safe policing certification process or safe policing requirement is intended to be (or may be) used by third parties to create liability by or against the United States or any of its officials, officers, agents or employees under any federal law. Neither the safe policing certification process nor the safe policing certification requirement is intended to (or does) confer any right on any third-person or entity seeking relief against the United States or any officer or employee thereof. No person or entity is intended to be (or is) a third-party beneficiary of the safe policing certification process, or, with respect to the safe policing certification requirement, such a beneficiary for purposes of any civil, criminal, or administrative action.

6. COORDINATION REQUIRED UNDER PUBLIC SAFETY AND COMMUNITY POLICING PROGRAMS

As required by the Public Safety Partnership and Community Policing Act of 1994, at 34 U.S.C. § 10382(c)(5), if this application is for a COPS award, the Applicant certifies that there has been appropriate coordination with all agencies that may be affected by its award. Affected agencies may include, among others, Offices of the United States Attorneys; State, local, or tribal prosecutors; or correctional agencies.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

Please Acknowledge *

Not Certified

SignerID

Signing Date / Time

Other Disclosures and Assurances

No documents have been uploaded for Other Disclosures and Assurances

Declaration and Certification to the U.S. Department of Justice as to this Application Submission

By [taking this action], I --

1. Declare the following to the U.S. Department of Justice (DOJ), under penalty of perjury: (1) I have authority to make this declaration and certification on behalf of the applicant; (2) I have conducted or there was conducted (including by the applicant's legal counsel as appropriate, and made available to me) a diligent review of all requirements pertinent to and all matters encompassed by this declaration and certification.
2. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this application submission: (1) I have reviewed this application and all supporting materials submitted in connection therewith (including anything submitted in support of this application by any person on behalf of the applicant before or at the time of the application submission and any materials that accompany this declaration and certification); (2) The information in this application and in all supporting materials is accurate, true, and complete information as of the date of this request; and (3) I have the authority to submit this application on behalf of the applicant.
3. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Please Acknowledge *

Not Signed

SignerID

Signing Date / Time

Other

No documents have been uploaded for Other

Not Certified



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

Resolution: 190-22

File Number: 2022-0707

SCHOOL RESOURCE OFFICER:

A RESOLUTION TO APPROVE THE ADDITION OF A NEW FULL TIME EQUIVALENT POLICE OFFICER POSITION TO BE ASSIGNED TO THE FAYETTEVILLE PUBLIC SCHOOL DISTRICT AS A SCHOOL RESOURCE OFFICER BEGINNING IN THE 2022-2023 SCHOOL YEAR, TO APPROVE UP TO \$3,000.00 FOR EACH SCHOOL RESOURCE OFFICER FOR SOCIAL WORK OR COUNSELING EDUCATION FOR THE 2022-2023 SCHOOL YEAR, TO EXPRESS THE INTENT OF THE CITY COUNCIL TO ADD TWO NEW SCHOOL RESOURCE OFFICER POSITIONS EACH YEAR THEREAFTER UNTIL EVERY SCHOOL IN THE DISTRICT IS ABLE TO HAVE AN OFFICER ON SITE EACH SCHOOL DAY, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, pursuant to Ark. Code Ann. § 6-10-128, the City of Fayetteville and the Fayetteville Public School District must enter into a memorandum of understanding regarding the assignment of school resource officers (SROs) to the Fayetteville Public School District including the financial responsibilities of each party, chain of command, the roles and responsibilities of the school resource officers, training requirements, hours of assignment, the provision of benefits, and other matters; and

WHEREAS, the City currently has six school resource officers assigned to the Fayetteville Public School District which has fifteen schools in operation and a sixteenth under construction; and

WHEREAS, the District has requested that the City assign another school resource officer to the District beginning in the 2022-2023 school year; and

WHEREAS, the District has also requested that the City assign additional officers in the future to ensure that each school is able to have a school resource officer on site; and

WHEREAS, the additional school resource officer positions will be new full time equivalent officers

and will not reduce the Police Department's current staffing levels; and

WHEREAS, on August 2, 2022, the Arkansas School Safety Commission released its Interim Report with findings and recommendations including the following from the Law Enforcement and Security Subcommittee which is chaired by Washington County Sheriff Tim Helder:

- Recommendation 1: No campus should ever be without an armed presence "AT ALL TIMES" when staff and children are attending class or a major extracurricular activity.
- Recommendation 2: If financially practicable, school should ideally have at least one SRO for each campus.
- Recommendation 3: School districts should execute a Memorandum of Understanding (MOU) with their partnering law-enforcement agencies that identify the roles and responsibilities of SROs and other critical elements.
- Recommendation 4: SROs whose primary assignment is within the school should receive specialized training.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the addition of a new full time equivalent officer position for the Police Department to be assigned to the Fayetteville Public School District in accordance with the memorandum of understanding required by Ark. Code Ann. § 6-10-128.

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, to fund the new position.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to approve the addition of two new full time equivalent officer positions every year beginning in 2023 and authorize those positions to be assigned to the Fayetteville Public School District as school resource officers until each school is able to have an officer on site.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby approves up to \$3,000.00 for each School Resource Officer for the 2022-2023 school year to be used for tuition or education costs to enable that School Resource Officer to obtain a Social Work Certification or for college level classes toward earning a degree in Social Work or Counseling.

PASSED and APPROVED on 8/16/2022

Resolution: 190-22

File Number: 2022-0707

Approved:


Lioneld Jordan, Mayor

Attest:


Kara Paxton, City Clerk Treasurer



FY2024 COPS Hiring Program Grant

Budget Summary

2025-2028

	<u>Year 1 - Step A</u>	<u>Year 2 - Step B</u>	<u>Year 3 - Step C</u>	<u>Year 4 - Step D</u>	<u>Total</u>
Base Annual Pay	\$ 53,102	\$ 55,682	\$ 58,261	\$ 60,840	\$ 227,885
Premium Holiday Pay	2,655	2,784	2,913	3,042	11,394
Sign-on Pay	5,000	-	-	-	5,000
Longevity Pay	-	-	-	-	-
Education Pay	1,593	1,670	1,748	1,825	6,837
Specialized Pay	-	-	-	-	-
Certificate Pay	-	300	300	300	900
Shift Differential	-	-	-	-	-
Academy Training - OT	3,115	-	-	-	3,115
Total Base Pay	\$ 65,466	\$ 60,436	\$ 63,222	\$ 66,007	\$ 255,131
Fringe Benefits per Officer					
Medicare	\$ 949	\$ 876	\$ 917	\$ 957	\$ 3,699
Health Insurance	4,709	4,977	5,211	5,211	20,108
Life Insurance	134	142	148	156	580
LTD Insurance	78	82	86	90	336
Retirement	16,023	16,016	16,754	17,492	66,285
Workers Comp	1,290	1,191	1,245	1,300	5,026
Professional Liability Insurance	300	300	300	300	1,200
Total Fringe Benefits per Officer	\$ 23,483	\$ 23,583	\$ 24,661	\$ 25,507	\$ 97,234
Total Salary & Fringe per Officer	\$ 88,949	\$ 84,020	\$ 87,883	\$ 91,514	\$ 352,365
Uniform, Equipment, & Training Per Officer					
Uniform	\$ 6,126	\$ 600	\$ 600	\$ 600	\$ 7,926
Bulletproof Vest	1,810	-	-	-	1,810
Axon Officer Safety Plan	3,620	-	-	-	3,620
Duty Weapon	680	-	-	-	680
Radio APX6000	5,324	-	-	-	5,324
Academy Training - Per Diem	365	-	-	-	365
FTO Trainer	960.00	-	-	-	960
Total Equip & Training per Officer	\$ 18,885	\$ 600	\$ 600	\$ 600	\$ 20,685
Total Operating Expense per Officer	\$ 107,834	\$ 84,620	\$ 88,483	\$ 92,114	\$ 373,050
Total Expenses - 2 New Officers	\$ 215,668	\$ 169,239	\$ 176,965	\$ 184,228	\$ 746,100
Cost Share - 2 School Resource Officers					
Grant Program (\$125,000 max per position over 3 years)	\$ 130,740.00	\$ 84,312.00	\$ 34,948.00	\$ -	\$ 250,000.00
City's General Fund	0.43	(0.33)	57,089.80	99,300.34	156,390.25
Fayetteville Public Schools SRO Reimbursement	84,927.36	84,927.36	84,927.36	84,927.36	339,709.44
Total Revenue	\$ 215,667.79	\$ 169,239.03	\$ 176,965.16	\$ 184,227.70	\$ 746,099.69

Standard Applicant Information

Project Information

Project Title	Proposed Project Start Date	Proposed Project End Date
FY2024 COPS Hiring Program Grant	10/1/24	9/30/29
Federal Estimated Funding (Federal Share)	Applicant Estimated Funding (Non-Federal Share)	Program Income Estimated Funding
250000	198844.00	0.00
Total Estimated Funding		
448844.00		

Areas Affected by Project (Cities, Counties, States, etc.)

Fayetteville, AR

Type Of Applicant

Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

Other (specify):

Application Submitter Contact Information

Application POC Prefix
Name

Name

Application POC First Name
Willie

Application POC Middle
Name

Application POC Last Name
Newman

Application POC Suffix
Name

Organizational Affiliation
Fayetteville Police Department

Title
Support Services Manager

Email ID
wnewman@fayetteville-ar.gov

Phone Number
479-587-3581

Fax Number
479-587-3570

ORINumber

Executive Order and Delinquent Debt Information

Is Application Subject to Review by State Under Executive Order 12372? *

a. This application was made available to the State under the Executive Order 12372 Process for review on:

State Review Available Date

04/19/2024

Is the Applicant Delinquent on Federal Debt?

No

SF424 Attachments (3)



Name

Form SF424_4_0-V4.0.pdf

Date Added

4/15/24

Name

Date Added



Name
Form SFLLL_2_0-V2.0.pdf

Date Added
4/15/24



Name
GrantApplication.xml

Date Added
4/15/24

Authorized Representative

Law Enforcement Executive Information

Title

Chief of Police

Prefix Name

First Name Middle Name

Mike _____

Last Name

Reynolds

Suffix Name

Government Executive Information

Title

Mayor

Prefix Name

First Name Middle Name

Lioneld _____

Last Name

Jordan

Suffix Name

Verify Legal Name, Doing Business As, and Legal Address

Legal Name

CITY OF FAYETTEVILLE

Doing Business As

POLICE DEPARTMENT

UEI

ZGAZNS4HKFY3

Legal Address

Street 1

113 WEST MOUNTAIN STREET

Street 2

City

FAYETTEVILLE

State

AR

Zip/Postal Code

72701

Congressional District

03

Country

USA

Certification

The legal name + Doing Business As (DBA) and legal address define a unique entity in the system as represented in its entity profile. The profile legal name and address is applicable to ALL applications and awards associated to this fiscal agent.

1. If this information is correct confirm/acknowledge to continue with completion of this application.

I confirm this is the correct entity.

Signer Name

WILLIE NEWMAN

Certification Date / Time

04/15/2024 05:15 PM

2. If the information displayed does not accurately represent the legal entity applying for federal assistance:
 - a. Contact your Entity Administrator.
 - b. Contact the System for Award Management (SAM.gov) to update the entity legal name/address.
3. If the above information is not the entity for which this application is being submitted, Withdraw/Delete this application. Please initiate a new application in Grants.gov with using the correct UEI/SAM profile.

Proposal Abstract

Data Requested with Application

> **CHP Solicitation FY2024**

Proposal Narrative

Budget and Associated Documentation

Budget Summary

Budget Category

Total Cost

Sworn Officer Positions:	\$448,844.00
Civilian or Non-Sworn Personnel:	\$0.00
Travel:	\$0.00
Equipment:	\$0.00
Supplies:	\$0.00
SubAwards:	\$0.00
Procurement Contracts:	\$0.00
Other Costs:	\$0.00
Total Direct Costs:	\$448,844.00
Indirect Costs:	\$0.00
Total Project Costs:	\$448,844.00
Federal Funds:	\$250,000.00
Match Amount:	\$198,844.00
Program Income:	\$0.00

Local Match Details

Local Match Progression Table

As part of the local match requirement for the COPS Hiring Program, grantees must assume a progressively larger share of the cost of the grant with local funds over the three-year grant period. This means that your local match must increase each year, while the federal share must decrease.

Please project in the chart below how your agency plans to assume a progressively larger share of the grant cost during each year of the program. The chart is only a projection of your plans. While your agency may deviate from these specific projects during the grant period, it must still ensure that the federal share decreases and the local share increases.

	Year 1	Year 2	Year 3	Total	Total from Budget
Local Match	\$10,684	\$59,614	\$128,546	\$198,844	\$198,844
Federal Share	\$132,000	\$90,000	\$28,000	\$250,000	\$250,000
Total	\$142,684.00	\$149,614.00	\$156,546.00	\$448,844	\$448,844

Waiver of Local Match

The COPS Office may waive some or all of a grantee's local match requirement based on severe fiscal distress. During the application review process, your agency's waiver request will be evaluated based on the availability of funding, a demonstration of severe fiscal distress as reflected through the fiscal health data provided in the application, and a comparison of your fiscal health data with that of the overall applicant pool.

No

Budget / Financial Attachments

Additional Attachments

No documents have been uploaded for Additional Attachments

Budget and Associated Documentation

DOES THIS BUDGET CONTAIN CONFERENCE COSTS WHICH IS DEFINED BROADLY TO INCLUDE MEETINGS, RETREATS, SEMINARS, SYMPOSIA, AND TRAINING ACTIVITIES? _____

Base Salary and Fringe Benefits for Sworn Officer

Sworn Officer

Position

Position Title

Sworn Officer

Position Description

School Resource Officer

Number of Positions

2

✓ Salary per Officer

Salary

Year 1

\$55,758.00

Year 2

\$58,466.00

Year 3

\$61,174.00

✓ Fringe Benefits per Officer

Year 1

Year 2

Year 3

Social Security

Exempt

\$0.00

\$0.00

\$0.00

0.00%

Medicare

1.45%

\$808.49

\$847.76

\$887.02

1.45%

Health Insurance

Exempt

\$0.00

\$0.00

\$0.00

Life Insurance

Exempt

\$0.00

\$0.00

\$0.00

Vacation**Included in
Salary?****Hours**

\$0.00

\$0.00

\$0.00

No

Sick Leave**Included in
Salary?****Hours**

\$0.00

\$0.00

\$0.00

No

Retirement

Fixed Rate

\$14,775.87

\$15,493.49

\$16,211.11

26.50%

26.50%

26.50%

Workers Compensation

Exempt

\$0.00

\$0.00

\$0.00

Unemployment Insurance

Fixed Amount

Other Benefit

None

Other Benefit

None

Other Benefit

None

Summary Totals

	Year 1	Year 2	Year 3
Benefits per Officer	\$15,584	\$16,341	\$17,098
Salary per Officer	\$55,758	\$58,466	\$61,174
Total per Officer	.00	.00	.00
	\$71,342	\$74,807	\$78,272
Total per Officer All Years			
\$224,422			
Total Salary and Benefits			
\$448,844			

Personnel**Instructions**

List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid

for similar work within the applicant organization. In the narrative section, please provide a specific description of the

responsibilities and duties for each position, and explain how the responsibilities and duties support the project goals and objectives outlined in your application.

Fringe Benefits

Instructions

Fringe benefits should be based on the actual known costs or an approved negotiated rate by a Federal Agency. If not based on an approved negotiated rate, list the composition of the fringe benefit package. Fringe benefits are for the personnel listed in Personnel budget category listed and only for the percentage of time devoted to the project. In the narrative section, please provide a specific description for each item

Travel

Instructions

Itemize travel expenses of staff personnel (e.g. staff to training, field interviews, advisory group meeting, etc.). Describe the purpose of each travel expenditure in reference to the project objectives. Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known; or if unknown, indicate "location to be determined." Indicate whether applicant's formal written travel policy or the Federal Travel Regulations are followed. Note: Travel expenses for consultants should be included in the "Consultant Travel" data fields under the "Subawards (Subgrants)/Procurement Contracts" category. For each Purpose Area applied for, the budget should include the estimated cost for travel and accommodations for two staff to attend two three-day long meetings, with one in Washington D.C. and one in their region, with the exception of Purpose Area 1, which should budget for one meeting in Washington D.C. and Purpose Areas 6 and 7, which should budget for 3 meetings within a 3 year period, with 2 in Washington D.C. and 1 within their region. All requested information must be included in the budget detail worksheet and budget narrative.

Equipment

Instructions

List non-expendable items that are to be purchased (Note: Organization's own capitalization policy for classification of equipment should be used). Expendable items should be included in the "Supplies" category Applications should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technological advances. Rented or leased equipment costs should be listed in the "Contracts" data fields under the "Sub awards" (Sub grants)/Procurement Contracts" category. In the budget narrative, explain how the equipment is necessary for the success In the budget narrative, explain how the equipment is necessary for the success of the project, and describe the procurement method to be used. All requested information must be included in the budget detail worksheet and budget narrative.

Supply Items

Instructions

List items by type (office supplies, postage, training materials, copy paper, and expendable equipment items costing less than \$5,000, such as books, hand held tape recorders) and show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project. All requested information must be included in the budget detail worksheet and budget narrative.

Construction

Instructions

As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Consult with the DOJ grant-making component before budgeting funds in this category. In the narrative section, please provide a specific description for each item, and explain how the item supports the project goals and objectives outlined in your application.

Subawards

Instructions

Subawards (see "Subaward" definition at 2 CFR 200.92) : Provide a description of the Federal Award activities proposed to be carried out by any subrecipient and an estimate of the cost (include the cost per subrecipient, to the extent known prior to the application submission). For each subrecipient, enter the subrecipient entity name, if known. Please indicate any subaward information included under budget category Subawards (Subgrants) Contracts by including the label "(subaward)" with each subaward category.

Procurement contracts (see "Contract" definition at 2 CFR 200.22): Provide a description of the product or service to be procured by contract and an estimate of the cost. Indicate whether the applicant's formal, written Procurement Policy or the Federal Acquisition Regulation is followed. Applicants are encouraged to promote free and open competition in awarding procurement contracts. A separate justification must be provided for sole source procurements in excess of the Simplified Acquisition Threshold set in accordance with 41 U.S.C. 1908 (currently set at \$250,000) for prior approval. Please provide a specific description for each item, and explain how the item supports the project goals and objectives outlined in your application. **Consultant Fees:** For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Unless otherwise approved by the COPS Office, approved consultant rates will be based on the salary a consultant receives from his or her primary employer. Consultant fees in excess of \$650 per day require additional written justification, and must be pre-approved in writing by the COPS Office if the consultant is hired via a noncompetitive bidding process. Please provide a specific description for each item, and explain how the item supports the project goals and objectives outlined in your application. Please visit <https://cops.usdoj.gov/grants> for a list of allowable and unallowable costs for this program.

Instructions

Procurement contracts (see "Contract" definition at 2 CFR 200.1): Provide a description of the product or service to be procured by contract and an estimate of the cost. Indicate whether the applicant's formal, written Procurement Policy or the Federal Acquisition Regulation is followed. Applicants are encouraged to promote free and open competition in awarding procurement contracts. A separate justification must be provided for noncompetitive procurements in excess of the Simplified Acquisition Threshold set in accordance with 41 U.S.C. 1908 (currently set at \$250,000).

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Written prior approval and additional justification is required for consultant fees in excess of the DOJ grant-making component's threshold for an 8-hour day.

In the narrative section, please provide a specific description for each item, and explain how the item supports the project goals and objectives outlined in your application.

Other Direct Costs

Instructions

List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide a monthly rental cost and how many months to rent. All requested information must be included in the budget detail worksheet and budget narrative.

Indirect Costs

Instructions

Indirect costs are allowed only if: a) the applicant has a current, federally approved indirect cost rate; or b) the applicant is eligible to use and elects to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f). (See paragraph D.1.b. in Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals for a description of entities that may not elect to use the "de minimis" rate.) An applicant with a current, federally approved indirect cost rate must attach a copy of the rate approval, (a fully-executed, negotiated agreement). If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories. (Applicant Indian tribal governments, in particular, should review Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals regarding submission and documentation of indirect cost proposals.) All requested information must be included in the budget detail worksheet and budget narrative. In order to use the "de minimis" indirect rate an applicant would need to attach written documentation to the application that advises DOJ of both the applicant's eligibility (to use the "de minimis" rate) and its election. If the applicant elects the de minimis method, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. In addition, if this method is chosen then it must be used consistently for all federal awards until such time as the applicant entity chooses to negotiate a federally approved indirect cost rate.

Memoranda of Understanding (MOUs) and Other Supportive Documents

Memoranda of Understanding (MOUs) and Other Supportive Documents

Upload

The recommended files to upload are PDF, Microsoft Word and Excel.



Name

[2023-2024 School
Resource Officer
Memorandum of
Understanding.pdf](#)

Category

Memoranda of
Understanding
(MOUs) and Other
Supportive
Documents

Created by

WILLIE NEWMAN

Date Added

4/16/2024 12:27 PM

Additional Application Components

Letters of Support

No documents have been uploaded for Letters of Support

Additional Attachments

No documents have been uploaded for Additional Attachments

Disclosures and Assurances

Disclosure of Lobbying Activities



Name

Form SFLLL 2 0-
V2.0.pdf

Category

LobbyingActivities
Disclosure

Created by

—

Disclosure of Duplication in Cost Items

No. [Applicant Name on SF-424] does not have (and is not proposed as a subrecipient under) any pending applications submitted within the last 12 months for federally funded grants or cooperative agreements (or for subawards under federal grants or cooperative agreements) that request funding to support the same project being proposed in this application to OJP and that would cover any identical cost items outlined in the budget submitted as part of this application.

DOJ Certified Standard Assurances

★

OMB APPROVAL NUMBER 1121-0140

EXPIRES 05/31/2019

U.S. DEPARTMENT OF JUSTICE

CERTIFIED STANDARD ASSURANCES

On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the U.S. Department of Justice ("Department"), that all of the following are true and correct:

(1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any Department decision to make an award to the Applicant based on its application.

(2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.

(3) I assure that, throughout the period of performance for the award (if any) made by the Department based on the application--

- a. the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award;
- b. the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
- c. the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.

(4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition--

- a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
- b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;
- c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and
- d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.

(5) The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

(6) I assure that the Applicant will assist the Department as necessary (and will require subrecipients

and contractors to assist as necessary) with the Department's compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).

(7) I assure that the Applicant will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by the Department based on the application.

(8) If this application is for an award from the National Institute of Justice or the Bureau of Justice Statistics pursuant to which award funds may be made available (whether by the award directly or by any subaward at any tier) to an institution of higher education (as defined at 34 U.S.C. § 10251(a) (17)), I assure that, if any award funds actually are made available to such an institution, the Applicant will require that, throughout the period of performance--

- a. each such institution comply with any requirements that are imposed on it by the First Amendment to the Constitution of the United States; and
- b. subject to par. a, each such institution comply with its own representations, if any, concerning academic freedom, freedom of inquiry and debate, research independence, and research integrity, at the institution, that are included in promotional materials, in official statements, in formal policies, in applications for grants (including this award application), for accreditation, or for licensing, or in submissions relating to such grants, accreditation, or licensing, or that otherwise are made or disseminated to students, to faculty, or to the general public.

(9) I assure that, if the Applicant is a governmental entity, with respect to the award (if any) made by the Department based on the application--

- a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- b. it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

(10) If the Applicant applies for and receives an award from the Office of Community Oriented Policing Services (COPS Office), I assure that as required by 34 U.S.C. § 10382(c)(11), it will, to the extent practicable and consistent with applicable law--including, but not limited to, the Indian Self-Determination and Education Assistance Act--seek, recruit, and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions, as provided under 34 U.S.C. § 10382(c)(11).

(11) If the Applicant applies for and receives a DOJ award under the STOP School Violence Act program, I assure as required by 34 U.S.C. § 10552(a)(3), that it will maintain and report such data, records, and information (programmatic and financial) as DOJ may reasonably require.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

Please Acknowledge *

Not Signed

SignerID

Signing Date / Time

DOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements; Law Enforcement and Community Policing

U.S. DEPARTMENT OF JUSTICE

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS;
DRUG-FREE WORKPLACE REQUIREMENTS; LAW ENFORCEMENT AND COMMUNITY POLICING**

Applicants should refer to the regulations and other requirements cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations or other cited requirements before completing this form. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice ("Department") determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by 31 U.S.C. § 1352, as implemented by 28 C.F.R. Part 69, the Applicant certifies and assures (to the extent applicable) the following:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If the Applicant's request for Federal funds is in excess of \$100,000, and 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 grant or cooperative agreement, the Applicant shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities" in accordance with its (and any DOJ awarding agency's) instructions; and

(c) The Applicant shall require that the language of this certification be included in the award documents for all

subgrants and procurement contracts (and their subcontracts) funded with Federal award funds and shall ensure that any certifications or lobbying disclosures required of recipients of such subgrants and procurement contracts (or their subcontractors) are made and filed in accordance with 31 U.S.C. § 1352.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

A. Pursuant to Department regulations on nonprocurement debarment and suspension implemented at 2 C.F.R. Part 2867, and to other related requirements, the Applicant certifies, with respect to prospective participants in a primary tier "covered transaction," as defined at 2 C.F.R. § 2867.20(a), that neither it nor any of its principals--

(a) is presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) has within a three-year period preceding this application been convicted of a felony criminal violation under any Federal law, or been convicted or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, tribal, or local) transaction or private agreement or transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, or obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects its (or its principals') present responsibility;

(c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, tribal, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and/or

(d) has within a three-year period preceding this application had one or more public transactions (Federal, State, tribal, or local) terminated for cause or default.

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application. Where the Applicant or any of its principals was convicted, within a three-year period preceding this application, of a felony criminal violation under any Federal law, the Applicant also must disclose such felony criminal conviction in writing to the Department (for OJP Applicants, to OJP at Ojpcompliancereporting@usdoj.gov; for OVW Applicants, to OVW at OVW.GFMD@usdoj.gov; or for COPS Applicants, to COPS at AskCOPSRC@usdoj.gov), unless such disclosure has already been made.

3. FEDERAL TAXES

A. If the Applicant is a corporation, it certifies either that (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to the Department (for OJP Applicants, to OJP at Ojpcompliancereporting@usdoj.gov; for OVW Applicants, to OVW at OVW.GFMD@usdoj.gov; or for COPS Applicants, to COPS at AskCOPSRC@usdoj.gov).

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application.

4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, as implemented at 28 C.F.R. Part 83, Subpart F, for grantees, as defined at 28 C.F.R. §§ 83.620 and 83.650:

A. The Applicant certifies and assures that it will, or will 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 its workplace and specifying the actions that will be

taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The Applicant'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 award 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 award, the employee will--

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of the employee's 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 Department, in writing, within 10 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 of any such convicted employee to the Department, as follows:

For COPS award recipients - COPS Office, 145 N Street, NE, Washington, DC, 20530;

For OJP and OVW award recipients - U.S. Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531.

Notice shall include the identification number(s) of each affected award;

(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; and

(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).

5. LAW ENFORCEMENT AGENCY CERTIFICATION REQUIRED UNDER DEPARTMENT OF JUSTICE DISCRETIONARY GRANT PROGRAMS ("SAFE POLICING CERTIFICATION")

If this application is for a discretionary award pursuant to which award funds may be made available (whether by the award directly or by any subaward at any tier) to a State, local, college, or university law enforcement agency, the Applicant certifies that any such law enforcement agency to which funds will be made available has been certified by an approved independent credentialing body or has started the certification process. To become certified, a law enforcement agency must meet two mandatory conditions:

(a) the agency's use of force policies adhere to all applicable federal, State, and local laws; and

(b) the agency's use of force policies prohibit chokeholds except in situations where use of deadly force is allowed by law.

For detailed information on this certification requirement, see <https://cops.usdoj.gov/SafePolicingEU>.

The Applicant acknowledges that compliance with this safe policing certification requirement does not ensure compliance with federal, state, or local law, and that such certification shall not constitute a defense in any federal lawsuit. Nothing in the safe policing certification process or safe policing requirement is intended to be (or may be) used by third parties to create liability by or against the United States or any of its officials, officers, agents or employees under any federal law. Neither the safe policing certification process nor the safe policing certification requirement is intended to (or does) confer any right on any third-person or entity seeking relief against the United States or any officer or employee thereof. No person or entity is intended to be (or is) a third-party beneficiary of the safe policing certification process, or, with respect to the safe policing certification requirement, such a beneficiary for purposes of any civil, criminal, or administrative action.

6. COORDINATION REQUIRED UNDER PUBLIC SAFETY AND COMMUNITY POLICING PROGRAMS

As required by the Public Safety Partnership and Community Policing Act of 1994, at 34 U.S.C. § 10382(c)(5), if this application is for a COPS award, the Applicant certifies that there has been appropriate coordination with all agencies that may be affected by its award. Affected agencies may include, among others, Offices of the United States Attorneys; State, local, or tribal prosecutors; or correctional agencies.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

Please Acknowledge *

Not Certified

SignerID

Signing Date / Time

Other Disclosures and Assurances

No documents have been uploaded for Other Disclosures and Assurances

Declaration and Certification to the U.S. Department of Justice as to this Application Submission

By [taking this action], I --

1. Declare the following to the U.S. Department of Justice (DOJ), under penalty of perjury: (1) I have authority to make this declaration and certification on behalf of the applicant; (2) I have conducted or there was conducted (including by the applicant's legal counsel as appropriate, and made available to me) a diligent review of all requirements pertinent to and all matters encompassed by this declaration and certification.
2. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this application submission: (1) I have reviewed this application and all supporting materials submitted in connection therewith (including anything submitted in support of this application by any person on behalf of the applicant before or at the time of the application submission and any materials that accompany this declaration and certification); (2) The information in this application and in all supporting materials is accurate, true, and complete information as of the date of this request; and (3) I have the authority to submit this application on behalf of the applicant.
3. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Please Acknowledge *

Not Signed

SignerID

Signing Date / Time

Other

No documents have been uploaded for Other

Not Certified

STEPHEN A. WOMACK
THIRD DISTRICT, ARKANSAS

WEBSITE — womack.house.gov

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON FINANCIAL SERVICES
AND GENERAL GOVERNMENT—
CHAIRMAN

SUBCOMMITTEE ON DEFENSE

SUBCOMMITTEE ON TRANSPORTATION,
HOUSING AND URBAN DEVELOPMENT, AND
RELATED AGENCIES

Congress of the United States
House of Representatives
Washington, DC 20515-0403

April 24, 2024

Mr. Hugh T. Clements, Jr.
Director
U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20002-3393

Dear Mr. Clements,

I am honored to provide this letter in support of the Fayetteville Police Department (Fayetteville PD) 2024 COPS Hiring Program (CHP) grant application. I understand this selection process is quite competitive, and I request that all due consideration be afforded to the Fayetteville PD proposal. If awarded, I believe this grant will have many positive benefits for the students attending Fayetteville Public Schools (FPS).

Fayetteville is requesting CHP funding so it can add two full-time officers to its School Resource Officer (SRO) program. Fayetteville's population continues to grow, and as of the 2020 Census it became the second largest city in Arkansas. This growth has had a direct influence on an increase in calls for service by FPS. In 2013, Fayetteville PD successfully implemented a CHP grant award that added three officers to the SRO program. In 2022, the city council approved a resolution to add SROs until all FPS schools have an officer on site each day. The proposed addition of two new officers with this CHP grant will help the city make progress toward meeting its goal.

For these reasons, I am pleased to support the Fayetteville PD CHP grant proposal. Thank you for ensuring a thorough review of their application. You may keep my office informed application's status through my Projects Director Kyle Weaver at kyle.weaver@mail.house.gov.

Sincerely,



Steve Womack
Member of Congress

SW/kw

WASHINGTON, DC
2412 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225 - 4301

ROGERS
3333 PINNACLE HILLS PARKWAY, SUITE 120
ROGERS, AR 72758
(479) 464 - 0446

FORT SMITH
6101 PHOENIX AVENUE, SUITE 4
FORT SMITH, AR 72903
(479) 424 - 1146

PRINTED ON RECYCLED PAPER

Justin Eichmann
FPS Board of Education
630 N. Oliver Ave.
Fayetteville, Arkansas 72701
479-236-6325
rjeichmann@gmail.com

April 19, 2024

Chief Mike Reynolds
Fayetteville Police Department
1800 N. Stephen Carr Memorial Blvd.
Fayetteville, Arkansas 72704

Re: Support for 2024 COPS Grant Application – FPS SRO positions

Dear Chief Reynolds,

I serve on the Board of Education for the Fayetteville Public School System No. 1 (FPS). Please have this letter serve as my full support for the 2024 COPS Grant Application in order to provide funding for two new school resource officers (SRO) for the FPS 2025 school year.

In my experience of being a parent of FPS students, and over 14 years of experience on the Board of Education, SROs have a positive impact on all of our students, teachers and parents. They also provide critical school security and ensure the safety of our students and teachers. As you are aware, it has been a part of our FPS planning for the last 5 years to provide SRO coverage at every district school campus. The 2024 COPS Grant is critical to being able to provide the funding for these positions.

I really appreciate the partnership that we have had with the Fayetteville Police Department and for your leadership and commitment to the safety of FPS students, staff and parents. If I can provide any other measure or support or information, please do not hesitate to ask me.

Sincerely,



R. Justin Eichmann



FAYETTEVILLE PUBLIC SCHOOLS

Since 1871

April 19, 2024

Fayetteville Public Schools
1000 W. Bulldog Blvd.
Fayetteville, AR 72701

Dear Committee,

I am writing in support of the Fayetteville COPS Hiring Grant application in partnership with our school district. We have a longstanding relationship with the Fayetteville Police Department that has been further strengthened through our partnership with them on the SRO program that has been in place for many years.

This grant will enable the Fayetteville Police Department to continue the commitment made by the Fayetteville City Council to add two SROs each school year until all 17 schools in our district have at least one full-time SRO. This funding would add the 11th and 12th SRO positions for our schools for the 2024-25 school year.

The SROs have become valued members of the school staff through their positive engagement with students, their work as role models and mentors to students, and their role in helping create a more positive and supportive environment at school.

I am in complete support of this grant application, and I urge you to give it your full consideration.

Sincerely,

John Mulford, Ed.D.

Superintendent



FAYETTEVILLE PUBLIC SCHOOLS

Since 1871

April 19, 2024

Fayetteville Public Schools
1000 W. Bulldog Blvd.
Fayetteville, AR 72701

Dear Committee,

I am writing in support of the Fayetteville COPS Hiring Grant application in partnership with our school district. We have a longstanding relationship with the Fayetteville Police Department that has been further strengthened through our partnership with them on the SRO program that has been in place for many years.

This grant will enable the Fayetteville Police Department to continue the commitment made by the Fayetteville City Council to add two SROs each school year until all 17 schools in our district have at least one full-time SRO. This funding would add the 11th and 12th SRO positions for our schools for the 2024-25 school year.

The SROs have become valued members of the school staff through their positive engagement with students, their work as role models and mentors to students, and their role in helping create a more positive and supportive environment at school.

I am in complete support of this grant application, and I urge you to give it your full consideration.

Sincerely,



FAYETTEVILLE PUBLIC SCHOOLS

Since 1871

April 19, 2024

Fayetteville Public Schools
1000 W. Bulldog Blvd.
Fayetteville, AR 72701

Dear Committee,

I am writing in support of the Fayetteville COPS Hiring Grant application in partnership with our school district. We have a longstanding relationship with the Fayetteville Police Department that has been further strengthened through our partnership with them on the SRO program that has been in place for many years.

This grant will enable the Fayetteville Police Department to continue the commitment made by the Fayetteville City Council to add two SROs each school year until all 17 schools in our district have at least one full-time SRO. This funding would add the 11th and 12th SRO positions for our schools for the 2024-25 school year.

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I am in complete support of this grant application, and I urge you to give it your full consideration.

Sincerely,

Tim Hudson
202 Ila St.
Fayetteville, AR 72701

April 17, 2024

Capt. Tim Shepard
Fayetteville Police Dept.
1800 N. Stephen Carr Memorial Blvd.
Fayetteville, AR 72704

Dear Capt. Shepard:

As a 20-year member of the Fayetteville School Board, I have had the pleasure of meeting and interacting with many of the dedicated School Resource Officers (SRO) assigned to work in the school district. They truly provide a tremendous service to our students, staff, families and the community of Fayetteville.

I wholeheartedly support FPD and the City of Fayetteville applying for a 2024 COPS Hiring Grant to provide funding for 2 additional SROs for the 2025 school year. Providing a safe, secure and welcoming environment to our students and families is of utmost importance when it comes to delivering a quality education to the 10,000+ students in our district.

Please let me know if I can provide any additional information. In the meantime, please convey my respect, admiration and appreciation to all the SROs who serve our schools.

Sincerely,

Tim Hudson, Vice President
Fayetteville Board of Education

Nika Waitsman
President
Fayetteville Public Schools Board of Education
3565 E. Natchez Trace
Fayetteville, AR 72703
(479)236-5461

April 19, 2024

Scott Berna, Scott.berna@fayetteville-ar.gov
Sarah Bunch, sarah.bunch@fayetteville-ar.gov
Holly Hertzberg, holly.hertzberg@fayetteville-ar.gov
D'Andre Jones, dandre.jones@fayetteville-ar.gov
Sarah Moore, sarah.moore@fayetteville-ar.gov
Bob Stafford, bob.stafford@fayetteville-ar.gov
Teresa Turk, teresa.turk@fayetteville-ar.gov
Mike Wiederkehr, mike.wiederkehr@fayetteville-ar.gov

Esteemed Members of City Council,

I am reaching out to ask that you approve and support the Fayetteville Police Department's request to secure helpful funding through the COPS Hiring Grant. Fayetteville Public Schools benefits greatly from a strong partnership with the FPD through our School Resource Officer program. This grant would fund the 11th and 12th SROs, which would get us closer to our goal of eventually staffing all of our school buildings with exceptional, specially trained officers.

I ask you to recognize the importance of this request with regard to our common funding challenges, as well as the school safety it facilitates. Teachers, students, administrators, and parents talk to me frequently about their appreciation for our SROs. Many of them have had very positive first hand experiences with these officers. They are a very valued part of our school communities.

Thank you again for your consideration and for your service to this community. As I'm sure you agree, it is a high privilege to serve the people of Fayetteville. Your partnership in the effort to keep our children safe, and your shared determination to be good stewards of our community resources is very appreciated.

Best,

Nika Waitsman
President
Fayetteville Public School Board of Education
(479)236-5461

Congress of the United States
Washington, DC 20510

April 29, 2024

Hugh T. Clements, Jr.
Director
Office of Community Oriented Policing Services
U.S. Department of Justice
145 N Street, NE
Washington, DC 20530

Dear Director Clements:

We are writing to express our support for the application submitted by the Fayetteville Police Department (FPD) to the 2024 COPS Hiring Program (CHP) grant application.

FPD seeks funding to add two full-time officers to its School Resource Officer (SRO) program. Fayetteville's continued population growth has increased calls for service by Fayetteville Public Schools (FPS). In 2013, FPD successfully implemented a CHP award, adding three fulltime SROs to their program. In 2022, the city council approved a resolution to continue adding SROs until all FPS schools have an officer on site daily. Funding through CHP will help the city make progress towards its goal.

We hope you share our belief that this project will provide a great benefit to Arkansans. We ask that you give this application all due consideration as it moves forward, and please keep us apprised of its status.

We are grateful for your assistance to the people of Arkansas.

Sincerely,


John Boozman
U.S. Senator


Tom Cotton
U.S. Senator



MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Development Review Manager

SUBJECT: **APPEAL: RZN-2024-0002: Rezone (740 W. STONE ST./APEX PROPERTY VENTURES, LLC, 522): Submitted by SASI SUNDARAM for property located at 740 W. STONE ST. in WARD 2. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.24 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.**

RECOMMENDATION:

City Planning staff and the Planning Commission recommend denial of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property, which contains parcels 765-09786-000 and 765-09786-002, is located near downtown, just northeast of Fayetteville High School, between Hill and Duncan Avenues on the north side of Stone Street. The property contains approximately 0.24 acres and is currently undeveloped. The property was rezoned from RMF-40, Residential Multi-Family, 40 Units per Acre to RI-U, Residential Intermediate - Urban in September 2021 (RZN-2021-000059).

Request: The request is to rezone the property from RI-U, Residential Intermediate – Urban to DG, Downtown General. The applicant has included a Bill of Assurance to limit development to strictly residential uses allowed in the DG zoning district (1, 8, 9, 10, 26, 41, 44, and 46) and to limit the overall building heights to three stories, as opposed to five.

Public Comment: Staff have received inquiries as well as one comment in opposition to the request. Comment in opposition cited a concern that while there were no issues with the density limitations proposed in DG along with concerns about increasing building heights and allowable uses. The member of the public also had concerns about limited parking in the neighborhood, and ongoing enforcement issues with the nearby high school.

Land Use Compatibility: The property in question is fully surrounded by RMF-40 zoning. While staff supported a request to rezone the property to RI-U, the request to DG is a request for more uses, building height, and buildable area than would be permitted with either the RI-U zoning district, or the previous RMF-40 zoning district, allowing for non-residential uses, and up to 5 stories in building height. The applicant's provision of a Bill of Assurance limits the uses strictly to residential, and limits the building height to a maximum of three stories. Staff finds that a more appropriate route than providing a Bill of Assurance (which runs with the land, but can be difficult to enforce) would be to work within the existing zoning district regulations, which allows a

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

conditional use permit for a 5-unit townhome structure. Staff recognizes that RMF-40 allows for larger scale apartment buildings by-right, but there are setbacks (20-foot rear rather than 5-foot) and building height limitations that keep those structures from being too overwhelming to the surrounding structures. Staff also recognizes that a mixture of uses within a neighborhood is typically a good thing to increase walkability and create complete neighborhoods, and limiting DG zoning district to solely residential uses may not promote the desired outcome of that district. That said, the uses typically allowed in Downtown General may be more in line with a request along a prominent corner, rather than directly within a residential block, and with or without a Bill of Assurance, may not be completely in line with the current land use surroundings.

Land Use Plan Analysis: Staff finds that the request is inconsistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The property has a weighted infill score of 13.5, so rezoning to a high-density zoning district is appropriate in this location, and it was previously zoned in the highest density residential zoning district the City currently has: RMF-40. A high infill score indicates that the area can likely support additional density if it is feasible under the proposed zoning entitlements. In this regard, the request meets Goals 1 and 6 of City Plan 2040, by potentially providing infill development and the possibility for a variety of housing types, which could help fulfill a goal towards the provision of more attainable housing. The request also aligns with Goal 3, since the mixed-use potential in the DG zoning district and its adjacency to residential uses allows for the development of a complete neighborhood that is connected and compact.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 10 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center Street)
- Near Sewer Main (6", located in W. Stone Street)
- Near Water Main (6", located in W. Stone Street)
- Near Grocery Store (Walmart Neighborhood Market)
- Near Public School (Fayetteville High School)
- Near U of A Main Campus
- Near Paved Trail (Frisco Trail, Razorback Greenway)
- Near ORT Bus Stop (Hill & Stone, Route 20)
- Near Razorback Bus Stop (Hill & Stone, Route 13/44/48)
- Appropriate Future Land Use (City Neighborhood Area)

DISCUSSION:

At the March 11, 2024 Planning Commission meeting, a motion to forward with a recommendation of approval failed with a vote of 3-6-0, with Commissioners Sparkman, Garlock, Madden, Gulley, Winston, and McGetrick opposed. Commissioners were primarily concerned by the Bill of Assurance offered and remarked that it signaled a lack of compatibility. They felt that the existing zoning gave the applicant the ability to build many units by-right and found that rezoning was not the correct or applicable tool to redevelop the site. Given RI-U's lack of a density maximum and the ability to request a conditional use permit for multi-family under that district, the Commission found that would have been more appropriate, and would not have required any further City Council action. Commissioners in favor noted that while DG is an intense zoning district, they found that limiting the story height and the uses made the request compatible. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: Appeal Request Letter (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Staff

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Report (#6), Revised Bill of Assurance Submittal 04-09-2024 (#7), Revised Bill of Assurance Submittal 04-12-2024 (#8)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-1880

APPEAL: RZN-2024-0002: Rezone (740 W. STONE ST./APEX PROPERTY VENTURES, LLC, 522): Submitted by SASI SUNDARAM for property located at 740 W. STONE ST. in WARD 2. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.24 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN-2024-0002 FOR APPROXIMATELY 0.24 ACRES LOCATED AT 740 WEST STONE STREET IN WARD 2 FROM RI-U, RESIDENTIAL INTERMEDIATE-URBAN TO DG, DOWNTOWN GENERAL

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the 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 RI-U, Residential Intermediate-Urban to DG, Downton General.

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

March 25, 2024

Via Email: kpaxton@fayetteville-ar.gov

Ms. Kara Paxton
City Clerk - City of Fayetteville
113 West Mountain Street, Room 308
Fayetteville, Arkansas 72701

RE: Appeal of March 11th, 2024 Planning Commission action to deny RZN 2024 0002

Ms. Paxton,

As a representative of the property owner at 740 Stone Street, I am appealing to City Council the determination of the March 11th, 2024 Planning Commission to deny RZN 2024 0002, a 6-3 vote. The request is to rezone the property from its existing zoning designation of Residential Intermediate Urban (RIU) to Downtown General (DG). A Bill of Assurance (BOA) is attached to the request which would limit building height on the property to a 3 story maximum and also would limit use on the property to residential use only, excluding non-residential use. The BOA is provided to address height concerns from a neighbor and address the non-residential use concern from the planning department. In general, BOAs were cast in an unfavorable light by some planning commissioners as grounds for denying the request.

The undeveloped property containing 0.20 acres, which is completely surrounded by large areas of Residential Multi-Family 40 Units Per Acre (RMF40) zoning, was rezoned from RMF40 to RIU in 2022 in order to reduce the rear setback from 20' to 5'. The property is only 92' deep. RMF40 to RIU would be considered a down zone to some since the height limit in RMF40 is 5 stories, while with RIU the height limit is 2-3 stories. Multi-family use, or buildings containing 5 or more dwelling units, is by right in RMF40 while it is a conditional use with RIU.

As building plans for the property further developed after the rezone to RIU, it became clear that there are issues with the 2-3 story height limit of RIU and that a conditional use permit would be required for multi-family use. Therefore the proposal to rezone to DG was brought forward along with the BOA limitations.

Because the property and neighborhood is surrounded by large areas of RMF40 zoning with significant portions being zoned DG, the proposal is very compatible with adjacent zoning. If approved, rezoning to DG would save significant time for the planning commissioners, City staff, and the development team since conditional use permits and variances would not be required. Proposed buildings under DG zoning would be subject to the same Urban Residential Standards as would proposed buildings being processed under RIU zoning.

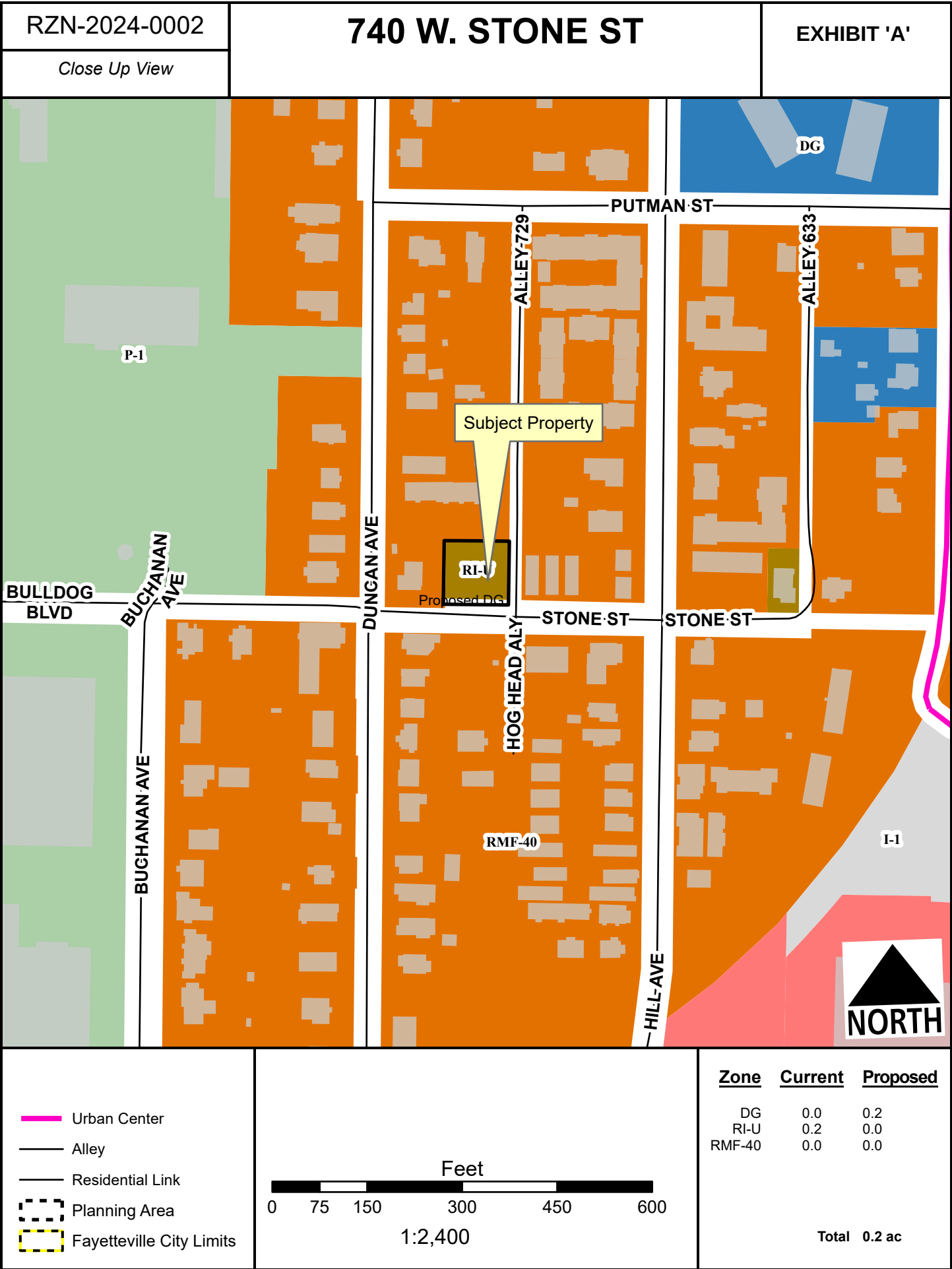
There are no negative consequences foreseen if the property were to be rezoned to DG with the BOA limitations. It would save significant development processing time of staff and commissioners, and any proposed development would still be subject to the same development regulations, therefore we respectfully ask for the City Council to approve this request.

Sincerely,



Brian Teague
Community By Design

100 West Center Street Suite 300
Fayetteville, AR 72701
479.790.6775



Urban Center

Alley

Residential Link

Planning Area

Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Legal description

GIS Approved

01/22/2024 1:36:45 PM

Parcel 765-09786-000

A part of Lots 11 and 12, Block 3, Putmans Addition to the City of Fayetteville, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point which is N87°31'53" W 48.95 from an existing rebar marking the Northeast corner of said Lot 11 and running thence S02°53'42"W 100.50 feet; thence N87°20'29"W 54.00 feet; thence N02°53'42"E 100.33 feet; thence S87°31'53"E 54.00 feet to the Point of Beginning, containing 0.12 acres, more or less. Subject to that portion in West Stone Street Master Street Plan Right-of-Way on the South side of herein described tract and subject to all other easements and rights-of-way of record, ALSO known as New Lot 1 on Lot Split Survey filed in/as Land Document No. 2019-589, among the land records of Washington County, Arkansas.

And,

Parcel 765-09786-002

A part of Lots 11 and 12, Block 3, Putmans Addition to the City of Fayetteville, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at an existing rebar marking the Northeast corner of said Lot 11 and running thence S02°53'38"W 100.67 feet to an existing pipe; thence N87°20'29"W 48.95 feet; thence N02°53'42"E 100.50 feet; thence S87°31'53"E 48.95 feet to the Point of Beginning, containing 0.11 acres, more or less. Subject to that portion in West Stone Street Master Street Plan Right-of-Way on the South side of herein described tract and subject to all other easements and rights-of-way of record, ALSO known as New Lot 2 on Lot Split Survey filed in/as Land Document No. 2019-589, among the land records of Washington County, Arkansas.

Total of approx 0.24 acres



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: March 11, 2024 **Updated with results from 3/11/2024 PC Meeting**

SUBJECT: **RZN-2024-0002: Rezone (740 W. STONE ST./APEX PROPERTY VENTURES, LLC, 522):** Submitted by SASI SUNDARAM for property located at 740 W. STONE ST. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.24 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

RECOMMENDATION:
Staff recommend denial of **RZN-2024-0002**.

RECOMMENDED MOTION:
*"I move to deny **RZN-2024-0002**."*

BACKGROUND:
The subject property, which contains parcels 765-09786-000 and 765-09786-002, is located near downtown, just east of Fayetteville High School at the intersection of W. Stone Street and S. Duncan Avenue. The property contains approximately 0.24 acres and is currently undeveloped. The property was rezoned from RMF-40, Residential Multi-Family, 40 Units per Acre to RI-U, Residential Intermediate - Urban in September 2021 (RZN-2021-000059). Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential	RMF-40, Residential Multi-Family - 40 Units per Acre
South	Single-Family Residential	RMF-40, Residential Multi-Family - 40 Units per Acre
East	Single-Family Residential	RMF-40, Residential Multi-Family - 40 Units per Acre
West	Single-Family Residential	RMF-40, Residential Multi-Family - 40 Units per Acre

Request: The request is to rezone the property from RI-U, Residential Intermediate – Urban to DG, Downtown General. The applicant has included a Bill of Assurance to limit the uses to strictly those residential uses allowed in the DG zoning district (1, 8, 9, 10, 26, 41, 44, and 46) and to limit the overall building heights to 3 stories, as opposed to 5.

Public Comment: Staff have received inquires about the request, as well as one comment in opposition to the request, citing a concern that while there were no issues with the density limitations proposed in DG, there were concerns about increasing building heights and allowable uses in the residential zoning district. The member of the public also had concerns about limited parking in the neighborhood, and ongoing enforcement issues with the nearby high school.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along W. Stone Street, which is a partially improved Residential Link street with asphalt paving, curb, and gutter. Any street improvements required in this area would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at the time of development.

Water: Public water is available to the subject area. An existing 6-inch water main is present in the center of W. Stone Street.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sanitary sewer main is present on the south side of W. Stone Street.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 1, located at 303 W. Center St., protects this site. The property is located approximately 0.7 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department expressed no concerns with this request.

Drainage: Any additional improvements or requirements for drainage will be determined at the time of development. There are no hydric soils present in the subject area, and no portion of the property is within the Hillside-Hilltop Overlay District, a FEMA Floodplain, or a Streamside Protection Zone.

Tree Preservation:

The proposed zoning district of DG, Downtown General requires **10% minimum canopy preservation**. The current zoning district of RI-U, Residential Intermediate - Urban requires **15% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood Area**.

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **10** for this site, with a weighted score of **13.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center Street)
- Near Sewer Main (6", located in W. Stone Street)
- Near Water Main (6", located in W. Stone Street)
- Near Grocery Store (Walmart Neighborhood Market)
- Near Public School (Fayetteville High School)
- Near U of A Main Campus
- Near Paved Trail (Frisco Trail, Razorback Greenway)
- Near ORT Bus Stop (Hill & Stone, Route 20)
- Near Razorback Bus Stop (Hill & Stone, Route 13/44/48)
- Appropriate Future Land Use (City Neighborhood Area)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** The property in question is fully surrounded by RMF-40 zoning. While staff supported a request to rezone the property to RI-U, the request to DG is a request for more uses, building height, and buildable area than would be permitted with either the RI-U zoning district, or the previous RMF-40 zoning district, allowing for non-residential uses, and up to 5 stories in building height. The applicant's provision of a Bill of Assurance limits the uses strictly to residential, and limits the building height to a maximum of three stories. Staff finds that a more appropriate route than providing a Bill of Assurance (which runs with the land, but can be difficult to enforce) would be to work within the existing zoning district regulations, which allows a conditional use permit for a 5-unit townhome structure. Staff recognizes that RMF-40 allows for larger scale apartment buildings by-right, but there are setbacks (20-foot rear rather than 5-foot) and building height limitations that keep those structures from being too overwhelming to the surrounding structures. Staff also recognizes that a mixture of uses within a neighborhood is typically a good thing to increase walkability and create complete neighborhoods, and limiting DG zoning district to solely residential uses may not promote the desired outcome of that district. That said, the uses typically allowed in Downtown General may be more in line with a request along a prominent corner, rather than directly within a residential block, and with or without a Bill of Assurance, may not be completely in line with the current land use surroundings.

Land Use Plan Analysis: Staff finds that the request is inconsistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The property has a weighted infill score of 13.5, so rezoning to a high-density zoning district makes sense in this location, and it was previously zoned in the highest density residential zoning district the City currently has. A high infill score indicates that the area can likely support additional density if it is feasible under the proposed zoning entitlements. The request meets Goals 1 and 6 of City Plan 2040, by potentially providing infill development and the possibility for a variety of housing types, which could help fulfill a goal towards the provision of more attainable housing. The request also aligns with Goal 3, since the mixed-use

potential in the DG zoning district and its adjacency to residential uses allows for the development of a complete neighborhood that is connected and compact.

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

Finding: Staff finds that rezoning to DG, Downtown General is not justified. Staff finds that a more appropriate route than providing a Bill of Assurance (which runs with the land) would be to work within a formalized mechanism within an existing zoning district, and either request a conditional use permit for a 5-unit townhome structure under the currently zoning designation.

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

Finding: Rezoning to DG has an associated potential to increase traffic at this location. While RI-U currently does not have a stated density maximum, neither does DG. However, the uses that are permitted in DG include multi-family apartment buildings that are 5 units or more, so a larger multi-family structure could be constructed by-right under DG. Further, typically commercial or non-residential uses are permitted in DG as well, with little limitation as far as scale or scope. Both of these elements could increase traffic to the site. The applicant has submitted a Bill of Assurance, which somewhat alleviates this concern.

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 RI-U to DG could increase population density and therefore the load on public services; however, the impact is not expected to be detrimental. Adequate water and sewer connections are available to the site, suggesting the area can support the increase and avoid costly extensions to services. Fayetteville Public Schools did not comment on this request.

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

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends denial of RZN-2024-0002. If Planning Commission choose to forward the item, staff recommends in favor of the inclusion of the applicant's offering of a Bill of Assurance.

PLANNING COMMISSION ACTION: Required YES

Date: March 11, 2024

☐ Tabled

☐ Forwarded

☒ Denied

Motion: Garlock

Motion to forward with a
recommendation of approval

Second: Sparkman

Vote: 3-6-0 (Commissioners Sparkman, Garlock, Madden, Gulley, Winston, McGetrick opposed)

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.12 District RI-U, Residential Intermediate - Urban
 - §161.28 Downtown General
- Applicant Request Letter
- Bill of Assurance
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

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
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (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	2 stories/3 stories*
-------------------------	----------------------

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

(Ord. No. 5945 , §5(Exh. A), 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

161.28 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 (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet
---------------------------	---------

(2) *Lot Area Minimum.* None.

(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	None
Rear	5 feet
Rear, from center line of an alley	12 feet

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

(G) *Building Height Regulations.*

Building Height Maximum	5 stories
-------------------------	-----------

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

a. Current ownership and pending property sales information - The subject property is owned by Apex property ventures llc .

b. Reason (need) for requesting the zoning change -

The DG zoning district offers more flexibility with its lot standards than the current zoning and it allows for multi-family dwellings by right. The DG zoning district encourages and enables the development of smaller scaled multi-family buildings that supports and compliments the growing housing need for U of A. This is in alignment with the six goals of City Plan 2040 which talks about by-right development in infill locations which can result in more efficient development and approval process. The proposed zoning is needed to allow for the permitting and approval of a new 5-unit multi-family building by-right.

c. Statement of how the proposed rezoning will relate to the surrounding properties in terms of land use, traffic appearance and signage - The proposed rezoning is consistent with the surrounding properties include a mix of larger apartment buildings, smaller scaled apartment buildings, townhomes, and single-family houses.. In general , the proposed zoning would allow for slightly higher-density by-right as encouraged by land use designation while at the same time encouraging smaller-scaled multi family buildings . In terms of traffic, the proposed rezoning from RI-U to DG would not change things. In terms of appearance and signage, the design standards of DG will ensure that any new development is contextually sensitive to the existing neighborhood character.

d. Availability of water and sewer (state size of lines) - Water and sewer is available. A 6" water main runs east to west at the street on W stone street . A 6" sewer main runs east to west across the street from the property on W stone street.

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 2040 and In alignment with the existing zoning and surrounding land uses, DG allows for appropriate infill and advances Fayetteville's goal to provide easier access to amenities and walkability. This lot is in very close proximity to Tier 1 center on the Growth concept map of the city plan 2040.

f. Whether the proposed zoning is justified and/or needed at the time of request -

The proposed zoning is needed to allow for the permitting and approval of a new 5-unit multi-family building by-right.

G. whether the proposed zoning will create or appreciably increase traffic danger and congestion - the proposed rezoning will not change or increase traffic danger or 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 - rezoning the property as requested will not change or increase the load to public services.

I. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification - The current zoning does not allow for the construction of a 5-unit multi-family building by-right.

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, developer, or buyer of this property, (hereinafter "Petitioner") Sasi Sundaram / Apex property ventures 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 **reasonably 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 the following residential uses as defined by the city of Fayetteville Unified development code: use units 1,8,9,10,26,41,44 and 46
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) the height of the building(s) shall not exceed 3 stories
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, **Sasi Sundaram/ Apex property ventures llc**, as the owner, developer, buyer, (Petitioner) voluntarily offer all such assurances and sign my name below.

March 6, 2024

Date

Sasi Sundaram

Printed Name

Owner

APEX PROPERTY
VENTURES LLC

1543 Fianna place terrace

Fort Smith AR 72908

Address

Title (if on behalf of business entity)


Signature

NOTARY OATH

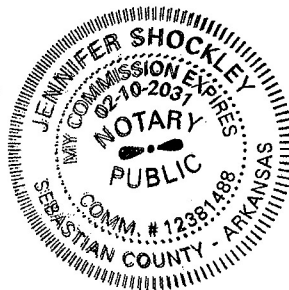
STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

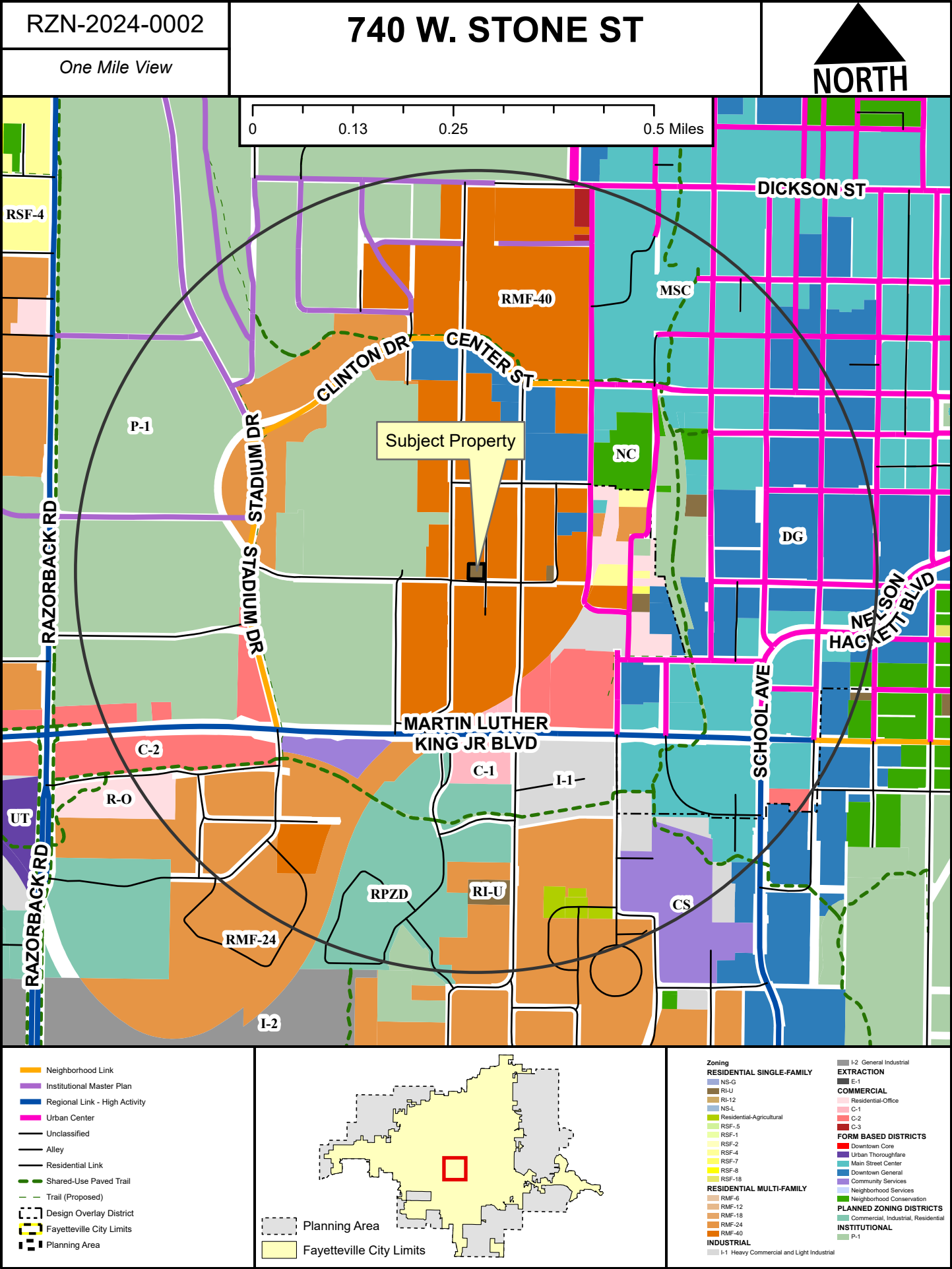
On this, the 6 day of March, 2024, before me, the undersigned notary, personally appeared Sasi Sundaram, known to me (or satisfactorily proven) to be the person(s) whose name is/are subscribed to the above and, after being placed upon his/her/their oath, swore or affirmed that he/she/they were authorized to sign the above Bill of Assurance, agreed with the terms of the Bill of Assurance, and executed the same for the purposes therein contained.

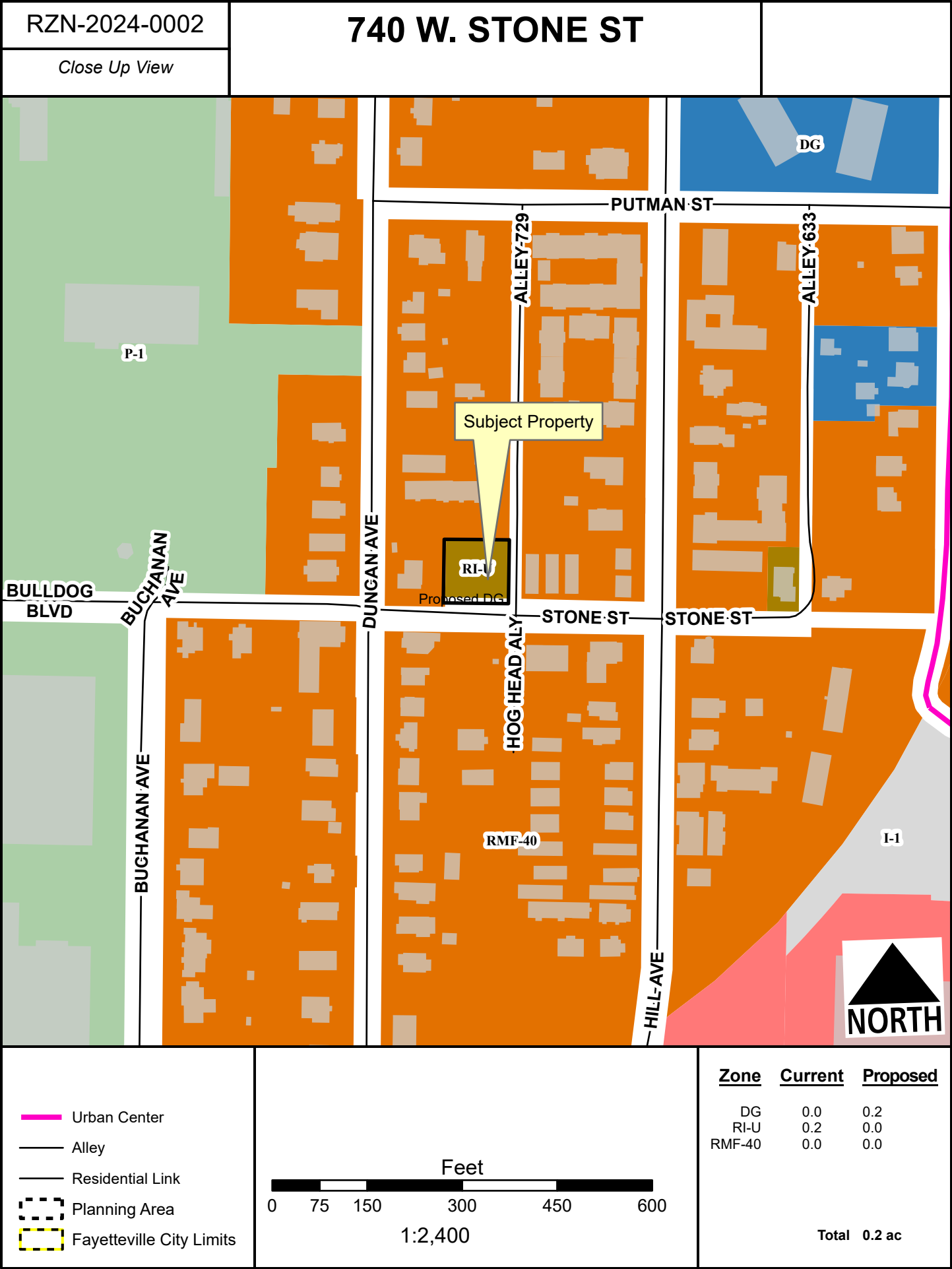

NOTARY PUBLIC

My Commission Expires:

02-10-2031



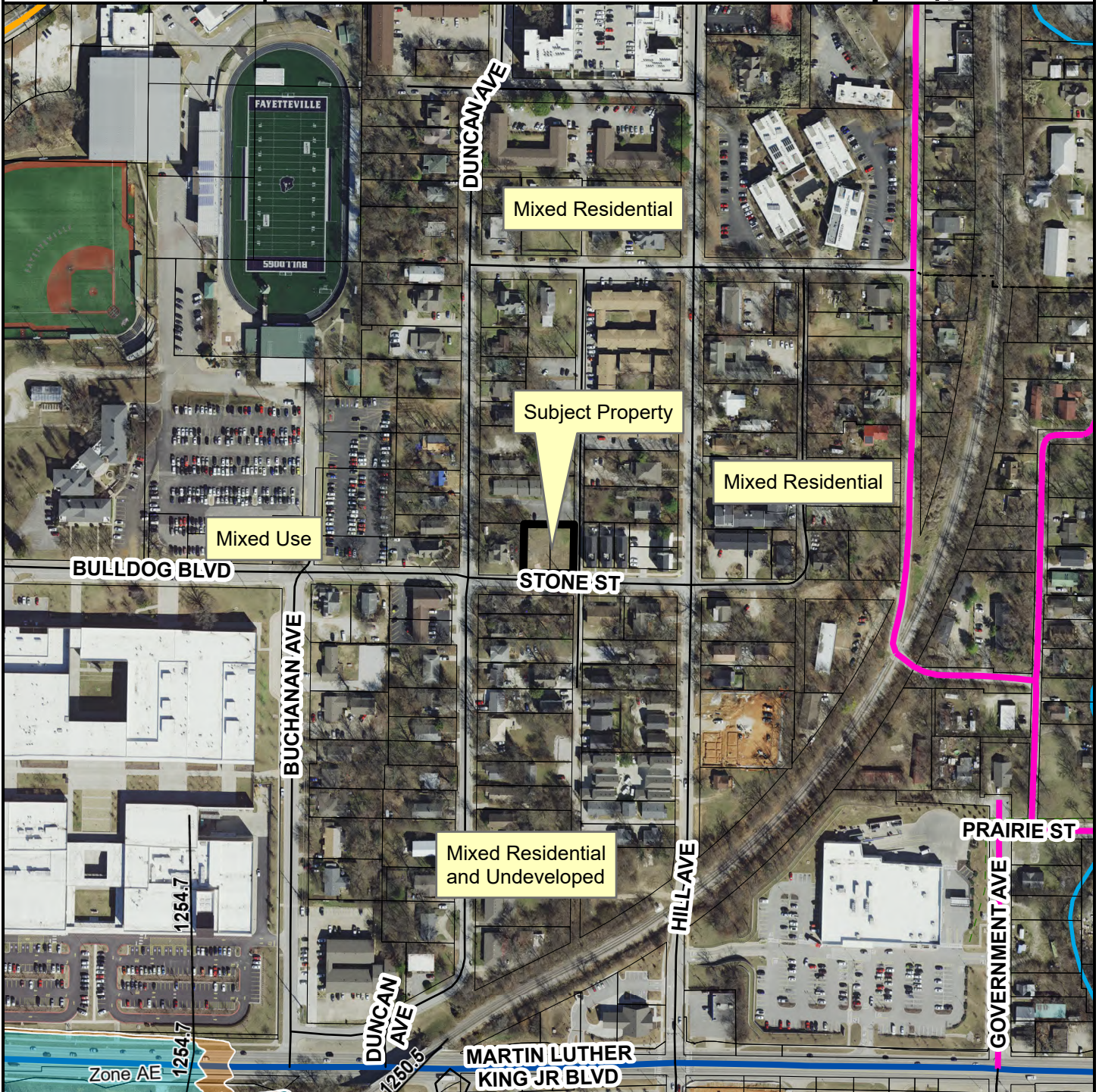




RZN-2024-0002

740 W. STONE ST

Current Land Use

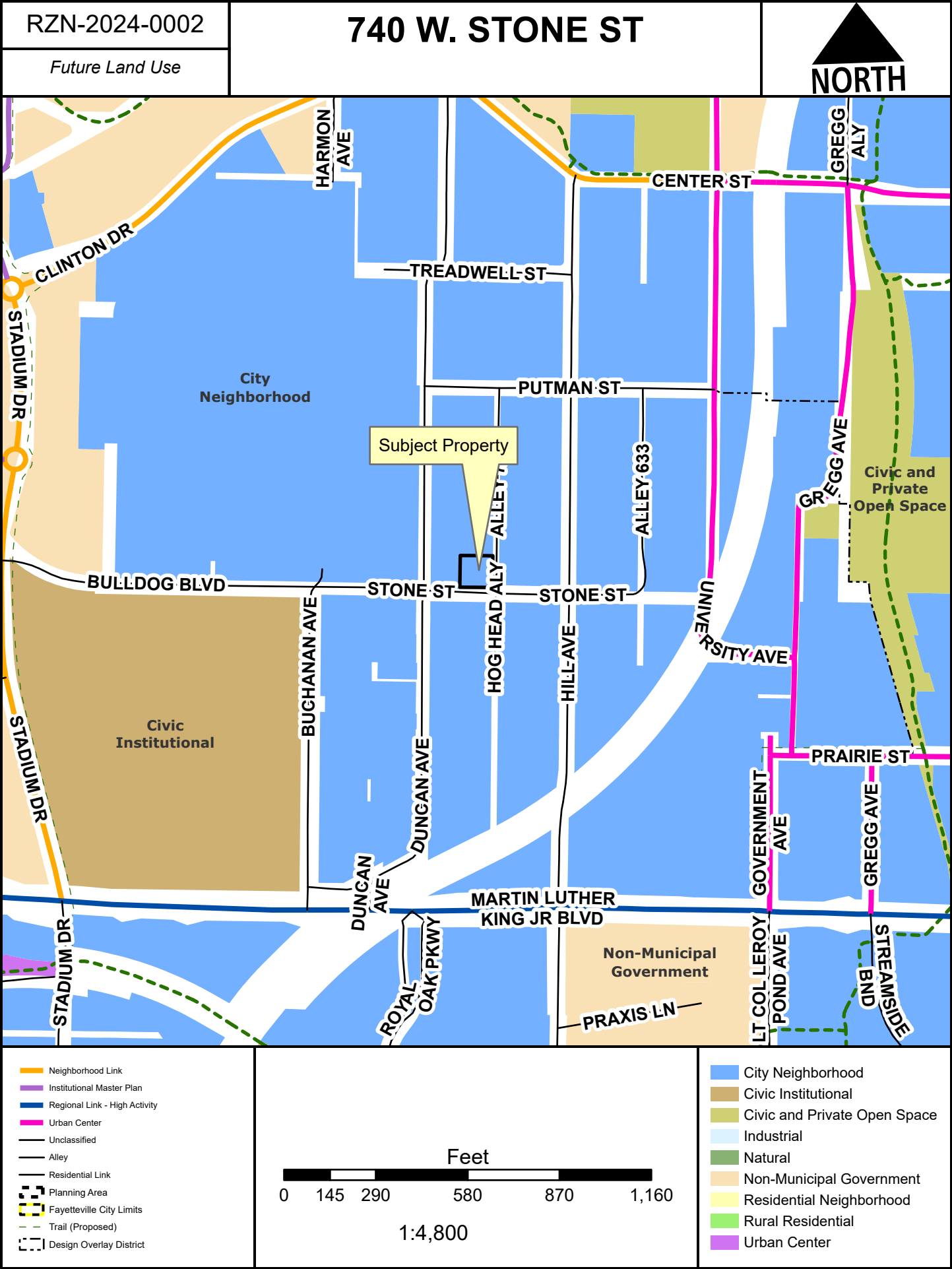


- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway





April 9, 2024

Via Email: cityclerk@fayetteville-ar.gov

Ms. Kara Paxton
City Clerk - City of Fayetteville
113 West Mountain Street, Room 308
Fayetteville, Arkansas 72701

RE: Appeal RZN 2024 0002 – Revised Bill of Assurance

Ms. Paxton,

Since filing the original appeal letter on March 25, the owner of the property has decided to revise the Bill of Assurance (BOA) document associated with this item. I am attaching the revised notarized BOA to this correspondence for review by appropriate City officials and for consideration by the City Council.

In addition to limiting the allowable building height on the property to 3-story and limiting development to residential use only, the revised BOA also limits development on the property to buildings containing 5 or less dwelling units per building. This is intended to limit the scale of any new buildings on the property to be similar to that of a single-family house.

Please let me know if you have questions or need additional information.

Sincerely,

Brian Teague
Community By Design

100 West Center Street Suite 300
Fayetteville, AR 72701
479.790.6775

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, developer, or buyer of this property, (hereinafter "Petitioner") Sasi Sundaram / Apex property ventures 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 **reasonably 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 the following residential uses as defined by the city of Fayetteville Unified development code: use units 1,8,9,10,26,41,44 and 46
2. Other restrictions including number and type of structures upon the property are limited to buildings that contain 5 or less dwelling units per building.
3. Specific activities will not be allowed upon petitioner's property include

4. (Any other terms or conditions) the height of the building(s) shall not exceed 3 stories
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, Sasi Sundaram/ Apex property ventures llc , as the owner, developer, buyer, (Petitioner) voluntarily offer all such assurances and sign my name below.

4/8/2024
Date

1543 Fianna place terrace
Fort Smith AR 72908
Address

Sasi Sundaram
Printed Name
Owner
SASI SUNDARAM

Title (if on behalf of business entity)

S. Sundaram
Signature

NOTARY OATH

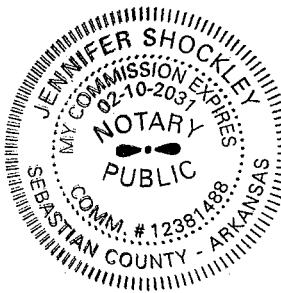
STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

On this, the 8 day of April, 2024, before me, the undersigned notary, personally appeared Sasi Sundaram, known to me (or satisfactorily proven) to be the person(s) whose name is/are subscribed to the above and, after being placed upon his/her/their oath, swore or affirmed that he/she/they were authorized to sign the above Bill of Assurance, agreed with the terms of the Bill of Assurance, and executed the same for the purposes therein contained.

Jennifer Shockley
NOTARY PUBLIC

My Commission Expires:

02-10-2031



RECEIVED

APR 12 2024

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

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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, **Sasi Sundaram/ Apex property ventures llc** , as the owner, developer, buyer, (Petitioner) voluntarily offer all such assurances and sign my name below.

4/12/24

Date

Sasi Sundaram

Printed Name

Owner

Sasi Sundaram

1543 Fianna place terrace

Fort Smith AR 72908

Address

Title (if on behalf of business entity)

S. Sundaram

Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

On this, the 12th day of April, 2024, before me, the undersigned notary, personally appeared Sasi Sundaram, known to me (or satisfactorily proven) to be the person(s) whose name is/are subscribed to the above and, after being placed upon his/her/their oath, swore or affirmed that he/she/they were authorized to sign the above Bill of Assurance, agreed with the terms of the Bill of Assurance, and executed the same for the purposes therein contained.

Brooklyn Cantrell
NOTARY PUBLIC

My Commission Expires:

07/08/2031





MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU:

FROM: Mike Reynolds, Police Chief

SUBJECT: **Public Hearing on a Certificate of Public Convenience and Necessity for Affordable Taxi of Pope County.**

RECOMMENDATION:

Affordable Taxi Company of Pope County is requesting a public hearing for the issuance of a Certificate of Public Convenience and Necessity to operate as a taxi company in the City of Fayetteville.

BACKGROUND:

City Ordinance 117.30 Article IV governs taxi cab services and requires a public hearing for the City Council authorizing the holder to conduct a taxicab business in the city. Rose Shaddon is the owner and holder of the Affordable Taxi Company of Pope County Taxi Service in Russellville, Arkansas, and is petitioning for a Certificate of Public Convenience and Necessity.

DISCUSSION:

Attached is the application for the Affordable Taxi Company of Pope County. The application contains the information required by City Ordinance 117.30. There is currently one taxicab company, Fayetteville Taxi, and one limousine company, Hotel Executive Transportation, permitted to operate in Fayetteville.

BUDGET/STAFF IMPACT:

There is no budget or staffing impact.

ATTACHMENTS: SRF (#3), SRM (#4), Affordable Taxi Application (#5)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-21

Public Hearing on a Certificate of Public Convenience and Necessity for Affordable Taxi of Pope County.

A RESOLUTION TO CONDUCT A PUBLIC HEARING FOR THE ISSUANCE OF A CERTIFICATE OF PUBIC CONVENIENCE AND NECESSITY TO AFFORDABLE TAXI COMPANY TO OPERATE AS A TAXI COMPANY IN THE CITY OF FAYETTEVILLE

WHEREAS, Article IV **TAXICABS** OF CHAPTER 117 **Vehicle Related Businesses** of the *Fayetteville Code* governs taxicab services and requires a public hearing for the City Council to consider whether or not to issue a Certificate of Public Convenience and Necessity in order to authorize the Affordable Taxi Company to conduct a taxicab business in the city; and

WHEREAS, proper notice of this Public Hearing has been published in the newspaper with the proposed schedule of rates and charges included within this publication at least 10 days prior to this Public Hearing.

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 after conducting the required Public Hearing during the City Council Meeting of May 7, 2024, and allowing public comment by all interested persons, hereby determines that a Certificate of Public Convenience and Necessity should be and hereby is granted to the Affordable Taxi Company to enable it to operate within the City of Fayetteville as long as the Affordable Taxi Company continues to comply with all requirements of Article IV **TAXICABS** and its certificate is not suspended, revoked, or cancelled pursuant to § 117.36 of the *Fayetteville Code*.

City of Fayetteville Staff Review Form

2024-21

Item ID

5/7/2024

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

Mike Reynolds

4/19/2024

POLICE (200)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Affordable Taxi Company of Pope County is requesting a public hearing for the issuance of a Certificate of Public Convenience and Necessity to operate as a taxi company in the City of Fayetteville.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$

-

Expenses (Actual+Encum)

\$

-

Available Budget

\$

-

Does item have a direct cost? No

Item Cost

\$

-

Is a Budget Adjustment attached? No

Budget Adjustment

\$

-

Remaining Budget

\$

-

Purchase Order Number:

Previous Ordinance or Resolution #

V20221130

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



**CITY OF
FAYETTEVILLE
ARKANSAS**

CITY COUNCIL MEMO

MEETING OF MAY 7, 2024

TO: Mayor and City Council

FROM: Mike Reynolds, Chief of Police

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

DATE: April 19, 2024

SUBJECT: Public Hearing on a Certificate of Public Convenience and Necessity for Affordable Taxi of Pope County.

RECOMMENDATION:

Affordable Taxi Company of Pope County is requesting a public hearing for the issuance of a Certificate of Public Convenience and Necessity to operate as a taxi company in the City of Fayetteville.

BACKGROUND:

City Ordinance 117.30 Article IV governs taxi cab services and requires a public hearing for the City Council authorizing the holder to conduct a taxicab business in the city. Rose Shaddon is the owner and holder of the Affordable Taxi Company of Pope County Taxi Service in Russellville, Arkansas, and is petitioning for a Certificate of Public Convenience and Necessity.

DISCUSSION:

Attached is the application for the Affordable Taxi Company of Pope County. The application contains the information required by City Ordinance 117.30. There is currently one taxicab company, Fayetteville Taxi, and one limousine company, Hotel Executive Transportation, permitted to operate in Fayetteville.

BUDGET/STAFF IMPACT:

There is no budget or staffing impact.

Attachments:

Certificate of Public Convenience & Necessity Application
Exhibits A-K

Certificate of Public Convenience & Necessity Application/Renewal

As required to comply with Chapter 117 of the Fayetteville Code of Ordinances

Rose Shaddon	136 Jennings Rd Russellville Ar 72802	479-880-3449
Applicant Name	Address	Phone Number
Affordable Taxi of Pope Co LLC		479-280-2132
Name of Business		Phone Number
136 Jennings Rd Russellville Ar 72802		
Business Location		
136 Jennings Rd Russellville Ar 72802		
Mailing Address		
Sole Proprietor LLC		
Type of Business (Sole Proprietor, Corporation, LLC)		

Name and address of all owners, officers and stockholders:

None

Name of person to whom complaints should be directed:

Rose Shaddon or Heather Richardson Complaint form can be emailed to each customer also on website

Type of Permit Requested: **Taxicab** yes **Limousine** _____

Financial status of applicant (Attach financial statement or profit and loss statement)

Attached Exhibit F Credit Report

List any unpaid judgments against any of the owners, officers and stockholders and the nature or acts giving rise to said judgments:

Attached Credit Report

Describe the experience of all owners, officers and stockholders in the transportation of passengers:

Operated a taxi for another company for 18 months before opening my own business
in March of 2021.

Give any facts you believe tend to prove the necessity of granting a certificate:

Necessity of customers needing rides rises from people not having transportation and/or from them not wanting to use their own vehicle to get from point a to point b putting mileage on their vehicle. Some think that Taxi services are a great asset due to the fact that they do not have a car payment, insurance payment, nor any of the maintenance that it requires to maintain having transportation.

List the number of vehicles that will be under your operation or control: 6

Minimum and Maximum number of vehicles to be permitted: 3 3
Minimum Maximum

List the location of proposed depots and terminals:

Russellville Arkansas

Describe the color scheme or insignia to be used to designate your vehicle:

Each one of my vehicles that are used for the transportation, has a Purple Taxi sign in the front window. My Taxi's are not advertised as a commercial vehicle, making them safer for the customers. Example: Some may hit a commercial vehicle expecting a huge payout from Insurance companies, due to the fact that it is commercial insurance.

List your days and hours of operation:

We work 24 hours a day 7 days a week, weather permitting!

List any days you do not propose to provide taxicab service to the general public:

Only if/when in the hiring process of another driver because of the increase of call volume

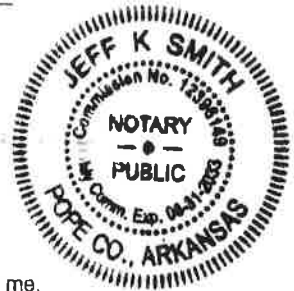
List your proposed passenger rate schedule:

See attachment of Rates

Rose Shaddon
Signature of Applicant

2/8/2024
Date

State of AR
County of POPE



On this the 8TH day of FEBRUARY, 2024, before me,
JEFF K SMITH, personally appeared ROSE SHADDON
known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument
and affirms that the statements in this document are true and complete.

In witness whereof I hereunto set my hand and official seal.

My Commission expires: 8/31/2033

Jeff K Smith
Notary Public

Mike Reynolds
Police Department Representative

4/19/2024
Date

Miles Guide

Minimum Pricing Guide for your use

Anything outside of town, Charge Minimum Price plus the additional Mileage.

	Initial Fee plus per mile		Initial Fee +per mile*cent
Minimum Pricing	Mileage 4.00+1.70	Mileage	Miles Guide mile+miles
Springdale	1 \$ 5.70	1 \$ 1.70	1.1 \$ 5.87
Lincoln	2 \$ 7.40	2 \$ 3.40	1.2 \$ 6.04
Siloam Springs	3 \$ 9.10	3 \$ 5.10	1.3 \$ 6.21
Bentonville	4 \$ 10.80	4 \$ 6.80	1.4 \$ 6.38
Rogers	5 \$ 12.50	5 \$ 8.50	1.5 \$ 6.55
West Fork	6 \$ 14.20	6 \$ 10.20	1.6 \$ 6.72
Farmington	7 \$ 15.90	7 \$ 11.90	1.7 \$ 6.89
Greenland	8 \$ 17.60	8 \$ 13.60	1.8 \$ 7.06
Elkins	9 \$ 19.30	9 \$ 15.30	1.9 \$ 7.23
Habberton	10 \$ 21.00	10 \$ 17.00	2 \$ 7.40
Johnson	11 \$ 22.70	11 \$ 18.70	2.1 \$ 7.57
Wyman	12 \$ 24.40	12 \$ 20.40	2.2 \$ 7.74
Bella Vista	13 \$ 26.10	13 \$ 22.10	2.3 \$ 7.91
Lowell	14 \$ 27.80	14 \$ 23.80	2.4 \$ 8.08
Airport	15 \$ 29.50	15 \$ 25.50	2.5 \$ 8.25
	16 \$ 31.20	16 \$ 27.20	2.6 \$ 8.42
Cancellation Fee	5.00 in Town	17 \$ 28.90	2.7 \$ 8.59
Cancellation Fee	10.00 out	18 \$ 30.60	2.8 \$ 8.76
Delivery Charges	\$ 15.00	19 \$ 32.30	2.9 \$ 8.93
Delivery Charges	\$ 30.00	20 \$ 34.00	3 \$ 9.10
Roadside Assistance	\$ 10.00	21 \$ 35.70	3.1 \$ 9.27
		22 \$ 37.40	3.2 \$ 9.44
		23 \$ 39.10	3.3 \$ 9.61

**AFFORDABLE
TAXI**

You've Tried the Rest, now Call the Best!



479-280-2132

AFFORDABLE TAXI OF POPE COUNTY LLC

136 JENNINGS RD

RUSSELLVILLE AR 72802

479-280-2132

Affordabletaxi.delivery@gmail.com

Affordabletaxianddelivery.com

The company was formed in March 2021!

The owner had suffered abuse, had lots of trouble finding and keeping jobs due to having to continuously move to keep safe. She formed a company where she could be behind the scenes and help others who had suffered the same thing or had been placed in similar situations. She has been abused, homeless, and had to rely on others for transportation. Relying on Churches, police Departments, DHS workers, Battered Women's Shelters, judges, for help in situations where she had to stay safe or lose her life.

She started with 1 vehicle in the small town of Dardanelle and has since expanded to Russellville, Clarksville, Fort Smith, Mulberry, Ozark, Altus, Ward, Cabot, Austin, and Morrilton, with a total of 10 vehicles. And would like to add Fayetteville to that list.

1. Attached with Application, is Equifax Credit Report, Drivers Reports, Drivers Background reports, Including Reports of Owner. Court Connect Records are below. We do not charge the 35.00 Minimum Fee per customer, 13.00 Reservations Fee, or 25.00 Cancellation Fee like Uber (See Attachment)

Person Name or Business Name Search
PRODUCTION

[New Search](#)

Phonetic Search: off Last Name: Affordable Taxi of Pope County LLC

No records found

[Home](#) [Help](#)

Person Name or Business Name Search PRODUCTION

How Search:

Phonetic Search: off Last Name: Shaddon First Name: Rose

ID	Names/Corporation	Case Description	Party Type	Filing Date	Judge
11204109	ROSE SHADDON Aliases: SHADDON, ROSE	Case: 75NCR 13-23 STATE V ROSE SHADDON Status: CLOSED	DEFENDANT	22-APR-93	15TH CIRCUIT DIVISION 1

Page: 1 Records: 1 - 1

Person Name or Business Name Search PRODUCTION

How Search:

Phonetic Search: off Last Name: Affordable Tax

No records found

Home

Help

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Fayetteville was established on October 17, 1828, and since that time, Fayetteville has become the 2nd most populous city in Arkansas with a population of 99,285 in 2022. It is 53.8 square miles of land with 1.4 square miles of water. From 2010 to 2020 Washington County increased in population by 24.2 %. Which shows to be an increase of 2.4 percent per year.

Fayetteville has public transportation of two major providers they are Razorback Transit and Ozark Regional Transit, Razorback Transit is centered on Campus while Ozark Regional Transit runs throughout Washington and Benton Counties.

Fayetteville issued the following Taxi permits:

1. Fayetteville Taxi LLC on 10/10/2023 it was opened on 08/14/2012.
2. Issued another permit to Hotel Executive Transportation on 11/7/2011 the revoked the license on 10/31/2020. Also known as NWA Taxi LLC
3. Issued another permit to Gear Gaming Store on 01/17/2014 and revoked their license on 10/31/2020.

Making Fayetteville Taxi the only Taxi service in Fayetteville.

Our Company: Our Goal

Is to provide transportation for customers who would otherwise have to walk, to and from locations, keep battered women/men safe, provide roadside assistance to customers who are broke down on the side of the road, offer delivery services, offer services to customers who live in urban areas with no transportation available day and night.

We have a system that goes through our dispatch, where the dispatcher is dispatching the call while still on the phone with the customer. Making a quicker response for the driver and customer. As well as knowing where the driver is to go next on the call list.

Making it to where there are 3 places for this call to be in the system.

1. On the Dispatched Work Crew
2. On the Payroll System for the Drivers times
3. On the Drivers call log,
4. We keep accurate records of Names, Pick up locations, drop off locations and times as well as amount collected, via: Cash-App, Venmo, Debit, Cash, Ticket, etc.
5. We do not charge the 35.00 Minimum Fee per customer, 13.00 Reservations Fee, or 25.00 Cancellation Fee like Uber does (See Attachment)

If the driver (he/she) does not have time to write on the call log, they can go back and see all the calls in the system.

All Drivers, and Dispatchers go through a hiring process of

1. Driving Record Check
2. Arkansas Background Check
3. Drug/Alcohol testing.

We are an opportunity company who hires reformed felons, but they must not have:

1. Abuse
2. Molestation/Rape
3. Theft
4. Recent DWI's or DUI

Our Company does not advertise with a Big Taxi sign on the roof of our vehicles for the purpose of Safety for our customers. The reasons for that being.

1. Our customers need to feel safe when going from one destination to another.
2. Arkansas has the highest insurance ratings in the United States due to accidents of commercial vehicles.
3. If you don't advertise commercial, then:
 - a. People do not see a big payout from a commercial insurance company.
 - b. Protected people are harder to find i.e. battered women's shelters.
 - c. Confidential information does not get out to just anyone.
 - d. None of our vehicles are listed under the company name, so no one knows that it is commercial. Just Owners name only.

All our vehicles used has a GPS/Wi-Fi system installed:

1. Easy tracking
2. Routes taken.
3. Precise location of our drivers at all times.
4. Able to calculate a pickup time for our customers.
5. Offer free Wi-Fi to our customers.

Our drivers also have Life360 installed on their phones:

1. Free towing up to 50 miles
2. Roadside assistance
3. SOS system if there is trouble for a driver. Such as being followed, threatened etc.
4. All drivers and dispatchers know the location of another driver.

Our company does not have a big machine installed in our vehicle: reasons for that.

1. We feel that we should not charge a customer based on waiting on trains, red lights, emergency vehicles, traffic jams, funerals, or things beyond their control.

2. We feel they should be charged accordingly: to their time spent on mileage, their time in a store for wait time, and their transportation back to where they are going. Making it more economical for the customer.

What our company does have:

1. Our company has its own website and app where customers can request rides directly or indirectly from customers, just like Uber or Lyft.
2. We charge a cancellation fee, but we do not charge a fee for booking rides through our system.
3. We have Commercial Insurance on all our vehicles!
4. We have Workers Comp Insurance on all our independent contractors!
5. We have a 1,000,000-insurance policy on the company!
6. Free wi-fi in our vehicles
7. GPS Locator
8. Life 360
9. Drivers Logs
10. System logs
11. 5 phone lines
12. 3 dispatchers and 1 dispatcher/Supervisor/Manager
13. Account Manager/System Tech/Payroll Clerk/VP
14. Authorization from State of Arkansas Highway Commission
15. Certificate of Good Standing from the Secretary of State
16. Federal Tax Numbers
17. Pass Certificate
18. National Provider Identification number
19. Professional Independent Contractors
20. System on Tablets/Phones to calculate prices for our customers.
21. Cameras in every vehicle
22. Roadside reflectors
23. Fire Extinguishers
24. Medical Kits
- 25.

A little about the owner and company:

The company was formed in March 2021! The owner had suffered abuse, had lots of trouble finding and keeping jobs due to having to continuously move to keep safe. She formed a company where she could be behind the scenes and help others who had

suffered the same thing or had been placed in similar situations. She has been abused, homeless, and had to rely on others for transportation. Relying on Churches, police Departments, DHS workers, Battered Women's Shelters, judges, for help in situations where she had to stay safe or lose her life. She started with 1 vehicle in the small town of Dardanelle and has since expanded to Russellville, Clarksville, Fort Smith, Mulberry, Ozark, Altus, Ward, Cabot, Austin, and Morrilton, with a total of 10 vehicles.

Your trip earnings are calculated using the rates below.

These are the rates you will earn for every minute and mile you drive. Rates are based on your Uber activation date.

For full details on your earnings, rider payments, and Uber fees, tap Fare Details on your trip receipt.

Little Rock

Base Fare ⓘ \$0.9375

Long Pickup Fee
Per Mile Variable
Per Minute \$0.57
Threshold \$0.1125
12 minutes

Per Mile ⓘ \$0.57

Per Minute ⓘ \$0.1125

Reservations ⓘ ECONOMY

Minimum Fare \$35.00
Reservation Fee \$13.00
Fixed Cancellation Fee \$25.00
Cancellation Fee Policy FIXED FEE

Minimum Trip Earnings ⓘ \$3.7578

Cancellation Fee Variable
Standard Driver Initiated Cancellation Fee \$3.822
Standard Rider Initiated Cancellation Fee \$3.822
Per Mile \$0.57
Per Minute \$0.1125

Booking Fee

You will be charged a Booking Fee for every trip. The amount is posted and updated on uber.com/cities. Uber will collect this fee from riders on your behalf.

Taxi fare **Uber** from Washington Regional Medical Center to 1145 N Mission Blvd

[Click](#) to show map & route

Uber X

Initial fee: **2.70 \$**
Cost of ride time: **1.80 \$**
Cost of distance: **5.25 \$**
Total Fare: ~ 9.75 \$

Uber XL

Initial fee: **5.00 \$**
Cost of ride time: **2.70 \$**
Cost of distance: **9.10 \$**
Total Fare: ~ 16.80 \$

Dynasty Taxi Service
Springdale

[\(479\) 524-8294](tel:(479)524-8294)

Abundant Taxi
Bentonville

[\(479\) 553-8294](tel:(479)553-8294)

Presidential Car Services
Centerlon

[\(479\) 368-8074](tel:(479)368-8074)

Distance between **Washington Regional Medical Center** and **1145 N Mission Blvd** is approx. **3.5 miles** (5.64 km) with **9 min** travel time.

This taxi fare estimate from Washington Regional Medical Center to 1145 N Mission Blvd was updated 2 seconds ago.

Did you know that we have all the fare rates for Uber Fayetteville? [See all the taxi services](#) and find your next cheap Fayetteville ride.

* **Uber fare** estimate from Washington Regional Medical Center to 1145 N Mission Blvd may vary due to weather and traffic.

Our estimates in **3215 N Northhills Blvd, Fayetteville, AR 72703, USA** do not include any discounts or promotions.

New TAXI FARE?

Uber fares from Washington Regional Medical Center

- o \$51-68 uber fare from Washington Regional Medical Center to 16 Edenhall Ln

Exhibit A Manifest 117.30 Section Manifest

DATE _____
NAME _____

START AMOUNT _____

AFFORDABLE TAXI

No.	Customer's Name	Pick up location/Drop off Location	Odometer Reading Pick Up and Drop Off	Price of the ride not including taxes	Circle one	Pick Up Time/ Drop off Time	Tips
1.					C, D, CA, Ticket, PP, M, U		
2.					C, D, CA, Ticket, PP, M, U		
3.					C, D, CA, Ticket, PP, M, U		
4.					C, D, CA, Ticket, PP, M, U		
5.					C, D, CA, Ticket, PP, M, U		
6.					C, D, CA, Ticket, PP, M, U		
7.					C, D, CA, Ticket, PP, M, U		
8.					C, D, CA, Ticket, PP, M, U		
9.					C, D, CA, Ticket, PP, M, U		
10.					C, D, CA, Ticket, PP, M, U		
11.					C, D, CA, Ticket, PP, M, U		
12.					C, D, CA, Ticket, PP, M, U		
DEBIT TOTAL		CASH TOTAL	Turned in cash amount plus your start up:		START AMOUNT		
CASH APP TOTAL		MERCHANDISE RECEIPT	TICKETS		EXTRA Payments from Customers		
GAS RECEIPT		BEGINNING MILEAGE	ENDING MILEAGE				

Exhibit B

117.30 Section Legal Entity

 **IRS** DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 05-30-2023

Employer Identification Number:
93-1598139

Form: SS-4

Number of this notice: CP 575 A

For assistance you may call us at:
1-800-829-4933

AFFORDABLE TAXI POPE COUNTY LLC
ROSE L SHADDON SOLE MBR
705 WILLIAMSON WAY
RUSSELLVILLE, AR 72801

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 93-1598139. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for their business. Some taxpayers receive CP575 notices when another person has stolen their identity and are opening a business using their information. If you did not apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

Based on the information received from you or your representative, you must file the following forms by the dates shown.

Form 941	07/31/2023
Form 940	01/31/2024

If you have questions about the forms or the due dates shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification (corporation, partnership, etc.) based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2020-1, 2020-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

IMPORTANT INFORMATION FOR S CORPORATION ELECTION:

If you intend to elect to file your return as a small business corporation, an election to file a Form 1120-S, U.S. Income Tax Return for an S Corporation, must be made within certain timeframes and the corporation must meet certain tests. All of this information is included in the instructions for Form 2553, *Election by a Small Business Corporation*.

If you are required to deposit for employment taxes (Forms 941, 943, 940, 944, 945, CT-1, or 1042), excise taxes (Form 720), or income taxes (Form 1120), you will receive a Welcome Package shortly, which includes instructions for making your deposits electronically through the Electronic Federal Tax Payment System (EFTPS). A Personal Identification Number (PIN) for EFTPS will also be sent to you under separate cover. Please activate the PIN once you receive it, even if you have requested the services of a tax professional or representative. For more information about EFTPS, refer to Publication 966, *Electronic Choices to Pay All Your Federal Taxes*. If you need to make a deposit immediately, you will need to make arrangements with your Financial Institution to complete a wire transfer.

The IRS is committed to helping all taxpayers comply with their tax filing obligations. If you need help completing your returns or meeting your tax obligations, Authorized e-file Providers, such as Reporting Agents or other payroll service providers, are available to assist you. Visit www.irs.gov/mefbusproviders for a list of companies that offer IRS e-file for business products and services.

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you. You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.
- * Provide future officers of your organization with a copy of this notice.

Your name control associated with this EIN is AFFO. You will need to provide this information along with your EIN, if you file your returns electronically.

Safeguard your EIN by referring to Publication 4557, *Safeguarding Taxpayer Data: A Guide for Your Business*.

You can get any of the forms or publications mentioned in this letter by visiting our website at www.irs.gov/forms-pubs or by calling 800-TAX-FORM (800-829-3676).

If you have questions about your EIN, you can contact us at the phone number or address listed at the top of this notice. If you write, please tear off the stub at the bottom of this notice and include it with your letter.

Thank you for your cooperation.



**Arkansas Secretary of State
John Thurston**

State Capitol Building • Little Rock, Arkansas 72201-1094 • 501-682-3409

Certificate of Good Standing

I, John Thurston, Secretary of State of the State of Arkansas, and as such, keeper of the records of domestic and foreign corporations, do hereby certify that the records of this office show

AFFORDABLE TAXI POPE COUNTY, LLC

authorized to transact business in the State of Arkansas as a Limited Liability Company, filed Articles of Organization in this office August 9, 2022.

Our records reflect that said entity, having complied with all statutory requirements in the State of Arkansas, is qualified to transact business in this State.



In Testimony Whereof, I have hereunto set my hand and affixed my official Seal. Done at my office in the City of Little Rock, this 12th day of August 2022.

John Thurston

John Thurston
Secretary of State
Online Certificate Authorization Code: ff30f3d1ee59d93
To verify the Authorization Code, visit sos.arkansas.gov

STATE OF ARKANSAS

SECRETARY OF STATE

John Thurston

ARKANSAS SECRETARY OF STATE

To All to Whom These Presents Shall Come, Greetings:

I, John Thurston, Arkansas Secretary of State of Arkansas, do hereby certify that the following and hereto attached instrument of writing is a true and perfect copy of

Certificate of Organization

of

AFFORDABLE TAXI POPE COUNTY, LLC

Filed in this office

August 09, 2022

In Testimony Whereof I have hereunto set my hand and affixed my official Seal, Done at my office in the City of Little Rock, this 9th day of August 2022.

John Thurston
John Thurston
Secretary of State

Online Certificate Authorization Code: 56525862f5e6bb7c316
To verify the Authorization Code, visit sos.arkansas.gov



This award for education achievement is presented on behalf of the
Community Transportation Association of America

To:

Affordable Taxi

For successful completion of the

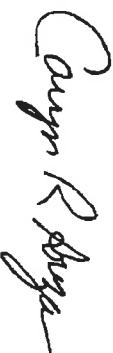
Passenger Assistance Safety and Sensitivity (PASS) 7.0
Basic Online Training Program

Valid March 06, 2023 through March 06, 2025

Certificate #332276524176710



Scott Bogren
Executive Director, CTAA



Caryn R. Souza
Training and Certification Program Director



Exhibit C 117.30 Section legal entity

 IRS DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

ROSE L SHADDON
AFFORDABLE TAXI
215 E 16TH ST
RUSSELLVILLE, AR 72801

Date of this notice: 03-23-2021

Employer Identification Number:
86-2805047

Form: SS-4

Number of this notice: CP 575 G

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 86-2805047. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is SHAD. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

Filing Number: 811387353
AFFORDABLE TAXI POPE COUNTY, LLC

Tax Year: 2024

1. Tax Contact Information:
AFFORDABLE TAXI POPE COUNTY, LLC

136 JENNINGS RD
RUSSELLVILLE, AR 72801 USA
Phone # of tax contact: 4798803449

Change of Registered Agent Information:
NOT APPLICABLE. NO CHANGES MADE.

2. Required Information
Federal Tax ID#: 931598139

LIMITED LIABILITY COMPANY MANAGEMENT IS MEMBER(S) OR MANAGERS(S)

Please provide current names:

: ROSE LEE SHADDON

:

:

:

:

:

Tax Preparer :

ALL LIMITED LIABILITY COMPANIES PAY \$150.00

TAX DUE:
\$ 150.00

I declare, under penalties of perjury, the foregoing statements are true to the best of my knowledge and belief.

Signed this 06 day of FEBRUARY, 2024.

Signature: ROSE LEE SHADDON

This form must be signed in ink by: Member / Manager (Listed in 2 Above).

Due on or before May 1 -Substantial penalties due after May 1

Remittance must accompany this report and must be written and signed in ink.

Checks Payable to Arkansas Secretary of State • Phone (501)-682-3409 or
1-888-233-0325 Business Services Division • State Capitol Building • Little Rock,
Arkansas 72201-1094

You may file this electronically over the Internet @ <http://www.sos.arkansas.gov/>

Exhibit D

Affordable Taxi <affordabletaxi.delivery@gmail.com>

National Provider Identifier

Message

customerservice@npienumerator.com <customerservice@npienumerator.com>
To: affordabletaxi.delivery@gmail.com

Thu, Mar 30, 2023 at 12:49 PM

A request for a National Provider Identifier (NPI) or a change to the existing NPI for the following provider was recently submitted to <https://nppes.cms.hhs.gov>, and you were listed as the contact person. This is to inform you that the request was successfully submitted and the following Tracking ID has been assigned to the request: 03302023/46520

If the submitted NPI application or change request requires no verifications, the enumeration or changes may be effective within the next 24 hours. If verification is required, processing may take up to 30 days.

Provider Name: Rose Shaddon
Primary Contact Person: Rose Shaddon
Primary Practice Location Address: 705 Williamson Way Russellville, AR 72801-6923 United States
SSN: XXX-XX-9489
Date Submitted: Mar-30-2023

If you have any questions regarding this application or if the designated contact person doesn't receive the provider's NPI via email within 15 working days, please refer to the FAQ Menu at <https://nppes.cms.hhs.gov>.

NPI Enumerator Contact Information Monday through Friday, 9am to 5pm (Eastern Time)*

By phone:
1-800-465-3203 (NPI Toll-Free)
1-800-692-2326 (NPI TTY for the deaf, hard of hearing, or those with speech difficulties)

*Holiday hours may vary.

By e-mail at npi@npienumerator.com

By mail at:
NPI Enumerator
7125 AMBASSADOR RD STE 100
WINDSOR MILL MD 21244-2751

If you are not the provider, you are required to inform the provider of the information in this letter and furnish a copy of this notification to the provider.

customerservice@npienumerator.com <customerservice@npienumerator.com>
To: affordabletaxi.delivery@gmail.com

Thu, Mar 30, 2023 at 12:50 PM

Enumeration Date: March 30, 2023

A request for a National Provider Identifier for Rose Lee Shaddon Taxi was recently submitted to <https://nppes.cms.hhs.gov>, and you were listed as the contact person. This is to inform you that the request was successfully processed and the following NPI has been assigned: 1235833302

Practice Location
705 Williamson Way
Russellville, AR 72801-6923

Provider Taxonomies
Taxonomy: 172A00000X
License: 0421-016067 State: AR
Details: Driver
This is the Primary Taxonomy.

If you have any questions about this notification you may contact the NPI Enumerator Monday through Friday, 9am to 5pm (Eastern Time)* at:

NPI Enumerator
7125 AMBASSADOR RD STE 100
WINDSOR MILL MD 21244-2751
1-800-465-3203 (NPI Toll-Free)
1-800-692-2326 (NPI TTY for the deaf, hard of hearing, or those with speech difficulties)

*Holiday hours may vary.

You may view or change this provider's NPPES information by logging onto the NPPES website at <https://nppes.cms.hhs.gov>.

Please note: If you are not the provider, you are required to inform the provider of the information in this e-mail and furnish a copy of this notification to the provider.

Exhibit 8 DOT Authorization

BEFORE THE ARKANSAS STATE HIGHWAY COMMISSION

IN THE MATTER OF APPLICATION OF
AFFORDABLE TAXI OF POPE COUNTY, LLC
FOR AUTHORITY AS A CONTRACT,
CARRIER, INTRASTATE.

)
) DOCKET NO. M-58689
)
)

REPORT AND ORDER

Application filed May 8, 2023 with the Arkansas State Highway Commission Affordable Taxi of Pope County, LLC, an Arkansas corporation, seeking authority to operate as a contract carrier by motor vehicle in intrastate commerce transporting passengers, under continuing contract(s) between all points and places in the State of Arkansas, over irregular routes, as set forth in the application and notice of hearing.

There were no protests filed to the application, and after due notice the matter was heard by the Commission's duly-appointed Hearing Officer on June 2, 2023. The hearing was held pursuant to the Commission's rules and regulations at its hearing offices, Arkansas Department of Transportation, Little Rock, Arkansas.

FINDINGS

Upon full consideration of the evidence and all matters and things involved herein, and being well and sufficiently advised in the premises, we find the requested service to be in the public interest and in furtherance of the state transportation policy. The applicant is fit, willing and able properly to perform the proposed service and to conform to the requirements of the Motor Carrier Act and rules and regulations thereunder. We further find that the application should be granted.

ORDER

IT IS, THEREFORE, ORDERED, that the application of Affordable Taxi of Pope County, LLC, an Arkansas corporation, of Russellville, Arkansas, for authority to operate as a contract carrier motor vehicle, in intrastate commerce, be, and is hereby granted, subject to such conditions and limitations as are now or may hereafter be attached to the exercise of the privileges herein granted.

IT IS FURTHER ORDERED that the transportation service to be performed by said carrier in intrastate commerce shall be as specified below:

IRREGULAR ROUTES:

Passengers and their belongings, under continuing contract(s),

Between all points and places in the State of Arkansas, over irregular routes.

IT IS FURTHER ORDERED, and made a condition of this certificate, that the holder hereof shall comply with all rules and regulations of the State of Arkansas concerning the operation of a motor vehicle over the highways of this State.

IT IS FURTHER ORDERED, and is made a condition of this authority, that the holder thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure to do so shall constitute sufficient grounds for change, revocation, or suspension of this authority.

Entered this 2nd day of June, 2023.

BY ORDER OF THE COMMISSION:

David S. Long
DAVID S. LONG, HEARING OFFICER

ATTEST: LaKeysha Walker
LAKEYSHA WALKER
LEGAL ASSISTANT

Approved and ratified on behalf on the Arkansas State Highway Commission this 2nd day of June, 2023.

BY ORDER OF THE COMMISSION

Trella A. Sparks
TRELLA A. SPARKS
INTERIM CHIEF LEGAL COUNSEL

ATTEST: LaKeysha Walker
LAKEYSHA WALKER
LEGAL ASSISTANT



Prepared For
ROSA L. SHADDON
Personal & confidential
Date generated: Jan 27, 2024

At a glance

FICO® Score 8

656 FICO® Score 8
Equifax data Jan 27, 2024



Account summary

Open accounts	11
Accounts ever late	2
Closed accounts	0
Collections	0
Average account age	2 yrs 3 mos
Oldest account	3 yrs 9 mos

Overall credit usage

23 %

Debt summary

Credit card and credit line debt	\$2,907
Loan debt	\$0
Collections debt	\$0
Total debt	\$2,907

Credit used: \$2,907
Credit limit: \$12,450



Personal information

Names

ROSA L SHADDON

Other names

ROSE L UNDERWOOD

ROSE HIGHMAN

Current address

1

Current ZIP

1970

Addresses

136 JENNINGS RD
RUSSELLVILLE, AR 72802

705 WILLIAMSON WAY
RUSSELLVILLE, AR 72801

701 EE ST
RUSSELLVILLE, AR 72801

PO BOX 1382
STILWELL, OK 74960

2526 W B ST
RUSSELLVILLE, AR 72801

215 E 16TH ST APT 1
RUSSELLVILLE, AR 72801

PO BOX 45
EVANSVILLE, AR 72729

2512 BLUE RIDGE DR
EDINBURG, TX 78539

16632 HALE MOUNTAIN RD
MORROW, AR 72749

319 N 12TH ST
BURLINGTON, KS 66839

Aliases

AFFORDABLE TAXI OF P

AA TAXI

PINK TIGER

Personal statements

No Statement(s) present at this time



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

Open accounts

CAPITAL ONE

Account payment history

\$91

Balance updated Jan 08, 2024

Account info

Account name	CAPITAL ONE	Balance	\$91
Account number	515307XXXXXX	Balance updated	Jan 08, 2024
Original creditor	-	Credit limit	\$1,750
Company sold	-	Credit usage	5%
Account type	Revolving	Monthly payment	\$40
Date opened	May 09, 2021	Past due amount	-
Open/closed	Open	Highest balance	\$1,697
Status	Pays account as agreed	Terms	-
Status updated	Jan 2024	Responsibility	Individual Account
		Your statement	-

\$ Payment history

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2022	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2021	-	-	-	-	✓	✓	✓	✓	✓	✓	✓	✓
2020	-	-	-	-	-	-	-	-	-	-	-	-
2019	-	-	-	-	-	-	-	-	-	-	-	-

✓ On Time

- Data Unavailable

Contact info

Address
PO BOX 31293 SALT LAKE CITY,
UT 84131-1293

Phone number
(800) 955-7070

Comments

Pd 1496.17 1/8



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

CHIMEFIN/STRIDE BANK

payment history

\$0

Balance updated: Jan 03, 2024

Account info

Account name	CHIMEFIN/STRIDE BANK	Balance	\$0
Account number	255107XXXXXX	Balance updated	Jan 03, 2024
Original creditor	-	Credit limit	-
Company sold	-	Credit usage	-
Account type	Open Account	Monthly payment	-
Date opened	Oct 07, 2021	Past due amount	-
Open/closed	Open	Highest balance	\$13
Status	Pays account as agreed	Terms	-
Status updated	Jan 2024	Responsibility	Individual Account
		Your statement	-

Payment history

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2022	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2021	-	-	-	-	-	-	-	-	-	✓	✓	✓
2020	-	-	-	-	-	-	-	-	-	-	-	-
2019	-	-	-	-	-	-	-	-	-	-	-	-

On Time

Data Unavailable

Contact info

Address
101 CALIFORNIA STREET, SUITE 500 SAN FRANCISCO, CA 94108

Phone number
(580) 233-3535

Comments

FIXED RATE



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

COMENITYBANK/MAURICE
View account payment history

\$188

Balance updated Jan 24, 2024

Account info

Account name	COMENITYBANK/MAURICE	Balance	\$188
Account number	778850XXXXXXX	Balance updated	Jan 24, 2024
Original creditor		Credit limit	\$700
Company sold		Credit usage	26%
Account type	Revolving	Monthly payment	\$37
Date opened	May 15, 2023	Past due amount	
Open/closed	Open	Highest balance	\$477
Status	Pays account as agreed	Terms	
Status updated	Jan 2024	Responsibility	Individual Account
		Your statement	

\$ Payment history

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2022	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2021	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2020	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2019	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

✓ On Time

• Data Unavailable

Contact info

Address 3075 LOYALTY CIRCLE PO BOX 182789
COLUMBUS,
OH 43218

Phone number By mail only

Comments

pd 37 1/22



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

CREDIT ONE BANK

\$558

Account payment history

Balance updated Jan 05, 2024

Account info

Account name	CREDIT ONE BANK	Balance	\$558
Account number	379364XXXXXXXXXX	Balance updated	Jan 05, 2024
Original creditor		Credit limit	\$1,050
Company sold		Credit usage	53%
Account type	Revolving	Monthly payment	\$30
Date opened	Jan 04, 2022	Past due amount	
Open/closed	Open	Highest balance	\$955
Status	Pays account as agreed	Terms	
Status updated	Jan 2024	Responsibility	Individual Account
		Your statement	

Payment history

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2022	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2021	-	-	-	-	-	-	-	-	-	-	-	-
2020	-	-	-	-	-	-	-	-	-	-	-	-
2019	-	-	-	-	-	-	-	-	-	-	-	-

✓ On Time

- Data Unavailable

Contact info

Address 5801 S. CIMARRON ROAD LAS VEGAS,
NV 89113

Phone number (877) 825-3242

Comments

pd 564.95 1/9



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

CREDIT ONE BANK

payment history

\$937

Balance updated Jan 03, 2024

Account info

Account name	CREDIT ONE BANK	Balance	\$937
Account number	470793XXXXXXXXXX	Balance updated	Jan 03, 2024
Original creditor		Credit limit	\$1,000
Company sold		Credit usage	93%
Account type	Revolving	Monthly payment	\$33
Date opened	Mar 20, 2023	Past due amount	
Open/closed	Open	Highest balance	\$937
Status	Pays account as agreed	Terms	
Status updated	Jan 2024	Responsibility	Individual Account
		Your statement	

Payment history

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2022	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2021	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2020	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2019	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

✓ On Time

✗ Data Unavailable

Contact info

Address: 6801 S. CIMARRON ROAD LAS VEGAS,
NV 89113

Phone number: (877) 825-3242

Comments

Pd 806.81 1/9



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

FB&T/MERCURY

\$0

payment history

Balance updated Jan 24, 2024

Account info

Account name	FB&T/MERCURY	Balance	\$0
Account number	006236XXXX	Balance updated	Jan 24, 2024
Original creditor		Credit limit	\$1,650
Company sold		Credit usage	0%
Account type	Revolving	Monthly payment	\$25
Date opened	Feb 24, 2021	Past due amount	
Open/closed	Open	Highest balance	\$1,674
Status	Pays account as agreed	Terms	
Status updated	Jan 2024	Responsibility	Individual Account
		Your statement	

Payment history

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2022	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2021	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2020	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2019	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

✓ On Time

• Data Unavailable

Contact info

Address 700 22ND AVENUE SOUTH BROOKINGS,
SD 57006

Phone number (605) 658-3660

Comments

pd 547.44 1/9
pd 93.51 1/22



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

FINGERHUT

1 late payment

\$0

Balance updated Jan 24, 2024

Account Info

Account name	FINGERHUT	Balance	\$0
Account number	636992XXXXXXXXXX	Balance updated	Jan 24, 2024
Original creditor	-	Credit limit	\$600
Company sold	-	Credit usage	0%
Account type	Revolving	Monthly payment	-
Date opened	Apr 12, 2022	Past due amount	-
Open/closed	Open	Highest balance	\$217
Status	Pays account as agreed	Terms	-
Status updated	Jan 2024	Responsibility	Individual Account
		Your statement	-

\$ Payment history

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023	✓	✓	✓	✓	✓	✓	✓	✓	30	✓	✓	✓
2022	-	-	-	✓	✓	✓	✓	✓	✓	✓	✓	✓
2021	-	-	-	-	-	-	-	-	-	-	-	-
2020	-	-	-	-	-	-	-	-	-	-	-	-
2019	-	-	-	-	-	-	-	-	-	-	-	-

✓ On Time 30 30 Days Late - Data Unavailable

Contact info

Address
6250 RIDGEWOOD RD SAINT CLOUD,
MN 56303-0811

Phone number
(820) 654-3900

Comments



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

JPMCB - CARD SERVICE

\$0

payment history

Balance updated Jan 08, 2024

Account info

Account name	JPMCB - CARD SERVICE	Balance	\$0
Account number	414740XXXXXX	Balance updated	Jan 08, 2024
Original creditor		Credit limit	\$800
Company sold		Credit usage	0%
Account type	Revolving	Monthly payment	
Date opened	Apr 27, 2021	Past due amount	
Open/closed	Open	Highest balance	\$714
Status	Pays account as agreed	Terms	
Status updated	Jan 2024	Responsibility	Individual Account
		Your statement	

Payment history

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2022	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2021	-	-	-	✓	✓	✓	✓	✓	✓	✓	✓	✓
2020	-	-	-	-	-	-	-	-	-	-	-	-
2019	-	-	-	-	-	-	-	-	-	-	-	-

✓ On Time

- Data Unavailable

Contact info

Address 301 N WALNUT ST, FLOOR 09 WILMINGTON,
DE 19801-3935

Phone number (800) 945-2000

Comments

pd 531.92 1/9



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

MISSION LANE TAB BAN

Repayment payment history

\$116.94

Balance updated Jan 04, 2024

pd 1/8

Account info

Account name	MISSION LANE TAB BAN	Balance	\$116
Account number	431503XXXXXXXXXX	Balance updated	Jan 04, 2024
Original creditor	-	Credit limit	\$2,400
Company sold	-	Credit usage	4%
Account type	Revolving	Monthly payment	\$25
Date opened	Oct 08, 2020	Past due amount	-
Open/closed	Open	Highest balance	\$436
Status	Pays account as agreed	Terms	-
Status updated	Jan 2024	Responsibility	Individual Account
		Your statement	-

Payment history

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2022	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2021	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2020	-	-	-	-	-	-	-	-	-	✓	✓	✓

✓ On Time

- Data Unavailable

Contact info

Address
101 2ND STREET., SUITE 350 SAN
FRANCISCO,
CA 94105

Phone number
(415) 462-0280

Comments



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

SELF RENT - RENTTRAC

\$0

Unknown payment history

Balance updated Jan 30, 2021



Account Info

Account name	SELF RENT - RENTTRAC	Balance	\$0
Account number	L11066X	Balance updated	Jan 30, 2021
Original creditor	-	Original balance	\$450
Company sold	-	Monthly payment	\$450
Account type	Open Account	Past due amount	-
Date opened	Jan 01, 2021	Terms	-
Open/closed	Open	Responsibility	Individual Account
Status	Pays account as agreed	Your statement	-
Status updated	Jan 2021		

\$ Payment history

No payment history available to display.



Contact Info

Address
4601 EXCELSIOR BLVD #503;4601 #503; ST.
LOUIS PARK MINNESOTA,
MN 55416

Phone number
(651) 212-2181



Comments



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

SYNCB/JC PENNEY DC

\$1,017

Payment history

Balance updated Jan 23, 2024

Account Info

Account name	SYNCB/JC PENNEY DC	Balance	\$1,017
Account number	546680XXXXXX	Balance updated	Jan 23, 2024
Original creditor	-	Credit limit	\$2,500
Company sold	-	Credit usage	40%
Account type	Revolving	Monthly payment	\$39
Date opened	May 12, 2023	Past due amount	-
Open/closed	Open	Highest balance	\$1,236
Status	Pays account as agreed	Terms	-
Status updated	Jan 2024	Responsibility	Individual Account
		Your statement	-

Payment history

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2022	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2021	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2020	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2019	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

✓ On Time

✗ Data Unavailable

Contact Info

Address 4125 WINDWARD PLAZA ALPHARETTA,
GA 30005

Phone number By mail only

Comments

pd 37 1/16



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

Closed accounts

CNAC_AR107

\$9,306

1 late payment

Closed

Account info

Account name	CNAC_AR107	Balance	\$9,306
Account number	112168XX	Balance updated	May 01, 2022
Original creditor		Original balance	
Company sold		Monthly payment	
Account type	Installment	Past due amount	\$9,306
Date opened	Mar 13, 2021	Terms	39 Months
Open/closed	Closed	Responsibility	Individual Account
Status	Charge-off	Your statement	
Status updated	May 2022		

\$ Payment history

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2022	✓	✓	✓	30	•	•	•	•	•	•	•	•
2021	•	•	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2020	•	•	•	•	•	•	•	•	•	•	•	•
2019	•	•	•	•	•	•	•	•	•	•	•	•
2018	•	•	•	•	•	•	•	•	•	•	•	•

✓ On Time

30 30 Days Late

• Data Unavailable

Contact info

Address 3405 E MAIN STREET CNACRUS, LLC
RUSSELLVILLE,
AR 72802

Phone number (501) 529-5771

Comments

CHARGED OFF ACCOUNT
FIXED RATE

pd 7500 1/4/24



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

FINGERHUT/WEBBANK

Exceptional payment history

\$0

Closed

Account Info

Account name	FINGERHUT/WEBBANK	Balance	\$0
Account number	636992XXXXXXXXXX	Balance updated	Sep 23, 2022
Original creditor		Credit limit	\$300
Company sold		Monthly payment	
Account type	Revolving	Past due amount	
Date opened	Oct 12, 2021	Highest balance	\$0
Open/closed	Closed	Terms	
Status	Pays account as agreed	Responsibility	Individual Account
Status updated	Sep 2022	Your statement	

\$ Payment history

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2022	✓	✓	✓	✓	✓	✓	✓	✓				
2021										✓	✓	✓
2020												
2019												
2018												

✓ On Time

✗ Data Unavailable

Contact Info

Address 6250 RIDGEWOOD ROAD ST CLOUD,
MN 56303

Phone number (866) 734-0342

Comments

ACCOUNT CLOSED BY CREDIT GRANTOR



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

Oportun, Inc

Unknown payment history

\$0

Closed

Account info

Account name	Oportun, Inc	Balance	\$0
Account number	495050X	Balance updated	Feb 28, 2023
Original creditor		Original balance	\$535
Company sold		Monthly payment	
Account type	Installment	Past due amount	
Date opened	Oct 25, 2021	Terms	13 Months
Open/closed	Closed	Responsibility	Individual Account
Status	Pays account as agreed	Your statement	
Status updated	Feb 2023		

Payment history

No payment history available to display.

Contact info

Address
2 CIRCLE STAR WAY SAN CARLOS,
CA 94070

Phone number
(650) 381-4025

Comments



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

SELF RENT - RENTTRAC

Original payment history

\$0

Closed

Account info

Account name	SELF RENT - RENTTRAC	Balance	\$0
Account number	231343X	Balance updated	Nov 20, 2020
Original creditor	-	Original balance	\$450
Company sold	-	Monthly payment	-
Account type	Open Account	Past due amount	-
Date opened	Apr 27, 2020	Terms	-
Open/closed	Closed	Responsibility	Individual Account
Status	Pays account as agreed	Your statement	-
Status updated	Nov 2020		

Payment history

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2020	-	-	-	✓	✓	✓	✓	✓	✓	✓	-	-
2019	-	-	-	-	-	-	-	-	-	-	-	-
2018	-	-	-	-	-	-	-	-	-	-	-	-
2017	-	-	-	-	-	-	-	-	-	-	-	-
2016	-	-	-	-	-	-	-	-	-	-	-	-

✓ On Time

- Data Unavailable

Contact info

Address
4601 EXCELSIOR BLVD #503; 4601 #503; ST.
LOUIS PARK MINNESOTA,
MN 55416

Phone number
(651) 212-2181

Comments



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

Collection accounts

No collection accounts reported.



Prepared For ROSA L. SHADDON Date generated: Jan 27, 2024

Public records

No public records reported.



Inquiries

CAPITAL ONE

Inquired on May 12, 2023

Business Type: Auto Financing

15000 CAPITAL ONE DRIVE PO# USBNK519211

RICHMOND, VA 23238

By mail only

This inquiry is scheduled to continue on record until Jun 2025

CAPITAL ONE BANK USA

Inquired on May 11, 2023

Business Type: All Banks

15000 CAPITAL ONE DRIVE PO# USJ54401

RICHMOND, VA 23238

By mail only

This inquiry is scheduled to continue on record until Jun 2025

EQUIFAX MORTGAGE SER

Inquired on Feb 5, 2022

Business Type: Miscellaneous Reptg Agencies

This inquiry is scheduled to continue on record until Mar 2024

INFORMATIVE RESEARCH

Inquired on Feb 7, 2022

Business Type: Miscellaneous Reptg Agencies

This inquiry is scheduled to continue on record until Mar 2024

SYNCD/AMAZON PLCC

Inquired on Nov 29, 2023

Business Type: Sales Financing

PO BOX 965015

ORLANDO, FL 32896-5015

(866) 634-8379

This inquiry is scheduled to continue on record until Dec 2025

Exhibit G 117.32 Section B5
Exhibit I 117.33 Section A

National Indemnity Company

A STOCK COMPANY

COMMERCIAL POLICY

Report ALL Accidents To:

1-800-356-5750

24 Hour

Toll Free

**IMPORTANT NOTICE
TO AUTOMOBILE POLICYHOLDERS**

If any new or replacement drivers are hired during the term of this policy, notify the company immediately. Failure to do so may result in termination of your policy.

THESE POLICY PROVISIONS WITH THE DECLARATIONS PAGE, COVERAGE FORM AND ENDORSEMENTS, IF ANY, COMPLETE THIS POLICY. THIS POLICY IS A LEGAL CONTRACT BETWEEN THE POLICY OWNER AND THE COMPANY.

READ YOUR POLICY CAREFULLY

**MOTOR VEHICLE LIABILITY INSURANCE
IDENTIFICATION CARD**

COMPANY NUMBER 70 COMPANY National Indemnity Company NAIC No. 20087
POLICY NUMBER 70 APS 114574 - 01 EFFECTIVE DATE 10/20/2023 12:46 PM EXPIRATION DATE 10/20/2024 12:01 AM
YEAR 2008 MAKE/MODEL BUICK LACROSSE VEHICLE IDENTIFICATION NUMBER 2G4WC582481286919
GENERAL AGENCY ISSUING CARD PHONE NUMBER
Risk Placement Services, Inc. 5012239393
355 Hogan Lane, Suite A
Conway, AR 72034

INSURED
AFFORDABLE TAXI POPE COUNTY LLC
136 JENNINGS ROAD
RUSSELLVILLE, AR 72802

EXCLUDED DRIVERS: None

M-5937 AR (11/2018)

SEE IMPORTANT NOTICE ON REVERSE SIDE

CUT ALONG THIS LINE

**MOTOR VEHICLE LIABILITY INSURANCE
IDENTIFICATION CARD**

COMPANY NUMBER 70 COMPANY National Indemnity Company NAIC No. 20087
POLICY NUMBER 70 APS 114574 - 01 EFFECTIVE DATE 10/20/2023 12:46 PM EXPIRATION DATE 10/20/2024 12:01 AM
YEAR 2008 MAKE/MODEL BUICK LACROSSE VEHICLE IDENTIFICATION NUMBER 2G4WC582481286919
GENERAL AGENCY ISSUING CARD PHONE NUMBER
Risk Placement Services, Inc. 5012239393
355 Hogan Lane, Suite A
Conway, AR 72034

INSURED
AFFORDABLE TAXI POPE COUNTY LLC
136 JENNINGS ROAD
RUSSELLVILLE, AR 72802

EXCLUDED DRIVERS: None

M-5937 AR (11/2018)

SEE IMPORTANT NOTICE ON REVERSE SIDE

CUT ALONG THIS LINE

**THIS CARD MUST BE CARRIED
IN THE INSURED VEHICLE FOR
PRODUCTION UPON DEMAND**

Report All Accidents To:

1-800-356-5750

24 Hour Toll Free

Claims may also be reported at:

claims@nationalindemnity.com

CUT ALONG THIS LINE

**THIS CARD MUST BE CARRIED
IN THE INSURED VEHICLE FOR
PRODUCTION UPON DEMAND**

Report All Accidents To:

1-800-356-5750

24 Hour Toll Free

Claims may also be reported at:

claims@nationalindemnity.com

CUT ALONG THIS LINE

**MOTOR VEHICLE LIABILITY INSURANCE
IDENTIFICATION CARD**

COMPANY NUMBER 70 COMPANY National Indemnity Company NAIC No. 20087
POLICY NUMBER 70 APS 114574 - 01 EFFECTIVE DATE 10/20/2023 12:46 PM EXPIRATION DATE 10/20/2024 12:01 AM
YEAR 2012 MAKE/MODEL NISSAN ALTIMA VEHICLE IDENTIFICATION NUMBER 1N4AL2AP0CN448772
GENERAL AGENCY ISSUING CARD PHONE NUMBER
Risk Placement Services, Inc. 5012239393
355 Hogan Lane, Suite A
Conway, AR 72034
INSURED
AFFORDABLE TAXI POPE COUNTY LLC
136 JENNINGS ROAD
RUSSELLVILLE, AR 72802
EXCLUDED DRIVERS: None
M-5937 AR (11/2018) SEE IMPORTANT NOTICE ON REVERSE SIDE

CUT ALONG THIS LINE

**MOTOR VEHICLE LIABILITY INSURANCE
IDENTIFICATION CARD**

COMPANY NUMBER 70 COMPANY National Indemnity Company NAIC No. 20087
POLICY NUMBER 70 APS 114574 - 01 EFFECTIVE DATE 10/20/2023 12:46 PM EXPIRATION DATE 10/20/2024 12:01 AM
YEAR 2012 MAKE/MODEL NISSAN ALTIMA VEHICLE IDENTIFICATION NUMBER 1N4AL2AP0CN448772
GENERAL AGENCY ISSUING CARD PHONE NUMBER
Risk Placement Services, Inc. 5012239393
355 Hogan Lane, Suite A
Conway, AR 72034
INSURED
AFFORDABLE TAXI POPE COUNTY LLC
136 JENNINGS ROAD
RUSSELLVILLE, AR 72802
EXCLUDED DRIVERS: None
M-5937 AR (11/2018) SEE IMPORTANT NOTICE ON REVERSE SIDE

CUT ALONG THIS LINE

**THIS CARD MUST BE CARRIED
IN THE INSURED VEHICLE FOR
PRODUCTION UPON DEMAND**

Report All Accidents To:

1-800-356-5750

24 Hour Toll Free

Claims may also be reported at:

claims@nationalindemnity.com

CUT ALONG THIS LINE

**THIS CARD MUST BE CARRIED
IN THE INSURED VEHICLE FOR
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1-800-356-5750

24 Hour Toll Free

Claims may also be reported at:

claims@nationalindemnity.com

CUT ALONG THIS LINE

SCHEDULE OF COVERED AUTOS

M-5171 (06/2004)

POLICY NUMBER: 70 APS 114574 - 01

EFFECTIVE DATE 10/20/2023 12:46 PM

NAMED INSURED AFFORDABLE TAXI POPE COUNTY LLC

Policy-Level Coverages	The premium charge for Uninsured and Underinsured Motorist Coverage is a policy charge; separate premium charges are not made for individual covered autos.
Uninsured Motorist Coverage:	
Underinsured Motorist Coverage:	
Other:	

Vehicle #	Year	Make & Model	VIN	Use* (C/S/R)	Radius	Garaging Territory	Garaging City, State	GVW or Seating Cap
	Liability Premium	Medical Payments Premium	Personal Injury Protection Premium	Additional Insured Premium		In-Tow Premium	Cargo Premium	
	Stated Limit or ACV	Specified Causes (S) or Comprehensive (C)	Specified Causes or Comprehensive Premium	Specified Causes or Comprehensive Deductible		Collision Premium	Collision Deductible	
1	2004	FORD FREESTAR	2FMZA58254BA66129	C	100 Miles	711	RUSSELLVILLE, AR	7 Seats
	5,549							
2	2008	BUICK LACROSSE	2G4WC582481286919	C	100 Miles	711	RUSSELLVILLE, AR	6 Seats
	5,549							
3	2008	CHEVROLET COBALT	1G1AL58F567200921	C	100 Miles	711	RUSSELLVILLE, AR	5 Seats
	5,549							
4	2010	MERCURY SEDAN	3MFHM0JAKAR614942	C	100 Miles	711	RUSSELLVILLE, AR	5 Seats
	5,549							
5	2012	NISSAN ALTIMA	1N4AL2AP0CN448772	C	100 Miles	711	RUSSELLVILLE, AR	6 Seats
	5,549							
6	2013	CHRYSLER TOWN & COUNTRY	2C4RC1BG5DR657614	C	100 Miles	711	RUSSELLVILLE, AR	7 Seats
	5,549							
7	2014	FORD FLEX	2FMGK6C99E9D03786	C	100 Miles	711	RUSSELLVILLE, AR	7 Seats
	5,549							
8	2017	DODGE JOURNEY	3C4PDCBG9HT572147	C	100 Miles	711	RUSSELLVILLE, AR	7 Seats
	5,549							
*Use (C = Commercial, S = Service, R = Retail)								

10/23/2023

M-5171 (06/2004)

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

SPLIT LIABILITY LIMITS

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM
TRUCKERS COVERAGE FORM

This endorsement changes the policy effective on the inception date of the policy unless another date is indicated below.

"Bodily Injury" Liability:	SCHEDULE		
	\$	50,000	Each Person
Total "Property Damage" Liability and "Covered Pollution Cost or Expense":	\$	100,000	Each "Accident"
	\$	50,000	Each "Accident"

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

Paragraph C. Limit of Insurance of Section II – Liability Coverage is replaced by the following:

Regardless of the number of covered "autos", "insureds", premiums paid, claims made or vehicles involved in the "accident", the limit of insurance is as follows:

1. The most we will pay for all damages resulting from "bodily injury" to any one person caused by any one "accident", including all damages claimed by any one person or organization for care, loss of services or death resulting from the "bodily injury", is the limit of "Bodily Injury" Liability shown in the Schedule for each person.
2. Subject to the limit for each person, the most we will pay for all damages resulting from "bodily injury" caused by any one "accident" is the limit of "Bodily Injury" Liability shown in the Schedule for each "accident".
3. The most we will pay for the total of all damages resulting from "property damage" and "covered pollution cost or expense" combined caused by any one "accident" is the limit of "Property Damage" Liability and "Covered Pollution Cost or Expense" shown in the Schedule for each "accident".

All "bodily injury", "property damage" and "covered pollution cost or expense", resulting from continuous or repeated exposure to substantially the same conditions will be considered as resulting from one "accident".

No one will be entitled to receive duplicate payments for the same elements of "loss" under this Coverage Form and any Medical Payments Coverage Endorsement, Uninsured Motorists Coverage Endorsement or Underinsured Motorists Coverage Endorsement attached to this Coverage Part.

All other terms, conditions and agreements remain unchanged.

Company Name National Indemnity Company	Policy Number 70 APS 114574 - 01 Endorsement Effective 10/20/2023 12:46 PM
Named Insured AFFORDABLE TAXI POPE COUNTY LLC	Countersigned at By _____ (Authorized Representative)

(The Attaching Clause needs to be completed only when this endorsement is issued subsequent to preparation of the policy.)

POLICY NUMBER: 70 APS 114574 - 01

COMMERCIAL AUTO
CA 21 08 11 18

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ARKANSAS UNINSURED MOTORISTS COVERAGE

For a covered "auto" licensed or principally garaged in, or "auto dealer operations" conducted in, Arkansas, this endorsement modifies insurance provided under the following:

AUTO DEALERS COVERAGE FORM
BUSINESS AUTO COVERAGE FORM
MOTOR CARRIER COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

This endorsement changes the Policy effective on the inception date of the Policy unless another date is indicated below.

Named Insured: AFFORDABLE TAXI POPE COUNTY LLC

Endorsement Effective Date: 10/20/2023 12:46 PM

SCHEDULE

Limit Of Insurance	\$	See CA 2102 (11/2006)	Each "Accident"
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Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Coverage

1. We will pay all sums the "insured" is legally entitled to recover as compensatory damages from the owner or driver of an "uninsured motor vehicle". The damages must result from "bodily injury" sustained by the "insured" caused by an "accident". The owner's or driver's liability for these damages must result from the ownership, maintenance or use of the "uninsured motor vehicle".
2. Any judgment for damages arising out of a "suit" brought without our written consent is not binding on us.

B. Who Is An Insured

If the Named Insured is designated in the Declarations as:

1. An individual, then the following are "insureds":
 - a. The Named Insured and any "family members".

- b. Anyone else "occupying" a covered "auto" or a temporary substitute for a covered "auto". The covered "auto" must be out of service because of its breakdown, repair, servicing, "loss" or destruction.

- c. Anyone for damages he or she is entitled to recover because of "bodily injury" sustained by another "insured".

2. A partnership, limited liability company, corporation or any other form of organization, then the following are "insureds":

- a. Anyone "occupying" a covered "auto" or a temporary substitute for a covered "auto". The covered "auto" must be out of service because of its breakdown, repair, servicing, "loss" or destruction.

- b. Anyone for damages he or she is entitled to recover because of "bodily injury" sustained by another "insured".

10/23/2023

POLICY NUMBER: 70 APS 114574 - 01

COMMERCIAL AUTO
CA 21 51 10 13

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

SPLIT BODILY INJURY UNDERINSURED MOTORISTS COVERAGE LIMITS

This endorsement modifies insurance provided under the following:

UNDERINSURED MOTORISTS COVERAGE

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

This endorsement changes the policy effective on the inception date of the policy unless another date is indicated below.

Named Insured:	AFFORDABLE TAXI POPE COUNTY LLC
Endorsement Effective Date:	10/20/2023 12:46 PM

SCHEDULE

Limit Of Liability		
"Bodily Injury":	\$ 50,000	Each Person
	\$ 100,000	Each "Accident"
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.		

Paragraph 1. of the **Limit Of Insurance** provision in the Underinsured Motorists Coverage endorsement applicable to "bodily injury" is replaced by the following:

1. Regardless of the number of covered "autos", "insureds", premiums paid, claims made or vehicles involved in the "accident", the limit of insurance is as follows:
 - a. The most we will pay for all damages resulting from "bodily injury" to any one person caused by any one "accident", including all damages claimed by any person or organization for care, loss of services or death resulting from the "bodily injury", is the limit of "Bodily Injury" shown in the Schedule for each person.

- b. Subject to the limit for each person, the most we will pay for all damages resulting from "bodily injury" caused by any one "accident" is the limit of "Bodily Injury" shown in the Schedule for each "accident".

POLICY NUMBER: 70 APS 114574 - 01

COMMERCIAL AUTO
CA 21 66 11 18

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ARKANSAS UNINSURED MOTORISTS COVERAGE – PROPERTY DAMAGE

For a covered "auto" licensed or principally garaged in, or "auto dealer operations" conducted in, Arkansas, this endorsement modifies insurance provided under the following:

AUTO DEALERS COVERAGE FORM
BUSINESS AUTO COVERAGE FORM
MOTOR CARRIER COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

This endorsement changes the Policy effective on the inception date of the Policy unless another date is indicated below.

Named Insured: AFFORDABLE TAXI POPE COUNTY LLC

Endorsement Effective Date: 10/20/2023 12:46 PM

SCHEDULE

Property Damage: \$ 50,000

Each "Accident"

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Coverage

1. We will pay all sums the "insured" is legally entitled to recover as damages from the owner or operator of an "uninsured motor vehicle". The damages must result from "property damage" caused by an "accident" arising out of actual physical contact with a covered "auto". The owner's or driver's liability for these damages must result from the ownership, maintenance or use of the "uninsured motor vehicle".
2. Any judgment for damages arising out of a "suit" brought without our written consent is not binding on us.

B. Exclusions

This insurance does not apply to any of the following:

1. Any claim settled without our consent.
2. The direct or indirect benefit of any insurer of property.
3. Property contained in the covered "auto".
4. "Property damage" to any motor vehicle owned by you or any "family member" which is not a covered "auto".
5. The first \$200 of the amount of "property damage" to a covered "auto" as a result of any one "accident". However, this exclusion does not apply if:
 - a. Your covered "auto" is insured for collision coverage under this Policy, and
 - b. The operator of the vehicle causing the "accident" has been positively identified and is solely at fault.
6. "Property damage" arising directly or indirectly out of:
 - a. War, including undeclared or civil war;

POLICY NUMBER: 70 APS 114574 - 01

COMMERCIAL AUTO
CA 31 28 11 18

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ARKANSAS UNDERINSURED MOTORISTS COVERAGE

For a covered "auto" licensed or principally garaged in, or "auto dealer operations" conducted in, Arkansas, this endorsement modifies insurance provided under the following:

AUTO DEALERS COVERAGE FORM
BUSINESS AUTO COVERAGE FORM
MOTOR CARRIER COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

This endorsement changes the Policy effective on the inception date of the Policy unless another date is indicated below.

Named Insured: AFFORDABLE TAXI POPE COUNTY LLC

Endorsement Effective Date: 10/20/2023 12:46 PM

SCHEDULE

Limit Of Insurance: \$ See CA 2151 (10/2013) Each "Accident"

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Coverage

1. We will pay all sums the "insured" is legally entitled to recover as compensatory damages from the owner or driver of an "underinsured motor vehicle". The damages must result from "bodily injury" sustained by the "insured" caused by an "accident". The owner's or driver's liability for these damages must result from the ownership, maintenance or use of the "underinsured motor vehicle".
2. With respect to damages resulting from an "accident" with an "underinsured motor vehicle", we will pay under this coverage only if Paragraph a. or b. below applies:
 - a. The limit of any applicable liability bonds or policies has been exhausted by payment of judgments or settlements; or

- b. A tentative settlement has been made between an "insured" and the insurer of the "underinsured motor vehicle" and we:

- (1) Have been given prompt written notice of such tentative settlement; and
- (2) Advance payment to the "insured" in an amount equal to the tentative settlement within 30 days after receipt of notification.

However, this Paragraph b. does not apply if the "underinsured motor vehicle" is insured by us for Covered Autos Liability Coverage.

3. Any judgment for damages arising out of a "suit" brought without our written consent is not binding on us.

POLICY NUMBER: 70 APS 114574 - 01

COMMERCIAL AUTO
CA 21 02 11 06

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

SPLIT BODILY INJURY UNINSURED MOTORISTS COVERAGE LIMITS

This endorsement modifies insurance provided under the following

UNINSURED MOTORISTS COVERAGE

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

This endorsement changes the policy effective on the inception date of the policy unless another date is indicated below.

Named Insured:	AFFORDABLE TAXI POPE COUNTY LLC
Endorsement Effective Date:	10/20/2023 12:46 PM

SCHEDULE

Limit Of Liability		
"Bodily Injury":	\$ 50,000	Each Person
	\$ 100,000	Each "Accident"
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.		

Paragraph 1. of the **Limit Of Insurance** provision in the Uninsured Motorists Coverage endorsement applicable to "bodily injury" is replaced by the following:

1. Regardless of the number of covered "autos", "insureds", premiums paid, claims made or vehicles involved in the "accident", the limit of insurance is as follows:

a. The most we will pay for all damages resulting from "bodily injury" to any one person caused by any one "accident", including all damages claimed by any person or organization for care, loss of services or death resulting from the "bodily injury", is the limit of "Bodily Injury" shown in the Schedule for each person.

b. Subject to the limit for each person, the most we will pay for all damages resulting from "bodily injury" caused by any one "accident" is the limit of "Bodily Injury" shown in the Schedule for each "accident".

ARKANSAS POLICYHOLDERS IMPORTANT NOTICE

We suggest you contact your agent if you have any questions or problems involving your policy.
Your agent may be contacted at the following:

Ragsdale Insurance, Inc.

216 North El Paso Ave., Suite A

Russellville

AR 72801

You may contact the Company at:

National Indemnity Company

1314 Douglas Street, Suite 1400

Omaha, NE 68102-1944

Telephone: (402) 916-3000

If we at National Indemnity Company fail to provide you
with reasonable and adequate service, you should feel free to contact:

Arkansas Insurance Department

1200 West Third Street

Little Rock, AR 72201

(501) 371-2640 or (800) 852-5494

This notice is furnished in compliance with Arkansas Code § 23-79-138.

AUTO POLICY 396 8380 603-04
2011 FORD F150 PICKUP

Review your policy info or make changes. Recent policy activity may not be reflected. Contact your agent if you need help with a transaction.

Policy Details

Policy owner(s)
 SHADJOH, ROSE L
 Renewal date
 05/05/16/21
 Policy mailing address
 705 William Way
 Ruston, AR 72301-6923
 Vehicle premium
 \$989.07 / 6 mos
 State Farm Payment Plan account number
 120509724

Vehicle Details

Annual mileage
 12,500
 VIN
 1F1VYEF18B04240
 Vehicle use
 Personal, school, or business
 Address where principally garaged
 705 William Way
 Ruston, AR 72301-6923

Coverages

Bodily Injury Coverage
 Limit Per Accident \$100,000
 Limit Per Person \$50,000

\$100,000 / 50,000

Property Damage Coverage
 Limit Per Accident \$50,000

\$50,000 / 5,000

Medical Payments Coverage
 Limit \$5,000

\$50,000 / 5,000

Comprehensive Coverage
 Deductible \$1,000

\$275.56 / 6 mos

Collision Coverage
 Deductible \$1,000

\$255.87 / 6 mos

Uninsured Motor Vehicle Coverage
 Limit Per Person \$50,000
 Limit Per Accident \$100,000

\$3,279 / 6 mos

Uninsured Motor Vehicle - Property Damage Coverage
 Limit Per Accident \$50,000

\$2,600 / 6 mos

Underinsured Motor Vehicle Coverage
 Limit Per Person \$50,000
 Limit Per Accident \$100,000

\$19,142 / 6 mos

Death, Dismemberment and Loss of Sight Coverage
 Limit \$5,000

\$2,488 / 6 mos

No Fault - Total Disability Coverage
 Limit Per Week \$100

What would you like to do?

Select One

My Agent



Cheryl Campbell
 617-200-0766

(479) 967-1940

[View Agent Site](#)

Need Help?

Emergency Road Service Coverage

\$45.25 / 6 mos

Car Rental/Travel Expenses Coverage

Limit Per Occurrence \$1,500

Limit Per Day \$50

\$50.05 / 6 mos

Drivers

Primary driver

Roger Shaddan

Age

52

Assigned driver

Roger Shaddan

Age

52

Discounts

Multiple Car Discount, Auto Multiple Class Discount, Three Star Discount,
Vehicle Safety Discount

Total: \$1,355.53 / 6 mos

Surcharges

Currently, there are no surcharges applied to your policy.

Endorsements

5129# AMENDATORY ENDORSEMENT

6304A.3 AMENDATORY ENDORSEMENT

This is not a declaration page, policy or endorsement.

Contact

5129# 5129#

6304A.3 6304A.3

6304A.3 6304A.3

Quick links

Policy details

Policy schedule

Policy terms

Policy conditions

Policy exclusions

About

Company information

Company financials

Company ratings

Company news

Company press

Careers

Current openings

Open positions

Recruiting

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We value your privacy. We'll never give out your information to anyone without your permission. We'll only use your information to improve our services.

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[illegible][illegible]

State Farm®
Providing Insurance and Financial Services



PO Box 2358
Bloomington IL 61702-2358

Attached as requested are your replacement insurance identification cards. If the attached cards are not accepted by a law enforcement agency or your Department of Motor Vehicle office, please contact your agent to receive additional assistance.

Thank you for choosing State Farm for your insurance needs.

M

IMPORTANT - IDENTIFICATION CARDS
STATE FARM

		ARKANSAS INSURANCE CARD	
State Farm Fire and Casualty Company PO Box 2358 INSURED SHADDON, ROSE L 705 WILLIAMSON WAY RUSSELLVILLE AR 72801-6923		FIRE OVL	
POLICY NUMBER 396 3680-E06-04		EFFECTIVE YR 2011 MAKE FORD NOV 06 2023 TO MAY 06 2024	
MODEL F150 VIN 1FTFW1EF7BFB47749			
AGENT CRAIG CAMPBELL INS AGCY INC			
PHONE (479)967-1880 NAIC 25143		1417-B5B	
COVERAGES A C D1000 G1000 H R1 U U1 S1 T1 W			

	THIS CARD MUST BE KEPT IN THE INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND. THE COVERAGE PROVIDED BY THE POLICY MEETS THE MINIMUM LIABILITY LIMITS PRESCRIBED BY LAW.	
IF YOU HAVE AN ACCIDENT - NOTIFY THE POLICE IMMEDIATELY		
1. Get names, addresses, and phone numbers of persons involved and witnesses. Also get driver license numbers of persons involved and license plate numbers/states of vehicles.		
2. Don't admit fault or discuss the accident with anyone but State Farm or police.		
3. Promptly notify your agent, log on to statefarm.com , or use the State Farm mobile app to file a claim.		
For EMERGENCY ROAD SERVICE use the State Farm mobile app, log on to statefarm.com , or call 1-877-627-5757. EXAMINE POLICY EXCLUSIONS CAREFULLY. THIS FORM DOES NOT CONSTITUTE ANY PART OF YOUR INSURANCE POLICY.		
How to identify your coverage. See policy for full name and definition		
A Liability	L Physical Damage	T Total Disability
C Medical Payments	R Car Rental Expense	U Uninsured Motor Vehicle BI
D Comprehensive	R1 Car Rental and Travel Expenses	U1 Uninsured Motor Vehicle PD
G Collision	S Death, Dismemberment and	UNOC Use of Nonowned Cars
H Emergency Road Service	Loss of Sight	W Underinsured Motor Vehicle

KEEP A CARD IN YOUR CAR.
THIS CARD IS INVALID IF THE POLICY FOR WHICH IT WAS ISSUED LAPSES OR IS TERMINATED.
KEEP YOUR CURRENT CARD UNTIL THE EFFECTIVE DATE OF THIS CARD.
MANY STATES REQUIRE EVIDENCE OF INSURANCE ON DEMAND. ONE OF THESE CARDS SHOULD BE CARRIED IN THE VEHICLE AT ALL TIMES.
Emergency Road Service information is located on your insurance card.

IMPORTANT - IDENTIFICATION CARDS
STATE FARM

		ARKANSAS INSURANCE CARD	
State Farm Fire and Casualty Company PO Box 2358 INSURED SHADDON, ROSE L 705 WILLIAMSON WAY RUSSELLVILLE AR 72801-6923		FIRE OVL	
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AGENT CRAIG CAMPBELL INS AGCY INC			
PHONE (479)967-1880 NAIC 25143		1417-B5B	
COVERAGES A C D1000 G1000 H R1 U U1 S1 T1 W			

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IF YOU HAVE AN ACCIDENT - NOTIFY THE POLICE IMMEDIATELY		
1. Get names, addresses, and phone numbers of persons involved and witnesses. Also get driver license numbers of persons involved and license plate numbers/states of vehicles.		
2. Don't admit fault or discuss the accident with anyone but State Farm or police.		
3. Promptly notify your agent, log on to statefarm.com , or use the State Farm mobile app to file a claim.		
For EMERGENCY ROAD SERVICE use the State Farm mobile app, log on to statefarm.com , or call 1-877-627-5757. EXAMINE POLICY EXCLUSIONS CAREFULLY. THIS FORM DOES NOT CONSTITUTE ANY PART OF YOUR INSURANCE POLICY.		
How to identify your coverage. See policy for full name and definition		
A Liability	L Physical Damage	T Total Disability
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D Comprehensive	R1 Car Rental and Travel Expenses	U1 Uninsured Motor Vehicle PD
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Emergency Road Service information is located on your insurance card.

**MOTOR VEHICLE LIABILITY INSURANCE
IDENTIFICATION CARD**

COMPANY NUMBER 70 COMPANY National Indemnity Company NAIC No. 20087
POLICY NUMBER 70 APS 114574 - 01 EFFECTIVE DATE 10/20/2023 12:46 PM EXPIRATION DATE 10/20/2024 12:01 AM
YEAR 2012 MAKE/MODEL NISSAN ALTIMA VEHICLE IDENTIFICATION NUMBER 1N4AL2AP0CN448772
GENERAL AGENCY ISSUING CARD RISK PLACEMENT SERVICES, INC. PHONE NUMBER 5012239393
355 HOGAN LANE, SUITE A
CONWAY, AR 72034

INSURED
AFFORDABLE TAXI POPE COUNTY LLC
136 JENNINGS ROAD
RUSSELLVILLE, AR 72802

EXCLUDED DRIVERS: None

M-5937 AR (11/2018)

SEE IMPORTANT NOTICE ON REVERSE SIDE

CUT ALONG THIS LINE

**MOTOR VEHICLE LIABILITY INSURANCE
IDENTIFICATION CARD**

COMPANY NUMBER 70 COMPANY National Indemnity Company NAIC No. 20087
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INSURED
AFFORDABLE TAXI POPE COUNTY LLC
136 JENNINGS ROAD
RUSSELLVILLE, AR 72802

EXCLUDED DRIVERS: None

M-5937 AR (11/2018)

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1-800-356-5750

24 Hour Toll Free

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claims@nationalindemnity.com

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IDENTIFICATION CARD**

COMPANY NUMBER COMPANY NAIC No.
70 National Indemnity Company 20087

POLICY NUMBER EFFECTIVE DATE EXPIRATION DATE
70 APS 114574 - 01 10/20/2023 12:46 PM 10/20/2024 12:01 AM

YEAR MAKE/MODEL VEHICLE IDENTIFICATION NUMBER
2008 BUICK LACROSSE 2G4WC582481286919

GENERAL AGENCY ISSUING CARD PHONE NUMBER
Risk Placement Services, Inc. 5012239393
355 Hogan Lane, Suite A
Conway, AR 72034

INSURED
AFFORDABLE TAXI POPE COUNTY LLC
136 JENNINGS ROAD
RUSSELLVILLE, AR 72802

EXCLUDED DRIVERS: None

M-5937 AR (11/2018)

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INSURED
AFFORDABLE TAXI POPE COUNTY LLC
136 JENNINGS ROAD
RUSSELLVILLE, AR 72802

EXCLUDED DRIVERS: None

M-5937 AR (11/2018)

SEE IMPORTANT NOTICE ON REVERSE SIDE

CUT ALONG THIS LINE

**THIS CARD MUST BE CARRIED
IN THE INSURED VEHICLE FOR
PRODUCTION UPON DEMAND**

Report All Accidents To:

1-800-356-5750

24 Hour Toll Free

Claims may also be reported at:

claims@nationalindemnity.com

CUT ALONG THIS LINE

**THIS CARD MUST BE CARRIED
IN THE INSURED VEHICLE FOR
PRODUCTION UPON DEMAND**

Report All Accidents To:

1-800-356-5750

24 Hour Toll Free

Claims may also be reported at:

claims@nationalindemnity.com

CUT ALONG THIS LINE

Exhibit #

117.32 Section D3

[Next](#) | [Top](#) | [Paging Options](#) | [Filter Options](#) | [Main Menu](#)

License Number 3909

Company Name FAYETTEVILLE TAXI LC

Applied Date 10/10/2023

License Type Commercial Towing/Trucking/Transportation

Period Start Date 10/10/2023

Expiration Date 10/31/2024

License Status Issued

Address 2556 W MOUNT COMFORT RD Unit: 10 FAYETTEVILLE AR 72704

Company Type Legacy

Industry Classification Taxi and Limousine Service

Business Status Active

Description Taxi Company

Main Parcel 765-13582-000

DBA

Opened Date 08/14/2012

Closed Date

Last Audit Date

Description of Business Taxi Company

Business Description Taxi Company

[Previous](#) | [Next](#) | [Top](#) | [Paging Options](#) | [Filter Options](#) | [Main Menu](#)

License Number 3025

Company Name HOTEL EXECUTIVE TRANSPORTATION

Applied Date 11/07/2011

License Type Commercial Towing/Trucking/Transportation

Period Start Date 01/26/2012

Expiration Date 10/31/2020

License Status Revoked

Address 3608 N STEELE BLVD FAYETTEVILLE AR 72703

Company Type Legacy

Industry Classification Taxi and Limousine Service

Business Status Closed

Description Provides executive transportation service in NW Arkansas - also owns NWA Taxi, LLC; a taxi-cab company

Main Parcel 765-22237-000

DBA

Opened Date 01/01/2005

Closed Date

Last Audit Date

Business Description Provides executive transportation service in NW Arkansas - also owns NWA Taxi, LLC; a taxi-cab company

[Previous](#) | [Next](#) | [Top](#) | [Paging Options](#) | [Filter Options](#) | [Main Menu](#)

Code Case Number 15065

Status Closed - Resolved

Type Code Enforcement

Project Name

Opened Date 03/05/2012

Closed Date

→ Data Dispatch System

Chat

Rose Stadson
Shared a file Price Sheet.xlsx

Work crew Chat Files

RS Rose Stadson (You) 11:02 AM
On it

B Disgusted
Done HQ-72 card

A Let's talk
CV

* A Time calls 11:56 AM
Crystal Cancel

A Work crew
CV

A Med tea
CV
Cyrus Wilsons (Guest) 11:20 PM
1415 n Nashville Ave going to dollar tree East main name is Lee 479-410-9030

C H CrystalHester Group
On it

A Check here for important update information.
On it

J Jennifer (Guest) 12:02 PM
I'm so sorry rose I have to do this last minute lol.

C Christina Guest
Rose Stadson 11:25 to 12:01 (on at 10:18)
Around it! am I need someone to come get lost and take him to the River Valley Drug Testing Center please and thank you!

D David (Guest)
Done... 11:25 to 12:01 (on at 10:18)

N Nikki (Guest)
11:18

J John (Guest)
Type a message

HR Heather Richardson (Guest)
Type a message

7/15/202 8:15

Address

Main Parcel

Description 2-10-12 as, letter mailed to NWA Taxi. 7008 1830 0000 9919 7095 2-14-12 as, letter delivered at 4:45pm

[Previous](#) | [Next](#) | [Top](#) | [Paging Options](#) | [Filter Options](#) | [Main Menu](#)

License Number 4661

Company Name GEAR GAMING STORE

Applied Date 01/07/2014

License Type Commercial Retail Goods

Period Start Date 07/23/2015

Expiration Date 10/31/2020

License Status Revoked

Address 1434 N COLLEGE AVE FAYETTEVILLE AR 72703

Company Type Legacy

Industry Classification Other Miscellaneous Store Retailers

Business Status Closed

Description We are a retail game and hobby store. We plan to sell board and card games as well as miniature figures and terrain. We will also be holding small tournaments where people will come in and play games. 3-9-19 letter from prosecuting attorney sent demand letter for payment

Main Parcel 765-28593-000

DBA

Opened Date 01/17/2014

Closed Date 07/21/2021

Last Audit Date

If No, Previous Use Dance studio/taxi office

business_license_backtab OWN N SEXUALLY ORIENTED BUSINESS: N DESCRIBE: STRUCTURE NEW: N

PREV USE/BUSINESS: Dance Studio / Taxi

[Previous](#) | [Next](#) | [Top](#) | [Paging Options](#) | [Filter Options](#) | [Main Menu](#)

Request Number 116201

Status Complete

Type Zoning/Development

Project Name

Date Entered 02/10/2012

Deadline Date

Completion Date

Address

Main Parcel

request_nonaddress_location TAXI SERVICE - NO LOCATION

[Previous](#) | [Top](#) | [Paging Options](#) | [Filter Options](#) | [Main Menu](#)

Code Case Number 2766

Status Closed - Resolved

Type In-Operable Vehicle

Project Name

Opened Date 09/20/2004

Closed Date

Address 3570 W MARTIN LUTHER KING JR BLVD FAYETTEVILLE AR 72704

Main Parcel 765-14794-000

Description Catroppa called, and we discussed the disabled taxi cab, the yellow van with expired tags, and the large

1/25/24, 11:26 AM

Motor Vehicle Record

Motor Vehicle Record

Thu Jan 25 11:01:51 2024

01-25-24

ARKANSAS
TRAFFIC VIOLATION REPORT

INSURANCE

LINZY, MICHAEL, E,
2101 MILITARY DR
DARDANELLE YELL
ENDORSEMENTS:

AR 72834

ADL: 923488345
DOB: 01-12-66
ISSUED: 06-17-21
EXPIRES: 01-12-26

STATUS: NCL IS VALID
RESTRICTIONS: B

CDL IS
CLASS: D

ID CARD ISSUED

EXPIRES

OFFENSE CONVICTION

DATE.... DATE....

OFFENSE/ACTION...

COURT

LOCATION.. TYPE

INDEX

NUMBER...

COM HAZ

VEH MAT

MNB030I: NO TRAFFIC VIOLATIONS EXIST FOR THIS PERSON
THIS DRIVING RECORD IS FOR A THREE YEAR PERIOD.
MNB060I: END OF RECORD

Motor Vehicle Record

Thu Jan 25 11:01:05 2024

01-25-24

ARKANSAS

INSURANCE

TRAFFIC VIOLATION REPORT

BROADUS, NAZARETH, R,
1616 E L ST
RUSSELLVILLE POPE
ENDORSEMENTS:

ADL: 914131272

DOB: 10-28-82

ISSUED: 04-06-21

EXPIRES: 10-28-24

AR 72801

STATUS: NCL IS VALID
RESTRICTIONS:

CDL IS

CLASS: D

ID CARD ISSUED

EXPIRES

OFFENSE CONVICTION

DATE.... DATE....

OFFENSE/ACTION...

COURT

LOCATION.. TYPE

INDEX

NUMBER...

COM HAZ

VEH MAT

MNB030I: NO TRAFFIC VIOLATIONS EXIST FOR THIS PERSON
THIS DRIVING RECORD IS FOR A THREE YEAR PERIOD.
MNB060I: END OF RECORD

1/25/24, 11:29 AM

Motor Vehicle Record

Motor Vehicle Record

Thu Jan 25 11:01:26 2024

01-25-24

ARKANSAS
TRAFFIC VIOLATION REPORT

INSURANCE

SHADDON, ROSE, LEE,
302 JAMES CIR
RUSSELLVILLE POPE
ENDORSEMENTS:

AR 72801

ADL: 900294454
DOB: 11-15-70
ISSUED: 04-14-20
EXPIRES: 11-15-27

STATUS: NCL IS VALID
RESTRICTIONS:

CDL IS
CLASS: D
EXPIRES

ID CARD ISSUED

OFFENSE CONVICTION

DATE.... DATE....

OFFENSE/ACTION...

COURT

LOCATION..

TYPE

INDEX

NUMBER...

COM HAZ

VEH MAT

MNB030I: NO TRAFFIC VIOLATIONS EXIST FOR THIS PERSON
THIS DRIVING RECORD IS FOR A THREE YEAR PERIOD.
MNB060I: END OF RECORD

Arkansas Criminal History Report

This report is based on a name search. There is no guarantee that it relates to the person you are interested in without fingerprint verification. This report includes a check of Arkansas files only. Inquiries into FBI files are not permitted for non-criminal justice or employment purposes without specific statutory authority.

Last: **Shaddon** First: **Rose** Middle: **Lee**

Date of Birth: **11/15/1970** Sex: **F** Race: **W**

Social Security Number: **432199489** (not verified, supplied at time of request)

Home/Mailing Address: **705 Williamson Way Russellville , AR 72801**

ROSA LEE RHEA	F	W	11/15/1970	432199489
ROSA LEE HIGMAN	F	W	11/15/1970	000000000
ROSE LEE HIGMAN	F	W	11/15/1970	432199489
ROSA HIGMAN	F	W	11/15/1970	432199489
ROSE T UNDERWOOD	F	W	11/15/1970	432199489
ROSA LEE SHADDON	F	W	11/15/1970	000000000
ROSE LEE SHADDON	F	W	11/15/1970	000000000
ROSA LEE UNDERWOOD	F		11/15/1970	000000000
ROSA LEE THOMPSON	F		11/15/1970	000000000
ROSA LEE RHEA	F		11/15/1970	000000000

03/22/1994	YELL COUNTY SHERIFF	F	C	HOT CHECK/PERSONAL SERVICES \$200-\$2500 (CONVICTION)
02/24/2003	LOGAN COUNTY SHERIFF'S OFFICE	F	C	HOT CHECK/PERSONAL SERVICES \$200-\$2500 (CONVICTION)

Transaction Number: **003797501**

Date: **05/17/2023** Agency Reporting: **Arkansas State Police**

Purpose: **Non-mandated under Arkansas Code §12-12-1501 through 1513 allows the release of Arkansas non-criminal justice background information to persons who have the signed consent of the subject of the record. The release form on file with the employer, service provider or third party must indicate that the employer or Service Provider/Third Party Agent on behalf of the employer or subject shall have the authority to request the criminal background check. INA and the Arkansas State Police will hold the third party responsible for any inquiries or audits that may be conducted.**

Released To: **Rose Shaddon**

Representing: **Affordable Taxi of Pope Co LLC**

Mailing Address: **705 Williamson Way Russellville, Arkansas 72801**

This Arkansas criminal history record report should only be used for the purpose that it was requested. A request that is posed for a different purpose may result in more or less information being reported.

This report does not preclude the possible existence of additional records on this person which may not have been reported to the State Identification Bureau and Central Repository. Changes in a criminal history record can occur at any time due to new arrests and/or ongoing legal proceedings.

Arkansas Criminal History Report

This report is based on a name search. There is no guarantee that it relates to the person you are interested in without fingerprint verification. This report includes a check of Arkansas files only. Inquiries into FBI files are not permitted for non-criminal justice or employment purposes without specific statutory authority.

Last: **Linzy** First: **Michael** Middle:
Date of Birth: **01/12/1966** Sex: **M** Race: **B**
Social Security Number: **429473172** (not verified, supplied at time of request)
Home/Mailing Address: **Dardanelle , AR 72834**

MICHAEL EUGENE LINZY M B 01/12/1966 429473172
MICHAEL E LINZY M B 01/12/1966 000000000

06/14/1999 YELL COUNTY SHERIFF F C HOT CHECK/PERSONAL SERVICES \$200-\$2500
(CONVICTION)

Transaction Number: **003999518**

Date: **02/08/2024** Agency Reporting: **Arkansas State Police**

Purpose: Non-mandated under Arkansas Code §12-12-1501 through 1513 allows the release of Arkansas non-criminal justice background information to persons who have the signed consent of the subject of the record. The release form on file with the employer, service provider or third party must indicate that the employer or Service Provider/Third Party Agent on behalf of the employer or subject shall have the authority to request the criminal background check. INA and the Arkansas State Police will hold the third party responsible for any inquiries or audits that may be conducted.

Released To: **Rose Shaddon**

Representing: **Affordable Taxi of Pope Co LLC**

Mailing Address: **705 Williamson Way Russellville, Arkansas 72801**

This Arkansas criminal history record report should only be used for the purpose that it was requested. A request that is posed for a different purpose may result in more or less information being reported.

This report does not preclude the possible existence of additional records on this person which may not have been reported to the State Identification Bureau and Central Repository. Changes in a criminal history record can occur at any time due to new arrests and/or ongoing legal proceedings.

This Arkansas criminal background check report is for non-criminal justice purposes and may only reflect if a person has any Arkansas felony and misdemeanor conviction(s), any Arkansas felony arrest that occurred in the last five (5) years that has not been to court and whether the person is a registered sex offender or required to register as a sex offender. Juvenile arrest and/or court information will not be released on this report.

Arkansas Criminal History Report

This report is based on a name search. There is no guarantee that it relates to the person you are interested in without fingerprint verification. This report includes a check of Arkansas files only. Inquiries into FBI files are not permitted for non-criminal justice or employment purposes without specific statutory authority.

Last: **Broadus** First: **Nazareth** Middle: **Ray**
Date of Birth: **10/28/1982** Sex: **M** Race: **B**
Social Security Number: **432498974** (not verified, supplied at time of request)
Home/Mailing Address: **Russellville , AR 72801**

NAZARETH RAY BROWDUS M B 10/28/1982 432498974
NAZARETH R BROADUS M B 10/28/1982 000000000

05/23/2012 HELENA - WEST HELENA POLICE DEPARTMENT F C POSS CTRL/CNFT SUB WO PRESC 3RD OFF (CONVICTION)

Transaction Number: **003999523**

Date: **02/08/2024** Agency Reporting: **Arkansas State Police**

Purpose: Non-mandated under Arkansas Code §12-12-1501 through 1513 allows the release of Arkansas non-criminal justice background information to persons who have the signed consent of the subject of the record. The release form on file with the employer, service provider or third party must indicate that the employer or Service Provider/Third Party Agent on behalf of the employer or subject shall have the authority to request the criminal background check. INA and the Arkansas State Police will hold the third party responsible for any inquiries or audits that may be conducted.

Released To: **Rose Shaddon**

Representing: **Affordable Taxi of Pope Co LLC**

Mailing Address: **705 Williamson Way Russellville, Arkansas 72801**

This Arkansas criminal history record report should only be used for the purpose that it was requested. A request that is posed for a different purpose may result in more or less information being reported.

This report does not preclude the possible existence of additional records on this person which may not have been reported to the State Identification Bureau and Central Repository. Changes in a criminal history record can occur at any time due to new arrests and/or ongoing legal proceedings.

This Arkansas criminal background check report is for non-criminal justice purposes and may only reflect if a person has any Arkansas felony and misdemeanor conviction(s), any Arkansas felony arrest that occurred in the last five (5) years that has not been to court and whether the person is a registered sex offender or required to register as a sex offender. Juvenile arrest and/or court information will not be released on this report.

Delivery Charges	24 \$ 44.80	24 \$ 40.80	3.4 \$ 9.78
Delivery Charges	25 \$ 46.50	25 \$ 42.50	3.5 \$ 9.95
Roadside Assistance	26 \$ 48.20	26 \$ 44.20	3.6 \$ 10.12
Cancellation Fee's	27 \$ 49.90	27 \$ 45.90	3.7 \$ 10.29
	28 \$ 51.60	28 \$ 47.60	3.8 \$ 10.46
	29 \$ 53.30	29 \$ 49.30	3.9 \$ 10.63
	30 \$ 55.00	30 \$ 51.00	4 \$ 10.80
Any Restaurants, Grocery, Parts Delivery, Plus cost of Merchandise			
Any where outside of Fayetteville, or for large Deliveries plus cost of Merchandise			
Jump Starts, Fuel Delivery, Parts Delivery, Tire Air ups, ect.			
Only when Driver is in Route or in Driveway			

0000
0000
0000

Wait Time
 Charge wait PLUS ALL
 services PROVIDED.

Receipts
 Charge for Receipts PLUS ALL
 services provided

Minutes	Wait time		Wait time	
	Cents per	Minutes	Cents per	Minutes
	minute	pricing	minute	pricing
1	\$	0.59	31	\$ 18.29
2	\$	1.18	32	\$ 18.88
3	\$	1.77	33	\$ 19.47
4	\$	2.36	34	\$ 20.06
5	\$	2.95	35	\$ 20.65
6	\$	3.54	36	\$ 21.24
7	\$	4.13	37	\$ 21.83
8	\$	4.72	38	\$ 22.42
9	\$	5.31	39	\$ 23.01
10	\$	5.90	40	\$ 23.60
11	\$	6.49	41	\$ 24.19
12	\$	7.08	42	\$ 24.78
13	\$	7.67	43	\$ 25.37
14	\$	8.26	44	\$ 25.96
15	\$	8.85	45	\$ 26.55
16	\$	9.44	46	\$ 27.14
17	\$	10.03	47	\$ 27.73
18	\$	10.62	48	\$ 28.32
19	\$	11.21	48	\$ 28.32
20	\$	11.80	50	\$ 29.50
21	\$	12.39	51	\$ 30.09
22	\$	12.98	52	\$ 30.68
23	\$	13.57	53	\$ 31.27

24	\$	14.16	54	\$	31.86
25	\$	14.75	55	\$	32.45
26	\$	15.34	56	\$	33.04
27	\$	15.93	57	\$	33.63
28	\$	16.52	58	\$	34.22
29	\$	17.11	59	\$	34.81
30	\$	17.70	60	\$	35.40



MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

SUBJECT: **VAC-2024-0006: Vacation (151 W. DICKSON ST/151 DICKSON DEVELOPMENT, 484): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 151 W. DICKSON ST. in WARD 2. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.23 acres. The request is to vacate a sidewalk easement containing 273 square feet.**

RECOMMENDATION:

Staff recommends approval of **VAC-2024-0006** as shown in the attached Exhibits 'A' and 'B.'

BACKGROUND:

The subject property is located just southeast of the intersection of Church Avenue and Dickson Street. The property is zoned MSC, Main Street/Center and contains five parcels totaling approximately 1.42 acres. A semicircular access easement on the north side of the property, totaling roughly 273 square feet, was dedicated to the City of Fayetteville in 2001 for use in placing a public bench along Dickson Street by a previous landowner. Currently, there is no bench in that easement.

Request: The applicant is requesting to vacate the 273-square-foot access easement on the north side of the property. According to the applicant, this easement vacation is required since there are plans to redevelop the property and the footprint of the proposed building would encroach into that easement.

DISCUSSION:

The applicant submitted the required approvals with no objections. With the submittal of required vacation forms and utility consent, staff recommends approval.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Applicant Request Letter (#6), Petition to Vacate (#7), Survey (#8)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-6

**VAC-2024-0006: Vacation (151 W. DICKSON ST/151 DICKSON DEVELOPMENT, 484):
Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 151 W.
DICKSON ST. in WARD 2. The property is zoned MSC, MAIN STREET CENTER and contains
approximately 0.23 acres. The request is to vacate a sidewalk easement containing 273 square feet.**

AN ORDINANCE TO APPROVE VAC-24-006 FOR PROPERTY LOCATED AT 151 WEST DICKSON STREET IN WARD 2 TO VACATE A 273 SQUARE FEET PORTION OF ACCESS EASEMENT

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

WHEREAS, the City Council has determined that the following described portion of access easement is not required for corporate purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates the portion of sidewalk easement as described in Exhibit B attached to the Planning Department's memo.

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

City of Fayetteville Staff Review Form

2024-6

Item ID

5/7/2024

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

Jonathan Curth

4/19/2024

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC-2024-0006: Vacation (151 W. DICKSON ST/151 DICKSON DEVELOPMENT, 484): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 151 W. DICKSON ST. in WARD 2. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.23 acres. The request is to vacate a sidewalk easement containing 273 square feet.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

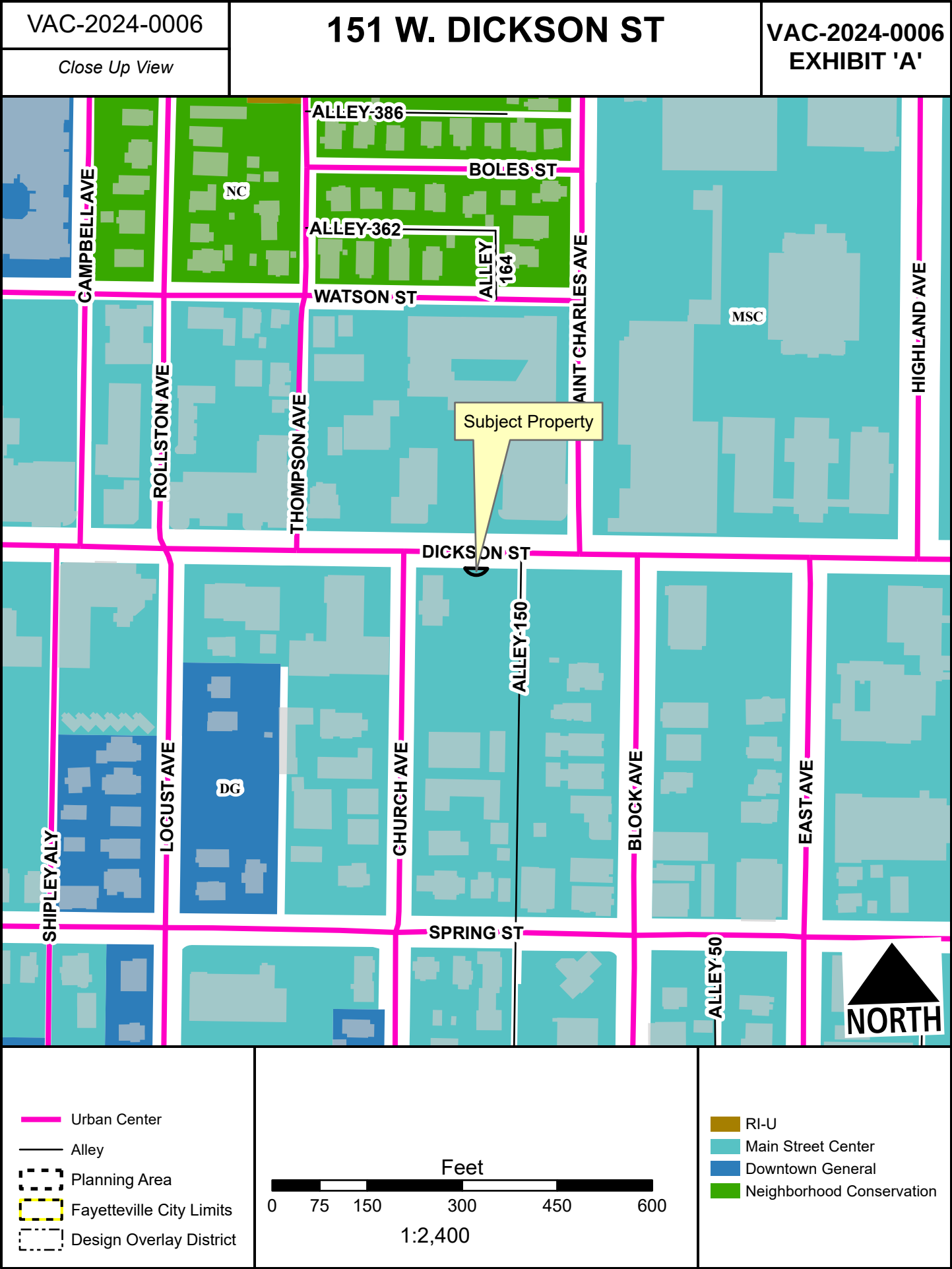
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



VAC-2024-0006
EXHIBIT 'B'

EASEMENT DESCRIPTION PER EASEMENT DOCUMENT 2001125062

A PART OF BLOCK THREE (3) OF THE ORIGINAL TOWN PLAT OF FAYETTEVILLE, ARKANSAS, DESCRIBED AS FOLLOWS: BEGINNING A POINT SOUTH 87°03'14" EAST 77.02 FEET FROM THE NORTHWEST CORNER OF SAID BLOCK THREE (3) TO A CURVE, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF DICKSON STREET; THENCE ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 20 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 87°03'14" EAST 35.50 FEET; THENCE NORTH 87°03'14" WEST 35.50 FEET ALONG SAID SOUTH RIGHT OF WAY OF DICKSON STREET TO THE POINT OF BEGINNING, CONTAINING 273 SQUARE FEET OR 0.006 ACRE, MORE OR LESS

February 22, 2024

Planning Commission
Fayetteville Planning Department
125 W. Mountain Street
Fayetteville, AR 72701

RE: Access Easement Vacation Request for 151 W Dickson Multifamily

Planning Commission,

Please accept this Access Easement Vacation request for the Dickson Street Multifamily development located at 151 W Dickson Street in Fayetteville. This Access Easement Vacation request is to remove an existing access easement dedicated to the City of Fayetteville for use in placing a public bench along Dickson Street by a previous land owner. The easement in question is approximately 273 sq ft, directly adjacent to the Dickson Street right-of-way and located just east of North Church Avenue. The intent of this request is to remove the encroachment of this access easement on the proposed building footprint.

If you should have any questions, please do not hesitate to contact me. We appreciate your continued support of this project.

Sincerely,
McClelland Consulting Engineers, Inc.



James Dibble
Assistant Project Manager
(479) 443.2377
jdibble@mce.us.com

March 18, 2024

Fayetteville Planning Commission & City Council
RE: 151 W. Dickson Street Multi-family Access Easement Vacation Petition

PETITION TO VACATE AN ACCESS EASEMENT LOCATED IN PART OF BLOCK 3 OF THE ORIGINAL TOWN OF FAYETTEVILLE, CITY OF FAYETTEVILLE, ARKANSAS

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Block 3 of the Original Town of Fayetteville, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an access easement which is as follows:

EASEMENT DESCRIPTION PER EASEMENT DOCUMENT 2001125062

A PART OF BLOCK THREE (3) OF THE ORIGINAL TOWN PLAT OF FAYETTEVILLE, ARKANSAS, DESCRIBED AS FOLLOWS: BEGINNING A POINT SOUTH 87°03'14" EAST 77.02 FEET FROM THE NORTHWEST CORNER OF SAID BLOCK THREE (3) TO A CURVE, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF DICKSON STREET; THENCE ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 20 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 87°03'14" EAST 35.50 FEET; THENCE NORTH 87°03'14" WEST 35.50 FEET ALONG SAID SOUTH RIGHT OF WAY OF DICKSON STREET TO THE POINT OF BEGINNING, CONTAINING 273 SQUARE FEET OR 0.006 ACRE, MORE OR LESS

That the abutting real estate affected by said abandonment of the access easement are a part of Block 3 of the Original Town of Fayetteville, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above-described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject, however, to existing easements as required, and that the above-described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

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

Sincerely,
McClelland Consulting Engineers, Inc.



James Dibble, Assistant Project Manager
(479) 443.2377
jdibble@mce.us.com

ADDRESS: 151 W DICKSON ST, 2ND CHURCH AVE. & 209 N BLOCK AVE
PAVETTE WALE, AR 72701
PHYS: 766-0166 & 000, 766-0166-000, 765-01670-000, 765-0166-000, & 765-01667-000
61, 661 & SQUARE FEET OR 1.416 ACRES

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE PERTINENT PROPERTY AS DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE COMMITMENT NO. MCS-1194240-CH12, WITH A COMMENT DATED SEPTEMBER 10, 2023 AT 8:00 A.M.

SCHEDULE A DESCRIPTION

[illegible]

21—RECORDS OF THE NEW YORK AIRPORT AUTHORITY, 1960-1969, 1970-1979, 1980-1989, 1990-1999, 2000-2009, 2010-2019, 2020-2029, 2030-2039, 2040-2049, 2050-2059, 2060-2069, 2070-2079, 2080-2089, 2090-2099, 2100-2109, 2110-2119, 2120-2129, 2130-2139, 2140-2149, 2150-2159, 2160-2169, 2170-2179, 2180-2189, 2190-2199, 2200-2209, 2210-2219, 2220-2229, 2230-2239, 2240-2249, 2250-2259, 2260-2269, 2270-2279, 2280-2289, 2290-2299, 2300-2309, 2310-2319, 2320-2329, 2330-2339, 2340-2349, 2350-2359, 2360-2369, 2370-2379, 2380-2389, 2390-2399, 2400-2409, 2410-2419, 2420-2429, 2430-2439, 2440-2449, 2450-2459, 2460-2469, 2470-2479, 2480-2489, 2490-2499, 2500-2509, 2510-2519, 2520-2529, 2530-2539, 2540-2549, 2550-2559, 2560-2569, 2570-2579, 2580-2589, 2590-2599, 2600-2609, 2610-2619, 2620-2629, 2630-2639, 2640-2649, 2650-2659, 2660-2669, 2670-2679, 2680-2689, 2690-2699, 2700-2709, 2710-2719, 2720-2729, 2730-2739, 2740-2749, 2750-2759, 2760-2769, 2770-2779, 2780-2789, 2790-2799, 2800-2809, 2810-2819, 2820-2829, 2830-2839, 2840-2849, 2850-2859, 2860-2869, 2870-2879, 2880-2889, 2890-2899, 2900-2909, 2910-2919, 2920-2929, 2930-2939, 2940-2949, 2950-2959, 2960-2969, 2970-2979, 2980-2989, 2990-2999, 3000-3009, 3010-3019, 3020-3029, 3030-3039, 3040-3049, 3050-3059, 3060-3069, 3070-3079, 3080-3089, 3090-3099, 3100-3109, 3110-3119, 3120-3129, 3130-3139, 3140-3149, 3150-3159, 3160-3169, 3170-3179, 3180-3189, 3190-3199, 3200-3209, 3210-3219, 3220-3229, 3230-3239, 3240-3249, 3250-3259, 3260-3269, 3270-3279, 3280-3289, 3290-3299, 3300-3309, 3310-3319, 3320-3329, 3330-3339, 3340-3349, 3350-3359, 3360-3369, 3370-3379, 3380-3389, 3390-3399, 3400-3409, 3410-3419, 3420-3429, 3430-3439, 3440-3449, 3450-3459, 3460-3469, 3470-3479, 3480-3489, 3490-3499, 3500-3509, 3510-3519, 3520-3529, 3530-3539, 3540-3549, 3550-3559, 3560-3569, 3570-3579, 3580-3589, 3590-3599, 3600-3609, 3610-3619, 3620-3629, 3630-3639, 3640-3649, 3650-3659, 3660-3669, 3670-3679, 3680-3689, 3690-3699, 3700-3709, 3710-3719, 3720-3729, 3730-3739, 3740-3749, 3750-3759, 3760-3769, 3770-3779, 3780-3789, 3790-3799, 3800-3809, 3810-3819, 3820-3829, 3830-3839, 3840-3849, 3850-3859, 3860-3869, 3870-3879, 3880-3889, 3890-3899, 3900-3909, 3910-3919, 3920-3929, 3930-3939, 3940-3949, 3950-3959, 3960-3969, 3970-3979, 3980-3989, 3990-3999, 4000-4009, 4010-4019, 4020-4029, 4030-4039, 4040-4049, 4050-4059, 4060-4069, 4070-4079, 4080-4089, 4090-4099, 4100-4109, 4110-4119, 4120-4129, 4130-4139, 4140-4149, 4150-4159, 4160-4169, 4170-4179, 4180-4189, 4190-4199, 4200-4209, 4210-4219, 4220-4229, 4230-4239, 4240-4249, 4250-4259, 4260-4269, 4270-4279, 4280-4289, 4290-4299, 4300-4309, 4310-4319, 4320-4329, 4330-4339, 4340-4349, 4350-4359, 4360-4369, 4370-4379, 4380-4389, 4390-4399, 4400-4409, 4410-4419, 4420-4429, 4430-4439, 4440-4449, 4450-4459, 4460-4469, 4470-4479, 4480-4489, 4490-4499, 4500-4509, 4510-4519, 4520-4529, 4530-4539, 4540-4549, 4550-4559, 4560-4569, 4570-4579, 4580-4589, 4590-4599, 4600-4609, 4610-4619, 4620-4629, 4630-4639, 4640-4649, 4650-4659, 4660-4669, 4670-4679, 4680-4689, 4690-4699, 4700-4709, 4710-4719, 4720-4729, 4730-4739, 4740-4749, 4750-4759, 4760-4769, 4770-4779, 4780-4789, 4790-4799, 4800-4809, 4810-4819, 4820-4829, 4830-4839, 4840-4849, 4850-4859, 4860-4869, 4870-4879, 4880-4889, 4890-4899, 4900-4909, 4910-4919, 4920-4929, 4930-4939, 4940-4949, 4950-4959, 4960-4969, 4970-4979, 4980-4989, 4990-4999, 5000-5009, 5010-5019, 5020-5029, 5030-5039, 5040-5049, 5050-5059, 5060-5069, 5070-5079, 5080-5089, 5090-5099, 5100-5109, 5110-5119, 5120-5129, 5130-5139, 5140-5149, 5150-5159, 5160-5169, 5170-5179, 5180-5189, 5190-5199, 5200-5209, 5210-5219, 5220-5229, 5230-5239, 5240-5249, 5250-5259, 5260-5269, 5270-5279, 5280-5289, 5290-5299, 5300-5309, 5310-5319, 5320-5329, 5330-5339, 5340-5349, 5350-5359, 5360-5369, 5370-5379, 5380-5389, 5390-5399, 5400-5409, 5410-5419, 5420-5429, 5430-5439, 5440-5449, 5450-5459, 5460-5469, 5470-5479, 5480-5489, 5490-5499, 5500-5509, 5510-5519, 5520-5529, 5530-5539, 5540-5549, 5550-5559, 5560-5569, 5570-5579, 5580-5589, 5590-5599, 5600-5609, 5610-5619, 5620-5629, 5630-5639, 5640-5649, 5650-5659, 5660-566

TOTAL = 39

THE MAP COMMUNITY PANEL NO. 0540C-10F, WHICH BEARS AN EFFECTIVE DATE OF 04/22/2008 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

ZONE "X" - AREA OF MINIMAL FLOOD HAZARD, USUALLY DEPECTED ON FIRMS AS ABOVE THE 500-YEAR FLOOD LEVEL. ZONE "X" IS THE AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD AND PROTECTED BY LEVEES FROM 100-YEAR FLOOD.

THE BASIS OF THE LING OF THIS SURVEY IS OLD NORTH BASIS ON THE WEST LINE OF THE
SUBJECT PROPERTY. ALSO BEING THE EAST RIGHT-OF-WAY LINE OF NORTH CUMBER
AVENUE. THE BEARING IS EXHIBIT D-3A N 02°11'12" E 755.955' COORDINATE
ON OBSERVATION AXES. ALEXANDER STATE PLANE, NORTH ZONE NAD83.
LATITUDE = 40°03'02.00"
LONGITUDE = 94°09'00.765"
CONVERSION TABLE = 0.1192764'

13 - THE ROCK RETAINING WALL EXTENDS ACROSS THE PROPERTY LINE BY AS MUCH AS 0.41.

[illegible]

151 WEST DICKSON STREET, 224 NORTH CHURCH AVENUE, & 299 NORTH BLOCK AVENUE
LOCATED IN: SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST

LOCATED IN: SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 W
FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS 72707

Symbol	Material / Component	Description / Notes
1	SETTLEMENT ANALYSIS	SETTLEMENT ANALYSIS
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VICINITY MAP

NOT TO SCALE

THOMASDALE
TRAILWAY
W DICKSON ST

N CHURCH AVE

SITE

N BLOCK AVE

W SPRING ST

TO: FIRST AFRICAN TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THE MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR A TANGIBLE AND TITLED SURVEY, 3.4.5.6.4.6.1.781 TO 10.10.13.1.4.16.17. AND 18 OF PARADE A THEREOF. THE FIELD WORK WAS COMPLETED ON 10/23/2023.

DATE OF PLAT OR MAP: 11/09/2023

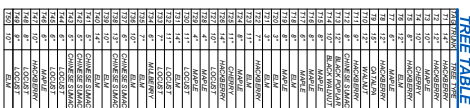
Surveying
Engineering
Mapping

BLEW
& ASSOCIATES, P.A.

3635 N. SHILOH DRIVE - FAIRVIEW, IL 60720 EMAIL: SUREVIEW@BNNVCCOM OFFICE: 479.443.4505 FAX: 479.562.1883 WWW.BNNVCCOM	
SURVEYOR JOB NUMBER: 23-7048	SURVEY DRAWN BY: AK - 11/01/2023
SURVEY REVIEWED BY: LT	SHEET: 1 OF 2

151 WEST DICKSON STREET, 224 NORTH CHURCH AVENUE, & 299 NORTH BLOCK AVENUE

LOCATED IN: SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST
FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS 72701





Surveying
Engineering
Mapping

BLEW & ASSOCIATES, P.A.
 3055 N. HIGHWAY 100 • FAYETTEVILLE, NC 27703
 EMAIL: SUPLY@BLEW.COM
 PHONE: (704) 782-1885
 WWW.BLEW-PA.COM

SURVEYING JOB NUMBERS
 25-0406
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DAC - 11/19/2020



MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

SUBJECT: **RZN-2024-0009: Rezoning (E. 10TH ST. AND S. WAXFLOWER AVE./WILLOW BEND LOTS 23, 26 & 31, 563): Submitted by MBL PLANNING for property located at E. 10TH ST. AND S. WAXFLOWER AVE. in WARD 1. The property is zoned RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE and NC, NEIGHBORHOOD CONSERVATION, and contains approximately 3.87 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.**

RECOMMENDATION:

City planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property contains lots 23, 26, and 31 of the Willow Bend subdivision, which total 0.90, 1.23, and 1.74 acres, respectively. The final plat of the Willow Bend subdivision was recorded in February 2020. In September 2020, a conditional use permit was approved to allow cluster housing on lots 23, 26, and 31 (CUP-2020-000004). That conditional use permit expired after three years on September 14, 2023. Large scale development approval for cluster housing on lots 26 and 31 was granted in October 2021, though that approval expired after one year in October 2022. A small-site improvement plan for cluster housing on lot 23 was submitted to staff in 2021, but it was never approved.

Request: The request is to rezone the subject property from NC, Neighborhood Conservation and RSF-18, Residential Single-Family, 18 Units per Acre to RI-U, Residential Intermediate-Urban.

Public Comment: Staff has not received any public comment on this item to date.

Land Use Compatibility: Staff finds the proposed zoning to be compatible with current land use and zoning patterns. While the surrounding neighborhood primarily consists of detached single-family dwellings, there are attached dwellings and nonresidential uses in proximity to this site. In terms of zoning, all other lots in the Willow Bend subdivision are zoned RSF-18, Residential Single-Family, 18 Units per Acre, and most other lots in the general vicinity are zoned NC, Neighborhood Conservation. Both RSF-18 and NC only allow for the by-right development of detached single-family dwellings, albeit on narrower lots than most single-family zoning designations. While the proposed zoning district of RI-U, Residential Intermediate-Urban, allows for the by-right development of single-family dwellings, it would also allow for the by-right development of two-family to four-family dwellings with density limitations primarily based on building heights and site planning regulations. RI-U

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

zoning would also allow for the creation of smaller lots when compared to RSF-18 and NC.

Land Use Plan Analysis: Staff finds the applicant's request to be consistent with the City's land use plans. The subject property is designated as Residential Neighborhood area in the City Plan 2040 Future Land Use Map. Staff finds that a rezoning from NC and RSF-18 to RI-U could support that designation, since a rezoning to RI-U would allow for a wider variety of housing types. Staff also finds the requested rezoning to be aligned with Goals 1, 4, and 6 of City Plan 2040 since it would encourage residential infill in an area that has a moderate infill score of 7 and is in proximity to paved trails and bus routes. Staff also finds the proposed rezoning to be generally aligned with the Walker Park Neighborhood Plan since it would retain a balance of housing options and enable residents to live in the same neighborhood as their housing needs change.

City Plan 2040 Infill Matrix: City Plan 2040's Infill Matrix indicates a score of 7 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 9, 2250 S. School Ave.)
- Near Sewer Main (eight-inch main, Waxflower Avenue and 10th Street)
- Near Water Main (two-inch and eight-inch mains, on site and along Waxflower Avenue and 10th Street)
- Near City Park (Walker Park, Jefferson Park)
- Near Paved Trail (Walker Park Trail)
- Near ORT Bust Stop (Route 20)
- Within Master Plan Area (Walker Park Neighborhood)

DISCUSSION:

At the April 8, 2024, Planning Commission meeting, a vote of 7-0-0 forwarded this request to City Council with a recommendation of approval. Commissioner Garlock made the motion and Commissioner Werner seconded it. Commissioner Werner expressed concerns about RI-U allowing for reduced tree preservation when compared to NC and RSF-18 zoning, though he still voted in favor of the request. Urban forestry did not comment on the item and no members of the public spoke at the meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Staff Report (#6)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-20

RZN-2024-0009: Rezoning (E. 10TH ST. AND S. WAXFLOWER AVE./WILLOW BEND LOTS 23, 26 & 31, 563): Submitted by MBL PLANNING for property located at E. 10TH ST. AND S. WAXFLOWER AVE. in WARD 1. The property is zoned RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE and NC, NEIGHBORHOOD CONSERVATION, and contains approximately 3.87 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-009 FOR APPROXIMATELY 3.87 ACRES LOCATED AT EAST 10TH STREET AND SOUTH WAXFLOWER AVENUE IN WARD 1 FROM RSF-18, RESIDENTIAL SINGLE-FAMILY, EIGHTEEN UNITS PER ACRE AND 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 RSF-18, Residential Single-Family, Eighteen Units Per Acre and 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

2024-20

Item ID

5/7/2024

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jonathan Curth

4/19/2024

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2024-0009: Rezoning (E. 10TH ST. AND S. WAXFLOWER AVE./WILLOW BEND LOTS 23, 26 & 31, 563): Submitted by MBL PLANNING for property located at E. 10TH ST. AND S. WAXFLOWER AVE. in WARD 1. The property is zoned RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE and NC, NEIGHBORHOOD CONSERVATION, and contains approximately 3.87 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

#

Remaining Budget

\$ -

V20221130

Purchase Order Number:

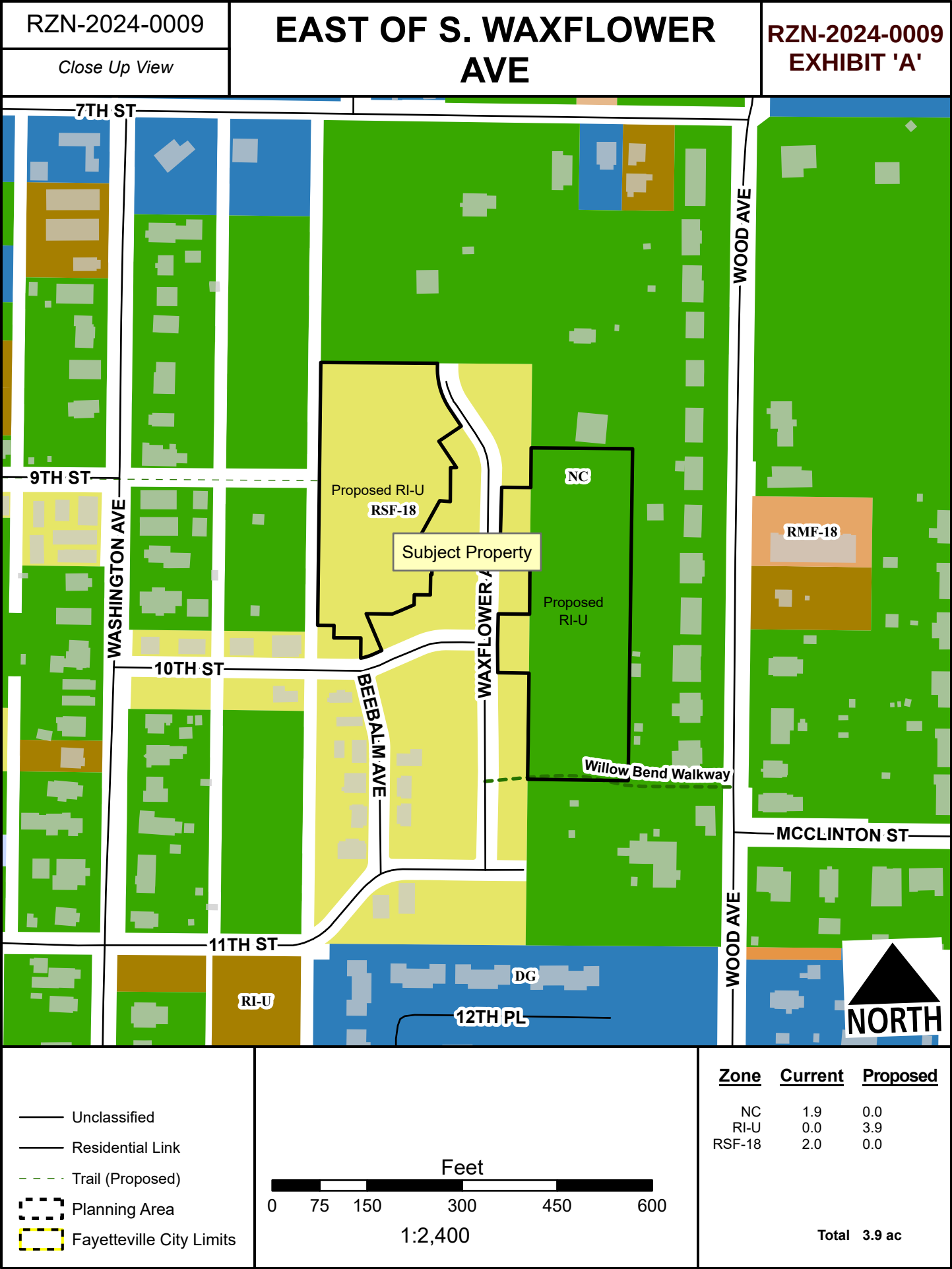
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



Development Services Building
Attn: Planning Division
125 West Mountain Street
Fayetteville, AR 72701

RE: Legal description for Homes at Willow Bend rezoning request

Below is the complete legal description as identified by the Washington County Assessor's Office:

WILLOW BEND SUBDIVISION, LOT 23
WILLOW BEND SUBDIVISION, LOT 26
WILLOW BEND SUBDIVISION, LOT 31



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: April 8, 2024 (updated with results)

SUBJECT: **RZN-2024-0009: Rezoning (E. 10TH ST. AND S. WAXFLOWER AVE./WILLOW BEND LOTS 23, 26 & 31, 563):** Submitted by MBL PLANNING for property located at E. 10TH ST. AND S. WAXFLOWER AVE. The property is zoned RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE and NC, NEIGHBORHOOD CONSERVATION, and contains approximately 3.87 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0009** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0009** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property contains lots 23, 26, and 31 of the Willow Bend subdivision which total 0.90, 1.23, and 1.74 acres, respectively. The final plat of the Willow Bend subdivision was recorded in February of 2020. In September of 2020, a conditional use permit was approved to allow cluster housing on lots 23, 26, and 31 (CUP-2020-000004). That conditional use permit expired after three years on September 14, 2023. Large scale development approval for cluster housing on lots 26 and 31 was granted in October of 2021, though that approval expired after one year in October of 2022. A small-site improvement plan for cluster housing on lot 23 was submitted to staff in 2021 but it was never approved. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential Undeveloped	NC, Neighborhood Conservation
South	Single-Family Residential Undeveloped	NC, Neighborhood Conservation RSF-18, Residential Single-Family, 18 Units per Acre
East	Single-Family Residential Undeveloped	NC, Neighborhood Conservation RSF-18, Residential Single-Family, 18 Units per Acre
West	Single-Family Residential Undeveloped	NC, Neighborhood Conservation RSF-18, Residential Single-Family, 18 Units per Acre

Request: The request is to rezone the subject property from NC, Neighborhood Conservation and RSF-18, Residential Single-Family, 18 Units per Acre to RI-U, Residential Intermediate-Urban.

Public Comment: Staff has not received any public comment on this item to date.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along South Waxflower Avenue, a partially improved Residential Link Street with asphalt paving, curb, and gutter. The property also has frontage along East 10th Street, a fully improved Residential Link Street with asphalt paving, curb, gutter, and sidewalk. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing eight-inch water main is present on the east side of South Waxflower Avenue and on the north side of East 10th Street. An existing two-inch water main is also present on each lot.

Sewer: Sanitary sewer is available to the subject property. An existing eight-inch sewer main is present on the west side of South Waxflower Avenue and on the south side of East 10th Street.

Drainage: Any improvements or requirements for drainage will be determined at the time of development submittal. No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no protected streams are present on site. Hydric soils are present which are known indicators of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits are issued for the property, a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

Fire: Station 9, located at 2250 S. School Ave., protects this site. The property is located approximately 1.4 miles from the fire station with an anticipated drive time of approximately three minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, RI-U, Residential Intermediate-Urban, requires **15% minimum canopy preservation**. The current zoning districts, NC, Neighborhood

Conservation and RSF-18, Residential Single-Family, 18 Units per Acre, require **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood** area. The property is also located within the **Walker Park Neighborhood Master Plan** area.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

The **Walker Park Neighborhood Master Plan** was the city's first neighborhood plan which was completed in 2008 after City Plan 2025 was adopted. Four guiding principles were identified in the plan which include maintaining a balance of uses and housing, emphasizing connectivity and walkability, creating a core of the neighborhood at Jefferson Square, and preserving accessible greenspace throughout the neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 7 for this site with a weighted score of 8. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 9, 2250 S. School Ave.)
- Near Sewer Main (eight-inch main, Waxflower Avenue and 10th Street)
- Near Water Main (two-inch and eight-inch mains, on site and along Waxflower Avenue and 10th Street)
- Near City Park (Walker Park, Jefferson Park)
- Near Paved Trail (Walker Park Trail)
- Near ORT Bust Stop (Route 20)
- Within Master Plan Area (Walker Park Neighborhood)

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:** Staff finds the proposed zoning to be compatible with current land use and zoning patterns. While the surrounding neighborhood primarily consists of detached single-family dwellings, there are attached dwellings and nonresidential uses in close proximity to this site. In terms of zoning, all other lots in the Willow Bend subdivision are zoned RSF-18, Residential Single-Family, 18 Units per Acre, and most other lots in the general vicinity are zoned NC, Neighborhood Conservation. Both RSF-18 and NC only allow for the by-right development of detached single-family dwellings. While the proposed zoning district of RI-U, Residential Intermediate-Urban allows for the by-right development of single-family dwellings, it would also allow for the by-right development of two-family to four-family dwellings without limitation to density. RI-U zoning would also allow for the creation of smaller lots when compared to RSF-18 and NC.*

Land Use Plan Analysis: Staff finds the applicant's request to be consistent with the City's land use plans. The subject property is designated as Residential Neighborhood area in the City Plan 2040 Future Land Use Map. Staff finds that a rezoning from NC and RSF-18 to RI-U could support that designation since a rezoning to RI-U would allow for a wider variety of housing types. Staff also finds the requested rezoning to be aligned with Goals 1, 4, and 6 of City Plan 2040 since it would encourage residential infill in an area that has a moderate infill score of 7 and is in close proximity to paved trails and bus routes. Staff also finds the proposed rezoning to be generally aligned with the Walker Park Neighborhood Plan since it would retain a balance of housing options and enable residents to live in the same neighborhood as their housing needs change.

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

Finding: Staff finds that the proposed rezoning from NC and RSF-18 to RI-U is justified since it would allow for incremental residential infill. The existing NC and RSF-18 zoning districts have more limited bulk, area, and density limitations and they do not allow for the development of two-family to four-family dwellings by right.

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

Finding: A rezoning from NC and RSF-18 to RI-U has the potential to increase traffic at this location when considering that RI-U would allow for more dense development than the existing zoning districts which have stated density limitations. The lots under consideration have direct access to public streets and any necessary street improvements and potential traffic impacts would be determined at the time of development.

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

Finding: The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, the property is in close proximity to public streets and existing water and sewer mains. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

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

though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0009 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>April 8, 2024</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Garlock</u>		with a recommendation of approval	
Second: <u>Werner</u>			
Vote: <u>7-0-0</u>			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
 - §161.10 District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre
 - §161.12 District RI-U, Residential Intermediate - Urban
 - §161.29 Neighborhood Conservation
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.10 District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre

(A) *Purpose.* The RSF-18 Single-family Residential District is designed to promote and encourage the efficient development of single-family detached residences in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	Eighteen (18) or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	30 feet
Two (2) family	30 feet

(2) *Lot Area Minimum.*

Townhouses: individual lot	1,250 square feet
Single-family	2,500 square feet
Two-family	2,000 square feet

(E) *Setback Requirements.*

Front	Side	Side-Zero Lot Line*	Rear
A build-to zone that is located between the front property line and a line 25 ft. from the front property line.	5 feet on both sides	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.	5 feet

* A zero lot line is an alternative to the 5 foot building setback. Applicants should consult the International Building Code when locating a structure in close proximity to property lines and/or adjacent structures.

** At least 5 feet of maintenance area shall be provided along a structure that is within 5 feet of a property line. This may be provided through a perpetual maintenance easement on the adjacent property, or through a combination of a maintenance easement and private property. Walls, fences and customary yard accessories are permitted in the maintenance area.

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width for two-family dwellings.

(Ord. No. 5800 , §2(Exh. B), 10-6-15; Ord. No. 5824 , §2, 11-17-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §8, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

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
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (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	2 stories/3 stories*
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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 two (2) stories. 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 three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

(Ord. No. 5945 , §5(Exh. A), 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

161.29 Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

(C) *Density.* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwelling types	40 feet
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(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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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; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6211, §1, 8-6-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)



Development Services Building
Attn: Planning Division
125 West Mountain Street
Fayetteville, AR 72701

RE: Rezoning request for Willow Bend Subdivision Lots 23, 26, 31 from a combination of RSF-18 District and NC District to RI-U District

Along with our application, please consider these justifications for rezoning request.

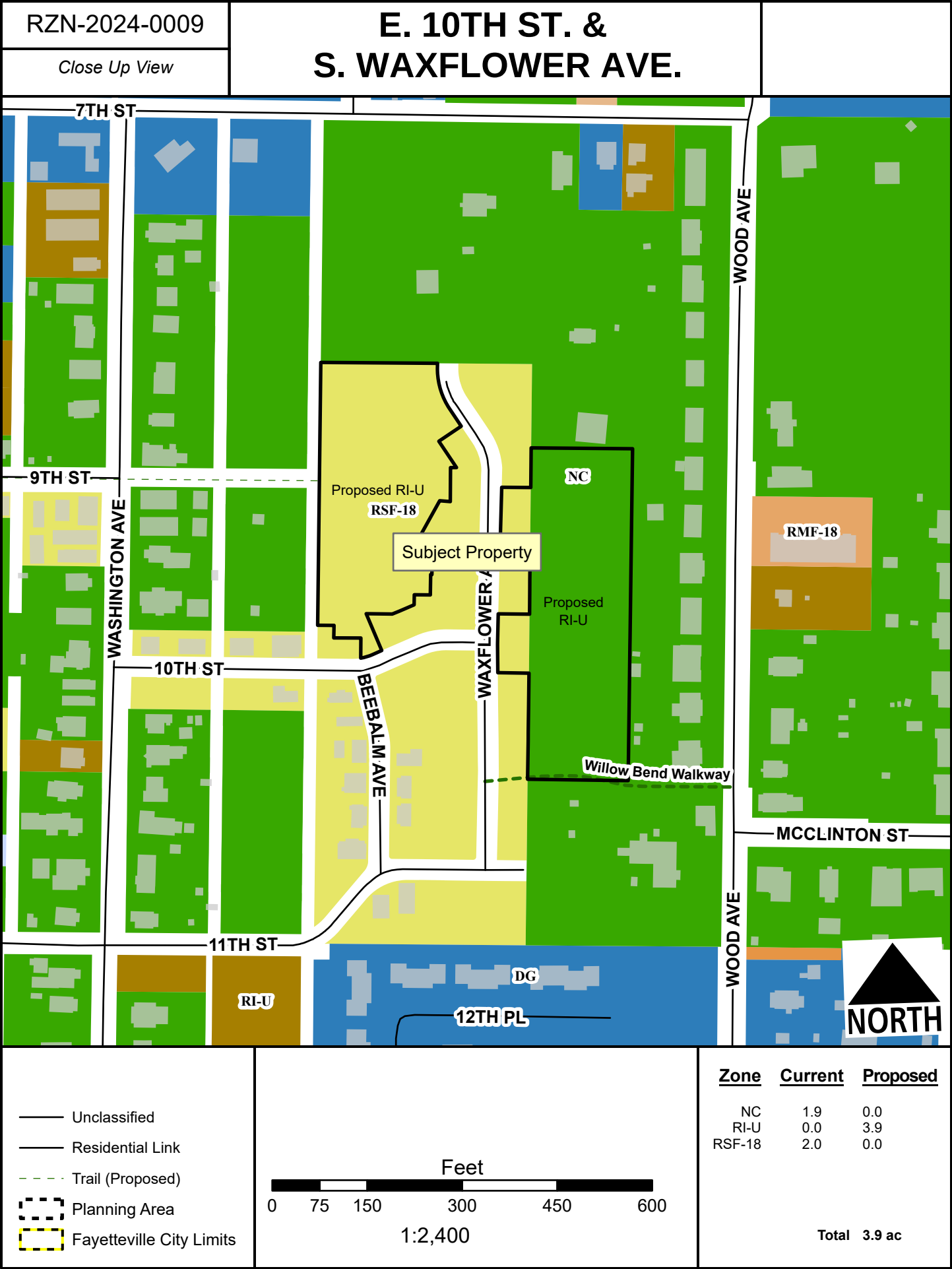
1. The subject properties are currently zoned a combination of Residential Single-Family – 18 Units per Acre (RSF-18) and Neighborhood Conservation (NC). The rezoning of this property to Residential Intermediate – Urban (RI-U) will support the orderly development of missing middle housing in Fayetteville by creating additional acreage for needed development of these housing types.
2. There are ten properties zoned RI-U within 500ft of this property. This represents that the uses included in the RI-U have been considered compatible with the NC & RSF-18 uses in the past. We believe this is also true for the subject properties.
3. The subject properties are in a neighborhood with a clear grid pattern which allows for the rapid distribution of any potential vehicle load associated with the future development of these lots. This rezoning is not expected to negatively impact traffic demand on the subject properties and the nearby streets are expected to be fully capable of providing sufficient capacity for the subject property upon approval of this rezoning.

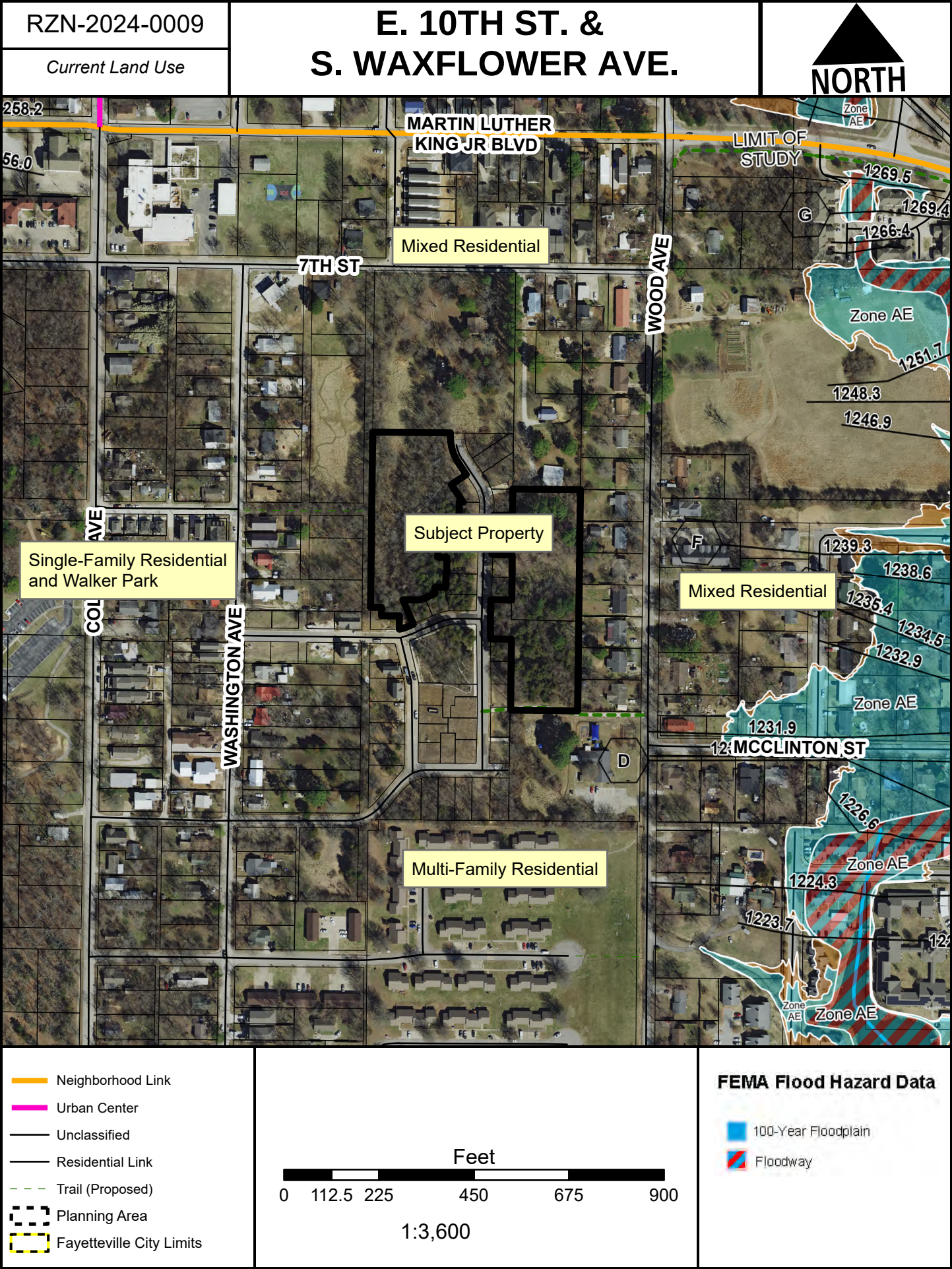
It is for these reasons that this request for rezoning to Residential Intermediate – Urban will not adversely affect nor conflict with the surrounding properties and can be appropriately applied to Lots 23, 26, and 31 of the Willow Bend Subdivision.

Sincerely,

Lindsay Hackett

Lindsay Hackett, AICP
Project Manager
MBL Planning





Neighborhood Link

Urban Center

Unclassified

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

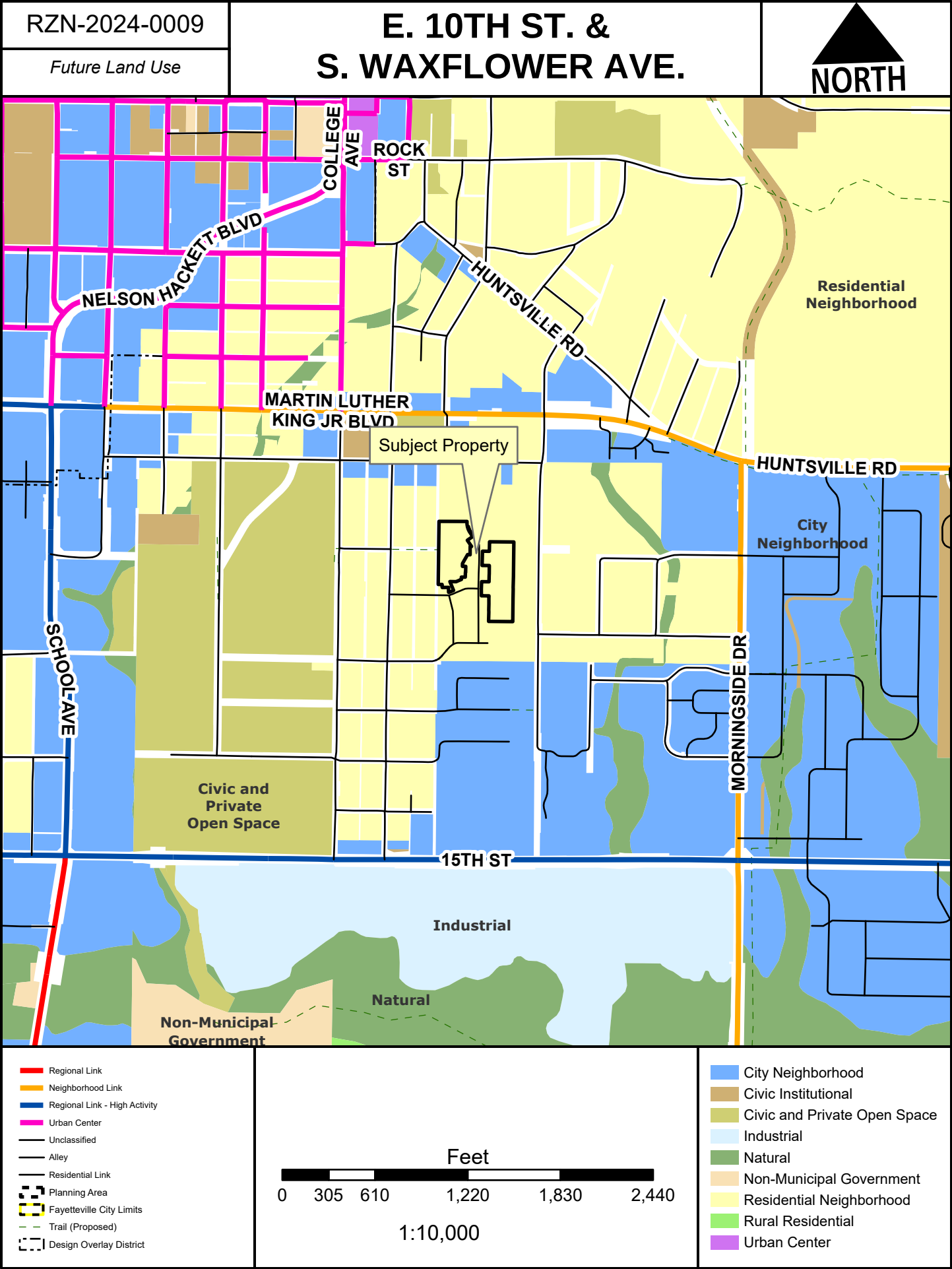
0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

Floodway





MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU: Jessica Masters, Development Review Manager
Jonathan Curth, Development Services Director
Susan Norton, Chief of Staff

FROM: Kylee Cole, Planner

SUBJECT: **RZN-2024-0012: Rezoning (2002 and 2008 E. HUNTSVILLE RD./TAPROOT INVESTMENT PARTNERS, 565): Submitted by TAPROOT INVESTMENT PARTNERS for property located at 2002 and 2008 E. HUNTSVILLE RD in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN and NS-G, NEIGHBORHOOD SERVICES-GENERAL.**

RECOMMENDATION:

City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is in southeast Fayetteville approximately 0.18 miles east of the intersection of S. Happy Hollow Rd. and E. Huntsville Rd. The property consists of two parcels. The northern parcel contains approximately 0.25 acres and is undeveloped (parcel 765-15221-011). The southern parcel contains approximately 0.26 acres and is developed with two single-family dwellings, constructed around 1916 and 1958 (parcel 765-15221-010). Both parcels are zoned RSF-4, Residential Single-Family, Four Units per Acre.

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to NS-G, Neighborhood Services – General (parcel 765-15221-010) and RI-U, Residential Intermediate – Urban (parcel 765-15221-011).

Public Comment: To date, staff have received no public comment.

Land Use Compatibility: Staff finds the proposed rezoning from RSF-4 to NS-G and RI-U to be compatible with the surrounding area. The subject property is adjacent to NS-G-zoned commercial property across S. Dockery Ln. to the west and properties developed with single-family homes to the north, east, and south. A rezoning of the southern parcel to NS-G would allow for the by-right development of single-family to four-family dwellings with a density of up to eighteen units per acre and some by-right development of medium-intensity commercial uses of no more than 8,000-square feet, sidewalk cafes, and home occupations. The property is located on a corner and along a high-traffic street, an appropriate location for mixed-use development of medium intensity. Both the proposed and existing RSF-4 zoning district have a stated building height maximum of three stories though NS-G permits smaller lots and larger building areas. A rezoning of the northern parcel to RI-U would

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

allow for the by-right development of single-family to four-family dwellings with density limited by development standards like parking and stormwater requirements. Despite differences between the proposed and existing zoning districts, the small size of the northern parcel at .26 acres and a lot width of 105 feet will inherently limit potential development. Accordingly, staff finds the requested rezoning to be compatible with surrounding land uses and appropriately located to serve the surrounding neighborhood.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as Residential Neighborhood area. A rezoning to NS-G and RI-U could allow for the creation, or maintenance, of residential properties with reduced lot sizes and form-based requirements while encouraging diversity of housing types. Staff finds that the requested rezoning could allow for the creation of missing middle housing that meets City Goals 1: We Will Make Appropriate Infill and Revitalization our Highest Priority and 6: We Will Create Opportunities for Attainable Housing. The proposal also supports Goal 3: We Will Make Compact, Complete, and Connected Development the Standard through opportunities for mixed-use development in urban form.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of 7 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (6-inch main, S. Dockery Ln.)
- Near Water Main (6-inch main and 8-inch main, S. Dockery Ln.)
- Near Public School (Happy Hollow Elementary School)
- Near City Park (Doc Mashburn Park)
- Near Paved Trail (E. Huntsville Rd. Bike Lane)
- Near ORT Bus Stop (Happy Hollow & Fairlane)

DISCUSSION:

At the April 8, 2024 Planning Commission meeting, a vote of 7-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Garlock made the motion, which received a second from Commission Brink. The commissioners cited future land use compatibility and staff recommendations as noted in the report as reasons for approval. No public comment was provided at the meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Report (#6)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-22

RZN-2024-0012: Rezoning (2002 and 2008 E. HUNTSVILLE RD./TAPROOT INVESTMENT PARTNERS, 565): Submitted by TAPROOT INVESTMENT PARTNERS for property located at 2002 and 2008 E. HUNTSVILLE RD in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN and NS-G, NEIGHBORHOOD SERVICES-GENERAL.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-012 FOR APPROXIMATELY 0.51 ACRES LOCATED AT 2002 AND 2008 EAST HUNTSVILLE ROAD IN WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN AND NS-G, NEIGHBORHOOD SERVICES-GENERAL

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

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

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

City of Fayetteville Staff Review Form

2024-22

Item ID

5/7/2024

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

Jonathan Curth

4/19/2024

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2024-0012: Rezoning (2002 and 2008 E. HUNTSVILLE RD./TAPROOT INVESTMENT PARTNERS, 565): Submitted by TAPROOT INVESTMENT PARTNERS for property located at 2002 and 2008 E. HUNTSVILLE RD in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN and NS-G, NEIGHBORHOOD SERVICES-GENERAL.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number: _____

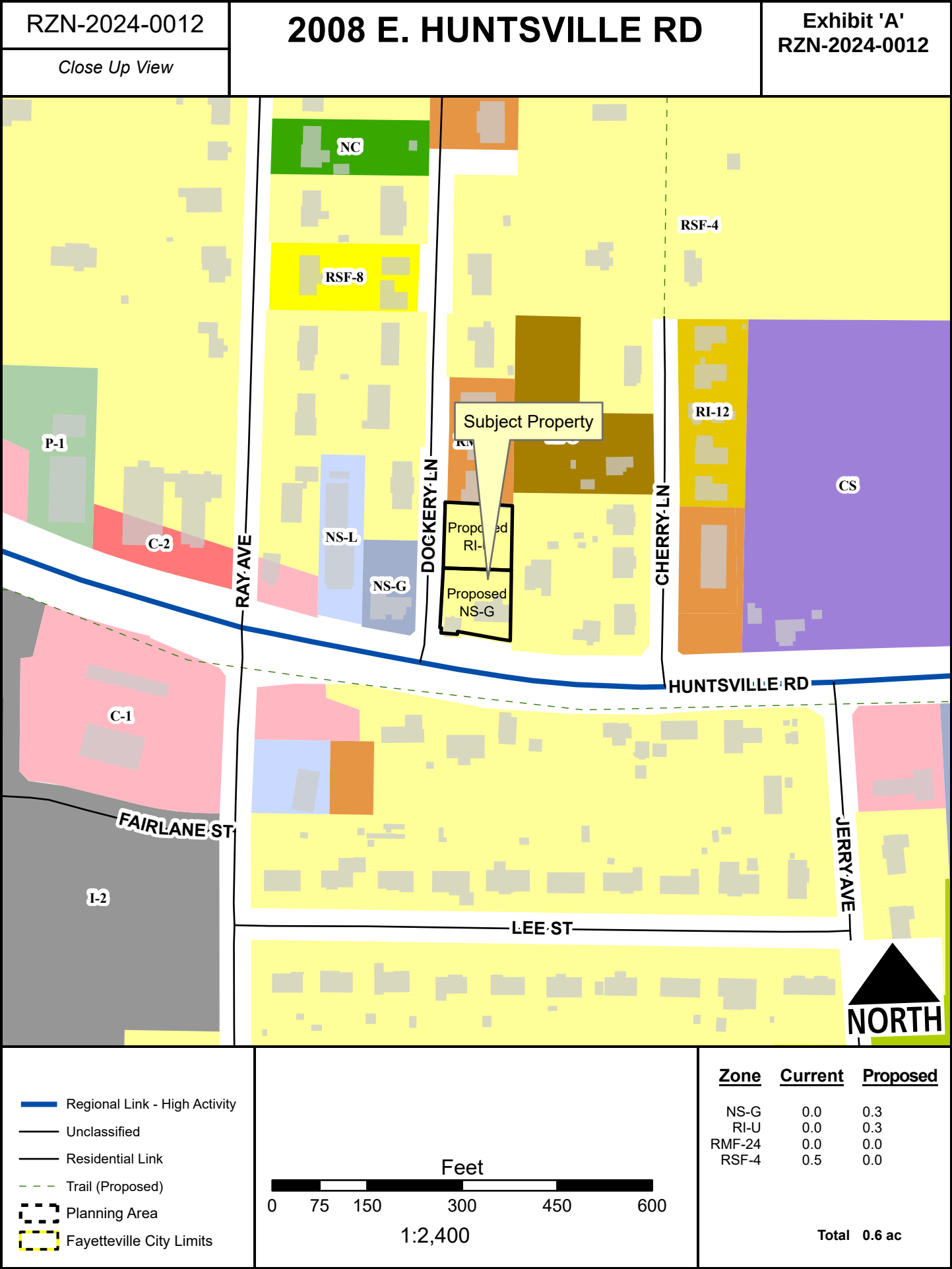
Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



Legal Descriptions:

Parcel 765-15221-010: 2002 E Huntsville Rd., 2008 E Huntsville Rd.

Zoning: NS-G

Extended Legal:

PT NE NW 0.264 AC FURTHER DESCRIBED FROM 2022-15024 AS: A PART OF THE NE/4 OF THE NW/4 OF SECTION TWENTY-THREE (23) TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE S02°57'18"W 301.18 THENCE N86°25'36"W 223.00' TO A FOUND 5/8" REBAR.; THENCE S02°57'18"W 101.88' TO A SET 5/8" CAPPED REBAR TAGGED 01659 & 1829" SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE S02°57'18"W 111.24' TO A FOUND 1/2" CAPPED REBAR TAGGED "1005" LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY I6E; THENCE LEAVING SAID RIGHT-OF-WAY N79°35'34"W 1611' TO A FOUND COTTON PICKER SPINDLE; THENCE N77°42'41"W 68.28'; THENCE S07°08'48"W 4.47'; THENCE N82°52'54"W 25.90; THENCE N06°56'48"E 7.74' TO A FOUND 1/2. CAPPED REBAR TAGGED "1005" ; THENCE N75°42'00"W 2.57' TO THE EAST RIGHT-OF-WAY LINE OF DOCKERY LANE; THENCE ALONG SAID RIGHT-OF-WAY N05°20'36"E 94.15' TO A SET 5/8" CAPPED REBAR TAGGED "1659 & 1829"; THENCE LEAVING SAID RIGHT-OF-WAY S 86°10'16"E 107.57' TO THE POINT OF BEGINNING CONTAINING 0.264 ACRES MORE OR LESS.

Parcel 765-15221-011: S Dockery Lane

Zoning: RI-U

Extended Legal:

PT NE NW 0.253 AC FURTHER DESCRIBED FROM 2022-15023 AS: A PART OF THE NE/4 OF THE NW/4 OF SECTION TWENTY-THREE (23), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE S02°57'18"W 301.18'; THENCE N86°25'36"W 223.00' TO A FOUND 5/8" REBAR BEING THE TRUE POINT OF BEGINNING; THENCE S02°57'18"W 101.88'. THENCE N86°10'16"W 107.57 TO THE EAST RIGHT OF WAY LINE OF DOCKERY LANE; THENCE ALONG SAID RIGHT OF WAY N03°37'33"E 104.08 TO A FOUND 1/2" CAPPED REBAR TAGGED "1005"; THENCE LEAVING SAID RIGHT OF WAY S84°58'38"E 106.41' TO THE POINT OF BEGINNING CONTAINING 0.253 ACRES MORE OR LESS.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: April 8, 2024 **updated w/ meeting results**

SUBJECT: **RZN-2024-0012: Rezoning (2002 and 2008 E. HUNTSVILLE RD./TAPROOT INVESTMENT PARTNERS, 565):** Submitted by TAPROOT INVESTMENT PARTNERS for property located at 2002 and 2008 E. HUNTSVILLE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN and NS-G, NEIGHBORHOOD SERVICES-GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0012** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0012** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in southeast Fayetteville approximately 0.18 miles east of the intersection of S. Happy Hollow Rd. and E. Huntsville Rd. The property consists of two parcels. The northern parcel contains approximately 0.25 acres and is undeveloped (parcel 765-15221-011). The southern parcel contains approximately 0.26 acres and is developed with two single-family dwellings, constructed around 1916 and 1958 (parcel 765-15221-010). Both parcels are zoned RSF-4, Residential Single-Family, Four Units per Acre. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Commercial; Two-Family Residential	NS-G, Neighborhood Services - General

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to NS-G, Neighborhood Services – General (parcel 765-15221-010) and RI-U, Residential Intermediate – Urban (parcel 765-15221-011).

Public Comment: To date, staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject property has frontage along South Dockery Lane and East Huntsville Road. South Dockery Lane is a partially improved Residential Link Street with asphalt paving and open ditches. East Huntsville Road is a partially improved Regional Link – High Activity Street with asphalt paving with open ditches. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing 8-inch water main is present on the west side of South Dockery Lane. An existing 6-inch water main is present on the east side of South Dockery Lane. An existing 12-inch water main is present on the south side of East Huntsville Road.

Sewer: Public sanitary sewer is available to the subject property. An existing 6-inch sewer main is present on the west side of South Dockery Lane.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no protected streams or hydric soils are present. Any improvements or requirements for drainage would be determined at the time of development submittal.

Fire: Station 3, located at 1050 Happy Hollow Road, protects this site. The property is located approximately 0.30 miles from the fire station with an anticipated drive time of approximately one minute using existing streets. The anticipated response time would be approximately 3.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning districts of NS-G, Neighborhood Services – General and RI-U, Residential Intermediate - Urban, requires **20% and 15% minimum canopy preservation**, respectively. The current zoning district of RSF-4, Residential Single-Family, Four Units per Acre, requires **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood**.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of 7 for this site with a weighted score of 8. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (6-inch main, S. Dockery Ln.)
- Near Water Main (6-inch main and 8-inch main, S. Dockery Ln.)
- Near Public School (Happy Hollow Elementary School)
- Near City Park (Doc Mashburn Park)
- Near Paved Trail (E. Huntsville Rd. Bike Lane)
- Near ORT Bus Stop (Happy Hollow & Fairlane)

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:*** Staff finds the proposed rezoning from RSF-4 to NS-G and RI-U to be compatible with the surrounding area. The subject property is adjacent to NS-G-zoned commercial property across S. Dockery Ln. to the west and properties developed with single-family homes to the north, east, and south. A rezoning of the southern parcel to NS-G would allow for the by-right development of single-family to four-family dwellings with a density of up to eighteen units per acre and some by-right development of medium-intensity commercial uses like general business, sidewalk cafes, and home occupations. The property is located on a corner and along a high-traffic street, an appropriate location for mixed-use development of medium intensity. Both RSF-4 and NS-G have a stated building height maximum of three stories though NS-G permits smaller lots and larger building areas. A rezoning of the northern parcel to RI-U would allow for the by-right development of single-family to four-family dwellings with no density limit. Despite this change from the RSF-4 density of four units per acre, the small size of the northern parcel at .26 acres and a lot width of 105 feet will limit potential development to some extent. Both RSF-4 and RI-U have a stated building height maximum of three stories though RI-U permits smaller lots and larger building areas. Staff finds the requested rezoning to be compatible with surrounding land uses and appropriately located to serve the surrounding neighborhood.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as Residential Neighborhood area. A rezoning to NS-G and RI-U could allow for the creation, or maintenance, of residential properties with reduced lot sizes and form-based requirements while encouraging diversity of housing types. Staff finds that the requested rezoning could allow for the creation of missing middle housing that meets City Goals 1: We Will Make Appropriate Infill and Revitalization our Highest Priority and 6: We Will Create Opportunities for Attainable Housing. The proposal also supports Goal 3: We Will Make Compact, Complete, and Connected Development the Standard through opportunities for mixed-use development in urban form.

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

Finding: Staff finds that there is sufficient justification to rezone the property from RSF-4 to NS-G and RI-U since the proposed rezoning would be consistent with the property's future land use designation and supports several goals of City Plan 2040.

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

Finding: A rezoning from RSF-4 to NS-G and RI-U has the potential to increase traffic at this location when considering that NS-G and RI-U would allow for development at a greater density than the existing RSF-4 zoning. However, staff finds that any impacts associated with future development are likely to be limited since the subject property is relatively small and has frontage along a Residential Link Street and Regional Link – High Activity Street. Staff also finds that increased traffic danger and congestion could be off-set by the property's proximity to a public trail and ORT bus stop.

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

Finding: The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, the property currently has access to public streets, water, and sewer, and any necessary improvements would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

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

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0012 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>April 8, 2024</u>	☐ Tabled	☒ Forwarded	☐ Denied		
Motion: Garlock	w/ recommendation of approval				
Second: Brink					
Vote: 7-0-0					

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family, Four (4) Units Per Acre
 - §161.12 – District RI-U, Residential Intermediate - Urban
 - §161.19 District NS-G, Neighborhood Services - General
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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- (G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

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
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

- (C) *Density.* None.

- (D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

- (E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (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	2 stories/3 stories*
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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 two (2) stories. 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 three (3) stories.

- (G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) *Minimum Buildable Street Frontage.* 50% of the lot width.

161.19 NS-G, 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 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

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

- (2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 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 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
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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 feet from the front property line.	5 feet	A setback of less than 5 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	3 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

Erin Adkins-Oury
Owner
Taproot Investment Partners, LLC
1673 E. 5th St., Fayetteville, AR 72701
taproot.inv.partners@gmail.com
479-601-6294

26 February 2024

Fayetteville Planning Department
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Re: Rezoning Request for Parcels 765-15221-010 and 765-15221-011

I am writing to formally submit a rezoning request on behalf of Taproot Investment Partners, LLC. My request pertains to two adjacent properties located on the NE Corner of E. Huntsville Rd and S. Dockery Ln, identified as Parcel 765-15221-010 and Parcel 765-15221-011, respectively.

Parcel 765-15221-010: 2002 E Huntsville Rd., 2008 E Huntsville Rd.

- Complete legal description provided separately.
- 0.264 acres
- Current zoning: RS-4
- Requested zoning: NS-G

Current Adjacencies:

- North: RSF-4 (seeking rezone to RI-U under this same application) - Undeveloped
- South: State Hwy ROW - Huntsville Rd/ ADOT Hwy 16
- East: RSF-4 - Single-Family
- West: NS-G - Commercial Service (Spa)

Statement of Compatibility:

The parcel is immediately adjacent to and shares an intersection with another NS-G zoned parcel. The future land use for the parcel is "Residential Neighborhood," which is also compatible with neighborhood services zoning. The current development of the parcel consists of two residential structures, 67 and 107 years old, recently completely renovated and serving as attainable rental housing. The property owner's intention is not to redevelop this parcel at this time, but rather to have flexibility in how the existing structures may be used during their remaining lifecycle. The requested zoning would allow for service-oriented uses or development if needed in the future.

Statement of Adverse Effect or Conflict with Surrounding Land Uses:

The permitted uses in NS-G zoning are similar to those permitted elsewhere throughout the existing neighborhood, with the exception of adding general business and sidewalk cafes to the permitted uses. These additional potential uses would be a value-add to the surrounding residential land use types.

Parcel 765-15221-011: S Dockery Lane

- Complete legal description provided separately.
- 0.253 acres
- Current zoning: RS-4
- Requested zoning: RI-U

Current Adjacencies:

- North: RMF-24 - Single-Family Home on a multi-family parcel.
- South: RSF-4 (seeking rezone to NS-G under this same application) - Two single-family homes on a single parcel.
- East: RSF-4 - Single-Family Home
- Northeast: RI-U - Undeveloped
- West: NS-G & RSF-4 - Commercial Service (Spa) & Two-family home

Statement of Compatibility:

The parcel is located immediately adjacent to parcels zoned to higher intensity than that which is being requested. Of the 28 units of potential residential housing currently developed on parcels on Dockery Lane, only 4 are single-family homes constructed on RSF-4 zoned parcels. Additionally, the majority of the housing in this area, including Dockery Lane and surrounding neighborhoods, is for-rent housing that is not owner-occupied.

Statement of Adverse Effect or Conflict with Surrounding Land Uses:

One of the commonly brought up adverse effects of denser housing is an increase in traffic. However, due to the road terminating into Fayetteville Public School property with no opportunity for extension, the lack of remaining development parcels on Dockery Lane, and the parcel's proximity to the exit onto ARDOT Highway 16, the potential for four additional units that RI-U zoning would permit would have little impact on overall traffic patterns for Dockery Lane.

See Additional Exhibits:

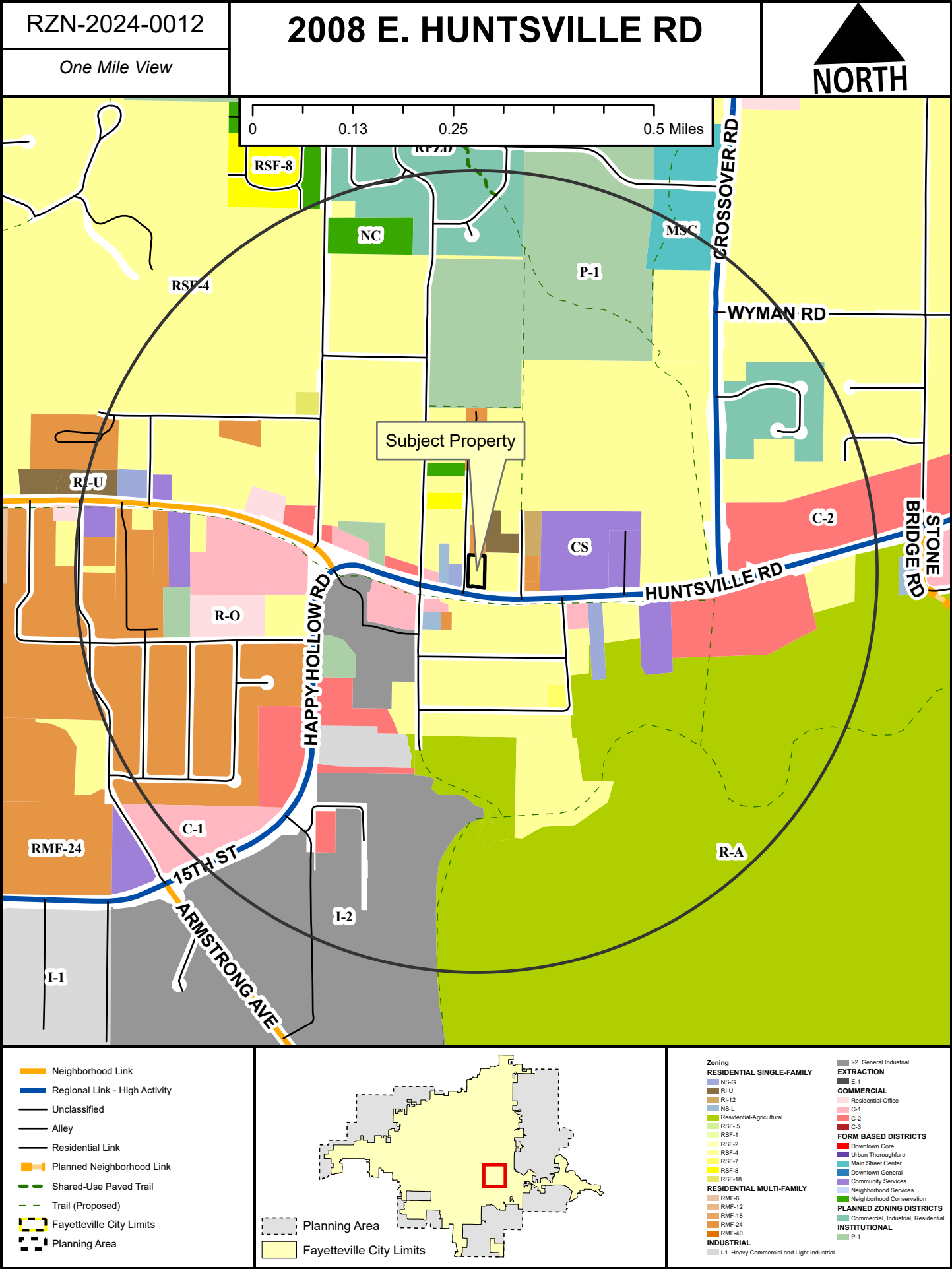
- Survey/ Lot Line Adjustment by Blew & Associates, PA, recorded 02/11/2022
- Future Land Use Map
- Zoning Map
- Parcel Map
- Extended Legal Descriptions
- Consent of Owner Form
- Proof of Entity Management

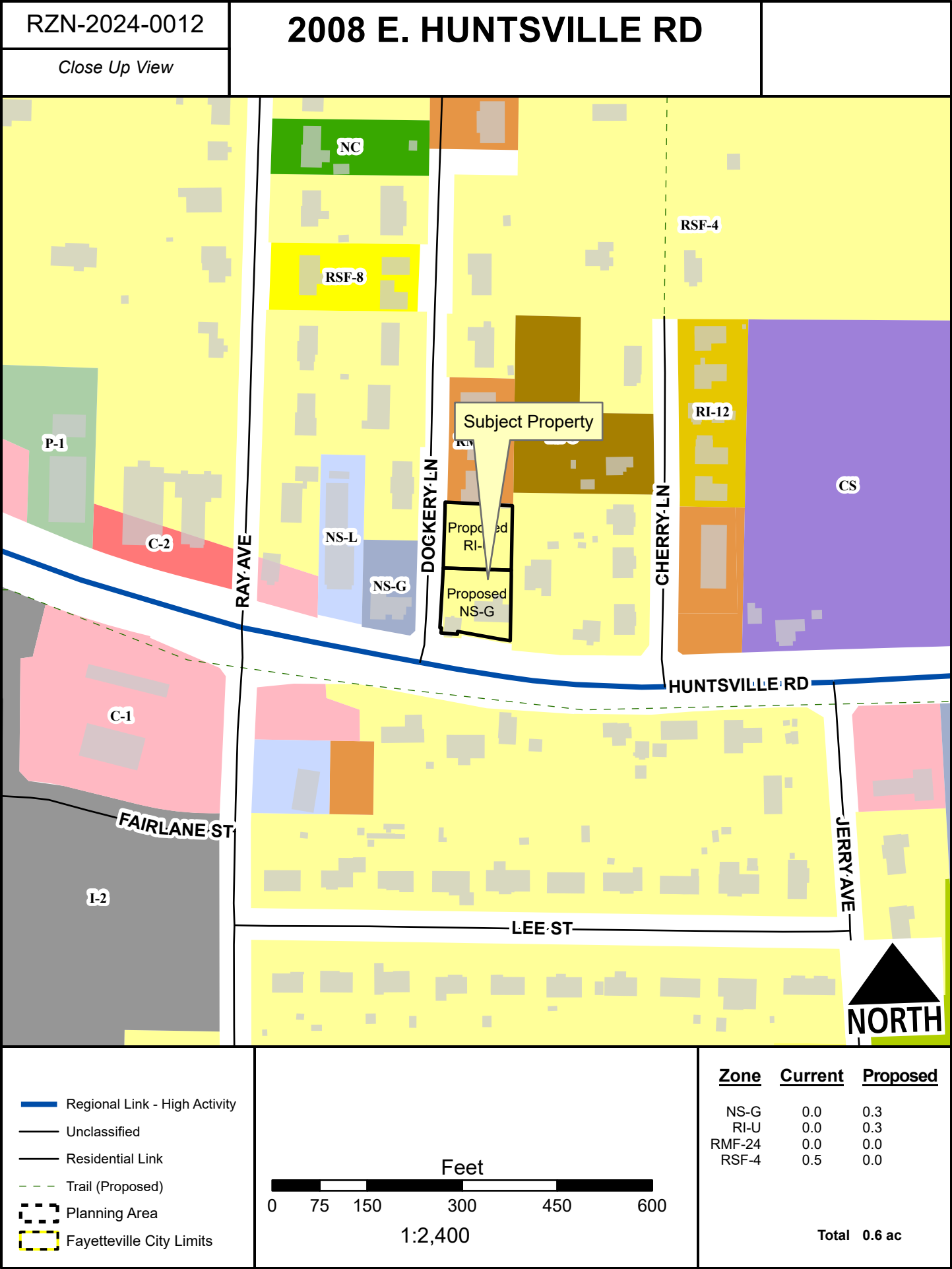
I appreciate your attention to this matter and look forward to discussing the rezoning request further. If additional information or clarification is needed, please do not hesitate to contact me. Thank you for your time and consideration.

Erin Adkins-Oury

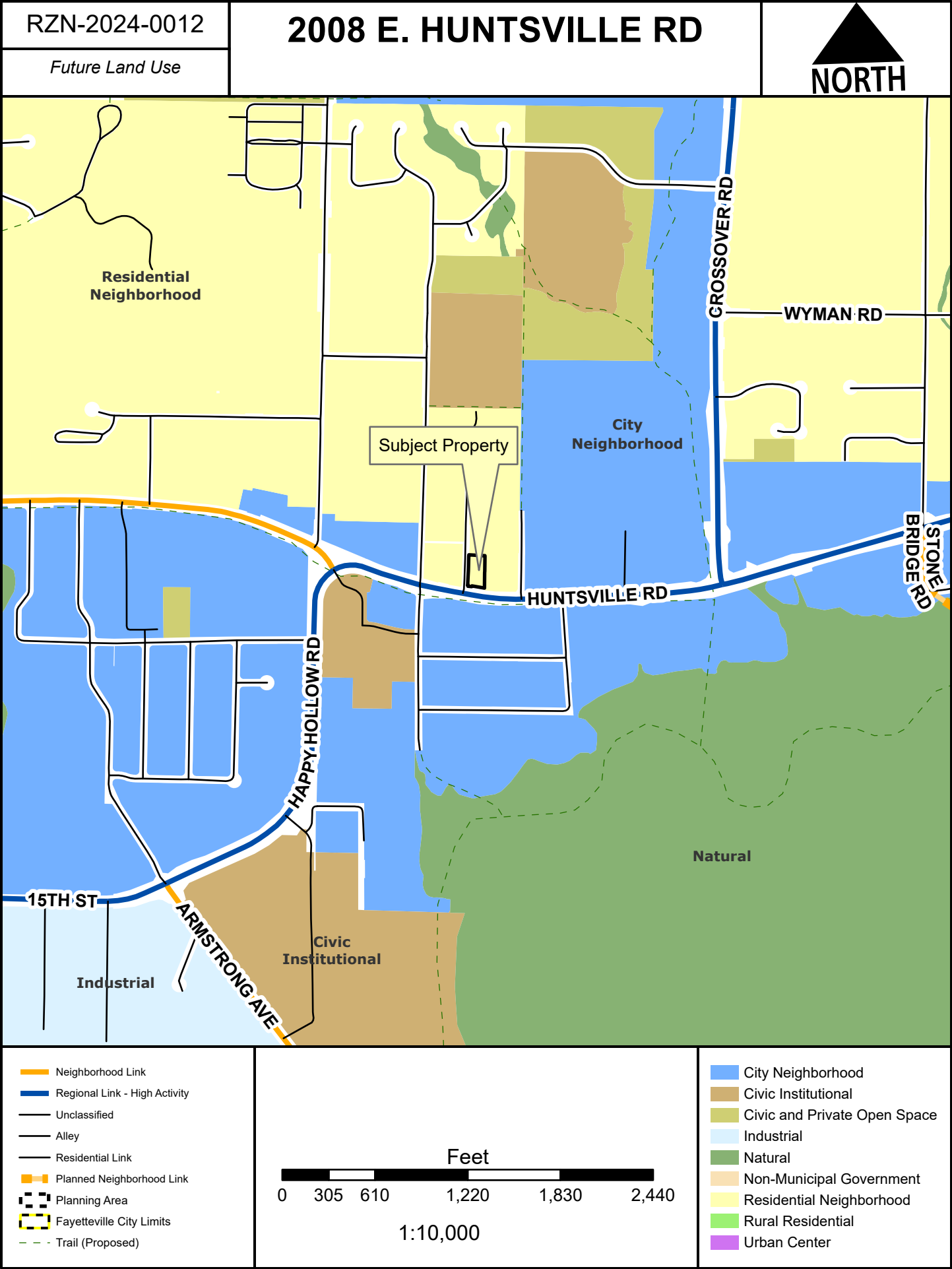
Owner

Taproot Investment Partnerships, LLC











MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Development Review Manager

SUBJECT: **RZN-2024-0014: Rezoning (141 W. SKYLINE DR/MOUNT SEQUOYAH CENTER, 486): Submitted by MOUNT SEQUOYAH CENTER INC for property located at 141 W. SKYLINE DR. in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to P-1, INSTITUTIONAL.**

RECOMMENDATION:

City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located on W. Skyline Drive in east Fayetteville, approximately ½ mile east of downtown. The property contains one parcel totaling 0.40 acres which is currently zoned RSF-4, Residential Single-Family – Four Units per Acre, and is undeveloped but for a cross sculpture that belongs to the Mount Sequoyah Center. County records indicate that the property has been owned by the Mount Sequoyah Center and a previously-affiliated Methodist Church organization since at least 1975.

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family – Four Units per Acre to P-1, Institutional.

Public Comment: Prior to the Planning Commission meeting, staff did not receive any public comment on the item. At the April 8, 2024 Planning Commission meeting, one member of the public spoke. Information is summarized in the discussion section.

Land Use Compatibility: Staff finds the requested rezoning to be compatible with the surrounding area and current land uses. RSF-4 is a strictly single-family residential zoning district, and the property is surrounded on all three sides by this zoning designation. This lot was originally platted by the Western Methodist Assembly in 1923, and though it appears to have been potentially originally platted for residential use (Lots 60-62), property records indicate that it has been consistently used or owned by the Mount Sequoyah Assembly/Center since its original platting. Staff finds that the P-1 zoning district is compatible with the existing land use of the property, a cultural and recreational facility. Rezoning the property to P-1 would allow the use of the property by the Mount Sequoyah Center to continue, expand, or reconstruct, bringing the existing non-conforming use into compliance with zoning.

Land Use Plan Analysis: Staff finds the proposed rezoning to be somewhat consistent with the goals in City

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Plan 2040 and the property's future land use designation as Residential Neighborhood area. A rezoning from RSF-4 to P-1 contributes to City Plan 2040 goal #3, in that it helps promote a compact, complete, and connected development. This site is walkable within the overall neighborhood that sits on Mount Sequoyah and is a frequent destination for the public. While not a site identified as encouraging a high amount of infill, this proposed rezoning would help allow an existing, non-conforming publicly oriented space to continue.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 4 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #1, 303 W. Center Street)
- Near Sewer Main (6" main along west side of property)
- Near Water Main (8" main, W. Skyline Drive)
- Near City Park (Mt. Sequoyah Gardens)

DISCUSSION:

At the April 8, 2024 Planning Commission meeting, a motion to forward with a recommendation of approval passed with a unanimous vote of 7-0-0. Commissioners did not have any comment on the item. One member of the public asked questions about any proposed development and wished for the overlook to remain accessible to the public. The applicant indicated that the intention was to build an overlook deck at the property with grant funding secured by the Project for Public Spaces.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Staff Report (#6)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-23

RZN-2024-0014: Rezoning (141 W. SKYLINE DR/MOUNT SEQUOYAH CENTER, 486): Submitted by MOUNT SEQUOYAH CENTER INC for property located at 141 W. SKYLINE DR. in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-014 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 141 WEST SKYLINE DRIVE IN WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO P-1, INSTITUTIONAL

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

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

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

2024-23

Item ID

5/7/2024

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

Jonathan Curth

4/19/2024

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2024-0014: Rezoning (141 W. SKYLINE DR/MOUNT SEQUOYAH CENTER, 486): Submitted by MOUNT SEQUOYAH CENTER INC for property located at 141 W. SKYLINE DR. in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

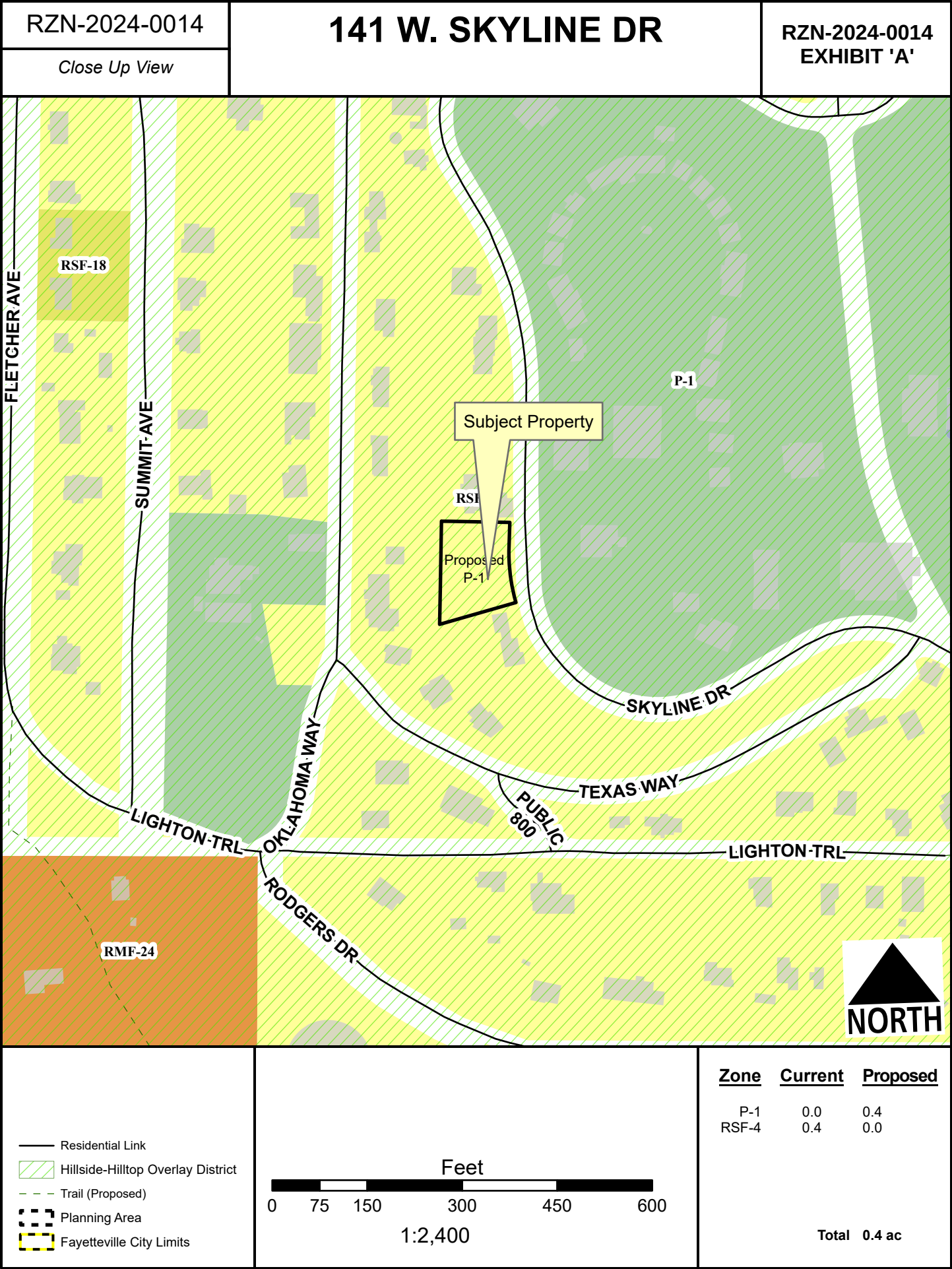
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



RZN-2024-0014
EXHIBIT 'B'



Legal Description of Mount Sequoyah Center Inc.'s Overlook Area
Parcel #765-11997-000

A PART OF LOTS 60,61, & 62 IN THE WESTERN METHODIST ASSEMBLY ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING FENCE CORNER POST WHICH IS S87°26'54"E 8.36' FROM AN EXISTING REBAR MARKING THE SOUTHEAST CORNER OF LOT 51 IN SAID SUBDIVISION AND RUNNING THENCE S87°26'54"E 107.77' TO AN EXISTING REBAR, THENCE S03°07'48"W 45.00', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 289.93' FOR A CHORD BEARING AND DISTANCE OF S06°16'44"E 81.93' TO AN EXISTING REBAR, THENCE S75°27'25"W 125.15', THENCE N02°27'26"E 162.75' TO THE POINT OF BEGINNING, CONTAINING 0/37 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN WEST SKYLINE DRIVE MASTER STREET PLAN RIGHT-OF-WAY ON THE EAST SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY RECORD.



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: April 8, 2024 **Updated with results from April 8, 2024 PC Meeting**

SUBJECT: **RZN-2024-0014: Rezoning (141 W. SKYLINE DR/MOUNT SEQUOYAH CENTER, 486):** Submitted by MOUNT SEQUOYAH CENTER INC for property located at 141 W. SKYLINE DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0014** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0014** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is located on W. Skyline Drive in east Fayetteville, approximately ½ mile east of downtown. The property contains one parcel totaling 0.40 acres which is currently zoned RSF-4, Residential Single-Family – Four Units per Acre, and is undeveloped but for a cross sculpture that belongs to the Mount Sequoyah Center. County records indicate that the property has been owned by the Mount Sequoyah Center and previously-affiliated Methodist Church organization since at least 1975, and likely since the lots were originally platted in 1923. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre
East	Civic Institutional (Mt. Sequoyah Center)	P-1, Institutional
West	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family – Four Units per Acre to P-1, Institutional.

Public Comment: To date, staff has received no public comment regarding this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has road frontage along W. Skyline Drive, which is a partially improved Residential Link Street with asphalt paving with open ditches. Any street improvements required in these areas would be determined at the time of

development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject area. An existing 8-inch water main is present on the east side of W. Skyline Drive.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sewer main is present on the subject property.

Drainage: A portion of the property lies within the Hillside/Hilltop Overlay District. Additional restrictions will apply at the time of development. Engineered footing designs will be required at the time of building permit submittal, as well as grading, erosion control and abbreviated tree preservation plans.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 1, located at 303 W. Center St., protects this site. The property is located approximately 1.5 miles from the fire station with an anticipated drive time of approximately 5 minutes using existing streets. The anticipated response time would be approximately 7.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, P-1, Institutional, requires **25% minimum canopy preservation**. The current zoning district, RSF-4, Residential Single-Family – Four Units per Acre, requires **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: The City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood**.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 4 for this site with a weighted score of 3.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #1, 303 W. Center Street)
- Near Sewer Main (6" main along west side of property)
- Near Water Main (8" main, W. Skyline Drive)
- Near City Park (Mt. Sequoyah Gardens)

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:*** Staff finds the requested rezoning to be compatible with the surrounding area and current land uses. RSF-4 is a strictly single-family residential zoning district, and the property is surrounded on all three sides by this zoning designation. This lot was originally platted by the Western Methodist Assembly in 1923, and though it appears to have been potentially originally platted for residential use (Lots 60-62), property records indicate that it has been consistently used or owned by the Mount Sequoyah Assembly/Center since its original platting. Staff finds that the P-1 zoning district is compatible with the existing land use of the property, a cultural and recreational facility. Rezoning the property to P-1 would allow the use of the property by the Mount Sequoyah Center to continue, expand, or reconstruct, bringing the existing non-conforming use into compliance with zoning.

Land Use Plan Analysis: Staff finds the proposed rezoning to be somewhat consistent with the goals in City Plan 2040 and the property's future land use designation as Residential Neighborhood area. A rezoning from RSF-4 to P-1 contributes to City Plan 2040 goal #3, in that it helps promote a compact, complete, and connected development. This site is walkable within the overall neighborhood that sits on Mount Sequoyah and is a frequent destination for the public. While not a site identified as encouraging a high amount of infill, this proposed rezoning would help allow an existing, non-conforming publicly oriented space to continue.

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

Finding: Staff finds there is sufficient justification to rezone the property from RSF-4 to P-1. This request will bring an existing non-conforming use (a cultural and recreational facility and a long-standing institutional use) into compliance with zoning with the underlying zoning district.

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

Finding: A rezoning from RSF-4 to P-1 has the potential to increase traffic to this location, though staff does not find that this would be to a dangerous degree. The site currently has a large draw, as it is a physical focal point for the City, drawing members of the public and tourists for the view. Staff finds that any new development on the site would be subject to the typical development review process and infrastructure evaluation that would be roughly proportional to the proposal.

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 does not have the potential to alter the population density. Modifying the zoning from RSF-4 to P-1 will remove the residential uses and re-align the property to an institutional use. Staff does not find that the rezoning request will undesirably increase the load on public services at this site.

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

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0014 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>April 8, 2024</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Castin</u>			
Second: <u>Werner</u>			
Vote: <u>7-0-0</u>			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
 - §161.32 District P-1, Institutional
- Request Letter
- Mount Sequoyah Plat 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
Unit 46	Short-term rentals

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
-------------------------	-----------

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

161.32 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

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

(E) *Setback Regulations.*

Front	30 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	20 feet
Side, when contiguous to a residential district	25 feet
Rear	25 feet
Rear, from center line of public alley	10 feet

(F) *Height Regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5945, §§5, 7, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6521, §8, 1-18-22)



Rezoning Application

February 28, 2024

by:

Emily Gentry

President & CEO

Mount Sequoyah Center, Inc.

479-443-4531

emily.gentry@mountsequoyah.org

Payment

Mount Sequoyah Center, Inc. has submitted proper payment for application fees.

Rezoning fee: \$325

\$5 x 1 sign = \$5

Legal Description

GIS Approved

03/07/2024 10:10:11 AM

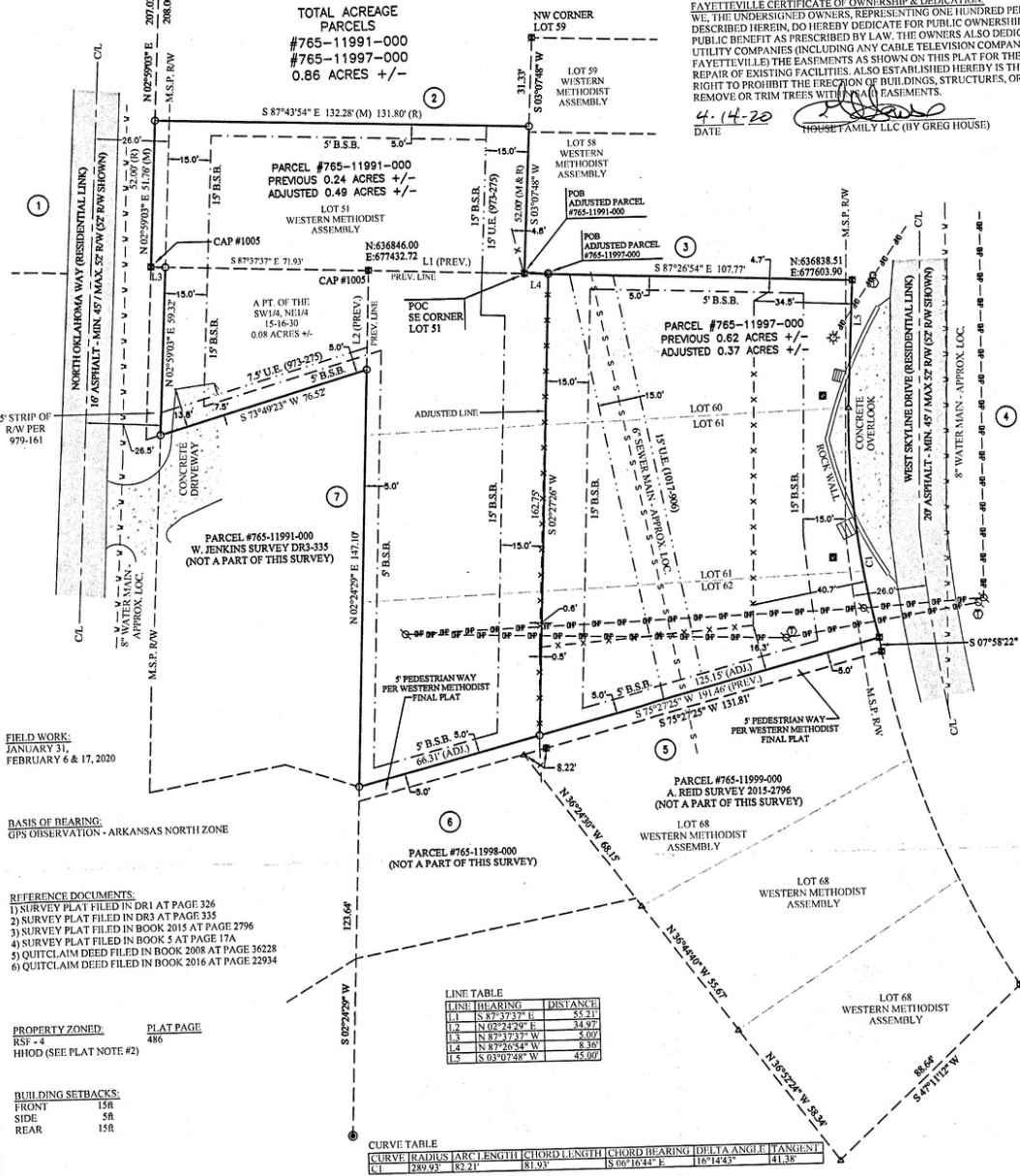
Legal Description of Mount Sequoyah Center Inc.'s Overlook Area

Parcel #765-11997-000

A PART OF LOTS 60,61, & 62 IN THE WESTERN METHODIST ASSEMBLY ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING FENCE CORNER POST WHICH IS S87°26'54"E 8.36' FROM AN EXISTING REBAR MARKING THE SOUTHEAST CORNER OF LOT 51 IN SAID SUBDIVISION AND RUNNING THENCE S87°26'54"E 107.77' TO AN EXISTING REBAR, THENCE S03°07'48"W 45.00', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 289.93' FOR A CHORD BEARING AND DISTANCE OF S06°16'44"E 81.93' TO AN EXISTING REBAR, THENCE S75°27'25"W 125.15', THENCE N02°27'26"E 162.75' TO THE POINT OF BEGINNING, CONTAINING 0.37 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN WEST SKYLINE DRIVE MASTER STREET PLAN RIGHT-OF-WAY ON THE EAST SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY RECORD.

PROPERTY LINE ADJUSTMENT

APPROVED FOR RECORDATION
FAYETTEVILLE PLANNING
ADMINISTRATION
By: *[Signature]* Date: 4/29/20



FIELD WORK:
JANUARY 31,
FEBRUARY 6 & 17, 2020

BASIS OF BEARING:
GPS OBSERVATION - ARKANSAS NORTH ZONE

REFERENCE DOCUMENTS:
1) SURVEY PLAT FILED IN DR1 AT PAGE 326
2) SURVEY PLAT FILED IN DR3 AT PAGE 335
3) SURVEY PLAT FILED IN BOOK 2015 AT PAGE 2796
4) SURVEY PLAT FILED IN BOOK 5 AT PAGE 17A
5) QUICCLAIM DEED FILED IN BOOK 2008 AT PAGE 36228
6) QUICCLAIM DEED FILED IN BOOK 2016 AT PAGE 22934

PROPERTY ZONED:
RSF - 4
HHOD (SEE PLAT NOTE #2)

PLAT PAGE:
486

BUILDING SETBACKS:
FRONT 15ft
SIDE 5ft
REAR 15ft

SURVEY DESCRIPTION:
EXISTING DEED DESCRIPTION FOR PARCEL #765-11991-000 AS PER QUICCLAIM DEED 2008-36228:
LOT NUMBERED 51 IN THE WESTERN METHODIST ASSEMBLY ADDITION TO THE CITY OF FAYETTEVILLE, AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 51, THENCE S01°07'48"W ALONG THE EAST RIGHT-OF-WAY OF OKLAHOMA WAY 61.00', THENCE N08°26'54"E ALONG A LINE 83.00', MORE OR LESS TO A POINT ON THE WEST LINE OF LOT 60 OF SAID SUBDIVISION, SAID POINT BEING 35.00' SOUTH OF THE NORTHWEST CORNER OF SAID LOT 60, THENCE NORTH 35.00', THENCE WEST 77.80' TO THE POINT OF BEGINNING, LESS AND EXCEPT 5.00' OF EQUAL AND UNIFORM WIDTH OFF THE WEST SIDE OF THE ABOVE DESCRIBED PROPERTY FOR STREET RIGHT-OF-WAY AND SUBJECT TO EASEMENTS OF RECORD.

ADJUSTED LEGAL DESCRIPTION FOR PARCEL #765-11991-000 PER THIS PLAT:
LOT 51 AND A PART OF LOTS 60, 61, AND 62 IN THE WESTERN METHODIST ASSEMBLY ADDITION TO THE CITY OF FAYETTEVILLE, AND ALSO A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 51 AND RUNNING THENCE S87°26'54"E 8.36' FROM AN EXISTING REBAR MARKING THE SOUTHEAST CORNER OF SAID LOT 51, THENCE S01°07'48"W 45.00', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 280.93' FOR A CHORD BEARING AND DISTANCE OF S06°16'44"E 181.93' TO AN EXISTING REBAR, THENCE S01°07'48"W 125.15', THENCE N02°22'29"E 162.75' TO THE POINT OF BEGINNING, CONTAINING 0.49 ACRES, MORE OR LESS, SUBJECT TO THAT PORTION IN NORTH OKLAHOMA WAY MASTER STREET PLAT RIGHT-OF-WAY ON THE WEST SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

EXISTING DEED DESCRIPTION FOR PARCEL #765-11997-000 AS PER QUICCLAIM DEED 2016-22934:
LOTS 60, 61, AND 62 IN THE WESTERN METHODIST ASSEMBLY PLAT TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON THE PLAT OF RECORD IN THE PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS.

ADJUSTED LEGAL DESCRIPTION FOR PARCEL #765-11997-000 PER THIS PLAT:
A PART OF LOTS 60, 61, AND 62 IN THE WESTERN METHODIST ASSEMBLY ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 51 AND RUNNING THENCE S87°26'54"E 8.36' FROM AN EXISTING REBAR MARKING THE SOUTHEAST CORNER OF SAID LOT 51, THENCE S01°07'48"W 45.00', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 280.93' FOR A CHORD BEARING AND DISTANCE OF S06°16'44"E 181.93' TO AN EXISTING REBAR, THENCE S01°07'48"W 125.15', THENCE N02°22'29"E 162.75' TO THE POINT OF BEGINNING, CONTAINING 0.37 ACRES, MORE OR LESS, SUBJECT TO THAT PORTION IN NORTH OKLAHOMA WAY MASTER STREET PLAT RIGHT-OF-WAY ON THE WEST SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NOTE:
1) THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APURTANCES. ALL UTILITY LINES ARE SHOWN ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.

2) BOTH PARCELS ARE FULLY LOCATED IN THE HILLSIDE/HILLTOP OVERLAY DISTRICT (HHOD) & PARTIALLY LOCATED IN THE ENDURING GREEN NETWORK.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS.
(FIRM PANEL #05143C0210F, DATED 05/16/2008)

FAYETTEVILLE CERTIFICATE OF OWNERSHIP & DEDICATION:
WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE FOR PUBLIC OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO THE CITY OF FAYETTEVILLE AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY THE CITY OF FAYETTEVILLE) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES. ALSO ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS, THE REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

DATE: 4-14-20
HOUSE FAMILY LLC (BY GREG HOUSE)

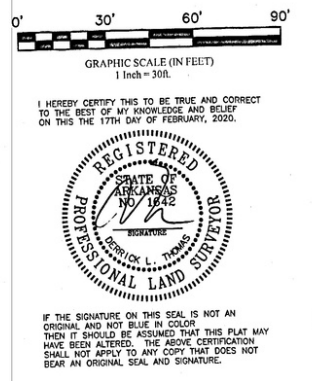
DATE: 4/29/20
MOUNT SEQUOYAH CENTER INC.

ADJACENT LAND OWNERS

- 1) EVANS FAMILY TRUST
C/O MARSHALL DALE EVANS
PO BOX 4011
FAYETTEVILLE, AR 72702-4011
PARCEL #765-11981-000
ZONED: RSF - 4
- 2) HOUSE FAMILY LLC
217 N EAST AVE
FAYETTEVILLE, AR 72701-5226
PARCEL #765-11990-000
ZONED: RSF - 4
- 3) ASFAHL, CHARLES RAY & KELA S
135 W SKYLINE DR
FAYETTEVILLE, AR 72701
PARCEL #765-11996-000
ZONED: RSF - 4
- 4) MOUNT SEQUOYAH CENTER INC
150 NW SKYLINE DR
FAYETTEVILLE, AR 72701
PARCEL #765-12036-000
ZONED: RSF - 4
- 5) TREMEL FAMILY TRUST
515 W SKYLINE DR
FAYETTEVILLE, AR 72701
PARCEL #765-11999-000
ZONED: RSF - 4
- 6) DOLAN, JOHN FRANCIS
748 E TEXAS WAY
FAYETTEVILLE, AR 72701
PARCEL #765-11998-000
ZONED: RSF - 4
- 7) BLOCK, BEVERLY ANN;
HOUSE, GREGORY
72 N OKLAHOMA WAY
FAYETTEVILLE, AR 72701
PARCEL #765-14391-000
ZONED: RSF - 4

PROPERTY OWNER/DEVELOPER:
HOUSE FAMILY LLC
217 N EAST AVE
FAYETTEVILLE, AR 72701-5226
479-790-4135

PROPERTY OWNER:
MOUNT SEQUOYAH CENTER INC
150 NW SKYLINE DR
FAYETTEVILLE, AR 72701-5226



FOR USE AND BENEFIT OF:
GREG HOUSE &
MOUNT SEQUOYAH CENTER

ADDRESS:
160 NORTHWEST SKYLINE DRIVE
FAYETTEVILLE, ARKANSAS

DATE: 04/02/20 **SCALE:** 1"=30'

LOCATION:
SECTION 15
TOWNSHIP 16 NORTH
RANGE 30 WEST

REVIEWED:
BY: [Signature]
DATE: 4/23/20

Bates & Associates, Inc.
Engineers - Surveyors - Landscape Architects

7250 N. Pleasant Ridge Dr., Fayetteville, Arkansas 72704 • 479-442-9100 • Fax 479-821-3300

BATES & ASSOCIATES, INC. Copyright 2020
This map was prepared for the purpose of providing a visual representation of the data shown on this plat. This plat is not to be used for any other purpose without the written consent of Bates & Associates, Inc. The Surveyor has made no representation or warranty of any kind, expressed or implied, as to the accuracy or completeness of the data shown on this plat. The Surveyor has made no representation or warranty of any kind, expressed or implied, as to the accuracy or completeness of the data shown on this plat. The Surveyor has made no representation or warranty of any kind, expressed or implied, as to the accuracy or completeness of the data shown on this plat.

LEGEND:
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- SET 5" REBAR/CAP
- FOUND 1" REBAR
- △ COMPLETED POINT
- FOUND POINT
- FOUND LINES MONUMENT
- (M) MEASURED DISTANCE
- (H) RECORDED DISTANCE
- FENCE CORNER POST
- TELEPHONE PEDESTAL
- POWER POLE
- ELECTRICAL PEDESTAL
- LIGHT
- BOUNDARY LINE (MEASURED)
- PARCEL LINE (EXISTING)
- FORTY LINE TIE LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- - - WATER LINE
- - - OVERHEAD POWER LINE
- - - EWER LINE
- - - FENCE
- - - BUILDING SETBACK
- - - UTILITY EASEMENT

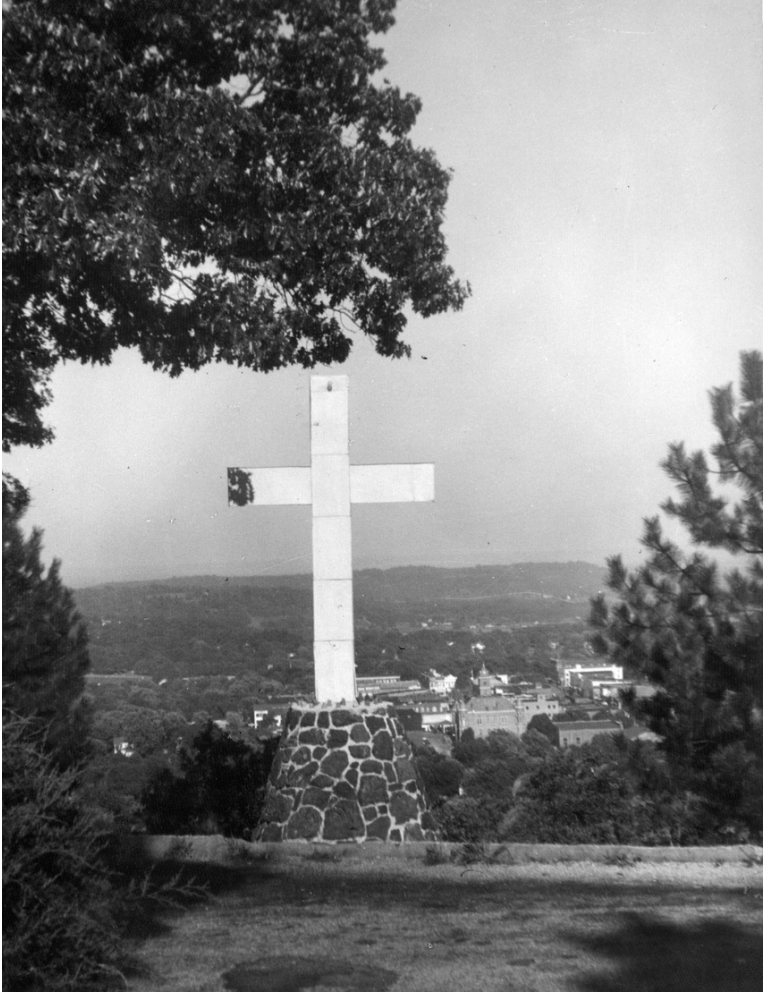
VICINITY MAP NOT TO SCALE

RECORDING NUMBER/DATE

Doc ID: 019169390001 Type: REL
Kind: SURVEY
Recorded: 05/07/2020 at 10:56:34 AM
File # 115-00 Page 1 of 1
Washington County, AR
Kyle B. Glavin, Jr., Clerk

Planning Commission
April 8, 2024

Photos



Statement

A statement explaining the compatibility of this proposed rezoning with neighboring property and explaining why the proposed rezoning will not unreasonably adversely affect or conflict with surrounding land uses.

Mount Sequoyah is applying to rezone the described property from RSF-4 Residential Single Family to P-1 Institution. Other sections of the Mount Sequoyah Center, Inc. property are currently zoned P-1, so this would bring an additional section of the owned property into the same zoning. The property is currently being used by the center as a cultural and historic landmark of the city of Fayetteville, so the proposed change will not adversely affect or conflict with the surrounding land uses.

Notification

Mount Sequoyah Center, Inc. shall mail a written notice of the action by first-class mail to the address of all landowners and residents with separate addresses within 200 feet of the boundary line of the property on which the use is proposed.

The applicant shall provide the following to the Planning Division:

- a. alphabetical list of the landowners and residents with separate addresses receiving notification
- b. map showing the landowners' relationship to the site
- c. copy of the notice sent to the landowners and residents
- d. certificate of mailing

Mount Sequoyah Center, Inc. shall post proper signage for the required period of time and photograph and submit proof of proper posting.

Consent of Owner Form

PROPERTY OWNER(S) / AUTHORIZED AGENT: By signing below, 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 authorized this application and consent to its filing.

PLEASE NOTE:

- Property Owners: Attach additional info/documentation if necessary.
- Authorized Agents: If signing on behalf of a Property Owner, a letter from each Property Owner must be provided indicating that the agent is authorized to act on their behalf.

Associated Project (required field):

Rezoning of Mount Sequoyah Overlook to P-I
Name or description of proposal

Property Owner 1:

☒ Emily Gentry
Name of person signing [printed]
emily.gentry@mountsequoyah.org
Contact Email
150 N Skyline Drive, Fayetteville, AR 72701
Mailing Address
[Signature]
Property Owner Signature
Mount Sequoyah Center, Inc.
Entity/Company signator legally owns or represents
475-443-4531
Contact Phone
2/27/24
Date

Property Owner 2: (if needed)

☐
Name of person signing [printed]
Entity/Company signator legally owns or represents
Contact Email
Contact Phone
Mailing Address
Property Owner Signature
Date

Property Owner 3: (if needed)

☐
Name of person signing [printed]
Entity/Company signator legally owns or represents
Contact Email
Contact Phone
Mailing Address
Property Owner Signature
Date

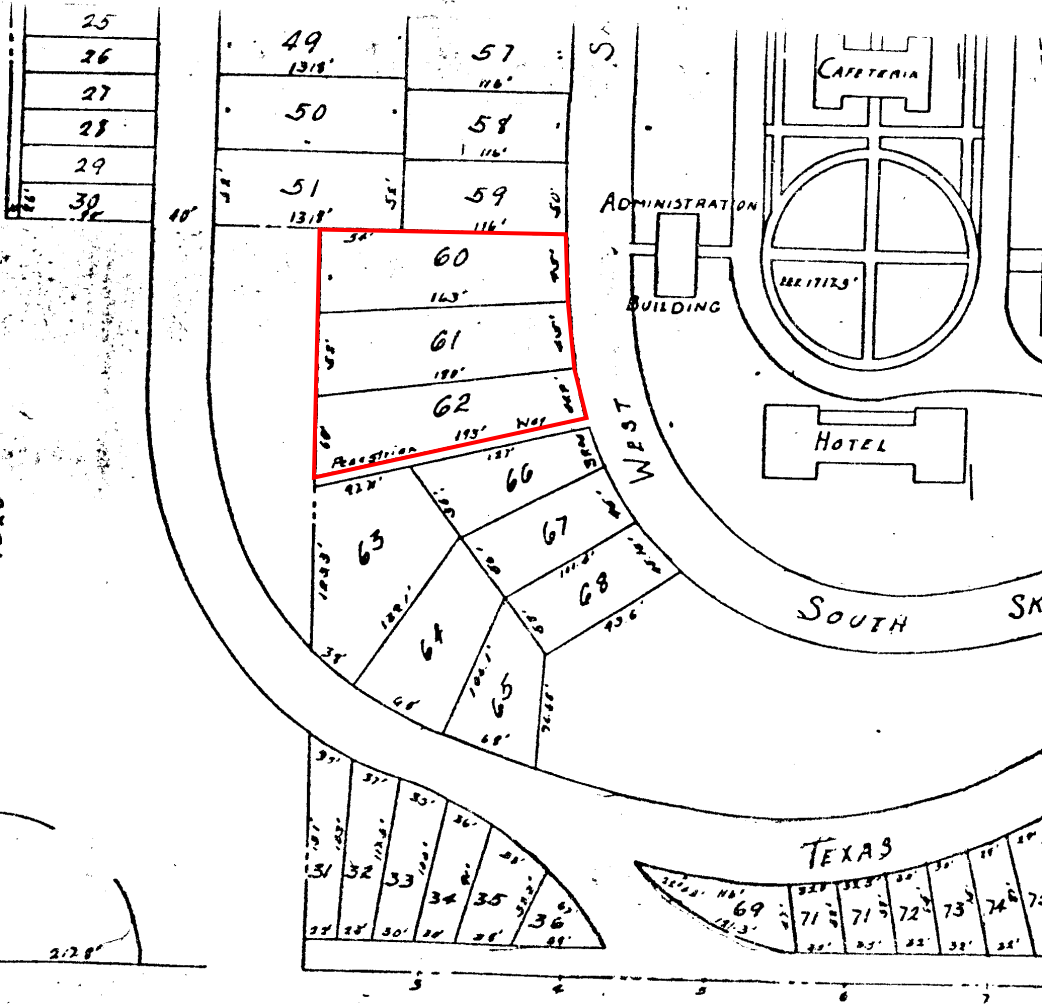
Property Owner 4: (if needed)

☐
Name of person signing [printed]
Entity/Company signator legally owns or represents
Contact Email
Contact Phone
Mailing Address
Property Owner Signature
Date

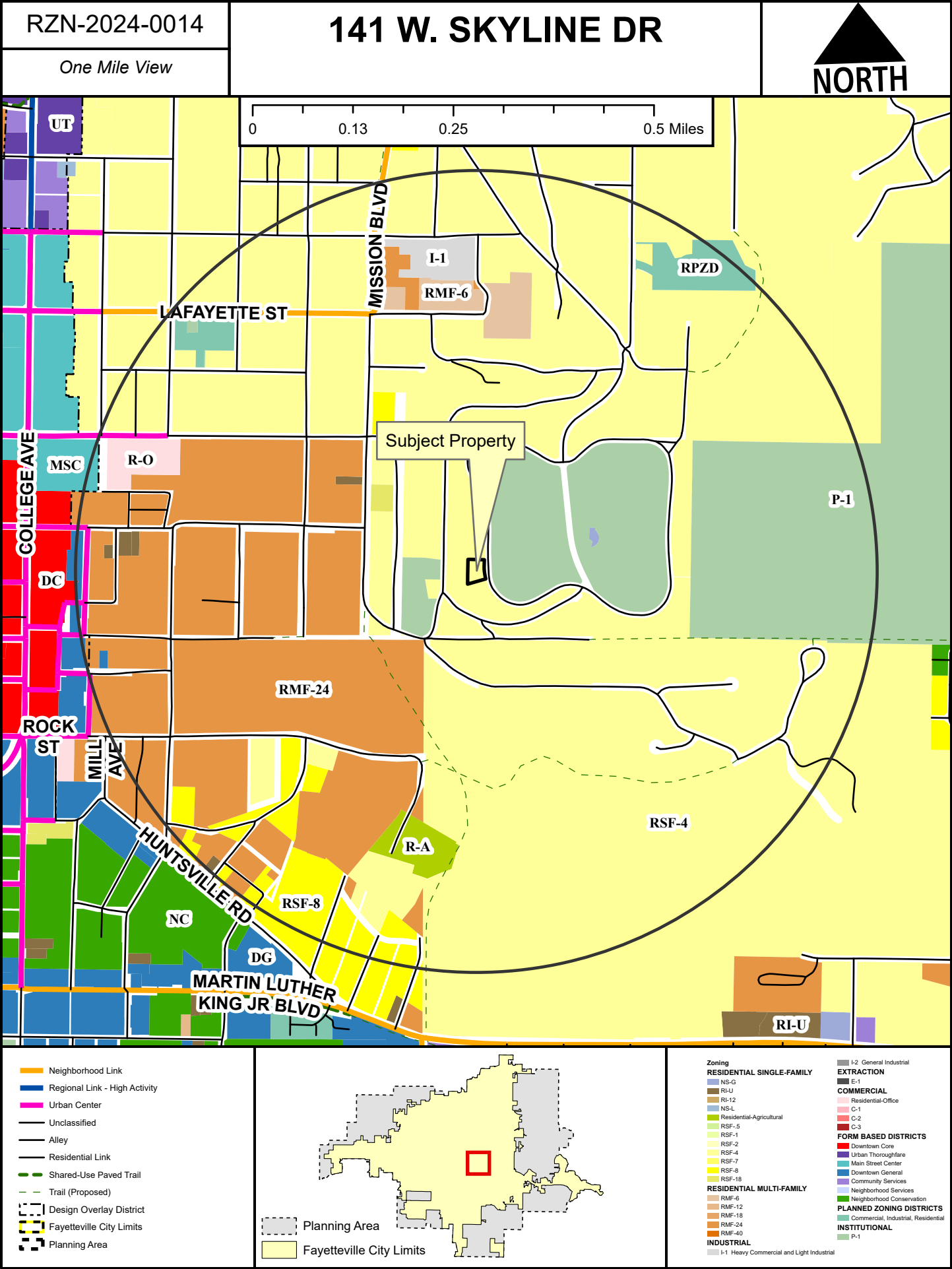
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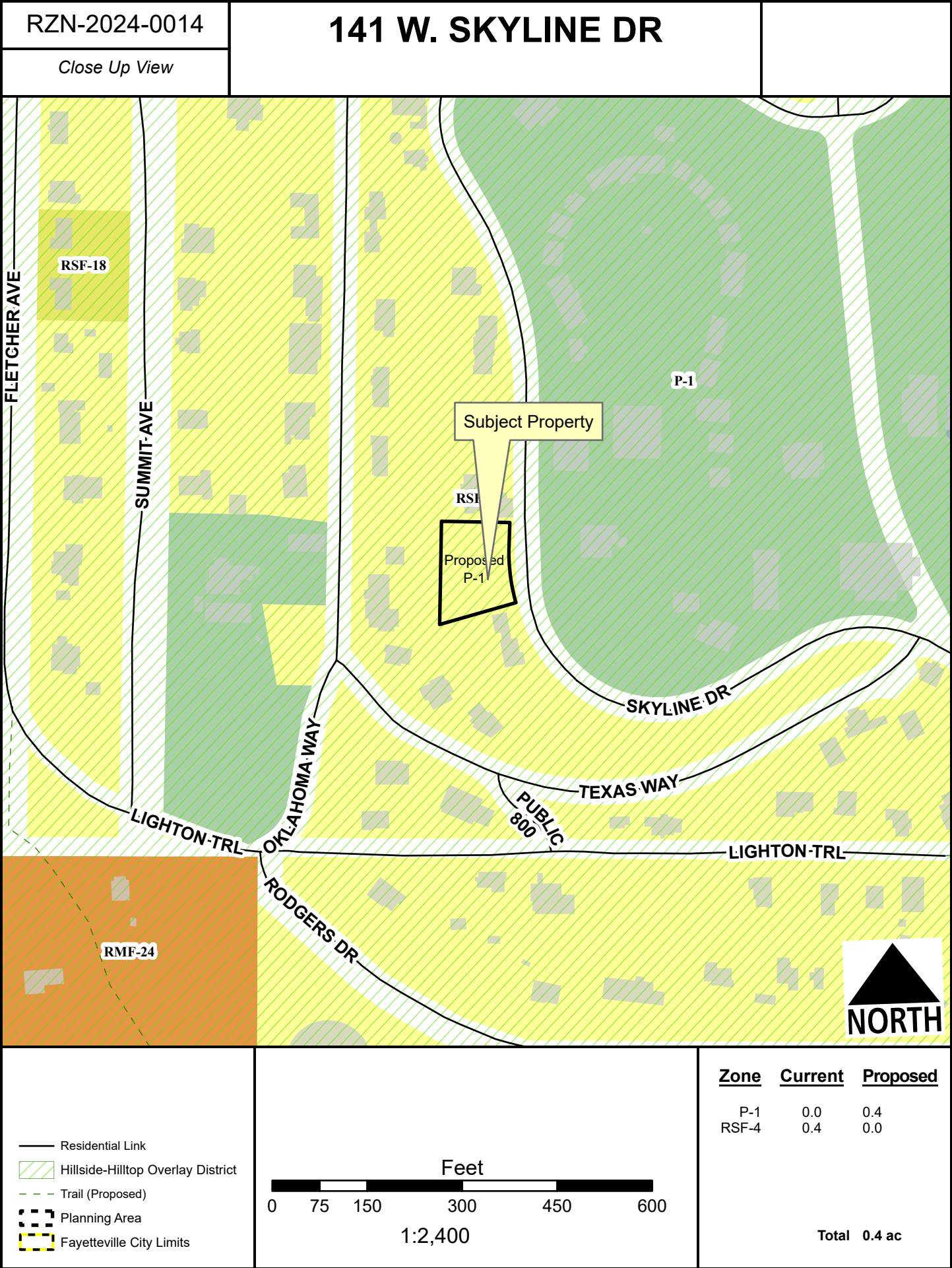
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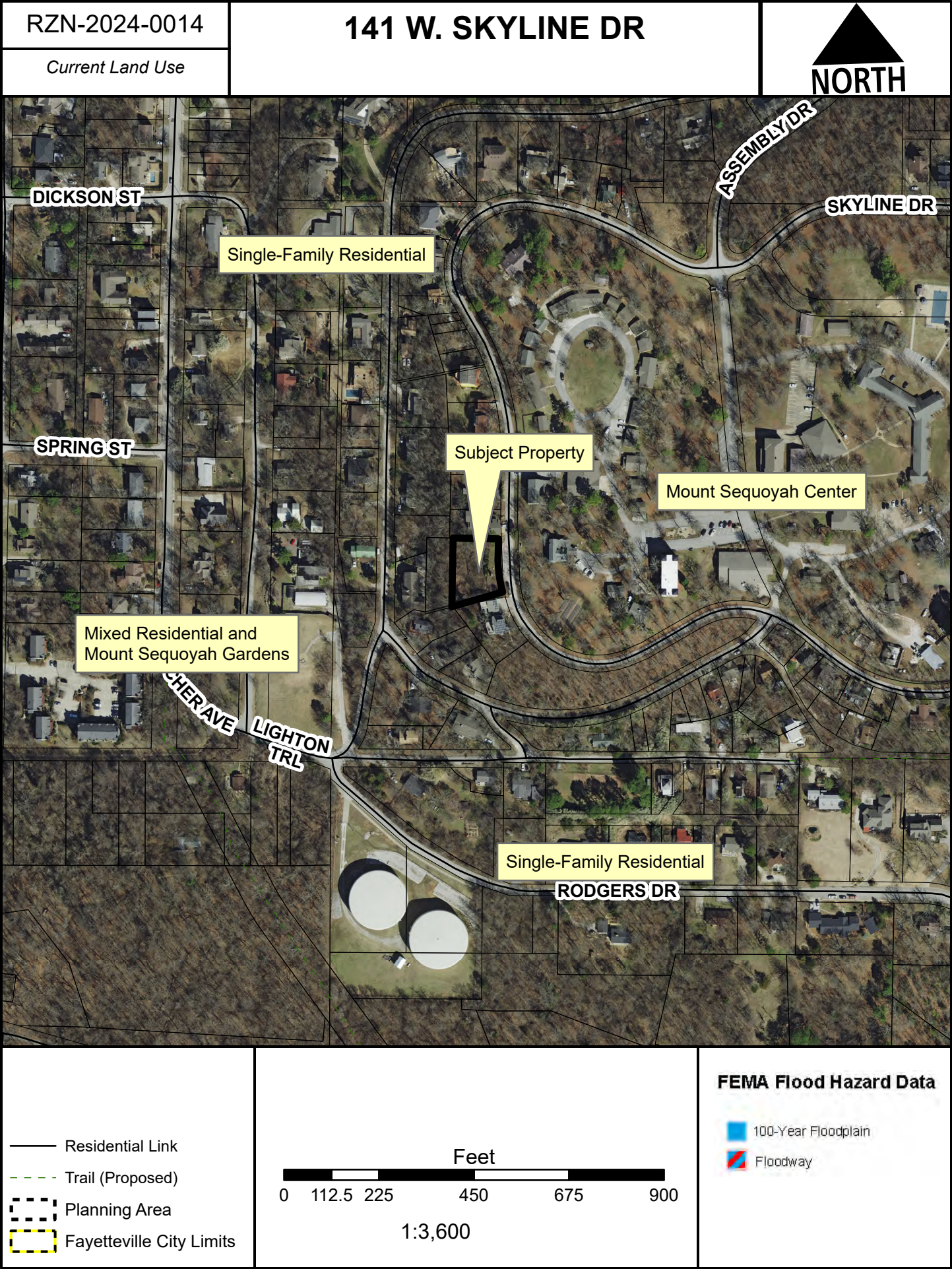
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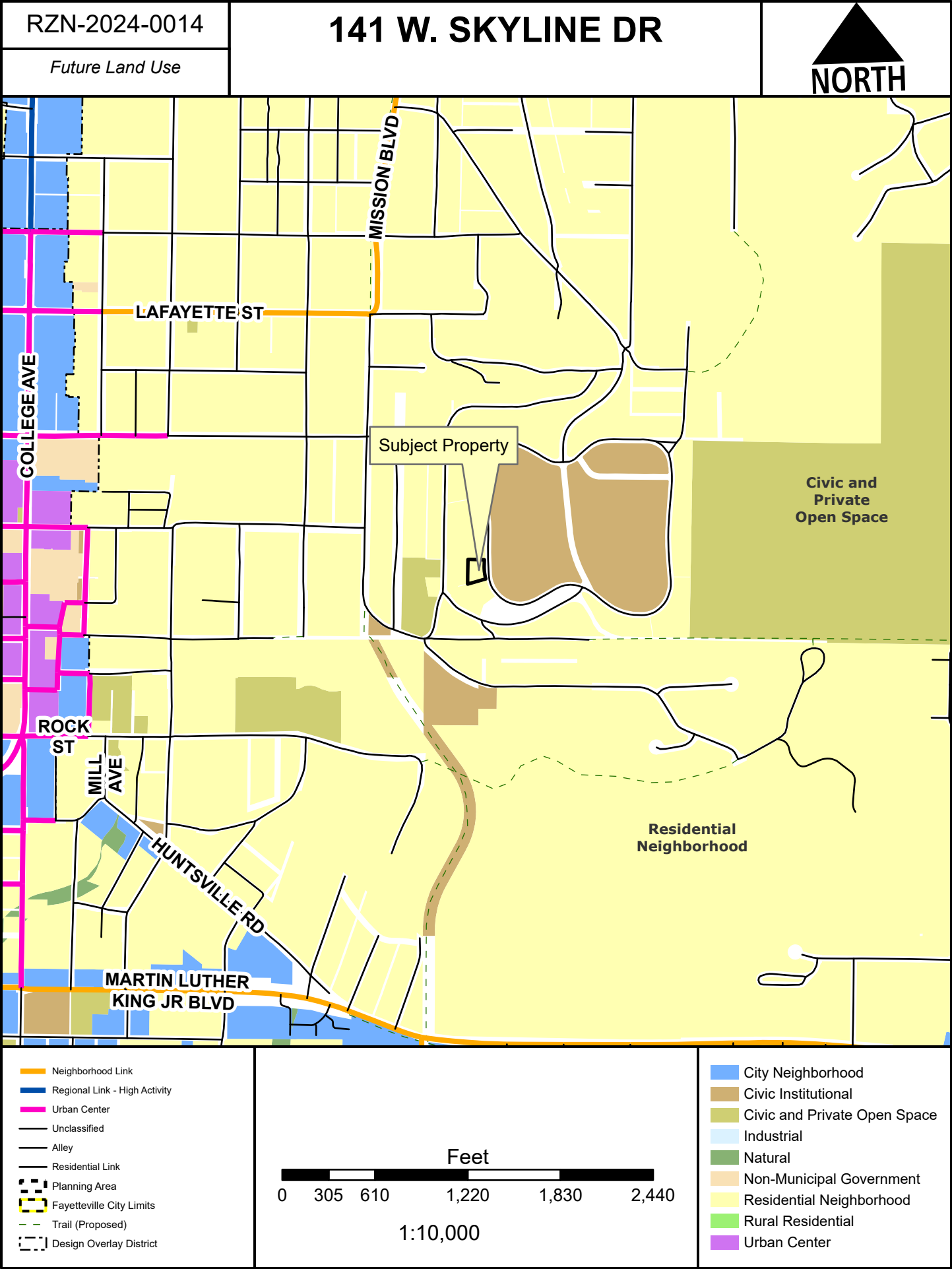


Western
Methodist
Assembly











MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Development Review Manager

FROM: Donna Wonsower, Planner

SUBJECT: **PZD-2024-0002: Planned Zoning District (WEST OF N. 54TH AVE / COLESON BROOK, LLC, 397): Submitted by CRAFTON TULL for property located WEST OF N. 54TH AVE in WARD 4. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and contains approximately 12.13 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.**

RECOMMENDATION:

City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A', 'B', 'C', and 'D'.

BACKGROUND:

The subject property is in west Fayetteville, approximately 400 feet north of the intersection of N. 54th Ave. and W. Wedington Dr. The property was annexed into Fayetteville city limits and rezoned to its current designation in 2021. It contains roughly 12.13 acres and is zoned RI-12, Residential Intermediate, 12 Units per Acre. The property is currently undeveloped and is not part of any overlay or master planning areas.

The applicant requests to rezone the property to a Planned Zoning District with two Planning Areas, as described below:

Planning Area #1 – 7.99 acres: The intention of this planning area is to provide single-family homes at a maximum density of 10 units per acre. The proposal includes alley-loaded single-family home lots which would front either N. 54th Ave. or the proposed greenspace within Planning Area 2. The allowable uses are similar to but more limited than those allowed in other single-family zoning districts such as RSF-4 or NC, Neighborhood Conservation.

Planning Area #2 – 1.32 acres: This planning area is intended for a combination of open space, tree preservation, and stormwater facilities. The area in question currently has some existing tree canopy and abuts an existing residential neighborhood to the west. Any proposed parkland dedication would be required to be evaluated by the Parks and Recreation Advisory Board, and a full evaluation of its suitability for City acquisition would take place during development process. Compliance with the tree preservation ordinance and stormwater design would be fully evaluated with development plan submittal. The permitted uses are restricted to Use Unit 1: City-wide Uses permitted by right.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Public Comment: To date, staff has received multiple inquiries regarding the proposed rezoning and requesting additional information. One comment was emailed to staff in opposition to the request, citing drainage concerns, safety of children around drainage facilities, the potential draw of detention ponds to nuisance animals such as geese, snakes, and mosquitoes, and potential impact to property values.

Land Use Compatibility: Staff finds the applicant's request to be compatible with existing surrounding land uses. An existing RI-12 neighborhood is located directly west, with a mixed-density residential development known as Cobblestone Farms currently under construction to the east. Staff finds the proposed density could provide a good transition area between these two developments. The applicant's request reflects slightly lower density than the existing zoning district that reduces impervious surface by allowing the parcels along the western portion of the development access from solely a proposed alley with frontage along open space in Planning Area 2. The separation of the PZD into two planning areas indicates a specific intention to work within the confines of existing amenities on the site, tree preservation, detention, and open space along the western boundary that will also serve to provide a buffer between the proposed development and an existing residential neighborhood.

The applicant's request would also allow for short-term rentals within Planning Area 1. However, since the overall planned zoning district is strictly residential and does not include any commercial or mix of uses by right, staff finds that any single-family homes that would like to pursue a Type 2 short-term rental would require a conditional use permit. Any commercial uses would be subject to a conditional use permit in Planning Area 1.

Land Use Plan Analysis: Staff finds that the request is consistent with the City's land use and zoning plans. The proposed PZD is substantially similar to what could be developed by right under the existing zoning district, with the notable exception of allowing parcels to have frontage along an alley / green space rather than a public street and an elimination of minimum lot widths (currently 50 feet). Proposed plans indicate lot widths of approximately 35 feet, which would be subject to UDC 164.23 Small Lot Design Standards and their intent of promoting public space interaction along with natural surveillance. Staff finds that the proposal meets City Plan 2040 goal by making appropriate infill a high priority; the infill score for the site is currently quite low, so inserting single-family units in the area acts as a good transitional development to future high-density development. The proposal also capitalizes on proximity to the trail network and adjacent street stub-outs.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a low infill score for the subject property of 3-5. The elements vary by the area of the property being considered, and include the following:

- Adequate Fire Response (Station #7, 835 N. Ruppel Rd.)
- Near Sewer Main (8" Main, N. 54th Ave. and W. Fountain St.)
- Near Water Main (8" Main, N. 54th Ave.)
- Near City Park (Bundrick Park)
- Near Paved Trail (Wedington Trails and N. 54th Ave. Trail currently under construction)

DISCUSSION:

At the April 8, 2024, Planning Commission meeting, a vote of 7-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Garlock made the motion which was seconded by Commissioner Payne. The applicant spoke briefly, citing the intent for the property to be a transitional development between higher density to the east and lower density to the west, and stated that they had no concerns regarding recommended conditions of approval. Commissioner Garlock appreciated the ability to view the conceptual plans with the proposed PZD and approved of the reduction in density. Commissioners also asked for clarification on the project number (PZD-2024-0002), the regulation of short-term rentals within

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

the PZD, and the proposed lot orientation. Staff clarified that Type 1 STRs would be permitted by right, and Type 2 STRs would require a conditional use permit. Staff also confirmed that houses would be alley-loaded with homes fronting either N. 54th Ave or the open space. No members of the public spoke at the hearing. Prior to the meeting, staff held an in-person meeting at Development Services to confirm with members of the public that drainage designs and potential stormwater facilities would be determined at the development plan stage and were not yet known. Staff confirmed this at the meeting with the Commission.

BUDGET/STAFF IMPACT:

NA

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Exhibit C (#6), Exhibit D (#7), Planning Commission Staff Report (#8)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-25

PZD-2024-0002: Planned Zoning District (WEST OF N. 54TH AVE / COLESON BROOK, LLC, 397): Submitted by CRAFTON TULL for property located WEST OF N. 54TH AVE in WARD 4. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and contains approximately 12.13 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

AN ORDINANCE TO APPROVE A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED PZD-2024-002 FOR APPROXIMATELY 12.13 ACRES LOCATED WEST OF NORTH 54TH AVENUE IN WARD 4

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves PZD-2024-02 as described in Exhibits "A", "B", and "C" attached to the Planning Division's Agenda Memo which allows the development of 12.13 acres of mixed residential units.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning criteria change provided in Section 1 above.

City of Fayetteville Staff Review Form

2024-25

Item ID

5/7/2024

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

Jonathan Curth

4/19/2024

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

PZD-2024-0002: Planned Zoning District (WEST OF N. 54TH AVE / COLESON BROOK, LLC, 397): Submitted by CRAFTON TULL for property located WEST OF N. 54TH AVE in WARD 4. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and contains approximately 12.13 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

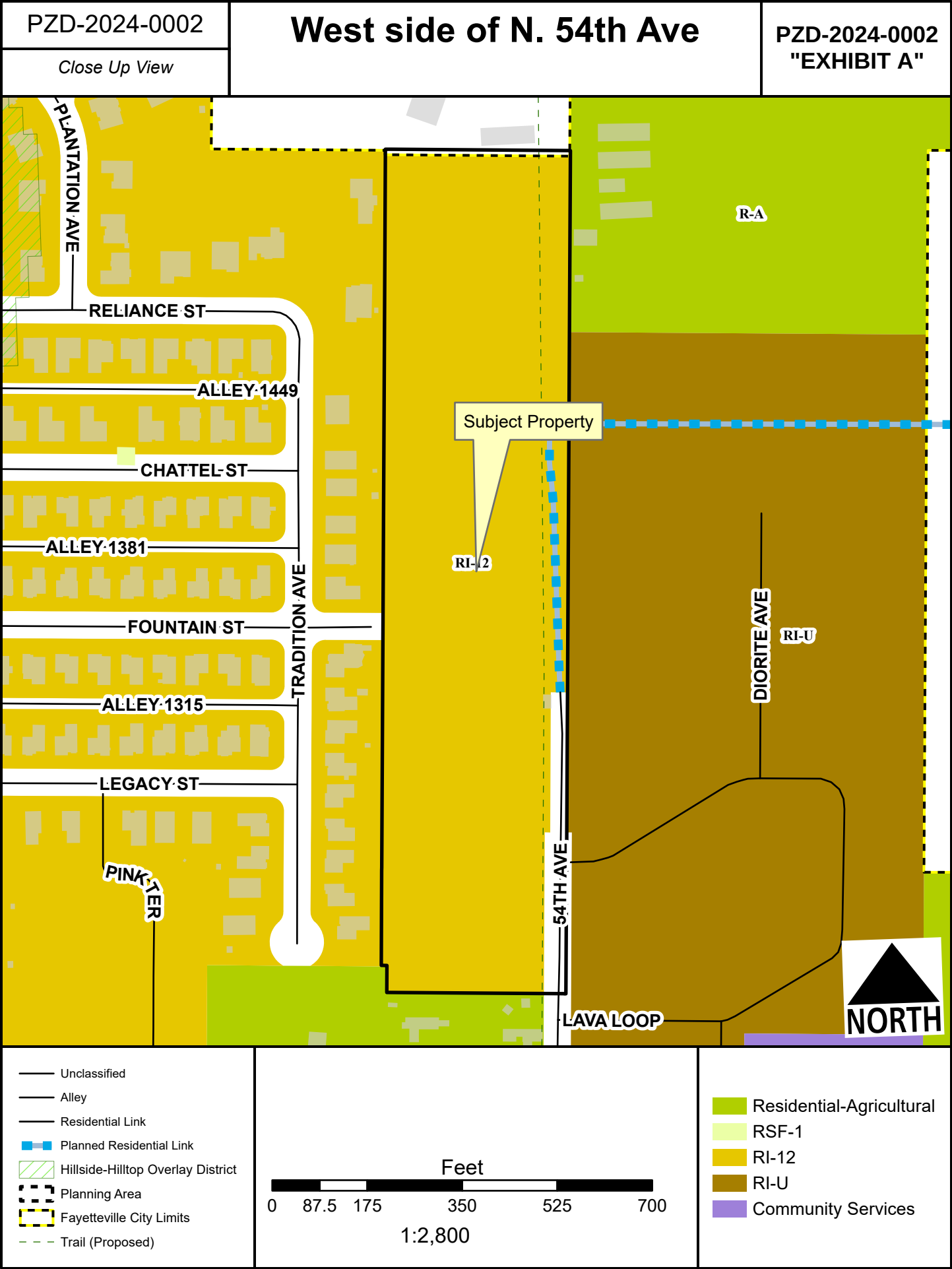
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



PZD-2024-0002

“EXHIBIT B”

SITE DESCRIPTION

BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST OF THE 5TH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE CENTER OF SAID SECTION 11; THENCE NORTH 02° 19' 07" EAST ALONG THE EAST LINE THEREOF, A DISTANCE OF 429.48 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE NORTH 87° 35' 30" WEST ALONG THE SOUTH LINE OF THAT PARTICULAR TRACT OF LAND DESCRIBED IN WARRANTY DEED RECORDED AS FILE NO. 2021-00032587, A DISTANCE OF 329.74 FEET TO A FOUND CAPPED 1/2" REBAR EMBOSSED PLS 1834; THENCE DEPARTING SAID SOUTH LINE NORTH 02° 16' 16" EAST ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 49.86 FEET TO THE SOUTH LINE OF THE QUIET TITLE CLAIM FILED AS CASE NO. 72CV-23-1129; THENCE NORTH 87° 32' 50" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 10.60 FEET TO THE A FOUND CAPPED ILLEGIBLE 1/2" REBAR MARKING THE SOUTHEAST CORNER OF LOT 47 OF HERITAGE VILLAGE SUBDIVISION PHASE I; THENCE DEPARTING SAID SOUTH LINE NORTH 02° 17' 27" EAST ALONG THE EAST LINE OF SAID HERITAGE VILLAGE SUBDIVISION OF PHASES I AND II, A DISTANCE OF 1503.00 FEET TO A 2" ALUMINUM MONUMENT IN CONCRETE EMBOSSED PLS 1274 MARKING THE NORTHEAST CORNER OF LOT 145 OF SAID HERITAGE VILLAGE SUBDIVISION PHASE II; THENCE DEPARTING SAID EAST LINE SOUTH 87° 33' 35" EAST ALONG THE NORTH LINE OF SAID QUIET TITLE CLAIM, A DISTANCE OF 10.08 FEET TO A FOUND 1/2" REBAR EMBOSSED PLS 1834 MARKING THE NORTHWEST CORNER OF AFOREMENTIONED TRACT; THENCE DEPARTING SAID QUIET TITLE CLAIM AND CONTINUING SOUTH 87° 33' 35" EAST ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 331.03 FEET TO A FOUND CAPPED 1/2" REBAR EMBOSSED PLS 1834 AND REGAINING AFOREMENTIONED EAST LINE; THENCE DEPARTING SAID NORTH LINE SOUTH 02° 19' 07" WEST ALONG SAID EAST LINE, A DISTANCE OF 1552.67 FEET TO THE POINT OF BEGINNING CONTAINING 12.13 ACRES MORE OR LESS BEING SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

March 26, 2024

PLANNED ZONING DISTRICT BOOKLET

Submitted to:

City of Fayetteville
125 W. Mountain St
Fayetteville, AR 72701

Owner:

Coleson Brook, LLC
234 E. Millsap
Fayetteville, AR 72703

CT JOB NO. 23305000



Crafton Tull



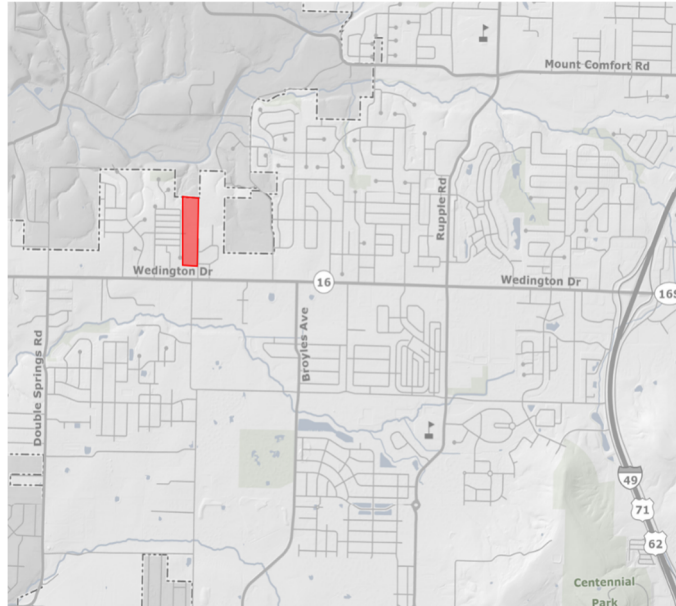
Table of Contents

A) Current Ownership.....	3
B) Project Summary.....	3
C) General Project Concept.....	3
D) Proposed Planning Areas.....	4
E) Proposed Zoning Standards.....	4
F) Zoning Charts.....	6
G) Analysis of Site Characteristics.....	7
H) Recreational Facilities.....	8
I) Reason for Rezone Request.....	8
J) Relation to Existing and Surrounding properties.....	8
K) Compliance with Fayetteville Comprehensive Land Use Plan.....	8
L) Traffic Study.....	9
M) Impacts on City Services.....	9
N) Conceptual Description of Development Standards.....	10
O) Proposals Intent/Purpose.....	11
P) Legal Descriptions.....	11



A) Current Ownership:

The 12.13-acre property is currently owned by Coleson Brook, LLC. The owner is being represented by Crafton Tull & Associates. The site is located on Washington County Parcel Numbers 765-16164-400 and 765-16168-000, which is located on the west side of N 54th Street in Fayetteville, AR. See vicinity map below for location:



B) Project Summary:

The proposed development will consist of two planning areas, consisting of single-family detached homes, and open green space. The intent is to have a walkable, vibrant, sustainable, and higher-density neighborhood with useable common open space. In addition, smaller lot sizes, alley access, and shorter setbacks will promote the vitality of the proposed neighborhood and incorporate open green spaces.

C) General Project Concept:

1) Street and lot layout will consist of the continuation of a two Residential Streets on site. 54th Street will be extended along the east side of the property as well as W Fountain Street, through the middle of the site. An alley is being proposed which connects to 54th Street on the north and south sides, as well as W Fountain Street in the middle of the site, promoting a highly connected, walkable community. Alleys will conform to the Master Street Plan, except where fire hydrants are needed. In these areas, they will utilize a bump-out detail, making the alley 26' wide, 20' either side of the hydrant. Houses on-site will be rear loaded to the alley. Lots will not be required to have frontage to a public street.

2) A site and master plan will be attached with this Booklet.

3) No buffer areas are located on this site.

4) Tree preservation on site will be located mainly along the western side. Tree preservation requirements within the PZD will adhere to the 25% minimum canopy requirement as codified in the UDC Chapter 167. Tree preservation areas and amount of canopy to be preserved will be noted on the development plans. Should the existing canopy on-site be less than this requirement, then this percentage will be either preserved or mitigated for, in accordance with UDC Chapter 167. Existing Trees within Planning Area 1 will be removed and mitigated. Tree preservation will be a priority in Planning Area 2, with common spaces and drainage designed around preservation.



5) Stormwater facilities will likely include two detention ponds to be provided within the development. The detention ponds will be located along the western side on the north and south half of the development. The drainage report will further detail the proposed system and how it will convey stormwater. Should other drainage features be utilized (pavers, etc.) and detention ponds be deemed unnecessary, then they will be omitted from the open space.

6) Portions of Planning Area 2 will remain undisturbed in order to preserve tree canopy and existing ground cover on-site. This will serve as somewhat of a natural buffer between the proposed development and the existing western subdivision.

7) Existing utilities around the proposed PZD will be utilized and extended throughout the site. The development's sanitary sewer main will drain from the north to south connecting to an existing manhole at the intersection of 54th Street and Wedington. The water mains will be connected to existing mains on 54th Street and Fountain Street and be extended throughout the development.

8) Base architectural design standards for homes shall be similar in nature and character to those attached in Exhibit A. Lots and houses can be of any size the developer wants, but the end product will be similar in material and roofline to what is included in this packet. Developer may elect to vary house exterior color.

9) Example building elevation/floorplans (Exhibit A) are included with this booklet. These example housing styles highlight potential options for a higher density lot configuration, while also conveying materials and prominent features of potential housing within any future development. Ultimately, there is no minimum or maximum lot size, and the developer may build different house plans as long as they generally conform to the material and roof form of the included drawings. Developer may elect to vary house exterior color. Final elevations shall conform to UDC 164.23, Small Lot Design Standards. Additionally, where buildings will be visible from the open areas and public right-of-way, additional windows and/or other architectural features such as a bays, porches, dormers, etc. shall be provided for visual interest.

D) Proposed Planning Areas:

Proposed planning areas for this development will include:

Planning Area 1 (Single Family Detached Homes) – This area will encompass any lots, streets, alleys, and uses where single family is proposed. This area will have a “build-to-zone”, which shall not exceed 25’ from the street right-of-way. “Build-to-zones” and setbacks are further discussed in Section E and F of this booklet.

Planning Area 2 (Non-Residential Uses) – This area will encompass all the detention, drainage features, forested areas, natural areas, and recreational features. The zoning district is designed to permit and encourage the minimum amount of development, protect natural features, and encompass all common and recreational areas for the development. Open Space will be accessible for residents to use through a sidewalk network via the master street plan and so that residents can use common open space for outdoor and recreational uses.

E) Proposed Zoning Standards:

Planning Area 1 - Residential Zoning District:

(a) Permitted uses by Use Unit:

Unit 1: City-wide uses by right

Unit 8: Single-family dwellings



Unit 41: Accessory Dwelling Units

Unit 46: Short-term rentals

b) Conditional uses by Use Unit:

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-Family Dwellings

Unit 10: Three (3) and Four (4) family dwellings

Unit 12a: Limited business

Unit 24: Home occupations

Unit 44: Cluster Housing Development

c) Residential Density and/ or Nonresidential Intensity: 10 units/acre Maximum

Bulk and area regulations:

d) Lot width minimum: No Minimum

e) Lot area minimum: No Minimum

h) Height regulations: 2 stories

i) Building area: less than 65% of lot area. Minimum buildable street frontage: 50% of lot width (for only those lots along Public Streets, of which Alleys are not included).

Site Planning:

j) Landscaping: Landscaping shall be consistent with chapter 177 of the Unified Development Code.

k) Parking: Parking shall be accessible by rear of houses. Each house shall have a driveway for parking. Parking spaces will be available throughout the development as shown on preliminary plat.

l) Architectural Design Standards: Base architectural design standards for homes are included in Exhibit A. Single-family homes shall be similar in nature and character to these plans and images as shown in Exhibit A. An architectural projection, such as an eave, utility chase, chimney or bay window shall not be considered to be in violation of a setback requirement as long as the projection does not intrude into a public right-of-way or extend more than 3 feet into a setback. A projection which encroaches into a setback shall not come closer than 3 feet to a property line. All lots less than 50 feet in width shall conform to UDC 164.23, Small Lot Design Standards.

m) Signage: Non-commercial signage shall be allowed under Chapter 174 of the UDC. No illuminated signs or signs larger than 8 sqft.

Planning Area 2 – Non-residential Zoning District:

(a) Permitted uses by Use Unit:

Unit 1: City-wide uses by right

b) Conditional uses by Use Unit:

Unit 2: City-wide uses by conditional use permit

Unit 3: Public protection and utility facilities

c) Residential Density and/ or Nonresidential Intensity: 0 units/acre Maximum

Bulk and area regulations:

d) Lot width minimum: 50'

e) Lot area minimum: .5 acres



- h) Height regulations: 2 story maximum
- i) Building area: none

Note: There shall be no lot minimum requirements for non-buildable lots.

Site Planning:

- j) Landscaping: Landscaping shall be consistent with chapter 177 of the Unified Development Code.
- k) Parking: Parking shall be associated with proposed use and will conform to Chapter 172 in the UDC.
- l) Architectural Design Standards: Architectural design standards shall conform to building and development requirements within UDC.
- m) Signage: Subdivision Entrance Signage is allowed within this Planning Area but shall be applied by separate permit. No other signs shall be allowed, except as approved by the Property Owner's Association.

*By right, common mailbox units shall be allowed within Planning Area 2. These units shall be installed near Fountain Street.

**Accessory uses shall conform to UDC 164.02, Accessory Structures and Uses.

F) Zoning Chart:

Planning Area 1 (Residential Zoning District):

Below is a chart comparing Planning Area 1 (Residential Zoning District) within this PZD versus City of Fayetteville current RI-12 zoning of the property:

Regulation	RI-12	Proposed PZD Planning Area 1
Uses	Permitted uses: Unit 1, Unit 8, Unit 9, Unit 10, Unit 41, Unit 44, Unit 46 Conditional uses: Unit 2, Unit 3, Unit 4, Unit 5, Unit 12a, Unit 24, Unit 36	Permitted uses: Unit 1, Unit 8, Unit 41, Unit 46 Conditional uses: Unit 2, Unit 3, Unit 4, Unit 9, Unit 10, Unit 12a, Unit 24, Unit 44
Front Setback	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	A build-to zone that is located between the front property line and a line 25 feet from the front property line. For lots facing the open space (front), a build-to-zone of 0-25' shall apply off of the front property line.
Side Setback Adjacent to Single & Two Family	5' both sides	5' both sides or 0' one side, 10' other side
Side Setback Other Uses	8'	5'
Rear Setback Single Family	5'	20' (from either edge of Alley R/W or Access Easement, depending on if public or private)
Rear Setback Other Uses	20'	20' (from either edge of Alley R/W or Access Easement, depending on if public or private)
Density	12 units/acre	10 units/ acre
Minimum Lot Width	50' single family 50' two family	No minimum



	90' three & four family	
Minimum Lot Area	5,000 sqft single family 7260 sqft two family 10,890 sqft three & four family	No minimum
Maximum height	2 stories/3 stories*	2 stories
Building area	Less than 50% of lot area	Less than 65% of lot area

Planning Area 2 (Non-residential Zoning District):

Below is a chart comparing Planning Area 2 (Non-residential Zoning District) within this PZD versus City of Fayetteville current RI-12 zoning of the property:

Regulation	RI-12	Proposed PZD Planning Area 2
Uses	Permitted uses: Unit 1, Unit 8, Unit 9, Unit 10, Unit 41, Unit 44, Unit 46 Conditional uses: Unit 2, Unit 3, Unit 4, Unit 5, Unit 12a, Unit 24, Unit 36	Permitted uses: Unit 1 Conditional uses: Unit 2, Unit 3
Front Setback	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	20'
Side Setback Adjacent to Single & Two Family	5' both sides	10'
Side Setback Other Uses	8'	10'
Rear Setback Single Family	5'	20'
Rear Setback Other Uses	20'	20'
Density	12 units/acre	Nonresidential: ½ acre
Minimum Lot Width	50' single family 50' two family 90' three & four family	50'
Minimum Lot Area	5,000 sqft single family 7260 sqft two family 10,890 sqft three & four family	.5 acre
Maximum height	2 stories/3 stories*	2 stories
Building area	Less than 50% of lot area	None*

*There shall be no lot requirements for non-buildable lots.

**By right, common mailbox units shall be allowed within Planning Area 2. These units shall be installed near Fountain Street.

***Accessory uses shall conform to UDC 164.02, Accessory Structures and Uses.

G) Analysis of Site Characteristics:

The 12.13-acre site is primarily grass with trees along the western border. This site looked to previously be a single-family resident. This site has moderately sloped topography. Half of the site drains south, the other half drains west/northwest. There are no known environmental hazards, sensitive or natural resources areas, or manmade hazards.



H) Recreational Facilities:

The future development of this property will have open space on the west side of the property to be utilized for the subdivision's residents. The open space will be a central design feature, with many houses fronting the space. The space will have pedestrian connectivity to it from all directions of the site, and through the open space with an inner sidewalk or trail. This recreational facility is also connected to the western adjacent subdivision, which has an existing city park, and the eastern adjacent development and trail system.

I) Reason for Rezone Request:

The subject property is currently zoned RI-12, which allows for 1-4 family dwellings with a density of up to 12 units per acre. For single family, however, the minimum lot size is 50'. Due to the developer's desire to create a more compact, walkable, open-space driven design, it was requested that the minimum lot size be removed to allow for a smaller lot size. The site drawing submitted with this packet is based on a 35' lot width, but allows the developer to create bigger or smaller lots, depending on their preference at the time of development. A Planned Zoning District (PZD) was the method chosen to do this for two reasons.

1. Other zoning districts (Community Services, Residential Intermediate-Urban, etc) could allow for a similar flexibility to what is being proposed here, but not without it seeming like the developer was building apartments or a really high-density development. This is not their desire nor how they wish for the public to see this request as. It is their intent to build smaller single family lots with a zoning density of no more than 10 units per acre.
2. Many of the lots in Planning Area 1 will be alley loaded and front on the park with no public street frontage. This is not allowed by-right in any zoning district. The Planned Zoning District provides an avenue to address this and make this possible.

J) Relation to Existing and Surrounding Properties:

The subdivision located west of this development is zoned RI-12 having medium/low density (12 units/acre). The development east of the site is zoned RI-U having a variety of housing types. The property south of the development is zoned R-A having low-density single-family houses. The development north is in Washington County jurisdiction. This development, being moderate density residential, will serve as a good transition between surrounding neighborhoods while still conforming to the general residential uses within the area.

This development will have street connections to the subdivision located west and 54th Street. Traffic within this development will have egress/ingress from Fountain Street and 54th Street.

All signage shall meet UDC Chapter 174. Although no signage is proposed for this development.

K) Compliance with Fayetteville's Comprehensive Land Use Plan.

Fayetteville's Future Land Use Plan calls this area to be Residential Neighborhood, which offers a wide variety of housing types, with highly connected, compact blocks with gridded street patterns. This Planned Zoning District is in compliance with that, as it allows a wide array of single-family housing with no minimum lot width or size. Two to four family dwellings are also conditionally allowed with this Planned Zoning District. This development is highly connected to existing subdivisions to the east and west, as well as internally, with the open space being a central focal point.

Below are the six 2040 City Plan goals and how this development aligns with them:

Goal 1: We will make appropriate infill and revitalization our highest priority.



This site is essentially an infill project, between two existing residential developments. This project connects vehicles and pedestrians throughout this area in a logical and concise manner. This development is intended to be primarily single-family residential, although it does allow 2-4 family dwellings by conditional use. Single-family residential on this site compliments the context and character of the existing neighborhood to the west of the site, while obtaining the density needed to promote affordable housing in the region.

Goal 2: We will discourage suburban sprawl.

This development would not be considered suburban sprawl having high and medium density neighborhoods surrounding it. This development connects the two existing developments, extended vehicular and pedestrian access through this site and surrounding sites to local parks and amenities. This Planned Zoning District has a density that is less than what is currently on the site for RI-12, while being a concise development which minimizes public street construction and centers on a internal open space for residents to enjoy.

Goal 3: We will make traditional town form the standard.

This development meets this goal by being a compact and dense subdivision thus being able to preserve open space and trees, having interconnected streets and sidewalks, having build-to-zones, and having an alley. With the alley, the development will have a more beautified streetscape with services and utilities being here. The houses will be able to front either open space or 54th Street.

Goal 4: We will grow a livable transportation network.

This development will promote walkability and bicycling by having interconnected tree-lined streets, and sidewalks. Fayetteville's trail network is adjacent to this development, located on the east side of 54th Street. If public transportation decides to extend west, this development will provide connection with surrounding neighborhoods thus making bus stops more accessible.

Goal 5: We will assemble an enduring green network.

This development will meet this goal by preserving trees and open space. Additionally, the proposed development will consist of tree-line streets, interconnected sidewalks, and will connect to a trail adjacent to the development.

Goal 6: We will create opportunities for attainable housing:

This goal will be met by providing the developer an opportunity for a mixture of housing sizes. With only one public street and an alley for this site for the many houses on this development, the cost per lot has been reduced giving opportunity for more affordable housing, depending on the configuration.

L) Traffic Study

Per pre-application discussions with city staff, a traffic study wouldn't be required.

M) Impact of City Services

An 8" water main will be extended throughout the site to serve all residential lots. An 8" gravity sanitary sewer main will be extended throughout the site to serve all residential lots. Initial discussions with city staff stated sanitary sewer capacity, water pressures and flows should not be a concern.

Emergency services, police and fire, will be able to serve houses by either the alley or streets throughout the development. Fire hydrants will be installed strategically throughout the development. Fire hydrants installed in the alley will have bumpouts to provide the required 26' for a fire truck. Each house will have an individual trash service that will be provided in the alley.



N) Conceptual Description of Development Standards

The proposed PZD will set forth development standards and conditions aimed at encouraging harmonious development, ensuring continuity in development, enhancing the appeal and practicality of the area as a residential space, overall, elevating the community.

1) Screening and Landscaping:

Landscaping for this development will be consistent with chapter 177. Residential lots shall have a consistent foundation and high-quality design at the front of the house and throughout the development. Natives and high-quality design are encouraged for new construction of homes. A basic landscape plan will be submitted with building elevations and floor plans. Vegetative screening and fences may be erected between homes and planning uses if required by UDC. No trees are proposed along the alley, due to franchise utilities traversing through this space and the likelihood that these trees will not survive.

2) Traffic and Circulation:

This development will provide connectivity for surrounding neighborhoods and create another route of egress/ingress thus alleviating traffic congestion within existing subdivisions. It will also extend two master street plan streets and pedestrian facilities.

3) Parking Standards:

Parking standards will meet City of Fayetteville Minimum Street Standards where on-street parking and parking spaces are to be proposed. Parking is to be located within the PZD district it serves. Parking will be available in garages and driveways at each residence as well as on-street where allowed by this planned zoning district and the master street plan.

4) Perimeter Treatment:

This development is compatible with adjacent developments, and proposes to meet the future land use map. Because of this, no perimeter treatment is proposed.

5) Sidewalks:

Sidewalks will be provided throughout the development and along Residential Link Streets.

6) Streetlights:

Streetlights shall be of a uniform type throughout the development. All streetlights shall be full cut-off fixtures and a lighting system shall appropriately light all public areas. All streetlights shall be per Ozark Electric cooperative and meet UDC code 166.04(B)(3)(g). Street Lights shall also be installed in the alley for vehicular safety.

7) Water:

Water mains and services shall be provided for each dwelling and residence. Water mains shall be per Fayetteville 2022 Water and Sewer Specifications, utilizing an 8" AWWA C900 PVC, DR14 material. Water services shall follow these same specifications for meters and service lines.

8) Sewer:

Sewer services shall be provided for all dwellings and buildings. Sewer mains shall be per Fayetteville 2022 Water and Sewer Specifications, utilizing an 8" PVC SDR 26. Sewer services shall follow these same specifications for any meters and service lines.



9) Street and Drainage:

Streets shall conform to City of Fayetteville Minimum Street Standards. Street design shall be reviewed by the Engineering department of the City of Fayetteville. Drainage and storm design will be provided on the attached site design/master plan. Drainage and storm design will be reviewed by the Engineering Department of the City of Fayetteville.

10) Construction of Nonresidential Facilities:

Non-residential facilities are not proposed within this development apart from those stated previously.

11) Tree Preservation:

Tree preservation plans and landscape plans will be required and submitted once development begins on a preliminary plat application and development plan is submitted. The intent is to preserve trees where possible in Planning Area 2. Planning Area 1 will have no preservation. Mitigation will be shown in Planning Area 2.

12) Architectural design standards:

Architectural design standards have been attached to this application as Exhibit A. Residential buildings must be consistent with the style and look of examples set in Exhibit A. Houses may be larger or smaller, but will have the same general look as attached. All lots less than 50 feet in width shall conform to UDC 164.23, Small Lot Design Standards.

13) Propose signage:

No signage is proposed with this development. There is the potential that the developer may want a subdivision sign. This is allowable by right in Planning Area 2, as is the common mailbox unit.

14) View Protection:

View protection shall be considered if any proposed work is to occur outside the scope of the proposed PZD and its master plan.

15) Covenants, trust, and homeowner association:

Homeowners association shall be created with future development, with restrictive covenants enacted to ensure that development is well maintained and attractive for the future. Neither is proposed at this time.

O) PZD Intent/Purpose

The intent of this Proposed PZD is to create and expand the City Residential Neighborhood Area as outlined in the City of Fayetteville's 2040 Land Use Plan. The proposed PZD wishes to expand the existing infrastructure, while creating a livable, harmonious, and vibrant community compatible to surrounding uses.

P) Legal Description

Planning Area 1:

PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 11

THENCE N2°19'07"E 429.48 FEET;

THENCE N87°35'30"W 41.81 FEET;



THENCE N2°20'25"E 81.06 FEET TO THE POINT OF BEGINNING;
THENCE N87°39'35"W 95.00 FEET;
THENCE 62.83 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 40.00 FEET AND A LONG
CHORD OF N42°39'35"W 56.57 FEET;
THENCE N02°20'25"E 19.32 FEET;
THENCE N87°39'35"W 115.00 FEET;
THENCE N02°20'25"E 510.00 FEET;
THENCE N87°39'35"W 49.10 FEET;
THENCE N02°17'27"E 52.00 FEET;
THENCE S87°39'35"E 49.14 FEET;
THENCE N02°20'25"E 755.00 FEET;
THENCE S87°39'35"E 115.00 FEET;
THENCE N02°20'25"E 55.00 FEET;
THENCE S87°39'35"E 20.00 FEET;
THENCE N02°20'25"E 10.00 FEET;
THENCE S87°39'35"E 115.00 FEET;
THENCE S02°20'25"W 1441.32 FEET TO THE POINT OF BEGINNING, CONTAINING 7.99 ACRES,
MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

Planning Area 2:

PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST,
WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 11

THENCE N2°19'07"E 429.48 FEET;
THENCE N87°35'30"W 41.81 FEET TO THE POINT OF BEGINNING;
THENCE N87°35'30"W 287.92 FEET;
THENCE N02°16'16"E 49.86 FEET;
THENCE N87°32'50"W 10.60 FEET;
THENCE N02°17'27"E 600.16 FEET;
THENCE S87°39'35"E 49.10 FEET;
THENCE S02°20'25"W 510.00 FEET;
THENCE S87°39'35"E 115.00 FEET;
THENCE S02°20'25"W 19.32 FEET;
THENCE 62.83 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 40.00 FEET AND A LONG
CHORD OF S42°39'35"E 56.57 FEET;
THENCE S87°39'35"E 95.00 FEET;
THENCE S02°20'25"W 81.06 FEET TO THE POINT OF BEGINNING, CONTAINING 1.35 ACRES,
MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

ALSO

PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST,
WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:



*COMMENCING AT THE CENTER OF SAID SECTION 11
THENCE N2°19'07"E 1982.15 FEET;
THENCE N87°33'35"W 41.23 FEET TO THE POINT OF BEGINNING;
THENCE S02°20'25"W 30.31 FEET;
THENCE N87°39'35"W 115.00 FEET;
THENCE S02°20'25"W 10.00 FEET;
THENCE N87°39'35"W 20.00 FEET;
THENCE S02°20'25"W 55.00 FEET;
THENCE N87°39'35"W 115.00 FEET;
THENCE S02°20'25"W 755.00 FEET;
THENCE N87°39'35"W 49.14 FEET;
THENCE N02°17'27"E 850.84 FEET;
THENCE S87°33'35"E 299.88 FEET TO THE POINT OF BEGINNING, CONTAINING 1.32 ACRES,
MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.*

General Notes

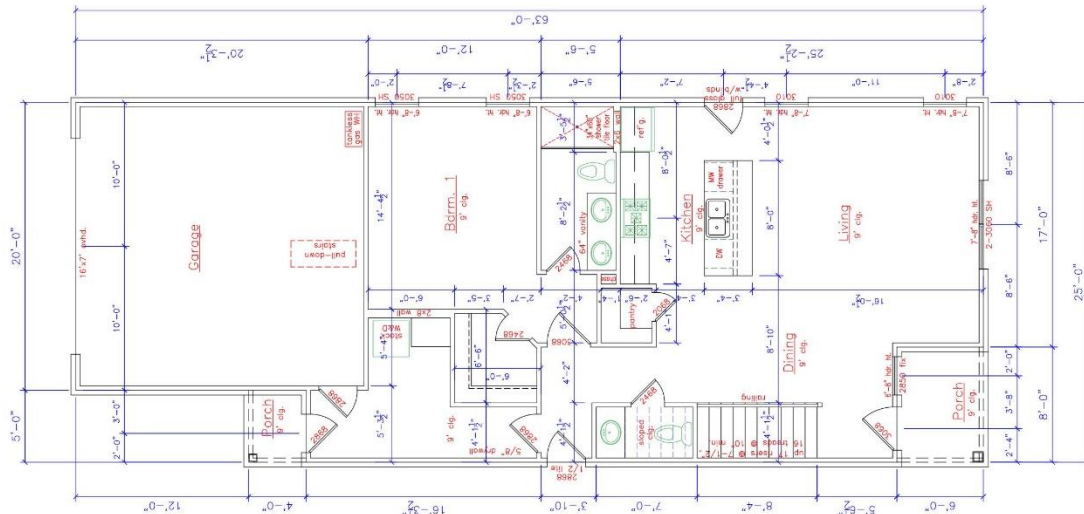
Structural Integrity Design is a registered design service not a registered architectural firm. The purchaser of this set of plans should consult a building professional prior to construction. The purchaser understands that the design is for informational purposes only and does not constitute a design. Structural Integrity Design from any liability and/or claims that may arise during construction or anytime thereafter. Therefore, the builder must carefully inspect all aspects of these drawings, including but not limited to dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.



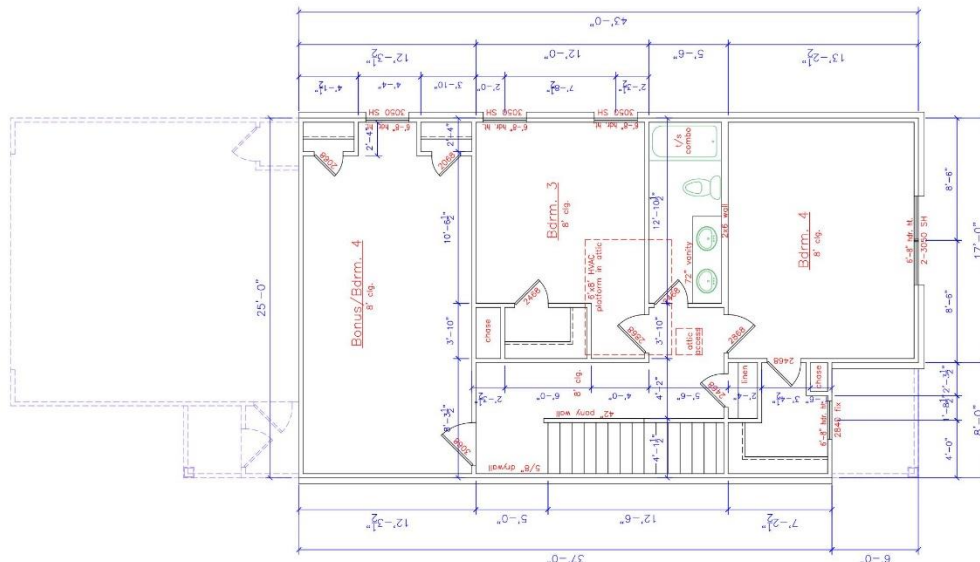
Black Pine Construction
Amika bonus no porch

Square footage	
1st floor (incl)	= 1048
2nd floor (incl)	= 774
Garage (to frame)	= 2106
Porch	= 88
Total under roof	= 2573

Sheet	1 of 3
Drawn	2/27/2024
Scale	1/4" = 1'-0"



1st Floor plan



2nd Floor plan



Typical window header detail

General Notes

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Residential design & drafting

Black Pine Construction
Annika bonus no porch

Sheet
BPC-Annika no porch

Date
2/27/2024

Scale
1/4" = 1'-0"

2 of 3

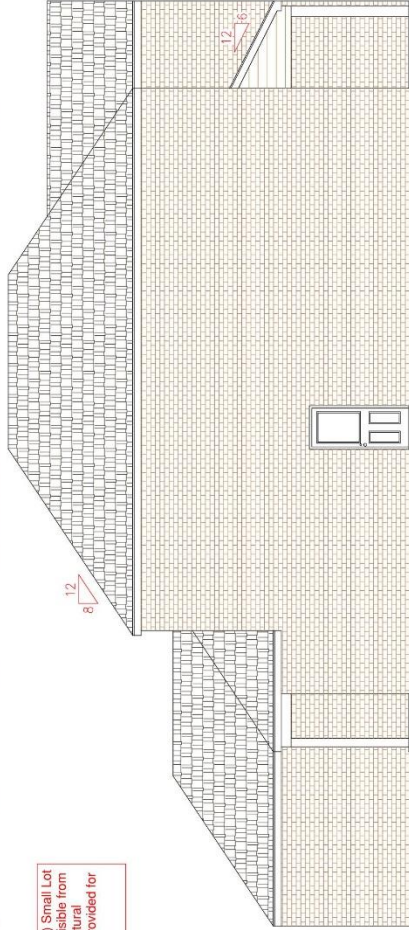


Front elevation 2

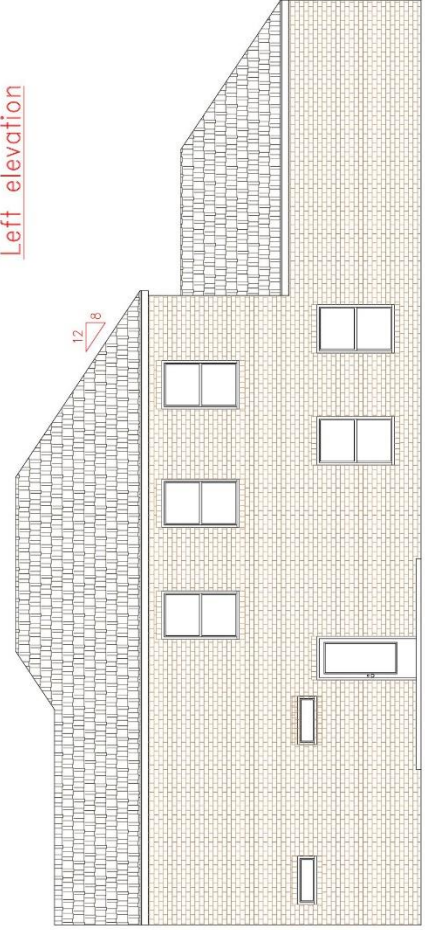
Front elevation 1

Rear elevation

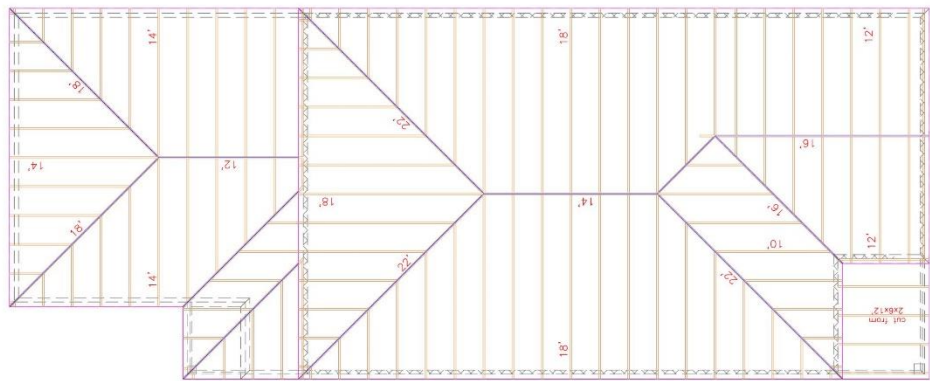
Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



Left elevation

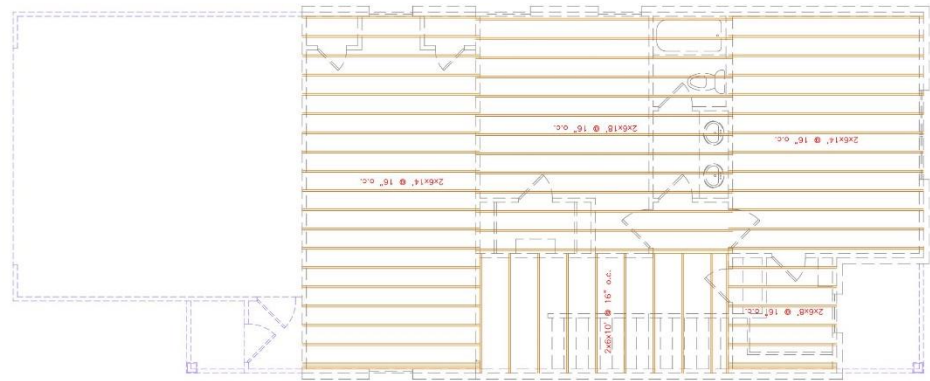


Right elevation

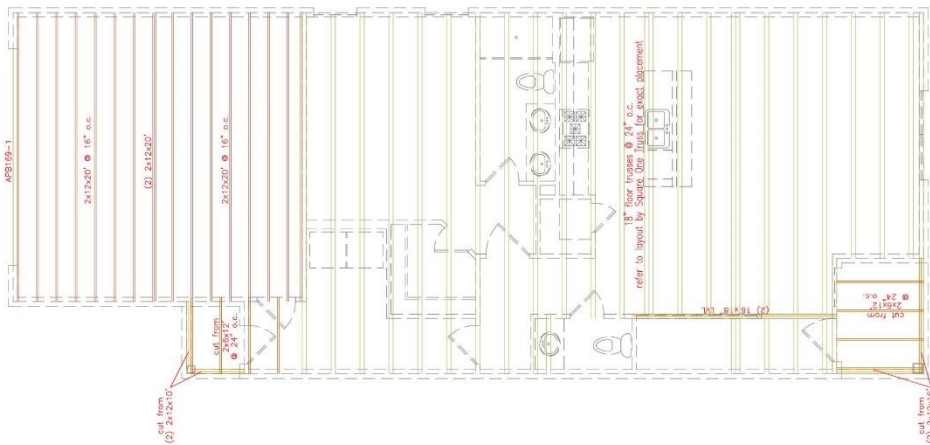


Roof/Rafter plan

- Notes:
 8:12 pitch (u.n.o.) brick
 No overhangs (flush w/ brick)
 1. All hip, valley & ridge material is 2x8 (u.n.o.)
 2. All rafter material is 2x6 (u.n.o.)
 3. Lengths shown are shipped board lengths. All boards to be cut on site as req'd. from board lengths shown.
 4. Frame dormers as required

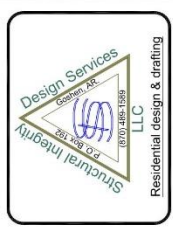


2nd floor ceiling joist plan

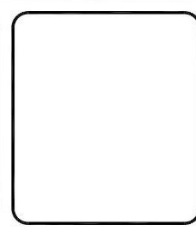


1st floor ceiling / floor truss plan

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Black Pine Construction
 Annika bonus no porch



Drawn by: BPC-Annika no porch	Sheet 3 of 3
Issued: 2/27/2024	
Scale: 1/4" = 1'-0"	

General Notes

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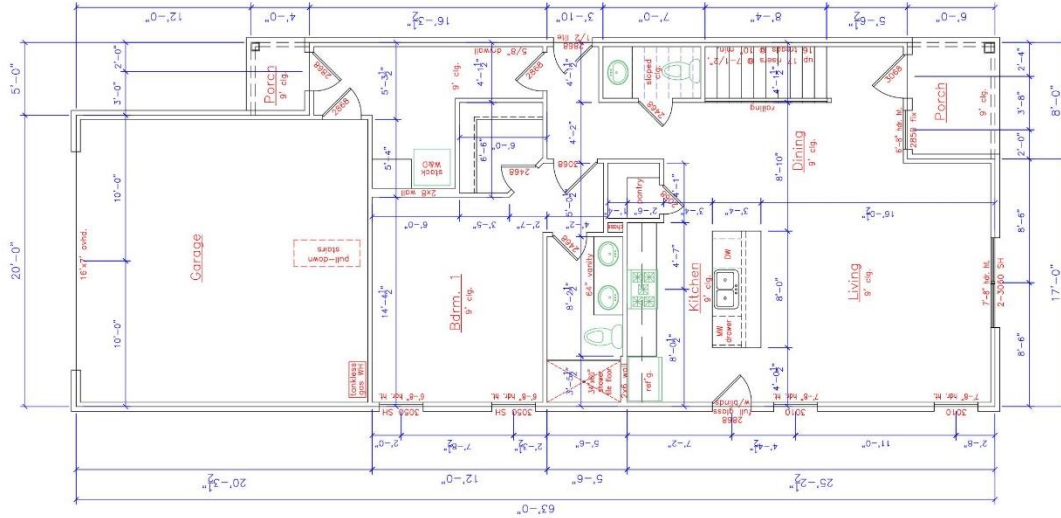
Residential design & drafting

Black Pine Construction
Annika bonus no porch

Square footage

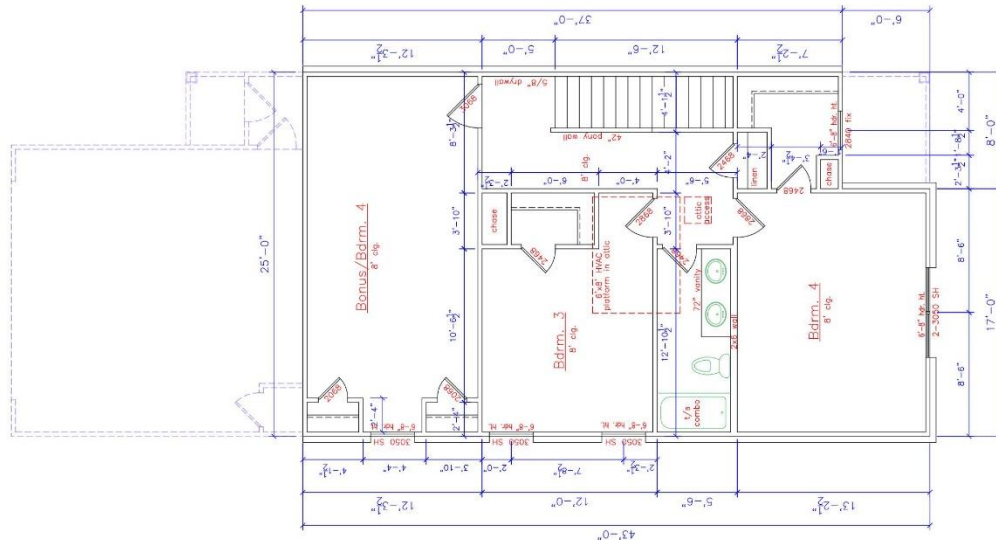
1st floor (hid)	= 1048
2nd floor (hid)	= 994
Brick & heater	= 74
Total heated	= 2106
Garage (to frame)	= 529
Porch	= 68
Total under roof	= 2573

Sheet	1 of 3
Date	2/27/2024
By	BPC-Annika no porch
Scale	1/4" = 1'-0"



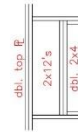
1st Floor plan

1. Ceiling heights are 9'-0"
2. Exterior walls are 2x4 studs
3. Interior walls are 2x4 studs

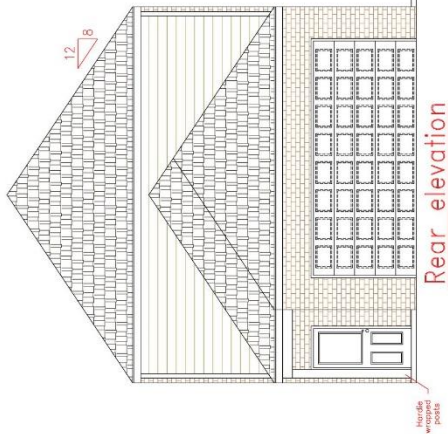


2nd Floor plan

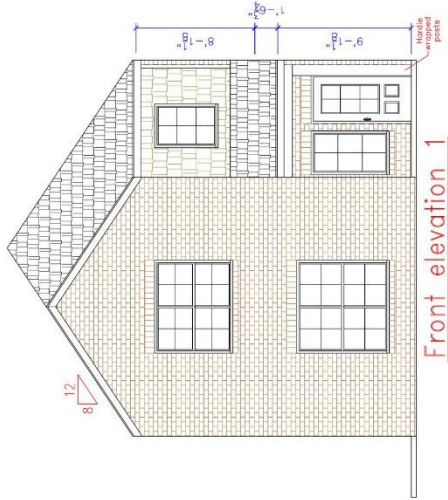
1. Ceiling heights are 8'-0"
2. Exterior walls are 2x4 studs
3. Interior walls are 2x4 studs



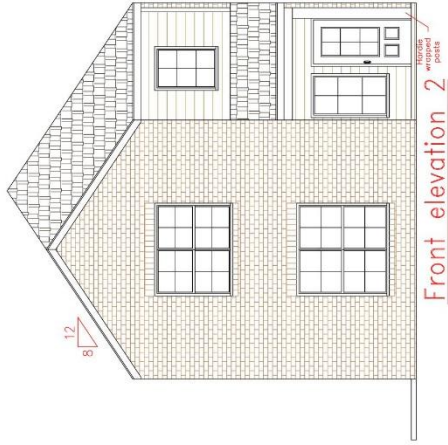
Typical window header detail



Rear elevation

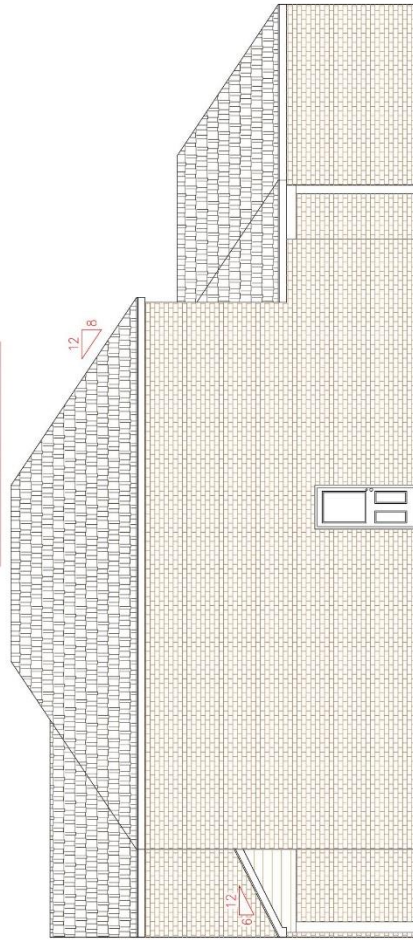


Front elevation 1

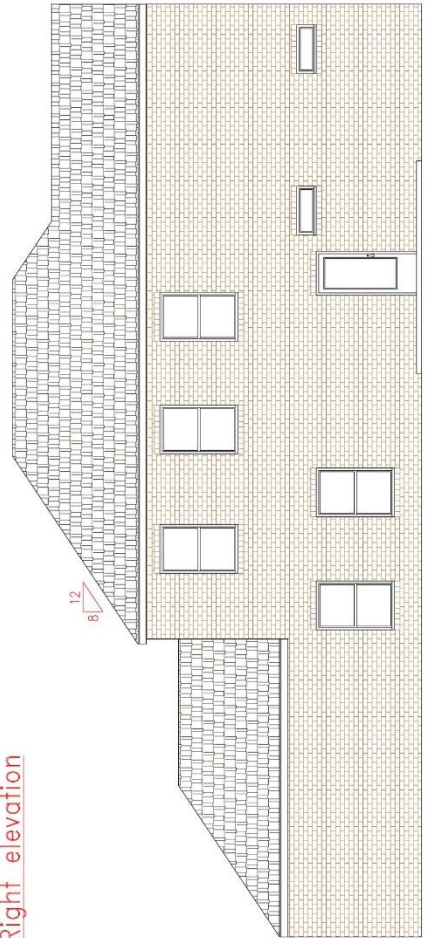


Front elevation 2

Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



Right elevation



Left elevation

General Notes

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Residential design & drafting

Black Pine Construction
Annika bonus no porch

Client Name	Sheet
BPC-Annika no porch	2 of 3
Date	2/27/2024
Scale	1/4" = 1'-0"

General Notes

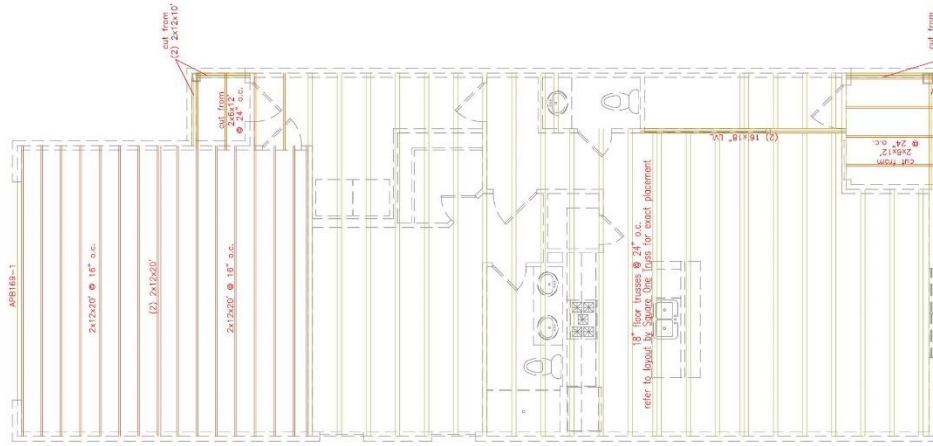
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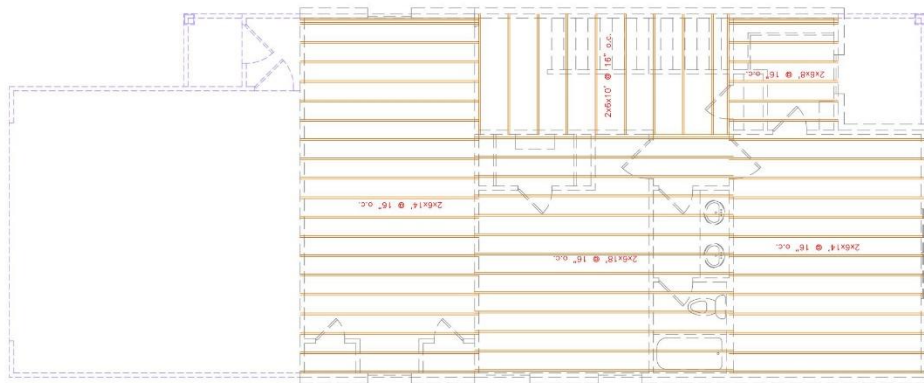
Residential design & drafting

Black Pine Construction
Annika bonus no porch

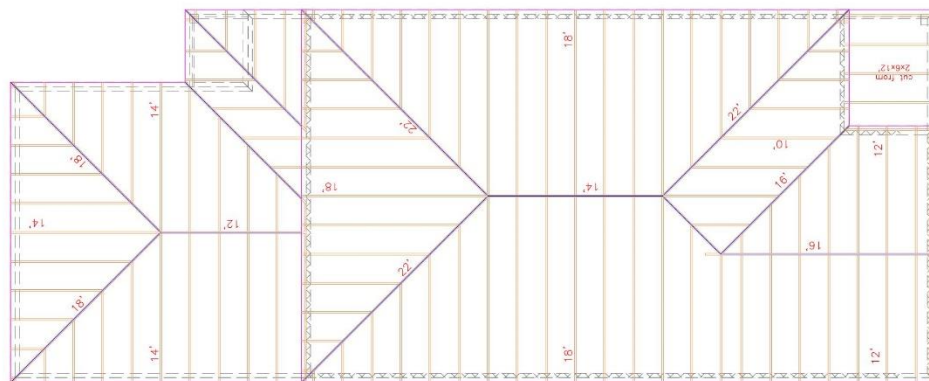
Sheet	3 of 3
Proj. name	BPC-Annika no porch
Date	2/27/2024
1/4" = 1'-0"	



1st floor ceiling / floor truss plan



2nd floor ceiling joist plan



Roof/Rafter plan

- Notes:
1. All hip, valley & ridge material is 2x8 (u.o.o.)
 2. All rafter material is 2x6 (u.o.o.)
 3. Lengths shown are shipped board lengths. All boards to be cut on site as req'd. from board lengths shown.
 4. Frame dormers as required

General Notes

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Residential design & drafting

Black Pine Construction
Annika no porch

Square footage

1st floor (incl)	= 1046
2nd floor (incl)	= 684
Brick & heated	= 74
Total heated	= 1806
Garage (to frame)	= 1000
Porch	= 68
Total under roof	= 2773

Sheet
BPC-Annika no porch

Date
2/27/2024

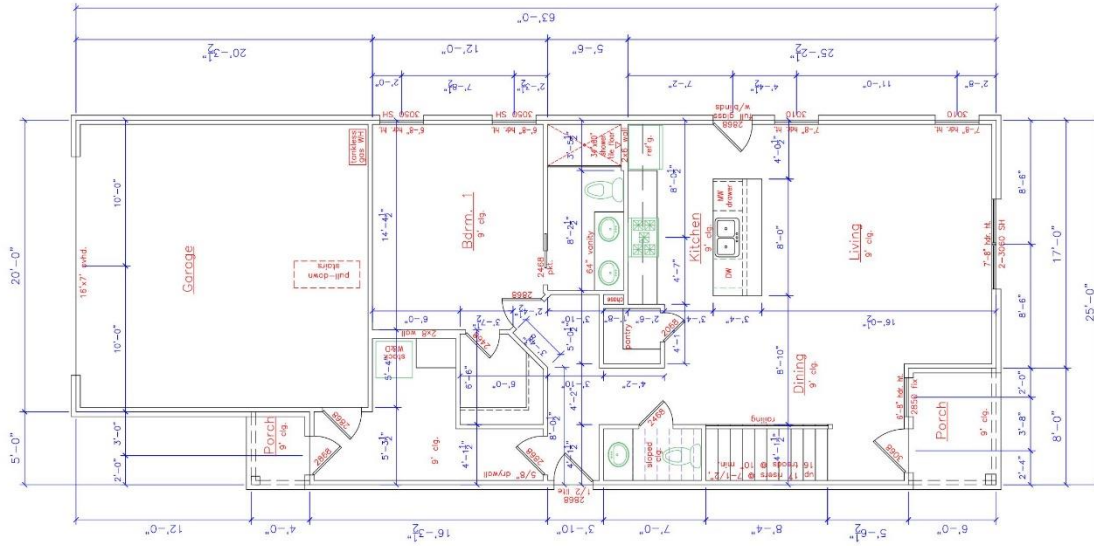
Scale
1/4" = 1'-0"

Typical window header detail



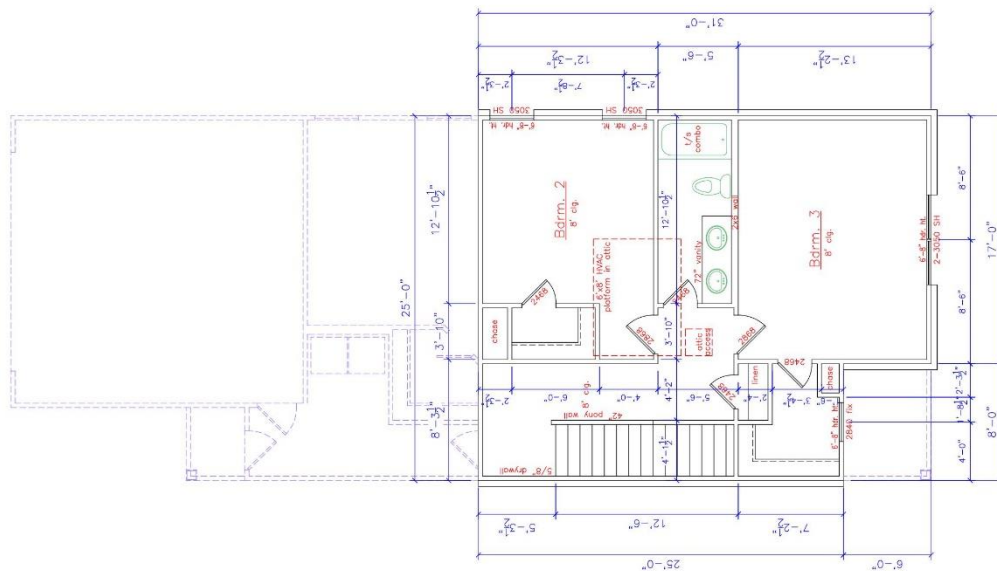
1st Floor plan

- 1st Floor notes (u.s.o.):
1. Ceiling heights are 9'-0"
 2. Exterior walls are 2x4 studs
 3. Interior walls are 2x4 studs



2nd Floor plan

- 2nd Floor notes (u.s.o.):
1. Ceiling heights are 8'-0"
 2. Exterior walls are 2x4 studs
 3. Interior walls are 2x4 studs

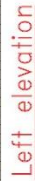
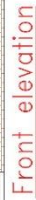


Structural Integrity Design is a traditional design service provided by a registered professional engineer or architect from the purchaser of this form. The purchaser of this set of plans should consult with a building professional prior to construction. The purchaser and builder of this plan releases Structural Integrity Design from any liability and/or claims that may arise during construction or anytime thereafter. Therefore, the builder must carefully inspect all aspects of these drawings, including but not limited to dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.

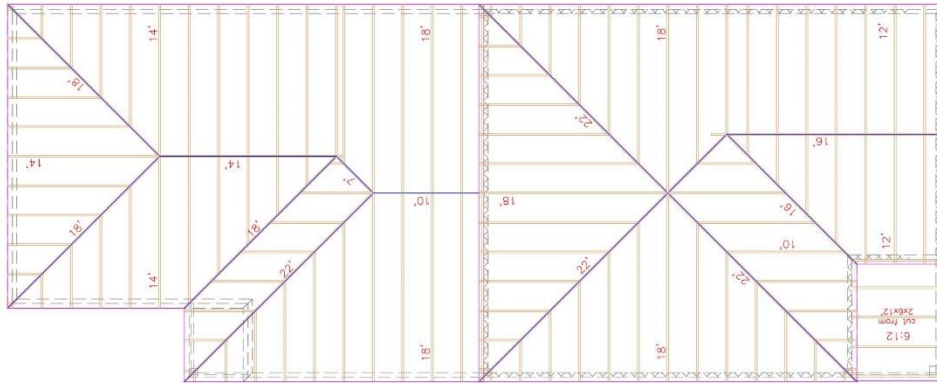


.....

ONG name BPC-Annika no porch	Sheet
Date 2/27/2024	2 of 3
Score $1/4^{th} = 1'-0"$	

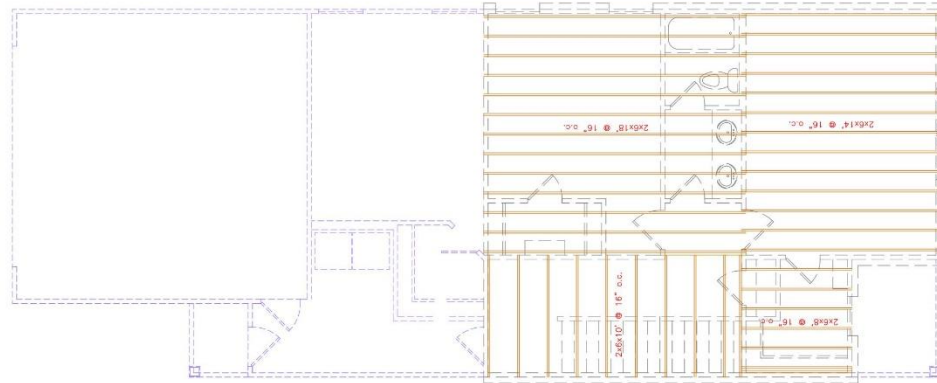


Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.

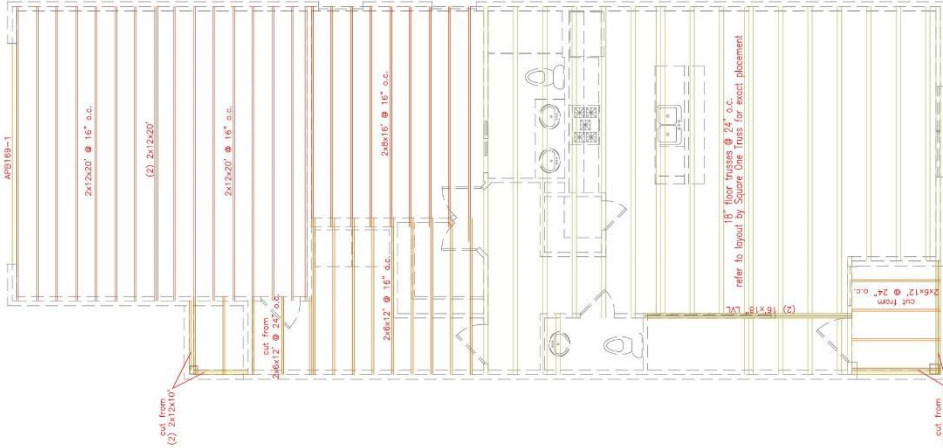


Roof/Rafter plan

- 8:12 pitch
No overhangs (flush w/ brick)
- Notes:
1. All hip, valley & ridge material is 2x8 (u.n.o.)
 2. All rafter material is 2x6 (u.n.o.)
 3. Lengths shown are shipped board lengths. All boards to be cut on site as req'd, from board lengths shown.
 4. Frame dormers as required



2nd floor ceiling joist plan



1st floor ceiling / floor truss plan

General Notes

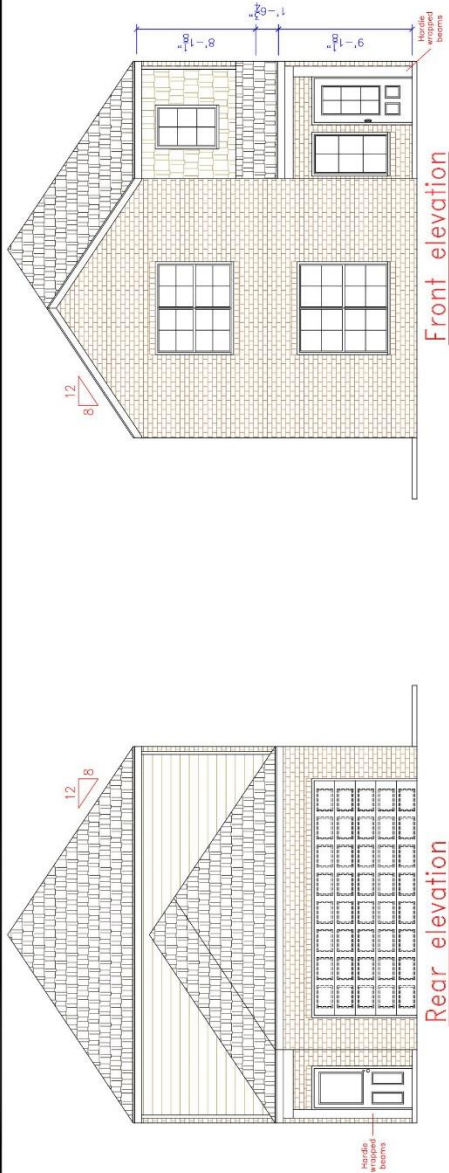
Structural Integrity Design is a residential design service not a registered architectural firm. The purchaser of this set of plans should consult a building professional prior to construction. The purchaser and builder of this plan releases Structural Integrity Design from any liability and/or claims that may arise during construction or anytime thereafter. Therefore, the builder must carefully inspect all aspects of these drawings, including but not limited to dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.



Residential design & drafting

Black Pine Construction
Annika no porch

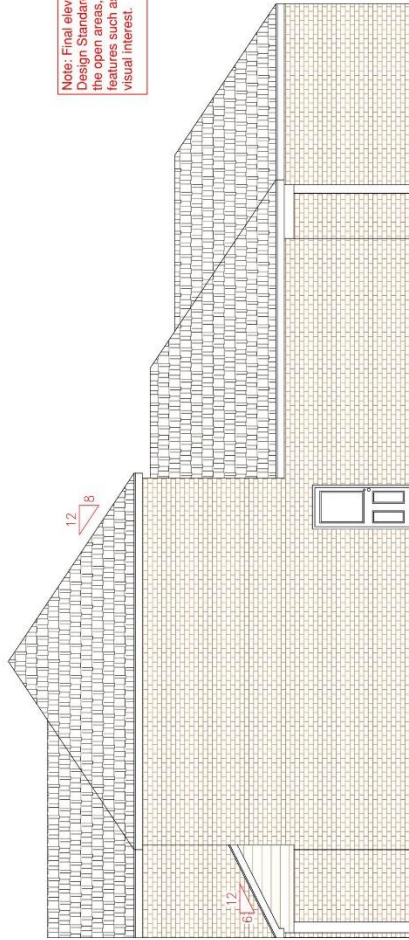
Sheet
BPC-Annika no porch
2/27/2024
3 of 3
1/4" = 1'-0"



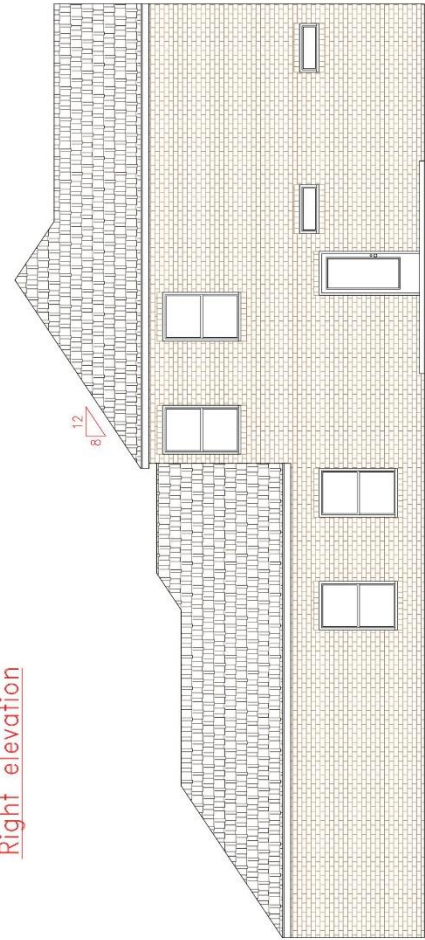
Front elevation

Rear elevation

Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



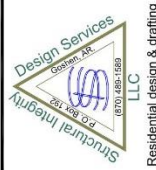
Right elevation



Left elevation

General Notes

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Black Pine Construction
Annika no porch

Drawn by	Annika no porch
Date	2/27/2024
Scale	1/4" = 1'-0"
Sheet	2 of 3

General Notes

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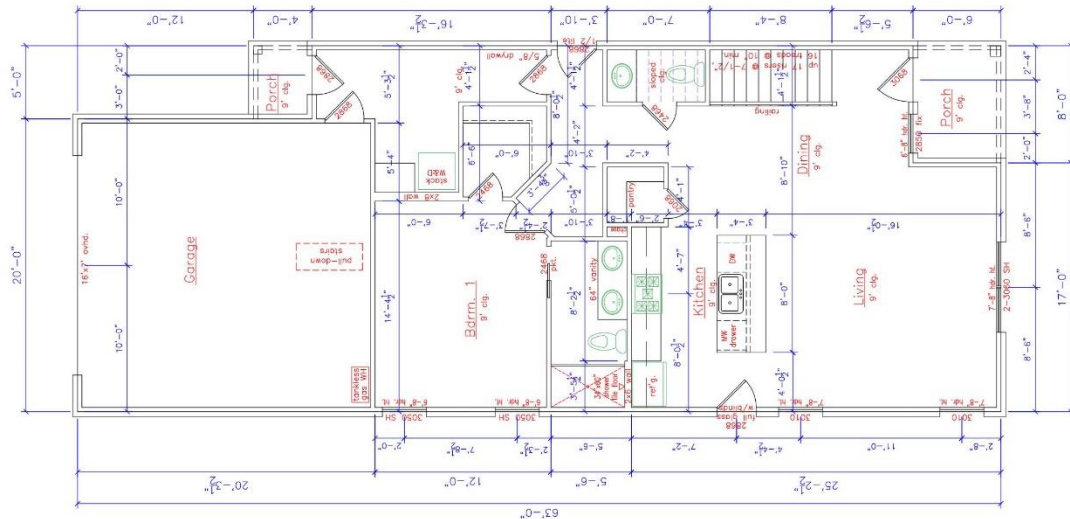


Design Services
LLC
Residential design & drafting
(870) 485-1555

Black Pine Construction
Annika no porch

Square footage	
1st floor (inc)	= 1045
2nd floor (inc)	= 694
Brick & masonry	= 74
Total heated	= 1806
Garage (no frame)	= 58
Porch	= 68
Total under roof	= 2273

Sheet	1 of 3
Date	2/27/2024
Drawn	1/4" = 1'-0"

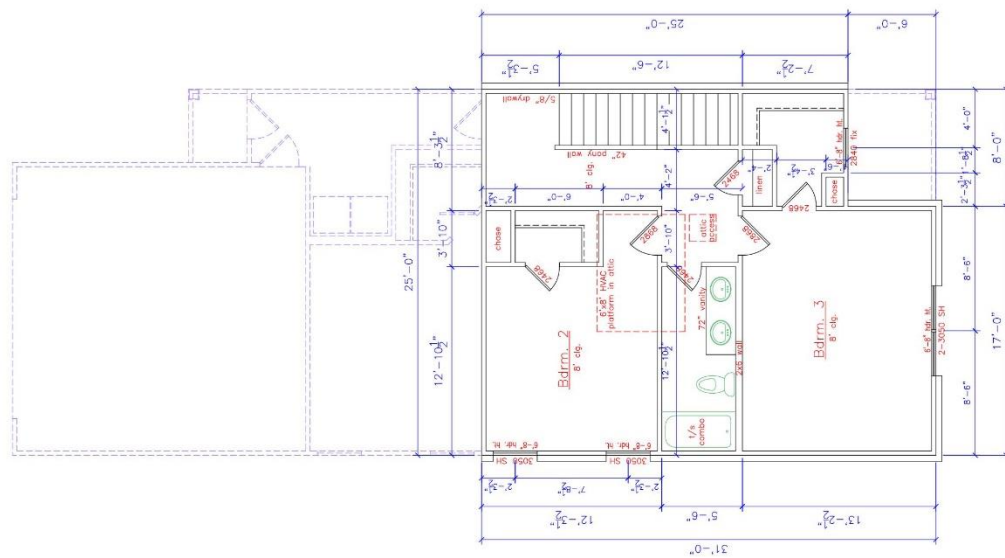


1st Floor plan

- 1st Floor notes (u.n.o.):
1. Ceiling heights are 9'-0"
 2. Exterior walls are 2x4 studs
 3. Interior walls are 2x4 studs

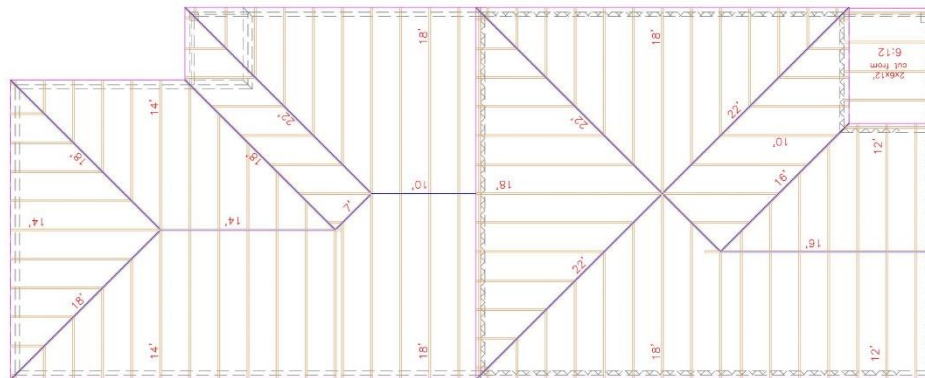


Typical window header detail



2nd Floor plan

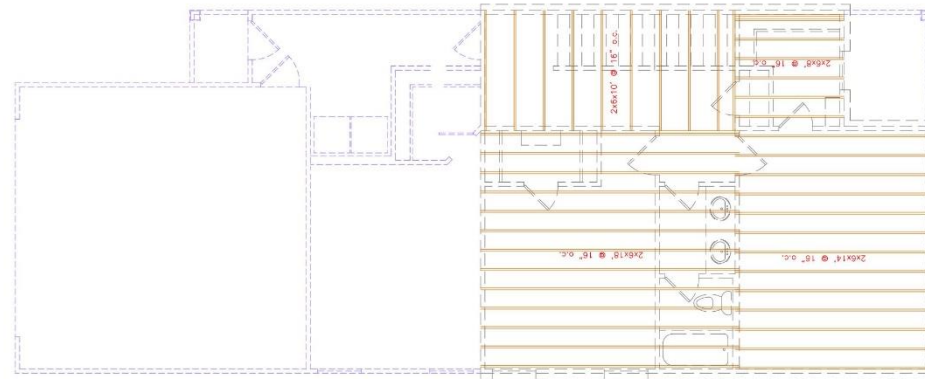
- 2nd Floor notes (u.n.o.):
1. Ceiling heights are 8'-0"
 2. Exterior walls are 2x4 studs
 3. Interior walls are 2x4 studs



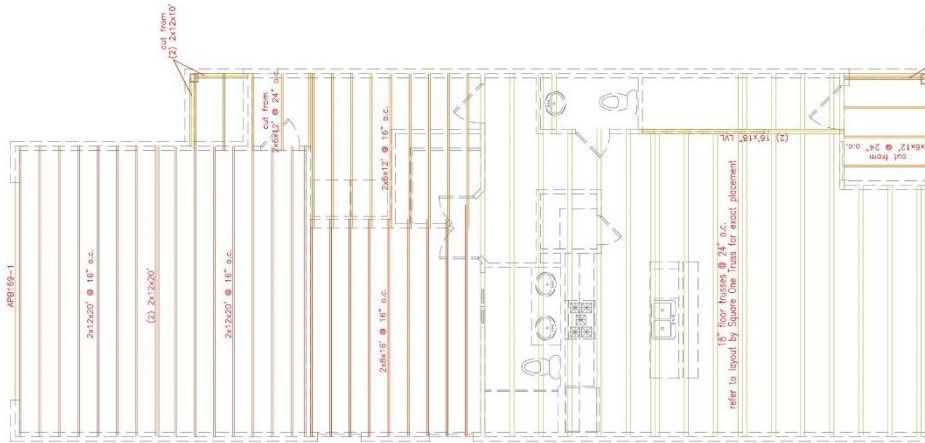
Roof/Rafter plan

8:12 pitch w/ brick
No overhangs (flush w/ brick)

- Notes:
1. All hip, valley & ridge material is 2x8 (u.n.o.)
 2. All rafter material is 2x6 (u.n.o.)
 3. Lengths shown are shipped board lengths. All boards to be cut on site as req'd. from board lengths shown.
 4. Frame dormers as required



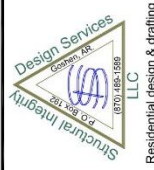
2nd floor ceiling joist plan



1st floor ceiling / floor truss plan

General Notes

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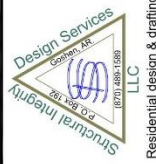


Black Pine Construction
Annika no porch

DATE: 2/27/2024	3 of 3
BY: Annika no porch	
1/4" = 1'-0"	

General Notes

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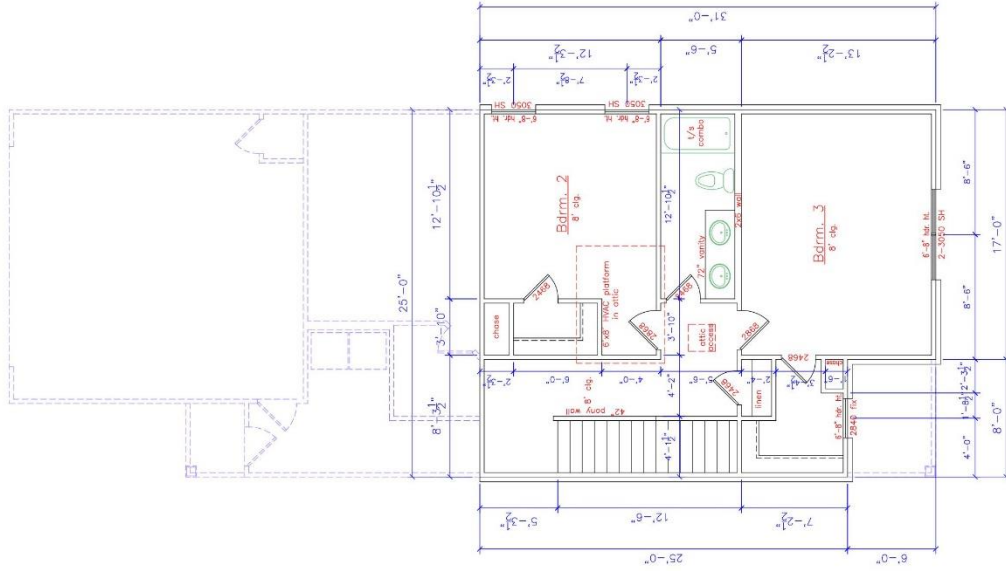
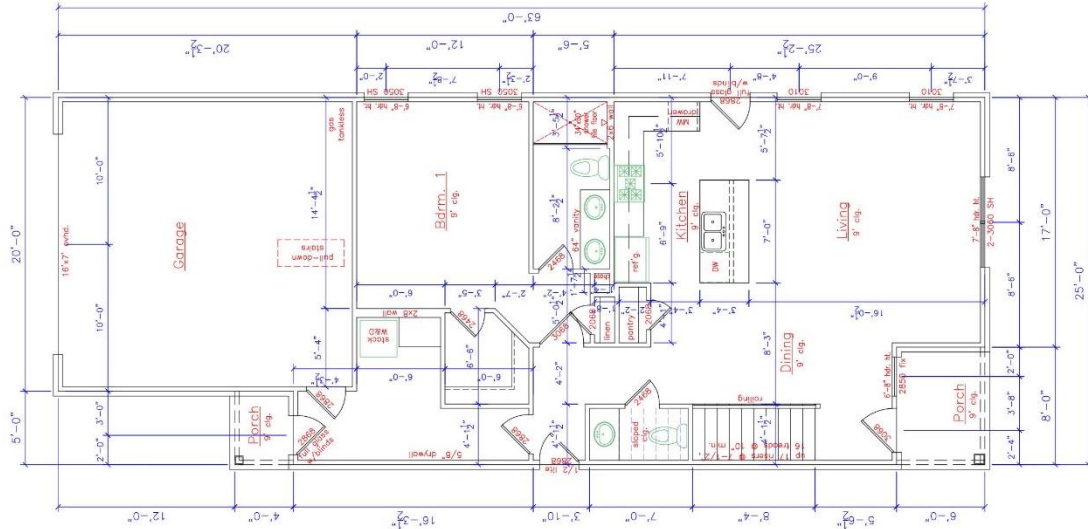
Black Pine Const.
Sagely no porch

Square footage

1st floor (ft²) = 1048
2nd floor (ft²) = 854
Brick @ heated = 74
Total heated = 1806
Sagely (to name) = 68
Porch = 68
Total under roof = 2273

Sheet

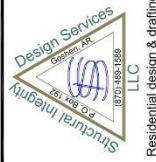
833-Sagely no porch
Date 2/27/2024
1 of 4
Scale 1/4" = 1'-0"



2nd Floor plan

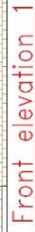
2nd Floor notes (u.n.o.):
1. Ceiling heights are 8'-0"
2. Exterior walls are 2x4 studs
3. Interior walls are 2x4 studs

Structural Integrity Design is a residential design service from a registered architectural firm. The purchaser of this service obtains a professional and a building professional's seal to construct the plan and build of this plan. The purchaser releases Structural Integrity Design from any liability and/or claims that may arise during construction or anytime thereafter. Therefore, the builder must carefully inspect all aspects of these drawings, including but not limited to dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.

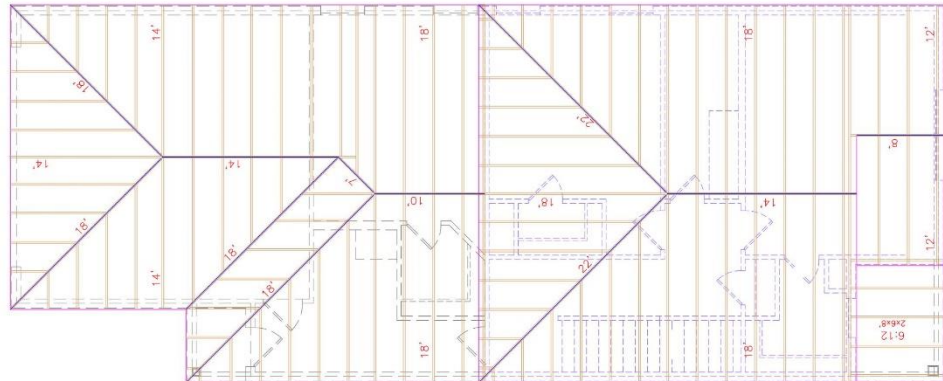


Black Pine Const.
Sagely no porch

QWS 107014	BFC-Sagely no porch	2 of 4
Date	2/27/2024	
Score	1/4 ²³ = 1 ³ -0 ²³	



Note: Final elevations shall conform to UDC 164.23(B)(3). Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



Roof plan 1
8:12 pitch (u.n.o.)
no ovhg. (flush w/ brick)

General Notes

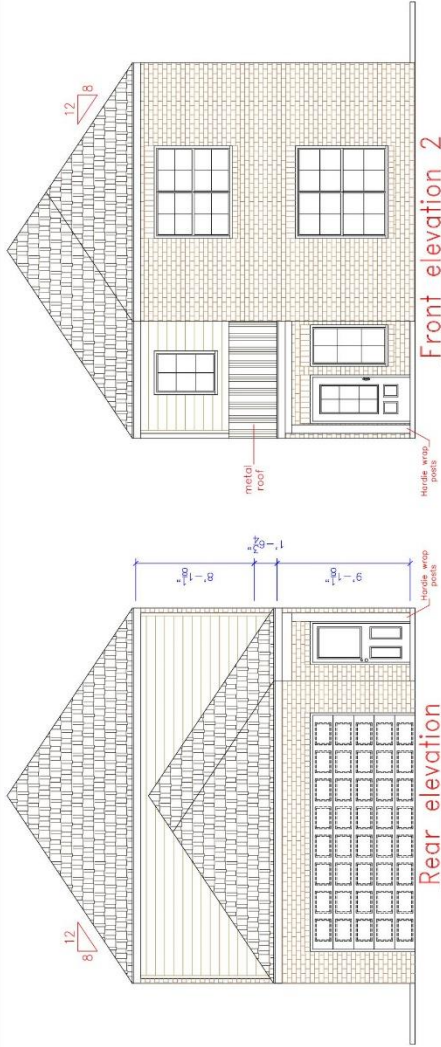
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Residential design & drafting

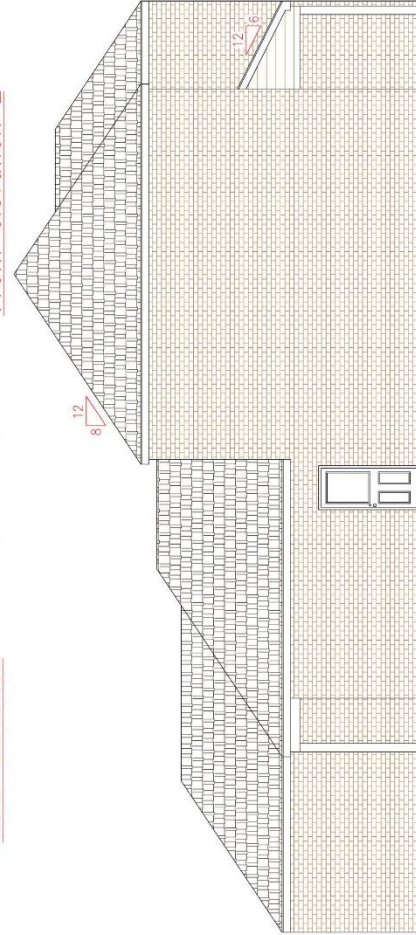
Black Pine Const.
Sagely no porch

Sheet	3 of 4
Scale	1/4" = 1'-0"
Date	2/27/2024
By	BPCC-Sagely no porch



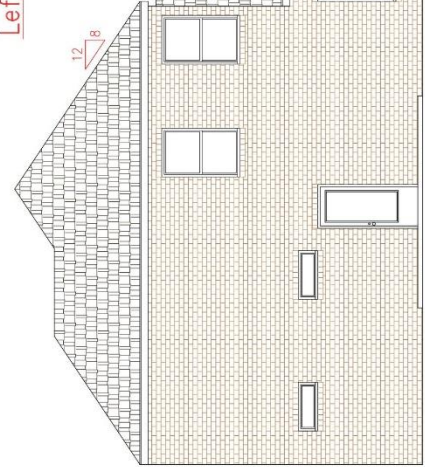
Front elevation 2

Rear elevation

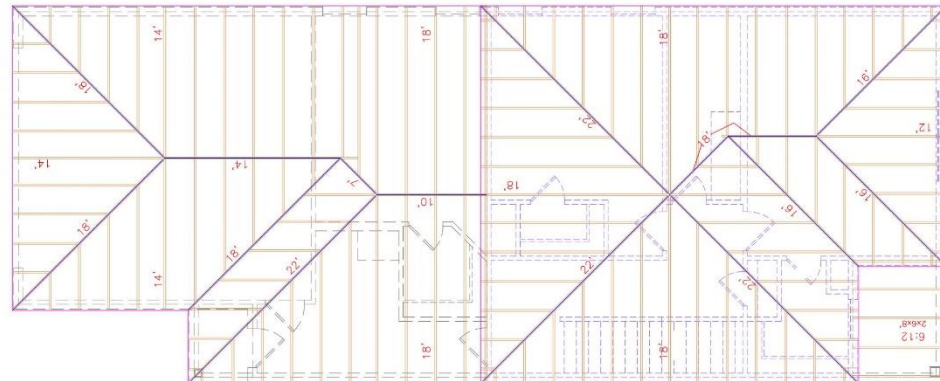


Left elevation

Note: Final Elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



Right elevation



Roof plan 2

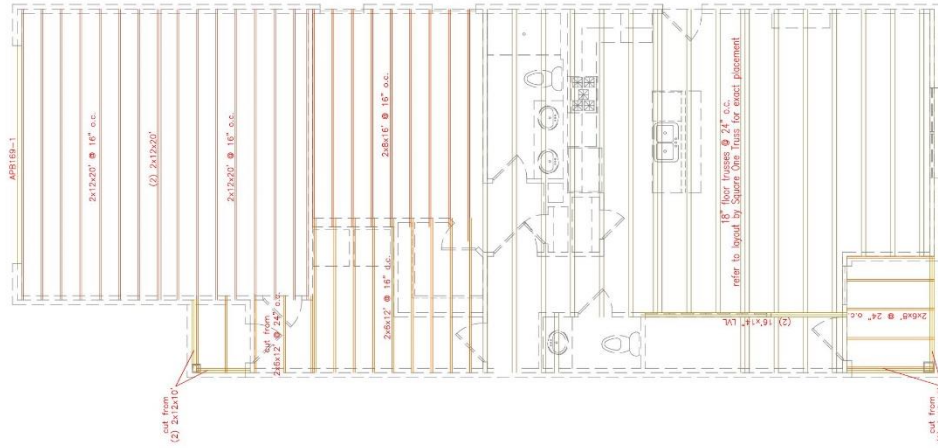
8:12 pitch (u.n.o.)
no overhang. (flush w/ brick)

Structural Integrity Design is a residential design service from a registered structural engineer. The purpose of this set of documents should consist of a building proposal prior to construction. The purchaser and builder of this plan releases Structural Integrity Design from any liability and/or claims that may arise during construction or anytime thereafter. Therefore, the builder must carefully inspect all aspects of these drawings, including but not limited to dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.

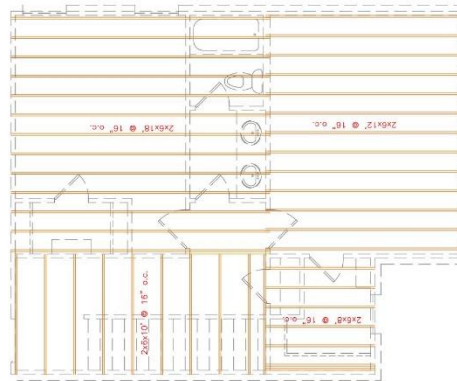


Black Pine Const.
Sagely no porch

DWG name: BPC-Sagely no porch	Sheet 4 of 4
Date: 2/27/2024	
Scale: 1/4" = 1'-0"	



1st floor ceiling / 1-joint plan
(no bonus)



2nd floor ceiling joist plan

General Notes

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Residential design & drafting

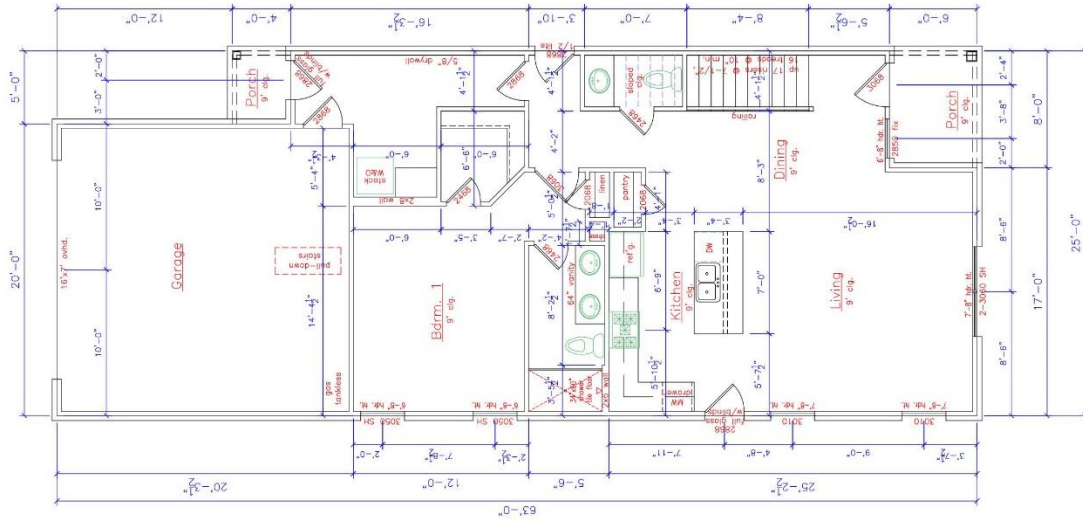
Black Pine Const.
Sagely no porch

Square footage

1st floor (net)	= 1048
2nd floor (net)	= 1048
Brick 0 heated	= 74
Total heated	= 1892
Garage (to frame)	= 399
Porch	= 68
Total under roof	= 2273

Sheet

BPC-Sagely no porch
Date: 2/27/2024
1 of 4
Scale: 1/4" = 1'-0"

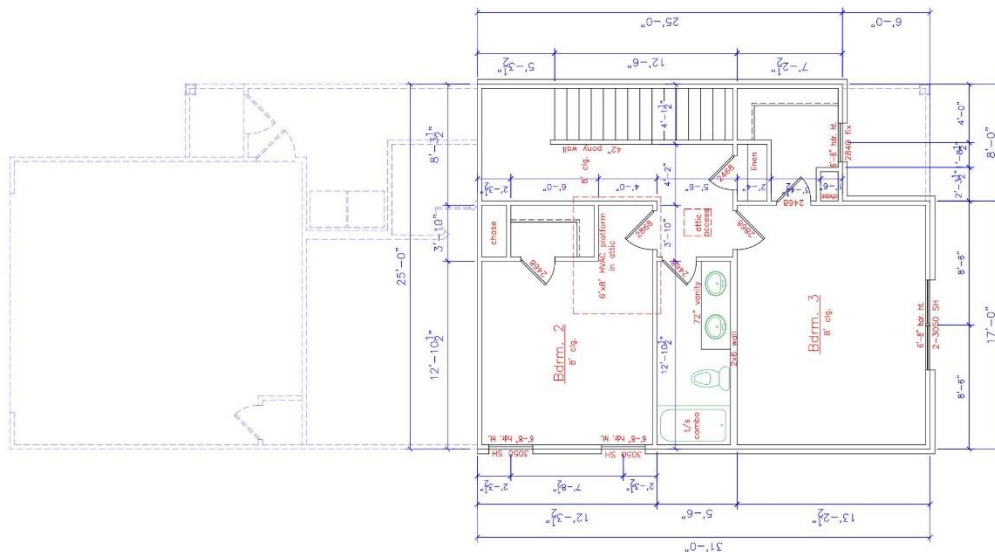


1st Floor plan

1st Floor notes (uno.):
1. Ceiling heights are 9'-0"
2. Exterior walls are 2x4 studs
3. Interior walls are 2x4 studs



Typical window header detail



2nd Floor plan

2nd Floor notes (uno.):
1. Ceiling heights are 9'-0"
2. Exterior walls are 2x4 studs
3. Interior walls are 2x4 studs

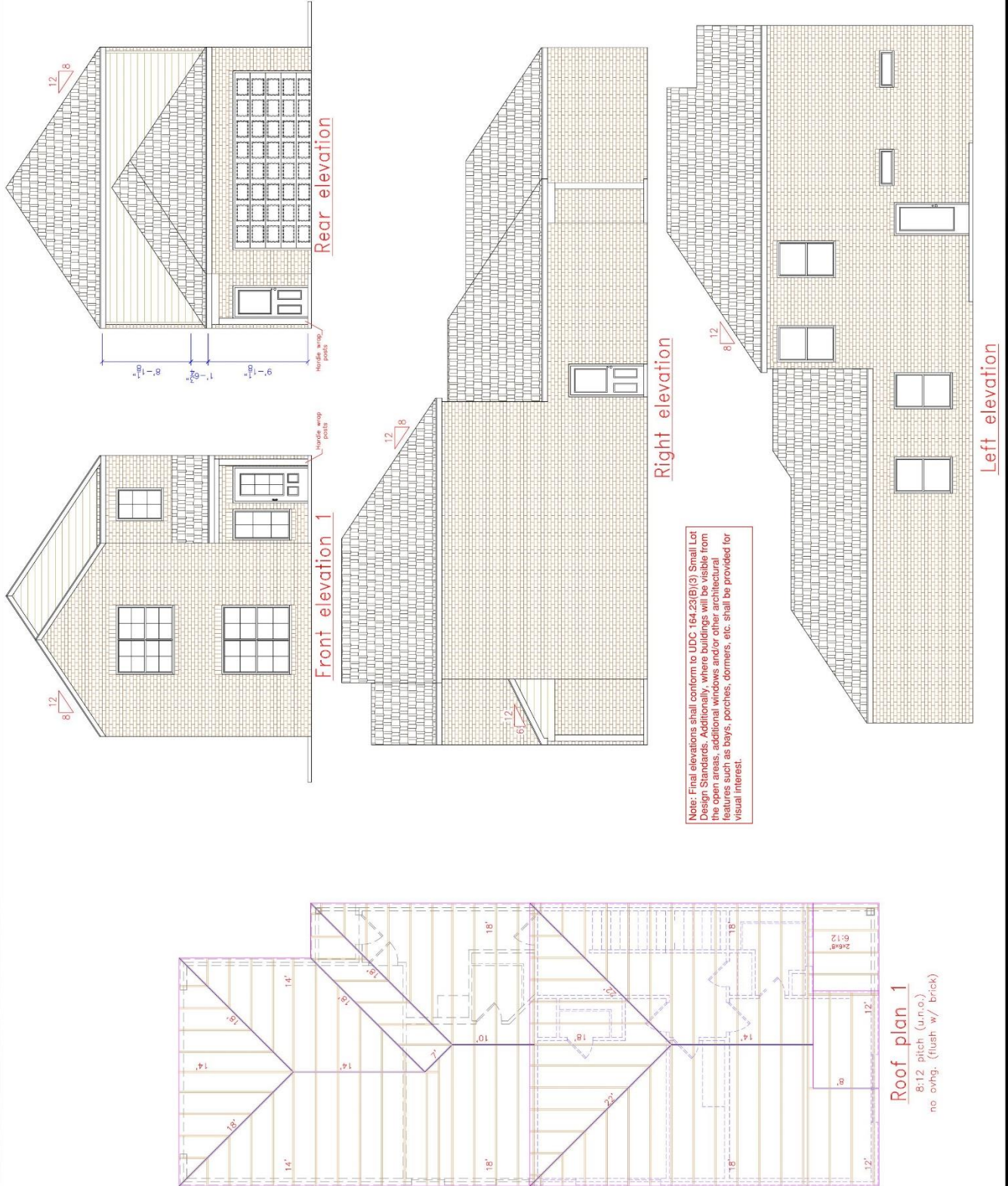
General Notes

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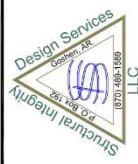
Black Pine Const.
Sagely no porch

Sheet
2 of 4
Date
2/21/2024
Scale
1/4" = 1'-0"



General Notes

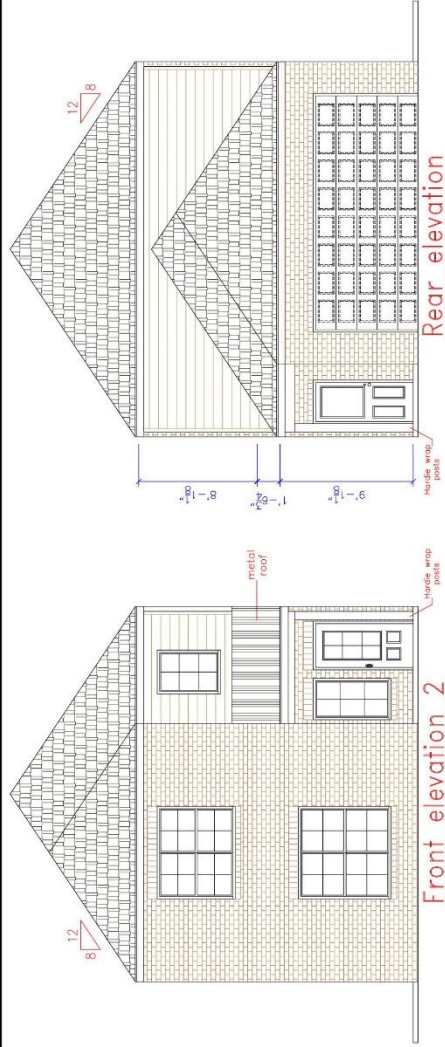
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Residential design & drafting

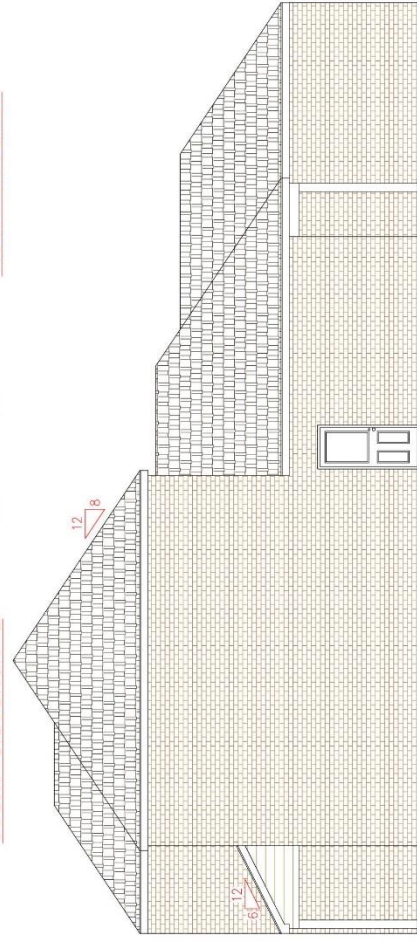
Black Pine Const.
Sagely no porch

Sheet	3 of 4
Project	BR-309/2024
Date	2/27/2024
Scale	1/4" = 1'-0"



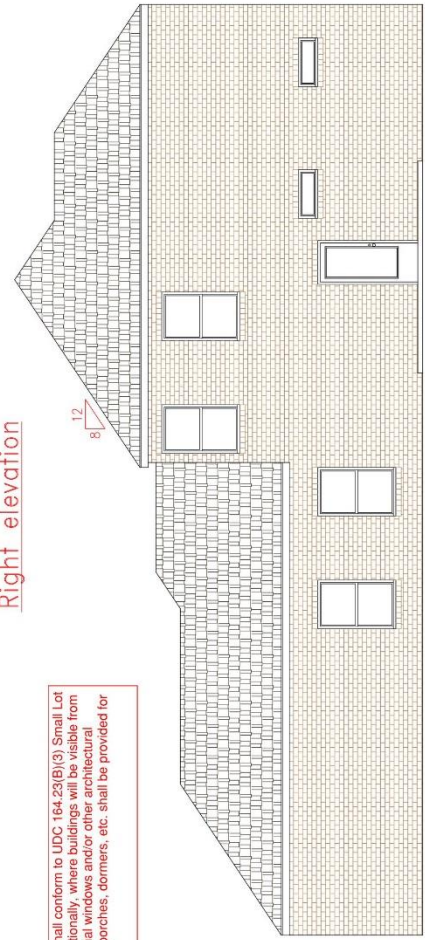
Rear elevation

Front elevation 2

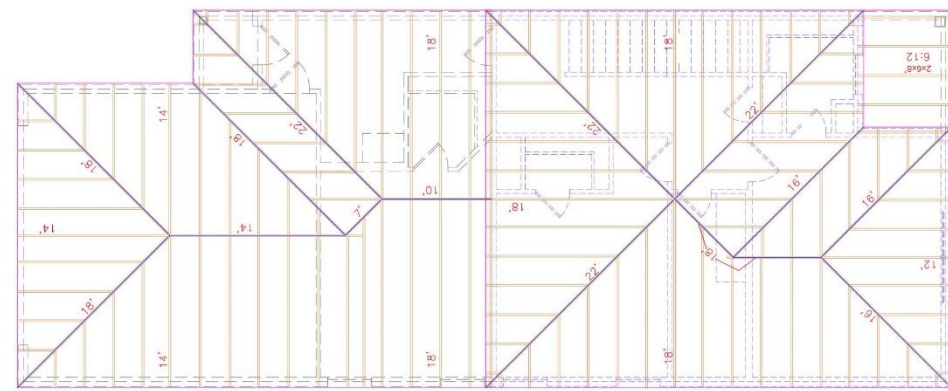


Right elevation

Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



Left elevation



Roof plan 2

8:12 pitch (u.n.o.)
no ovhg. (flush w/ brick)

Structural Integrity Design is a residential design service provided by a registered structural engineer. It provides the owner with a set of drawings that can be used by a building professional prior to construction. The purchaser and builder of this plan releases Structural Integrity Design from any liability and/or claims that may arise during construction or anytime thereafter. Currently, the builder must carefully inspect all aspects of these drawings, including but not limited to dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.



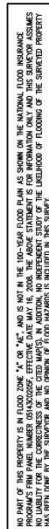
Black Pine Const.
Sagely no porch

ENR name: BPC-Sageely no porch	Sheet
Date: 2/27/2024	4 of 4
Score: $1/4 = 1 - 0''$	





example of buildings facing open areas



ADJACENT PROPERTY OWNERS				
NUMBER	PROPERTY OWNER	ADDRESS	PARCEL NUMBER	ZONING
1	PEPY PROPERTY SERVICES LLC	5453 DANCE PLACE 3RD FLOOR, APT 2208	765-21447-000	R-12
2	AMERICAN LAND TRUST	334 COTTAGEWOOD DR CLARK, TX 75009	765-21448-000	R-12
3	SMITH, KIMBA, LLC	14812 WINDYBROOK AVENUE FALLS AVE	765-20081-000	R-12
4	MORRISON, STEVEN JOSEPH	14812 WINDYBROOK AVENUE FALLS AVE	765-20082-000	R-12
5	SHAWNE ARIST TRUST WILLIAM E &	14812 WINDYBROOK AVENUE FALLS AVE	765-20083-000	R-12
6	SHAWNE ARIST TRUST WILLIAM E &	14812 WINDYBROOK AVENUE FALLS AVE	765-20084-000	R-12
7	CHOWDER, CAROL B & J	1326 N WINDYBROOK AVENUE FALLS AVE	765-20087-000	R-12
8	WALSH, JAMES A & ALICE B	1326 N WINDYBROOK AVENUE FALLS AVE	765-20088-000	R-12
9	WALSH, JAMES A & ALICE B	1326 N WINDYBROOK AVENUE FALLS AVE	765-20089-000	R-12
10	1326 N WINDYBROOK AVENUE FALLS AVE	1326 N WINDYBROOK AVENUE FALLS AVE	765-20090-000	R-12
11	SMITH, KELLY A	12721 N WINDYBROOK AVENUE FALLS AVE	765-20092-000	R-12
12	CLARK, JOHN D	12606 N WINDYBROOK AVENUE FALLS AVE	765-20094-000	R-12
13	MORRISON, CHARLES C	12606 N WINDYBROOK AVENUE FALLS AVE	765-20095-000	R-12



EXHIBIT D
CONDITIONS OF APPROVAL

1. Revise the PZD booklet and plans to reflect the following:
 - a. Add a requirement that states that “Any parking lots of 5 spaces or greater shall be subject to UDC 177.04 Site Development and Parking Lot Landscape Standards.”
 - b. Add a requirement that states that “Any and all signage shall meet the requirements as set forth in UDC section 174.”
 - c. Updating booklet to state that “Tree Preservation within Planning Area 1 will be evaluated with development plans. Existing trees will be preserved where possible.”
 - d. Add a note about how common areas will be maintained.
2. Parkland dedication must be reviewed by PRAB with the associated development plans;
3. Compliance with UDC 177 Landscape Regulations shall be reviewed with the associated development plans;
4. Compliance with USC 164.23 Small Lot Design Standards shall be confirmed with building permit submittal;
5. A conditional use permit will be required for any proposed off-site parking lots prior to the platting of the lots per the requirements of UDC 172.06(C).
6. Any parking lots must meet all standard design and development standards as outlined in the Unified Development Code, including, but not limited to, paving and construction, dimensional standards, landscape requirements, and drainage requirements;
7. Any proposed lots without frontage shall provide adequate access for water, sewer, and emergency services; and
8. A downstream sewer capacity analysis in accordance with the current edition of the City’s Standard Specifications for Design and Construction of Water Lines and Sewer Lines must be included with the development entitlement submittal to determine if there is adequate capacity within the existing sewer system. The developer shall perform any downstream sewer upgrades to accommodate any additional capacity necessitated by the development.
9. This approval does not grant permit approval for the associated development. The project shall still be subject to any and all development entitlement requirements, including, but not limited to, site improvement plan, large-scale development, and/or other required permits.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING: April 8, 2024 (UPDATED WITH MEETING RESULTS)

SUBJECT: **PZD-2024-0002: Planned Zoning District (WEST OF N. 54TH AVE / COLESON BROK, LLC, 397):** Submitted by CRAFTON TULL for property located WEST OF N. 54TH AVE. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and contains approximately 12.13 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

RECOMMENDATION:

Staff recommends forwarding **PZD-2023-0002** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **PZD-2023-0002** to City Council with a recommendation of approval, with conditions as outlined by staff."*

BACKGROUND:

The subject property is in west Fayetteville, approximately 400 feet north of the intersection of N. 54th Ave. and W. Wedington Dr. The property was annexed into Fayetteville city limits and rezoned to its current designation in 2021. It contains roughly 12.13 acres and is zoned RI-12, Residential Intermediate, 12 Units per Acre. The property is currently undeveloped and is not part of any overlay or master planning areas. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Quarry	Fayetteville Planning Area
South	Single-Family Residential	RA, Residential Agricultural
East	Agricultural Mixed-Density Residential	RA, Residential Agricultural RI-U, Residential Intermediate Urban
West	Single-Family Residential	RI-12, Residential Intermediate, 12 Units per Acre

Proposal: The applicant requests to rezone the property to a Planned Zoning District with two Planning Areas, as described below:

- **Planning Area #1 – 7.99 acres:** The intention of this planning area is to provide single-family homes at a maximum density of 10 units per acre. The proposal includes alley-loaded single-family home lots which would front either N. 54th Ave. or the proposed greenspace within Planning Area 2. The allowable uses are similar to but more limited than those allowed in other single-family zoning districts such as RSF-4 or NC, Neighborhood Conservation.

- **Planning Area #2 – 1.32 acres:** This planning area is intended for a combination of open space, tree preservation, and stormwater facilities. The area in question currently has some existing tree canopy and abuts an existing residential neighborhood to the west. Any proposed parkland dedication would be required to be evaluated by the Parks and Recreation Advisory Board, and a full evaluation of its suitability for City acquisition would take place during the large-scale development process. Compliance with the tree preservation ordinance and stormwater design would be fully evaluated with development plan submittal. The permitted uses are extremely restrictive, with only use unit 1: city-wide uses permitted by right.

Public Comment: Staff has received multiple inquiries regarding the proposed rezoning and requesting additional information. One comment was emailed to staff in opposition to the request, citing drainage concerns, safety of children around drainage facilities, the potential draw of detention ponds to nuisance animals such as geese, snakes, and mosquitoes, and potential impact to property values.

INFRASTRUCTURE:

Streets: The Planned Zoning District subject area has access to N. 54th Ave. and a stub-out on W. Fountain St. N. 54th Ave is an unimproved residential link street that must be improved with future development. W. Fountain St. is an improved residential link street with asphalt paving, curb and gutter, and sidewalk and green space on both sides. Any street or drainage improvements required in these areas would be determined at the time of development.

Water: Public water is available to the subject area. An existing 8" water main is stubbed out in W. Fountain St. An 8" water main is also being installed in N. 54th Ave with the Cobblestone Farms development along the southern portion of the subject area's frontage that future development could connect to once the water main being installed has been accepted by the city.

Sewer: Sanitary Sewer is available to the subject area. There are existing 8" sanitary sewer mains in W. Fountain St. and in N. 54th Ave. at the southeast corner of the subject area that can be tied into to serve the future development. A downstream sewer capacity analysis in accordance with the current edition of the City's Standard Specifications for Design and Construction of Water Lines and Sewer Lines must be included with the development entitlement submittal to determine if there is adequate capacity within the existing sewer system. The developer shall perform any downstream sewer upgrades to accommodate any additional capacity necessitated by the development.

Drainage: No portion of the subject area lies within a FEMA floodplain, a protected stream, Hillside-Hilltop Overlay District, or contain hydric soils.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 1.5 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out

time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed PZD, Residential Planned Zoning District, requires **25% minimum canopy preservation**. The current zoning district RI-12, Residential-Agricultural requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood**.

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity nonresidential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a low infill score for the subject property of 3-5, which translates to a weighted score of **4.5**. The elements vary by the area of the property being considered, and include the following:

- Adequate Fire Response (Station #7, 835 N. Ruppel Rd.)
- Near Sewer Main (8" Main, N. 54th Ave. and W. Fountain St.)
- Near Water Main (8" Main, N. 54th Ave.)
- Near City Park (Bundrick Park)
- Near Paved Trail (N. 54th Ave, Under Construction)

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:** Staff finds the applicant's request to be compatible with existing surrounding land uses. An existing RI-12 neighborhood is located directly west, with a mixed-density residential development known as Cobblestone Farms currently under construction to the east. Staff finds the proposed density could provide a good transition area between these two developments. The applicant's request reflects slightly lower density that reduces impervious surface by allowing the parcels along the western portion of the development access from solely a proposed alley with frontage along open space in Planning Area 2. The separation of the PZD into two planning areas indicates a specific intention to work within the confines of existing amenities on the site, tree preservation, detention, and open space along the western boundary that will also serve to provide a

buffer between the proposed development and an existing residential neighborhood.

The applicant's request would also allow for short-term rentals within Planning Area 1. However, since the overall planned zoning district is strictly residential and does not include any commercial or mix of uses by right, staff finds that any single-family homes that would like to pursue a short-term rental would require a conditional use permit. All proposed commercial uses are available via conditional use permit in Planning Area 1 only.

Land Use Plan Analysis: Staff finds that the request is consistent with the City's land use and zoning plans. The proposed PZD is substantially similar to what could be developed by right under the existing zoning district, with the notable exception of allowing parcels to have frontage along an alley / green space rather than a public street and an elimination of minimum lot widths (currently 50 feet). Proposed plans indicate lot widths of approximately 35 feet, which would be subject to UDC 164.23 Small Lot Design Standards. Staff finds that the proposal meets City Plan 2040 goal by making appropriate infill a high priority; the infill score for the site is currently quite low, so inserting single-family units in the area acts as a good transitional development to future high-density development. The proposal also capitalizes on proximity to the trail network and adjacent street stub-outs.

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

Finding: Staff finds that the proposed rezoning is justified in order to develop a potentially difficult site in a way that is compatible with both current and long-term land uses for the area. The concentrated density allows for additional land on the overall site to be set aside for potential open space and recreational features.

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

Finding: The proposed PZD is not likely to have a significant impact on traffic danger or congestion in the area. The overall proposed vehicular access will be primarily from N. 54th Ave. with an additional connection available through W. Fountain St. A planned future trail within Cobblestone Farms is currently under construction directly to the east which will connect to the existing trail along W. Wedington Dr., providing an alternative source of transportation. The density in the PZD is also less than what is permitted under most of the site's current zoning which may be developed with up to 12 units per acre under the RI-12 zoning district.

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 RPZD would not alter the population density in a way that would undesirably increase the load on public services. New sewer lines

would be required to be extended to the proposed development, at a cost that would be born by the developer, and a new water main is currently under construction in the adjacent Cobblestone Farms development. Additionally, a sewer capacity analysis may need to occur during an associated large-scale development or preliminary plat. That said, given the proximity to W. Wedington Dr., staff finds that any lack of water and sewer facilities at this time are of a limited concern.

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

Sec. 161.35. Planned Zoning Districts (PZD)

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

- (1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) *Compatibility.* Providing for compatibility with the surrounding land uses.
- (3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) *No negative impact.* Does not have a negative effect upon the future development of the area;
- (6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.
- (10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

(11)*Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

Findings: As outlined in previous findings, staff finds that the proposal is generally in line with the factors that may be considered with a Planned Zoning District. The proposed PZD is particularly well suited to meet the flexibility, harmony, no negative impact, and natural feature tenets of the ordinance. Staff notes that, while the architectural designs provided in the packet are limited in variety, the PZD booklet encourages a variety of housing sizes with increased architectural requirements along facades that are visible from either public ROW or common open space. Single-family homes are note subject to UDC 166.23 Urban Residential Design Standard; however, any lots of 50 feet or less shall be subject to UDC 164.23 Small Lot Design Standards, which includes limitations on the proportion of a garage within the principal façade and requirements for clearly defined front doors and windows on the façade facing the street.

However, staff has some concerns regarding the PZD booklet's statement that "existing trees within Planning Area 1 will be removed and mitigated." Staff recommends updating the booklet to state that "Tree Preservation within Planning Area 1 will be evaluated with development plans. Existing trees will be preserved where possible."

RECOMMENDATION: Staff recommends forwarding **PZD-2023-0002** to City Council, with a recommendation of approval, with conditions as outlined below.

Conditions of Approval:

1. Revise the PZD booklet and plans to reflect the following:
 - a. Add a requirement that states that "Any parking lots of 5 spaces or greater shall be subject to UDC 177.04 Site Development and Parking Lot Landscape Standards."
 - b. Add a requirement that states that "Any and all signage shall meet the requirements as set forth in UDC section 174."
 - c. Updating booklet to state that "Tree Preservation within Planning Area 1 will be evaluated with development plans. Existing trees will be preserved where possible."
 - d. Add a note about how common areas will be maintained.
2. Parkland dedication must be reviewed by PRAB with the associated development plans;
3. Compliance with UDC 177 Landscape Regulations shall be reviewed with the associated development plans;
4. Compliance with USC 164.23 Small Lot Design Standards shall be confirmed with building permit submittal;
5. A conditional use permit will be required for any proposed off-site parking lots prior to the platting of the lots per the requirements of UDC 172.06(C).

6. Any parking lots must meet all standard design and development standards as outlined in the Unified Development Code, including, but not limited to, paving and construction, dimensional standards, landscape requirements, and drainage requirements;
7. Any proposed lots without frontage shall provide adequate access for water, sewer, and emergency services; and
8. A downstream sewer capacity analysis in accordance with the current edition of the City's Standard Specifications for Design and Construction of Water Lines and Sewer Lines must be included with the development entitlement submittal to determine if there is adequate capacity within the existing sewer system. The developer shall perform any downstream sewer upgrades to accommodate any additional capacity necessitated by the development.
9. This approval does not grant permit approval for the associated development. The project shall still be subject to any and all development entitlement requirements, including, but not limited to, site improvement plan, large-scale development, and/or other required permits.

Planning Commission Action:		☒ Forwarded	☐ Tabled	☐ Denied
Meeting Date: <u>April 8, 2024</u>		FORWARD WITH A RECOMMENDATION OF APPROVAL, WITH ALL CONDITIONS AS RECOMMENDED BY STAFF.		
Motion: GARLOCK				
Second: PAYNE				
Vote: 7-0-0				

BUDGET/STAFF IMPACT:

None

Attachments:

- Urban Forestry Memo
- Applicant Request Letter
- PZD Booklet
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map



Urban Forestry Memo

TO: Technical Plat Review

THRU: Donna Wonsower, Planner

FROM: Melissa Evans, Urban Forester

MEETING DATE: April 8, 2024

SUBJECT: **PZD-2024-0002: Coleson Brook:** Submitted by CRAFTON TULL for property located WEST OF N. 54TH AVE. The property is zoned RI-12 RESIDENTIAL INTERMEDIATE, TWELVE (12) UNITS PER ACRE and contains approximately 12.13 acres. The request is for the property to be zoned to a PZD, PLANNED ZONING DISTRICT.

RECOMMENDATION:

Urban Forestry Staff recommends the approval of PZD-2024-0002 since the PZD booklet essentially states that Chapter 167 Tree Preservation and Protection and Chapter 177 Landscape Regulations requirements will be met. The required minimum existing tree canopy coverage is 25% for PZDs.

The booklet also states on page 3 in section 4) that “Existing Trees within Planning Area 1 will be removed and mitigated.” Urban Forestry staff recommends the condition that tree preservation for Planning Area 1 needs to be reviewed with development plans. Section 4) needs to be amended to say “Tree Preservation within Planning Area 1 will be evaluated with development plans. Existing trees will be preserved where possible.”

Though there are not many trees on the site with the exception of the western side, it is highly recommended that as many trees be preserved as possible to meet the requirement, and that buildings, parking, utilities, and other infrastructure elements be designed around the trees. According to the PZD booklet, “Tree preservation will be a priority in Planning Area 2, with common spaces and drainage designed around preservation.” If natural areas and detention are incorporated in the tree preservation area, it may be too much for successful tree preservation.

Chapter 177 Landscape Regulations must be met also, including street trees along public or private streets and for parking and detention ponds.



February 27, 2024

City of Fayetteville
Planning Department
125 W Mountain Street
Fayetteville, AR 72701

RE: Planning Zoned District-54th Street
CT Job #: 23305000

Planning Staff,

On behalf of our client, Coleson Brooks, LLC, we are submitting a Planned Zoning District (PZD) for your consideration.

The site is 12.13 acres. Parcel IDs 765-16164-400 and 765-16168-000. The subject project is currently zoned RI-12. The proposed PZD will consist of two planning areas, consisting of single-family detached homes, and open green space. PZD will provide an efficient use of the land to better accommodate future residents, economic viability, and allow an aesthetically pleasing development that fits well within the City of Fayetteville. This development will serve as a good transition between medium/low density neighborhoods located west of this development, high-density neighborhoods located east of this development, and low-density single-family houses located south of the development. This residential development aligns with Fayetteville's Future Land Use (2040) map of being Residential Neighborhood.

We appreciate your consideration on this matter.

Sincerely,

Caroline Gardner, PE
Project Engineer
Crafton Tull & Associates, Inc.

March 26, 2024

PLANNED ZONING DISTRICT BOOKLET

Submitted to:

City of Fayetteville
125 W. Mountain St
Fayetteville, AR 72701

Owner:

Coleson Brook, LLC
234 E. Millsap
Fayetteville, AR 72703

CT JOB NO. 23305000



Crafton Tull

Prepared by:  **Crafton Tull**

300 N College Ave, Suite 317 | Fayetteville, AR 72701 | 479-455-2207 | www.craftontull.com

Planning Commission

April 8, 2024

PZD-2024-0002 (COLESON BROOK, LLC) Page 587 of 833

Page 10 of 53



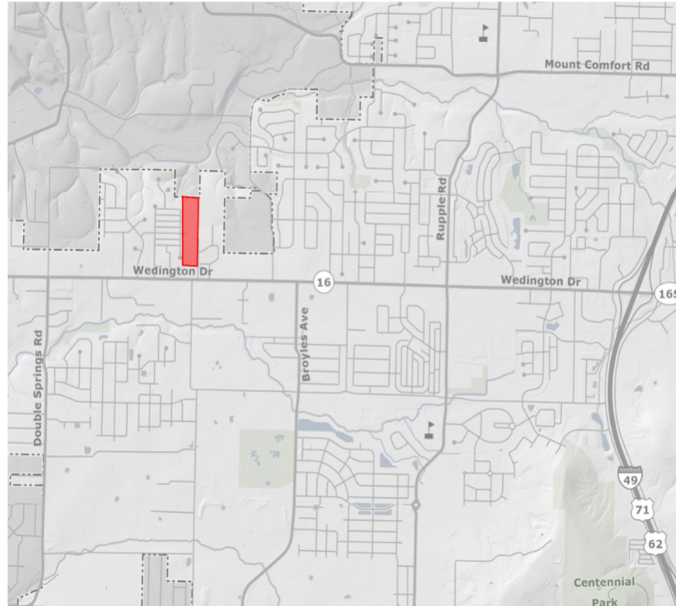
Table of Contents

A) Current Ownership.....	3
B) Project Summary.....	3
C) General Project Concept.....	3
D) Proposed Planning Areas.....	4
E) Proposed Zoning Standards.....	4
F) Zoning Charts.....	6
G) Analysis of Site Characteristics.....	7
H) Recreational Facilities.....	8
I) Reason for Rezone Request.....	8
J) Relation to Existing and Surrounding properties.....	8
K) Compliance with Fayetteville Comprehensive Land Use Plan.....	8
L) Traffic Study.....	9
M) Impacts on City Services.....	9
N) Conceptual Description of Development Standards.....	10
O) Proposals Intent/Purpose.....	11
P) Legal Descriptions.....	11



A) Current Ownership:

The 12.13-acre property is currently owned by Coleson Brook, LLC. The owner is being represented by Crafton Tull & Associates. The site is located on Washington County Parcel Numbers 765-16164-400 and 765-16168-000, which is located on the west side of N 54th Street in Fayetteville, AR. See vicinity map below for location:



B) Project Summary:

The proposed development will consist of two planning areas, consisting of single-family detached homes, and open green space. The intent is to have a walkable, vibrant, sustainable, and higher-density neighborhood with useable common open space. In addition, smaller lot sizes, alley access, and shorter setbacks will promote the vitality of the proposed neighborhood and incorporate open green spaces.

C) General Project Concept:

1) Street and lot layout will consist of the continuation of a two Residential Streets on site. 54th Street will be extended along the east side of the property as well as W Fountain Street, through the middle of the site. An alley is being proposed which connects to 54th Street on the north and south sides, as well as W Fountain Street in the middle of the site, promoting a highly connected, walkable community. Alleys will conform to the Master Street Plan, except where fire hydrants are needed. In these areas, they will utilize a bump-out detail, making the alley 26' wide, 20' either side of the hydrant. Houses on-site will be rear loaded to the alley. Lots will not be required to have frontage to a public street.

2) A site and master plan will be attached with this Booklet.

3) No buffer areas are located on this site.

4) Tree preservation on site will be located mainly along the western side. Tree preservation requirements within the PZD will adhere to the 25% minimum canopy requirement as codified in the UDC Chapter 167. Tree preservation areas and amount of canopy to be preserved will be noted on the development plans. Should the existing canopy on-site be less than this requirement, then this percentage will be either preserved or mitigated for, in accordance with UDC Chapter 167. Existing Trees within Planning Area 1 will be removed and mitigated. Tree preservation will be a priority in Planning Area 2, with common spaces and drainage designed around preservation.



5) Stormwater facilities will likely include two detention ponds to be provided within the development. The detention ponds will be located along the western side on the north and south half of the development. The drainage report will further detail the proposed system and how it will convey stormwater. Should other drainage features be utilized (pavers, etc.) and detention ponds be deemed unnecessary, then they will be omitted from the open space.

6) Portions of Planning Area 2 will remain undisturbed in order to preserve tree canopy and existing ground cover on-site. This will serve as somewhat of a natural buffer between the proposed development and the existing western subdivision.

7) Existing utilities around the proposed PZD will be utilized and extended throughout the site. The development's sanitary sewer main will drain from the north to south connecting to an existing manhole at the intersection of 54th Street and Wedington. The water mains will be connected to existing mains on 54th Street and Fountain Street and be extended throughout the development.

8) Base architectural design standards for homes shall be similar in nature and character to those attached in Exhibit A. Lots and houses can be of any size the developer wants, but the end product will be similar in material and roofline to what is included in this packet. Developer may elect to vary house exterior color.

9) Example building elevation/floorplans (Exhibit A) are included with this booklet. These example housing styles highlight potential options for a higher density lot configuration, while also conveying materials and prominent features of potential housing within any future development. Ultimately, there is no minimum or maximum lot size, and the developer may build different house plans as long as they generally conform to the material and roof form of the included drawings. Developer may elect to vary house exterior color. Final elevations shall conform to UDC 164.23, Small Lot Design Standards. Additionally, where buildings will be visible from the open areas and public right-of-way, additional windows and/or other architectural features such as a bays, porches, dormers, etc. shall be provided for visual interest.

D) Proposed Planning Areas:

Proposed planning areas for this development will include:

Planning Area 1 (Single Family Detached Homes) – This area will encompass any lots, streets, alleys, and uses where single family is proposed. This area will have a “build-to-zone”, which shall not exceed 25’ from the street right-of-way. “Build-to-zones” and setbacks are further discussed in Section E and F of this booklet.

Planning Area 2 (Non-Residential Uses) – This area will encompass all the detention, drainage features, forested areas, natural areas, and recreational features. The zoning district is designed to permit and encourage the minimum amount of development, protect natural features, and encompass all common and recreational areas for the development. Open Space will be accessible for residents to use through a sidewalk network via the master street plan and so that residents can use common open space for outdoor and recreational uses.

E) Proposed Zoning Standards:

Planning Area 1 - Residential Zoning District:

(a) Permitted uses by Use Unit:

Unit 1: City-wide uses by right

Unit 8: Single-family dwellings



Unit 41: Accessory Dwelling Units

Unit 46: Short-term rentals

b) Conditional uses by Use Unit:

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-Family Dwellings

Unit 10: Three (3) and Four (4) family dwellings

Unit 12a: Limited business

Unit 24: Home occupations

Unit 44: Cluster Housing Development

c) Residential Density and/ or Nonresidential Intensity: 10 units/acre Maximum

Bulk and area regulations:

d) Lot width minimum: No Minimum

e) Lot area minimum: No Minimum

h) Height regulations: 2 stories

i) Building area: less than 65% of lot area. Minimum buildable street frontage: 50% of lot width (for only those lots along Public Streets, of which Alleys are not included).

Site Planning:

j) Landscaping: Landscaping shall be consistent with chapter 177 of the Unified Development Code.

k) Parking: Parking shall be accessible by rear of houses. Each house shall have a driveway for parking. Parking spaces will be available throughout the development as shown on preliminary plat.

l) Architectural Design Standards: Base architectural design standards for homes are included in Exhibit A. Single-family homes shall be similar in nature and character to these plans and images as shown in Exhibit A. An architectural projection, such as an eave, utility chase, chimney or bay window shall not be considered to be in violation of a setback requirement as long as the projection does not intrude into a public right-of-way or extend more than 3 feet into a setback. A projection which encroaches into a setback shall not come closer than 3 feet to a property line. All lots less than 50 feet in width shall conform to UDC 164.23, Small Lot Design Standards.

m) Signage: Non-commercial signage shall be allowed under Chapter 174 of the UDC. No illuminated signs or signs larger than 8 sqft.

Planning Area 2 – Non-residential Zoning District:

(a) Permitted uses by Use Unit:

Unit 1: City-wide uses by right

b) Conditional uses by Use Unit:

Unit 2: City-wide uses by conditional use permit

Unit 3: Public protection and utility facilities

c) Residential Density and/ or Nonresidential Intensity: 0 units/acre Maximum

Bulk and area regulations:

d) Lot width minimum: 50'

e) Lot area minimum: .5 acres



- h) Height regulations: 2 story maximum
- i) Building area: none

Note: There shall be no lot minimum requirements for non-buildable lots.

Site Planning:

- j) Landscaping: Landscaping shall be consistent with chapter 177 of the Unified Development Code.
- k) Parking: Parking shall be associated with proposed use and will conform to Chapter 172 in the UDC.
- l) Architectural Design Standards: Architectural design standards shall conform to building and development requirements within UDC.
- m) Signage: Subdivision Entrance Signage is allowed within this Planning Area but shall be applied by separate permit. No other signs shall be allowed, except as approved by the Property Owner's Association.

*By right, common mailbox units shall be allowed within Planning Area 2. These units shall be installed near Fountain Street.

**Accessory uses shall conform to UDC 164.02, Accessory Structures and Uses.

F) Zoning Chart:

Planning Area 1 (Residential Zoning District):

Below is a chart comparing Planning Area 1 (Residential Zoning District) within this PZD versus City of Fayetteville current RI-12 zoning of the property:

Regulation	RI-12	Proposed PZD Planning Area 1
Uses	Permitted uses: Unit 1, Unit 8, Unit 9, Unit 10, Unit 41, Unit 44, Unit 46 Conditional uses: Unit 2, Unit 3, Unit 4, Unit 5, Unit 12a, Unit 24, Unit 36	Permitted uses: Unit 1, Unit 8, Unit 41, Unit 46 Conditional uses: Unit 2, Unit 3, Unit 4, Unit 9, Unit 10, Unit 12a, Unit 24, Unit 44
Front Setback	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	A build-to zone that is located between the front property line and a line 25 feet from the front property line. For lots facing the open space (front), a build-to-zone of 0-25' shall apply off of the front property line.
Side Setback Adjacent to Single & Two Family	5' both sides	5' both sides or 0' one side, 10' other side
Side Setback Other Uses	8'	5'
Rear Setback Single Family	5'	20' (from either edge of Alley R/W or Access Easement, depending on if public or private)
Rear Setback Other Uses	20'	20' (from either edge of Alley R/W or Access Easement, depending on if public or private)
Density	12 units/acre	10 units/ acre
Minimum Lot Width	50' single family 50' two family	No minimum



	90' three & four family	
Minimum Lot Area	5,000 sqft single family 7260 sqft two family 10,890 sqft three & four family	No minimum
Maximum height	2 stories/3 stories*	2 stories
Building area	Less than 50% of lot area	Less than 65% of lot area

Planning Area 2 (Non-residential Zoning District):

Below is a chart comparing Planning Area 2 (Non-residential Zoning District) within this PZD versus City of Fayetteville current RI-12 zoning of the property:

Regulation	RI-12	Proposed PZD Planning Area 2
Uses	Permitted uses: Unit 1, Unit 8, Unit 9, Unit 10, Unit 41, Unit 44, Unit 46 Conditional uses: Unit 2, Unit 3, Unit 4, Unit 5, Unit 12a, Unit 24, Unit 36	Permitted uses: Unit 1 Conditional uses: Unit 2, Unit 3
Front Setback	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	20'
Side Setback Adjacent to Single & Two Family	5' both sides	10'
Side Setback Other Uses	8'	10'
Rear Setback Single Family	5'	20'
Rear Setback Other Uses	20'	20'
Density	12 units/acre	Nonresidential: ½ acre
Minimum Lot Width	50' single family 50' two family 90' three & four family	50'
Minimum Lot Area	5,000 sqft single family 7260 sqft two family 10,890 sqft three & four family	.5 acre
Maximum height	2 stories/3 stories*	2 stories
Building area	Less than 50% of lot area	None*

*There shall be no lot requirements for non-buildable lots.

**By right, common mailbox units shall be allowed within Planning Area 2. These units shall be installed near Fountain Street.

***Accessory uses shall conform to UDC 164.02, Accessory Structures and Uses.

G) Analysis of Site Characteristics:

The 12.13-acre site is primarily grass with trees along the western border. This site looked to previously be a single-family resident. This site has moderately sloped topography. Half of the site drains south, the other half drains west/northwest. There are no known environmental hazards, sensitive or natural resources areas, or manmade hazards.



H) Recreational Facilities:

The future development of this property will have open space on the west side of the property to be utilized for the subdivision's residents. The open space will be a central design feature, with many houses fronting the space. The space will have pedestrian connectivity to it from all directions of the site, and through the open space with an inner sidewalk or trail. This recreational facility is also connected to the western adjacent subdivision, which has an existing city park, and the eastern adjacent development and trail system.

I) Reason for Rezone Request:

The subject property is currently zoned RI-12, which allows for 1-4 family dwellings with a density of up to 12 units per acre. For single family, however, the minimum lot size is 50'. Due to the developer's desire to create a more compact, walkable, open-space driven design, it was requested that the minimum lot size be removed to allow for a smaller lot size. The site drawing submitted with this packet is based on a 35' lot width, but allows the developer to create bigger or smaller lots, depending on their preference at the time of development. A Planned Zoning District (PZD) was the method chosen to do this for two reasons.

1. Other zoning districts (Community Services, Residential Intermediate-Urban, etc) could allow for a similar flexibility to what is being proposed here, but not without it seeming like the developer was building apartments or a really high-density development. This is not their desire nor how they wish for the public to see this request as. It is their intent to build smaller single family lots with a zoning density of no more than 10 units per acre.
2. Many of the lots in Planning Area 1 will be alley loaded and front on the park with no public street frontage. This is not allowed by-right in any zoning district. The Planned Zoning District provides an avenue to address this and make this possible.

J) Relation to Existing and Surrounding Properties:

The subdivision located west of this development is zoned RI-12 having medium/low density (12 units/acre). The development east of the site is zoned RI-U having a variety of housing types. The property south of the development is zoned R-A having low-density single-family houses. The development north is in Washington County jurisdiction. This development, being moderate density residential, will serve as a good transition between surrounding neighborhoods while still conforming to the general residential uses within the area.

This development will have street connections to the subdivision located west and 54th Street. Traffic within this development will have egress/ingress from Fountain Street and 54th Street.

All signage shall meet UDC Chapter 174. Although no signage is proposed for this development.

K) Compliance with Fayetteville's Comprehensive Land Use Plan.

Fayetteville's Future Land Use Plan calls this area to be Residential Neighborhood, which offers a wide variety of housing types, with highly connected, compact blocks with gridded street patterns. This Planned Zoning District is in compliance with that, as it allows a wide array of single-family housing with no minimum lot width or size. Two to four family dwellings are also conditionally allowed with this Planned Zoning District. This development is highly connected to existing subdivisions to the east and west, as well as internally, with the open space being a central focal point.

Below are the six 2040 City Plan goals and how this development aligns with them:

Goal 1: We will make appropriate infill and revitalization our highest priority.



This site is essentially an infill project, between two existing residential developments. This project connects vehicles and pedestrians throughout this area in a logical and concise manner. This development is intended to be primarily single-family residential, although it does allow 2-4 family dwellings by conditional use. Single-family residential on this site compliments the context and character of the existing neighborhood to the west of the site, while obtaining the density needed to promote affordable housing in the region.

Goal 2: We will discourage suburban sprawl.

This development would not be considered suburban sprawl having high and medium density neighborhoods surrounding it. This development connects the two existing developments, extended vehicular and pedestrian access through this site and surrounding sites to local parks and amenities. This Planned Zoning District has a density that is less than what is currently on the site for RI-12, while being a concise development which minimizes public street construction and centers on a internal open space for residents to enjoy.

Goal 3: We will make traditional town form the standard.

This development meets this goal by being a compact and dense subdivision thus being able to preserve open space and trees, having interconnected streets and sidewalks, having build-to-zones, and having an alley. With the alley, the development will have a more beautified streetscape with services and utilities being here. The houses will be able to front either open space or 54th Street.

Goal 4: We will grow a livable transportation network.

This development will promote walkability and bicycling by having interconnected tree-lined streets, and sidewalks. Fayetteville's trail network is adjacent to this development, located on the east side of 54th Street. If public transportation decides to extend west, this development will provide connection with surrounding neighborhoods thus making bus stops more accessible.

Goal 5: We will assemble an enduring green network.

This development will meet this goal by preserving trees and open space. Additionally, the proposed development will consist of tree-line streets, interconnected sidewalks, and will connect to a trail adjacent to the development.

Goal 6: We will create opportunities for attainable housing:

This goal will be met by providing the developer an opportunity for a mixture of housing sizes. With only one public street and an alley for this site for the many houses on this development, the cost per lot has been reduced giving opportunity for more affordable housing, depending on the configuration.

L) Traffic Study

Per pre-application discussions with city staff, a traffic study wouldn't be required.

M) Impact of City Services

An 8" water main will be extended throughout the site to serve all residential lots. An 8" gravity sanitary sewer main will be extended throughout the site to serve all residential lots. Initial discussions with city staff stated sanitary sewer capacity, water pressures and flows should not be a concern.

Emergency services, police and fire, will be able to serve houses by either the alley or streets throughout the development. Fire hydrants will be installed strategically throughout the development. Fire hydrants installed in the alley will have bumpouts to provide the required 26' for a fire truck. Each house will have an individual trash service that will be provided in the alley.



N) Conceptual Description of Development Standards

The proposed PZD will set forth development standards and conditions aimed at encouraging harmonious development, ensuring continuity in development, enhancing the appeal and practicality of the area as a residential space, overall, elevating the community.

1) Screening and Landscaping:

Landscaping for this development will be consistent with chapter 177. Residential lots shall have a consistent foundation and high-quality design at the front of the house and throughout the development. Natives and high-quality design are encouraged for new construction of homes. A basic landscape plan will be submitted with building elevations and floor plans. Vegetative screening and fences may be erected between homes and planning uses if required by UDC. No trees are proposed along the alley, due to franchise utilities traversing through this space and the likelihood that these trees will not survive.

2) Traffic and Circulation:

This development will provide connectivity for surrounding neighborhoods and create another route of egress/ingress thus alleviating traffic congestion within existing subdivisions. It will also extend two master street plan streets and pedestrian facilities.

3) Parking Standards:

Parking standards will meet City of Fayetteville Minimum Street Standards where on-street parking and parking spaces are to be proposed. Parking is to be located within the PZD district it serves. Parking will be available in garages and driveways at each residence as well as on-street where allowed by this planned zoning district and the master street plan.

4) Perimeter Treatment:

This development is compatible with adjacent developments, and proposes to meet the future land use map. Because of this, no perimeter treatment is proposed.

5) Sidewalks:

Sidewalks will be provided throughout the development and along Residential Link Streets.

6) Streetlights:

Streetlights shall be of a uniform type throughout the development. All streetlights shall be full cut-off fixtures and a lighting system shall appropriately light all public areas. All streetlights shall be per Ozark Electric cooperative and meet UDC code 166.04(B)(3)(g). Street Lights shall also be installed in the alley for vehicular safety.

7) Water:

Water mains and services shall be provided for each dwelling and residence. Water mains shall be per Fayetteville 2022 Water and Sewer Specifications, utilizing an 8" AWWA C900 PVC, DR14 material. Water services shall follow these same specifications for meters and service lines.

8) Sewer:

Sewer services shall be provided for all dwellings and buildings. Sewer mains shall be per Fayetteville 2022 Water and Sewer Specifications, utilizing an 8" PVC SDR 26. Sewer services shall follow these same specifications for any meters and service lines.



9) Street and Drainage:

Streets shall conform to City of Fayetteville Minimum Street Standards. Street design shall be reviewed by the Engineering department of the City of Fayetteville. Drainage and storm design will be provided on the attached site design/master plan. Drainage and storm design will be reviewed by the Engineering Department of the City of Fayetteville.

10) Construction of Nonresidential Facilities:

Non-residential facilities are not proposed within this development apart from those stated previously.

11) Tree Preservation:

Tree preservation plans and landscape plans will be required and submitted once development begins on a preliminary plat application and development plan is submitted. The intent is to preserve trees where possible in Planning Area 2. Planning Area 1 will have no preservation. Mitigation will be shown in Planning Area 2.

12) Architectural design standards:

Architectural design standards have been attached to this application as Exhibit A. Residential buildings must be consistent with the style and look of examples set in Exhibit A. Houses may be larger or smaller, but will have the same general look as attached. All lots less than 50 feet in width shall conform to UDC 164.23, Small Lot Design Standards.

13) Propose signage:

No signage is proposed with this development. There is the potential that the developer may want a subdivision sign. This is allowable by right in Planning Area 2, as is the common mailbox unit.

14) View Protection:

View protection shall be considered if any proposed work is to occur outside the scope of the proposed PZD and its master plan.

15) Covenants, trust, and homeowner association:

Homeowners association shall be created with future development, with restrictive covenants enacted to ensure that development is well maintained and attractive for the future. Neither is proposed at this time.

O) PZD Intent/Purpose

The intent of this Proposed PZD is to create and expand the City Residential Neighborhood Area as outlined in the City of Fayetteville's 2040 Land Use Plan. The proposed PZD wishes to expand the existing infrastructure, while creating a livable, harmonious, and vibrant community compatible to surrounding uses.

P) Legal Description

Planning Area 1:

PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 11

THENCE N2°19'07"E 429.48 FEET;

THENCE N87°35'30"W 41.81 FEET;



THENCE N2°20'25"E 81.06 FEET TO THE POINT OF BEGINNING;
THENCE N87°39'35"W 95.00 FEET;
THENCE 62.83 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 40.00 FEET AND A LONG
CHORD OF N42°39'35"W 56.57 FEET;
THENCE N02°20'25"E 19.32 FEET;
THENCE N87°39'35"W 115.00 FEET;
THENCE N02°20'25"E 510.00 FEET;
THENCE N87°39'35"W 49.10 FEET;
THENCE N02°17'27"E 52.00 FEET;
THENCE S87°39'35"E 49.14 FEET;
THENCE N02°20'25"E 755.00 FEET;
THENCE S87°39'35"E 115.00 FEET;
THENCE N02°20'25"E 55.00 FEET;
THENCE S87°39'35"E 20.00 FEET;
THENCE N02°20'25"E 10.00 FEET;
THENCE S87°39'35"E 115.00 FEET;
THENCE S02°20'25"W 1441.32 FEET TO THE POINT OF BEGINNING, CONTAINING 7.99 ACRES,
MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

Planning Area 2:

PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST,
WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 11

THENCE N2°19'07"E 429.48 FEET;
THENCE N87°35'30"W 41.81 FEET TO THE POINT OF BEGINNING;
THENCE N87°35'30"W 287.92 FEET;
THENCE N02°16'16"E 49.86 FEET;
THENCE N87°32'50"W 10.60 FEET;
THENCE N02°17'27"E 600.16 FEET;
THENCE S87°39'35"E 49.10 FEET;
THENCE S02°20'25"W 510.00 FEET;
THENCE S87°39'35"E 115.00 FEET;
THENCE S02°20'25"W 19.32 FEET;
THENCE 62.83 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 40.00 FEET AND A LONG
CHORD OF S42°39'35"E 56.57 FEET;
THENCE S87°39'35"E 95.00 FEET;
THENCE S02°20'25"W 81.06 FEET TO THE POINT OF BEGINNING, CONTAINING 1.35 ACRES,
MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

ALSO

PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST,
WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:



COMMENCING AT THE CENTER OF SAID SECTION 11
THENCE N2°19'07"E 1982.15 FEET;
THENCE N87°33'35"W 41.23 FEET TO THE POINT OF BEGINNING;
THENCE S02°20'25"W 30.31 FEET;
THENCE N87°39'35"W 115.00 FEET;
THENCE S02°20'25"W 10.00 FEET;
THENCE N87°39'35"W 20.00 FEET;
THENCE S02°20'25"W 55.00 FEET;
THENCE N87°39'35"W 115.00 FEET;
THENCE S02°20'25"W 755.00 FEET;
THENCE N87°39'35"W 49.14 FEET;
THENCE N02°17'27"E 850.84 FEET;
THENCE S87°33'35"E 299.88 FEET TO THE POINT OF BEGINNING, CONTAINING 1.32 ACRES,
MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

General Notes

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Residential design & drafting
LLC

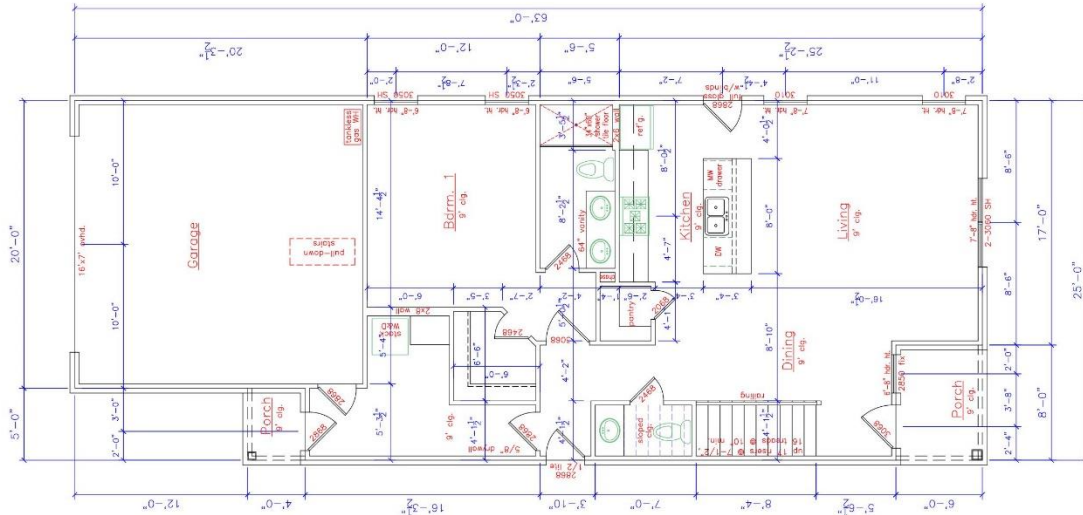
Black Pine Construction
Amika bonus no porch

Square footage

1st floor (incl) = 1048
2nd floor (incl) = 774
Total heated = 2106
Garage (to frame) = 359
Porch = 88
Total under roof = 2573

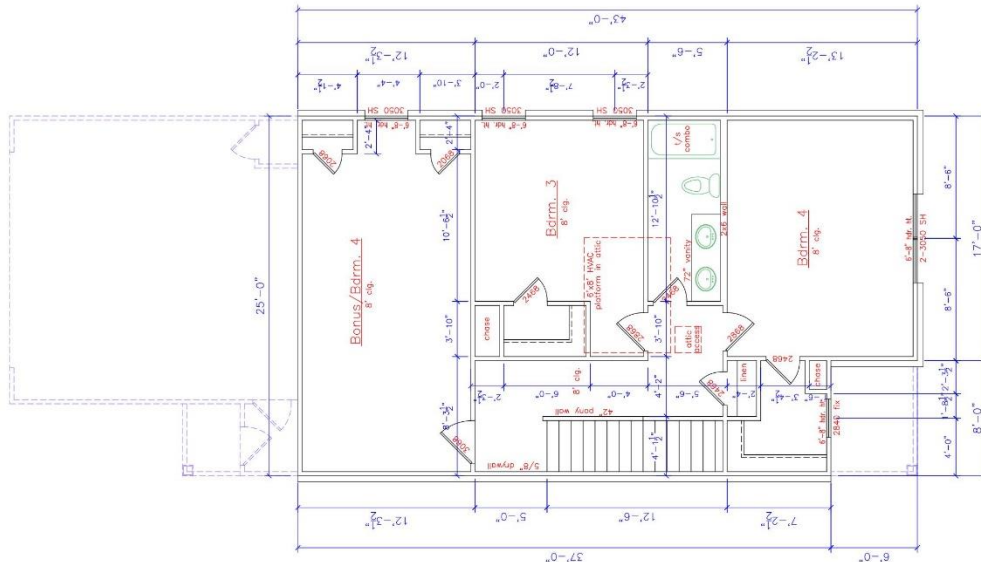
Sheet

1 of 3
Date: 2/27/2024
1/4" = 1'-0"



1st Floor plan

1st Floor notes (un.o.):
1. Common walls are 2x4 studs.
2. Exterior walls are 2x4 studs.
3. Interior walls are 2x4 studs.



2nd Floor plan

2nd Floor notes (un.o.):
1. Common walls are 2x4 studs.
2. Exterior walls are 2x4 studs.
3. Interior walls are 2x4 studs.



Typical window header detail

General Notes

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Residential design & drafting

Black Pine Construction
Annika bonus no porch

Project Name: BPC-Annika no porch
Date: 2/27/2024
Scale: 1/4" = 1'-0"

Sheet: 2 of 3

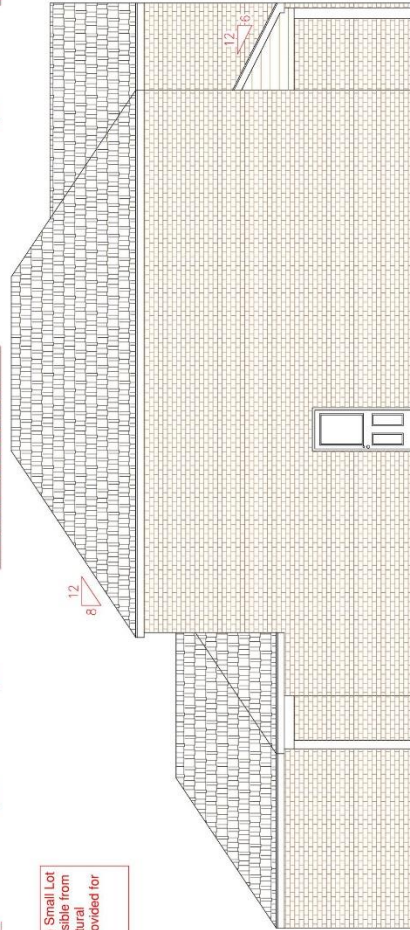


Front elevation 2

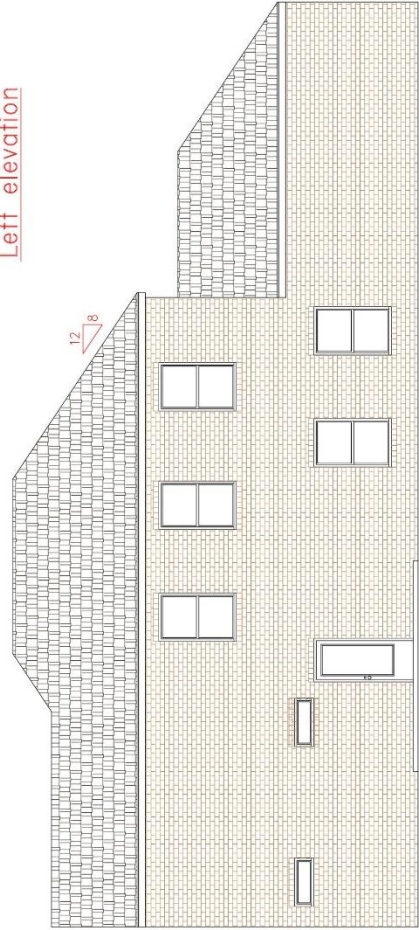
Front elevation 1

Rear elevation

Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



Left elevation



Right elevation

General Notes

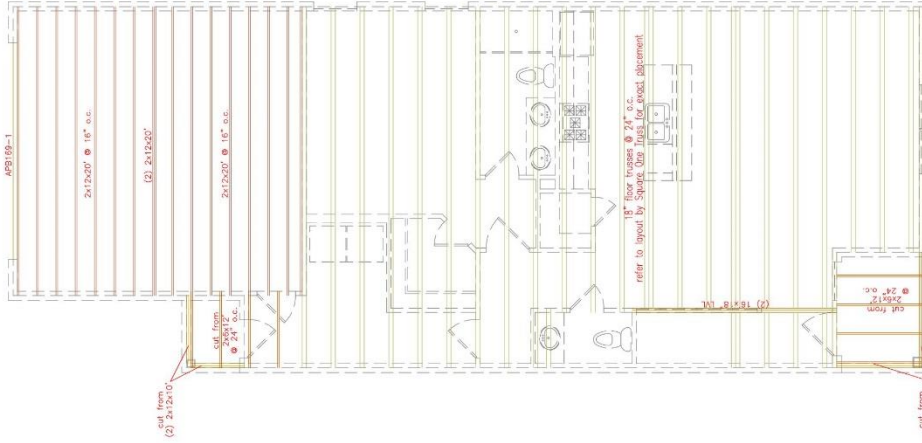
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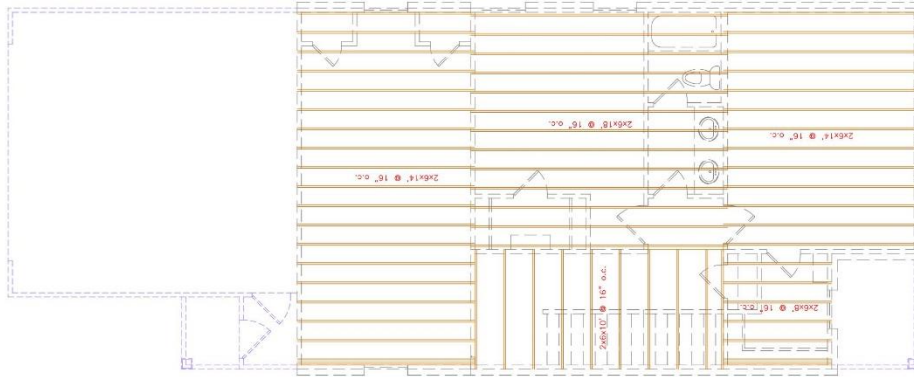
Residential design & drafting

Black Pine Construction
Annika bonus no porch

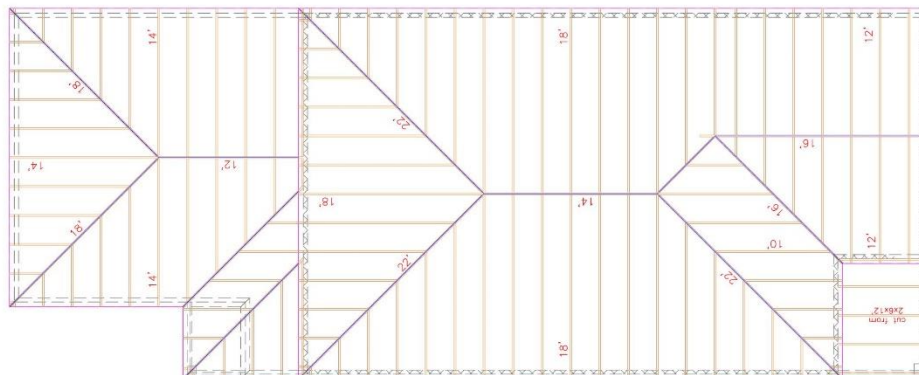
Drawn by BPC-Annika no porch	Sheet 3 of 3
2/27/2024	
1/4" = 1'-0"	



1st floor ceiling / floor truss plan



2nd floor ceiling joist plan



Roof/Rafter plan

- Notes:
1. All hip, valley & ridge material is 2x8 (u.n.o.)
 2. All rafter material is 2x6 (u.n.o.)
 3. Lengths shown are shipped board lengths. All boards to be cut on site as required from board lengths shown.
 4. Frame dormers as required

General Notes

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Residential design & drafting

Black Pine Construction
Annika bonus no porch

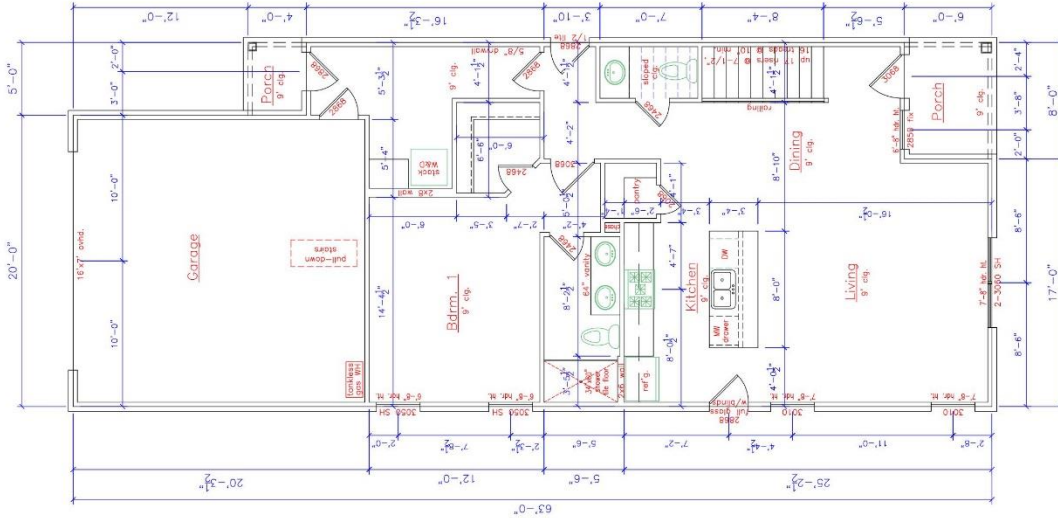
Square footage

1st floor (hid)	= 1048
2nd floor (hid)	= 994
Brick & heater	= 74
Total heated	= 2106
Garage (to frame)	= 529
Porch	= 68
Total under roof	= 2573

Sheet
BPC-Annika no porch

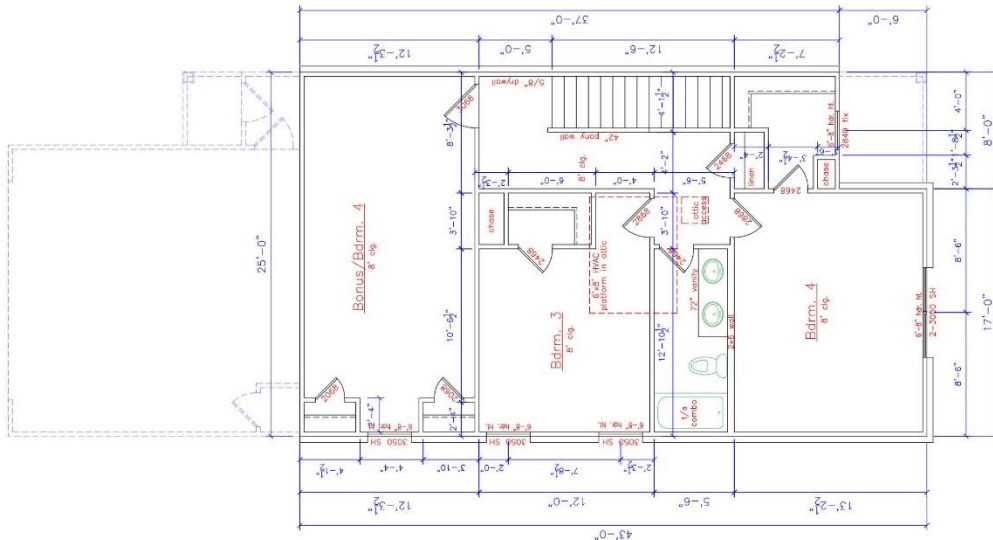
Date
2/27/2024

1 of 3
1/4" = 1'-0"



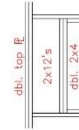
1st Floor plan

- 1st Floor notes (u.n.o.):
1. Ceiling heights are 9'-0"
 2. Exterior walls are 2x4 studs
 3. Interior walls are 2x4 studs



2nd Floor plan

- 2nd Floor notes (u.n.o.):
1. Ceiling heights are 8'-0"
 2. Exterior walls are 2x4 studs
 3. Interior walls are 2x4 studs



Typical window header detail

General Notes

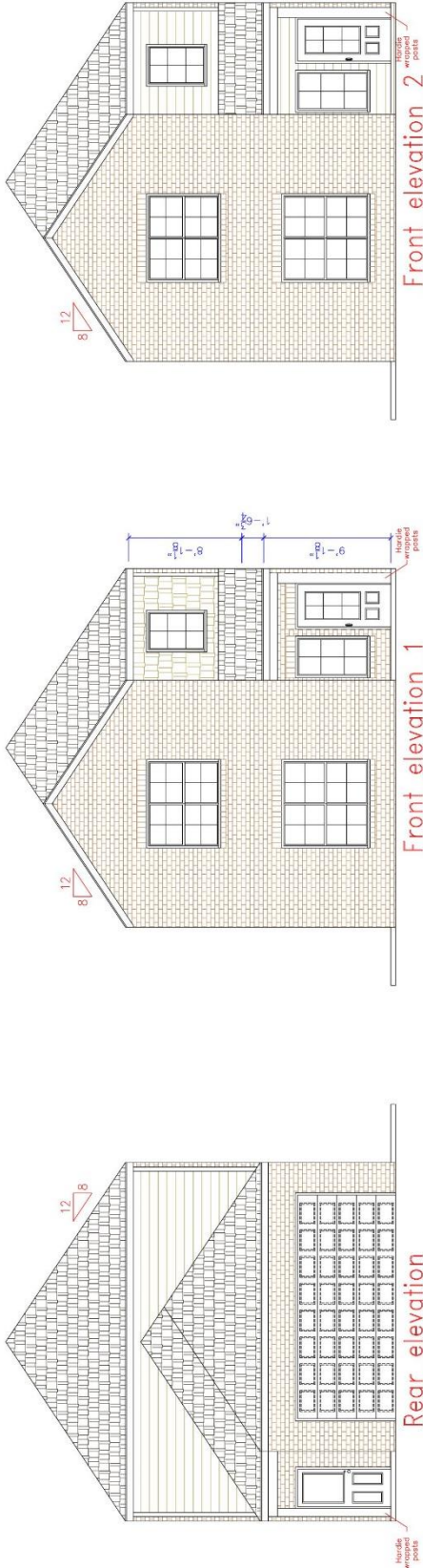
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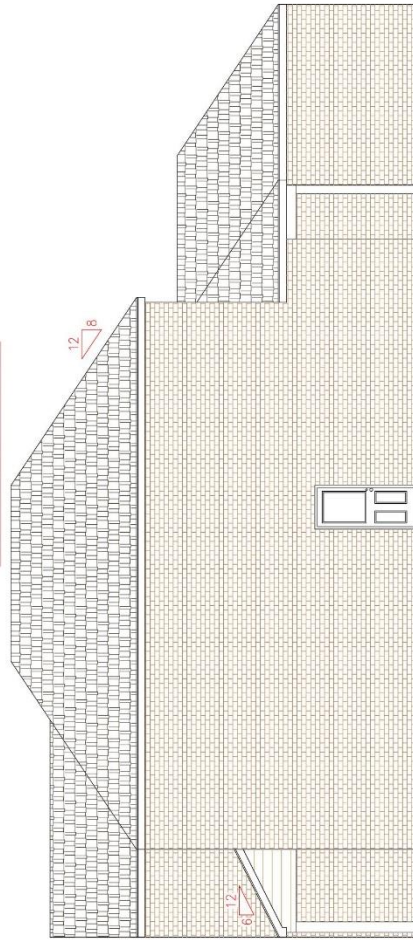
Residential design & drafting

Black Pine Construction
Annika bonus no porch

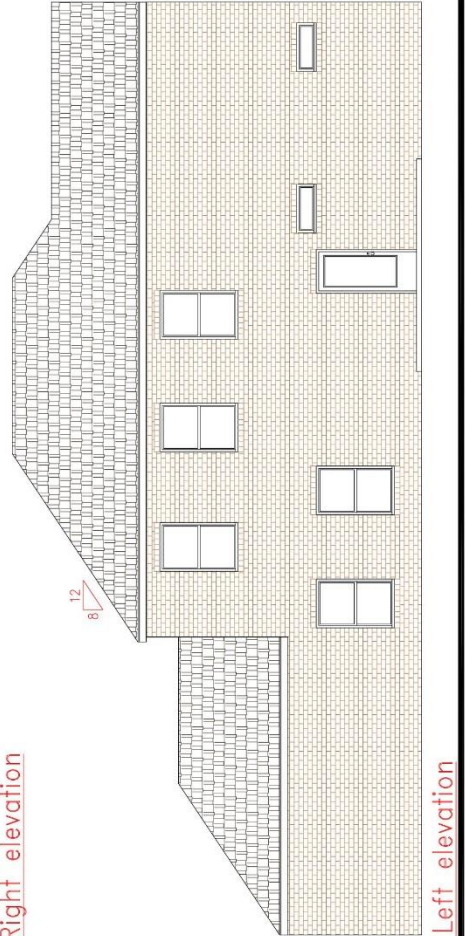
Client Name: BPC-Annika no porch
Date: 2/27/2024
Scale: 1/4" = 1'-0"
Sheet: 2 of 3



Front elevation 2



Right elevation



Left elevation

Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.

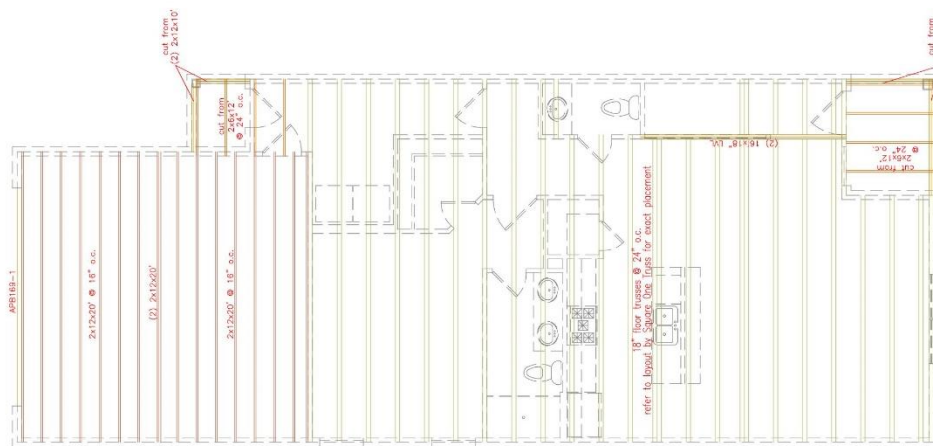
Structural Integrity Design is a residential design service that does not require architectural or engineering services. The purchaser of this plan should consult a building professional prior to construction. The purchaser and builder of this plan release Structural Integrity Design from any liability and/or claims that may arise during construction or anytime thereafter. Therefore, the builder must carefully inspect all aspects of these drawings, including but not limited to dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.



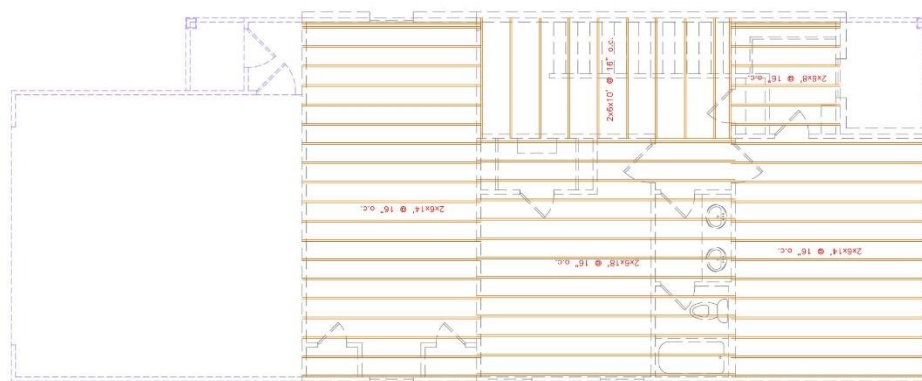
Residential design & drafting

Black Pine Construction
Annika bonus no porch

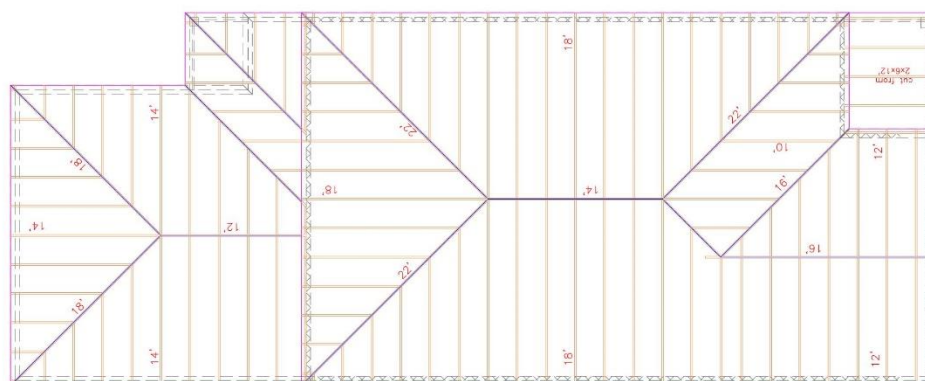
DWG name: BPC-Annika no porch
 Date: 2/27/2024
 Scale: 1/4" = 1'-0"



1st floor ceiling / floor truss plan



2nd floor ceiling joist plan



Roof/Rafter plan

8:12 pitch (u.n.o.)
No overhangs (flush w/ brick)

Not a

- Notes:
1. All hip, valley & ridge material is 2x8 (u.n.o.)
 2. All rafter material is 2x6 (u.n.o.)
 3. Lengths shown are shipped board lengths. All boards to be cut on site as req'd. from board lengths shown.
 4. Frame dormers as required

General Notes

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Residential design & drafting

Black Pine Construction
Annika no porch

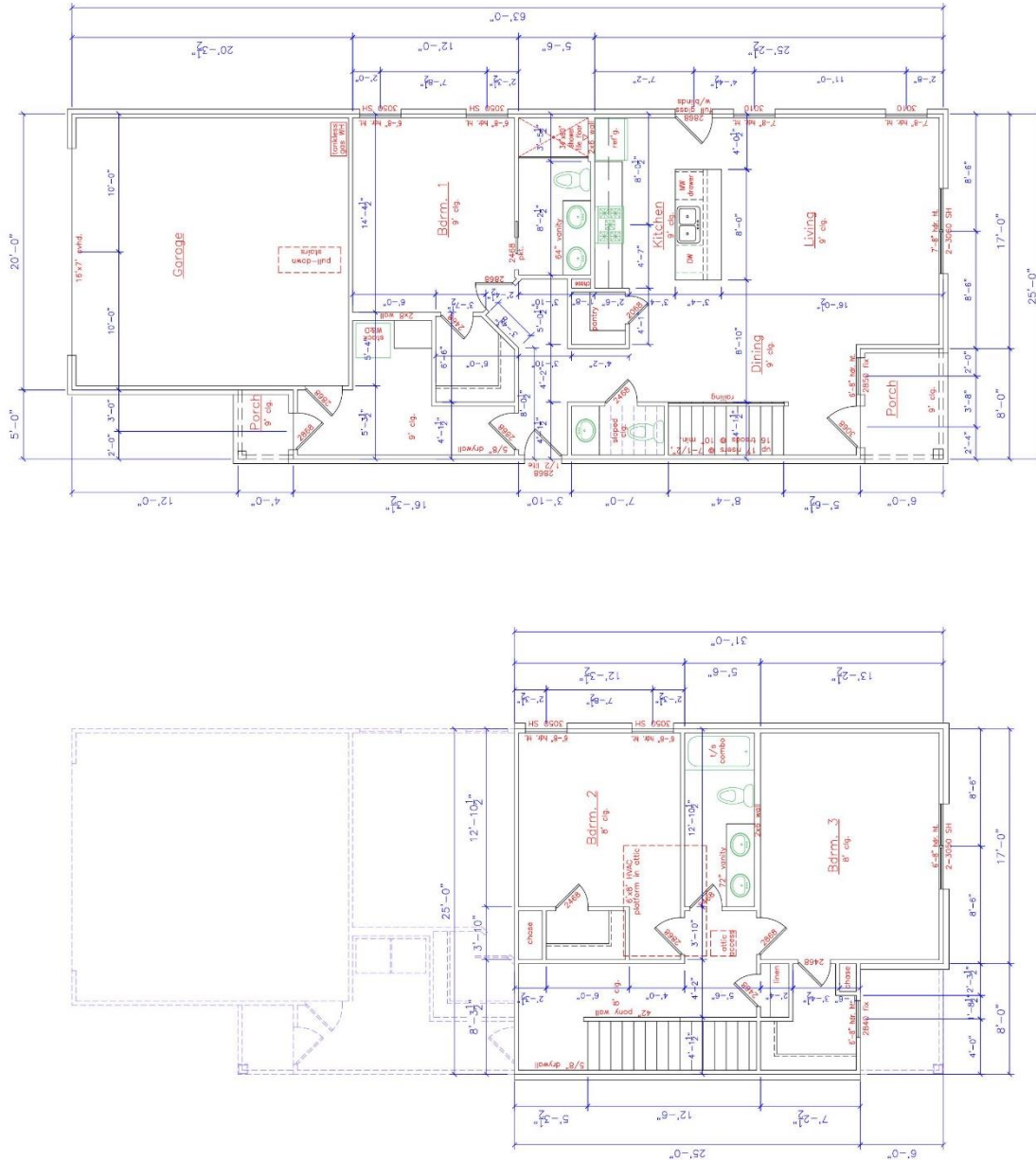
Square Footage

1st floor (hd)	=	1046
2nd floor (hd)	=	854
Brick & heated	=	74
Total heated	=	1806
Garage (to frame)	=	1053
Porches	=	68
Total under roof	=	2773

Sheet
BPC-Annika no porch

Date
2/27/2024

Scale
1/4" = 1'-0"



1st Floor plan

- 1st Floor notes (u.n.o.):
1. Ceiling heights are 9'-0"
 2. Exterior walls are 2x4 studs
 3. Interior walls are 2x4 studs



Typical window header detail

2nd Floor plan

- 2nd Floor notes (u.n.o.):
1. Ceiling heights are 8'-0"
 2. Exterior walls are 2x4 studs
 3. Interior walls are 2x4 studs

General Notes

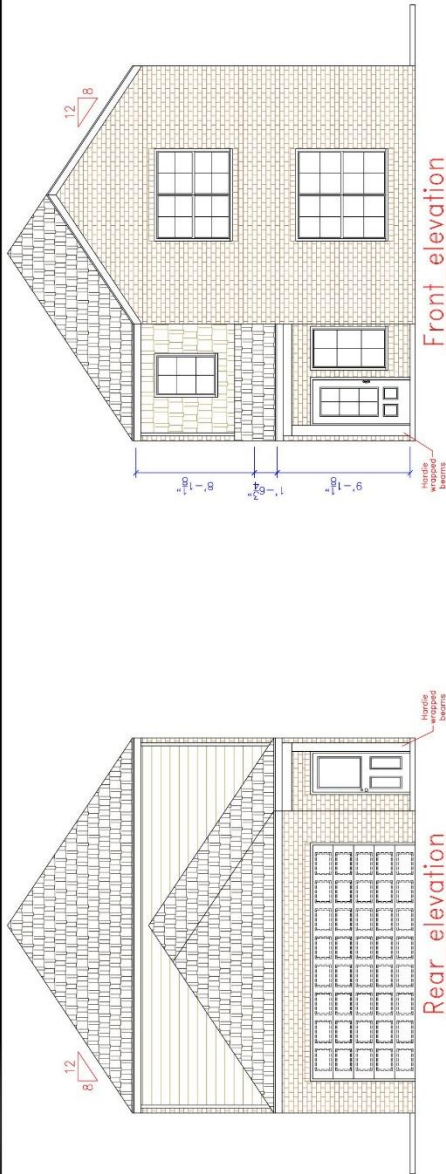
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Residential design & drafting

Black Pine Construction
Annika no porch

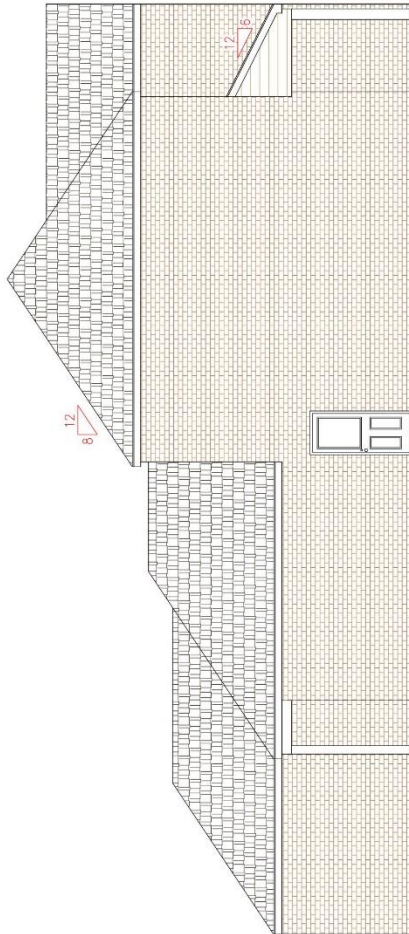
Client Name:	BPC-Annika no porch
Date:	2/27/2024
Scale:	1/8" = 1'-0"
Sheet:	2 of 3



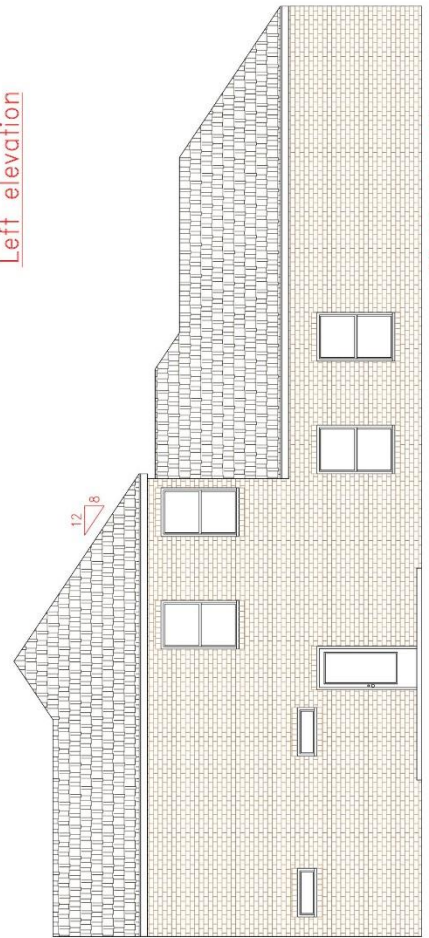
Front elevation

Rear elevation

Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



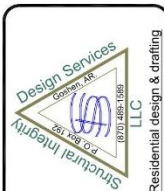
Left elevation



Right elevation

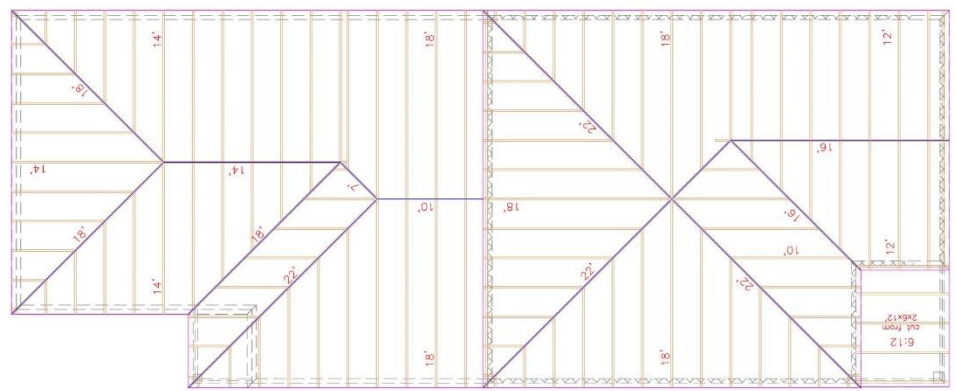
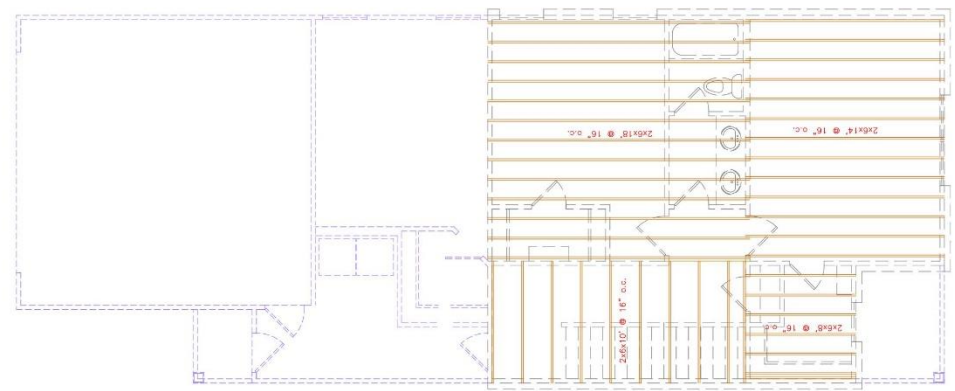
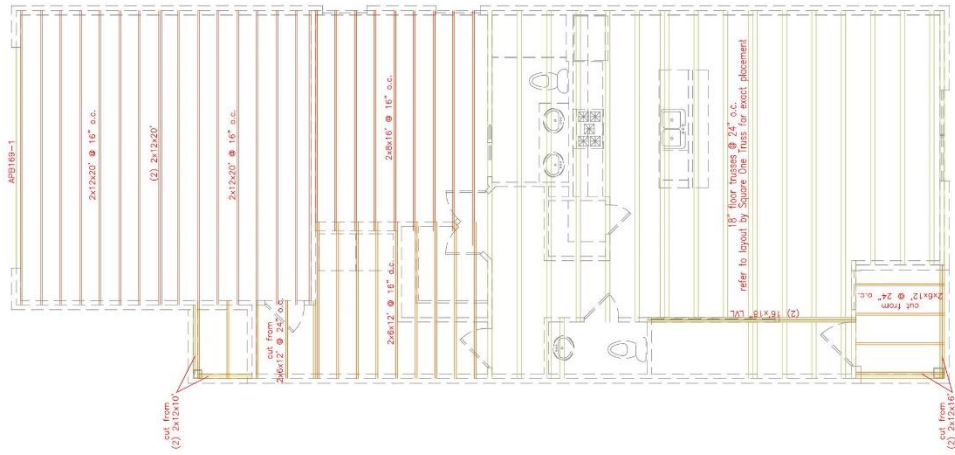
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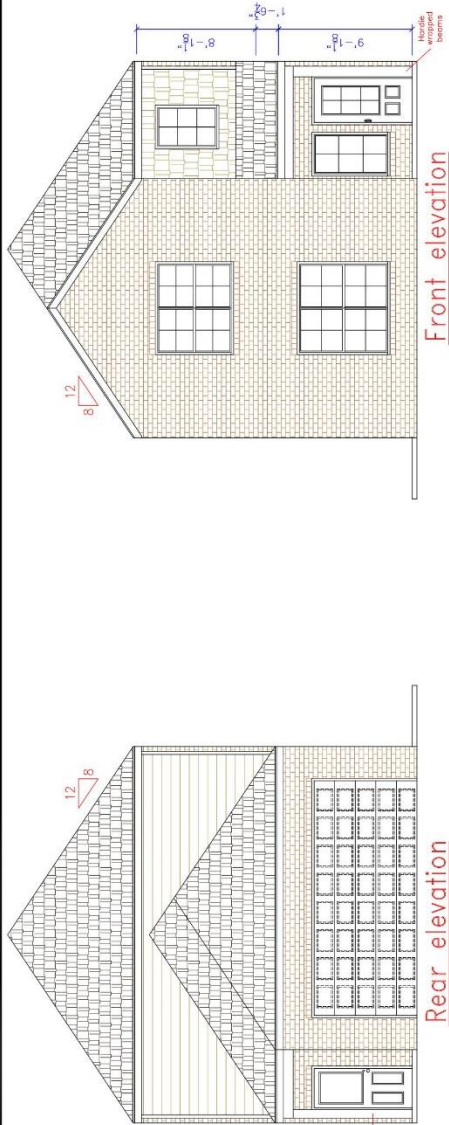
Black Pine Construction
Annika no porch

Sheet	3 of 3
Project	BPC-Annika no porch
Date	2/27/2024
Scale	1/4" = 1'-0"



Notes:
8:12 pitch
No overhangs (flush w/ brick)

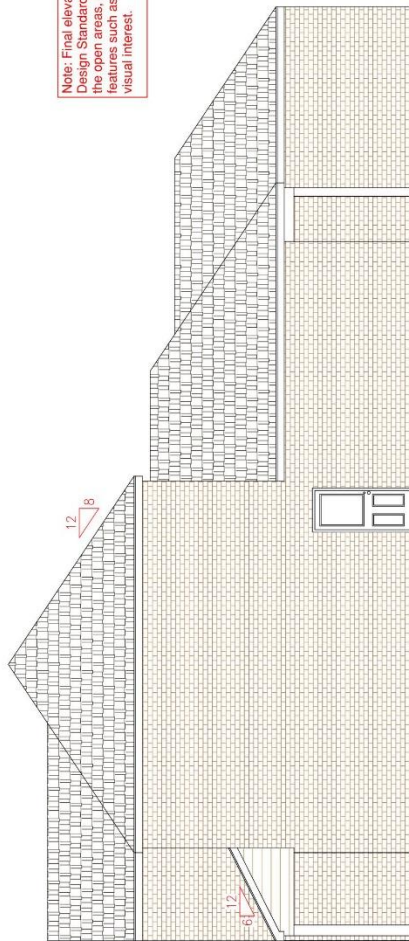
1. All hip, valley & ridge material is 2x8 (u.n.o.)
2. All rafter material is 2x6 (u.n.o.)
3. Lengths shown are shipped board lengths. All boards to be cut on site as req'd, from board lengths shown.
4. Frame dormers as required



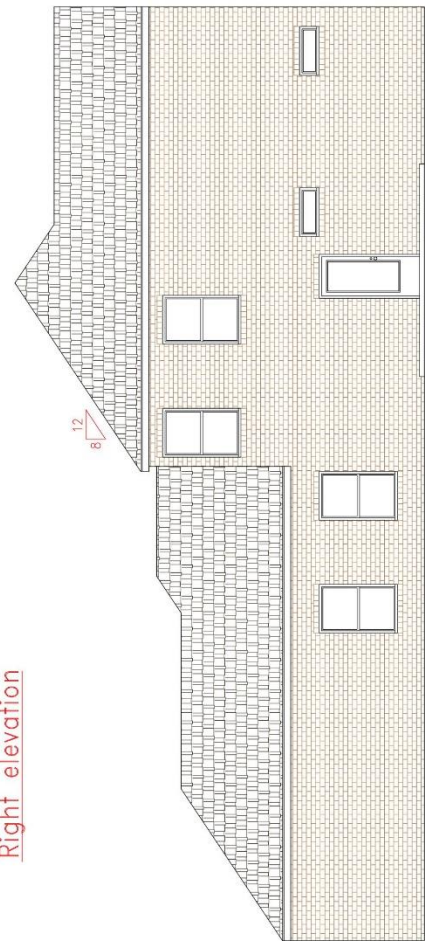
Front elevation

Rear elevation

Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



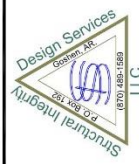
Right elevation



Left elevation

General Notes

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Residential design & drafting

Black Pine Construction
Annika no porch

Sheet
2 of 3
Date
2/27/2024
Scale
1/4" = 1'-0"

General Notes

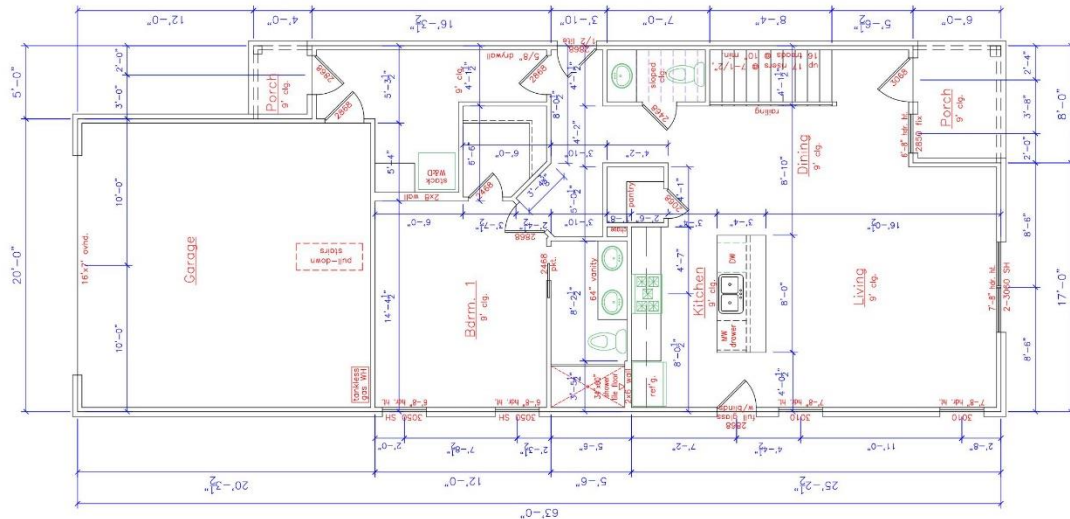
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Black Pine Construction
Annika no porch

Square footage	
1st floor (inc)	= 1045
2nd floor (inc)	= 694
Brick & masonry	= 74
Total heated	= 1806
Garage (no frame)	= 58
Porch	= 68
Total under roof	= 2273

Drawn by	Annika	Sheet	
Project	BPC-Annika no porch		
Date	2/27/2024		
Scale	1/8" = 1'-0"		
		1 of 3	

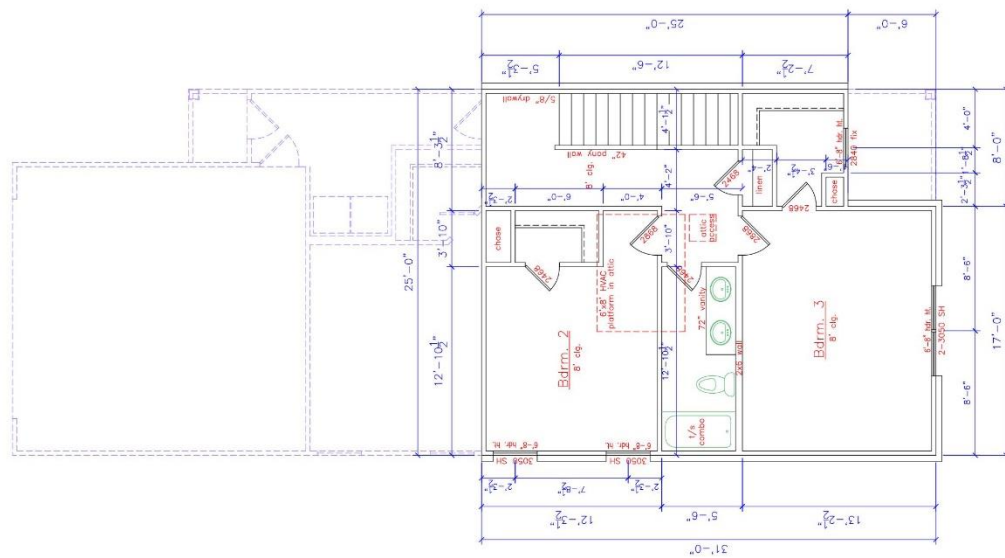


1st Floor plan

- 1st Floor notes (u.n.o.):
1. Ceiling heights are 9'-0"
 2. Exterior walls are 2x4 studs
 3. Interior walls are 2x4 studs



Typical window header detail



2nd Floor plan

- 2nd Floor notes (u.n.o.):
1. Ceiling heights are 8'-0"
 2. Exterior walls are 2x4 studs
 3. Interior walls are 2x4 studs

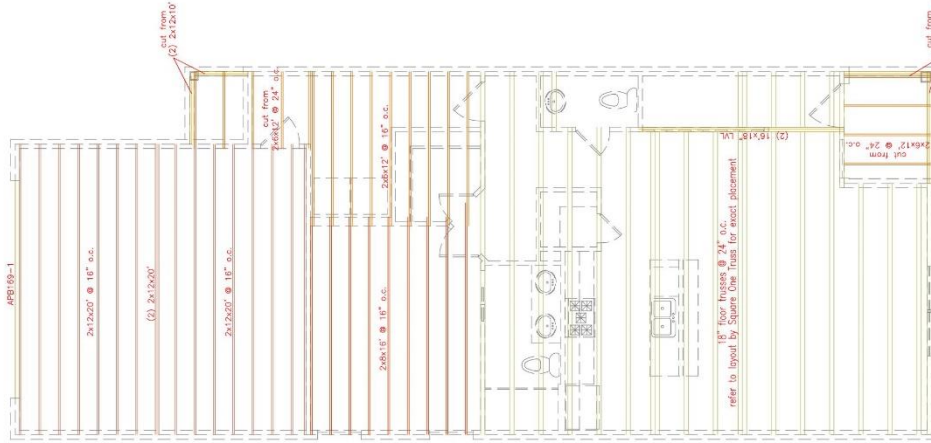
General Notes

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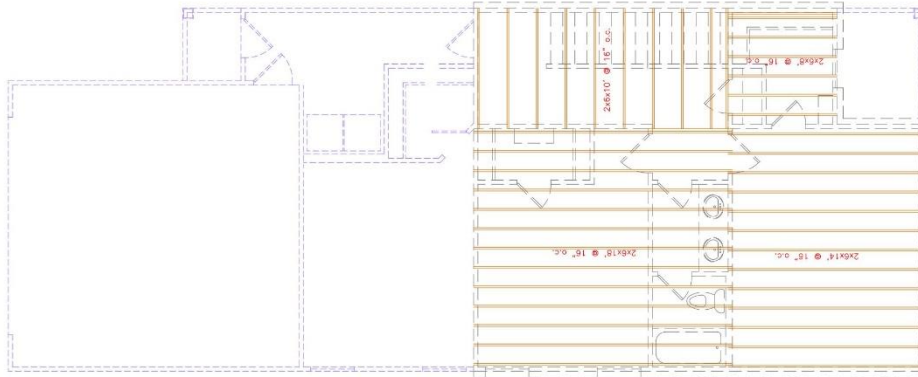


Black Pine Construction
Annika no porch

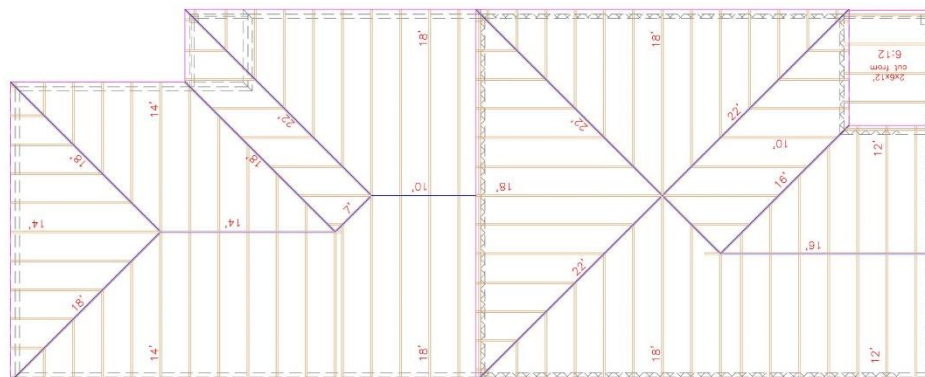
Sheet	3 of 3
Project Name	BPC-Annika no porch
Date	2/27/2024
Scale	1/4" = 1'-0"



1st floor ceiling / floor truss plan



2nd floor ceiling joist plan



Roof/Rafter plan

8:12 pitch w/ brick
No overhangs (flush w/ brick)

- Notes:
1. All hip, valley & ridge material is 2x8 (u.n.o.)
 2. All rafter material is 2x6 (u.n.o.)
 3. Lengths shown are shipped board lengths. All boards to be cut on site as req'd. from board lengths shown.
 4. Frame dormers as required

General Notes

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Residential design & drafting

Black Pine Const.
Sagely no porch

Square footage

1st floor (ft²) = 1048
2nd floor (ft²) = 854
Brick & heated = 74
Total heated = 1806
Sagely (to name) = 68
Porch = 68
Total under roof = 2273

Sheet

BPS-Sagely no porch

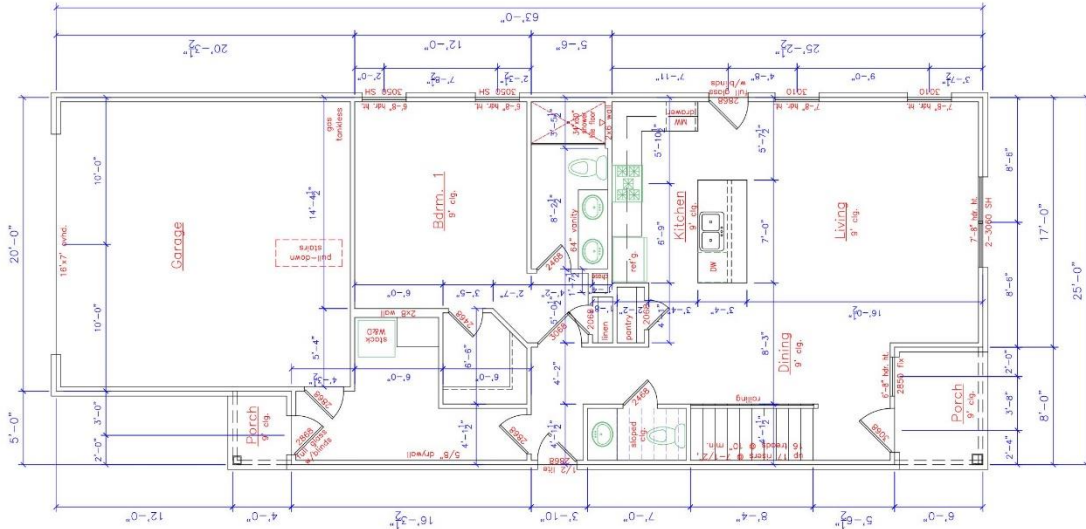
Date

2/27/2024

1 of 4

Scale

1/4" = 1'-0"

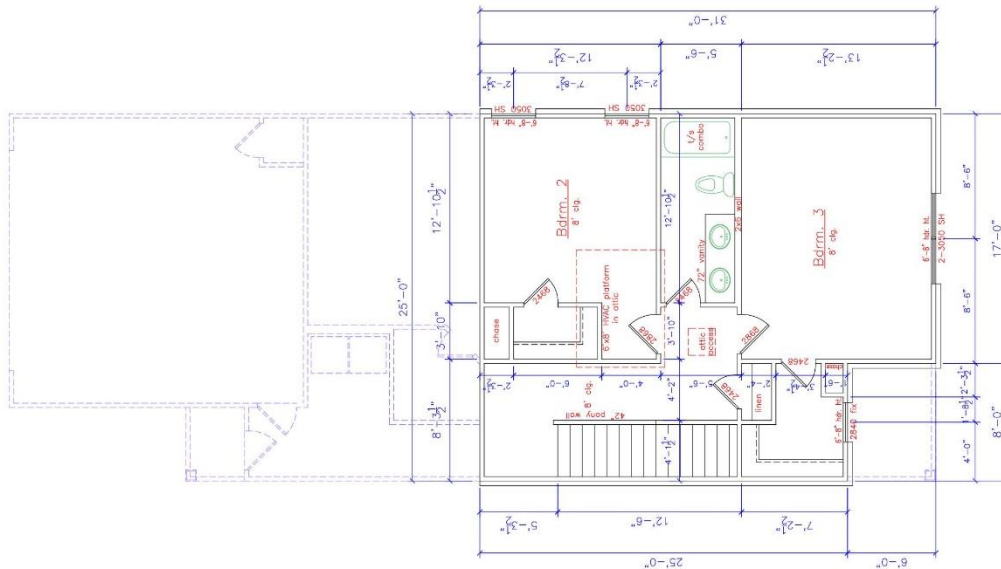


1st Floor plan

- 1st Floor notes (u.n.o.):
1. Ceiling heights are 9'-0"
 2. Exterior walls are 2x4 studs
 3. Interior walls are 2x4 studs



Typical window header detail



2nd Floor plan

- 2nd Floor notes (u.n.o.):
1. Ceiling heights are 8'-0"
 2. Exterior walls are 2x4 studs
 3. Interior walls are 2x4 studs

General Notes

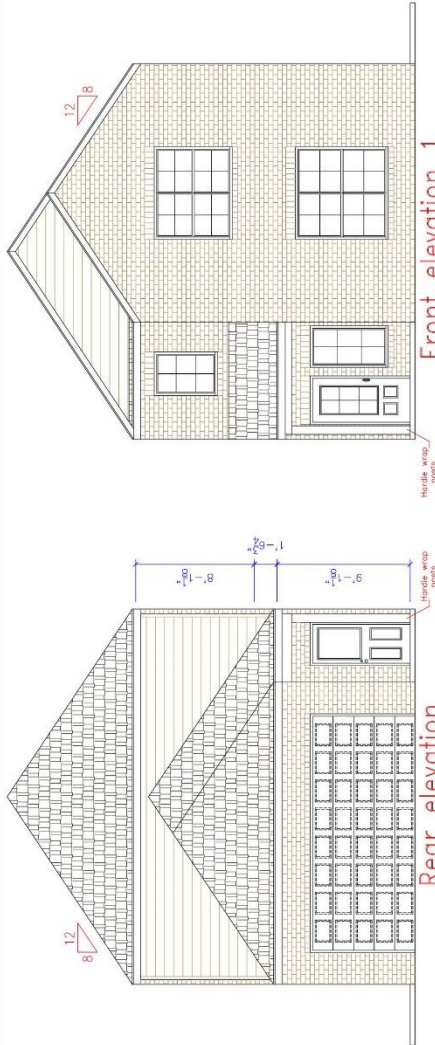
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Residential design & drafting

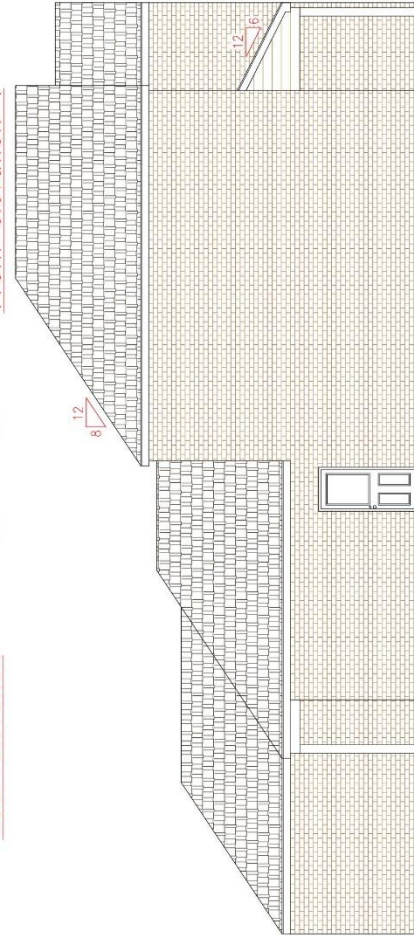
Black Pine Const.
Sagely no porch

DATE ISSUED	2/27/2024	SHEET	2 of 4
PROJECT	BPC-Sagely no porch		
SCALE	1/4" = 1'-0"		



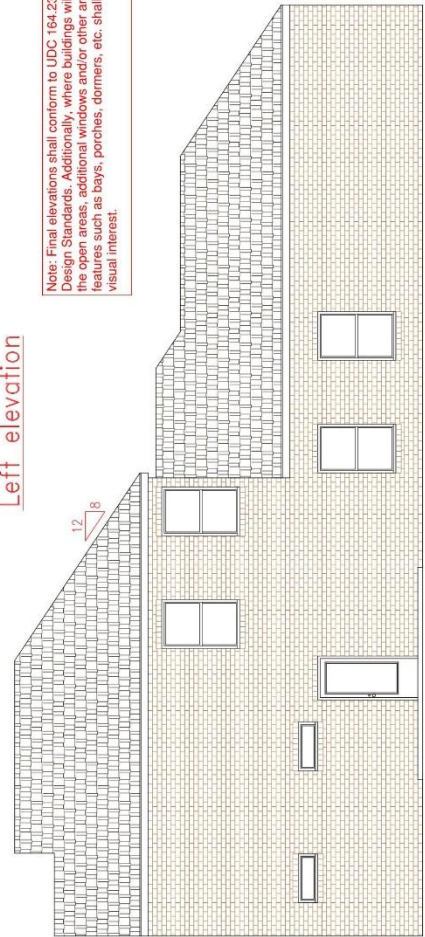
Front elevation 1

Rear elevation

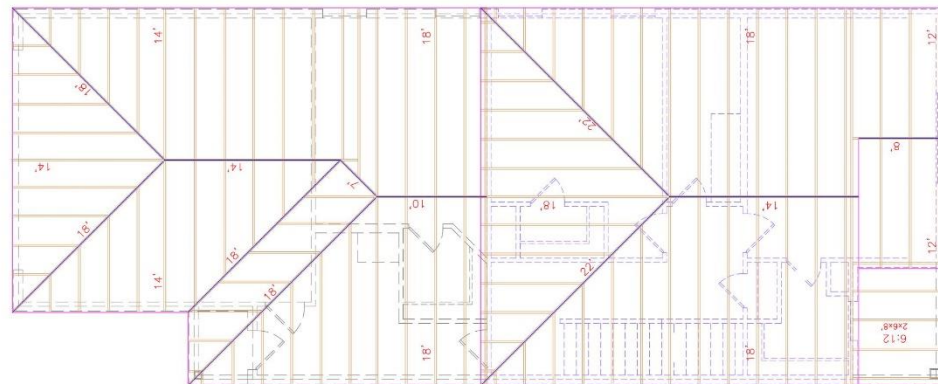


Left elevation

Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



Right elevation



Roof plan 1
8:12 pitch (u.n.o.)
no ovng. (flush w/ brick)

General Notes

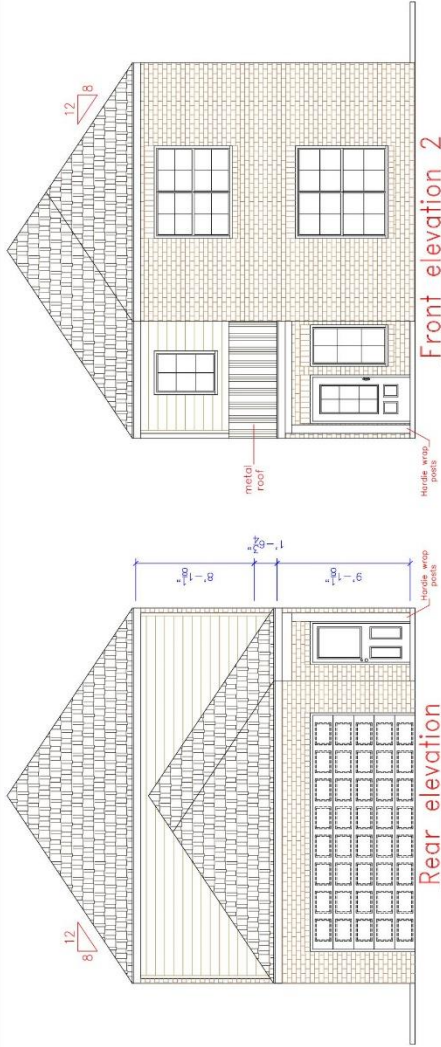
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Residential design & drafting

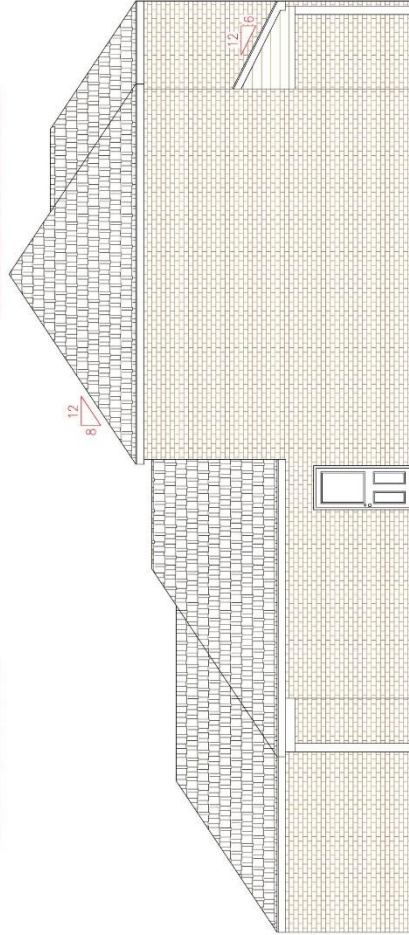
Black Pine Const.
Sagely no porch

Sheet	3 of 4
Scale	1/4" = 1'-0"
Date	2/27/2024
By	BP-C-Sagely no porch

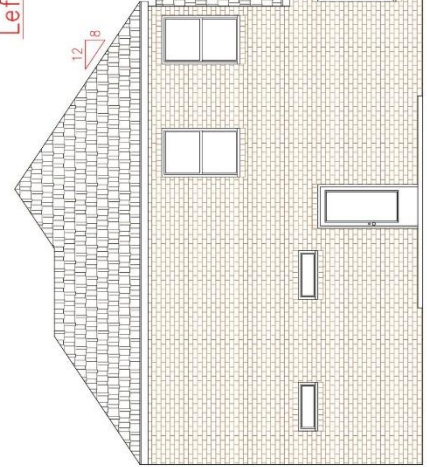


Front elevation 2

Rear elevation

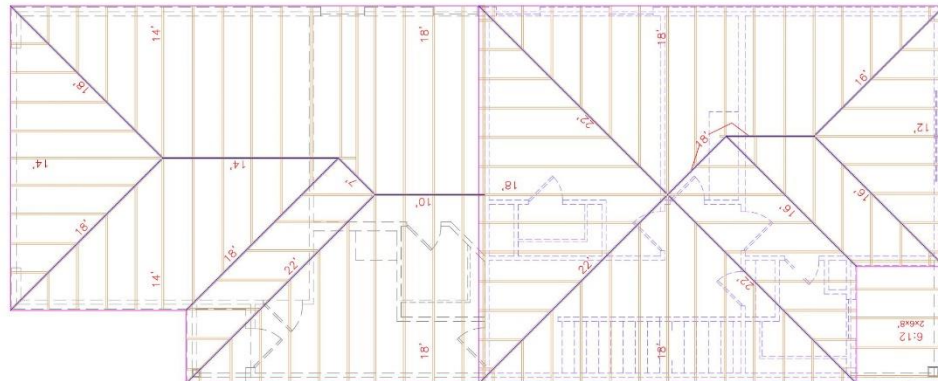


Left elevation



Right elevation

Note: Final Elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.

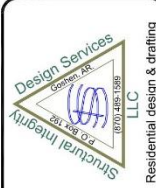


Roof plan 2

8:12 pitch (u.n.o.)
no overhang. (flush w/ brick)

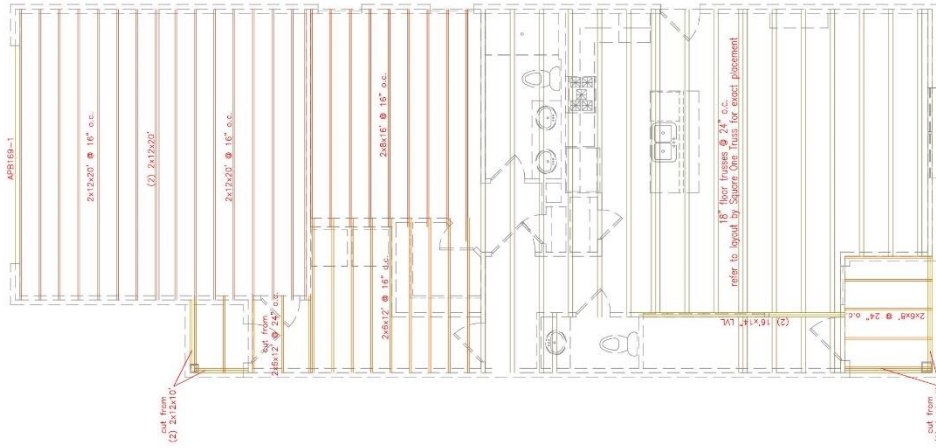
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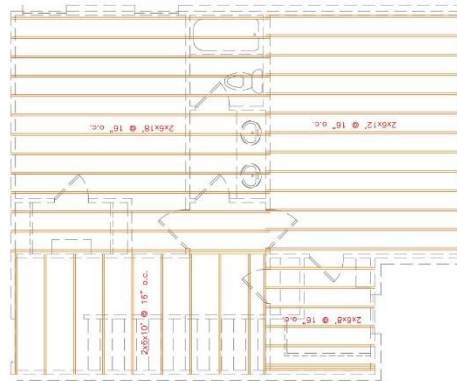


Black Pine Const.
Sagely no porch

Sheet	4 of 4
File Name	BP-C-Sagely no porch
Date	2/27/2024
Scale	1/4" = 1'-0"



1st floor ceiling / I-joist plan
(no bonus)



2nd floor ceiling joist plan

General Notes

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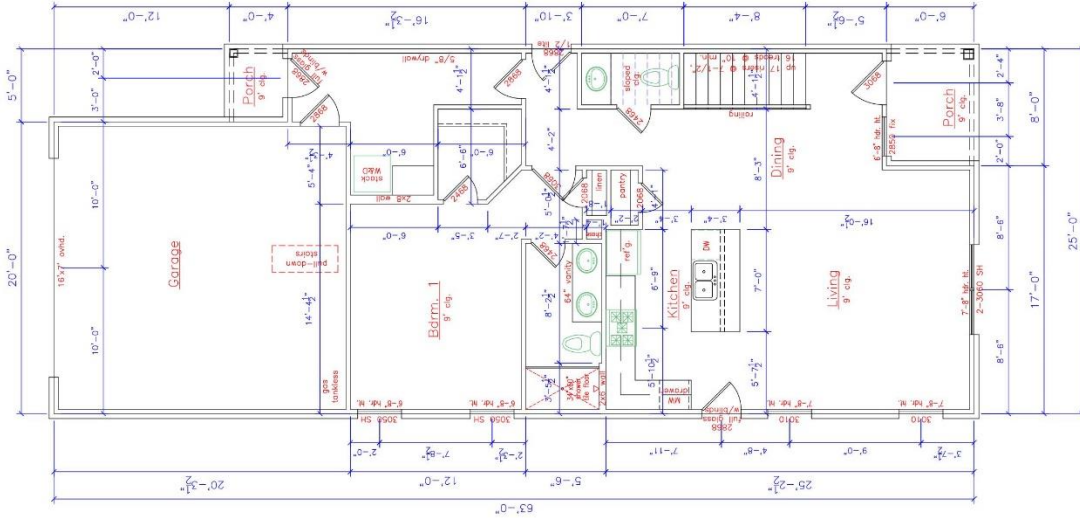


Black Pine Const.
Sagely no porch

Square footage

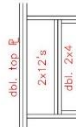
1st floor (nd)	= 1048
2nd floor (nd)	= 1048
Brick @ heeled	= 74
Total heeled	= 1822
Garage (to frame)	= 399
Porch	= 68
Total under roof	= 2273

Sheet	1 of 4
Project Name	BPC-Sagely no porch
Date	2/27/2024
Scale	1/4" = 1'-0"

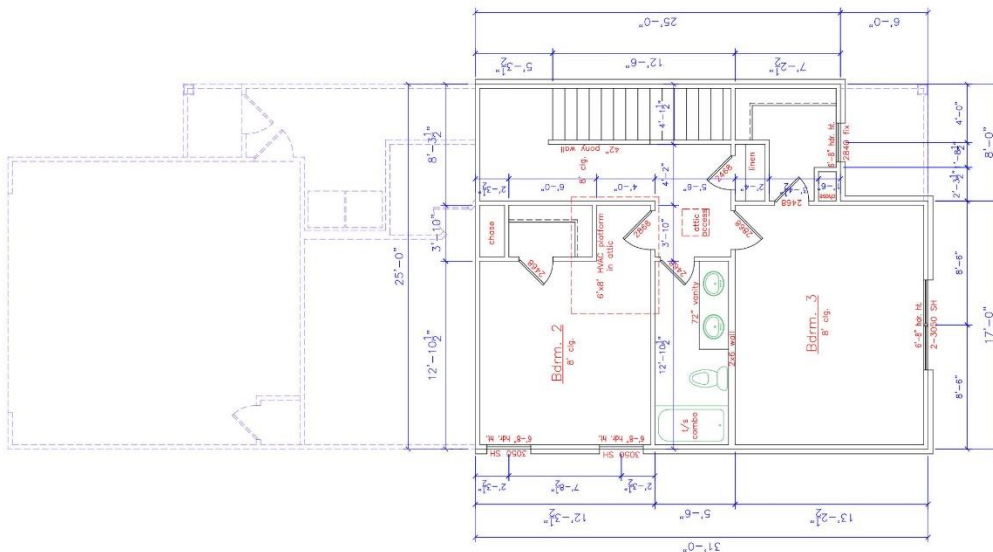


1st Floor plan

- 1st Floor notes (u.n.o.):
1. Ceiling heights are 9'-0"
 2. Exterior walls are 2x4 studs
 3. Interior walls are 2x4 studs



Typical window header detail



2nd Floor plan

- 2nd Floor notes (u.n.o.):
1. Ceiling heights are 9'-0"
 2. Exterior walls are 2x4 studs
 3. Interior walls are 2x4 studs

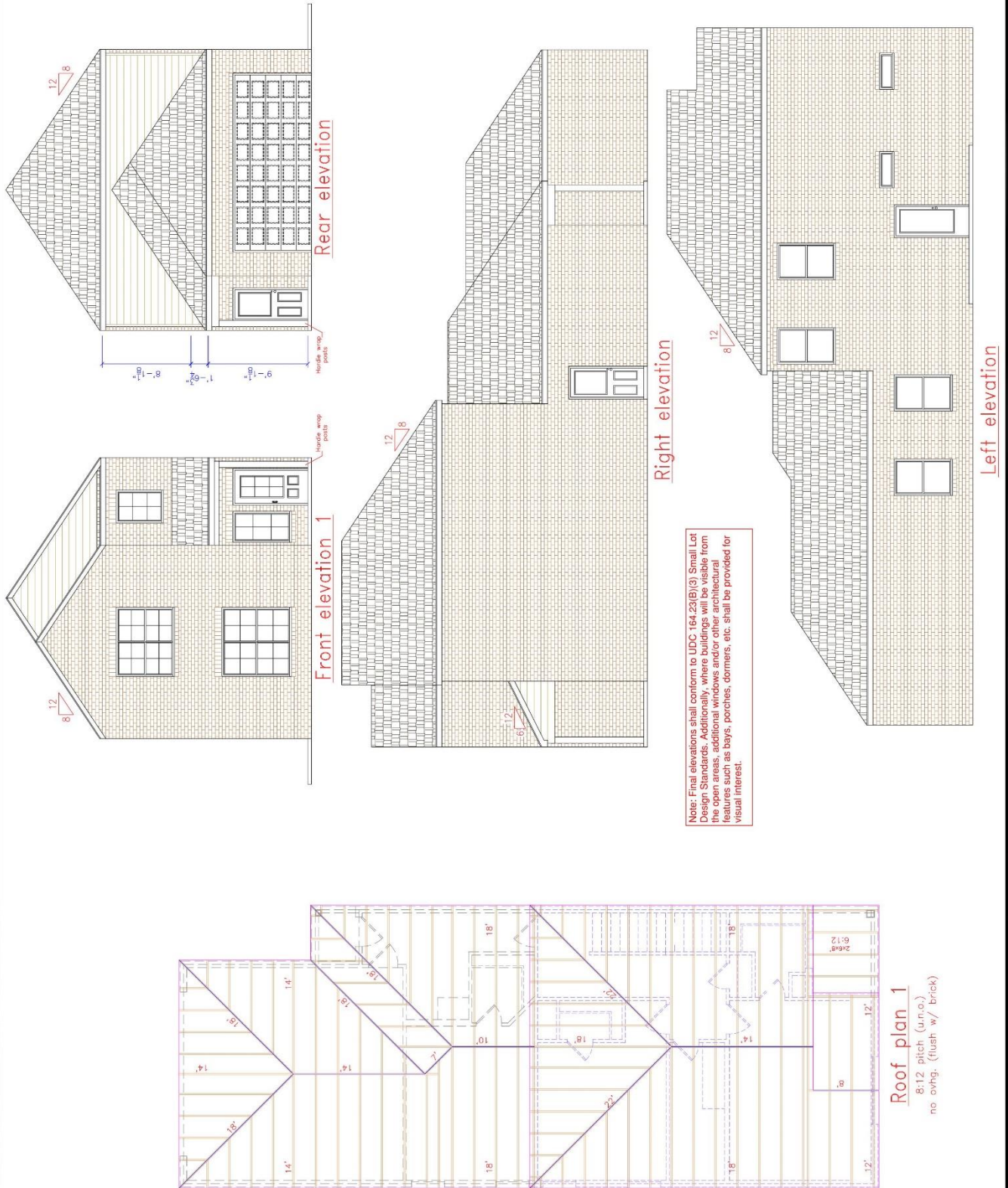
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Black Pine Const.
Sagely no porch

Sheet
2 of 4
Date
2/21/2024
Scale
1/4" = 1'-0"



General Notes

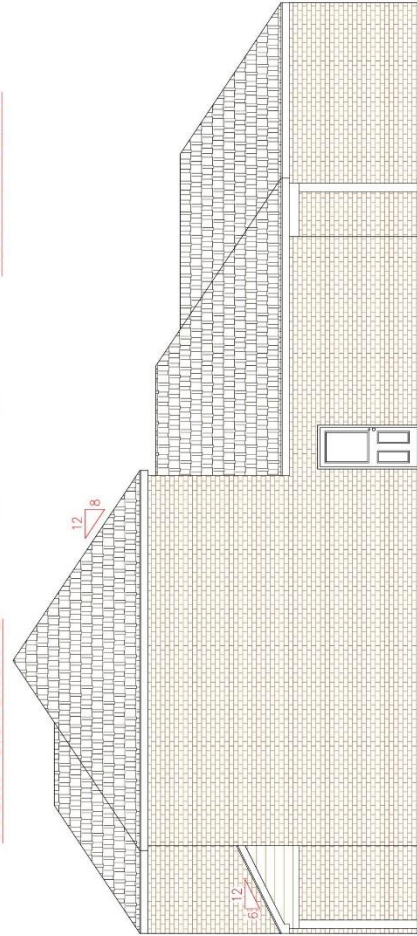
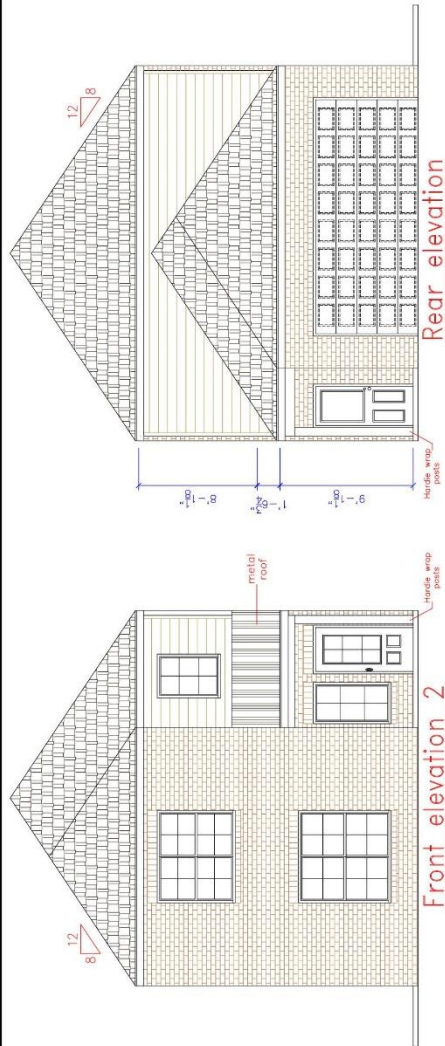
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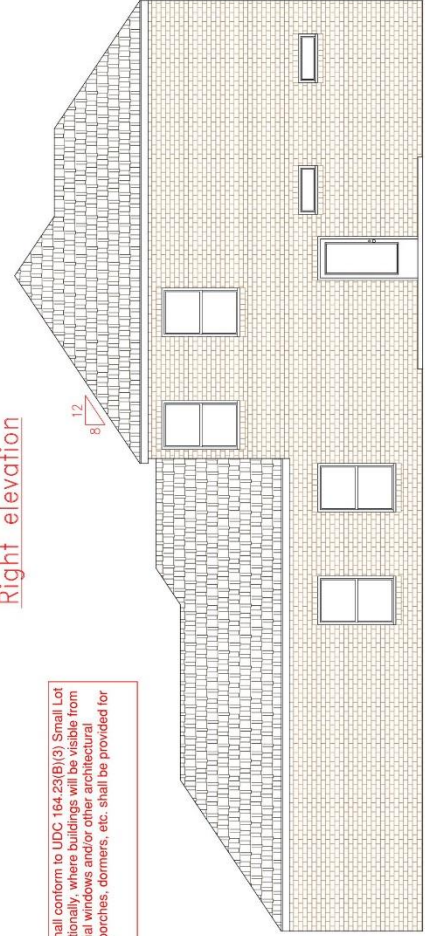
Residential design & drafting

Black Pine Const.
Sagely no porch

Sheet	3 of 4
Project	BPC-Sagely no porch
Date	2/27/2024
Scale	1/4" = 1'-0"

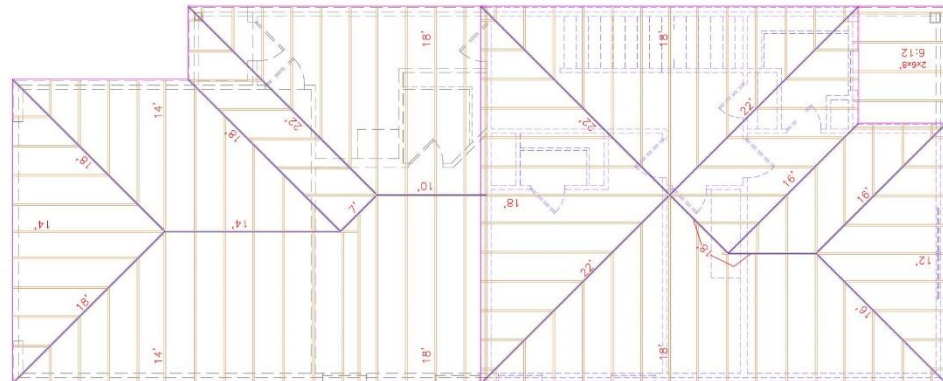


Right elevation



Left elevation

Note: Final elevations shall conform to UDC 164.23(B)(3) Small Lot Design Standards. Additionally, where buildings will be visible from the open areas, additional windows and/or other architectural features such as bays, porches, dormers, etc. shall be provided for visual interest.



Roof plan 2
8:12 pitch (u.n.o.)
no ovhg. (flush w/ brick)

Structural Integrity Design is a residential design service provided by a registered structural engineer. It is a professional service that provides a set of drawings and calculations for a building professional prior to construction. The purchaser and builder of this plan releases Structural Integrity Design from any liability and/or claims that may arise during construction or anytime thereafter. Currently, the builder must carefully inspect all aspects of these drawings, including but not limited to dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.



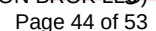
Black Pine Const.
Sagely no porch

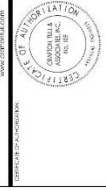
ENR name: BPC-Sageely no porch	Sheet 4 of 4
Date: 2/27/2024	
Score: $1/4 = 1 - 0''$	



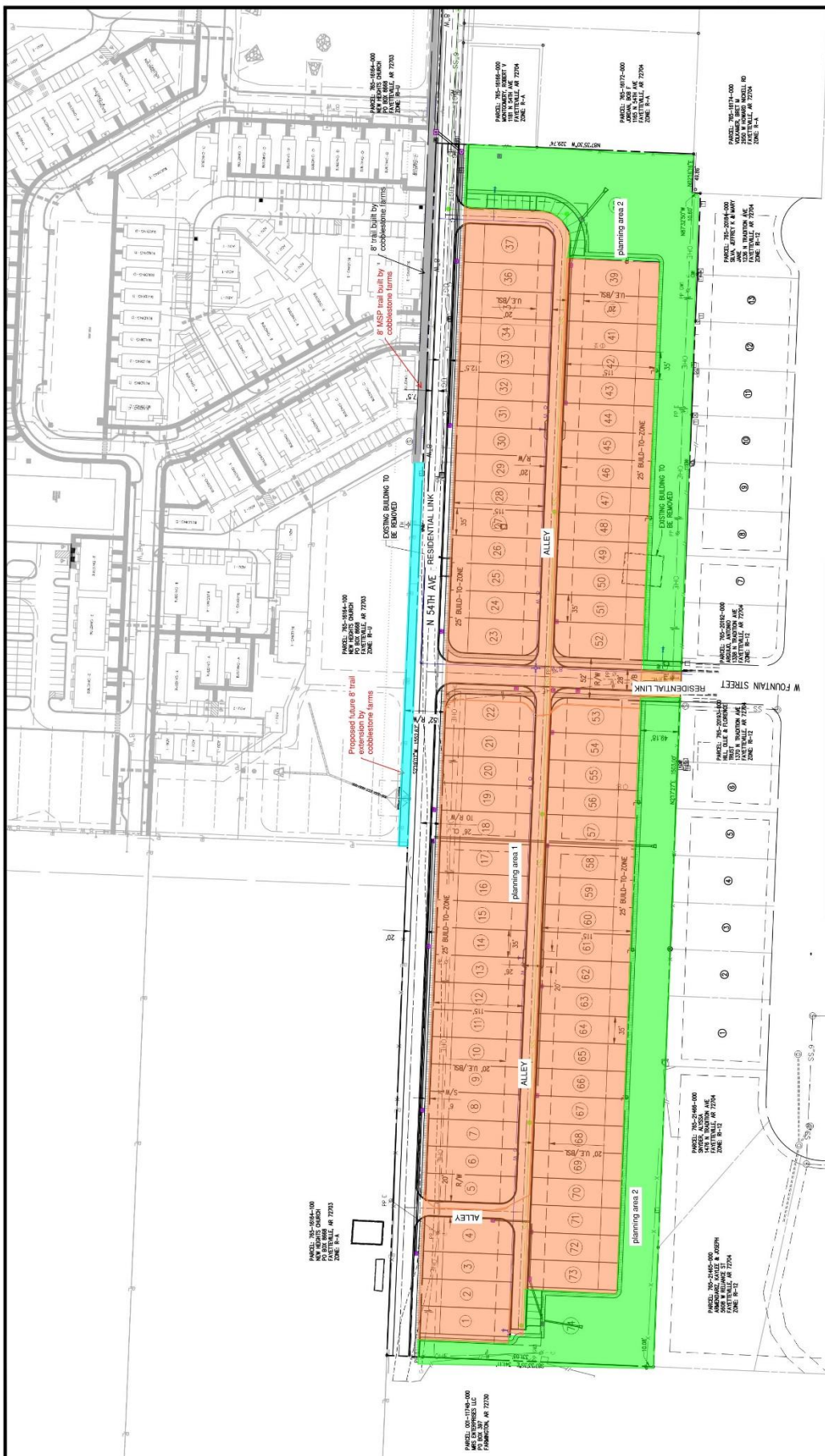


example of buildings facing open areas





54TH STREET
PAYETTEVILLE AR



ADJACENT PROPERTY OWNERS			
NUMBER	PROPERTY OWNER	ADDRESS	PARCEL NUMBER
1	AND PROPERTY OWNERS LLC	1443 FINCH BLVD 3RD FLOOR	750-2147-500
2	CHRYSLER FINE ARTS TRUST	1254 COTTAGE RD	750-2147-500
3	WILSON & SONS	1434 COTTAGE RD	750-2147-500
4	WILSON & SONS	1434 COTTAGE RD	750-2147-500
5	WILSON & SONS	1434 COTTAGE RD	750-2147-500
6	WILSON & SONS	1434 COTTAGE RD	750-2147-500
7	WILSON & SONS	1434 COTTAGE RD	750-2147-500
8	WILSON & SONS	1434 COTTAGE RD	750-2147-500
9	WILSON & SONS	1434 COTTAGE RD	750-2147-500
10	WILSON & SONS	1434 COTTAGE RD	750-2147-500
11	WILSON & SONS	1434 COTTAGE RD	750-2147-500
12	WILSON & SONS	1434 COTTAGE RD	750-2147-500
13	WILSON & SONS	1434 COTTAGE RD	750-2147-500

Planning Commission

April 8, 2024

Wonsower, Donna

From: Mary Silva <mjanesilva20@gmail.com>
Sent: Thursday, April 4, 2024 4:58 PM
To: Wonsower, Donna
Cc: Mary Silva; Jeff Silva
Subject: Re: FW: PZD-2024-0002 Information

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Members of the City of Fayetteville Planning Commission,

My husband, Jeff, and I are property owners at 1236 N Tradition Street in Heritage Subdivision, Fayetteville. We appreciate the opportunity to address our concerns with you. Our house and yard will be impacted by any residential planned zoning district to the east of us. This area has been an open field with a single house on a dead end street.

Our concerns are

- Since water drains to the south and southwest across the property that is under the rezoning request, how will this runoff be addressed? Will drainage ditches or retention ponds have to be constructed to keep the water from running into the houses and backyards of those like us, who live on Tradition Street? How many ponds? How many ditches?
- Will these retention ponds or drainage ditches be built in the green space they are planning? I know this will cut down on the greenspace that is being proposed as a selling point, and will affect the area to be enjoyed by the future residents of the property.
- There are currently young children living in our house and on our street. If retention ponds or ditches are built, they would likely be directly adjacent to our backyard, less than 40 feet away. This makes for an attractive nuisance. Will there be child proof fencing provided, either for the property owners' backyards on Tradition or around the drainage ditch's openings or around the ponds?
- If a retention pond/drainage ditch is constructed, wild geese will be attracted to it. We have seen this in subdivision after subdivision on the west side of Fayetteville. How do the developers plan to mitigate the wild geese population, and accompanying noise and feces?
- Retention ponds or drainage ditches will have standing water, and will attract mosquitoes, snakes, etc. How do the developers plan to mitigate the mosquito population without decimating the pollinators which now precariously exist? Snakes anyone?
- Last, but not least, our property values on Tradition will be affected by being in a soggy situation.

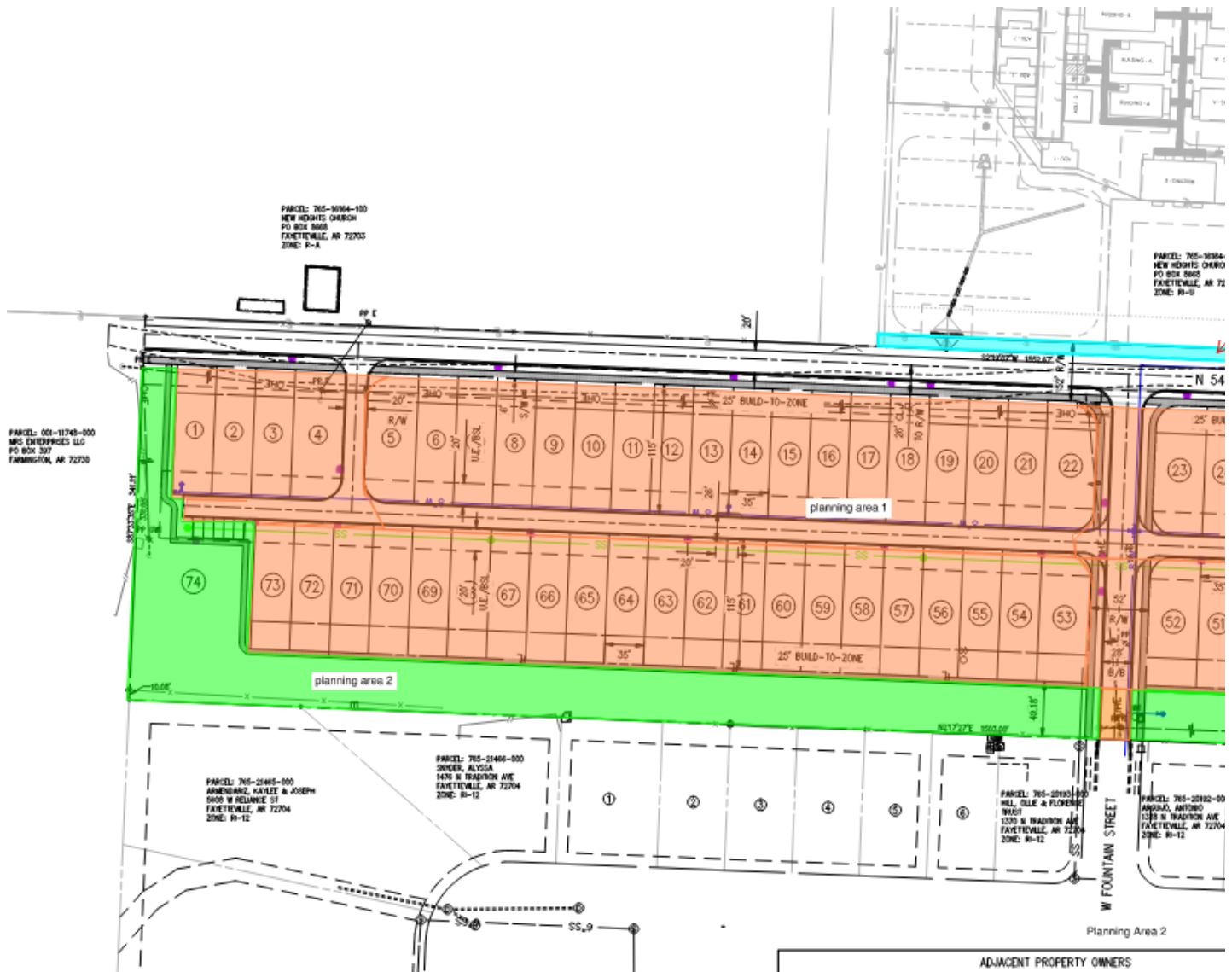
We believe that these concerns have merit, and have yet to be addressed. Thank you.

Respectfully,
Mary Jane and Jeff Silva
mjanesilva20@gmail.com

On Thu, Mar 21, 2024 at 3:45 PM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

Good Afternoon,

I've attached the most current PZD booklet we have to the email for your review, and have highlighted your property location in purple of the below plan for reference. Please note that this packet has not yet been finalized and that both the site plan and any building permits would be required to go through additional reviews to ensure that landscape, architectural, and other standards are met. Please feel free to reach back out with any questions. Additionally, if you have any comments you would like to provide for the Planning Commission's consideration, feel free to email them as a response to this email and I will ensure they are included in the final packet.



Best Regards,

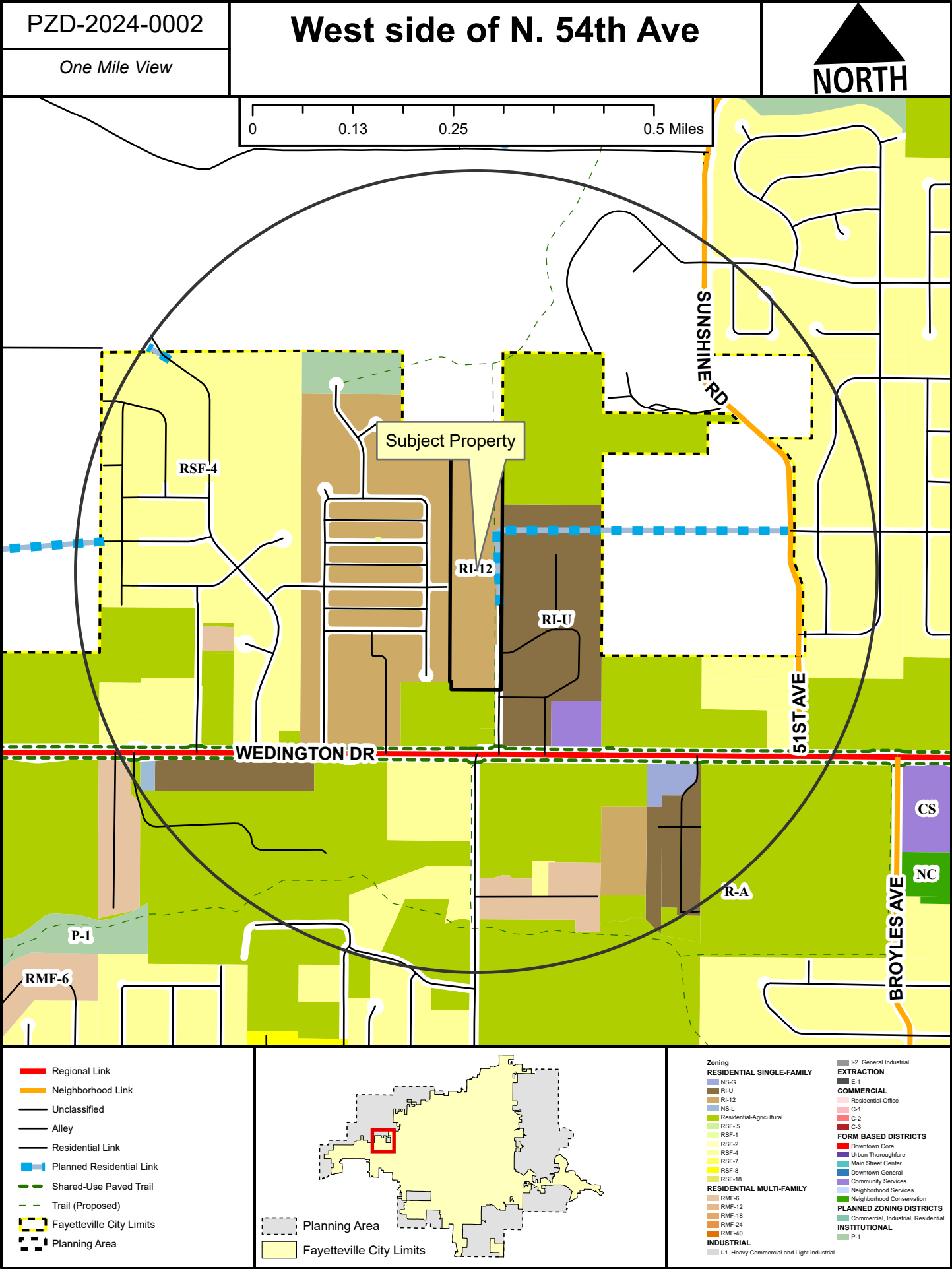
Donna Wonsower (she/her)

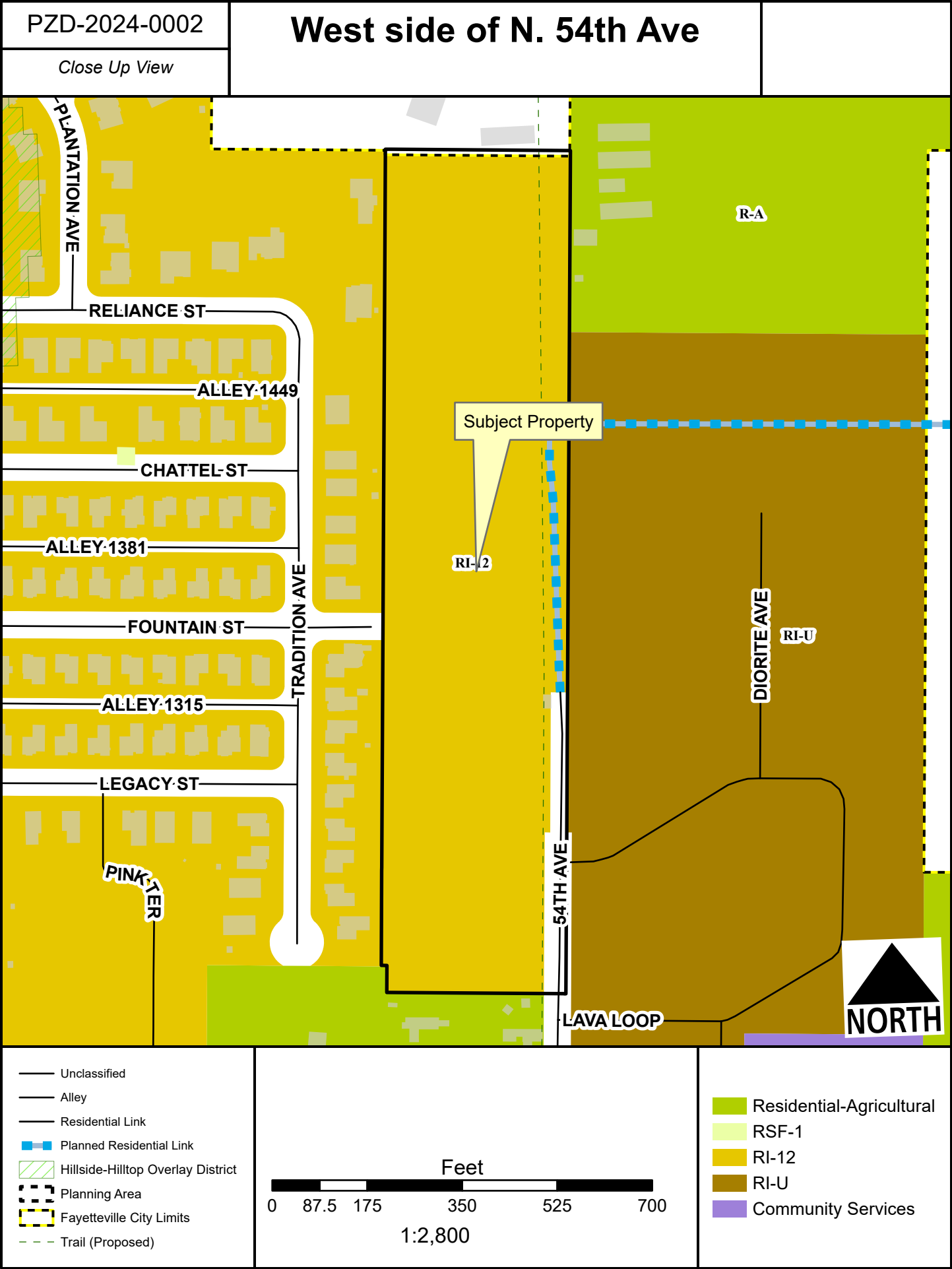
Planner, Development Services

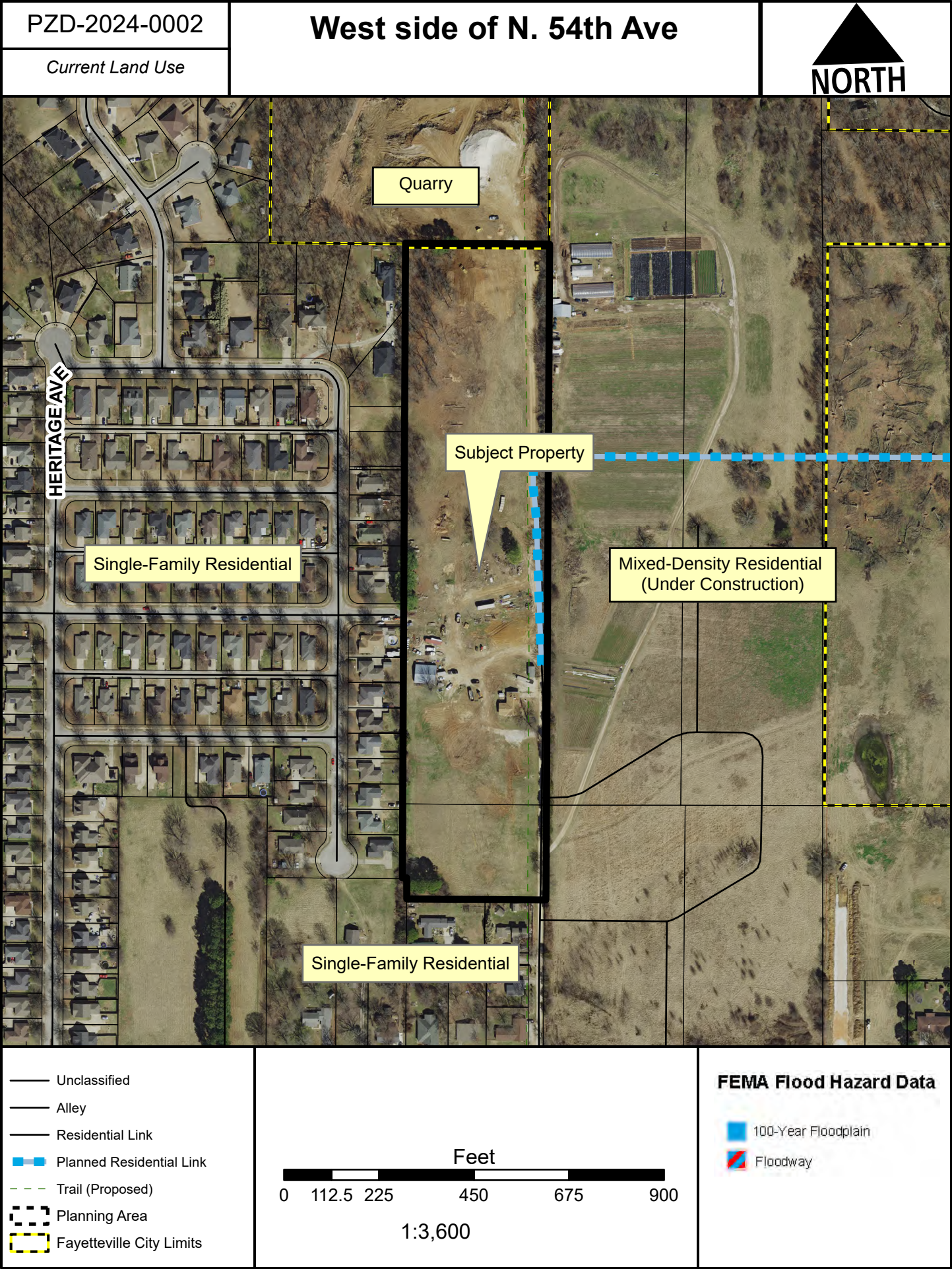
479-575-8358

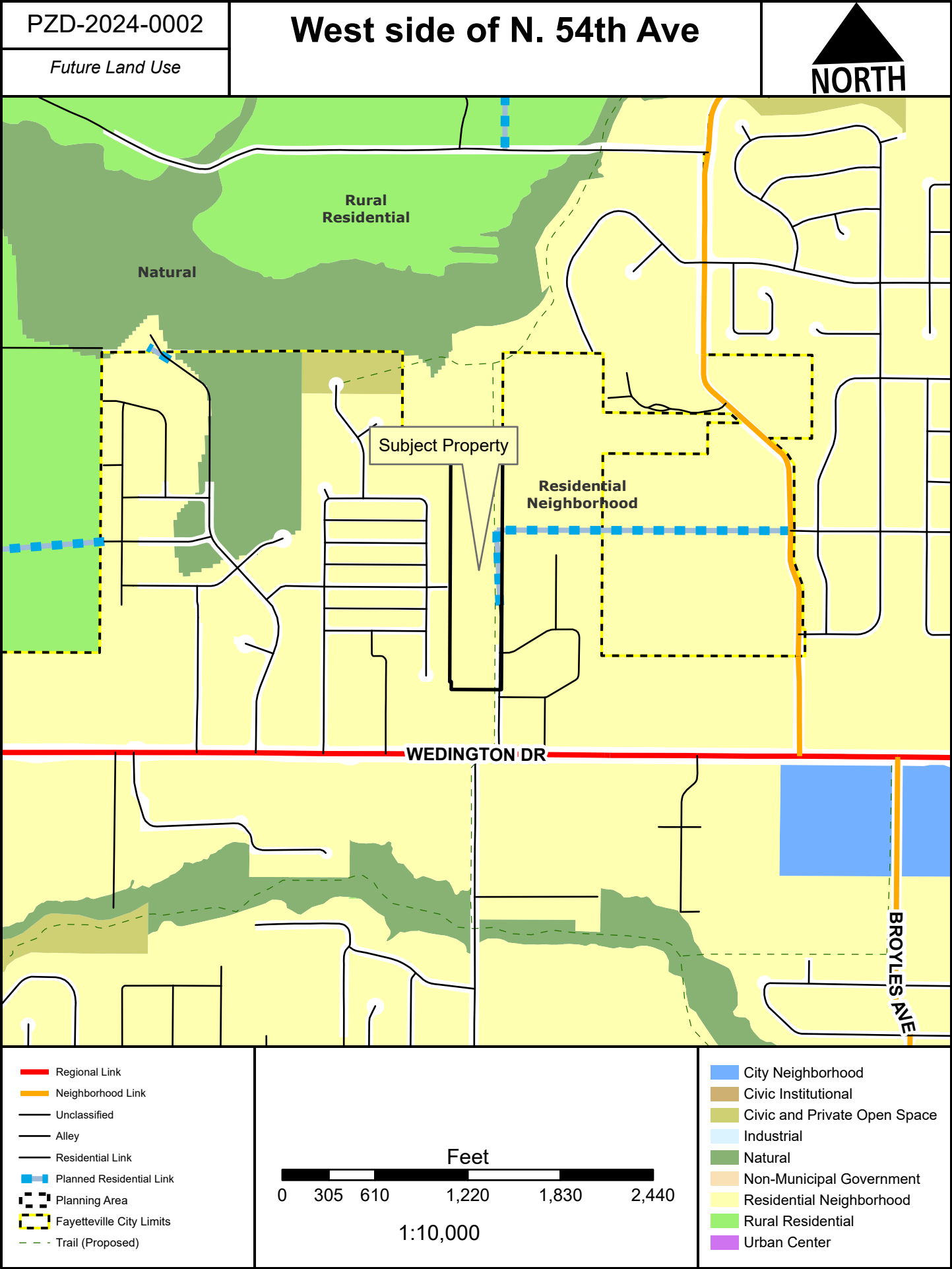
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)













MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Development Review Manager

SUBJECT: **PZD-2024-0003: Planned Zoning District (215 N. WEST AVE/PARK HOTEL, 484): Submitted by PRISM DESIGN STUDIO for property located at 215 N. WEST AVE. in WARD 2. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.60 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.**

RECOMMENDATION:

City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A', 'B', 'C', and 'D'.

BACKGROUND:

The subject property is in downtown Fayetteville, on the south side of the West Avenue Civic Plaza, which is currently under construction. The West Avenue Civic Plaza is a portion of the overall 2019 Bond Project that funded the development of the Cultural Arts Corridor, which included improvements to the Fay Jones Woods, West Avenue, and the development of a parking deck for replacement parking. The property is currently zoned MSC, Main Street Center, and while recently owned by the City of Fayetteville, was sold to the current property owner for the development of a hotel with contractual terms outlining, among other items, the required development entitlement and potential use allowances. Containing approximately 0.6 acres, the property is currently improved with a remnant of a parking lot and a portion of the Razorback Greenway.

Proposal: The applicant requests to rezone the property to a Planned Zoning District (PZD) with one Planning Area as described below:

- Planning Area #1 – 0.60 acres: The intention of this planning area is to allow for the construction of a 120-room hotel and mixed-use development at the southern end of the South Civic Plaza that is currently under construction. The PZD proposes to allow primarily commercial uses, with a maximum building height of 8 stories. The applicant has indicated that the building height will be at the maximum 8 stories only in areas where a basement will exist. Multi-family residential uses are also permitted in this PZD with no stated density maximum. Fire access, valet drop-off, and a shared use trail will be developed with the overall proposal, but will be included on a separate property which is not under zoning consideration with this proposal.

Public Comment: Staff has not received any public comment on the item.

Land Use Compatibility: Staff finds the applicant's request to be compatible with existing surrounding land uses. The property is currently zoned MSC, Main Street Center, which is a dense and intense zoning district

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

intended for urban areas within Fayetteville. The applicant's request is in some ways a downzoning, in that it will limit the permitted uses that are typically allowable in the current zoning district (removing single-, two-, three-, and four-family dwellings by right, and some auto-oriented uses), but it does propose a higher building height than is permitted in the current zoning district. Staff finds that the proposed building height of 8 stories would not be out of character for the area since the surrounding areas are permitted to construct buildings up to 7 stories by-right. In evaluating the contract that was approved through Resolution 251-23, the intention was for the building height to be 7 stories. However, there does not appear to be any language within that document requiring that maximum. Existing building heights in the area are varied, though the tallest buildings in the area range between 5-7 stories. Since the property does not currently have much immediate street frontage, staff does not find that 8 stories would overwhelm the public right-of-way realm; further, the building height is also offset by a significant amount of open space to the north with the development of the Civic Plaza and rights-of-way totaling approximately 100 feet to the west.

Land Use Plan Analysis: Staff finds that the request is consistent with the City's land use and zoning plans. Further, staff finds that the applicant's request is substantially compliant with the contract that was executed by the Mayor and approved by City Council through Resolution 251-23. Excerpts of that contract are provided for in the attached Planning Commission report. The project is inherently an infill project (City Plan goal #1), in that it represents the redevelopment of a parking lot into a higher intensity use.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a high infill score for the subject property of 11. The elements vary by the area of the property being considered, and include the following:

- Adequate Fire Response (Station #1, 303 W. Center Street)
- Near Sewer Main (12" W. Spring Street)
- Near Water Main (6" W. Spring Street)
- Near Public School (Washington Elementary)
- Near U of A Campus (Main campus)
- Near City Park (Civic Plaza, Lower Ramble)
- Near Paved Trail (Razorback Greenway)
- Near ORT Bus Stop (Spring at Theatre Square)
- Near Razorback Bus Stop (West Avenue at Walton Arts Center)
- Within Master Plan Area (Downtown Master Plan)
- Sufficient Intersection Density (140 intersections/square mile)

DISCUSSION:

At the April 8, 2024 Planning Commission meeting, a motion to forward with a recommendation of approval from Commissioner Garlock was unanimously approved with a vote of 7-0-0. Commissioner Brink had questions about how this project affected the adjacent property to the south, with a primary concern for its associated parking and the existing trail. The applicant clarified the plans for the trail realignment and the parking plan and indicated that all the shown parking would serve the adjacent property, and not the hotel. No other comments or questions were offered by the Commission. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Exhibit C - PZD BOOKLET (#6), Exhibit D - CONDITIONS OF APPROVAL (#7), Planning Commission Staff Report (#8)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-26

PZD-2024-0003: Planned Zoning District (215 N. WEST AVE/PARK HOTEL, 484): Submitted by PRISM DESIGN STUDIO for property located at 215 N. WEST AVE. in WARD 2. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.60 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-03 FOR APPROXIMATELY 0.60 ACRES LOCATED AT 215 NORTH WEST AVENUE IN WARD 2 FROM MSC, MAIN STREET CENTER TO A PLANNED ZONING DISTRICT

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 MSC, Main Street Center to a Planned Zoning District.

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

2024-26

Item ID

5/7/2024

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

Jonathan Curth

4/19/2024

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

PZD-2024-0003: Planned Zoning District (215 N. WEST AVE/PARK HOTEL, 484): Submitted by PRISM DESIGN STUDIO for property located at 215 N. WEST AVE. in WARD 2. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.60 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

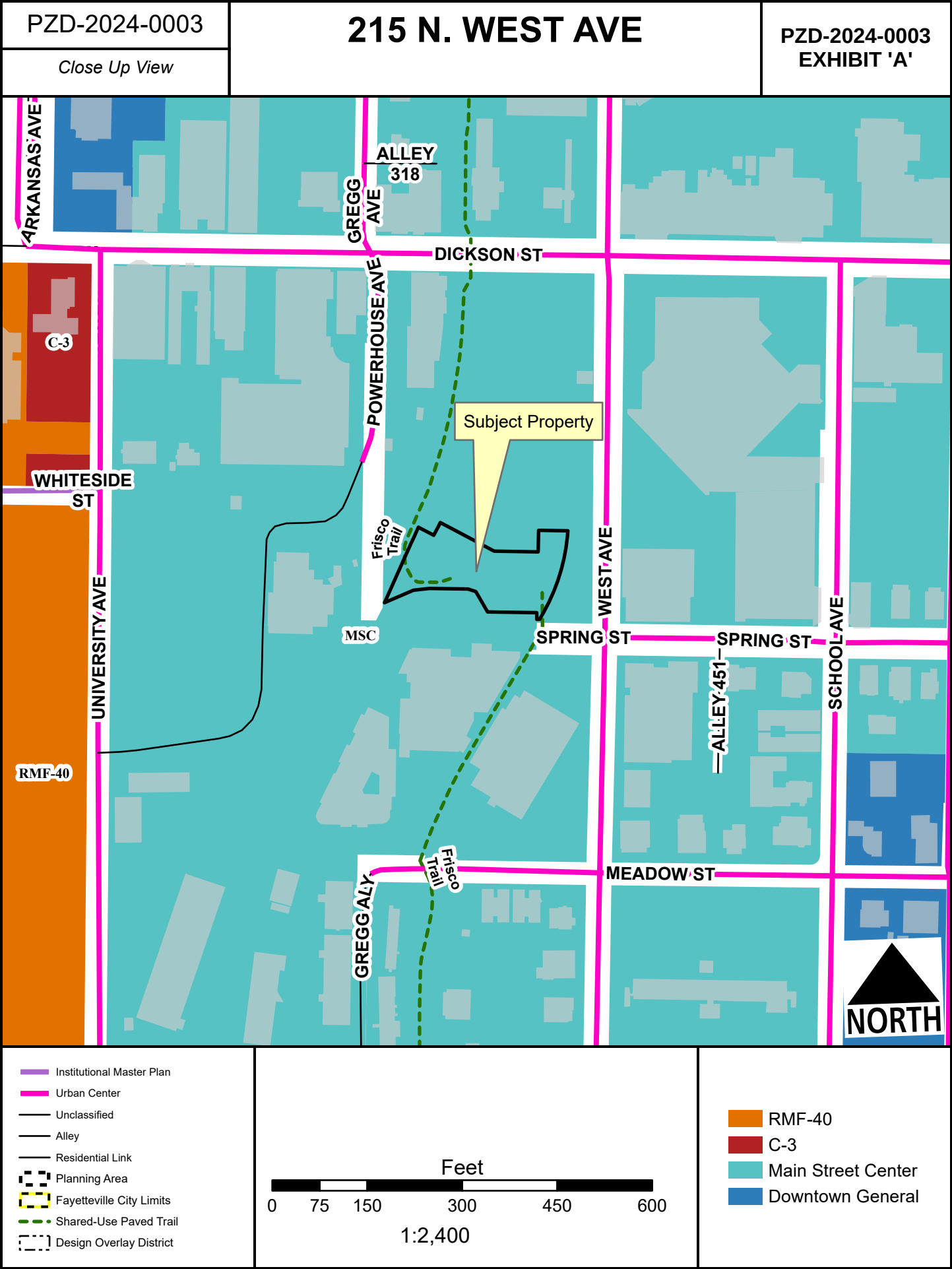
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



Legal Description for
Parcel No: 765-01733-000:

PT SW NE 0.60 AC & PT BLOCK 7 0.13 AC PARKING LOT N WEST AVE PT VACATED WEST SPRING ST FURTHER DESCRIBED IN 2023-32962 AS: A part of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 16, Township 16 North, Range 30 West, in the City of Fayetteville, Washington County, Arkansas, being a part of the tracts of land recorded in the Washington County Recorder's Office in Book 1340 at Page 810 and in Book 1351 at Page 302, more particularly described as follows: COMMENCING at the Northwest corner of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence S86°59'31"E (S87°09'15"E, plat), along the North line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, a distance of 164.75 feet (165.65 feet, plat); thence S03°00'29"W (S02°48'48"W, plat), a distance of 42.68 feet (41.47 feet, plat) to the point of intersection of the South Right-of-Way line of Dickson Street and the East Right-of-Way line of the Arkansas & Missouri Railroad, as now established; thence departing said South Right-of-Way line S02°48'48"W along said East Right-of-Way line, a distance of 45.00 feet to a point on a non-tangent curve to the right having a Radius of 980.37 feet and a Chord bearing and distance of S14°47'51 "W, 366.22 feet; thence along said non-tangent curve an arc distance of 368.39 feet for a POINT OF BEGINNING; thence departing said East Right-of-Way line S60°10'51"E, a distance of 27.29 feet; thence N29°53'40"E, a distance of 22.55 feet; thence S60°06'20"E, a distance of 96.03 feet; thence S87°01'52"E, a distance of 69.42 feet; thence N03°36'51 "E, a distance of 34.00 feet; thence S87°01'29"E, a distance of 46.04 feet to a point on a non-tangent curve to the right having a Radius of 304.25 feet and a Chord bearing and distance of S 19°46'51 "W, 146.83 feet; thence along said non-tangent curve an arc distance of 148.29 feet to a point in the North Right-of-Way line of Spring Street, as now established; thence departing said non-tangent curve N86°51'11 "W along said North Right-of-Way line, a distance of 4.34 feet to a point on the Easterly line of the Property Line Adjustment duly recorded in the Washington County Circuit Clerk's Office in File 2019-00000587; thence along said Property Line Adjustment duly recorded in the Washington County Circuit Clerk's Office in File 2019-00000587 for the following seven (7) courses; thence departing said North Right-of-Way line N02°06'00"E, a distance of 10.44 feet to a found chiseled "X"; thence N87°09'36"W, a distance of 77.69 feet to a found chiseled "X"; thence N28°01'14"W, a distance of 37.11 feet to a found chiseled "X"; thence N69°33'43"W, a distance of 13.10 feet to a found nail; thence N87°10'17"W, a distance of 60.59 feet to a found rebar with cap, "Bates 1642"; thence S85°31'41"W, a distance of 25.47 feet to a found rebar with cap, "Bates 1642"; thence S68°44'21 "W, a distance of 49.88 feet to a found rebar with cap, "Bates 1642" being in said East Right-of-Way line of the Arkansas & Missouri Railroad; thence departing said Property Line Adjustment duly recorded in the Washington County Circuit Clerk's Office in File 2019-00000587 and along said East Right-of-Way line N26°06'02"E, a distance of 99.09 feet to a point on a non-tangent curve to the left having a Radius of 980.37 feet and a Chord bearing and distance of N26°29'16"E, 31.66 feet; thence continuing along said East Right-of-Way line and along said non-tangent curve an arc distance of 31.66 feet to the POINT OF BEGINNING. Containing 24,559 square feet or 0.6 acres, more or less, and subject to any rights-of-way, easements, and restrictions of record.

PARK HOTEL

500 WEST SPRING STREET
FAYETTEVILLE, ARKANSAS

PLANNED ZONING DISTRICT BOOKLET

MARCH 20, 2024



Trout
TROUT

olsson



PRISM DESIGN STUDIO
LANDSCAPE ARCHITECTURE | PLANNING | PROJECT MANAGEMENT

REINDL
PROPERTIES, LLC

TABLE OF CONTENTS

PROJECT INFORMATION..... PG. 3

PROJECT NARRATIVE..... PG. 3

PLANNED ZONING DISTRICT AREAS..... PG,3

STREET AND LOT LAYOUT..... PG. 4

PARKING..... PG. 5

BUFFER AREAS..... PG. 5

TREE PRESERVATION AREAS PG. 6

STORM WATER DETENTION AREAS AND DRAINAGE PG. 7

EXISTING AND PROPOSED UTILITY CONNECTIONS/ EXTENSIONS &
IMPACT ON CITY SERVICES..... PG. 7

DEVELOPMENT AND ARCHITECTURAL DESIGN STANDARDS..... PG. 8

BUILDING DESIGN NARRATIVE

PRIMARY MATERIALS

SECONDARY/TRIM MATERIALS

ARCHITECTURAL ELEVATION PRECEDENT IMAGERY..... PG. 9

SIGNAGE EXAMPLES..... PG. 11

STREETLIGHTS..... PG. 11

SITE MATERIALS..... PG. 12

PROPOSED PLANNING AREAS PG. 13

SITE PLAN..... PG. 13

EXISTING ZONING & PROPOSED ZONING COMPARISON..... PG. 14

ANALYSIS OF SITE CHARACTERISTICS.....PG. 16

DESCRIPTION OF THE RECREATIONAL FACILITIES, INCLUDING PG. 16

EXISTING AND PROPOSED PARK SITES, OPEN SPACE AND
ACCESSIBILITY TO PARKS AND OPEN SPACE AREAS

REASON FOR REQUESTING THE ZONING CHANGE..... PG. 17

STATEMENT OF HOW THE DEVELOPMENT WILL RELATE THE EXISTING..... PG. 17

AND SURROUNDING PROPERTIES IN TERMS OF LAND USE,
TRAFFIC, APPEARANCE, AND SIGNAGE.

STATEMENT OF THE PROJECT’S COMPLIANCE WITH THE..... PG. 17

FAYETTEVILLE COMPREHENSIVE LAND USE PLAN

LEGAL DESCRIPTION PG. 18

PROJECT INFORMATION

PARCEL No: 7 65-01743-003
ACREAGE: 0.60 ACRES
LEGAL DESCRIPTION: SEE APPENDIX

OWNER INFORMATION:
REINDL PROPERTIES, INC.
509 W SPRING STREET SUITE 310
FAYETTEVILLE, AR 72701-5060

PROJECT NARRATIVE

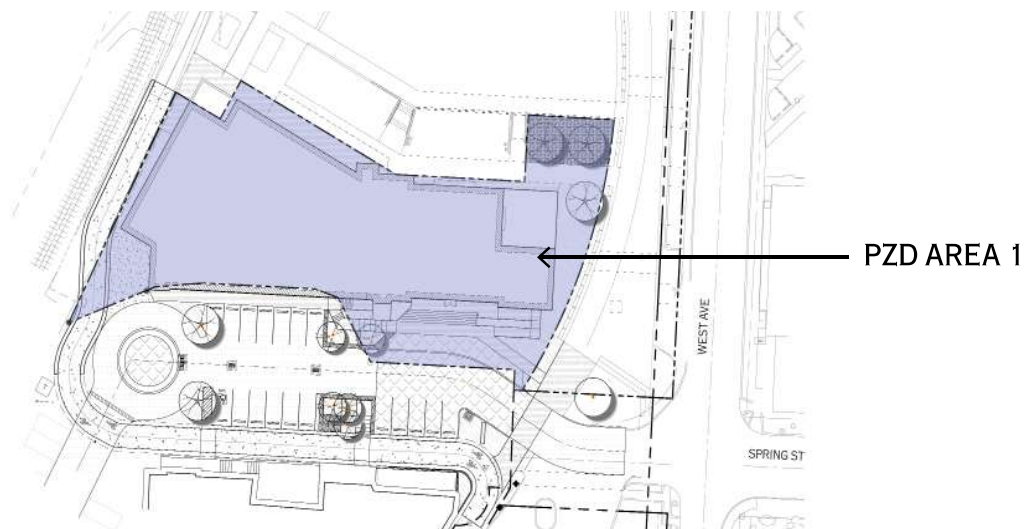
THE FOLLOWING PROJECT PROPOSAL INCLUDES THE CONSTRUCTION OF A MULTI-STORY HOTEL AND MIXED - USE BUILDING. THE PROJECT WILL INCLUDE ASSOCIATED PRIVATE DRIVE AND PARKING IMPROVEMENTS, SIDEWALK, LANDSCAPING, UTILITY CONNECTIONS AND STORM WATER IMPROVEMENTS TYPICAL WITH DEVELOPMENT.

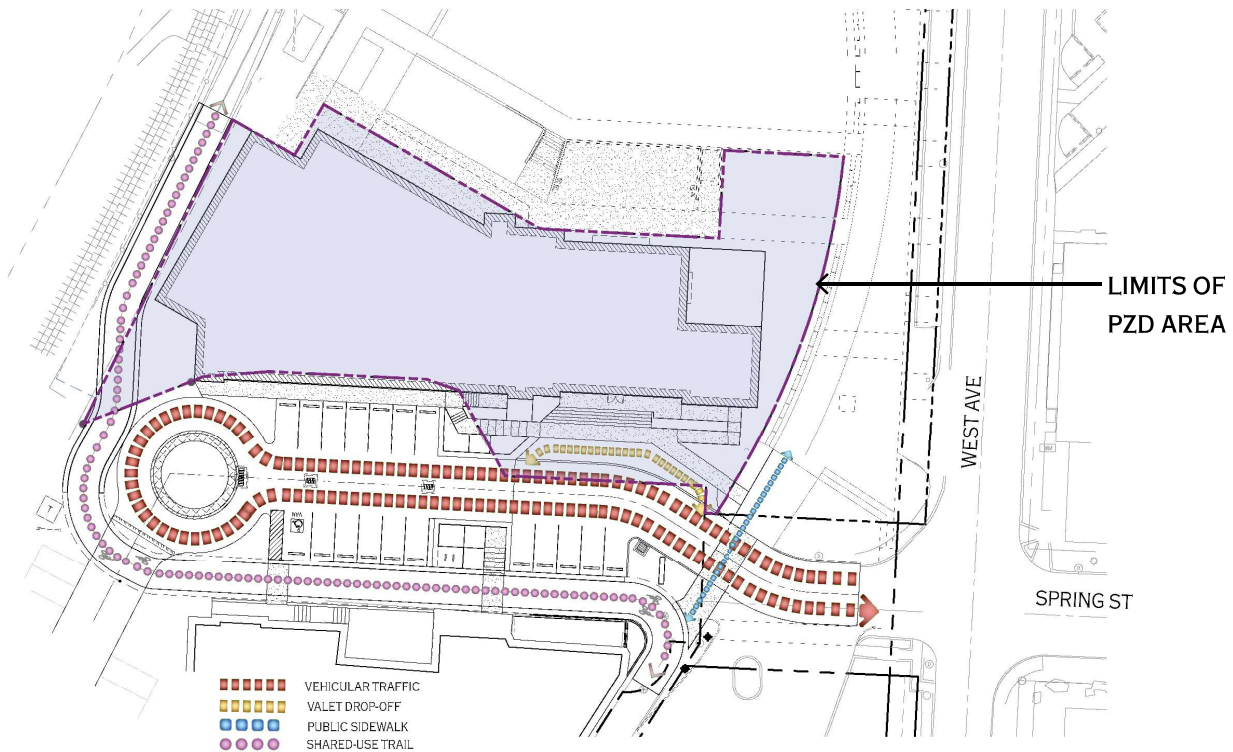
THE PROJECT WILL BE THE SOUTHERN EDGE TO THE CITY CIVIC PLAZA, LOCATED IN THE FORMER WALTON-ARTS CENTER PARKING LOT. THE PARK HOTEL WILL PROVIDE THE FOLLOWING AMENITIES:

- APPROXIMATELY 120 TRANSIENT LODGING HOTEL KEYS
- RESTAURANT / DINING
- CAFE / COFFEE SHOP
- ROOFTOP POOL, OUTDOOR EVENT, BAR, AND SERVICE AREAS
- CONFERENCE CENTER & BOARD ROOMS
- WELLNESS CENTER
- HOTEL ADMINISTRATIVE, OPERATIONAL AND SUPPORT FACILITIES
- CITY SERVICES: PUBLIC RESTROOMS FOR THE CIVIC PLAZA/TRAIL USERS
- CITY SERVICES: STORAGE SPACE ON BASEMENT LEVEL

PLANNED ZONING DISTRICT AREAS

THE PLANNED ZONING DISTRICT INCLUDES ONE PARCEL AS INDICATED IN THE DIAGRAM. ASSOCIATED PROJECT IMPROVEMENTS, WHICH INCLUDE A RE-ALIGNMENT OF A PRIVATE DRIVE, RELOCATION OF A SHARED-USE TRAIL, PARKING FOR THE METRO-DISTRICT BUILDING, AND OFF-SITE PARKING FOR THE HOTEL WILL OCCUR OUTSIDE OF THE PZD AREA.





STREET AND LOT LAYOUT

THE PROPERTY, AS IT EXISTS, DOES NOT HAVE FRONTAGE OR DIRECT ACCESS TO PUBLIC RIGHT-OF-WAY. SPRING STREET EXTENDS WESTWARD APPROXIMATELY 88 FEET FROM THE SPRING STREET / WEST AVENUE INTERSECTION AND ENDS BEFORE REACHING THE PROPERTY. THE PROJECT PROPOSES A CONTINUATION OF SPRING STREET ADDRESSING FOR THE HOTEL LIKE THAT OF THE EXISTING METRO DISTRICT. THE PROPOSED HOTEL ADDRESS IS 500 W SPRING STREET.

AN EXISTING PRIVATE DRIVE CONNECTS TO SPRING STREET AND PROVIDES ACCESS TO THE METRO DISTRICT VIA PUBLIC ACCESS EASEMENT.

THIS PROJECT PROPOSES TO REALIGN THE EXISTING PRIVATE DRIVE TO ACCOMMODATE THE RELOCATION OF THE RAZORBACK GREENWAY TRAIL. THE LOCATION AND ALIGNMENT OF THE TRAIL IS IN DIRECT COORDINATION WITH THE CITY OF FAYETTEVILLE.

A DROPOFF AND VALET LANE EXTENDS PAST THE MAIN PRIVATE DRIVE, ALLOWING FOR TRAFFIC FLOW TO CONTINUE PAST TYPICAL DROP OFF AND VALET OPERATIONS.

THE DRIVE AND PARKING AREA END WITH A ROUNDABOUT IN ORDER TO KEEP ALL ASSOCIATED HOSPITALITY TRAFFIC AND VALET SERVICES WITHIN THE EXISTING SHARED ACCESS EASEMENT. HOTEL LOADING AND TRASH AREAS ARE LOCATED ON THE MOST WESTERN END OF THE BUILDING. THE ROUNDABOUT WILL HAVE A TRAFFIC RATED CENTER ISLAND TO ACCOMMODATE LOADING VEHICLES TURNING RADII.

PARKING

NO MINIMUM PARKING REQUIREMENT EXISTING FOR NON- RESIDENTIAL USES, INCLUDING A HOTEL. WITH THAT, THE CITY DOES REQUIRE A PARKING STATEMENT AND PLAN BE IN PLACE AS PART OF THE DEVELOPMENT. A DOWNTOWN PARKING STUDY WAS COMPLETED IN APRIL 2023 BY KIMLEY HORN AND PRESENTED TO THE PLANNING COMMISSION, WHICH INDICATED THE DOWNTOWN PARKING AREA WAS NOT AT CAPACITY.

THE HOTEL WILL PROVIDE VALET OR DROP-OFF ONLY OPTIONS FOR PATRONS AND GUESTS. ADDITIONALLY, TWO CITY OWNED PARKING GARAGES ARE LOCATED WITHIN 0.15 MILES OF THE HOTEL. THE PARKING INDICATED ON THE SITE PLAN IS PARKING TO SUPPORT THE EXISTING METRO BUILDING.

PER APPROVED CONTRACT WITH THE CITY, A MINIMUM OF APPROXIMATELY 55 - 65 SPACES SHALL BE PROVIDED OFF-SITE AT 601W CENTER STREET (PARCEL # 765-12944-000), LOCATED 0.16 MILES FROM THE HOTEL. THIS PARCEL IS UNDER THE SAME OWNERSHIP, AND SHALL SERVE AS A VALET AND EMPLOYEE PARKING ONLY. THE OFF-SITE PARKING LOT WILL NOT BE OPEN TO THE PUBLIC, BUT THE OWNER DOES RETAIN THE RIGHT TO LEASE SPACES IF PARKING ABOVE THE 65 SPACES ARE AVAILABLE.

THE PROJECT PROPOSES THAT OFF-SITE PARKING SHALL BE IN PLACE BEFORE THE CERTIFICATE OF OCCUPANCY IS RELEASED FOR THE HOTEL. THE OFF-SITE PARKING AREA IS SUBJECT TO A CONDITIONAL USE PERMIT.

BUFFER & LANDSCAPE AREAS

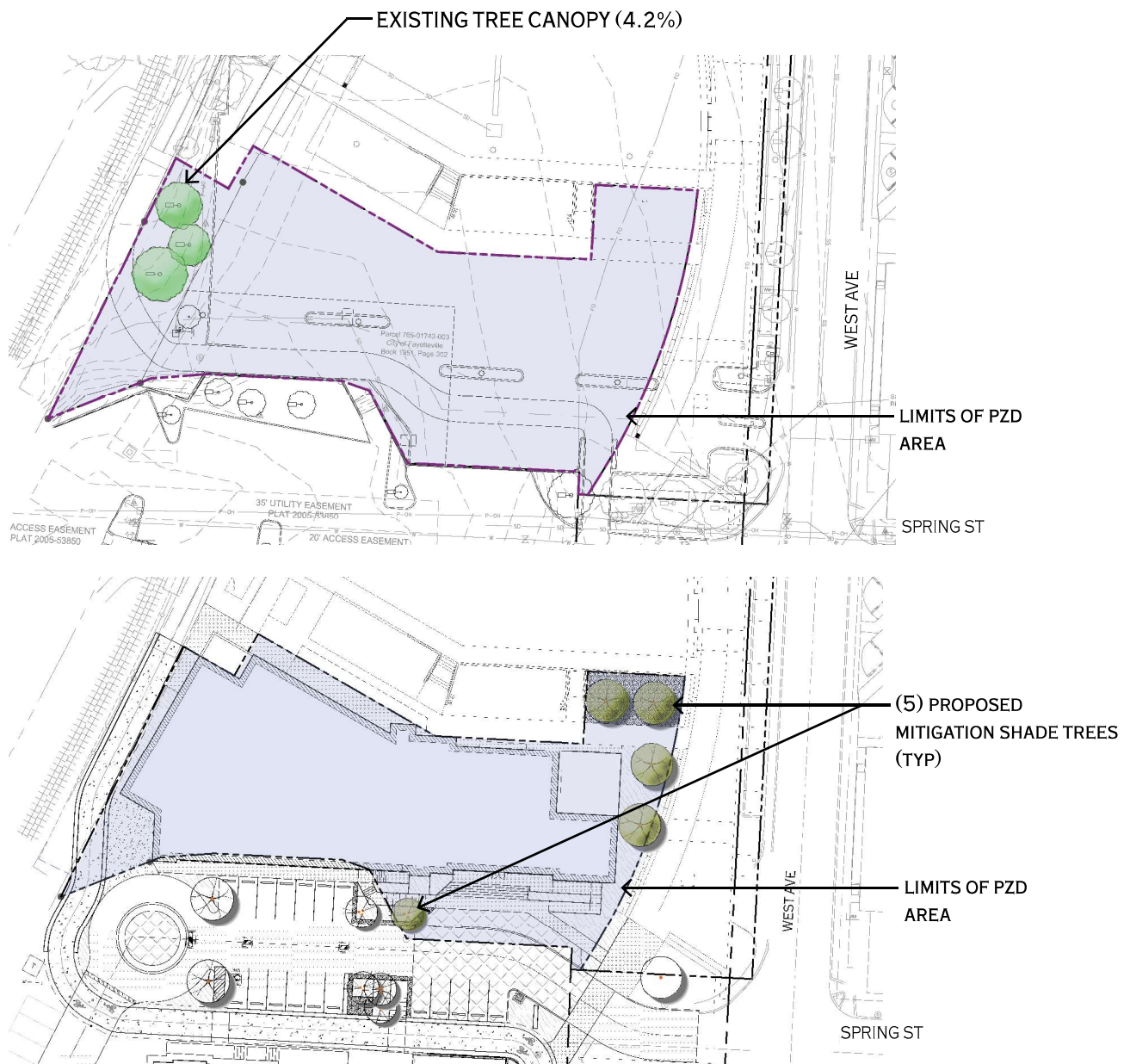
BUFFER AREAS ARE NOT REQUIRED PER THE CITY OF FAYETTEVILLE MUNICIPAL CODE. NO BUFFERS ARE PROPOSED AS PART OF THIS PROJECT.

THE PROPOSED LANDSCAPE FOR THIS PROJECT IS SUBJECT TO CHAPTER 177 LANDSCAPE REGULATIONS OF THE CITY OF FAYETTEVILLE MUNICIPAL CODE. FULL LANDSCAPE PLANS WILL BE SUBMITTED WITH THE GRADING PERMIT REVIEW.

TREE PRESERVATION AREAS

THE MINIMUM TREE PRESERVATION REQUIREMENT FOR PZD AREAS IS 25%. THE EXISTING TREE CANOPY COVERAGE INCLUDES THREE PINE TREES NEAR THE WESTERN EDGE OF THE PROPERTY, AND IS 1,040 SF (4.2%) OF THE SITE.

DUE TO EXISTING USE ON THE SUBJECT PROPERTY (SURFACE PARKING LOT), THE AMOUNT OF EXISTING TREE CANOPY IS LIMITED. LIKewise, DUE TO THE SIZE OF THE PARCEL, SIGNIFICANT GRADE CHANGE, INCLUDING AN EXISTING 10 FT RETAINING WALL THAT REQUIRES REMOVAL. THE TREE MITIGATION BELOW IS LIMITED TO THE PZD AREA, FULL SITE ANALYSIS AND MITIGATION PLANS WILL BE PROVIDED AS PART OF THE GRADING PERMIT REVIEW OF THE OVERALL PROJECT.



STORM WATER DETENTION AREAS AND DRAINAGE

THE PROJECT WILL NOT BE ADDING MORE THAN 10,000 SF OF IMPERVIOUS AREA, THEREFORE, STORM WATER DETENTION OR WATER QUALITY MEASURES ARE REQUIRED OR PROVIDED. THE PROJECT WILL ADD NEW STORM WATER INFRASTRUCTURE AS NECESSARY BY THE SITE DESIGN, AND THE POST DEVELOPMENT CONDITIONS WILL MIMIC PRE-EXISTING CONDITIONS.

THE PZD AREA GENERALLY SLOPES FROM NORTHEAST TO SOUTHWEST, ANY OFF-SITE WATER TO THE NORTH IS BEING COLLECTED AS PART OF THE CIVIC PLAZA PROJECT. NEW STORMWATER WILL BE COLLECTED BY THE BUILDINGS ROOF DRAIN SYSTEM, AND DIRECTED TO AN UNDERGROUND SYSTEM. THE PROPERTY HAS ADEQUATE ACCESS TO EXISTING STORM PIPES/CULVERTS IN ORDER TO PROPERTY CONVEY STORM WATER. AN EXISTING DOUBLE CULVERT TO THE WEST WILL SERVE AS THE PRIMARY CONNECTION FOR FUTURE STORM WATER PIPES. LASTLY, THIS SITE WAS INCLUDED IN A LARGER DRAINAGE STUDY AS PART OF THE CULTURAL ARTS CORRIDOR PROJECT.

A STREAM PROTECTION AREA PASSES THROUGH THE SITE, FOLLOWING TANGLEWOOD BRANCH, WHICH HAS BEEN ENCLOSED IN A BOX CULVERT PRIOR TO THE ADOPTION OF THE CITY'S STREAMSIDE PROTECTION ORDINANCE. COORDINATION WITH THE ENGINEERING DIVISION WILL TAKE PLACE TO ENSURE COMPLIANCE WITH THE UDC CHAPTER 168.12, TO THE EXTENT POSSIBLE WITH EXISTING CONDITIONS BEING TAKEN INTO CONSIDERATION.

EXISTING AND PROPOSED UTILITY CONNECTIONS AND EXTENSIONS & IMPACT ON CITY SERVICES, INCLUDING THE AVAILABILITY OF WATER AND SEWER

AS PART OF THE DEVELOPMENT PROCESS, THE DESIGN TEAM WILL PROVIDE WATER AND SEWER DEMAND CALCULATIONS TO ENSURE THERE ARE A NEGATIVE IMPACTS TO THE CITY'S EXISTING SYSTEM.

CURRENTLY, A 6" WATER MAIN RUNS ALONG THE SOUTH OF THE PROPERTY, AND WILL BE USED FOR DOMESTIC SERVICE. IF ADDITIONAL CAPACITY IS NEEDED FOR FIRE SERVICE, A MAIN EXTENSION FROM AN 8" WATER LINE IN WEST AVE WILL BE PROPOSED. AN ADDITIONAL HYDRANT SHALL BE PROVIDED AS NECESSARY TO MEET FIRE CODE REQUIREMENTS.

A 12" SANITARY SEWER MAIN EXISTS TO THE SOUTH OF THE PROPERTY, WHICH LATER UP SIZES TO A 24" DOWNSTREAM. THE HOTEL WILL UTILIZE THE EXISTING MANHOLE, IF POSSIBLE, OR PROPOSE A NEW MANHOLE IN THE EXISTING LINE IF NECESSARY. THERE IS ADEQUATE DEPTH OF THE CITY'S EXISTING FACILITIES, SUCH THAT SERVICE IS NOT A CONCERN.

IT IS OUR UNDERSTANDING THAT THERE ARE SUFFICIENT PUBLIC UTILITIES TO SERVE THE PZD AREA AND THERE IS NOT ANTICIPATED TO BE ANY ADVERSE IMPACTS ON CITY SERVICES. FURTHER COORDINATION REGARDING DEMANDS WILL TAKE PLACE AS PART OF THE DEVELOPMENT PROCESS FOR THE HOTEL.

DEVELOPMENT AND ARCHITECTURAL DESIGN STANDARDS

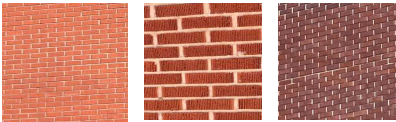
THIS PLANNED ZONED DISTRICT DOES NOT IMPOSE ADDITIONAL ARCHITECTURAL STANDARDS ABOVE THE CITY OF FAYETTEVILLE BUILDING DEVELOPMENT STANDARDS. THE DOWNTOWN DESIGN OVERLAY STANDARDS, THE STANDARD NON- RESIDENTIAL DESIGN STANDARDS (CHAPTER 166.24), AND THE COMMERCIAL, OFFICE, AND MIXED USE DESIGN DEVELOPMENT STANDARDS (166.25) WILL APPLY TO THIS PROJECT.

BUILDING DESIGN NARRATIVE:

THE BUILDING STYLE WILL PULL INSPIRATION FROM HISTORICAL WAREHOUSE DISTRICTS. THIS PROPERTY IS ADJACENT TO A MULTI-GENERATIONAL RAILROAD AND LOCATED WITHIN A HISTORICAL WAREHOUSE / COMMERCIAL DISTRICT.

THE MATERIALS, SCALE AND BLOCKING DRAW INSPIRATION AND REFLECT UPON THE CENTURY ARCHITECTURE INCLUDING REPETITIVE LARGE WINDOWS, MASSING, TRADITIONAL MATERIALS AND ACCENTS. THE USE OF THESE HISTORIC PRECEDENCES WILL BE IMPLEMENTED IN CONTEMPORARY APPLICATIONS, SUCH AS PUNCHED OPENINGS AND CANTILEVERED CANOPIES/ AWNINGS.

PRIMARY MATERIALS



BRICK
HISTORICAL RED COLORS



EXAMPLES SHOWN INCLUDE:
NETWORK BLDG - FAYETTEVILLE, AR
THEATRE SQUARED - FAYETTEVILLE, AR
BAKERY BUILDING - FAYETTEVILLE, AR
CENTER FOR MATH AND SCIENCE EDUCATION - FAYETTEVILLE, AR

WINDOWS
NON-OPERABLE THROUGHOUT*
STANDARD GLAZING ON UPPER FLOORS
ENLARGED GLAZING ON LOWER / PUBLIC LEVELS
HISTORICAL WAREHOUSE SCALE AND PATTERN]
*VARIANCE WILL BE REQUIRED AT TIME OF DEVELOPMENT

SECONDARY / TRIM MATERIALS



CAST STONE
ARTICULATION
WINDOW ACCENTS
CAST MONOLITHIC SILLS



CAST IN PLACE CONCRETE
BOARD FORM FINISH
BLOCKING
SCALE



METAL
BLACK
GALVANIZED
ACCENTS
BLOCKING
GRILLS

ARCHITECTURAL ELEVATION PRECEDENT IMAGERY

EXAMPLE FOR REFERENCE ONLY. ACTUAL ELEVATIONS WILL BE SUBMITTED AND REVIEWED AS PART OF THE BUILDING PERMIT PROCESS.



RAMBLE HOTEL - DENVER, CO



THE JUNTO HOTEL - COLUMBUS, OH

ARCHITECTURAL ELEVATION PRECEDENT IMAGERY

THE FIRST AND SECOND FLOORS OF THE HOTEL ARE MIXED-USE, AND WILL HAVE TYPICAL CHARACTERISTICS OF ENGAGING, PEDESTRIAN FACING FEATURES TO PROMOTE WALKABILITY. OPEN CUT THROUGH'S, COVERED OUTDOOR AREAS PROVIDE A LARGE SCALE 'FRONT DOOR' VISUALLY INDICATING THE ACTIVE ZONE FOR PATRONS.



SIGNAGE EXAMPLES

SIGNAGE HAS NOT BEEN DESIGNED FOR THIS PROJECT. ANY SIGNAGE WILL BE PERMITTED THROUGH THE CITY OF FAYETTEVILLE PERMITTING PROCESS SEPARATELY, AND BE MEET THE SIGNAGE STANDARDS AS LISTED IN CHAPTER 174 OF THE CITY MUNICIPAL CODE. THE SIGNAGE SHALL MATCH THE REQUIREMENTS FOR THE MOST COMPARABLE ESTABLISHED ZONING, THE UNDERLYING ZONING, URBAN THOROUGHFARE.

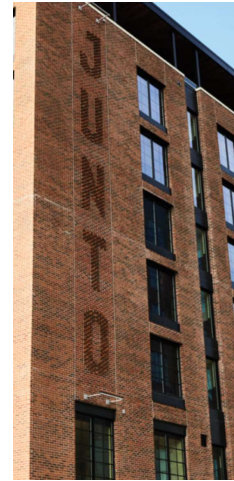
SIGNAGE WILL BE WALL MOUNTED, PAINTED, ENGRAVED, OR EMBEDDED. DIRECTIONAL SIGNAGE MAY BE PROPOSED AS PART OF THE PROJECT.



PARAMOUNT CENTER
BOSTON, MA



Q&A RESTAURANT AND OYSTER BAR
OCEANSIDE, CA



JUNTO HOTEL
COLUMBUS, OH

STREETLIGHTS

NO PUBLIC STREETLIGHTS ARE ASSOCIATED WITH THIS PROJECT. THE CIVIC PLAZA PROJECT WILL PROVIDE ADEQUATE LIGHTING ALONG THE PUBLIC RIGHT-OF-WAY. ON-SITE LIGHTING IN THE PARKING AREA MAY BE NECESSARY, AND WILL BE REVIEWED AS PART OF THE DEVELOPMENT PROCESS. ALL SITE LIGHTING WILL MEET THE CITY OF FAYETTEVILLE MUNICIPAL CODE'S DARK SKY AND SHIELDING REQUIREMENTS WITH THE UTILIZATION OF WALL LIGHTING, BOLLARDS, AND LOW-LEVEL POLE LIGHTING.

SITE MATERIALS

THE SITE MATERIALS WILL REFLECT THE PALETTE OF THE CITY CIVIC PLAZA AND RAMBLE, DRAWING INSPIRATION FROM NATIVE COLORS AND TEXTURES SUCH AS STONE AND EARTH TONES.

BY USING A VARIETY OF MATERIALS AND PATTERNS, USE ZONES CAN BE VISUALLY ESTABLISHED, PROVIDING GUIDANCE TO VISITORS IN PEDESTRIAN AND VEHICULAR AREAS. THIS PROJECT HAS A UNIQUE POSITION TO ENGAGE THE PUBLIC IN MULTIPLE WAYS; THEREFORE, ESTABLISHING AN APPROPRIATE SCALE FEEL COMFORTABLE FOR PEDESTRIANS IS ESSENTIAL TO THE PROJECT’S SUCCESS.



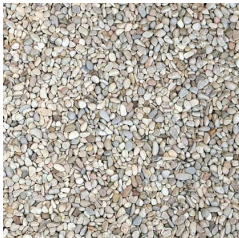
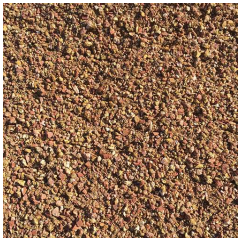
CAST-IN-PLACE CONCRETE

- BOARD FORM VERTICAL WALLS
- SEATING & BENCHES
- SAW-CUT PATTERNS
- INTEGRAL COLOR



PAVERS

- 4X4 GRANITE COBBLESTONE
- CONCRETE PAVERS
- STAMPED CONCRETE



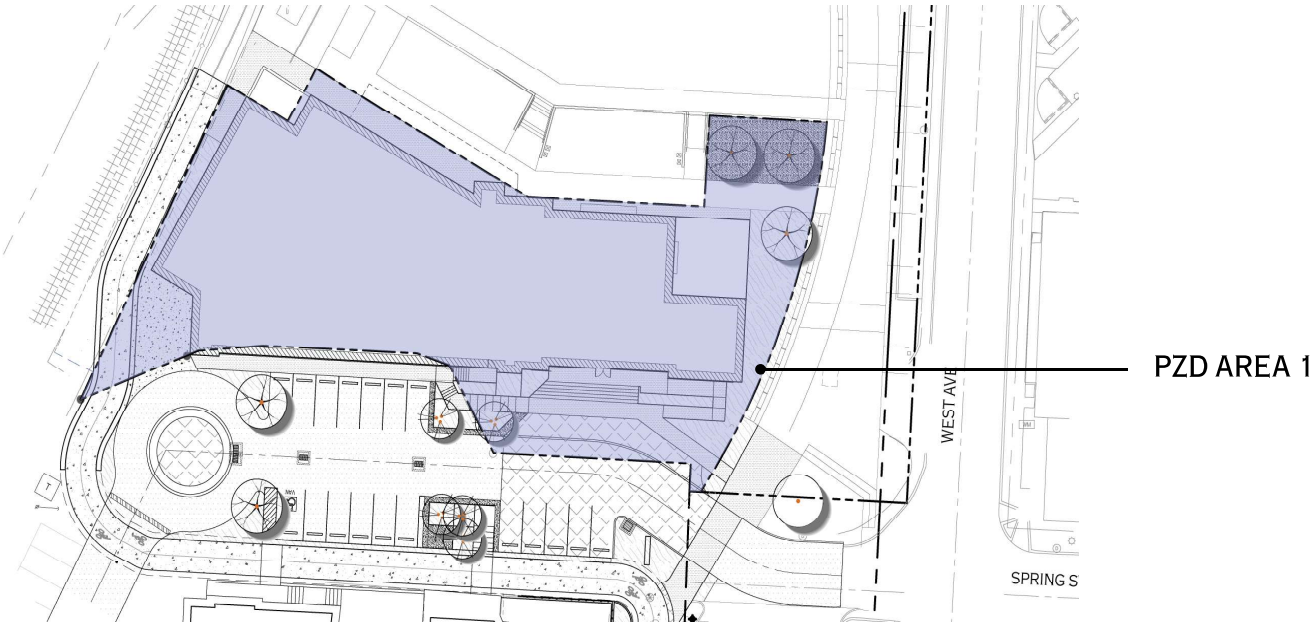
OTHERS

- DECOMPOSED GRANITE
- CRUSHED STONE

SITE PLAN & PZD AREA



SITE PLAN



PZD AREA

**EXISTING ZONING
(MSC) MAIN STREET CENTER**

ALLOWED USES (BY RIGHT):

UNIT 1	CITY-WIDE USES BY RIGHT
UNIT 4	CULTURAL AND RECREATIONAL FACILITIES
UNIT 5	GOVERNMENT FACILITIES
UNIT 8	SINGLE-FAMILY DWELLINGS
UNIT 9	TWO-FAMILY DWELLINGS
UNIT 10	THREE (3) AND FOUR (4) FAMILY DWELLINGS
UNIT 13	EATING PLACES
UNIT 14	HOTEL, MOTEL, AND AMUSEMENT FACILITIES
UNIT 16	SHOPPING GOODS
UNIT 17	TRANSPORTATION TRADES AND SERVICES
UNIT 19	COMMERCIAL RECREATION, SMALL SITES
UNIT 24	HOME OCCUPATIONS
UNIT 25	OFFICES, STUDIOS, AND RELATED SERVICES
UNIT 26	MULTI-FAMILY DWELLINGS
UNIT 34	LIQUOR STORES
UNIT 40	SIDEWALK CAFES
UNIT 41	ACCESSORY DWELLINGS
UNIT 44	CLUSTER HOUSING DEVELOPMENT
UNIT 45	SMALL SCALE PRODUCTION
UNIT 46	SHORT-TERM RENTALS

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 28	CENTER FOR COLLECTING RECYCLABLE MATERIALS
UNIT 29	DANCE HALLS
UNIT 35	OUTDOOR MUSIC ESTABLISHMENTS
UNIT 36	WIRELESS COMMUNICATION FACILITIES
UNIT 42	CLEAN TECHNOLOGIES

DENSITY:

NO RESTRICTIONS

**PROPOSED ZONING
(PZD) PLANNED ZONING
DISTRICT**

ALLOWED USES (BY RIGHT):

UNIT 1	CITY-WIDE USES BY RIGHT
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UNIT 36	WIRELESS COMMUNICATION FACILITIES
UNIT 42	CLEAN TECHNOLOGIES

DENSITY:

NO RESTRICTIONS

**EXISTING ZONING
(MSC) MAIN STREET CENTER**

BULK AND AREA RESTRICTIONS:

LOT WIDTH MINIMUM:
DWELLING (ALL UNIT TYPES) 18 FEET

LOT AREA MINIMUM:
NONE

SETBACK REGULATIONS:
FRONT: BUILD - TO ZONE THAT IS LOCATED
BETWEEN THE FRONT PROPERTY LINE
AND A LINE 25 FEET FROM THE FRONT
PROPERTY LINE

SIDE: NONE
REAR: 5 FEET
REAR: 12 FEET

MINIMUM BUILDABLE STREET FRONTAGE:
75% OF LOT WIDTH

BUILDING HEIGHT REGULATIONS:
MAXIMUM 5 STORIES / 7 STORIES*

* A BUILDING OR A PORTION OF A BUILDING THAT IS LOCATED
BETWEEN 0 AND 15 FEET FROM THE FRONT PROPERTY LINE
OR ANY MASTER STREET PLAN RIGHT-OF-WAY LINE SHALL
HAVE A MAXIMUM HEIGHT OF FIVE (5) STORIES. A BUILDING OR
A PORTION OF A BUILDING THAT IS LOCATED GREATER THAN
15 FEET FROM THE MASTER STREET PLAN RIGHT-OF-WAY LINE
SHALL HAVE A MAXIMUM HEIGHT OF SEVEN (7) STORIES.

**PROPOSED ZONING
(PZD) PLANNED ZONING
DISTRICT**

BULK AND AREA RESTRICTIONS:

LOT WIDTH MINIMUM:
DWELLING (ALL UNIT TYPES) 18 FEET

LOT AREA MINIMUM:
NONE

SETBACK REGULATIONS:
FRONT: 0 FEET

SIDE: NONE
REAR: 0 FEET
REAR: 0 FEET

MINIMUM BUILDABLE STREET FRONTAGE:
75% OF LOT WIDTH

BUILDING HEIGHT REGULATIONS:
MAXIMUM 8 STORIES*

*BUILDING STORY INCLUDES ROOFTOP AMENITIES AND
SPACES AS DEFINED BY THE INTERNATIONAL BUILDING CODE.
ONLY A PORTION OF THE BUILDING (WHERE BASEMENT
EXISTS) WILL THE BUILDING BE GREATER THE 7 STORIES.

*BUILDING STORY EXCLUDES ROOFTOP AND MECHANICAL
EQUIPMENT, PARAPETS, EQUIPMENT SCREENING, AND OTHER
NON OCCUPIED SPACE.

ANALYSIS OF THE SITE CHARACTERISTICS

THE EXISTING SITE IS A MIX OF AN EXISTING PARKING LOT AND PARKING LOT LANDSCAPE ISLANDS. TWO LEVELS, UPWARDS OF 10 FEET, ARE SEPARATED BY A RETAINING WALL ON THE MOST WESTERN PORTION OF THE SITE. EXISTING TREES PROVIDE SOME SHADE, BUT A MAJORITY OF THE SITE IS EXPOSED TO THE ELEMENTS (WIND, RAIN, SUN). NO AREAS OF SIGNIFICANT ECOLOGICAL VALUE ARE PRESENT.

STORM WATER FLOWS FROM EAST TO WEST, INTO A SERIES OF GRATE INLETS, TRENCH GRATES, AND CURB INLETS THAT CONNECTED UNDERGROUND TO AN EXISTING DOUBLE CULVERT.

THE RAILROAD EXISTS TO THE WEST OF THE SITE, AND IS STILL OPERATIONAL.

DESCRIPTION OF THE RECREATIONAL FACILITIES, INCLUDING EXISTING AND PROPOSED PARK SITES, OPEN SPACE AND ACCESSIBILITY TO PARKS AND OPEN SPACE AREAS

THE CULTURAL ARTS CORRIDOR'S CIVIC PLAZA IS NORTH OF THE SUBJECT PROPERTY AND DEVELOPMENT. THE NORTH SIDE OF THE PROPERTY WILL HAVE VISUAL AND PHYSICAL TO THE ADJACENT PARK/OPEN SPACE WITH WINDOWS, DOORS, AND OUTDOOR TERRACES. THE HOTEL CAN BE ACCESSED DIRECTLY FROM THE CIVIC PLAZA.

SECONDLY, THE RAZORBACK GREENWAY TRAIL IS BEING RE-ROUTED AS PART OF THIS PROJECT. THE TRAIL WILL BE RECONFIGURED TO THE SOUTH ALONG THE EXISTING METRO BUILDING, AND WRAP AROUND THE WESTERN PORTION OF THE SITE, NEAR THE RAILROAD. IT WILL TIE INTO THE TRAIL ROUTING OF THE CIVIC PLAZA PROJECT. PUBLIC RESTROOMS ARE LOCATED AT THE MOST WESTERN EDGE OF THE BUILDING AND CAN BE DIRECTLY ACCESSED FROM THE TRAIL.

OVERALL, THE PROJECT IS WELCOMING AT MULTIPLE LOCATIONS TO PUBLIC OPEN SPACE.

REASON FOR REQUESTING THE ZONING CHANGE

THIS PROJECT CAME TO BE IN COLLABORATION WITH THE CITY'S VISION FOR DOWNTOWN FAYETTEVILLE. DURING THE NEGOTIATIONS AND CONTRACT PHASES OF THE PROJECT, IT WAS DESIRED BY THE CITY AND PLANNING COMMISSION TO SEE THE SUBJECT PARCEL BE ZONED AS A PLANNED ZONING DISTRICT IN ORDER TO FURTHER DEFINE THE DESIGN APPROACH AND CONFIRM COMPLIANCE WITH THE INITIAL CONTRACT.

THE PROPOSED USE IS ALLOWED BY-RIGHT; THE ONLY DEVIATIONS FROM THE UNDERLYING ZONING IS THE ALLOWANCE OF A BUILDING HEIGHT OF EIGHT (8) STORIES.

THE SITE HAS AN OVERALL GRADE CHANGE OF 10 FROM THE EAST TO WEST. HOTEL AND CITY UTILITARIAN SPACES ARE BEING LOCATED AT THE LOWER END OF THE SITE CREATING A PARTIAL FLOOR LEVEL. THE ROOF TOP BAR IS BEING PLACED IN THE MIDDLE OF THE BUILDING WITH MAJORITY OF THAT ENCLOSED BUILDING MASS BEING SET BACK FROM THE MAIN BUILDING STRUCTURE. THESE MASSING MOVES PRESENTS A BUILDING THAT IS PRIMARILY 7 STORIES IN HEIGHT.

STATEMENT OF HOW THE DEVELOPMENT WILL RELATE TO EXISTING AND SURROUNDING PROPERTIES IN TERMS OF LAND USE, TRAFFIC, APPEARANCE, AND SIGNAGE

THIS PROJECT WILL FILL A GAP IN THE EXISTING FABRIC OF DOWNTOWN BY USING TYPICAL MATERIALS USED THROUGHOUT DOWNTOWN FAYETTEVILLE. THE HOTEL WILL HAVE A PRIVATE DRIVE FOR ALL VEHICULAR CIRCULATION, MINIMIZING THE IMPACT TO THE PUBLIC RIGHT-OF-WAY, AND WEST AVE. THE PROPOSED LAND-USE FITS IN SEAMLESSLY, AS THE PROJECT IS CURRENTLY SURROUNDED BY COMMERCIAL OR MIXED-USE BUILDINGS.

STATEMENT OF THE PROJECT'S COMPLIANCE WITH THE FAYETTEVILLE COMPREHENSIVE LAND USE PLAN

THE SUBJECT SITE IS LOCATED WITHIN THE HISTORICAL COMMERCIAL DESIGNATION IN THE FUTURE LAND USE MAP IN THE DOWNTOWN MASTER PLAN. THIS PROJECT AND DEVELOPMENT COMPLY WITH THE FUTURE LAND USE MAP.



LEGAL DESCRIPTION:

PT SW NE 0.60 AC & PT BLOCK 7 0.13 AC PARKING LOT N WEST AVE PT VACATED WEST SPRING ST FURTHER DESCRIBED IN 2023-32962 AS: A PART OF THE SOUTHWEST QUARTER (SW¹/₄) OF THE NORTHEAST QUARTER (NE¹/₄) OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE TRACTS OF LAND RECORDED IN THE WASHINGTON COUNTY RECORDER'S OFFICE IN BOOK 1340 AT PAGE 810 AND IN BOOK 1351 AT PAGE 302, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SW¹/₄ OF THE NE¹/₄; THENCE S86°59'3L"E (S87°09'15"E, PLAT), ALONG THE NORTH LINE OF SAID SW¹/₄ OF THE NE¹/₄, A DISTANCE OF 164.75 FEET (165.65 FEET, PLAT); THENCE S03°00'29"W (S02°48'48"W, PLAT), A DISTANCE OF 42.68 FEET (41.47 FEET, PLAT) TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DICKSON STREET AND THE EAST RIGHT-OF-WAY LINE OF THE ARKANSAS & MISSOURI RAILROAD, AS NOW ESTABLISHED; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE S02°48'48"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 45.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 980.37 FEET AND A CHORD BEARING AND DISTANCE OF S14°47'51 "W, 366.22 FEET; THENCE ALONG SAID NON-TANGENT CURVE AN ARC DISTANCE OF 368.39 FEET FOR A POINT OF BEGINNING; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE S60°10'51"E, A DISTANCE OF 27.29 FEET; THENCE N29°53'40"E, A DISTANCE OF 22.55 FEET; THENCE S60°06'20"E, A DISTANCE OF 96.03 FEET; THENCE S87°0 L '52"E, A DISTANCE OF 69.42 FEET; THENCE N03 °36'51 "E, A DISTANCE OF 34.00 FEET; THENCE S87°0 L '29"E, A DISTANCE OF 46.04 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 304.25 FEET AND A CHORD BEARING AND DISTANCE OF S 19°46'5 L "W, 146.83 FEET; THENCE ALONG SAID NON-TANGENT CURVE AN ARC DISTANCE OF 148.29 FEET TO A POINT IN THE NORTH RIGHT-OF-WAY LINE OF SPRING STREET, AS NOW ESTABLISHED; THENCE DEPARTING SAID NON-TANGENT CURVE N86°5L' L 1 "W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 4.34 FEET TO A POINT ON THE EASTERLY LINE OF THE PROPERTY LINE ADJUSTMENT DULY RECORDED IN THE WASHINGTON COUNTY CIRCUIT CLERK'S OFFICE IN FILE 2019-00000587; THENCE ALONG SAID PROPERTY LINE ADJUSTMENT DULY RECORDED IN THE WASHINGTON COUNTY CIRCUIT CLERK'S OFFICE IN FILE 2019-00000587 FOR THE FOLLOWING SEVEN (7) COURSES; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE N02°06'00"E, A DISTANCE OF 10.44 FEET TO A FOUND CHISELED "X"; THENCE N87°09'36"W, A DISTANCE OF 77 .69 FEET TO A FOUND CHISELED "X"; THENCE N28°01'14"W, A DISTANCE OF 37.11 FEET TO A FOUND CHISELED "X"; THENCE N69°33'43"W, A DISTANCE OF 13.10 FEET TO A FOUND NAIL; THENCE N87°10'17"W, A DISTANCE OF 60.59 FEET TO A FOUND REBAR WITH CAP, "BATES 1642"; THENCE S85°31'4L"W, A DISTANCE OF 25.47 FEET TO A FOUND REBAR WITH CAP, "BATES 1642"; THENCE S68°44'21 "W, A DISTANCE OF 49.88 FEET TO A FOUND REBAR WITH CAP, "BATES 1642" BEING IN SAID EAST RIGHT-OF-WAY LINE OF THE ARKANSAS & MISSOURI RAILROAD; THENCE DEPARTING SAID PROPERTY LINE ADJUSTMENT DULY RECORDED IN THE WASHINGTON COUNTY CIRCUIT CLERK'S OFFICE IN FILE 2019-00000587 AND ALONG SAID EAST RIGHT-OF-WAY LINE N26°06'02"E, A DISTANCE OF 99.09 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 980.37 FEET AND A CHORD BEARING AND DISTANCE OF N26°29' L 6"E, 31.66 FEET; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE AND ALONG SAID NON-TANGENT CURVE AN ARC DISTANCE OF 31.66 FEET TO THE POINT OF BEGINNING. CONTAINING 24,559 SQUARE FEET OR 0.6 ACRES, MORE OR LESS, AND SUBJECT TO ANY RIGHTS-OF-WAY, EASEMENTS, AND RESTRICTIONS OF RECORD.

Conditions of Approval:

1. Revise the PZD booklet and plans to reflect the following:
 - a. (Page 5). Provide information regarding parking study performed by Kimley Horn and the date when it was presented to the Planning Commission. Otherwise, remove reference to this from the booklet, or revise to indicate the correct City Board or Commission that it was presented to.
 - b. Provide information (date and specific feedback) for when this hotel proposal was presented to the Planning Commission and a desire expressed to see this area rezoned as a PZD. Otherwise, remove reference to this from the booklet.
2. Any proposed lots without frontage shall provide adequate access for water, sewer, and emergency services; and
3. Proposed fire apparatus access roads shall meet requirements as stated by all applicable fire codes.



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING: April 8, 2024 **Updated with results from 4/8/2024 PC Meeting**

SUBJECT: **PZD-2024-0003: Planned Zoning District (215 N. WEST AVE/PARK HOTEL, 484):** Submitted by PRISM DESIGN STUDIO for property located at 215 N. WEST AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.60 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

RECOMMENDATION:

Staff recommends forwarding **PZD-2024-0003** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **PZD-2024-0003** to City Council with a recommendation of approval, with conditions as outlined by staff."

BACKGROUND:

The subject property is in downtown Fayetteville, on the south side of the West Avenue Civic Plaza, which is currently under construction. The West Avenue Civic Plaza is a portion of the overall 2019 Bond Project that funded the development of the Cultural Arts Corridor, which included improvements to the Fay Jones Woods, West Avenue, and the development of a parking deck for replacement parking. The property is currently zoned MSC, Main Street Center, and while recently owned by the City of Fayetteville, was sold to the current property owner for the development of a hotel; this was also part of the original proposal for the Cultural Arts Corridor. Containing approximately 0.6 acres, the property is currently improved with a parking lot and a portion of the Razorback Greenway. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Under Construction/ West Avenue Civic Plaza	MSC, Main Street Center
South	Mixed-Use/Commercial and Multi- Family Residential	MSC, Main Street Center
East	Under Construction/ West Avenue Civic Plaza	MSC, Main Street Center
West	Razorback Greenway/Arkansas Missouri Railroad	MSC, Main Street Center

Proposal: The applicant requests to rezone the property to a Planned Zoning District with one Planning Area as described below:

- **Planning Area #1 – 0.60 acres:** The intention of this planning area is to allow for the construction of a 120-room hotel and mixed-use development at the southern end of the

South Civic Plaza that is currently under construction. The PZD proposes to allow primarily commercial uses, with a maximum building height of 8 stories. The applicant has indicated that the building height will be at the maximum 8 stories only in areas where a basement will exist. Multi-family residential uses are also permitted in this PZD with no stated density maximum. Fire access, valet drop-off, and a shared use trail will be developed with the overall proposal, but will be included on a separate property which is not under zoning consideration with this proposal.

Public Comment: Staff has not received any public comment on the item.

INFRASTRUCTURE:

- Streets:** The subject property has limited frontage to W. Spring Street. W. Spring Street is an improved urban center street with asphalt paving, curb and gutter, drainage infrastructure, and sidewalk at back of curb along the subject property's frontage. Any street improvements required in these areas would be determined at the time of development proposal, as well as any improvements for drainage.
- Water:** Public water is available to the subject property. There is an existing 6-inch water main present in W. Spring Street. There is also an existing 8-inch water main present in S. West Avenue. The applicant is indicating that they will connect to the 8-inch water main, and a main extension will be required at time of development.
- Sewer:** Sanitary sewer is available to the subject area. There is an existing 12-inch sanitary sewer main present in W. Spring Street. A downstream sewer capacity analysis in accordance with the current edition of the City's Standard Specifications for Design and Construction of Water Lines and Sewer Lines may be required with the development submittal to determine if there is adequate capacity within the existing sewer system. The developer shall perform any downstream sewer upgrades to accommodate any additional capacity necessitated by the development.
- Drainage:** Tanglewood Branch is present in the subject area; however, this portion of the protected stream has been fully enclosed in a culvert since before the adoption of the Streamside Protection Ordinance. Typically, this "protected area" is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited. No portion of the site lies within the HHOD, a FEMA floodplain, and there are no hydric soils present in the area.
- Fire:** Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 1, located at 303 W. Center St., protects this site. The property is located approximately 0.3 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

The planned roundabout on Spring Street, south of the project, will need to meet apparatus access widths and radius, with fire lane parking restrictions and mountable curbs as this will be Fire access for the project as well as the north access to the existing Metro Building and associated apartments.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed PZD, Residential Planned Zoning District, requires **25% minimum canopy preservation**. The current zoning district MSC, Main Street Center, requires **10% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood and Civic Institutional**.

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

Civic Institutional Areas are dedicated for buildings generally operated by not-for-profit organizations dedicated to culture, government, education or transit and municipal parking.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a low infill score for the subject property of **11**, which translates to a weighted score of **15.5**. The elements vary by the area of the property being considered, and include the following:

- Adequate Fire Response (Station #1, 303 W. Center Street)
- Near Sewer Main (12" W. Spring Street)
- Near Water Main (6" W. Spring Street)
- Near Public School (Washington Elementary)
- Near U of A Campus (Main campus)
- Near City Park (Civic Plaza, Lower Ramble)
- Near Paved Trail (Razorback Greenway)
- Near ORT Bus Stop (Spring at Theatre Square)
- Near Razorback Bus Stop (West Avenue at Walton Arts Center)
- Within Master Plan Area (Downtown Master Plan)
- Sufficient Intersection Density (140 intersections/square mile)

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: Staff finds the applicant's request to be compatible with existing surrounding land uses. The property is currently zoned MSC,**

Main Street Center, which is a dense and intense zoning district intended for urban areas within Fayetteville. The applicant's request is in some ways a downzoning, in that it will limit the permitted uses that are typically allowable in the current zoning district (removing single-, two-, three-, and four-family dwellings by right, and some auto-oriented uses), but it does propose a higher building height than is permitted in the current zoning district. Staff finds that the proposed building height of 8 stories would not be out of character for the area since the surrounding areas are permitted to construct buildings up to 7 stories by-right. In evaluating the contract that was approved through Resolution 251-23, the intention was for the building height to be 7 stories. However, there does not appear to be any language within that document requiring that maximum. Existing building heights in the area are ranging, though the tallest buildings in the area range between 5-7 stories currently. Since the property does not currently have much immediate street frontage, staff does not find that 8 stories would overwhelm the public right-of-way realm; further, the building height is also offset by a significant amount of open space to the north with the development of the Civic Plaza.

Land Use Plan Analysis: Staff finds that the request is consistent with the City's land use and zoning plans. Further, staff finds that the applicant's request is substantially compliant with the contract that was executed by the Mayor and approved by City Council through Resolution 251-23. Excerpts of that contract are provided for in the attachments. The project is inherently an infill project (City Plan goal #1), in that it represents the redevelopment of a parking lot into a higher intensity use.

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

Finding: Staff finds that the proposed rezoning is justified based on the executed agreement between the City and the current owner. Resolution 251-23, which was approved by City Council on November 7, 2023. The terms of the contract required that a PZD be presented no later than July 1, 2024.

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

Finding: The proposed PZD is not likely to have a significant impact on traffic danger or congestion in the area. The proposed uses represent a downzoning, and staff does not find that the proposed rezoning would alter the traffic patterns in the area to an undesirable degree.

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 RPZD would not alter the population density in a way that would undesirably increase the load on public services. Any impacts to water, sewer, and street infrastructure are required to be borne by the developer. While the PZD would allow for residential uses, staff finds that the

ultimate plan is to construct a hotel on the property. Fayetteville Public Schools did not offer comment on the request.

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

Finding: N/A

Sec. 161.35. Planned Zoning Districts (PZD)

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

- (1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) *Compatibility.* Providing for compatibility with the surrounding land uses.
- (3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) *No negative impact.* Does not have a negative effect upon the future development of the area;
- (6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.
- (10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.
- (11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

Findings: As outlined in previous findings, staff finds that the proposal is generally in line with the factors that may be considered with a Planned Zoning District.

The architectural design standards will be ultimately reviewed for at the time of a development proposal, but staff finds that the proposed materials, precedent images, and overall form meets the spirit and intent of the architectural design standards as outlined in code.

RECOMMENDATION: Staff recommends forwarding **PZD-2024-0003** to City Council, with a recommendation of approval, with conditions as outlined below.

Conditions of Approval:

1. Revise the PZD booklet and plans to reflect the following:
 - a. (Page 5). Provide information regarding parking study performed by Kimley Horn and the date when it was presented to the Planning Commission. Otherwise, remove reference to this from the booklet, or revise to indicate the correct City Board or Commission that it was presented to.
 - b. Provide information (date and specific feedback) for when this hotel proposal was presented to the Planning Commission and a desire expressed to see this area rezoned as a PZD. Otherwise, remove reference to this from the booklet.
2. Any proposed lots without frontage shall provide adequate access for water, sewer, and emergency services; and
3. Proposed fire apparatus access roads shall meet requirements as stated by all applicable fire codes.

Planning Commission Action:	☒ Forwarded	☐ Tabled	☐ Denied
Meeting Date: <u>April 8, 2024</u>	with all conditions as recommended by staff		
Motion: Garlock			
Second: Brink			
Vote: 7-0-0			

BUDGET/STAFF IMPACT:

None

Attachments:

- Excerpt: Resolution 251-23
- Urban Forestry Memo
- Applicant Request Letter
- PZD Booklet
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map



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

Resolution: 251-23

File Number: 2023-1171

REINDL PROPERTIES, INC. (PURCHASE CONTRACT):

A RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN A REAL ESTATE PURCHASE CONTRACT WITH REINDL PROPERTIES, INC. FOR THE SALE OF APPROXIMATELY 0.5 ACRES OF CITY PROPERTY IN THE SOUTH END OF THE CIVIC PLAZA FOR THE AMOUNT OF \$1,247,455.00

WHEREAS, in October 2022, the City Council approved Resolution 256-22 authorizing the Mayor to sign the Letter of Intent Defining Development Agreement terms with Reindl Properties Inc. for a Public Private Partnership for Construction of the Mixed-Use building at the Ramble Civic Plaza; and

WHEREAS, Mayor Jordan recommends that the City Council approve the terms of the sale set out in the real estate purchase contract negotiated with Reindl Property, Inc.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a real estate purchase contract with Reindl Properties, Inc., a copy of which is attached to this Resolution, for the land sale of approximately 0.5 acres in the amount of \$1,247,455.00, and further authorizes the Mayor to execute all closing and other documents necessary to effectuate the sale.

PASSED and APPROVED on November 7, 2023

Approved:


Lioneld Jordan, Mayor

Attest:


Kara Paxton, City Clerk Treasurer





MEETING OF NOVEMBER 7, 2023

TO: Mayor Jordan and City Council
THRU: Paul Becker, Chief Financial Officer
FROM: Waylon Abernathy, Bond Projects & Construction Dir
DATE:
SUBJECT: Resolution authorizing a Real Estate Purchase Contract with Reindl Properties, Inc. for the Construction of a mixed-use building on the Ramble/Cultural Arts Corridor Civic Plaza

RECOMMENDATION:

Staff recommends approval of a resolution authorizing the mayor to sign the Real Estate Purchase Contract that includes terms of the development agreement with Reindl Properties, Inc., for the land sale of approximately .5 acres in the amount of \$1,247,455.00 and authorize the mayor to execute all closing documents.

BACKGROUND:

Schematic design for the Ramble Civic Plaza, a 2019 voter approved downtown revitalization project, focused on the West Avenue civic space. The vision for the civic space was completed in January 2019, following a series of public design charettes. The design chosen by participants who engaged in the process consists of a gathering and event lawn, public plaza, garden spaces, and a civic promenade, with two buildings bordering the site on the north and south ends, as bookends of the plaza. The southern building will be integral to the site, as a backdrop for what will become a stage and performance area for the plaza. Additionally, the building will provide public restrooms accessible from the Razorback Greenway and Civic Plaza storage space within the ground floor.

A Request for Proposals (RFP) process solicited competitive development proposals for a public private partnership to build the southern anchor building on the West Avenue Civic Plaza. The RFP asked for an approximately 14,300 square foot building footprint with a height limit of seven stories and three primary facades. Additionally, the city requested that the building be constructed of high-quality and lasting materials that are complimentary to the overall aesthetic of the site and the emergent Arts and Entertainment District. The RFP, issued in August 2021, was advertised on several platforms, including on the Costar website which provides market-leading research on commercial real estate properties in nearly all markets and sub-markets. The RFP was downloaded by over 100 interested parties. A non-mandatory pre-proposal conference held in September, 2021 was attended by over 30 participants.

Additional Background:

Key to the design and planning of the overall spaces are the public private partnerships that can help activate the space and provide a mixed use, sales tax generating, downtown development project to complement the city's investment in The Ramble. Partners are both private developers and philanthropic support efforts.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Initial design for this transformative project was made possible by a 2017 grant from the Walton Family Foundation's Design Excellence Program. Award-winning landscape architects Nelson Byrd Woltz (NBW) were selected to design the corridor with the primary goals of:

- Increasing public access and strengthening the surrounding neighborhood,
- Leveraging the connected trail network,
- Demonstrating a commitment to sustainability, and
- Embodying an innovative spirit, encouraging visitors and residents to engage with the space in new ways.

There are five primary elements included in plans for the Cultural Arts Corridor bond project: The West Avenue Civic Space, West Avenue streetscapes, The Fay Jones Woods, The Razorback Greenway, and a new parking deck one block north of the corner of West Ave. and Dickson Street. In April 2019, citizens of Fayetteville voted to authorize a \$31,685,000 bond for construction of the Cultural Arts Corridor Improvements.

Arts Corridor improvements to the Fay Jones Woods, the southern portion of the Razorback Regional Greenway, and the southern portion West Ave. began in September 2020 with construction completed in September, 2022. Construction of the new parking deck began in January 2022 with completion planned in October of 2023. In June 2021, after a 5-month public renaming process, the City announced The Ramble as the new name for the Cultural Arts Corridor.

On October 26, 2021, the City of Fayetteville accepted proposals for the southern anchor building on the Civic Plaza. One proposal was received from Reindl Properties that included a project team with a passion for high-quality construction, human-scaled design, craftsmanship, efficiency, and love of community. Their team includes:

- Brian Reindl - Developer and owner of the adjacent Metro Building along with several other properties in and around downtown Fayetteville.
- Rob Sharp - Architect and designer of several Fayetteville projects including: Three Sisters Building, Mill District, The Dickson Building and most recently the Network Building, which was designed to be the first net zero mixed-use building in Fayetteville.

The LOI specifies that the final development agreement includes a termination and buy back clause requiring Reindl properties to start construction on the new building within 12 months of the completion of the Civic Space. Also, Reindl Properties met with organizations for additional community input on the ways in which the proposed building will interact with the plaza and civic space.

As indicated in the LOI renderings, the proposed mixed-use building will be substantial and striking. The building's proposed uses will increase the liveliness of the adjacent Civic Plaza and attract visitors to the downtown. Hotel guests will eat, shop and recreate in the area, providing benefit to many existing local businesses. Initial analysis shows that the project would provide approximately \$300,000 per year in sales and HMR taxes to the City plus another \$63,000 per year in property tax to the City of Fayetteville for the general fund, library and fire and police departments. The construction impact of this \$40 million construction project will approximately yield another \$175,000 in sales tax revenue.

On October of 2022, Council passed Resolution 256-22 Authorizing the Mayor to Sign the Letter of Intent Defining Development Agreement terms with Reindl Properties Inc., for a Public Private Partnership for Construction of the Mixed-Use building at the Ramble Civic Plaza.

DISCUSSION:

Since the approval of the Resolution:

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

- City staff and design consultants with Nelson Byrd Woltz have worked with Reindl Properties to finalize the building footprint in relationship to the trail relocation and relative to the final design of the Civic Plaza.
- Staff has worked with Reindl Properties to secure independent third-party appraisals. The City provided to Reindl a list of 5 appraisal firms with experience in commercial real estate. From that list, Reindl selected three firms. The 3 firms provided certified property value reports. The average of the 3 was used for the agreed to values.
- Major terms and conditions for a proposed Agreement are included in this Real Estate contract as Drafted by Vicki Bronson of Connors and Winters Law Firm.

BUDGET/STAFF IMPACT:

Revenues will be recognized after the closings. Net proceeds from this real estate contract will be applied to the Restrooms/Storage located in the building, and Civic Plaza Improvements.

ATTACHMENTS: Copy of SRF-Real Estate Purchase Agreement South Civic Plaza (#3), Real Estate Purchase Contract (City Reindl) Redline 9-27-23 (002) (#4), Exhibit 1 (#5), Apprasials and Summary South Civic Plaza (#6), 601 W Center St Deed (#7), 256-22 RESOLUTION (#8), Exhibit 2 South Elevation (#9), Exhibit 3 Fay Park Hotel - North Rendering (#10), Exhibit 3 Fay Park Hotel - City Storage (#11), Exhibit 3 Fay Park Hotel - City Toilets (#12), 20231012 REVISED Exhibit 3 Fay Park Hotel level 1 (#13), 20231012 REVISED Exhibit 3 Fay Park Hotel Level 2 (#14), 20231012 REVISED Exhibit 2 Fay Park Hotel - South Rendering (#15), 20231012 Attachment Fay Park Hotel Progression Summary (#16), REAL ESTATE PURCHASE CONTRACT - revised 10-12-23 (#17), COF Letter with Parking Study (#18), Hotel Valet Lot Layout (#19), Survival of Contractual Obligations, Representations, and Agreements as Restrictive Covenants (#20), REAL ESTATE PURCHASE CONTRACT (City Reindl) revised 10-17-23 clean (#21), Ramble Hotel Letter of Support (#22), Exhibit A Site Plan (#23), Exhibit B Floor Plans (#24), Exhibit C Conceptual Building Design and Materials (#25), Real Estate Purchase Contract (City Reindl) Revised 11-2-23 (#26), Letter of Support- Mycelium Networks (#27), Letter of Support- Acre Trader (#28), Letter of Support - Startup Junkie Consulting (#29), Letter of Support - Cato Springs Development (#30)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2023-1171

Resolution authorizing a Real Estate Purchase Contract with Reindl Properties, Inc. for the Construction of a mixed-use building on the Ramble/Cultural Arts Corridor Civic Plaza

A RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN A REAL ESTATE PURCHASE CONTRACT WITH REINDL PROPERTIES, INC. FOR THE SALE OF APPROXIMATELY 0.5 ACRES OF CITY PROPERTY IN THE SOUTH END OF THE CIVIC PLAZA FOR THE AMOUNT OF \$1,247,455.00

WHEREAS, in October 2022, the City Council approved Resolution 256-22 authorizing the Mayor to sign the Letter of Intent Defining Development Agreement terms with Reindl Properties Inc. for a Public Private Partnership for Construction of the Mixed-Use building at the Ramble Civic Plaza; and

WHEREAS, Mayor Jordan recommends that the City Council approve the terms of the sale set out in the real estate purchase contract negotiated with Reindl Property, Inc.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a real estate purchase contract with Reindl Properties, Inc., a copy of which is attached to this Resolution, for the land sale of approximately 0.5 acres in the amount of \$1,247,455.00, and further authorizes the Mayor to execute all closing and other documents necessary to effectuate the sale.

City of Fayetteville Staff Review Form

2023-1171

Item ID

10/17/2023

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

Wade Abernathy

9/29/2023

FACILITIES MANAGEMENT (140)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Adopting an Ordinance authorizing the mayor to sign the Real Estate Purchase Contract the includes the terms of the development agreement with Reindl Properties, Inc. for the South Civic Plaza land sale of approximately .5 acres in the amount of \$1,247,455.00 and authorize a Trail Easement purchase in the amount of \$259,084.00

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item?

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost?

Item Cost

\$ -

Is a Budget Adjustment attached?

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # **256-22**

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

REAL ESTATE PURCHASE CONTRACT

THIS **REAL ESTATE PURCHASE CONTRACT** (this “**Contract**”) is made and executed as of the 29th day of September, 2023, by and between **REINDL PROPERTIES, INC.** and or Affiliates (“**Buyer**”) and **CITY OF FAYETTEVILLE, ARKANSAS** (“**Seller**”) as follows:

1. THE PROPERTY

For the price and upon and subject to the terms, conditions and provisions set forth in this Contract, Seller shall sell and convey to Buyer and Buyer shall purchase from Seller that certain real estate owned by Seller located adjacent to West Avenue and Spring Street in Fayetteville, Washington County, Arkansas, (the “**Property**”), in the approximate location as depicted on Exhibit 1 attached hereto, the exact legal description to be determined by survey, together with all Seller’s rights, title and interest in all public and private streets, roads, avenues, alleys and passageways, and all and singular the estates, rights, privileges, easements and appurtenances belonging or in any way appertaining to the Property.

2. PURCHASE PRICE

Purchase Price. The purchase price for the Property (“**Purchase Price**”) shall be One Million Two Hundred Forty-seven Thousand Four Hundred Fifty-five Dollars (\$1,247,455.00,) to be paid in cash at Closing.

3. DEED

On the Closing Date, Seller shall execute a deed to sell and convey to Buyer good and marketable title to the Property by special warranty deed in the form reasonably prescribed by Buyer (the “**Deed**”), subject to no liens, claims, or encumbrances (“**Encumbrances**”), except (a) a restriction concerning Prohibited Uses as defined in Paragraph 31; and (b) liens for ad valorem taxes that are not yet due and payable and (c) those title and survey exceptions either waived or approved in writing by Buyer after Buyer’s review of the Commitment, Survey (as those terms are hereinafter defined), and legible copies of all title exception documents identified on the Commitment and Survey (the “**Permitted Exceptions**”). Title to the Real Property as aforesaid shall be insured by the Title Company as provided in Section 5.

4. SURVEY

Buyer will order an ALTA survey (the “**Survey**”) within five (5) days of the execution of this Contract. Buyer and Seller will each pay one half of the cost of the Survey. The Survey will include the location and boundaries of the Property and the Public Easement (defined and described in paragraph 30). The Survey and the boundary lines of the areas surveyed therein shall be subject to the mutual agreement of Buyer and Seller.

5. TITLE INSURANCE

Commitment and Title Policy. Within ten (10) business days after the date of this Contract, Seller will order a preliminary title insurance commitment (the “**Commitment**”) from

Bronson Abstract Company, Fayetteville, Arkansas (the “**Title Company**”) pursuant to which the Title Company shall agree to issue to Buyer, an ATLA owner’s policy of title insurance (the “**Title Policy**”) in the amount of the Purchase Price, insuring marketable fee simple title to the Real Property in Buyer upon recording of the Deed.

Seller’s Title Documents. Seller shall, at Seller’s sole expense, execute, acknowledge and deliver or cause to be executed, acknowledged and delivered to the Title Company, on or before the Closing Date, such affidavits and other documents approved by the Seller, as the Title Company shall require as a condition to issuance of the Title Policy in the form herein provided (collectively, “**Seller’s Title Documents**”).

Buyer’s Title Documents. Buyer shall, at Buyer’s sole expense, execute, acknowledge and deliver or cause to be executed, acknowledged and delivered to the Title Company, on or before the Closing Date, such affidavits and other documents approved by Buyer, as the Title Company shall require as a condition to issuance of the Title Policy in the form herein provided (collectively, “**Buyer’s Title Documents**”).

6. TITLE AND SURVEY DEFECTS

Buyer shall have ten (10) days from the receipt of the Title Commitment and copies of documents constituting exceptions to title and the Survey to examine the same and to specify to Seller in writing any matters which Buyer finds objectionable (the “**Encumbrances**”).

Seller shall have thirty (30) days to cure or remove all Encumbrances at its cost and expense. If Seller fails to cause all the Encumbrances to be removed within such 30-day period or if Seller notifies Buyer of its decision not to cure or remove some or all of the Encumbrances, Buyer’s remedy shall be to:

- (i) Terminate this Agreement by giving Seller written notice thereof;
- (ii) Agree to extend additional time to Seller to cure or remove all Encumbrances; or
- (iii) Elect to purchase the Property subject to the Encumbrances and the Encumbrances not so removed or cured shall be deemed Permitted Exceptions and the Purchase Price shall not be reduced by any amount.

7. INVESTIGATION BY BUYER

Buyer has the right to conduct such due diligence as Buyer deems necessary in Buyer’s sole discretion from the date of the execution of this agreement and continuing through five (5) business days prior to Closing; provided, however, Buyer may not conduct any intrusive testing in the subsurface soil or take any bore samples without the prior, written consent of the Seller. If Buyer, in its sole discretion is not satisfied with the results of its due diligence, Buyer may terminate this Contract at any time prior to Closing by providing written notice to Seller, whereupon this Contract shall be terminated and neither party shall have any further obligation to the other party.

8. REPRESENTATIONS AND WARRANTIES OF SELLER

Seller represents and warrants to Buyer the following through the date hereof and as of the Closing Date to the best of Seller's knowledge:

- 8.1 Except as disclosed to Buyer in writing there are no unrecorded leases, arrangements, agreements, understandings, options, contracts, or rights of first refusal affecting or relating to the Property in any way.
- 8.2 Seller represents and warrants that at the time of acceptance hereof and at Closing, Seller is not a "foreign person" as such term is defined in Section 1445(f) of the Internal Revenue Code of 1954.
- 8.3 There are no actions, suits, lawsuits, proceedings, or claims affecting any part of the Property, or affecting Seller with respect to the ownership, occupancy, use, or operation of any part of the Property pending in or before any court, agency, commission, or board.
- 8.4 No petition in bankruptcy (voluntary or otherwise), assignment for the benefit of creditors, or petition seeking reorganization or arrangement or other action under Federal or State bankruptcy laws is pending against Seller.
- 8.5 Seller has not received notice from any governmental authority, stating that the Property is currently in violation of any zoning, environmental, or other land use regulations or in violation of any required licenses, registrations, certificates, permits, approvals, or other governmental authorizations relating to the use and operation of the Property. If Seller receives such a notice prior to Closing, Seller shall promptly notify Buyer of such a notice and deliver a copy thereof to Buyer.
- 8.6 Seller has not received any notice relating to its period of ownership of the Property that the Property is in violation of any applicable governmental law, regulation, or requirement relating to environmental or occupational health and safety matters or Hazardous Substances ("Environmental Laws"). As used in this Agreement, the term "Hazardous Substances" means any and all substances, materials, and wastes which are regulated as hazardous or toxic under applicable local, state, or federal law or which are classified as hazardous or toxic under applicable Environmental Laws.
- 8.7 Seller has not stored, processed, or disposed of hazardous or toxic substances on the Property.
- 8.8 No underground storage tanks are located on the Property.

For the purposes hereof, the term "Seller's Knowledge" means the actual knowledge of _____, without any duty of inquiry or investigation.

BUYER ACKNOWLEDGES AND AGREES THAT, EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS AGREEMENT OR IN ANY CLOSING DOCUMENT DELIVERED BY SELLER, (A) BUYER HAS NOT RELIED UPON AND WILL NOT RELY UPON, EITHER DIRECTLY OR INDIRECTLY, ANY REPRESENTATION OR WARRANTY OF SELLER IN CONNECTION WITH THE PROPERTY OR THIS TRANSACTION, (B) SELLER WILL SELL AND CONVEY TO BUYER, AND BUYER WILL ACCEPT THE PROPERTY "AS IS", "WHERE IS", AND "WITH ALL FAULTS" ON THE CLOSING DATE, AND THERE ARE NO ORAL AGREEMENTS, WARRANTIES OR

REPRESENTATIONS, COLLATERAL TO OR AFFECTING THE PROPERTY BY SELLER OR ANY THIRD PARTY, AND (C) SELLER DOES NOT, BY THE EXECUTION AND DELIVERY OF THIS AGREEMENT, AND SELLER WILL NOT, BY THE EXECUTION AND DELIVERY OF ANY DOCUMENT OR INSTRUMENT EXECUTED AND DELIVERED IN CONNECTION WITH CLOSING, MAKE ANY REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE WHATSOEVER, WITH RESPECT TO THE PROPERTY AND ALL SUCH WARRANTIES ARE HEREBY DISCLAIMED.

9. REPRESENTATIONS AND WARRANTIES OF BUYER

Buyer represents and warrants to Seller the following through the date hereof and as of the Closing Date to the best of Buyer's knowledge:

- 9.1 Buyer represents and warrants that at the time of acceptance hereof and at Closing, Buyer is not a "foreign person" as such term is defined in Section 1445(f) of the Internal Revenue Code of 1954.
- 9.2 No petition in bankruptcy (voluntary or otherwise), assignment for the benefit of creditors, or petition seeking reorganization or arrangement or other action under Federal or State bankruptcy laws is pending against Buyer.
- 9.3 Buyer has full authority to enter into this Contract and fulfill all its obligations pursuant therewith.

"Buyer's Knowledge" means the actual knowledge of Brian Reindl.

10. TAXES AND ASSESSMENTS

No tax prorations will occur because Seller is not subject to real estate taxes. Buyer is responsible for paying all real property taxes and assessments due and payable after the date of Closing.

11. CLOSING COSTS AND ADJUSTMENTS

Seller's Costs. Seller shall pay the cost of (1) one-half of the documentary stamps; (2) the cost of the owner's portion of the title insurance policy; (3) one-half the Title Company's closing fee and document preparation fee; (4) the Title Company's title search fee; (5) all certificates, instruments and documents which Seller is required to deliver or cause to be delivered; (6) one-half of the Survey; (8) one-half of the cost of appraisals required in connection with the Purchase Price of the Property or in connection with the Public Easement as provided in this Contract; and (7) its legal fees and expenses.

Buyer's Costs. Buyer shall pay the cost of (1) one-half of the documentary stamps; (2) one-half the Title Company's closing fee and document preparation fees; (3) the cost of any loan policy of title insurance including all endorsements required by Buyer's lender; (4) all certificates, instruments and documents which Buyer is required to deliver or cause to be delivered; (5) Buyer's legal fees and expenses; (6) one half of the Survey; and (7) one-half of the cost of any third appraisal required in connection with the Purchase Price of the Property or in connection with the Public Easement as provided in this Contract.

12. CONDEMNATION AND CASUALTY

If, prior to the Closing Date, all or any part of the Property shall be condemned by governmental or other lawful authority such that the remaining property is insufficient for Buyer to construct the Mixed Use Building (as defined below), Buyer shall have the option, exercised by delivery to Seller of written notice of such election on or before the fifteenth (15th) business day following the date on which Buyer receives from Seller written notice of such condemnation of either (a) completing this transaction, in which event (i) there shall be no reduction of the Purchase Price, (ii) Seller shall have no duty to repair or restore, (iii) Seller shall pay to Buyer all condemnation proceeds received by Seller with respect to such condemnation, and (iv) Seller shall assign to Buyer all rights of Seller in and to such condemnation proceeds, or (b) terminating this Contract.

13. LEASES AND OTHER AGREEMENTS

During the period from the date of this Contract to and including the Closing Date, Seller shall not, without the prior written consent of Buyer enter into a lease of the Property that has a term extending beyond the Closing Date.

14. CLOSING

Closing Date. Provided all conditions to closing set forth in this Contract have been satisfied or waived by Buyer and Seller, and this Contract has not been terminated in accordance with the provisions herein set forth, the transaction contemplated herein shall close within thirty (30) days of the satisfaction or fulfillment of all conditions of closing, or such other date as is mutually agreeable to Seller and Buyer, PROVIDED, however, that if Closing does not occur on or before _____, Seller may, in its sole discretion, terminate this Contract and neither party shall have any further obligations to the other party. Such date for the closing of title is herein called the “**Closing Date**” or such occurrence is called the “**Closing**” or “**closing**”.

Seller’s Deliverables. On or before the Closing Date, Seller shall deliver or cause to be delivered to the Title Company the following: (a) Special Warranty Deed; and (b) Seller’s Closing Statement and such other documents as Title Company may require at Closing and which are approved by the Seller.

Buyer’s Deliverables. On or before the Closing Date, Buyer shall deliver or cause to be delivered to the Title Company the following: (a) by federal wire transfer of funds to the Title Company’s escrow account an amount equal to (i) the balance of the Purchase Price due at closing, adjusted as herein provided, plus (ii) the aggregate amount of closing costs for which Buyer is responsible as provided herein, all as shown on Buyer’s closing statement; (b) and Buyer’s Closing Statement and such other documents as Title Company may require at Closing.

15. POSSESSION

Exclusive possession of the Property shall be delivered to Buyer on the Closing Date.

16. BROKERAGE

Seller hereby represents and warrants that it has not engaged the services of any real estate agent, broker or firm in connection with the Property or this real estate transaction. Buyer hereby represents and warrants that it has not engaged the services of any real estate agent, broker or firm in connection with the Property or this real estate transaction.

17. SURVIVAL

Except as otherwise set forth herein, all warranties, representations, covenants, obligations, and agreements contained in this Contract shall survive the closing hereunder and the transfer and conveyance of the Property and any and all performances hereunder for a period of six (6) months.

18. TIME

Time is of the essence of this Contract.

19. NO WAIVER

Except as herein expressly provided, no waiver by a party of any breach of this Contract or of any warranty or representation hereunder by the other party shall be deemed to be a waiver of any other breach by the other party (whether preceding or succeeding and whether or not of the same or similar nature), and no acceptance of payment or performance by a party after any breach by the other party shall be deemed to be a waiver of any breach of this Contract or of any representation or warranty hereunder by such other party, whether or not the first party knows of such breach at the time it accepts such payment or performance. No failure or delay by a party to exercise any right it may have by reason of the default of the other party shall operate as a waiver of default or modification of this Contract or shall prevent the exercise of any right by the first party while the other party continues to be so in default.

20. INSTRUMENTS IN WRITING

No agreement, consent, approval, notice, amendment, modification, understanding, or waiver of or with respect to this Contract or any agreement, instrument, or document entered into pursuant to or with respect to this Contract, or any term, provision, covenant, or condition hereof or thereof, nor any approval or consent given under or with respect to any of the foregoing, shall be effective for any purpose unless contained in a writing signed by the party against which such agreement, amendment, modification, understanding, waiver, approval or consent is asserted.

21. NOTICES

Any and all notices, requests, demands, or other communications hereunder shall be deemed to have been duly given if in writing and if transmitted by hand delivery with receipt therefor, by facsimile delivery (with confirmation by hard copy), by overnight courier, or by registered or certified mail, return receipt requested, first class postage prepaid addressed as follows (or to such new address as the addressee of such a communication may have notified the

sender thereof) (the date of such notice shall be the date of actual delivery to the recipient thereof):

If to Buyer: Reindl Properties, LLC
Attn: Brian Reindl
509 W Spring St, Ste 310
Fayetteville, AR 72701
greaterproductions@gmail.com

With copy to:
Reed Law Firm, P.A.
3301 S. Market St, Ste 211
Rogers, AR 72758
chris@reedlaw-planning.com

If to Seller:
City of Fayetteville
Attn: Mayor's Office
113 W. Mountain Street
Fayetteville, AR 72701
Mayor@fayetteville-ar.gov

With a copy to: Vicki Bronson
Conner & Winters, LLP
4375 N. Vantage Dr., Suite 405
Fayetteville, AR 72703
vbronson@cwlaw.com

Either party may designate a different address or addresses for itself by notice similarly given. Any notice given by registered or certified mail shall be deemed to have been given on the third day after the same is deposited in the mail, and any notice not so given shall be deemed to have been given upon receipt of the same by the party to whom the same is to be given.

22. ENTIRE AGREEMENT

This Contract contains the entire agreement with respect to the transactions contemplated herein, and there are no other terms, conditions, promises, understandings, statements, or representations, express or implied, concerning the same, and neither party is relying on any representation or statement not specifically contained herein.

23. GOVERNING LAW

This Contract shall be governed by and construed in accordance with the laws of the State of Arkansas.

24. ESTOPPEL

Each party confirms and agrees that (a) it has read and understood all of the provisions of this Contract; (b) it has negotiated with the other party at arm's length with equal bargaining power; and (c) it has been advised by competent legal counsel of its own choosing.

25. JOINT PREPARATION

This Contract is deemed to have been jointly prepared by the parties hereto, and any uncertainty or ambiguity existing herein, if any, shall not be interpreted against any party, but shall be interpreted according to the application of the rules of interpretation for arm's length agreements.

26. ASSIGNMENT

Neither party may assign this contract without the prior written consent of the other party.

27. WAIVER OF JURY TRIAL

TO THE EXTENT PERMISSIBLE UNDER APPLICABLE LAW, EACH PARTY HEREBY WAIVES TRIAL BY JURY IN ANY ACTION, PROCEEDING OR COUNTERCLAIM BROUGHT BY ANY PARTY AGAINST THE OTHER PARTY ON ANY MATTER ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS CONTRACT.

28. ATTORNEYS FEES

If either party is required to bring litigation to enforce its rights under this contract, the prevailing party shall be entitled to recover its attorney's fees and costs, including expert witness fees.

29. CONTINGENCIES

In addition to any other conditions or contingencies contained herein, the parties' obligations to close on this transaction are conditioned upon satisfaction of the following conditions on or prior to Closing:

- A. Buyer and Seller's approval of the Survey.
- B. Buyer and Seller's approval and execution of a Development Agreement concerning the Mixed-Use Building as more particularly described in Paragraph 31.
- C. Buyer and Seller's approval and Buyer's execution of the Public Easement, as more particularly described in Paragraph 30.
- D. Buyer's execution and delivery to Seller of a perpetual easement for the use of the City Restrooms and Storage Space as provided in Paragraph 31.

30. ADDITIONAL CONSIDERATION

As additional consideration for the transactions contemplated herein Buyer agrees to grant a permanent easement to Seller for pedestrian walking and biking trails ("**Public Easement**") located across real property currently owned by Buyer adjacent to the Property. The exact location of the Public Easement shall be determined by the Survey. In consideration for Buyer's conveyance of the Public Easement, Seller will pay Buyer Two Hundred Fifty-nine Thousand Eighty-four Dollars (\$259,084.00), which represents the fair market value as determined by the

parties' appraisals and which shall be deducted from the Purchase Price at Closing. A reconciliation of the final price will be done with final survey and closing documents.

31. DEVELOPMENT OF THE MIXED-USE BUILDING

A material condition of Seller's agreement to sell the Property to Buyer is for Buyer to develop and construct a Mixed-Use Building ("Building") on the Property as described in that certain Letter of Intent executed between the parties dated effective November 9, 2022. The approval of a Development Agreement by Buyer and Seller concerning the design, construction, and use of the Building and allocation of any shared costs associated with the construction of the City Restrooms and Storage Space is an express condition to the Buyer and Seller's obligations under this Contract. The Development Agreement shall incorporate, at a minimum, the following terms:

A. Buyer will construct a multi-story Mixed Use Building (the "Building") containing hotel uses and associated meeting spaces, office spaces, street level retail, and hospitality spaces, and must contain a minimum of one restaurant, café, or coffee shop at ground level. The Building may include additional uses as necessary to meet the financial goals of the project if approved by Seller. The following Use Units *may* be allowed, subject to the Seller's prior approval in conjunction with the Seller's typical processes and procedures for considering and approving zoning, development, licenses, and permits, including conditional use restrictions:

Unit 4: Cultural and Recreational Facilities; Unit 13: Eating Places; 12a: Limited Business; 12b: General Business; Unit 14: Hotel, Motel and Amusement Facilities; Unit 15: Neighborhood Shopping Goods; Unit 16: Shopping Goods; Unit 19: Commercial Recreation, Small Sites; Unit 25: Offices, Studios, and Related Services; Unit 26: Multi-Family Dwellings; Unit 29: Dance Halls; Unit 34: Liquor Stores; Unit 35: Outdoor Music Establishments; Unit 40: Sidewalk Cafes; Unit 45: Small Scale Production; and Unit 46: Short Term Rentals.

Provided, however, that nothing contained in this Contract is intended to be nor may be construed to be a promise or agreement that Seller will approve any of the specific uses described above. The uses permitted are subject to Seller's prior approval according to Seller's typical processes and procedures for considering and determining permitted uses. In addition, certain uses which may be allowed under the zoning categories described above require a conditional use permit, including, but not limited to Unit 35: Outdoor Music Establishments. Because of the proximity to the Civic Space (Seller's property adjacent to the Property a/k/a the Ramble) as well as the Walton Arts Center and other local businesses, the use of amplified music on the Property requires specific approval by Seller in advance and is subject to all reasonable conditions which Seller requires, including, but not limited to prohibiting the use of amplified music after 10:00 p.m. Nothing in this Contract is intended to be nor may be construed to be a waiver or release of any of Seller's requirements or conditions for receiving a conditional use permit for any use that may be allowed under the zoning categories stated above.

Further provided, none of the following uses will be permitted on the Property (the "**Prohibited Uses**") at any time: crematorium; mausoleum; funeral home; furniture repair and refinishing; taxidermist; vape shops; body piercing/tattoo; gunsmith; animal hospital; animal day care; day care; bail bonding agencies; hospital; vehicle sales; convalescent home; boarding/rooming housing (other than is typically associated with hotel use); dormitory;

fraternity/sorority housing; and slot car track. Any deed from the Seller conveying the Property to Buyer will contain a restriction against the Prohibited Uses and the restriction will be a restriction that runs with the Property for a minimum of 75 years.

B. As befits its prominent location, the Building will be a substantial and attractive building. The Building's design, plans and specifications, including, but not limited to exterior finishes, and site development are subject to Seller's development review process, ordinances, and rules and must be approved by Fayetteville City Council. Nothing in this Contract is intended to or may be construed as a waiver of any of Seller's ordinances, rules, or regulations.

C. The Building will have three primary facades; one facing the Civic Space to the north, one facing the vacated Spring Street right-of-way to the south, and the third facing West Avenue to the east. All primary facades will be attractive, well-proportioned, and constructed of high-quality materials in accordance with the plans and specifications.

D. The Building shall be designed and built in substantial compliance with the drawings, depictions, and concepts on the attached Exhibit 2 which depict the minimum standards for materials, design, and architectural features. Any significant deviation from exterior design reflected on Exhibit 2 may not be approved by Fayetteville City Council.

E. The design and construction of the Building shall comply with all local, state, and federal building codes, rules, regulations, and laws, including those of Seller.

F. Buyer must present its application for Planned Zoning District (PZD) Review approval, along with all required documents no later than July 1, 2024. The Building and associated improvements are subject to approval pursuant to City of Fayetteville Development Review codes, processes, and procedures, including review by Planning Staff, Planning Commission, and City Council. Documents shall include all building facades, floor plans of all levels, infrastructure improvements, multi-use trail details, and all other requirements of City of Fayetteville codes.

G. Notwithstanding anything contained herein to the contrary, if Buyer does not secure a Building Permit for the Building within twelve (12) months of substantial completion of Seller's Civic Space, then this Contract and all agreements pertaining to this Contract shall be null and void and neither party shall have any obligations to the other party.

H. If Buyer fails to either (a) commence construction of the Building within sixty (60) days of Seller issuing a Building Permit or (b) complete construction of the Building within twenty-four (24) months of issuance of the Building Permit, then Seller at its sole discretion shall have the absolute and unconditional right to buy the Property back from Buyer, and any improvements made as of that date. If Seller elects to exercise its rights under this paragraph, the purchase price Seller will pay Buyer will be the original Purchase Price Buyer paid Seller for the Property, plus the fair market value of the completed improvements on the Property as determined by a third-party real estate appraiser, less all amounts paid by Seller for construction or construction estimates for the City Restrooms and Storage Space. The provisions for selection of appraisers contained in Paragraph 30 also apply to this Paragraph.

I. The Building must be designed and constructed to provide a ground floor that is open and inviting to the public on the north side to accentuate and facilitate the use of the Civic

Space. The hotel lobby shall be located on the ground floor and shall be open and inviting. Additionally, a bar, restaurant or café and retail uses will be provided on the ground floor.

J. Buyer agrees to make a good faith effort to purchase building supplies and materials locally to support sales tax revenue for Seller.

K. Buyer must provide all parking required by Seller's parking codes and requirements at Buyer's cost. Buyer must provide the amount of valet parking to Building guests that is usual and typical for the size of the Building. As a condition of this Contract and prior to Closing, Buyer must own or have a written lease for sufficient property to provide parking as required by Seller's parking requirements, including but not limited to City Code sections 172.05 and 156.03C(5). To the extent Seller has any excess parking spaces available Seller agrees to lease the excess parking spaces to Buyer at current market rates. Seller makes no representations that it has any parking spaces available to lease to Buyer.

L. All Building loading recycling, and solid waste and associated receptacles must be located on the west side of the Building. No such activities will be permitted from or facing any public street.

M. The Building design and construction will incorporate sufficient air filtering to promote indoor air quality.

N. The Building will be designed and constructed to provide an efficient and properly designed envelope that will prevent air and water infiltration and reduce thermal bridging. The Building will implement the use of smart energy-management systems to decrease energy use in the Building, including but not limited to the installation of smart systems to avoid heating and cooling vacant rooms.

O. Buyer and Seller will coordinate design consultants on designing bicycle, pedestrian, automotive, and landscape infrastructure on all sides of the Building. The amount of the costs of those improvements and an agreement as to which costs will be paid by Seller and which will be paid by Buyer are a condition of this Contract and a condition of Closing. Once the costs for these improvements are established, Buyer and Seller agree to pay their pro-rata share of such costs.

P. Seller agrees to pay one half of the cost of extending water and sanitary sewer to the Building's site to provide water and sewer to the City Restrooms. Once the costs for these improvements are established, Seller agrees to pay that amount to Buyer. The amount of such costs must be reasonable and must be approved by Seller in advance in writing.

Q. Seller will assist Buyer in coordinating burial of existing power lines to the extent necessary; however, Seller has no obligation to incur any costs associated with burying overhead power lines.

R. Buyer is responsible for providing all water, sewer, electrical, cable, telephone, gas, or other utilities to the Building. Seller has no obligation to incur any costs associated with Buyer's installation of utilities except for the costs associated with extending water and sewer to the Building site, if any, for the City Restrooms as described above. If it is necessary for Seller to grant utility easements across its property to provide utilities to the Property, Seller agrees to grant a utility easement, provided however, that the location of the easement and any utility lines and equipment are subject to Seller's prior approval.

S. The Building shall contain public restrooms at street level, accessible from the Frisco Trail to serve trail and other public space users (the “City Restrooms”). The Building shall also contain a storage space for storing equipment associated with the planned performance area of the Civic Space and such other items which City desires (“Storage Space”). In addition:

i. All City Restrooms must comply with the Americans with Disabilities Act.

ii. Buyer shall be responsible for constructing the City Restrooms and Storage Space to a “white box” finish, subject to Seller’s approval of the design. The City Restrooms and Storage Space contain a minimum of 1,600 square feet. The Storage Space shall be located on the west side of the Building for convenient access to the City Space. The approximate location of the City Restrooms and Storage Space are shown on Exhibit 3, attached.

iii. The costs of construction of the City Restrooms as a white box finish and the Storage Space, including the pro-rata share of the cost of foundations, structure, roof, and exterior walls as well as the electrical rough in, plumbing, and HVAC equipment and services, and other elements to be paid by the Seller agreed to prior to commencement of construction of the Building. Buyer is responsible for completing and delivering the City Restrooms in a white box finish and Seller is responsible for contracting for and paying the costs to finish out the interior of the City Restrooms as it deems appropriate with a contractor of its choice.

iv. The Seller shall have exclusive use, control, possession, and right to the City Restrooms and Storage Space pursuant to a perpetual exclusive easement to be granted by Buyer, the form of which must be agreed to by the parties and executed prior to or at Closing. Restrooms and storage to be maintained and serviced by the Seller.

v. In addition to the City Restrooms, the Building must contain separate public restrooms at ground level for the use of the Building’s patrons as required by all Seller, state, and federal ordinances, rules, and regulations.

T. The Building shall contain a street level “back of house” space to be used by event organizers in the approximate location as shown on Exhibit 3.

U. Buyer, at its expense, will implement, install, and maintain landscaping on the Property as required by Seller pursuant to plans developed by Seller’s landscape design architects.

V. Seller shall maintain exclusive control of all of Seller’s property and exterior spaces adjacent to the Building and Property. Should Buyer desire to use any Seller property, the use must be coordinated with Seller and anchor institutions adjacent to the area, (e.g., Walton Arts Center, TheatreSquared, etc.) and any other group selected by the Seller to represent its interests in creating a lively and attractive park and Civic Plaza. Buyer must apply for use of Seller’s property in the same manner as any other member of the public.

W. The Building shall provide a location for the display of local art, to be coordinated between Buyer and local arts organizations, schools, or the Seller.

X. All other terms and conditions as the parties may agree.

IN WITNESS WHEREOF, the parties have executed this Contract as of the date first above written.

BUYER:

REINDL PROPERTIES, INC.

By: 
Brian Reindl

Date: _____

SELLER:

CITY OF FAYETTEVILLE, ARKANSAS

By:

Lioneld Jordan, Mayor

Date: November 07, 2023

ATTEST:

By: _____

Kara Paxton, City Clerk-Treasurer

TO: Technical Plat Review

THRU: Jessie Masters, Development Review Manager

FROM: Melissa Evans, Urban Forester

MEETING DATE: April 8, 2024

SUBJECT: **PZD-2024-0003: PARK HOTEL:** Submitted by PRISM DESIGN STUDIO for property located at 215 N. WEST AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.56 acres. The request is for the property to be zoned PZD, PLANNED ZONING DISTRICT.

RECOMMENDATION:

Urban Forestry Staff recommends approval of PZD-2024-0003. Regarding Tree Preservation, the applicant states site constraints and that, "Full site analysis and mitigation plans will be provided as part of the grading permit review of the overall project."

Though there are not many trees on the site, with the exception of a few pine trees at the west side of the site, it is highly recommended that as many trees be preserved as possible to meet the requirement. The buildings, parking, utilities, and other infrastructure elements should be designed around the trees if possible.

Chapter 177 Landscape Regulations must be met also, including street trees along public or private streets and parking lot trees. The applicant states in the booklet that, "Full landscape plans will be submitted with the grading permit review."



PRISM DESIGN STUDIO

LANDSCAPE ARCHITECTURE | PLANNING | PROJECT MANAGEMENT

Prism Design Studio LLC

PO Box 1035

Huntsville, AR 72740

P: 479.883.2845

W: PRISMDS.CO

E: JENNYB@PRISMDS.CO

Cover Letter

February 28, 2024

City of Fayetteville
Development Services
125 W Mountain St
Fayetteville, AR 72701
developmentservices@fayetteville-ar.gov
479-575-8233

RE: Planned Zoning District Application

To Whom It May Concern,

Please accept this letter as a formal request for a Planned Zoning District as presented in the attached packet. The request is part of a contract agreement with the City of Fayetteville and the Owner, Reindl Properties, Inc for the purchase of 0.6 acres, located on the south side of the Civic Plaza.

We request a formal review, including public notification, in compliance with the City of Fayetteville Municipal code.

If you have any comments or concerns, please contact me at JennyB@prismds.co or 479.883.2845.

Sincerely,

Jenny Burbidge, PLA, ASLA
Owner + Principal
Prism Design Studio LLC

PARK HOTEL

500 WEST SPRING STREET
FAYETTEVILLE, ARKANSAS

PLANNED ZONING DISTRICT BOOKLET

MARCH 20, 2024



Trout
TROUT

olsson



PRISM DESIGN STUDIO
LANDSCAPE ARCHITECTURE | PLANNING | PROJECT MANAGEMENT

REINDL
PROPERTIES, LLC

TABLE OF CONTENTS

PROJECT INFORMATION..... PG. 3

PROJECT NARRATIVE..... PG. 3

PLANNED ZONING DISTRICT AREAS..... PG,3

STREET AND LOT LAYOUT..... PG. 4

PARKING..... PG. 5

BUFFER AREAS..... PG. 5

TREE PRESERVATION AREAS PG. 6

STORM WATER DETENTION AREAS AND DRAINAGE PG. 7

EXISTING AND PROPOSED UTILITY CONNECTIONS/ EXTENSIONS &
IMPACT ON CITY SERVICES..... PG. 7

DEVELOPMENT AND ARCHITECTURAL DESIGN STANDARDS..... PG. 8

BUILDING DESIGN NARRATIVE

PRIMARY MATERIALS

SECONDARY/TRIM MATERIALS

ARCHITECTURAL ELEVATION PRECEDENT IMAGERY..... PG. 9

SIGNAGE EXAMPLES..... PG. 11

STREETLIGHTS..... PG. 11

SITE MATERIALS..... PG. 12

PROPOSED PLANNING AREAS PG. 13

SITE PLAN..... PG. 13

EXISTING ZONING & PROPOSED ZONING COMPARISON..... PG. 14

ANALYSIS OF SITE CHARACTERISTICS.....PG. 16

DESCRIPTION OF THE RECREATIONAL FACILITIES, INCLUDING PG. 16

EXISTING AND PROPOSED PARK SITES, OPEN SPACE AND
ACCESSIBILITY TO PARKS AND OPEN SPACE AREAS

REASON FOR REQUESTING THE ZONING CHANGE..... PG. 17

STATEMENT OF HOW THE DEVELOPMENT WILL RELATE THE EXISTING..... PG. 17

AND SURROUNDING PROPERTIES IN TERMS OF LAND USE,
TRAFFIC, APPEARANCE, AND SIGNAGE.

STATEMENT OF THE PROJECT’S COMPLIANCE WITH THE..... PG. 17

FAYETTEVILLE COMPREHENSIVE LAND USE PLAN

LEGAL DESCRIPTION PG. 18

PROJECT INFORMATION

PARCEL No: 7 65-01743-003
ACREAGE: 0.60 ACRES
LEGAL DESCRIPTION: SEE APPENDIX

OWNER INFORMATION:
REINDL PROPERTIES, INC.
509 W SPRING STREET SUITE 310
FAYETTEVILLE, AR 72701-5060

PROJECT NARRATIVE

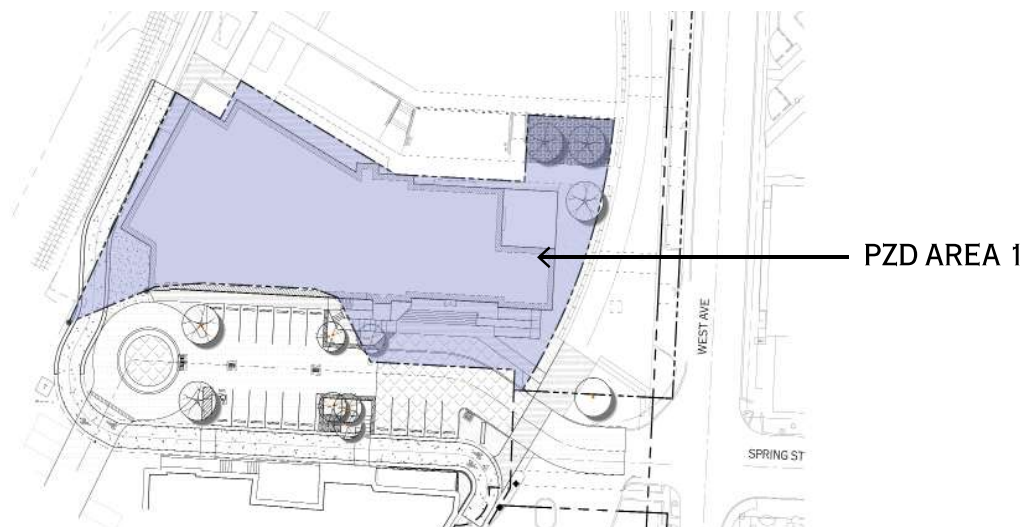
THE FOLLOWING PROJECT PROPOSAL INCLUDES THE CONSTRUCTION OF A MULTI-STORY HOTEL AND MIXED - USE BUILDING. THE PROJECT WILL INCLUDE ASSOCIATED PRIVATE DRIVE AND PARKING IMPROVEMENTS, SIDEWALK, LANDSCAPING, UTILITY CONNECTIONS AND STORM WATER IMPROVEMENTS TYPICAL WITH DEVELOPMENT.

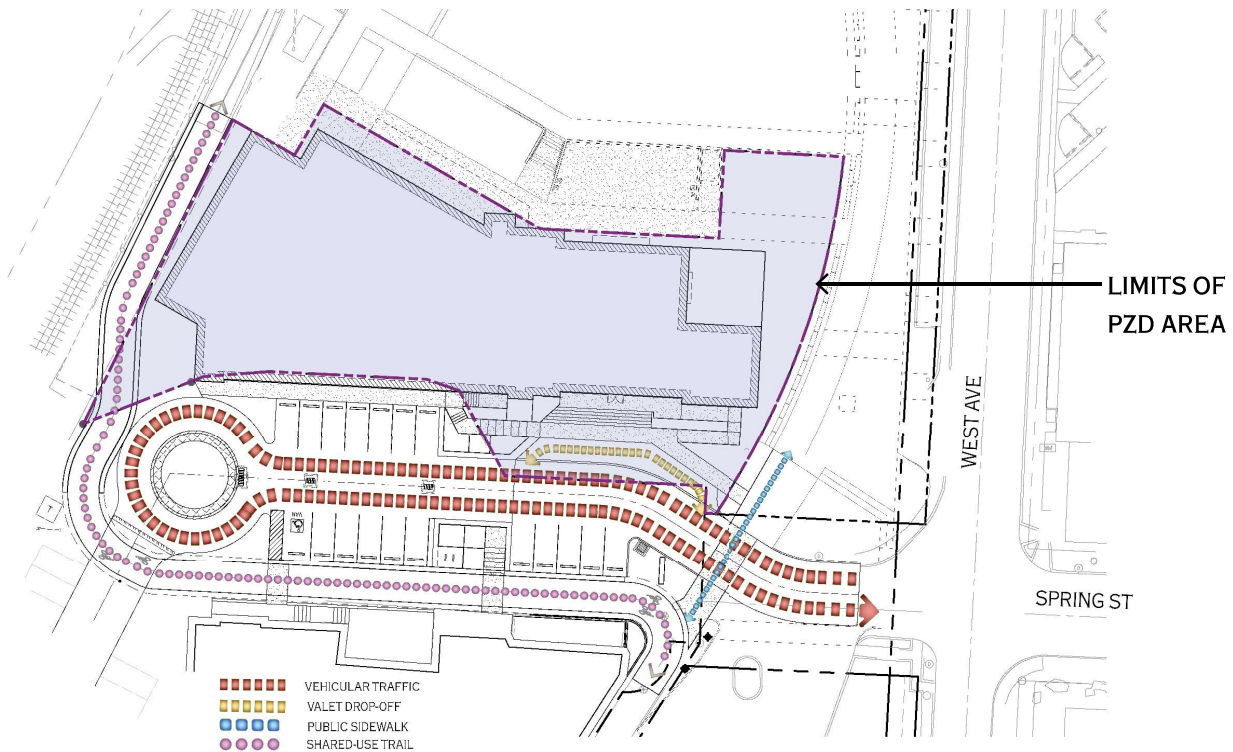
THE PROJECT WILL BE THE SOUTHERN EDGE TO THE CITY CIVIC PLAZA, LOCATED IN THE FORMER WALTON-ARTS CENTER PARKING LOT. THE PARK HOTEL WILL PROVIDE THE FOLLOWING AMENITIES:

- APPROXIMATELY 120 TRANSIENT LODGING HOTEL KEYS
- RESTAURANT / DINING
- CAFE / COFFEE SHOP
- ROOFTOP POOL, OUTDOOR EVENT, BAR, AND SERVICE AREAS
- CONFERENCE CENTER & BOARD ROOMS
- WELLNESS CENTER
- HOTEL ADMINISTRATIVE, OPERATIONAL AND SUPPORT FACILITIES
- CITY SERVICES: PUBLIC RESTROOMS FOR THE CIVIC PLAZA/TRAIL USERS
- CITY SERVICES: STORAGE SPACE ON BASEMENT LEVEL

PLANNED ZONING DISTRICT AREAS

THE PLANNED ZONING DISTRICT INCLUDES ONE PARCEL AS INDICATED IN THE DIAGRAM. ASSOCIATED PROJECT IMPROVEMENTS, WHICH INCLUDE A RE-ALIGNMENT OF A PRIVATE DRIVE, RELOCATION OF A SHARED-USE TRAIL, PARKING FOR THE METRO-DISTRICT BUILDING, AND OFF-SITE PARKING FOR THE HOTEL WILL OCCUR OUTSIDE OF THE PZD AREA.





STREET AND LOT LAYOUT

THE PROPERTY, AS IT EXISTS, DOES NOT HAVE FRONTAGE OR DIRECT ACCESS TO PUBLIC RIGHT-OF-WAY. SPRING STREET EXTENDS WESTWARD APPROXIMATELY 88 FEET FROM THE SPRING STREET/ WEST AVENUE INTERSECTION AND ENDS BEFORE REACHING THE PROPERTY. THE PROJECT PROPOSES A CONTINUATION OF SPRING STREET ADDRESSING FOR THE HOTEL LIKE THAT OF THE EXISTING METRO DISTRICT. THE PROPOSED HOTEL ADDRESS IS 500 W SPRING STREET.

AN EXISTING PRIVATE DRIVE CONNECTS TO SPRING STREET AND PROVIDES ACCESS TO THE METRO DISTRICT VIA PUBLIC ACCESS EASEMENT.

THIS PROJECT PROPOSES TO REALIGN THE EXISTING PRIVATE DRIVE TO ACCOMMODATE THE RELOCATION OF THE RAZORBACK GREENWAY TRAIL. THE LOCATION AND ALIGNMENT OF THE TRAIL IS IN DIRECT COORDINATION WITH THE CITY OF FAYETTEVILLE.

A DROPOFF AND VALET LANE EXTENDS PAST THE MAIN PRIVATE DRIVE, ALLOWING FOR TRAFFIC FLOW TO CONTINUE PAST TYPICAL DROP OFF AND VALET OPERATIONS.

THE DRIVE AND PARKING AREA END WITH A ROUNDABOUT IN ORDER TO KEEP ALL ASSOCIATED HOSPITALITY TRAFFIC AND VALET SERVICES WITHIN THE EXISTING SHARED ACCESS EASEMENT. HOTEL LOADING AND TRASH AREAS ARE LOCATED ON THE MOST WESTERN END OF THE BUILDING. THE ROUNDABOUT WILL HAVE A TRAFFIC RATED CENTER ISLAND TO ACCOMMODATE LOADING VEHICLES TURNING RADI.

PARKING

NO MINIMUM PARKING REQUIREMENT EXISTING FOR NON- RESIDENTIAL USES, INCLUDING A HOTEL. WITH THAT, THE CITY DOES REQUIRE A PARKING STATEMENT AND PLAN BE IN PLACE AS PART OF THE DEVELOPMENT. A DOWNTOWN PARKING STUDY WAS COMPLETED IN APRIL 2023 BY KIMLEY HORN AND PRESENTED TO THE PLANNING COMMISSION, WHICH INDICATED THE DOWNTOWN PARKING AREA WAS NOT AT CAPACITY.

THE HOTEL WILL PROVIDE VALET OR DROP-OFF ONLY OPTIONS FOR PATRONS AND GUESTS. ADDITIONALLY, TWO CITY OWNED PARKING GARAGES ARE LOCATED WITHIN 0.15 MILES OF THE HOTEL. THE PARKING INDICATED ON THE SITE PLAN IS PARKING TO SUPPORT THE EXISTING METRO BUILDING.

PER APPROVED CONTRACT WITH THE CITY, A MINIMUM OF APPROXIMATELY 55 - 65 SPACES SHALL BE PROVIDED OFF-SITE AT 601W CENTER STREET (PARCEL # 765-12944-000), LOCATED 0.16 MILES FROM THE HOTEL. THIS PARCEL IS UNDER THE SAME OWNERSHIP, AND SHALL SERVE AS A VALET AND EMPLOYEE PARKING ONLY. THE OFF-SITE PARKING LOT WILL NOT BE OPEN TO THE PUBLIC, BUT THE OWNER DOES RETAIN THE RIGHT TO LEASE SPACES IF PARKING ABOVE THE 65 SPACES ARE AVAILABLE.

THE PROJECT PROPOSES THAT OFF-SITE PARKING SHALL BE IN PLACE BEFORE THE CERTIFICATE OF OCCUPANCY IS RELEASED FOR THE HOTEL. THE OFF-SITE PARKING AREA IS SUBJECT TO A CONDITIONAL USE PERMIT.

BUFFER & LANDSCAPE AREAS

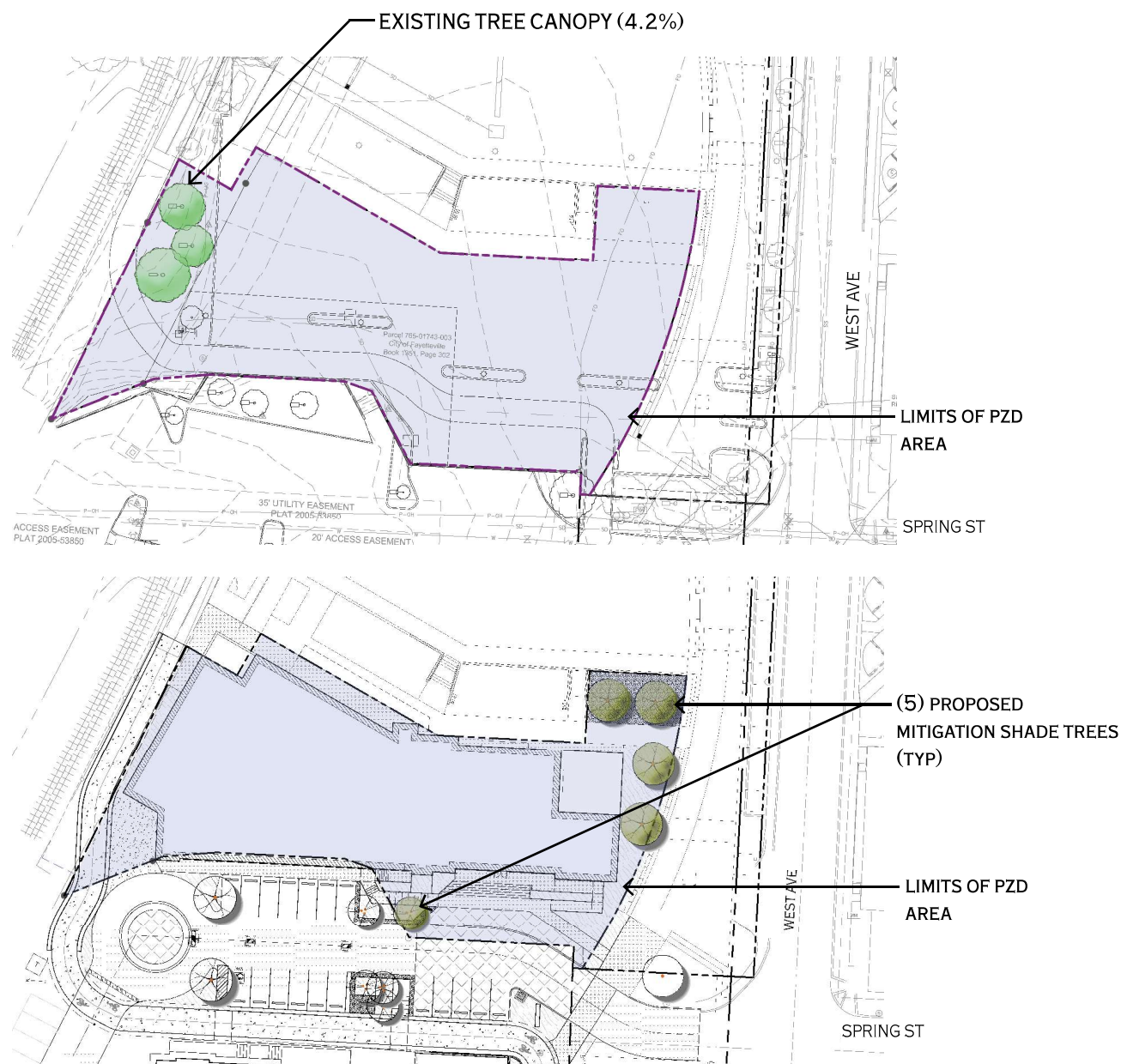
BUFFER AREAS ARE NOT REQUIRED PER THE CITY OF FAYETTEVILLE MUNICIPAL CODE. NO BUFFERS ARE PROPOSED AS PART OF THIS PROJECT.

THE PROPOSED LANDSCAPE FOR THIS PROJECT IS SUBJECT TO CHAPTER 177 LANDSCAPE REGULATIONS OF THE CITY OF FAYETTEVILLE MUNICIPAL CODE. FULL LANDSCAPE PLANS WILL BE SUBMITTED WITH THE GRADING PERMIT REVIEW.

TREE PRESERVATION AREAS

THE MINIMUM TREE PRESERVATION REQUIREMENT FOR PZD AREAS IS 25%. THE EXISTING TREE CANOPY COVERAGE INCLUDES THREE PINE TREES NEAR THE WESTERN EDGE OF THE PROPERTY, AND IS 1,040 SF (4.2%) OF THE SITE.

DUE TO EXISTING USE ON THE SUBJECT PROPERTY (SURFACE PARKING LOT), THE AMOUNT OF EXISTING TREE CANOPY IS LIMITED. LIKewise, DUE TO THE SIZE OF THE PARCEL, SIGNIFICANT GRADE CHANGE, INCLUDING AN EXISTING 10 FT RETAINING WALL THAT REQUIRES REMOVAL. THE TREE MITIGATION BELOW IS LIMITED TO THE PZD AREA, FULL SITE ANALYSIS AND MITIGATION PLANS WILL BE PROVIDED AS PART OF THE GRADING PERMIT REVIEW OF THE OVERALL PROJECT.



STORM WATER DETENTION AREAS AND DRAINAGE

THE PROJECT WILL NOT BE ADDING MORE THAN 10,000 SF OF IMPERVIOUS AREA, THEREFORE, STORM WATER DETENTION OR WATER QUALITY MEASURES ARE REQUIRED OR PROVIDED. THE PROJECT WILL ADD NEW STORM WATER INFRASTRUCTURE AS NECESSARY BY THE SITE DESIGN, AND THE POST DEVELOPMENT CONDITIONS WILL MIMIC PRE-EXISTING CONDITIONS.

THE PZD AREA GENERALLY SLOPES FROM NORTHEAST TO SOUTHWEST, ANY OFF-SITE WATER TO THE NORTH IS BEING COLLECTED AS PART OF THE CIVIC PLAZA PROJECT. NEW STORMWATER WILL BE COLLECTED BY THE BUILDINGS ROOF DRAIN SYSTEM, AND DIRECTED TO AN UNDERGROUND SYSTEM. THE PROPERTY HAS ADEQUATE ACCESS TO EXISTING STORM PIPES/CULVERTS IN ORDER TO PROPERTY CONVEY STORM WATER. AN EXISTING DOUBLE CULVERT TO THE WEST WILL SERVE AS THE PRIMARY CONNECTION FOR FUTURE STORM WATER PIPES. LASTLY, THIS SITE WAS INCLUDED IN A LARGER DRAINAGE STUDY AS PART OF THE CULTURAL ARTS CORRIDOR PROJECT.

A STREAM PROTECTION AREA PASSES THROUGH THE SITE, FOLLOWING TANGLEWOOD BRANCH, WHICH HAS BEEN ENCLOSED IN A BOX CULVERT PRIOR TO THE ADOPTION OF THE CITY'S STREAMSIDE PROTECTION ORDINANCE. COORDINATION WITH THE ENGINEERING DIVISION WILL TAKE PLACE TO ENSURE COMPLIANCE WITH THE UDC CHAPTER 168.12, TO THE EXTENT POSSIBLE WITH EXISTING CONDITIONS BEING TAKEN INTO CONSIDERATION.

EXISTING AND PROPOSED UTILITY CONNECTIONS AND EXTENSIONS & IMPACT ON CITY SERVICES, INCLUDING THE AVAILABILITY OF WATER AND SEWER

AS PART OF THE DEVELOPMENT PROCESS, THE DESIGN TEAM WILL PROVIDE WATER AND SEWER DEMAND CALCULATIONS TO ENSURE THERE ARE A NEGATIVE IMPACTS TO THE CITY'S EXISTING SYSTEM.

CURRENTLY, A 6" WATER MAIN RUNS ALONG THE SOUTH OF THE PROPERTY, AND WILL BE USED FOR DOMESTIC SERVICE. IF ADDITIONAL CAPACITY IS NEEDED FOR FIRE SERVICE, A MAIN EXTENSION FROM AN 8" WATER LINE IN WEST AVE WILL BE PROPOSED. AN ADDITIONAL HYDRANT SHALL BE PROVIDED AS NECESSARY TO MEET FIRE CODE REQUIREMENTS.

A 12" SANITARY SEWER MAIN EXISTS TO THE SOUTH OF THE PROPERTY, WHICH LATER UP SIZES TO A 24" DOWNSTREAM. THE HOTEL WILL UTILIZE THE EXISTING MANHOLE, IF POSSIBLE, OR PROPOSE A NEW MANHOLE IN THE EXISTING LINE IF NECESSARY. THERE IS ADEQUATE DEPTH OF THE CITY'S EXISTING FACILITIES, SUCH THAT SERVICE IS NOT A CONCERN.

IT IS OUR UNDERSTANDING THAT THERE ARE SUFFICIENT PUBLIC UTILITIES TO SERVE THE PZD AREA AND THERE IS NOT ANTICIPATED TO BE ANY ADVERSE IMPACTS ON CITY SERVICES. FURTHER COORDINATION REGARDING DEMANDS WILL TAKE PLACE AS PART OF THE DEVELOPMENT PROCESS FOR THE HOTEL.

DEVELOPMENT AND ARCHITECTURAL DESIGN STANDARDS

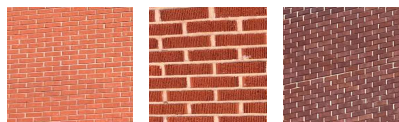
THIS PLANNED ZONED DISTRICT DOES NOT IMPOSE ADDITIONAL ARCHITECTURAL STANDARDS ABOVE THE CITY OF FAYETTEVILLE BUILDING DEVELOPMENT STANDARDS. THE DOWNTOWN DESIGN OVERLAY STANDARDS, THE STANDARD NON-RESIDENTIAL DESIGN STANDARDS (CHAPTER 166.24), AND THE COMMERCIAL, OFFICE, AND MIXED USE DESIGN DEVELOPMENT STANDARDS (166.25) WILL APPLY TO THIS PROJECT.

BUILDING DESIGN NARRATIVE:

THE BUILDING STYLE WILL PULL INSPIRATION FROM HISTORICAL WAREHOUSE DISTRICTS. THIS PROPERTY IS ADJACENT TO A MULTI-GENERATIONAL RAILROAD AND LOCATED WITHIN A HISTORICAL WAREHOUSE / COMMERCIAL DISTRICT.

THE MATERIALS, SCALE AND BLOCKING DRAW INSPIRATION AND REFLECT UPON THE CENTURY ARCHITECTURE INCLUDING REPETITIVE LARGE WINDOWS, MASSING, TRADITIONAL MATERIALS AND ACCENTS. THE USE OF THESE HISTORIC PRECEDENCES WILL BE IMPLEMENTED IN CONTEMPORARY APPLICATIONS, SUCH AS PUNCHED OPENINGS AND CANTILEVERED CANOPIES / AWNINGS.

PRIMARY MATERIALS



BRICK

HISTORICAL RED COLORS



EXAMPLES SHOWN INCLUDE:

NETWORK BLDG - FAYETTEVILLE, AR
THEATRE SQUARED - FAYETTEVILLE, AR
BAKERY BUILDING - FAYETTEVILLE, AR
CENTER FOR MATH AND SCIENCE EDUCATION -
FAYETTEVILLE, AR

WINDOWS

NON-OPERABLE THROUGHOUT*
STANDARD GLAZING ON UPPER FLOORS
ENLARGED GLAZING ON LOWER / PUBLIC LEVELS
HISTORICAL WAREHOUSE SCALE AND PATTERN]

*VARIANCE WILL BE REQUIRED AT TIME OF DEVELOPMENT

SECONDARY / TRIM MATERIALS



CAST STONE

ARTICULATION
WINDOW ACCENTS
CAST MONOLITHIC SILLS



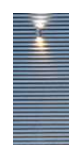
CAST IN PLACE CONCRETE

BOARD FORM FINISH
BLOCKING
SCALE



METAL

BLACK
GALVANIZED
ACCENTS
BLOCKING
GRILLS



ARCHITECTURAL ELEVATION PRECEDENT IMAGERY

EXAMPLE FOR REFERENCE ONLY. ACTUAL ELEVATIONS WILL BE SUBMITTED AND REVIEWED AS PART OF THE BUILDING PERMIT PROCESS.



RAMBLE HOTEL - DENVER, CO



THE JUNTO HOTEL - COLUMBUS, OH

ARCHITECTURAL ELEVATION PRECEDENT IMAGERY

THE FIRST AND SECOND FLOORS OF THE HOTEL ARE MIXED-USE, AND WILL HAVE TYPICAL CHARACTERISTICS OF ENGAGING, PEDESTRIAN FACING FEATURES TO PROMOTE WALKABILITY. OPEN CUT THROUGH'S, COVERED OUTDOOR AREAS PROVIDE A LARGE SCALE 'FRONT DOOR' VISUALLY INDICATING THE ACTIVE ZONE FOR PATRONS.



SIGNAGE EXAMPLES

SIGNAGE HAS NOT BEEN DESIGNED FOR THIS PROJECT. ANY SIGNAGE WILL BE PERMITTED THROUGH THE CITY OF FAYETTEVILLE PERMITTING PROCESS SEPARATELY, AND BE MEET THE SIGNAGE STANDARDS AS LISTED IN CHAPTER 174 OF THE CITY MUNICIPAL CODE. THE SIGNAGE SHALL MATCH THE REQUIREMENTS FOR THE MOST COMPARABLE ESTABLISHED ZONING, THE UNDERLYING ZONING, URBAN THOROUGHFARE.

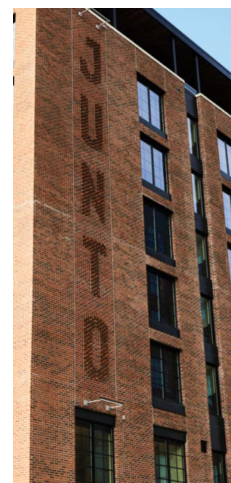
SIGNAGE WILL BE WALL MOUNTED, PAINTED, ENGRAVED, OR EMBEDDED. DIRECTIONAL SIGNAGE MAY BE PROPOSED AS PART OF THE PROJECT.



PARAMOUNT CENTER
BOSTON, MA



Q&A RESTAURANT AND OYSTER BAR
OCEANSIDE, CA



JUNTO HOTEL
COLUMBUS, OH

STREETLIGHTS

NO PUBLIC STREETLIGHTS ARE ASSOCIATED WITH THIS PROJECT. THE CIVIC PLAZA PROJECT WILL PROVIDE ADEQUATE LIGHTING ALONG THE PUBLIC RIGHT-OF-WAY. ON-SITE LIGHTING IN THE PARKING AREA MAY BE NECESSARY, AND WILL BE REVIEWED AS PART OF THE DEVELOPMENT PROCESS. ALL SITE LIGHTING WILL MEET THE CITY OF FAYETTEVILLE MUNICIPAL CODE'S DARK SKY AND SHIELDING REQUIREMENTS WITH THE UTILIZATION OF WALL LIGHTING, BOLLARDS, AND LOW-LEVEL POLE LIGHTING.

SITE MATERIALS

THE SITE MATERIALS WILL REFLECT THE PALETTE OF THE CITY CIVIC PLAZA AND RAMBLE, DRAWING INSPIRATION FROM NATIVE COLORS AND TEXTURES SUCH AS STONE AND EARTH TONES.

BY USING A VARIETY OF MATERIALS AND PATTERNS, USE ZONES CAN BE VISUALLY ESTABLISHED, PROVIDING GUIDANCE TO VISITORS IN PEDESTRIAN AND VEHICULAR AREAS. THIS PROJECT HAS A UNIQUE POSITION TO ENGAGE THE PUBLIC IN MULTIPLE WAYS; THEREFORE, ESTABLISHING AN APPROPRIATE SCALE FEEL COMFORTABLE FOR PEDESTRIANS IS ESSENTIAL TO THE PROJECT’S SUCCESS.



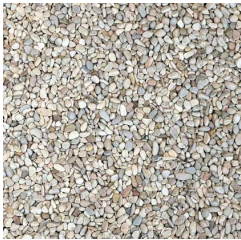
CAST-IN-PLACE CONCRETE

- BOARD FORM VERTICAL WALLS
- SEATING & BENCHES
- SAW-CUT PATTERNS
- INTEGRAL COLOR



PAVERS

- 4X4 GRANITE COBBLESTONE
- CONCRETE PAVERS
- STAMPED CONCRETE



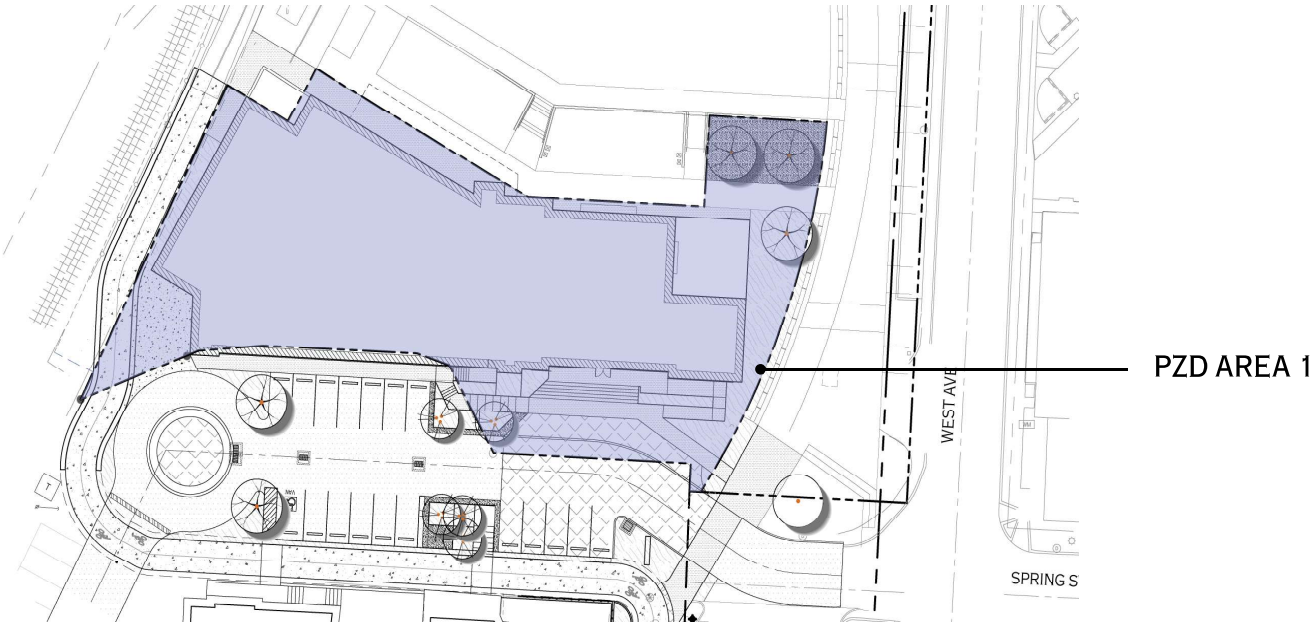
OTHERS

- DECOMPOSED GRANITE
- CRUSHED STONE

SITE PLAN & PZD AREA



SITE PLAN



PZD AREA

EXISTING ZONING (MSC) MAIN STREET CENTER	PROPOSED ZONING (PZD) PLANNED ZONING DISTRICT
ALLOWED USES (BY RIGHT): UNIT 1 CITY-WIDE USES BY RIGHT UNIT 4 CULTURAL AND RECREATIONAL FACILITIES UNIT 5 GOVERNMENT FACILITIES UNIT 8 SINGLE-FAMILY DWELLINGS UNIT 9 TWO-FAMILY DWELLINGS UNIT 10 THREE (3) AND FOUR (4) FAMILY DWELLINGS UNIT 13 EATING PLACES UNIT 14 HOTEL, MOTEL, AND AMUSEMENT FACILITIES UNIT 16 SHOPPING GOODS UNIT 17 TRANSPORTATION TRADES AND SERVICES UNIT 19 COMMERCIAL RECREATION, SMALL SITES UNIT 24 HOME OCCUPATIONS UNIT 25 OFFICES, STUDIOS, AND RELATED SERVICES UNIT 26 MULTI-FAMILY DWELLINGS UNIT 34 LIQUOR STORES UNIT 40 SIDEWALK CAFES UNIT 41 ACCESSORY DWELLINGS UNIT 44 CLUSTER HOUSING DEVELOPMENT UNIT 45 SMALL SCALE PRODUCTION UNIT 46 SHORT-TERM RENTALS	ALLOWED USES (BY RIGHT): 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 19 COMMERCIAL RECREATION, SMALL SITES UNIT 24 HOME OCCUPATIONS UNIT 25 OFFICES, STUDIOS, AND RELATED SERVICES UNIT 26 MULTI-FAMILY DWELLINGS UNIT 34 LIQUOR STORES UNIT 40 SIDEWALK CAFES UNIT 41 ACCESSORY DWELLINGS UNIT 44 CLUSTER HOUSING DEVELOPMENT UNIT 45 SMALL SCALE PRODUCTION UNIT 46 SHORT-TERM RENTALS
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 28 CENTER FOR COLLECTING RECYCLABLE MATERIALS UNIT 29 DANCE HALLS UNIT 35 OUTDOOR MUSIC ESTABLISHMENTS UNIT 36 WIRELESS COMMUNICATION FACILITIES UNIT 42 CLEAN TECHNOLOGIES	CONDITIONAL USES: UNIT 2 CITY-WIDE USES BY CONDITIONAL USE PERMIT UNIT 3 PUBLIC PROTECTION AND UTILITY FACILITIES UNIT 28 CENTER FOR COLLECTING RECYCLABLE MATERIALS UNIT 29 DANCE HALLS UNIT 35 OUTDOOR MUSIC ESTABLISHMENTS UNIT 36 WIRELESS COMMUNICATION FACILITIES UNIT 42 CLEAN TECHNOLOGIES
DENSITY: NO RESTRICTIONS	DENSITY: NO RESTRICTIONS

EXISTING ZONING (MSC) MAIN STREET CENTER	PROPOSED ZONING (PZD) PLANNED ZONING DISTRICT
BULK AND AREA RESTRICTIONS: LOT WIDTH MINIMUM: DWELLING (ALL UNIT TYPES) 18 FEET LOT AREA MINIMUM: NONE SETBACK REGULATIONS: FRONT: BUILD - TO ZONE THAT IS LOCATED BETWEEN THE FRONT PROPERTY LINE AND A LINE 25 FEET FROM THE FRONT PROPERTY LINE SIDE: NONE REAR: 5 FEET REAR: 12 FEET MINIMUM BUILDABLE STREET FRONTAGE: 75% OF LOT WIDTH BUILDING HEIGHT REGULATIONS: MAXIMUM 5 STORIES / 7 STORIES* * A BUILDING OR A PORTION OF A BUILDING THAT IS LOCATED BETWEEN 0 AND 15 FEET FROM THE FRONT PROPERTY LINE OR ANY MASTER STREET PLAN RIGHT-OF-WAY LINE SHALL HAVE A MAXIMUM HEIGHT OF FIVE (5) STORIES. A BUILDING OR A PORTION OF A BUILDING THAT IS LOCATED GREATER THAN 15 FEET FROM THE MASTER STREET PLAN RIGHT-OF-WAY LINE SHALL HAVE A MAXIMUM HEIGHT OF SEVEN (7) STORIES.	BULK AND AREA RESTRICTIONS: LOT WIDTH MINIMUM: DWELLING (ALL UNIT TYPES) 18 FEET LOT AREA MINIMUM: NONE SETBACK REGULATIONS: FRONT: 0 FEET SIDE: NONE REAR: 0 FEET REAR: 0 FEET MINIMUM BUILDABLE STREET FRONTAGE: 75% OF LOT WIDTH BUILDING HEIGHT REGULATIONS: MAXIMUM 8 STORIES* *BUILDING STORY INCLUDES ROOFTOP AMENITIES AND SPACES AS DEFINED BY THE INTERNATIONAL BUILDING CODE. ONLY A PORTION OF THE BUILDING (WHERE BASEMENT EXISTS) WILL THE BUILDING BE GREATER THE 7 STORIES. *BUILDING STORY EXCLUDES ROOFTOP AND MECHANICAL EQUIPMENT, PARAPETS, EQUIPMENT SCREENING, AND OTHER NON OCCUPIED SPACE.

ANALYSIS OF THE SITE CHARACTERISTICS

THE EXISTING SITE IS A MIX OF AN EXISTING PARKING LOT AND PARKING LOT LANDSCAPE ISLANDS. TWO LEVELS, UPWARDS OF 10 FEET, ARE SEPARATED BY A RETAINING WALL ON THE MOST WESTERN PORTION OF THE SITE. EXISTING TREES PROVIDE SOME SHADE, BUT A MAJORITY OF THE SITE IS EXPOSED TO THE ELEMENTS (WIND, RAIN, SUN). NO AREAS OF SIGNIFICANT ECOLOGICAL VALUE ARE PRESENT.

STORM WATER FLOWS FROM EAST TO WEST, INTO A SERIES OF GRATE INLETS, TRENCH GRATES, AND CURB INLETS THAT CONNECTED UNDERGROUND TO AN EXISTING DOUBLE CULVERT.

THE RAILROAD EXISTS TO THE WEST OF THE SITE, AND IS STILL OPERATIONAL.

DESCRIPTION OF THE RECREATIONAL FACILITIES, INCLUDING EXISTING AND PROPOSED PARK SITES, OPEN SPACE AND ACCESSIBILITY TO PARKS AND OPEN SPACE AREAS

THE CULTURAL ARTS CORRIDOR'S CIVIC PLAZA IS NORTH OF THE SUBJECT PROPERTY AND DEVELOPMENT. THE NORTH SIDE OF THE PROPERTY WILL HAVE VISUAL AND PHYSICAL TO THE ADJACENT PARK/OPEN SPACE WITH WINDOWS, DOORS, AND OUTDOOR TERRACES. THE HOTEL CAN BE ACCESSED DIRECTLY FROM THE CIVIC PLAZA.

SECONDLY, THE RAZORBACK GREENWAY TRAIL IS BEING RE-ROUTED AS PART OF THIS PROJECT. THE TRAIL WILL BE RECONFIGURED TO THE SOUTH ALONG THE EXISTING METRO BUILDING, AND WRAP AROUND THE WESTERN PORTION OF THE SITE, NEAR THE RAILROAD. IT WILL TIE INTO THE TRAIL ROUTING OF THE CIVIC PLAZA PROJECT. PUBLIC RESTROOMS ARE LOCATED AT THE MOST WESTERN EDGE OF THE BUILDING AND CAN BE DIRECTLY ACCESSED FROM THE TRAIL.

OVERALL, THE PROJECT IS WELCOMING AT MULTIPLE LOCATIONS TO PUBLIC OPEN SPACE.

REASON FOR REQUESTING THE ZONING CHANGE

THIS PROJECT CAME TO BE IN COLLABORATION WITH THE CITY'S VISION FOR DOWNTOWN FAYETTEVILLE. DURING THE NEGOTIATIONS AND CONTRACT PHASES OF THE PROJECT, IT WAS DESIRED BY THE CITY AND PLANNING COMMISSION TO SEE THE SUBJECT PARCEL BE ZONED AS A PLANNED ZONING DISTRICT IN ORDER TO FURTHER DEFINE THE DESIGN APPROACH AND CONFIRM COMPLIANCE WITH THE INITIAL CONTRACT.

THE PROPOSED USE IS ALLOWED BY-RIGHT; THE ONLY DEVIATIONS FROM THE UNDERLYING ZONING IS THE ALLOWANCE OF A BUILDING HEIGHT OF EIGHT (8) STORIES.

THE SITE HAS AN OVERALL GRADE CHANGE OF 10 FROM THE EAST TO WEST. HOTEL AND CITY UTILITARIAN SPACES ARE BEING LOCATED AT THE LOWER END OF THE SITE CREATING A PARTIAL FLOOR LEVEL. THE ROOF TOP BAR IS BEING PLACED IN THE MIDDLE OF THE BUILDING WITH MAJORITY OF THAT ENCLOSED BUILDING MASS BEING SET BACK FROM THE MAIN BUILDING STRUCTURE. THESE MASSING MOVES PRESENTS A BUILDING THAT IS PRIMARILY 7 STORIES IN HEIGHT.

STATEMENT OF HOW THE DEVELOPMENT WILL RELATE TO EXISTING AND SURROUNDING PROPERTIES IN TERMS OF LAND USE, TRAFFIC, APPEARANCE, AND SIGNAGE

THIS PROJECT WILL FILL A GAP IN THE EXISTING FABRIC OF DOWNTOWN BY USING TYPICAL MATERIALS USED THROUGHOUT DOWNTOWN FAYETTEVILLE. THE HOTEL WILL HAVE A PRIVATE DRIVE FOR ALL VEHICULAR CIRCULATION, MINIMIZING THE IMPACT TO THE PUBLIC RIGHT-OF-WAY, AND WEST AVE. THE PROPOSED LAND-USE FITS IN SEAMLESSLY, AS THE PROJECT IS CURRENTLY SURROUNDED BY COMMERCIAL OR MIXED-USE BUILDINGS.

STATEMENT OF THE PROJECT'S COMPLIANCE WITH THE FAYETTEVILLE COMPREHENSIVE LAND USE PLAN

THE SUBJECT SITE IS LOCATED WITHIN THE HISTORICAL COMMERCIAL DESIGNATION IN THE FUTURE LAND USE MAP IN THE DOWNTOWN MASTER PLAN. THIS PROJECT AND DEVELOPMENT COMPLY WITH THE FUTURE LAND USE MAP.



LEGAL DESCRIPTION:

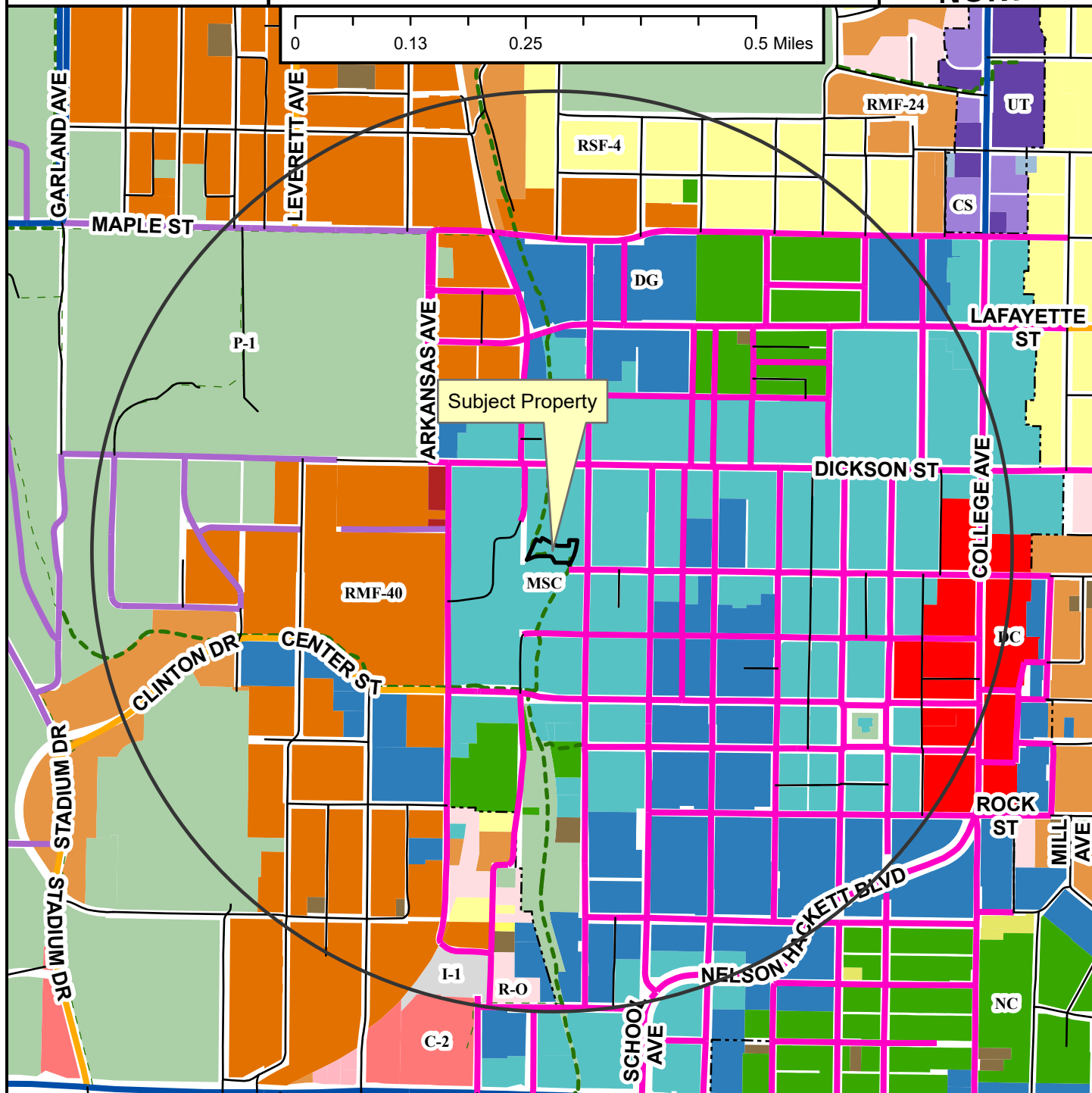
PT SW NE 0.60 AC & PT BLOCK 7 0.13 AC PARKING LOT N WEST AVE PT VACATED WEST SPRING ST FURTHER DESCRIBED IN 2023-32962 AS: A PART OF THE SOUTHWEST QUARTER (SW¹/₄) OF THE NORTHEAST QUARTER (NE¹/₄) OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE TRACTS OF LAND RECORDED IN THE WASHINGTON COUNTY RECORDER'S OFFICE IN BOOK 1340 AT PAGE 810 AND IN BOOK 1351 AT PAGE 302, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SW¹/₄ OF THE NE¹/₄; THENCE S86°59'31"E (S87°09'15"E, PLAT), ALONG THE NORTH LINE OF SAID SW¹/₄ OF THE NE¹/₄, A DISTANCE OF 164.75 FEET (165.65 FEET, PLAT); THENCE S03°00'29"W (S02°48'48"W, PLAT), A DISTANCE OF 42.68 FEET (41.47 FEET, PLAT) TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DICKSON STREET AND THE EAST RIGHT-OF-WAY LINE OF THE ARKANSAS & MISSOURI RAILROAD, AS NOW ESTABLISHED; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE S02°48'48"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 45.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 980.37 FEET AND A CHORD BEARING AND DISTANCE OF S14°47'51 "W, 366.22 FEET; THENCE ALONG SAID NON-TANGENT CURVE AN ARC DISTANCE OF 368.39 FEET FOR A POINT OF BEGINNING; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE S60°10'51"E, A DISTANCE OF 27.29 FEET; THENCE N29°53'40"E, A DISTANCE OF 22.55 FEET; THENCE S60°06'20"E, A DISTANCE OF 96.03 FEET; THENCE S87°00'15"E, A DISTANCE OF 69.42 FEET; THENCE N03°36'51 "E, A DISTANCE OF 34.00 FEET; THENCE S87°00'15"E, A DISTANCE OF 46.04 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 304.25 FEET AND A CHORD BEARING AND DISTANCE OF S19°46'51 "W, 146.83 FEET; THENCE ALONG SAID NON-TANGENT CURVE AN ARC DISTANCE OF 148.29 FEET TO A POINT IN THE NORTH RIGHT-OF-WAY LINE OF SPRING STREET, AS NOW ESTABLISHED; THENCE DEPARTING SAID NON-TANGENT CURVE N86°51'11 "W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 4.34 FEET TO A POINT ON THE EASTERLY LINE OF THE PROPERTY LINE ADJUSTMENT DULY RECORDED IN THE WASHINGTON COUNTY CIRCUIT CLERK'S OFFICE IN FILE 2019-00000587; THENCE ALONG SAID PROPERTY LINE ADJUSTMENT DULY RECORDED IN THE WASHINGTON COUNTY CIRCUIT CLERK'S OFFICE IN FILE 2019-00000587 FOR THE FOLLOWING SEVEN (7) COURSES; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE N02°06'00"E, A DISTANCE OF 10.44 FEET TO A FOUND CHISELED "X"; THENCE N87°09'36"W, A DISTANCE OF 77.69 FEET TO A FOUND CHISELED "X"; THENCE N28°01'14"W, A DISTANCE OF 37.11 FEET TO A FOUND CHISELED "X"; THENCE N69°33'43"W, A DISTANCE OF 13.10 FEET TO A FOUND NAIL; THENCE N87°10'17"W, A DISTANCE OF 60.59 FEET TO A FOUND REBAR WITH CAP, "BATES 1642"; THENCE S85°31'41"W, A DISTANCE OF 25.47 FEET TO A FOUND REBAR WITH CAP, "BATES 1642"; THENCE S68°44'21 "W, A DISTANCE OF 49.88 FEET TO A FOUND REBAR WITH CAP, "BATES 1642" BEING IN SAID EAST RIGHT-OF-WAY LINE OF THE ARKANSAS & MISSOURI RAILROAD; THENCE DEPARTING SAID PROPERTY LINE ADJUSTMENT DULY RECORDED IN THE WASHINGTON COUNTY CIRCUIT CLERK'S OFFICE IN FILE 2019-00000587 AND ALONG SAID EAST RIGHT-OF-WAY LINE N26°06'02"E, A DISTANCE OF 99.09 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 980.37 FEET AND A CHORD BEARING AND DISTANCE OF N26°29'16"E, 31.66 FEET; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE AND ALONG SAID NON-TANGENT CURVE AN ARC DISTANCE OF 31.66 FEET TO THE POINT OF BEGINNING. CONTAINING 24,559 SQUARE FEET OR 0.6 ACRES, MORE OR LESS, AND SUBJECT TO ANY RIGHTS-OF-WAY, EASEMENTS, AND RESTRICTIONS OF RECORD.

PZD-2024-0003

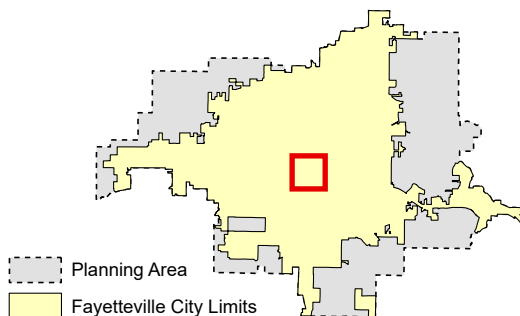
215 N. WEST AVE

One Mile View

NORTH



-  Neighborhood Link
-  Institutional Master Plan
-  Regional Link - High Activity
-  Urban Center
-  Unclassified
-  Alley
-  Residential Link
-  Shared-Use Paved Trail
-  Trail (Proposed)
-  Design Overlay District
-  Fayetteville City Limits
-  Planning Area



- Zoning**

 - RESIDENTIAL SINGLE-FAMILY
 - NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL
 - I-1 Heavy Commercial and Light Industrial

EXTRACTION

 - 1/2 General Industrial
 - E-1

COMMERCIAL

 - Residential-Office
 - C-1
 - C-2
 - C-3

FORM BASED DISTRICTS

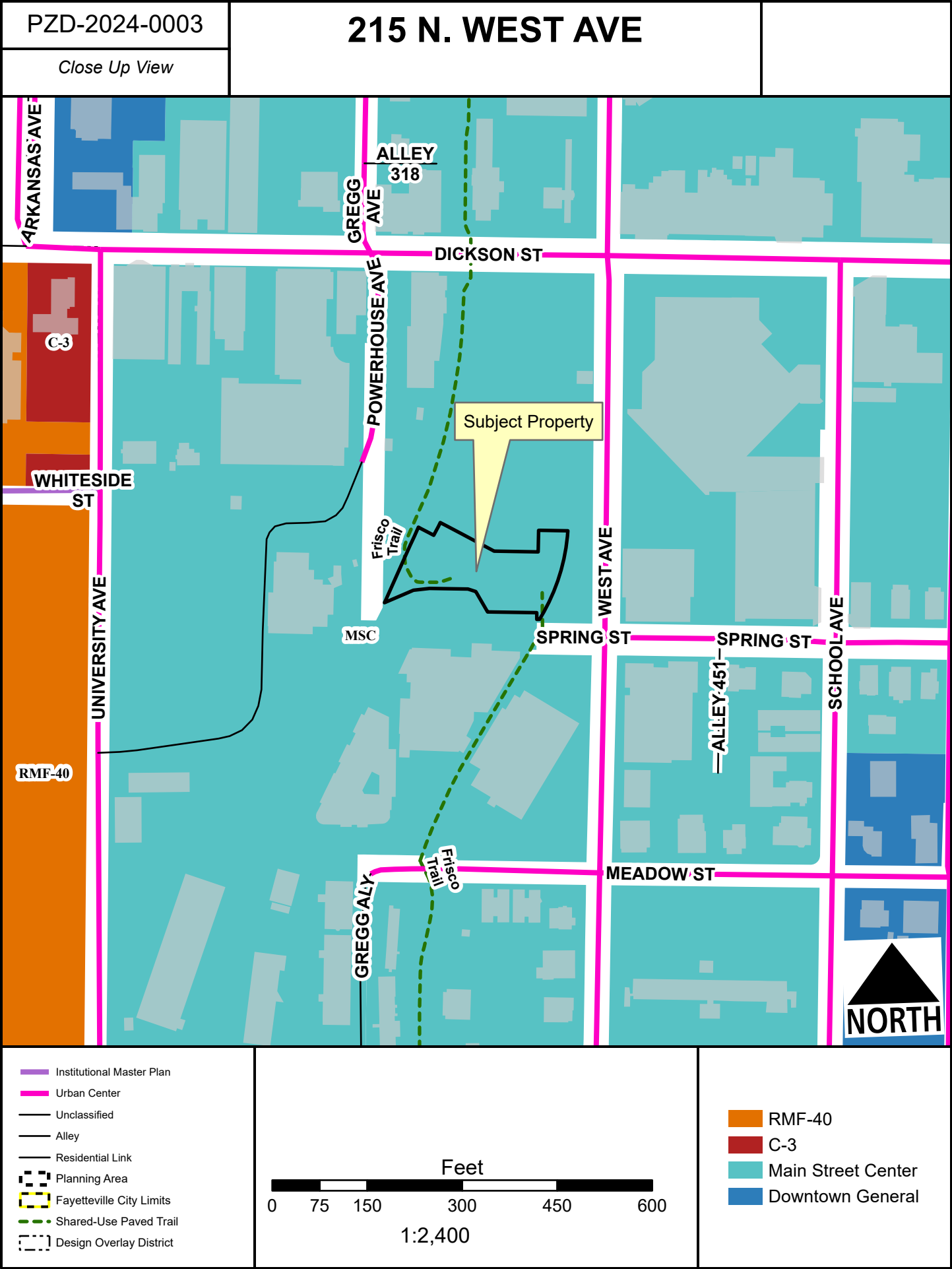
 - Downtown Core
 - Urban Tighroft/Hillside
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation

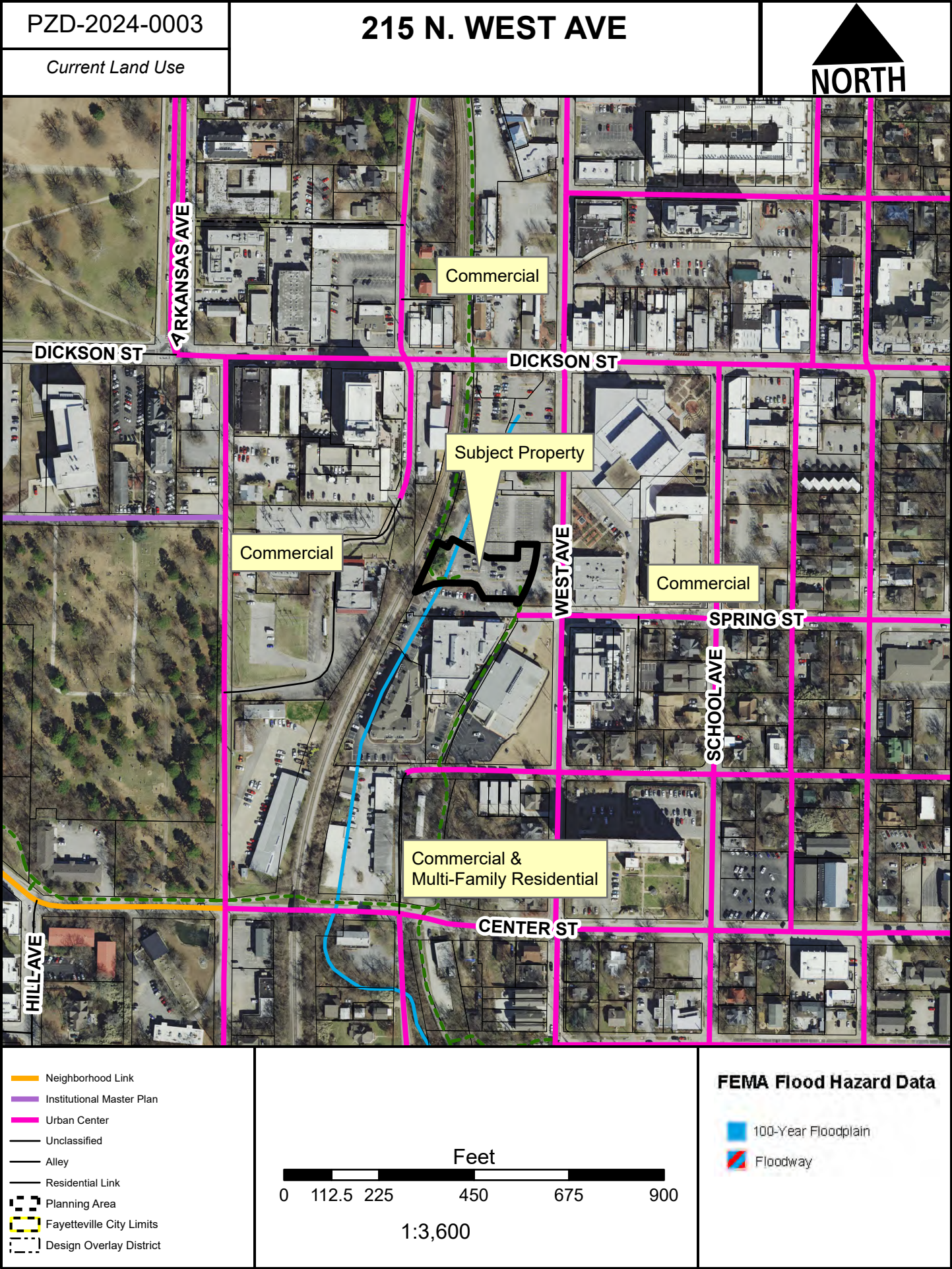
PLANNED ZONING DISTRICTS

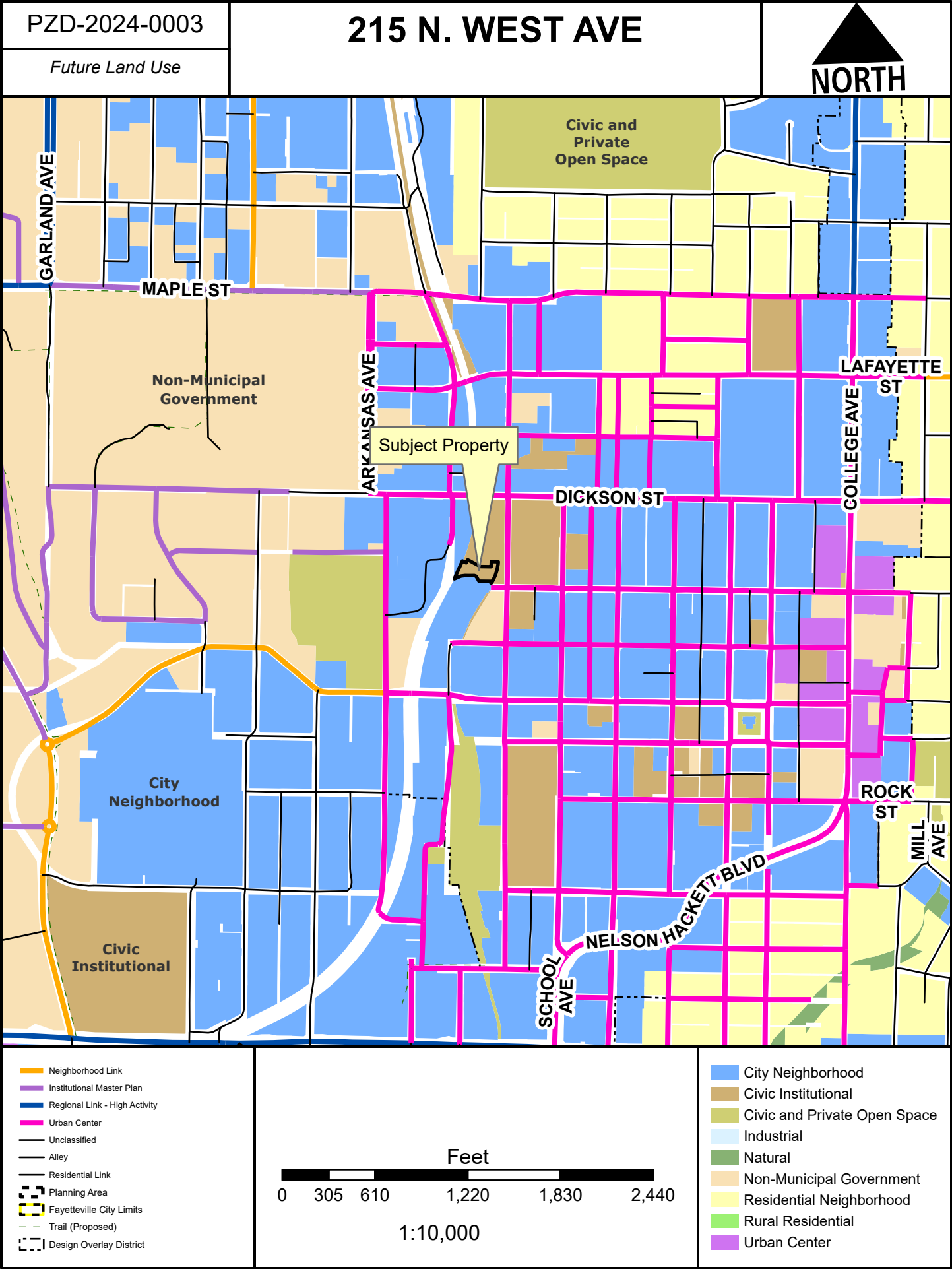
 - Commercial, Industrial, Residential

INSTITUTIONAL

 - P-1









MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Development Review Manager

FROM: Donna Wonsower, Planner

SUBJECT: **RZN-2024-0011: Rezone (VARIOUS EXPIRED PZD LOCATIONS/ EXPIRED PZDS, PP VARIES): Submitted by CITY PLANNING STAFF for VARIOUS PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE in WARDS 1, 2, AND 4. The properties are zoned as PLANNED ZONING DISTRICTS and contain approximately 90.65 acres. The request is to rezone the properties to various standard zoning districts.**

RECOMMENDATION:

City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject properties consist of five Planned Zoning Districts (PZDs) that are located throughout the City limits of Fayetteville. Properties are a mix of fully undeveloped properties, partially developed neighborhoods and/or commercial blocks with sections of undeveloped lots, or part of a larger PZD that has been almost entirely rezoned. The original zoning of these properties, before they became PZDs, ranged from R-A, Residential-Agricultural to I-1, Heavy Commercial and Light Industrial. Prior to 2014, Fayetteville's PZD standards required all construction permits to be secured within a specific time frame. If permits were not obtained, then the development rights became null and void. As a result, many of these properties have PZDs which have expired.

Additionally, because planned zoning districts are customized, they are inherently more complicated than the City's standard zoning districts. Many were established before many of the city's current development regulations, such as the landscape and tree preservation code, were passed, leading to complex zoning regulations that are hundreds of pages long and which are generally outdated. As such, staff propose to rezone the properties to various zoning districts as shown in *Table 1* in attached exhibits.

Request: City Planning staff requests to rezone the properties from the expired PZD designation to one or more zoning districts as shown in the attached exhibits. Proposed zoning districts include UT, Urban Thoroughfare; CS, Community Services; RI-U, Residential Intermediate Urban; NC, Neighborhood Conservation; and R-A, Residential Agricultural.

Public Comment: Staff sent letters in late February to notify all affected property owners of the staff-initiated rezoning and provide opportunities for initial feedback. A second round of letters was sent with full public notice

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in March. Over this time frame, staff have received numerous inquiries and comments which are summarized in a table in the staff report.

Land Use Compatibility: The proposed zoning districts are compatible with the surrounding land uses. When determining proposed zoning districts, staff evaluated three primary factors. First was consideration for permitted and conditional uses within the expired PZDs to determine the nature and intensity of the previous entitlements. Second, where developed or platted, staff prioritized the minimization of nonconformances. Lastly, staff identified zoning districts which are compatible with surrounding land uses to the greatest extent possible. The resulting proposals and findings are as follows:

Park West: Staff recommends rezoning the remaining Park West PZD to a combination of UT and CS. Staff finds the rezoning is consistent with the existing development patterns and recent proposals. All other parcels of the original Park West PZD have been rezoned since the PZD's expiration, with entitlement including, most recently, multifamily residential development. Other developments originally included within the PZD boundaries include an existing retirement community known as Grand Village at Clear Creek directly west and the Fellowship Baptist Church directly north. Other portions of the Park West PZD to the north and northwest have been rezoned to a mix of CS, UT, and Neighborhood Services-General (NS-G) but have not yet been developed. Further, there is existing UT zoning located across Hwy 112 at the previous 112 Drive-In-Theatre, which was recently approved for a mixed-use development titled "The Aronson." Staff finds that a split rezoning of CS and UT would be compatible in this area given the existing and planned developments. As proposed, limiting UT to a smaller portion of the property abutting Hwy 112 can restrict more intensive uses to the areas adjacent to the major thoroughfare, with more limited uses permitted adjacent to residential developments.

Cliffside: Staff recommends rezoning the Cliffside PZD to a combination of RI-U and R-A. The approved PZD included approval for 15 single-family homes and 48 two-family homes. All residential lots were approved with front and rear setbacks of 20 feet. Single-family dwellings were approved with side setbacks of 8 feet on all side property lines, and two-family dwellings were approved to utilize a zero-lot line along a shared common wall. Lot sizes range from approximately 3,500 square feet to 10,600 square feet, with only three parcels meeting minimum lot standards for the RSF-4 zoning that predated the PZD. Six of the eight parcels that remain undeveloped have street frontage of approximately 16 feet to 22 feet, with the remaining corner lots having street frontages of nearly 200 feet. Because RI-U has a minimum lot width of 18 feet for residential uses, it is one of the few districts that would allow the platted lots to conform with existing zoning requirements. RI-U would remain primarily residential in nature with limited conditional non-residential uses. While RI-U has no density limitations, staff finds that the zoning is unlikely to result in development that is out of scale with the surroundings as most parcels are small and do not have sufficient width to permit additional subdivision of land. While RI-U permits up to three and four family dwellings by right, staff finds this is not likely due to the existing platting and infrastructure. Further, most parcels are encumbered by utility or drainage easements. Staff proposes to rezone the entire Cliffside development rather than solely the undeveloped parcels in order to create consistent zoning entitlements and reduce administrative difficulty for staff and current/future property owners. Staff proposes to rezone the areas designated as common areas and tree preservation lots by the approved PZD as Residential Agricultural, R-A, in order to maintain these areas as communal green space. Staff also proposes to rezone parcel 765-26323-000 (Lot 119) as R-A, as this lot is owned by the City of Fayetteville. R-A allows Use Unit 3: Public Protection and Utility Facilities by right, which would facilitate the lot's intended purpose.

Springwoods: Staff recommends rezoning the undeveloped portions of the Springwoods PZD to a

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combination of UT, CS, and RI-U. Due to the overall scale of the PZD acreage, staff is not recommending a full rezoning of the Springwoods PZD at this time, choosing instead to focus on those properties that are either undeveloped or currently under development. Undeveloped lots are spread throughout the PZD in three primary sections further described below. Lot 1 of the Springwoods CPZD was replatted as the Meadow Field Commercial Subdivision in 2006. Lots 1-2, 5-9 & 12 of Meadow Field remain undeveloped and zoning entitlement for these parcels has since expired. Lot 6A of the original Springwoods CPZD and a portion of PID 765-26552-000 (The Pines at Springwoods Horizontal Property Regime) also remain undeveloped.

Given the proximity of these parcels to the Wilson Springs Creek Preserve, staff finds that the original zoning of I-1 would be incompatible. However, staff notes the remaining parcels within the Meadow Field Commercial Subdivision and Lot 6A abut an I-49 entrance and exit and have the capacity to serve residents throughout the City with large commercial uses. As such, staff evaluated a mix of CS and UT to restore commercial and development rights. Both CS and UT allow a wide mix of residential and commercial uses, creating the opportunity for mixed-use developments rather than solely commercial uses. Staff initially recommended CS on parcels 765-23604-000, 765-25746-000, and 765-25745-000 as these parcels are adjacent to residential uses and could provide a transition to the higher intensity uses permitted by the UT district. Since the initial recommendation of CS, staff has consulted extensively with the property owner of parcels 765-25746-000 and 765-25745-000, who requested the City propose UT, a zoning district that would permit Use Unit 17: Transportation Trades and Services by right rather than CS. Staff analyzed the request and finds that since that the original PZD included this use unit by right and surrounding parcels have been extensively developed with auto-oriented developments, the inclusion of a district which permits Use Unit 17 by right is likely to be compatible in these locations. Staff finds UT, Urban Thoroughfare would be consistent for the requested parcels.

The Pines at Springwoods has been almost entirely developed with four-family dwellings in a form-based style. A single buildable portion of the parcel remains and staff finds that RI-U would best facilitate similar development given the limited development area and the consistent development of four-family dwellings.

Westbrook Village Phase 2: Staff recommends rezoning the Westbrook Village Phase 2 PZD to RI-U. The property was originally platted as part of the Salem Village Planned Unit Development (PUD) in 1997, most of which has since been rezoned to RSF-4. The original PUD designated these parcels as mixed-use village centers. A revised PZD was approved in 2006 that revised the permitted uses to either strictly single-family residential or green space. All but one parcel designated for development have since been constructed with single-family homes, and staff recommends rezoning to RI-U to bring these parcels to a standard zoning district. RI-U has a minimum lot width of 18 feet for residential uses, which would allow the existing lots to conform with existing zoning requirements. Internal parcels here have approximately 20 feet of street frontage. Given existing development patterns and lot sizes, staff finds the uses permitted in RI-U are not likely to create development that is out of sync on the remaining undeveloped parcel.

Paddock Road Subdivision: Staff recommends rezoning the Paddock Road Subdivision PZD to NC. This parcel has been developed and has not expired; however, all other parcels within the original PZD have been rezoned in the years since its passage. As a result of this and the complexity of the Paddock Road Subdivision PZD, staff recommends this parcel be rezoned to NC. The parcels to the immediate west and south were successfully rezoned to NC, Neighborhood Conservation in 2014 and the rezoning of the

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remaining parcel would fully eliminate the remaining RPZD, creating consistent zoning entitlements and reducing administrative difficulty for staff and current/future property owners. The existing parcel meets bulk and area as well as the minimum buildable street frontage required by the NC zoning. As the parcel is already constructed with a residence, staff finds a rezoning is unlikely to result in development that is inconsistent with the surrounding parcels.

Land Use Plan Analysis: The proposed zoning districts are compatible with the Future Land Use Map, which vary from property to property (see Table 2). Staff finds that the recommended zoning districts are generally compatible with goals to encourage infill and discourage suburban sprawl, create compact, complete and connected development, provide opportunities for attainable housing, and grow a livable transportation network. Additionally, rezoning the remaining parcels will eliminate many planned zoning districts, simplifying the zoning regulations and bringing these areas into conformance with current zoning standards.

Park West: Staff finds that rezoning the remaining Park West PZD to a combination of UT and CS is consistent with long-range planning goals. The CS and UT zoning districts will restore development rights and could allow for a mixed-use development in close proximity to a Tier 2 Center, as defined in City Plan 2040's Growth Concept Map. Similarly, the property's Future Land Use Map designation of City Neighborhood Area encourages "complete, compact and connected neighborhoods... intended to serve the residents of Fayetteville, rather than a regional population", which is complemented by both the CS and UT zoning districts. The expired PZD included a mixed-use district, commercial, condominiums, and a preserve/botanical/detention area. Staff finds that the reduced uses permitted by the CS district would be compatible adjacent to existing and proposed residential developments to the west with UT abutting the highway. Staff further finds that the additional pedestrian-oriented requirements of the form-based CS and UT zoning districts generally align the City's 2040 Growth Plan, which calls for all centers to be "mixed-use nodes that are pedestrian friendly areas served by current or future transit."

Cliffside: Staff finds that the split zoning of RI-U and R-A will bring the overall neighborhood into standard zoning districts that will simplify future city reviews, allow for infill, protect existing open space, and permit the city-owned parcel to be utilized for Use Unit 3: Public Protection and Utility Facilities. These units have a moderate infill score of 6-7, though staff notes that only eight parcels within the neighborhood remain undeveloped. The affected parcels are between $\frac{1}{2}$ and $\frac{3}{4}$ of a mile from three Tier Centers: a Tier 2 Center located at the S. Crossover Rd. and E. Huntsville Rd. intersection, a Tier 3 Center located at the S. Crossover Rd. and E. Peppervine Dr. intersection, and a Tier 3 Center located at the E. Huntsville Rd. and S. Happy Hollow Rd. intersection.

Springwoods: Staff finds that rezoning the undeveloped lots in the Springwoods PZD to a combination of UT, CS, and RI-U will restore development rights and could allow for a mixed-use development in proximity to a Tier 2 Center, and that the proposed zoning districts generally align with previously permitted uses. Lot 6A is designated as Urban Center on the Future Land Use Map, which includes "the most intense and dense development patterns within Fayetteville and allows for the tallest and greatest variety of buildings." Undeveloped parcels within the Meadow Field Commercial Subdivision (lots 1-2, 5-9 & 12) and parcel 765-26552-000 (The Pines at Springwoods Horizontal Property Regime) are designated as City Neighborhood Areas, which encourage "complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population." The affected parcels are between $\frac{1}{4}$ to $\frac{3}{4}$ of a mile from a Tier 2 Center located adjacent to the N. Hwy 112 and W. Truckers Dr. intersection. Staff finds that the additional pedestrian-oriented requirements of the form-based CS and UT zoning districts generally align with the City's 2040 Growth Plan, which calls for all centers to be "mixed-use nodes that are pedestrian-friendly areas served by current or future transit," a development style that would be facilitated by the proposed zoning districts.

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Staff initially recommended CS on parcels 765-23604-000, 765-25746-000, and 765-25745-000 as these parcels are abutting residential uses and could provide a transition to the higher intensity uses permitted by the UT district. Since the initial recommendation of CS, staff has consulted extensively with the property owner of parcels 765-25746-000 and 765-25745-000, who requested that staff propose UT, a zoning district that would permit Use Unit 17: Transportation Trades and Services by right rather than CS. Staff analyzed the request and finds that given that the original PZD included this use unit by right and that surrounding parcels have been extensively developed with automobile-oriented uses, automobile-oriented uses are likely to be compatible in these locations. Additionally, given the presence of the Wilson Springs Preserve and limited access from N. Shiloh Dr., staff finds that the only residential areas with easy access to potential future commercial developments are likely the neighborhood abutting W. Moore Ln. As such, staff finds most of the commercial developments will likely serve Fayetteville as a whole and that UT would be compatible in this case.

The Pines at Springwoods have been almost entirely developed with four-family dwellings in a form-based style. A single buildable portion of the parcel remains, and staff finds that RI-U would best facilitate similar development given the limited development area and consistent development of four-family dwellings.

Westbrook Village Phase 2: Staff finds that the RI-U zoning district substantially aligns with previously permitted bulk and area requirements as well as land uses of the previously approved PZD. Many parcels are less than 30 feet in width, and RI-U would allow these narrower parcels to remain conforming while restoring development rights on the undeveloped parcel. The affected parcels are approximately ½ of a mile south of a Tier 3 Center located north of the N. Ruppel Rd. and W. Country Meadows St. intersection, and approximately ¾ of a mile north of a Tier 2 Center located at the N. Ruppel Rd. and W. Mount Comfort Rd. intersection.

Paddock Rd. Subdivision: Staff finds that rezoning this sole remaining parcel of the Paddock Road Subdivision to NC will eliminate complex requirements that may run counter to existing tree preservation and landscape requirements. While this PZD has not expired, it was approved during the adoption of the original HHOD and included several self-imposed tree preservation requirements. Today, site development standards are sufficiently addressed within current tree preservation codes and grading ordinances. The NC zoning district will permit development of a medium density similar to the expired PZD, allowing effective use of the existing infrastructure if the site is ever redeveloped. The affected parcel is between ½ and ¾ of a mile from three Tier Centers: a Tier 2 Center located at the S. Crossover Rd. and E. Huntsville Rd. intersection, a Tier 3 Center located at the S. Crossover Rd. and E. Peppervine Dr. intersection, and a Tier 3 Center located at the E. Huntsville Rd. and S. Happy Hollow Rd. intersection.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix score is summarized in Table 2 in Exhibit C.

DISCUSSION:

The rezoning was originally heard at the March 25, 2024, Planning Commission meeting, where a vote of 4-3-0 tabled the item to the April 8, 2024, meeting. Several commissioners cited the size of the request and the fact that it is a City-initiated project as reasoning for tabling the item for additional Commissioner and resident time to review the proposal. There was limited discussion regarding the need for rezoning the properties and what options were available. Commissioners Garlock, Gulley, and Holcomb voted against tabling the item, citing the straightforward nature of the request, staff recommendations, and the need for the properties to be rezoned. One member of the public spoke, requesting confirmation of the proposed zoning for Lot 6A in Springwoods and expressing support for the proposed CS zoning. Staff confirmed the proposed CS zoning for this parcel at the meeting.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

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At the April 8, 2024, Planning Commission meeting, all portions of the request were ultimately forwarded to City Council with a recommendation of approval as recommended by staff. At the beginning of the item discussion, Commissioner Payne motioned to divide the question and to consider the Springwoods PZD separately. Commissioner Werner seconded, and the question was divided by a unanimous vote. Commissioner Payne expressed hesitation regarding allowing housing in Meadow Field Commercial Subdivision Lots 5-9 & 12 (previously part of Springwoods Lot 1) considering the intensity of adjacent uses. Commissioner Brink cited an adjacent rezoning that included a Bill of Assurance limiting permitting uses in UT as a concern. There was discussion regarding potential alternative zoning districts and clarification requested on staff's reasoning. Staff noted that UT permits a wide range of uses, including use unit 17, which would permit developments similar to the large number of adjacent auto lots while requiring additional design standards and pedestrian-oriented uses, whereas I-1, Heavy Commercial and Light Industrial, would allow even more intensive uses which are generally not subject to heightened design standards. There was also discussion about the process for future development plans and what the Commission should consider regarding connectivity and compact neighborhoods.

Commissioner Payne motioned to amend the proposed zoning for Meadow Field Commercial Subdivision Lots 5-9 & 12 to revert to I-1, the previous zoning district. Commissioner Brink seconded the motion, which failed on a vote of 2-6-0 with only Commissioners Payne and Brink voting in favor. Commissioner Garlock, McGetrick and Madden cited compatibility with long range plans, higher design standards, increased flexibility, lack of public comment opposed to the request, staff recommendations, and the uses permitted in UT versus I-1 as reasons for their vote to deny the revision to I-1. After the motion failed, Commissioner Werner made a motion to reconsider the zoning for Springwoods, which passed on a vote of 6-2-0. There was then some discussion regarding staff's recommendations for Meadow Field Commercial Subdivision Lots 1 & 2, which staff noted had been initially recommended for CS but revised to UT at the property owner's request. Staff noted that an evaluation of UT found this zoning was also compatible with the adjacent properties. A subsequent motion to forward the Springwoods rezoning to City Council as recommended by staff with a recommendation of approval was made by Commissioner Garlock and seconded by Commissioner Gulley, which passed 7-1-0, with Commissioner Payne voting against.

Commissioner Garlock then motioned to forward the remainder of the rezone to City Council as proposed by staff with a recommendation of approval. Commissioner Castin seconded. There was no additional discussion, and the motion was unanimously approved.

BUDGET/STAFF IMPACT:

NA

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Exhibit C (#6), Planning Commission Staff Report (#7)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-26

RZN-2024-0011: Rezone (VARIOUS EXPIRED PZD LOCATIONS/ EXPIRED PZDS, PP VARIES): Submitted by CITY PLANNING STAFF for VARIOUS PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE in WARDS 1, 2, AND 4. The properties are zoned as PLANNED ZONING DISTRICTS and contain approximately 90.65 acres. The request is to rezone the properties to various standard zoning districts.

AN ORDINANCE TO REZONE THE PROPERTIES DESCRIBED IN REZONING PETITION RZN 2024-0011 FOR APPROXIMATELY 90.65 ACRES LOCATED IN WARDS 1, 2, AND 4 FROM PLANNED ZONING DISTRICTS TO VARIOUS STANDARD ZONING DISTRICTS

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 properties shown on the maps (Exhibit A) and the legal descriptions (Exhibit B) both attached to the Planning Department's Agenda Memo from Planned Zoning Districts to UT, Urban Thoroughfare; CS, Community Services; RI-U, Residential Intermediate Urban; NC, Neighborhood Conservation; and R-A, Residential Agricultural.

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

City of Fayetteville Staff Review Form

2024-26

Item ID

5/7/2024

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

Jonathan Curth

4/19/2024

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 2024-0011: Rezone (VARIOUS EXPIRED PZD LOCATIONS/ EXPIRED PZDS, PP VARIES): Submitted by CITY PLANNING STAFF for VARIOUS PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE in WARDS 1, 2, AND 4. The properties are zoned as PLANNED ZONING DISTRICTS and contain approximately 90.65 acres. The request is to rezone the properties to various standard zoning districts.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

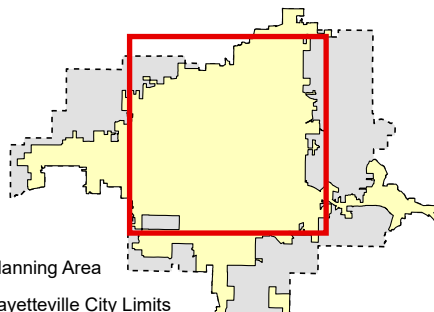
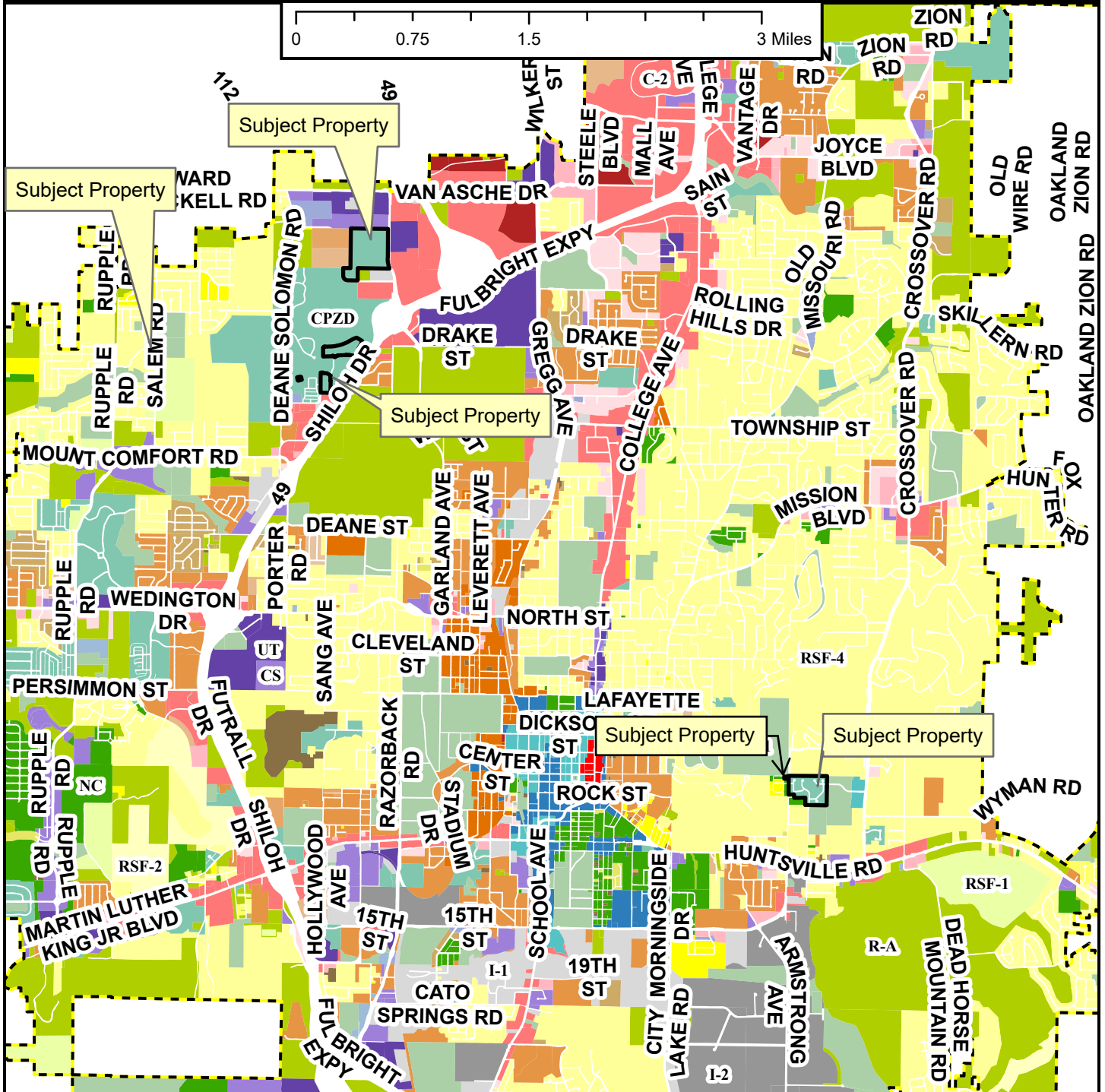
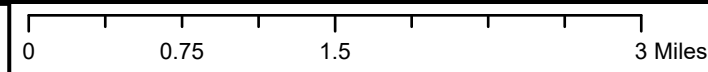
Comments:

RZN-2024-0011

Overall View

RZN 2024-0011

"EXHIBIT A"

 Fayetteville City Limits

 Planning Area

 Fayetteville City Limits

Zoning

- I-2 General Industrial
- I-1 Heavy Commercial and Light Industrial
- I-3 Heavy Industrial

RESIDENTIAL SINGLE-FAMILY

- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY

- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL

- I-1 Heavy Commercial and Light Industrial

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

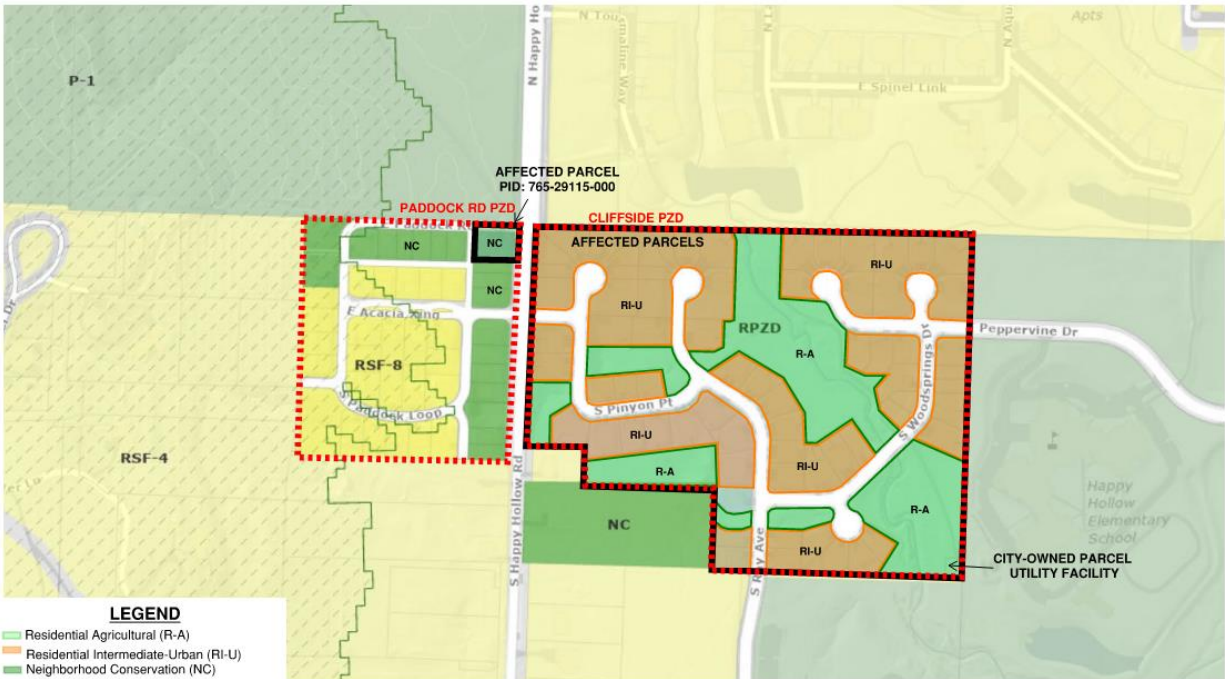
PLANNED ZONING DISTRICTS

- Commercial, Industrial, Residential

INSTITUTIONAL

- P-1

RZN-2024-0011
EXHIBIT A

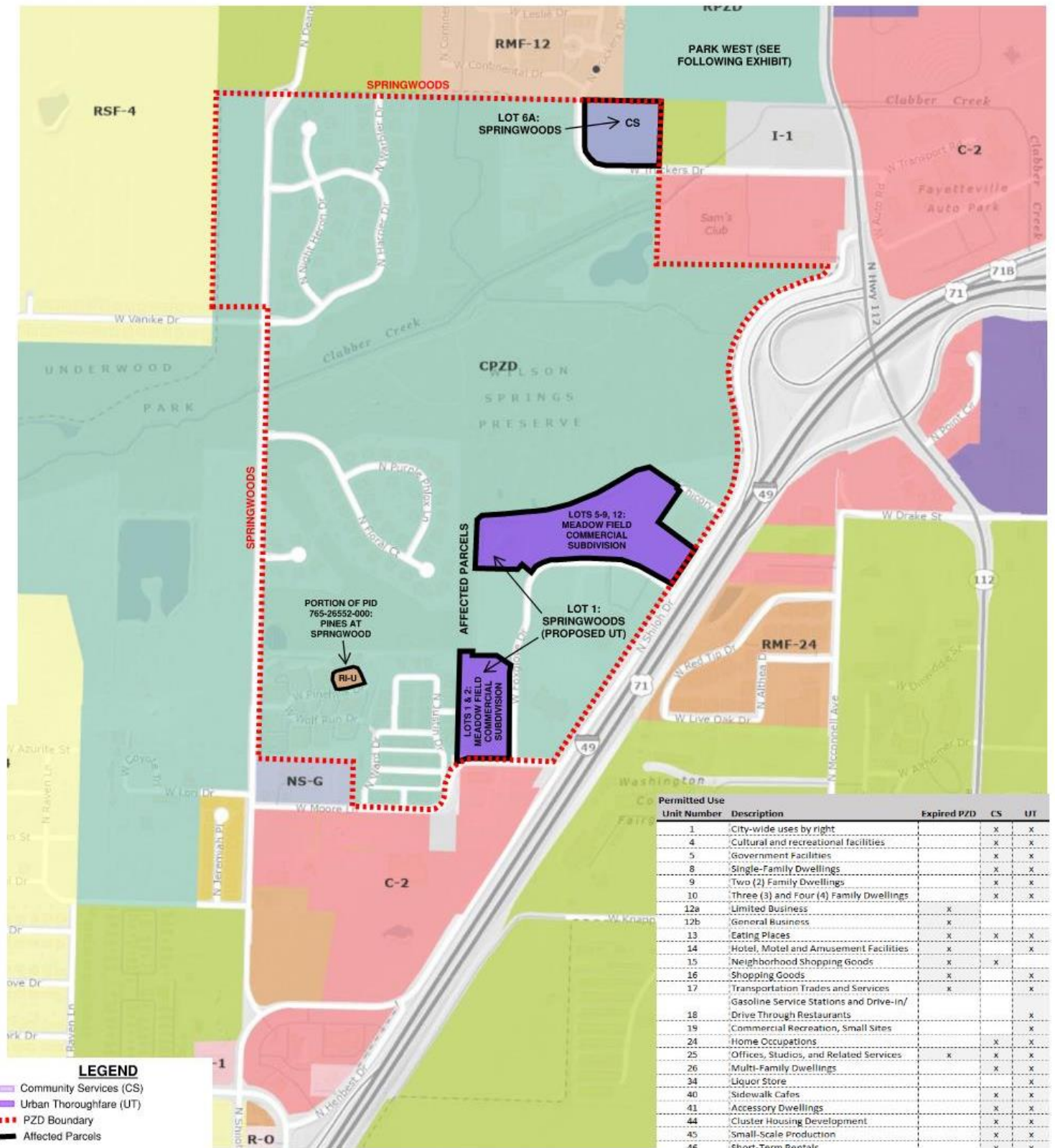


CLIFFSIDE AND PADDOCK RD



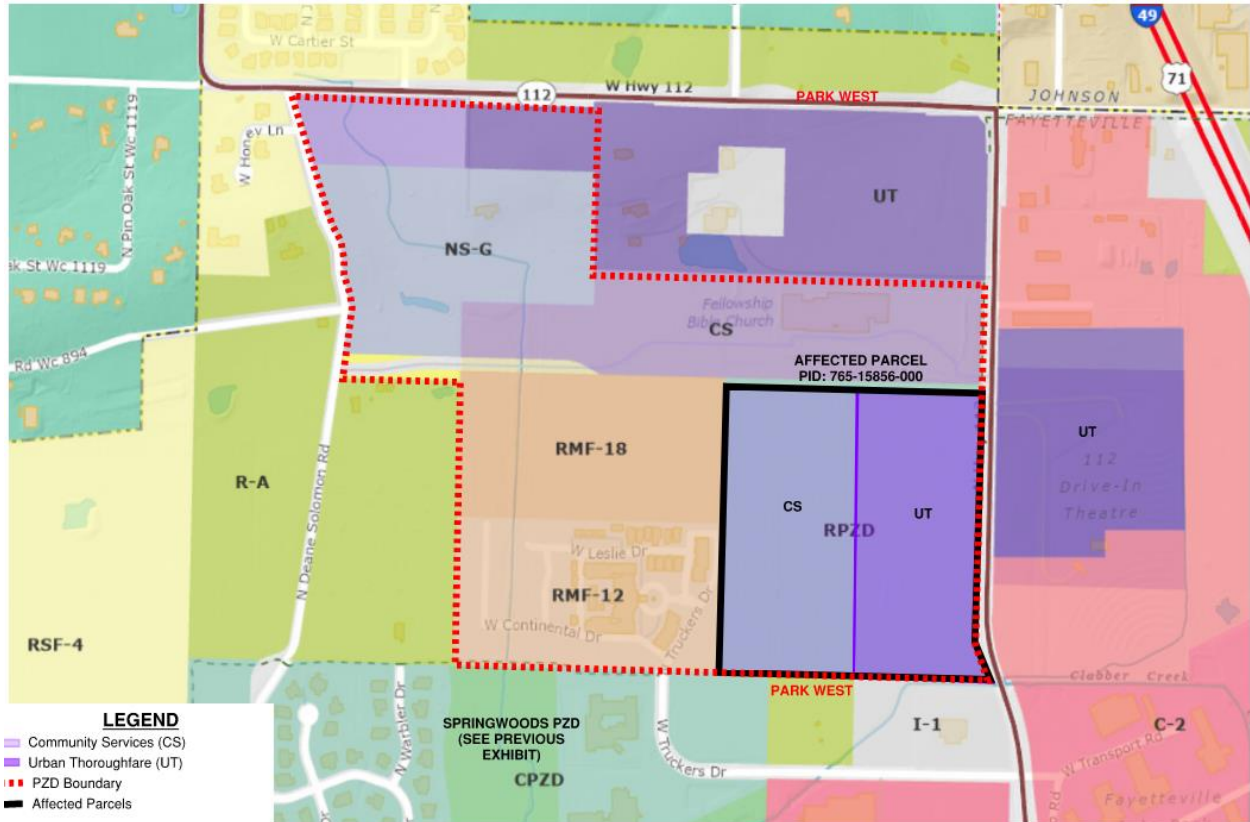
WESTBROOK VILLAGE PHASE 2

RZN-2024-0011
EXHIBIT A

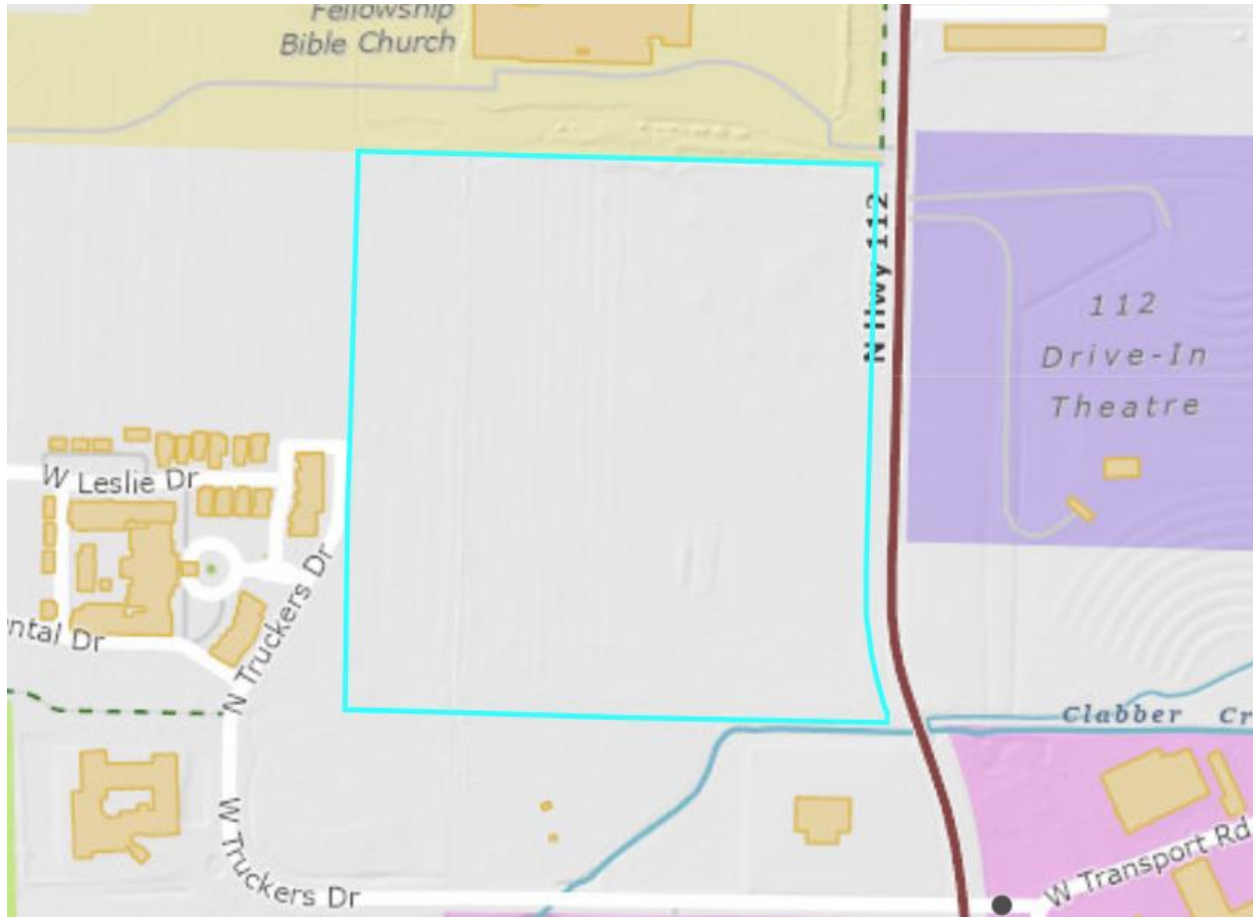


SPRINGWOODS

RZN-2024-0011
EXHIBIT A



PARK WEST

RZN-2024-0011 LEGAL DESCRIPTIONS**Parent Tract: (Assessor's Page)**

SW SE & SE SW 39.43 FURTHER DESCRIBED FROM 2017-7010 AS: PART OF THE WEST HALF OF THE SOUTHEAST QUARTER, ALL IN SECTION TWENTY-EIGHT (28), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NE 1/4 OF THE SW 1/4 OF SAID SECTION 28 BEING A FOUND COTTON PICKER SPINDLE IN ASPHALT ROADWAY; THENCE ALONG THE WEST LINE OF SAID NE 1/4 OF THE SW 1/4, S02°34'52"W A DISTANCE OF 1283.11 FEET TO A FOUND IRON PIN WITH CAP "PLS 1439"; THENCE LEAVING SAID WEST LINE, S87°19'58"E A DISTANCE OF 1315.10 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156"; THENCE S87°19'58"E A DISTANCE OF 1266.91 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHWAY 112 THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING EIGHT (8) CALLS, S02°43'18"W A DISTANCE OF 978.38 FEET TO A POINT; THENCE S02°02'26"W A DISTANCE OF 63.14 FEET TO A POINT; THENCE S00°11'50"W A DISTANCE OF 51.97 FEET TO A POINT; THENCE S03°04'07"E A DISTANCE OF 40.08 FEET TO A POINT; THENCE S07°04'04"E A DISTANCE OF 55.68 FEET TO A POINT; THENCE S11°50'44"E A DISTANCE OF 58.74 FEET TO A POINT; THENCE S15°34'53"E A DISTANCE OF 71.32 FEET TO A POINT; THENCE S18°13'53"E A DISTANCE OF 15.95 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY, S02°32'54"W A DISTANCE OF 26.08 FEET TO A FOUND 3 INCH ALUMINUM CAP AT THE SOUTHEAST CORNER OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 28; THENCE ALONG THE SOUTH LINE OF SAID SW 1/4 OF THE SE 1/4, N87°08'52"W A DISTANCE OF 1322.12 FEET TO A FOUND IRON PIN WITH CAP "PLS 1439", BEING THE SOUTH QUARTER CORNER OF SAID SECTION 28; THENCE LEAVING SAID SOUTH LINE, N02°32'22"E A DISTANCE OF 1349.51 FEET TO THE POINT OF BEGINNING. SAID TRACT OR PARCEL OF LAND CONTAINING 39.43 ACRES (1,717,256 SQUARE FEET), MORE OR LESS RECORDS OF WASHINGTON COUNTY, ARKANSAS.

RZN-2024-0011
EXHIBIT B

Westerly portion Tract 1 PLA 2017-3176 (Proposed CS Zoning)

A portion of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section Twenty-Eight (28), Township Seventeen (17) North, Range Thirty (30) West, Fifth Principal Meridian, Washington County, Arkansas being more particularly described as follows:

Commencing at the Southeast corner of said Forty (40) acre tract;
thence North 87°08'52" West 819.76 feet to the Point of Beginning;
thence North 87°09'40" West 504.68 feet to a point;
thence North 02°32'22" East 1349.51 feet to a point;
thence South 87°19'58" East 508.97 feet to a point;
thence South 02°43'18" West 1351.02 feet to the point of beginning,
having an area of 15.710 acres, more or less.

Easterly portion Tract 1 PLA 2017-3176 (Proposed UT)

A portion of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section Twenty-Eight (28), Township Seventeen (17) North, Range Thirty (30) West, Fifth Principal Meridian, Washington County, Arkansas being more particularly described as follows:

Beginning at the Southeast corner of said Forty (40) acre tract;
thence North 87°08'52" West 819.76 feet to a point;
thence North 02°43'18" East 1351.02 feet to a point;
thence South 87°19'58" East 757.94 feet to a point;
thence South 02°43'18" West 978.38 feet to a point;
thence South 02°02'26" West 63.14 feet to a point;
thence South 00°11'50" West 51.97 feet to a point;
thence South 03°04'07" East 40.08 feet to a point;
thence South 07°04'04" East 55.68 feet to a point;
thence South 11°50'44" East 58.74 feet to a point;
thence South 15°34'53" East 71.32 feet to a point;
thence South 18°13'53" East 15.95 feet to a point;
thence South 02°32'54" East 26.08 feet to the point of beginning,
having an area of 23.704 acres, more or less.

RZN-2024-0011
EXHIBIT B



Proposed RI-U Zoning
Staff Created Legal Description

A part of the Northwest Quarter (NW) of the Southwest Quarter (SW ¼) of Section Thirty-three (33), Township Seventeen (17) North, Range Thirty (30) West, Fifth Principal Meridian, Washington County, Arkansas being more particularly described as follows:

Commencing at the Northwest (NW) corner of said Section Thirty-three (33) as shown on Instrument Number 2019-034613 filed for record with the Office of the Circuit Clerk and Ex-Officio Recorder of said County;

thence South 02°28'26" West 1816.10 feet to a point; thence South 02°30'44" West 1806.69 feet to a point; thence South 89°13'36" East 843.85 feet to a point; thence South 00°46'24" East 143.81 feet to the **Point of Beginning**;

thence North 80°40'42" East 123.65 feet to a point;

thence South 57°28'51" East 21.49 feet to a point;

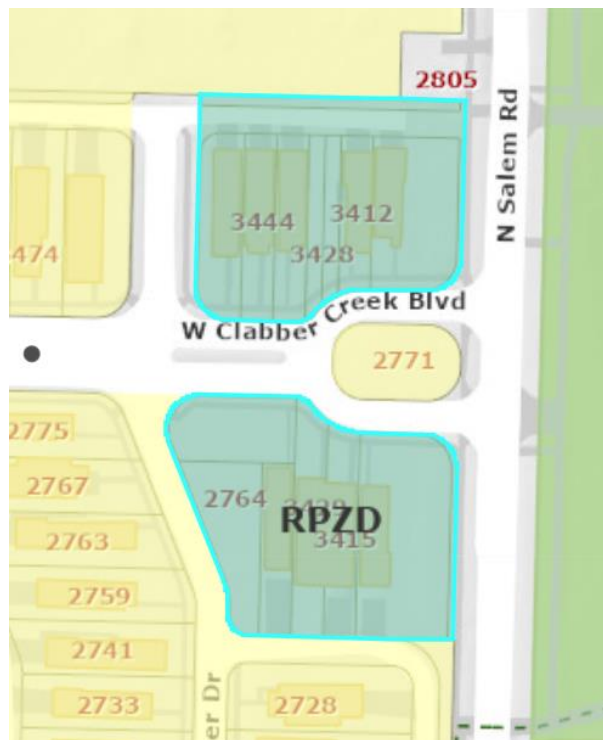
thence South 12°28'51" East 97.61 feet to a point;

thence South 77°31'09" West 129.66 feet to a point;

thence North 57°28'51" West 20.92 feet to a point;

thence North 09°19'18" West 104.99 feet to the point of beginning,

having an area of 16227 square feet, more or less.



PROPOSED RI-U ZONING.

Legal Description from Previous PZD

EXHIBIT "A" -- R-PZD 06-2349

TRACT ONE:

ALL OF TRACT ONE AS SHOWN ON THE FINAL PLAT OF SALEM VILLAGE P.U.D., RECORDED IN PLAT BOOK 15 AT PAGE 70, BEING PART OF THE NW1/4 OF THE SW1/4 OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, ALSO BEING DESCRIBED AS FOLLOWS:

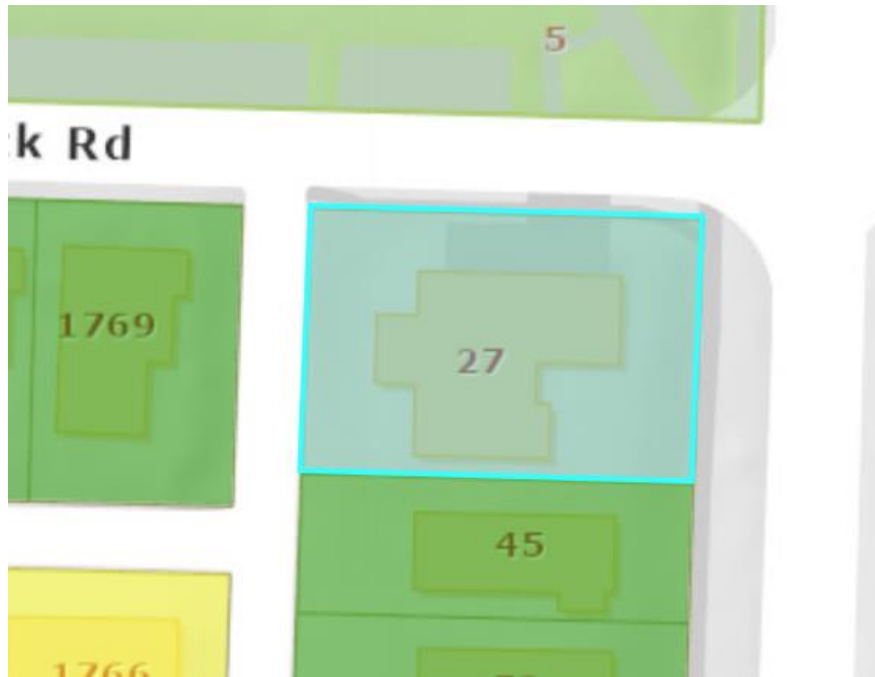
BEGINNING AT A FOUND IRON PIN AT THE NORTHWEST CORNER OF SAID TRACT ONE; THENCE S87°28'49"E 198.16 FEET; THENCE S02°34'27"W 117.00 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A LONG CHORD THAT BEARS S47°34'27"W, 35.36 FEET, AN ARC DISTANCE OF 39.27 FEET TO A FOUND IRON PIN; THENCE N87°25'33"W 46.20 FEET TO A FOUND IRON PIN; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 48.00 FEET, A LONG CHORD THAT BEARS S66°03'25"W, 42.86 FEET, AN ARC DISTANCE OF 44.43 FEET TO A FOUND IRON PIN; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A LONG CHORD THAT BEARS S66°01'47"W, 13.38 FEET, AN ARC DISTANCE OF 13.87 FEET TO A FOUND IRON PIN; THENCE N87°28'49"W 51.48 FEET TO A FOUND IRON PIN; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A LONG CHORD THAT BEARS N42°28'49"W, 35.36 FEET, AN ARC DISTANCE OF 39.27 FEET TO A FOUND IRON PIN; THENCE N02°31'11"E 142.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.70 ACRES, MORE OR LESS, BEING SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

RZN-2024-0011
EXHIBIT B

TRACT TWO:

ALL OF TRACT TWO AS SHOWN ON THE FINAL PLAT OF SALEM VILLAGE P.U.D., RECORDED IN PLAT BOOK 15 AT PAGE 70, BEING PART OF THE NW1/4 OF THE SW1/4 OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, ALSO BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 2; THENCE N87°28'49"W 152.99 FEET TO A FOUND IRON PIN; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A LONG CHORD THAT BEARS N42°27'11"W, 21.22 FEET, AN ARC DISTANCE OF 23.58 FEET TO A FOUND IRON PIN; THENCE N02°34'27"E 6.23 FEET TO A FOUND IRON PIN; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 51.00 FEET, A LONG CHORD THAT BEARS N08°56'20"W, 20.36 FEET, AN ARC DISTANCE OF 20.50 FEET TO A FOUND IRON PIN; THENCE N20°27'08"W 109.75 FEET TO A FOUND IRON PIN; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A LONG CHORD THAT BEARS N36°02'02"E, 41.69 FEET, AN ARC DISTANCE OF 49.29 FEET TO A FOUND IRON PIN; THENCE S87°28'49"E 70.64 FEET TO A FOUND IRON PIN; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A LONG CHORD THAT BEARS S61°04'04"E, 13.34 FEET, AN ARC DISTANCE OF 13.83 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 48.00 FEET, A LONG CHORD THAT BEARS S61°02'26"E, 42.66 FEET, AN ARC DISTANCE OF 44.21 FEET; THENCE S87°25'33"E 46.19 FEET TO A FOUND IRON PIN; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A LONG CHORD THAT BEARS S42°25'33"E, 35.36 FEET, AN ARC DISTANCE OF 39.27; THENCE S02°34'27"W 127.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.72 ACRES, MORE OR LESS, BEING SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.



Proposed NC

Parent Tract: (Warranty Deed)

Lot 1, Paddock Subdivision, Fayetteville, as per the plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

RZN-2024-0011
EXHIBIT B



Proposed UT

**LOTS 1-2, 5-10, AND 12 OF THE FINAL PLAT OF MEADOW FIELD COMMERCIAL SUBDIVISION,
BEING A REPLAT OF SPRINGWOODS LOT #1, INCLUDING THE FOLLOWING PARCELS**

MEADOW FIELD COMMERCIAL SUBDIVISION LOT 1 (PID 765-25745-000)
MEADOW FIELD COMMERCIAL SUBDIVISION LOT 2 (PID 765-25746-000)
MEADOW FIELD COMMERCIAL SUBDIVISION LOT 5 (PID 765-25749-000)
MEADOW FIELD COMMERCIAL SUBDIVISION LOT 6 (PID 765-25750-000)
MEADOW FIELD COMMERCIAL SUBDIVISION LOT 7 (PID 765-25751-000)
MEADOW FIELD COMMERCIAL SUBDIVISION LOT 8 (PID 765-25752-000)
MEADOW FIELD COMMERCIAL SUBDIVISION LOT 9 (PID 765-25753-000)
MEADOW FIELD COMMERCIAL SUBDIVISION LOT 10 (PID 765-25754-000)
MEADOW FIELD COMMERCIAL SUBDIVISION LOT 12 (PID 765-25756-000)

RZN-2024-0011
EXHIBIT B



Proposed CS

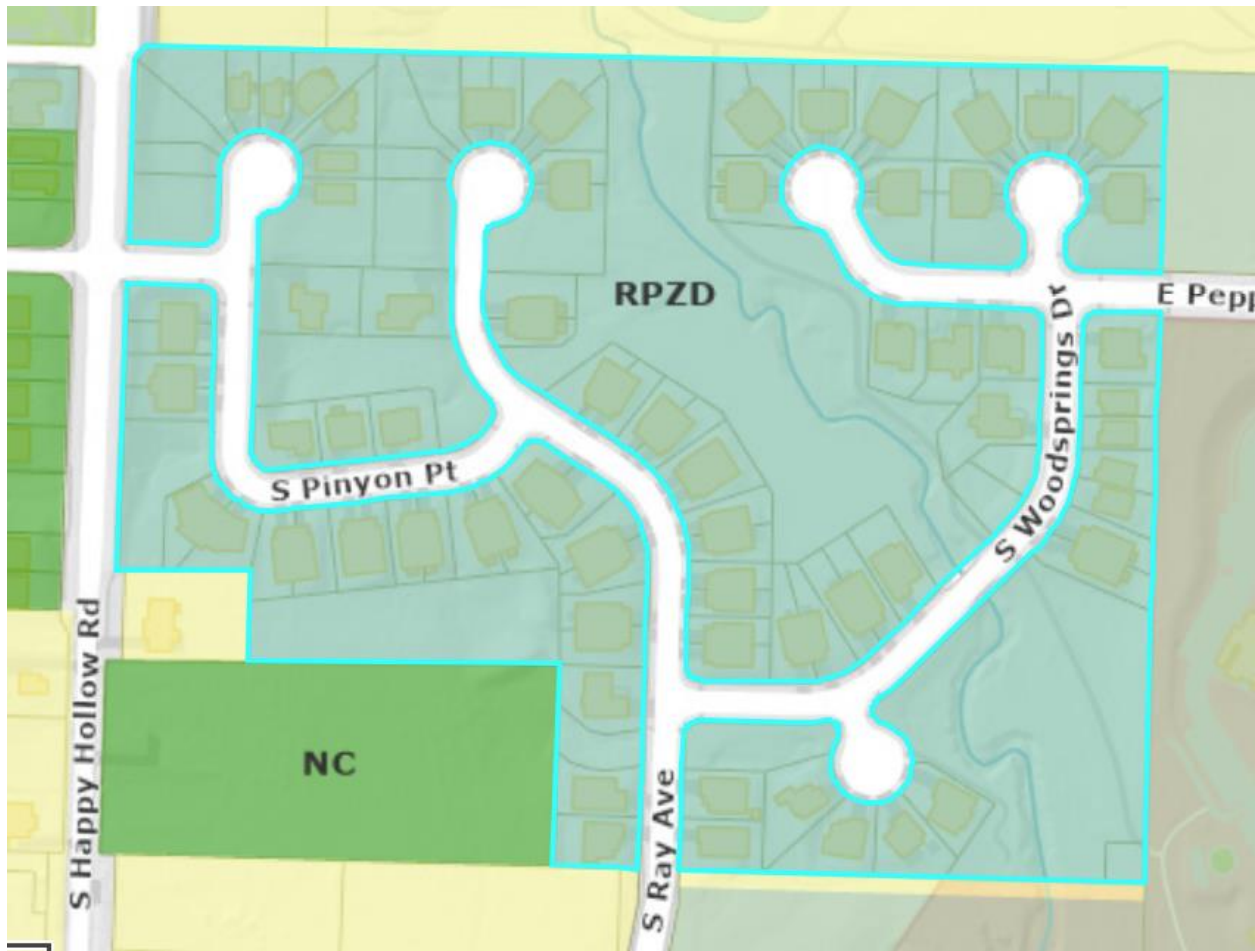
Extended Legal

PT LOT 6

FURTHER DESCRIBED FROM 2022-3463 AS:

ALL OF LOT 6A OF SPRINGWOODS C-PZD AS RECORDED IN PLAT RECORD 2006-00029843, BEING LOCATED IN A PART OF THE NE OF THE NW AND IN A PART OF THE NW OF THE NE OF SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 WEST IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: STARTING AT NE CORNER OF THE NE OF THE NW OF SECTION 33 FOR THE TRUE POINT OF BEGINNING; THENCE SOUTH 87°12 MINUTES 42 SECONDS EAST 247.42 FEET; THENCE SOUTH 02°27 MINUTES 35 SECONDS WEST 418.05 FEET; THENCE NORTH 87°54 MINUTES 20 SECONDS WEST 329.13 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 165.00 FEET, AN ARC LENGTH OF 260.23 FEET AND A CHORD OF NORTH 42°43 MINUTES 22 SECONDS WEST 234.09 FEET; THENCE NORTH 02°27 MINUTES 35 SECONDS EAST 257.55 FEET; THENCE SOUTH 87° 18 MINUTES 53 SECONDS EAST 247.76 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 4.649 ACRES, MORE OR LESS,

RZN-2024-0011
EXHIBIT B



PROPOSED R-A

Lots 112, 113, 114, 115, 116, 117, and 118, Timber Trails Subdivision, Fayetteville, Washington County, Arkansas as shown on plat record "23A" at page 55

Subject to recorded instruments, covenants, rights of way and easements.

and

Part of the NE 1/4 of the SW 1/4 of Section 14, Township 16 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows:

Commencing at a found iron pin at the Northwest Corner of said NE 1/4 of the SW 1/4; thence along the north line of said NE 1/4 of the SW 1/4 S87°07'09"E 1,322.49 feet to the Northeast Corner of said NE 1/4 of the SW 1/4; thence along the east line of said NE 1/4 of the SW 1/4 S02°49'15"W 938.39 feet to the point of beginning; thence continuing along said east line S02°49'15"W 50.00 feet to the south line of the North 30 acres of said NE 1/4 of the SW 1/4; thence along said south line N87°07'09"W 50.00 feet; thence departing said south line N02°49'15"E 50.00 feet; thence S87°07'09"E 50.00 feet to the point of beginning, containing 2,500 square feet or 0.06 acres, more or less. Subject to any easements, covenants or restrictions of record or fact.

Also known as Lot 119 in the proposed Timber Trails Subdivision.

RZN-2024-0011
EXHIBIT B

PROPOSED RI-U

Lots 1-111 of Timber Trails Subdivision, Fayetteville, Washington County, Arkansas as shown on Plat Record "23A" at Page 255.

Subject to easements, right-of-ways, and protective covenants of record, if any. Subject to all prior mineral reservations and oil and gas leaks, if any.

**TABLE 1
EXPIRED PZDs TO BE REZONED**

PZD Name	Ward	Location	PZD Approval Year	Prior Zoning District	Proposed Zoning	Acreage
Park West	2	N. Hwy 112	2006	R-A & RSF4	UT CS	23.70 (UT) 15.71 (CS)
Cliffside (AKA Timber Trails)	1	S. Pinyon Pt., S. Ray Ave., S. Woodsprings Dr., & E. Peppervine Dr.	2004	RSF-4	RI-U R-A	18.67 (RI-U) 7.44 (R-A)
Springwoods	2	W. Truckers Dr., W. Chicory Pl., W. Foxglove Dr., and W. Pinehills Dr.	2003	I-1	UT CS RI-U	17.05 (UT) 6.09 (CS) 0.37 (RI-U)
Westbrook Village Phase 2	4	W. Clabber Creek Blvd. and N. Salem Rd.	2007	RSF-4	RI-U	1.42
Paddock Road Subdivision	1	27 S. Happy Hollow Rd.	2005	RSF-4	NC	0.20

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan varies by property. Please see Table 2 below.

**TABLE 2
FUTURE LAND USE/ZONING COMPARISON**

PZD Name	Future Land Use Designation	Proposed Zoning	Infill Score	Overlay Districts
Park West	City Neighborhood	CS & UT	2-5 Weighted 6	Enduring Green Network
Cliffside (AKA Timber Trails)	Residential Neighborhood	RI-U & R-A	6-7 Weighted 8	Enduring Green Network
Springwoods	Urban Center & City Neighborhood	CS & UT	3-7 Weighted 8	Enduring Green Network, I-540 Overlay District
Westbrook Village Phase 2	Residential Neighborhood	RI-U	4-5 Weighted 5.5	Enduring Green Network
Paddock Road Subdivision	Residential Neighborhood	NC	6-7 Weighted 6	Enduring Green Network

**TABLE 3
INFRASTRUCTURE AND ENVIRONMENTAL REVIEW**

PZD Name	Water	Sewer	Drainage	Fire and Police* Response Goal in Minutes: Engine: 6 / Ladder: 8	Tree Preservation+ (Proposed Zonings)
Park West	8" (N. Truckers Dr.) 6" (N. Hwy. 112) 36" (N. Hwy. 112 & South Property Line)	8" (N. Hwy. 112) 48" (South Property Line)	Floodplain, Protected Stream Hydric Soils	Station #8 3 Minute Response	15% (UT) 20% (CS)
Cliffside (AKA Timber Trails)	8" (S. Happy Hollow Rd.) 6" & 8" (Throughout Neighborhood)	8" (S. Happy Hollow Rd.) 8" (Throughout Neighborhood)	Floodplain, Protected Stream, Hydric Soils	Station #3 2 Minute Response	15% (RI-U) 25% (R-A)
Springwoods	8" (W. Truckers Dr.) 8" (W. Foxglove Dr.) 12" (N. Shiloh Dr.) 8" (W. Moore Ln.) 8" (W. Pinehills Dr.)	8" (W. Truckers Dr.) 8" (Lot 1) 8" (W. Pinehills Dr.) 48" (Lot 6A)	Hydric Soils	Station #8 3 Minute Response	15% (UT) 20% (CS) 15% (RI-U)
Westbrook Village Phase 2	8" (N. Salem Rd.) 8" (Alley) 2" & 6" (W. Clabber Creek Blvd.)	15" (N. Salem Rd.) 10" (N. Westminster Dr.) 8" (Alley)	Floodplain	Station #8 4 Minute Response	15% (RI-U)
Paddock Road Sub.	8" (E. Paddock Loop) 8" (Alley 49) 8" (S. Happy Hollow Rd.)	8" (S. Happy Hollow Rd.)	NA	Station #3 2 Minute Response	20% (NC)

**Police did not comment on the proposed rezonings*

+ All PZDs have a required tree preservation of 25%.

PUBLIC COMMENTS

PZD Name	Public Comment
Cliffside (AKA Timber Trails)	One phone inquiry requesting additional information on the proposed zoning districts. One email inquiry requesting additional information.
Paddock Road Subdivision	No Comments Received
Westbrook Village Ph. 2	One inquiry regarding extent of proposal and expressing general support for proposed rezoning. One inquiry regarding proposed zoning / future plans and expressing general concerns about flooding and drainage within the neighborhood, particularly to the south of the proposed rezoning area.
Springwoods	PID 765-25746-000 & PID 765-25745-000 (Lots 1 & 2): Extensive email and phone conversations with staff regarding expiration of PZD, rezoning process, and staff request. The owner is opposed if rezoning is forwarded with a recommendation of CS. Owner preference in favor of request with change to UT. PID 765-23604-000 (Lot 6A): Email / phone conversation with ownership team. Owner in support of staff-proposed rezoning PID 765-25752-000& 765-25756-000 (Lots 8 & 12): Slight concern about CS and UT, but owner may be looking at doing some form of warehouse use. PID 765-26552-000 (Pines at Springwood): Phone Inquiry from the POA board president clarifying the scope of the request. Caller expressed general support for the rezoning, acknowledging that RI-U aligns with what has been constructed in the neighborhood already.
Park West	Phone Inquiry from property owners: Minimal concern about split zoning of UT and CS as potential development could work in both districts, general support of request. Owners are also working through other development issues such as easement and ROW acquisitions.

LEGEND

(See comments for details)

TEXT = Neither support nor opposition to request expressed

TEXT = Comment in support

TEXT = Comment in opposition



TO: City of Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: April 8, 2024 (UPDATED WITH MEETING RESULTS)

SUBJECT: **RZN 2024-0011: Rezone (VARIOUS EXPIRED PZD LOCATIONS/ EXPIRED PZDS, PP VARIES):** Submitted by CITY PLANNING STAFF for VARIOUS PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE. The properties are zoned as PLANNED ZONING DISTRICTS and contain approximately 90.65 acres. The request is to rezone the properties to various standard zoning districts.

RECOMMENDATION:

Staff recommends **RZN 2024-0011** be forwarded to the City Council with a recommendation of approval.

MARCH 25, 2024, PLANNING COMMISSION MEETING:

At the March 25, 2024, Planning Commission meeting, the item was tabled to provide additional time for the Planning Commission to review staff's proposal more fully. No changes have been made to the proposal in the interim.

BACKGROUND:

The subject properties consist of five Planned Zoning Districts (PZDs) that are located throughout the City limits of Fayetteville. Properties are a mix of fully undeveloped properties, partially developed neighborhoods and/or commercial blocks with sections of undeveloped lots, or part of a larger PZD that has been almost entirely rezoned. The original zoning of these properties, before they became PZDs, range from R-A, Residential-Agricultural to I-1, Heavy Commercial and Light Industrial. Prior to 2014, Fayetteville's PZD standards required all construction permits to be secured within a specific timeframe. If permits were not obtained, then the development rights were null and void. As a result, many of these properties are zoned PZD but since construction was not fully completed within a specific allotted timeframe, the planned zoning district has expired.

Additionally, because planned zoning districts are customized, they are inherently more complicated than the city's standard zoning districts. Many were established before many of the city's current development regulations such as the landscape and tree preservation code were passed, leading to complex zoning regulations that are hundreds of pages long and which are generally outdated. As such, staff propose to rezone the properties to various zoning districts as shown in *Table 1*.

Request: City Planning staff requests to rezone the properties from the expired PZD designation to one or more zoning districts as shown in Table 1.

Public Comment: Staff sent letters in late February to notify all affected property owners of the staff-initiated rezoning and provide opportunities for initial feedback. A second round of letters was sent with full public notice in March. Over this timeframe, staff have received numerous inquiries and comments which are summarized in a table in the attachments.

**TABLE 1
EXPIRED PZDs TO BE REZONED**

PZD Name	Ward	Location	PZD Approval Year	Prior Zoning District	Proposed Zoning	Acreage
Park West	2	N. Hwy 112	2006	R-A & RSF4	UT CS	23.70 (UT) 15.71 (CS)
Cliffside (AKA Timber Trails)	1	S. Pinyon Pt., S. Ray Ave., S. Woodsprings Dr., & E. Peppervine Dr.	2004	RSF-4	RI-U R-A	18.67 (RI-U) 7.44 (R-A)
Springwoods	2	W. Truckers Dr., W. Chicory Pl., W. Foxglove Dr., and W. Pinehills Dr.	2003	I-1	UT CS RI-U	17.05 (UT) 6.09 (CS) 0.37 (RI-U)
Westbrook Village Phase 2	4	W. Clabber Creek Blvd. and N. Salem Rd.	2007	RSF-4	RI-U	1.42
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Springwoods	Urban Center & City Neighborhood	CS & UT	3-7 Weighted 8	Enduring Green Network, I-540 Overlay District
Westbrook Village Phase 2	Residential Neighborhood	RI-U	4-5 Weighted 5.5	Enduring Green Network
Paddock Road Subdivision	Residential Neighborhood	NC	6-7 Weighted 6	Enduring Green Network

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Westbrook Village Phase 2	8" (N. Salem Rd.) 8" (Alley) 2" & 6" (W. Clabber Creek Blvd.)	15" (N. Salem Rd.) 10" (N. Westminster Dr.) 8" (Alley)	Floodplain	Station #8 4 Minute Response	15% (RI-U)
Paddock Road Sub.	8" (E. Paddock Loop) 8" (Alley 49) 8" (S. Happy Hollow Rd.)	8" (S. Happy Hollow Rd.)	NA	Station #3 2 Minute Response	20% (NC)

*Police did not comment on the proposed rezonings
+ All PZDs have a required tree preservation of 25%.

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends RZN 2024-0011 be forwarded to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u> Date: <u>April 8, 2024</u> ☐ Tabled ☒ Forwarded ☐ Denied Motion: Second: Vote:	SEE FOLLOWING PAGE
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PLANNING COMMISSION ACTION: Required **YES**

	MOTION #1	MOTION #2	MOTION #3	MOTION #4	MOTION #5
	Motion to divide the question to consider Springwoods separately	Motion to forward Springwoods with a recommendation of approval, revising Meadowfield Commercial Subdivision lots 5-9 & 12 to I-1, Light Industrial	Motion to reconsider	Motion to forward Springwoods rezoning to City Council as recommended by staff with a recommendation of approval	Motion to forward remainder to City Council as recommended by staff with a recommendation of approval
FIRST	PAYNE	PAYNE	WERNER	GARLOCK	GARLOCK
SECOND	WERNER	BRINK	GARLOCK	GULLEY	CASTIN
VOTE	8-0-0	2-6-0	6-2-0	7-1-0	8-0-0
RECORD	All commissioners voted in favor	*The following commissioners voted against the motion: 1. CASTIN 2. GARLOCK 3. WERNER 4. GULLEY 5. MADDEN 6. MCGETRICK	*The following commissioners voted against the motion: 1. PAYNE 2. BRINK	*The following commissioners voted against the motion: 1. PAYNE	All commissioners voted in favor

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

Finding: ***Land Use Compatibility:*** The proposed zoning districts are compatible with the surrounding land uses. Staff evaluated permitted and conditional uses within the expired PZDs to determine the nature and intensity of the previously approved PZDs. Where developed or platted, staff evaluated the properties and proposed zoning districts that avoid or minimize nonconformance. For others, staff proposes zoning districts which are compatible with surrounding land uses to the greatest extents possible. See below for specific evaluations.

- **Park West:** Staff recommends rezoning the remaining Park West PZD to a combination of UT and CS. Staff finds the rezoning is consistent with the existing development patterns, including those currently in the development pipeline. All other parcels of the original Park West PZD have since been rezoned with a wide mix of uses, including the most recent rezoning for parcel 765-15830-007 to RMF-18 directly west, proposed to be developed with a multi-family residential development. Other developments originally included within the PZD boundaries include an existing retirement community known as Grand Village at Clear Creek directly west and the Fellowship Baptist Church directly north. Other portions of the Park West PZD to the north and northwest have been rezoned to a mix of CS, UT, and Neighborhood Services-General (NS-G) but have not yet been developed. Further, existing UT is located across Hwy 112 at the 112 Drive-In-Theatre location, which was recently approved for a mixed-use development titled “The Aronson.”

Staff finds that a split rezoning of CS and UT would be compatible in this area given the existing and planned multifamily developments and existing commercial uses. Limiting UT to a smaller portion of the property abutting Hwy 112 would restrict more intensive uses to the areas adjacent to the major thoroughfare, with more limited uses permitted adjacent to residential developments.

- **Cliffside:** Staff recommends rezoning the Cliffside PZD to a combination of RI-U and R-A. The approved PZD included approval for 15 single-family homes and 48 two-family homes. All residential lots were approved with front and rear setbacks of 20 feet. Single-family dwellings were approved with side setbacks of 8 feet on all side property lines, and two-family dwellings were approved to utilize a zero-lot line along a shared common wall. Lot sizes range from approximately 3,500 square feet to 10,600 square feet, with only three parcels meeting lot minimum requirements for the previous RSF-4 zoning. Six of the eight parcels that remain unbuilt have street frontage of approximately 16 feet to 22 feet, with the remaining corner lots having street frontages of nearly 200 feet. Because RI-U has a minimum lot width of 18 feet for residential uses, it is one of the few districts that would allow the existing lots to conform with existing

zoning requirements. RI-U would remain primarily residential in nature with a small number of conditional non-residential uses. While RI-U has no density limitations, staff finds that the zoning is unlikely to result in development that is out of scale with the surroundings as most parcels are small and do not have sufficient width to permit additional subdivision of land. Additionally, while RI-U permits up to three and four family dwellings by right, staff finds this is not likely to lead to development that is incompatible given the existing development patterns of the neighborhood. Further, most parcels are encumbered by utility or drainage easements. Staff proposes to rezone the entire Cliffside development rather than solely the undeveloped parcels in order to create consistent zoning entitlements and reduce administrative difficulty for staff and current/future property owners. Additionally, staff proposes to rezone the areas designated as common areas and tree preservation lots by the approved PZD as Residential Agricultural, R-A, in order to maintain these areas as communal green space. Staff also proposes to rezone PID 765-26323-000 (Lot 119) as R-A, as this lot is owned by the City of Fayetteville. R-A allows Use Unit 3: Public Protection and Utility Facilities by right, which would facilitate the lot's intended purpose.

- **Springwoods:** Staff recommends rezoning the undeveloped portions of the Springwoods PZD to a combination of UT, CS, and RI-U. Due to the overall scale of the PZD acreage, staff is not recommending a full rezoning of the Springwoods PZD at this time, choosing instead to focus on those properties that are either undeveloped or currently under development. Undeveloped lots are spread throughout the PZD in three primary sections further described below. Lot 1 of the Springwoods CPZD was replatted as the Meadow Field Commercial Subdivision in 2006. Lots 1-2, 5-9 & 12 of Meadow Field remain undeveloped and zoning entitlement for these parcels has since expired. Lot 6A of the original Springwoods CPZD and a portion of PID 765-26552-000 (The Pines at Springwoods Horizontal Property Regime) also remain undeveloped.

Given the proximity of these parcels to the Wilson Springs Creek Preserve, staff finds that the original zoning of I-1 would be incompatible. However, staff notes the remaining parcels within the Meadow Field Commercial Subdivision and Lot 6A abut an I-49 entrance and exit and have the capacity to serve residents throughout the city with large commercial uses. As such, staff evaluated a mix of CS and UT to restore commercial and development rights. Both CS and UT allow a wide mix of residential and commercial uses, creating the opportunity for mixed-use developments rather than solely commercial uses.

Staff initially recommended CS on parcels 765-23604-000, 765-25746-000 and 765-25745-000 as these parcels are abutting residential uses and could provide a transition to the higher intensity uses permitted by the UT district. Since the initial recommendation of CS, staff has

consulted extensively with the property owner of PID 765-25746-000 and 765-25745-000, who requested the city propose UT, a zoning district that would permit Use Unit 17: Transportation Trades and Services by right rather than CS. Staff analyzed the request and finds that since that the original PZD included this use unit by right and surrounding parcels have been extensively developed with auto-oriented developments, the inclusion of a district which permits Use Unit 17 by right is likely to be compatible in these locations. Staff finds UT, Urban Thoroughfare would be consistent for the requested parcels.

The Pines at Springwoods has been almost entirely developed with four-family dwellings in a form-based style. A single buildable portion of the parcel remains and staff finds that RI-U would best facilitate development in a similar style given limited development area and the consistent development of four-family dwellings.

- **Westbrook Village Phase 2:** Staff recommends rezoning the Westbrook Village Phase 2 PZD to RI-U. The property was originally platted as part of the Salem Village Planned Unit Development (PUD) in 1997, most of which has since been rezoned to RSF-4. The original PUD designated these parcels as mixed-use village centers. A revised PZD was approved in 2006 that revised the permitted uses to either strictly single-family residential or greenspace. All but one parcel designated for development have since been constructed with single-family homes, and staff recommends rezoning to RI-U to bring these parcels to a standard zoning district. RI-U has a minimum lot width of 18 feet for residential uses, which would allow the existing lots to conform with existing zoning requirements. Internal parcels here have approximately 20 feet of street frontage. Given existing development patterns and existing lot sizes, staff finds the uses permitted in RI-U are not likely to create development that is out of sync on the remaining undeveloped parcel.
- **Paddock Road Subdivision:** Staff recommends rezoning the Paddock Road Subdivision PZD to NC. This parcel has been developed and has not expired; however, all other parcels within the original PZD have been rezoned in the years since its passage. Because of this and the complexity of the Paddock Road Subdivision PZD, staff recommends this parcel be rezoned to NC, Neighborhood Conservation. The parcels to the immediate west and south were successfully rezoned to NC, Neighborhood Conservation in 2014 and the rezoning of the remaining parcel would fully eliminate the remaining RPZD, creating consistent zoning entitlements and reducing administrative difficulty for staff and current/future property owners. The existing parcel meets bulk and area as well as minimum buildable street frontages required by the NC zoning. As the parcel is already constructed with a residence, staff finds a rezoning is unlikely to result in development that is inconsistent with the surrounding parcels.

Land Use Plan Analysis: The proposed zonings are compatible with the Future Land Use Map, which vary from property to property (see Table 2). Staff finds that the recommended zoning districts are generally compatible with goals to encourage infill and discourage suburban sprawl, create compact, complete and connected development, provide opportunities for attainable housing, and grow a livable transportation networks. Additionally, rezoning the remaining parcels will eliminate many planned zoning districts, simplifying the zoning regulations and bringing these areas into conformance with current zoning standards.

- **Park West:** Staff finds that rezoning the remaining Park West PZD to a combination of UT and CS will restore development rights and could allow for a mixed-use development in close proximity to a Tier 2 Center, and that the proposed zoning districts generally align with previously permitted uses. City Neighborhood Areas, encourage “complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population.” The expired PZD included a mixed-use district, commercial, condominiums, and a preserve/botanical/detention area. Staff finds that the reduced uses permitted by the CS district would be compatible adjacent to existing and proposed residential developments to the west with UT abutting the highway. Staff further finds that the additional pedestrian-oriented requirements of the form-based CS / UT zoning districts generally align the city 2040 Growth Plan, which calls for all centers to be “mixed-use nodes that are pedestrian friendly areas served by current or future transit.” The parcel is approximately 800 feet north of a Tier 2 Center located adjacent to the N. Hwy 112 and W. Truckers Dr. intersection.
- **Cliffside:** Staff finds that the split zoning of RI-U and R-A will bring the overall neighborhood into standard zoning districts that will simplify future city reviews, allow for infill, protect existing open space, and permit the city-owned parcel to be utilized for Use Unit 3: Public Protection and Utility Facilities. These units have a moderate infill score of 6-7, though staff notes that only eight parcels within the neighborhood remain undeveloped. The affected parcels are between $\frac{1}{2}$ and $\frac{3}{4}$ of a mile from three Tier Centers: a Tier 2 Center located at the S. Crossover Rd. and E. Huntsville Rd. intersection, a Tier 3 Center located at the S. Crossover Rd. and E. Peppervine Dr. intersection, and a Tier 3 Center located at the E. Huntsville Rd. and S. Happy Hollow Rd. intersection.
- **Springwoods:** Staff finds that rezoning the undeveloped lots in the Springwoods PZD to a combination of UT, CS, and RI-U will restore development rights and could allow for a mixed-use development in close proximity to a Tier 2 Center, and that the proposed zoning districts generally align with previously permitted uses. Lot 6A is designated as Urban Center on the Future Land Use Map, which includes “the most intense and dense development patterns within the city and allow for the tallest and greatest variety of buildings.” Undeveloped parcels within the Meadow Field Commercial

Subdivision (lots 1-2, 5-9 & 12) and PID 765-26552-000 (The Pines at Springwoods Horizontal Property Regime) are designated as City Neighborhood Areas, which encourage “complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population.” The affected parcels are between approximately $\frac{1}{4}$ to $\frac{3}{4}$ of a mile from a Tier 2 Center located adjacent to the N. Hwy 112 and W. Truckers Dr. intersection. Staff finds that the additional pedestrian-oriented requirements of the form-based CS / UT zoning districts generally align with the City 2040 Growth Plan, which calls for all centers to be “mixed-use nodes that are pedestrian friendly areas served by current or future transit,” a development style that would be facilitated by the proposed zoning districts.

Staff initially recommended CS on parcels 765-23604-000, 765-25746-000 and 765-25745-000 as these parcels are abutting residential uses and could provide a transition to the higher intensity uses permitted by the UT district, which could be located on the remaining lots near or abutting I-49. Since the initial recommendation of CS, staff has consulted extensively with the property owner of PID 765-25746-000 and 765-25745-000, who requested the city propose UT, a zoning district that would permit Use Unit 17: Transportation Trades and Services by right rather than CS. Staff analyzed the request and finds that given that the original PZD included this use unit by right and that surrounding parcels have been extensively developed with automobile-oriented uses, auto-oriented uses are likely to be compatible in these locations. Additionally, given the presence of the Wilson Springs Preserve and limited access off N. Shiloh Dr., an existing one-way access road, staff finds that the only residential areas with easy access to future developments commercial developments are likely the neighborhood abutting W. Moore Ln. As such, staff finds most of the commercial developments will likely serve the city as a whole and that UT would be compatible in this case.

The Pines at Springwoods has been almost entirely developed with four-family dwellings in a form-based style. A single buildable portion of the parcel remains, and staff finds that RI-U would best facilitate development in a similar style given the limited development area and consistent development of four-family dwellings.

- **Westbrook Village Phase 2:** Staff finds that the RI-U zoning district substantially aligns with previously permitted bulk and area requirements as well as land uses of the previously approved PZD. Many parcels are less than 30 feet in width, and RI-U would allow these narrower parcels to remain conforming while restoring development rights on the undeveloped parcel. The affected parcels are approximately $\frac{1}{2}$ of a mile south from a Tier 3 Center located north of the N. Ruppel Rd. and W. Country Meadows St. intersection, and approximately $\frac{3}{4}$ of a mile north of a Tier 2 Center located at the N. Ruppel Rd. and W. Mount Comfort Rd. intersection.

- **Paddock Rd. Subdivision:** Staff finds that rezoning this sole remaining parcel of the Paddock Road Subdivision to NC will eliminate complex requirements that may run counter to existing tree preservation and landscape requirements. While this PZD has not expired, it was approved during the adoption of the original HHOD and included several self-imposed tree preservation requirements. Today, site development standards are sufficiently addressed within current tree preservation codes and grading ordinances. The NC zoning district will permit development of a median density similar to the expired PZD, allowing an effective use of the existing infrastructure if the site is ever redeveloped. The affected parcel is between $\frac{1}{2}$ and $\frac{3}{4}$ of a mile from three Tier Centers: a Tier 2 Center located at the S. Crossover Rd. and E. Huntsville Rd. intersection, a Tier 3 Center located at the S. Crossover Rd. and E. Peppervine Dr. intersection, and a Tier 3 Center located at the E. Huntsville Rd. and S. Happy Hollow Rd. intersection.

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 recommended zoning districts are justified at this time as the properties are currently within either an expired PZD with no development rights or a PZD with outdated and complex requirements. This is a necessary measure to ensure and protect the rights of the existing property owners. Further, staff's recommendations are in line with the current surrounding land uses and the Future Land Use Map.

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

Finding: Rezoning the properties will not likely increase traffic danger or congestion. The proposed rezoning districts are substantially compatible with existing development patterns and/or previously approved entitlements. Staff finds that the grounds for these entitlements, including no appreciable increase in traffic congestion or danger, still stand.

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 properties will not substantially increase the potential population density or load on public services. The proposed rezoning districts are substantially compatible with the existing development patterns and uses permitted under the expired PZDs, and existing utility and street infrastructure is present for all properties in this report. Police, Fire, and Fayetteville School District have expressed no objections to the proposal.

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

- Page 7
- 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:

- City Attorney Memo- Expired PZDs
- PZD Ordinances
 - ORD 4434 Excerpts (2002)
 - ORD 5675 Excerpts (2014)
- Request Letter
- Public Comment
 - Public Comment Summary Table
 - Written Public Comments
- Maps
 - Citywide Overall Map
 - Comparison Maps
 - Close-up Maps
 - Current Land Use Maps
 - Future Land Use Map



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Jonathan Curth**, Development Services Coordinator
Jessica Masters, Development Review Manager

CC: **Blake Pennington**, Senior Assistant City Attorney
Hannah Hungate, Assistant City Attorney

FROM: **Kit Williams**, City Attorney

DATE: **November 13, 2023**

RE: **Properties that have not yet been rezoned after their old PZDs with zoning/development rights have expired**

Properties such as the Park West PZD which rezoned almost 140 acres, but was never developed and now has no development rights, should be rezoned by the City to its original zoning. This would mean that all un-zoned remnants of the 140 acre Park West PZD should be returned to R-A.

R-A has always been used when annexing in new, un-zoned property. It is a proper initial zoning. It is also quite proper when a rezoning away from R-A which occurred in the Park West PZD failed due to lack of timely development. I know Planning looked at many of these expired old PZD's with initial development rights and requested and received rezoning approvals by the City Council.

It is now time to finish the job so no expired PZD property remains in undevelopable limbo. A simple return to the previous zoning is logical. A property owner then may seek rezoning to another appropriate zoning which may be approved by the City Council upon the owner's application.

It is not appropriate to allow any property with old PZD expired zoning with no development rights to remain anywhere in Fayetteville.



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DEPARTMENTAL CORRESPONDENCE



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RE: Properties that have not yet been rezoned after their old PZDs with zoning/development rights have expired

Properties such as the Park West PZD which rezoned almost 140 acres, but was never developed and now has no development rights, should be rezoned by the City to its original zoning. This would mean that all un-zoned remnants of the 140 acre Park West PZD should be returned to R-A.

R-A has always been used when annexing in new, un-zoned property. It is a proper initial zoning. It is also quite proper when a rezoning away from R-A which occurred in the Park West PZD failed due to lack of timely development. I know Planning looked at many of these expired old PZD's with initial development rights and requested and received rezoning approvals by the City Council.

It is now time to finish the job so no expired PZD property remains in undevelopable limbo. A simple return to the previous zoning is logical. A property owner then may seek rezoning to another appropriate zoning which may be approved by the City Council upon the owner's application.

It is not appropriate to allow any property with old PZD expired zoning with no development rights to remain anywhere in Fayetteville.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Jonathan Curth**, Development Services Coordinator
Jessica Masters, Development Review Manager

CC: **Blake Pennington**, Senior Assistant City Attorney
Hannah Hungate, Assistant City Attorney

FROM: **Kit Williams**, City Attorney

DATE: **November 15, 2023**

RE: **"Expired Planned Zoning District Exhibit"**

Thank you for providing me a copy of your "Expired Planned Zoning District Exhibit." However, one of these has not and will not "expire." When the PZD Ordinance was amended on April 1, 2014 by Ordinance No. 5675 to become a normal rezoning decision by severing the construction rights from the rezoning decision, PZD rezonings like all other zoning decisions became permanent.

Final Plats, Large Scale Developments, and other development authorizing decisions do have time limitations and can expire if not developed. The original PZD joined the rezoning with development rights which led to a time limitation for the entire PZD including its zoning component. This unification of a rezoning and development entitlement into a single decision caused a major problem when a PZD was challenged in Court. The Judge decided not to use rezoning's normal "arbitrary and capricious" test which grants great discretion to the City Council. (The City Council has never had one of its rezoning decisions reversed in Court this century.) The Court instead used the land development test in which gives the Judge or jury great discretion to decide for themselves the rezoning issue.

The *U.D.C.* was amended so that new PZDs would become pure rezoning issues which ensured the proper "arbitrary and capricious" test would protect the City Council's rezoning decision. That amendment also removed the time limited component of development rights so that PZDs like all other rezonings became permanent (at least until future City Council amendment).

The title of the 2014 Ordinance stated the amendment was "TO CLEARLY SEPARATE THE ZONING AND DEVELOPMENT APPROVALS FOR PLANNED ZONING DISTRICTS..." The Planning Department's Agenda Memo recommending the 2014 amendment to make a PZD exclusively a rezoning decision states: "One final change is to amend the modification requirements and remove PZD revocation...Revocation of a PZD is unnecessary in staff's opinion, because the zoning decision by the City Council should not expire. Once a property is rezoned the zoning remains until a zoning amendment is made by the City Council. This is the case for all other zoning amendments."

Any PZD approved after April 2014 should have been a purely rezoning issue without the construction rights of a development approval. Accordingly, any PZD so adopted will not expire which includes the Underwood (R-PZD-20-7093) erroneously listed on your exhibit as expired. Any future development on this property would have to comply with the current PZD requirements or seek rezoning from the City Council.

The remnants of the Park West PZD can be rezoned to its original R-A zoning district or whatever the City Council deems appropriate. The Springwoods PZD is an unusual situation. This land was purchased by the City in the 1980's and zoned I-1, Heavy Commercial and Light Industrial to encourage Texas Instruments to locate in Fayetteville. When that did not happen, the Administration and City Council around 2002-2003 sought to sell this land while preserving a substantial area around Wilson Springs for conservation. Some parcels have been developed and the conservation area dedicated. Remnant parcels should be rezoned to R-A or other compatible zoning rather than spot zoned back to the incompatible I-1. Again, the City Council needs to promptly make its legislative decision on what the preferred zoning should be.

All City Council rezoning decisions will be accorded great deference by the Courts if challenged. I also do not believe that these decisions to rezone remnants of expired PZDs could be successfully challenged as takings even under the Private Property Protection Act since none would actually be downzonings or zonings providing fewer or less valuable development rights as were in existence in April of 2014.

ORD 4434 Excerpts



ORDINANCE NO. 4434

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF FAYETTEVILLE TO ESTABLISH A PROCESS FOR THE EVALUATION AND APPROVAL OF PLANNED ZONING DISTRICTS.

WHEREAS, flexible guidelines for the review of specific development plans are desirable; and,

WHEREAS, informed land use decisions can guide development more effectively in the best interest of the health, safety and welfare of the city; and

WHEREAS, developments that are compatible with the surrounding area, harmonious with the character of the neighborhood, do not have a negative effect upon the future development of the area and create a stable environment are desirable; and

WHEREAS, the development and zoning review process shall be enhanced when review and approval of development and zoning are addressed simultaneously;

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

Section 1. That Chapter 161 Zoning Regulations is amended by inserting §161.22 District PZD Planned Zoning District, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That Chapter 166 Development is amended by inserting §166.18 Planned Zoning District Developments, a copy of which marked Exhibit "B" is attached hereto and made a part hereof.

Section 3. That Chapter 163 Use Conditions, Section §163.21 Limited Neighborhood Commercial Uses Within Residential Districts of the Code of Fayetteville is hereby repealed.

Section 4. That Chapter 159: Fees, Section §159.01 Fees/Schedule, subsection (B)(3) is amended by adding a fee for Planned Zoning District applications as follows:

§159.01 Fees/Schedule

- A. Fees
- B. Fee Schedule
 - 3. Development

Planned Zoning District	
Non-residential	\$1,125
Residential:	
10 units/lots or less	\$525
25 units/lots or less	\$725
25 units/lots or more	\$1,125

Section 5. That Chapter 151: Definitions is amended by deleting the definition of **Planned Unit Development** and adding the following definitions:

Common Open Space. Land within or related to a development, not individually owned or dedicated for public use, which is reserved for the exclusive use or enjoyment of the residents or occupants of the development and their guests.

Planned Zoning District. A zoning district that allows for comprehensively planned developments for either single-use or mixed-use and permits development and zoning review as a simultaneous process.

Private Open Space. The outdoor living area directly adjoining a dwelling unit or building, intended for the private enjoyment of the residents or occupants of the dwelling unit or building and defined in such a manner that its boundaries are evident.

Public Open Space. Open space, including but not limited to, any park, lake, stream, playground, or natural area, commonly open to the public.

Recreational Structures. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground that has a primary use that is recreation in nature. Among other things, recreational structures include tennis courts, basketball courts, swimming pools and jogging trails.

Section 6. That §166.05 (A) Requirement is hereby repealed and replaced with the following:

§166.05 Large Scale Development

A. Requirement. The development of a lot or parcel larger than one acre or development of a Planned Zoning District must be processed in accordance with the requirements for a large-scale development.

Section 7. That §166.60 Planned Unit Development of the Unified Development Ordinance is hereby repealed.

PASSED and APPROVED this the 19th day of November, 2002.



By: 
HEATHER WOODRUFF, City Clerk

APPROVED

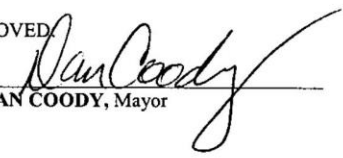
By: 
DAN COODY, Mayor

EXHIBIT "A"

To be inserted in Chapter 161 Zoning Regulations:

§161.22 District PZD Planned Zoning District.

A. Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

1. *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
2. *Compatibility.* Providing for compatibility with the surrounding land uses.
3. *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
4. *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
5. *No negative impact.* Does not have a negative effect upon the future development of the area;
6. *Coordination.* Permit coordination of the planning of the land surrounding the PZD and cooperation between the City and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
7. *Open Space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
8. *Natural Features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
9. *General Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
10. *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

B. Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166 Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

EXHIBIT "B"

To be inserted in Chapter 166: Development:

§166.18 Planned Zoning District Developments

- A. Applicability.** To be considered for a planned zoning district, the applicant shall meet all of the following criteria:
1. **Location.** Eligible properties include those located within the city limits.
 2. **Ownership.** Eligible applicants for preliminary plan review shall be a landowner of record or an authorized agent. The approved development plan shall be binding on all subsequent owners of the land until revised or modified.
 3. **Size.** There shall be no minimum tract size for a PZD application.
- B. Application.** The initial application for a PZD shall include the following items:
1. **Application.** Complete application form to request a PZD.
 2. **Copies.** Copies of a development plan in accordance with the submission requirements on the project application form. Copies of a preliminary plat if a subdivision of land is proposed in accordance with the preliminary plat application form.
 3. **Fee.** Applicant shall pay all required filing fees for a planned zoning district as set forth in Chapter 159 Fees of the UDO. If a subdivision of land is proposed, a fee for the preliminary plat shall also be paid.
- C. Review and Approval Procedures.**
1. **Pre-application meeting.** Before submitting an application the landowner or authorized agent shall confer with the Planning Division in order to become familiar with the development review process. The staff shall inform the applicant of any perceived problems that may arise. A further purpose of the pre-application meeting is to make sure the applicant has, or will be able to, submit the necessary information for filing the application. The intent of this conference is to provide guidance to the applicant prior to incurring substantial expense in the preparation of plans, surveys and other data required in a preliminary plan.
 2. **Planning Commission.** All planned zoning district applications shall follow the procedures for large scale development as set forth in §166.05 Large Scale Development. If a subdivision of land is proposed, the applicant shall obtain subdivision approval as set forth in 166.01 Subdivision Approval.
 3. **City Council.** If the development plan is approved by the Planning Commission, it shall be forwarded to the City Council for review. The City Council may grant or deny as submitted, or as they may so amend, defer for requested changes or more information, or return the application to the Planning Commission for further study. The applicant shall not modify to a design other than that reviewed by the Planning Commission prior to City Council review. The City Council may direct Planning Commission to reconsider specific aspects of the plan. If the development plan is approved, an ordinance shall be prepared which incorporates the plan and conditions.
 4. **Appeals.** Appeals from the action of the Planning Commission shall be in accordance with Chapter 155 Appeals of the UDO.

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (9). All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (10.) There shall be no minimum building setback requirement from a private street.
- (11). The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

12. Construction of Nonresidential Facilities. Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

13. Tree Preservation. All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

14. Commercial Design Standards. All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

15. View Protection. The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

E. Revocation.

1. Causes for revocation as enforcement action. The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

- a. **Building permit.** If no building permit has been issued within the time allowed.
- b. **Phased development schedule.** If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
- c. **Open space and recreational facilities.** If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of

construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

2. **Procedures.** Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.
3. **Effect.** In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

F. Covenants, trusts and homeowner associations.

1. **Legal entities.** The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.
2. **Common areas.** If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:
 1. The homeowner's association must be legally established before building permits are granted.
 2. Membership and fees must be mandatory for each home buyer and successive buyer.
 3. The open space restrictions must be permanent, rather than for a period of years.
 4. The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
 5. Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.
 6. The association must be able to adjust the assessment to meet changing needs.

ORD 5675 Excerpts

Doc ID: 015677290005 Type: REL
Kind: ORDINANCE
Recorded: 04/11/2014 at 09:07:54 AM
Fee Amt: \$35.00 Page 1 of 6
Washington County, AR
Kyle Sylvester Circuit Clerk
File **2014-00008557**

ORDINANCE NO. 5675

AN ORDINANCE TO AMEND § 161.32 **PLANNED ZONING DISTRICT** AND § 166.06 **PLANNED ZONING DISTRICT** OF THE UNIFIED DEVELOPMENT CODE TO CLEARLY SEPARATE THE ZONING AND DEVELOPMENT APPROVALS FOR PLANNED ZONING DISTRICTS AND TO SIMPLIFY AND REDUCE CURRENT REGULATIONS AND TO ENACT AN EMERGENCY CLAUSE

WHEREAS, the Planned Zoning District ordinance was established to allow concurrent processing of zoning and development plans; and

WHEREAS, the City of Fayetteville Planning Commission may grant approval of development applications; and

WHEREAS, the City of Fayetteville City Council may approve and enact zoning amendments; and

WHEREAS, the City of Fayetteville desires to establish clear boundaries in the development and zoning review process of a Planned Zoning District request; and

WHEREAS, the Unified Development Code's regulations should be clarified, simplified and shortened whenever possible and feasible.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 161.32 **Planned Zoning District** in its entirety and enacts a replacement § 161.32 **Planned Zoning District** as shown in Exhibit "A."

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 166.06 **Planned Zoning District** in its entirety and enacts a replacement § 166.06 **Planned Zoning District** as shown in Exhibit "B."

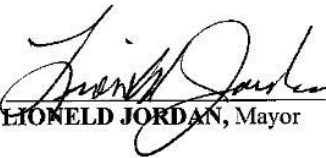


Section 3. EMERGENCY CLAUSE. That the City Council of the City of Fayetteville, Arkansas hereby determines that the need to immediately resolve the issue of how Planned Zoning Districts should be applied for and handled as a zoning issue is necessary for the public peace, health and safety. Therefore, the City Council of the City of Fayetteville, Arkansas hereby declares an emergency exists such that this ordinance shall be in full force and effect from the date of its passage.

PASSED and APPROVED this 1st day of April, 2014.

APPROVED:

ATTEST:

By: 
LIONEL JORDAN, Mayor

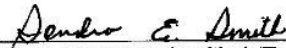
By: 
SONDRA E. SMITH, City Clerk/Treasurer



EXHIBIT "A"

161.32 Planned Zoning District

(A) *Applicability.* To be considered for a Planned Zoning District, the applicant shall meet all of the following criteria:

(1) *Location.* Any property located within the city limits is eligible for a Planned Zoning District. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a Planned Zoning District application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.

(2) *Size.* There shall be no minimum or maximum tract size for a PZD application.

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) *Compatibility.* Providing for compatibility with the surrounding land uses.

(3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) *No negative impact.* Does not have a negative effect upon the future development of the area;

(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD

and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.

(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

(C) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 154, Amendments.

(1) Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of zoning standards and a specific master plan.

(2) All uses identified within §162 Use Units of the Unified Development Code may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

(a) The densities of surrounding development;

CD161:1

- (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's Future Land Use Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.
- (4) **Building setback.** There shall be no minimum building setback except as may be determined by the Planning Commission and City Council during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. Greater setbacks may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate separation from adjacent properties.
- (5) **Building height.** There shall be no maximum building height except as may be determined by the Planning Commission and City Council during the review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.
- (6) **Building area.** The Planning Commission and City Council shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05; Ord. 4783, 10-18-05; Ord. 5312, 4-20-10)

161.33-161.99 Reserved

(Ord. 4930, 10-03-06 repealed and re-adopted the entire chapter

CD161:2

EXHIBIT "B"

166.06 Planned Zoning District (PZD)

(A) General Requirements.

- (1) A development application may be concurrently processed with a rezoning application through the PZD process and may be conditionally approved, subject to City Council approval of the Planned Zoning District zoning standards.
- (2) Development plans submitted with a PZD may include more restrictive development regulations than that which are included in other sections of the UDC, but standards shall not be established that fall below these minimum standards.

(B) Modifications to development plan.

- (1) *Minor Modifications.* Minor modifications to an approved PZD development plan shall follow the criteria established for the specific development category.
- (2) *Major Modifications.* Major modifications to an approved PZD development plan shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes.

(C) Construction of community amenities. Unless otherwise approved by the Planning Commission, community amenities offered as part of a PZD development plan shall be constructed with the first phase of development.

(Ord. 4717, 7-5-05; Ord. 4779, 10-18-05; Ord. 4919, 9-05-06; Ord. 5104, 1-15-08)

CD166:1



CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

Jeremy Pate, Development Services Director

From: Jesse Fulcher, Senior Planner

Date: February 28, 2014

Subject: ADM 13-4602 (UDC Amendment: Chapter 161.32 Planned Zoning District and Chapter 166.06 Planned Zoning District)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to amend the Planned Zoning District (PZD) regulations. The amendments are significant; however, it is staff's opinion that the PZD remains a valuable tool to retain the ability for the Council to see a zoning and development item processed concurrently. The Council makes important legislative decisions related to zoning: building height, setbacks from adjacent properties, permitted and conditional uses, etc. A PZD proposal is a unique custom zoning district, allowing the City Council to review and approve or deny the proposal with neighborhood, staff and applicant input.

BACKGROUND

The City of Fayetteville adopted the Planned Zoning District (PZD) ordinance in November 2002 by Ordinance No. 4434. The PZD ordinance replaced the Planned Unit Development (PUD) process that had been in place for several decades. Planned Zoning Districts and Planned Unit Developments are but two names used to identify master development plan processes, which are employed by municipalities across the nation.

The primary reasons that the PZD ordinance was adopted was to allow customized zoning districts for unique development, to allow concurrent processing of zoning and development plans, and to provide the City Council with an opportunity to make policy decisions related to land use. Under the PUD ordinance, these policy decisions were built into the ordinance and were approved by the Planning Commission. This was very different from a rezoning request where the Planning Commission makes only a recommendation on the zoning amendment and the City Council makes the final legislative zoning decision. The PZD process reestablished the Council's role in master development plan zoning decisions and provided a streamlined review process for the development community.

In 2012, after the approval of a Planned Zoning District, a lawsuit was filed challenging the City's PZD ordinance. In response to this action, the City Attorney requested Planning Staff amend portions of the Unified Development Code to clearly separate the zoning and development standards in the ordinance.

PROPOSAL

Staff's primary goal with these code amendments is to group all of the "zoning" standards in Chapter 161, Zoning Regulations, and all "development" standards in Chapter 166, Development. Currently, terminology associated with "zoning" and "development" crosses into both chapters, creating confusion in the code and in the decision making process. The end result should be a PZD process that includes a pure zoning decision by the City Council and a separate development plan decision by the Planning Commission. This process already exists for similar applications. Large scale developments and preliminary plats only require Planning Commission approval and zoning decisions are made by the City Council after a recommendation by the Planning Commission.

A second goal is to streamline Chapters 161.32 and 166.08. Currently, 161.32 outlines many of the findings for a PZD which is appropriate. However, it also includes categories and standards for residential, commercial, and industrial PZD's. These groups are all based on the primary land use, and ultimately provide only a name for the type of PZD, but little else. The remaining standards are related to compatibility with surrounding properties, which is a finding already under 161.32(B). Staff is proposing to remove all of 161.32(C), (D), and (E).

Chapter 166.06 Planned Zoning District is currently over nine pages long. The largest part of this code is dedicated to items found in the PZD application – essentially instructions. This includes instructions to submit copies of the PZD plan, to complete a PZD application and pay the required filing fees listed in Chapter 159. Similar requirements exist for all types of applications (large scale developments, lot splits, etc.), however, this is the only application type with instructions listed in the ordinance. Staff is proposing to eliminate all such items from Chapter 166.

Staff is also recommending that the allowance for private streets within PZD's be removed. Currently all private streets must be constructed to the same standards as public streets, so there is no cost savings to the developer. However, the long term maintenance responsibility is given to a limited number of property owners within the development, most of which don't realize that they are financially responsible for the street. This does not preclude the use of private drives such as those found within multi-family developments.

Staff is proposing to remove all references to covenants, trusts and homeowner associations. These terms and regulations all deal with private agreements between private property owners. The City does not enforce private party agreements.

One final change is to amend the modification requirements and remove PZD revocation. The Unified Development Code already provides regulations for modifications for both development plans and zoning regulations. Modifications to development plans may be minor or major and can be approved by planning staff or the Planning Commission respectively. A development plan that is part of a PZD action should not have different standards. A request to vary the zoning standards should be brought before the Board of Adjustment, which is the requirement for all zoning variances. Significant changes to a PZD zoning code would likely require a new zoning action by the City Council.

Revocation of a PZD is unnecessary in staff's opinion, because the zoning decision by the City Council should not expire. Once a property is rezoned the zoning remains until a zoning amendment is made by the City Council. This is the case for all other zoning amendments. However, the development approval should expire, as provided by Chapter 166.20. Should a development plan proposed as part of a PZD expire, then the applicant would have to resubmit the development plan through the appropriate process and receive a new approval. For a large property, the applicant can process the zoning request for the entire property and only submit a

development application for the first phase of development. Separate development applications would be submitted for each subsequent phase.

Changes to the Unified Development Code are shown in ~~strikeout~~ and highlight in the attached document.

DISCUSSION

On February 24, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-1 with Commission Chessser voting 'no'.

BUDGET IMPACT

None.



CITY OF
FAYETTEVILLE
ARKANSAS

CITY-INITIATED REZONING (PZDS)

February 21, 2024

Re: City-Initiated Rezoning of Planned Zoning Districts

Dear Planning Commission and City Council,

City staff recently completed a review of existing Planned Zoning Districts throughout the city and identified properties that would benefit from a rezoning due to outdated/expired zoning entitlement, including properties in Cliffside Subdivision, Paddock Road Subdivision, Westbrook Village II, Springwoods, and Park West. City staff will be initiating a rezoning to confirm land use rights, clean up City records, and bring these properties into consistency with City Plan 2040, Fayetteville's comprehensive land use plan.

For background, these parcels are zoned under a "Planned Zoning District (PZD)." This designation established custom zoning and development standards for these properties to allow for more specific permitted uses, setbacks, lot sizes, and other requirements with the approval of the Planning Commission and City Council. However, prior to changes to this ordinance in 2014, this zoning approval was tied to a development plan and was set to expire if all needed permits were not received in a timely manner. Due to the outdated nature of the existing zoning entitlement, this could create difficulties for any future construction, major renovations, efforts to revise property lines, subdivide parcels, or request other permits that require review of City's zoning code. In order to avoid those issues, staff is recommending that the property be rezoned to one of the City's standard zoning districts.

Staff has analyzed each PZD to determine what types of land uses, lot sizes, setbacks, and building heights were originally permitted in each district, and compared that with current land uses on the property or in the immediate vicinity. Staff used this information as well as comparisons with the City's Future Land Use map to identify recommendations for which of the city's existing zoning districts would be the best fit for each parcel. Those recommendations will be first heard by the Planning Commission on March 25, 2024, and will ultimately go to the City Council for final consideration.

If you have any questions, or would like more information about staff's recommendations, please feel free to contact me directly at (479) 575-8239. You may also reach out to the main City of Fayetteville Planning office at (479) 575-8267.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessie Masters'.

Jessie Masters, AICP
Development Review Manager

**EXHIBIT
PUBLIC COMMENTS**

PZD Name	Public Comment
Cliffside (AKA Timber Trails)	One phone inquiry requesting additional information on the proposed zoning districts. One email inquiry requesting additional information.
Paddock Road Subdivision	No Comments Received
Westbrook Village Ph. 2	One inquiry regarding extent of proposal and expressing general support for proposed rezoning. One inquiry regarding proposed zoning / future plans and expressing general concerns about flooding and drainage within the neighborhood, particularly to the south of the proposed rezoning area.
Springwoods	PID 765-25746-000 & PID 765-25745-000 (Lots 1 & 2): Extensive email and phone conversations with staff regarding expiration of PZD, rezoning process, and staff request. The owner is opposed if rezoning is forwarded with a recommendation of CS. Owner preference in favor of request with change to UT. PID 765-23604-000 (Lot 6A): Email / phone conversation with ownership team. Owner in support of staff-proposed rezoning PID 765-25752-000& 765-25756-000 (Lots 8 & 12): Slight concern about CS and UT, but owner may be looking at doing some form of warehouse use. PID 765-26552-000 (Pines at Springwood): Phone Inquiry from the POA board president clarifying the scope of the request. Caller expressed general support for the rezoning, acknowledging that RI-U aligns with what has been constructed in the neighborhood already.
Park West	Phone Inquiry from property owners: Minimal concern about split zoning of UT and CS as potential development could work in both districts, general support of request. Owners are also working through other development issues such as easement and ROW acquisitions.

LEGEND

(See comments for details)

TEXT = Neither support nor opposition to request expressed

TEXT = Comment in support

TEXT = Comment in opposition

Wonsower, Donna

From: Masters, Jessica
Sent: Monday, March 18, 2024 1:22 PM
To: Don Nelms
Cc: David Nelms; Scott Price; Wonsower, Donna
Subject: RE: Proposed rezoning

Mr. Nelms,

Thank you for the follow up, and for taking the time to review the UT zoning district. We certainly appreciate the feedback, and we will get this accounted for in our forthcoming report.

Jessie

Jessie Masters, AICP

Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239

www.fayetteville-ar.gov

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Don Nelms <dnelms46@gmail.com>
Sent: Monday, March 18, 2024 11:52 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: David Nelms <daviddnelms@gmail.com>; Scott Price <gscottar@gmail.com>
Subject: Proposed rezoning

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Jessie,

I really appreciate you taking the time to visit with me about zone district PZD and the rezoning of Springwood. I am satisfied that changing this to UT will accommodate all of our needs. Thank you very much for agreeing to do this for us. That will eliminate my concerns and make our lives much easier.

--

Don Nelms
Jasper 870-446-6477
Gallery 870-446-5477
Fayetteville 479-521-3963
Cell 479-841-2886
dnelms46@gmail.com
www.nelmsgallery.com

Wonsower, Donna

From: Masters, Jessica
Sent: Thursday, February 29, 2024 8:09 AM
To: Tim Brisiel; Wonsower, Donna
Subject: RE: Timber Trails

Tim,

Thank you for the inquiry, and for clarifying the location. Staff is going to be recommending RI-U for those lots, and R-A for the lots that are greenspace.

Let me know if you have any comments that you would like for the Commission to consider!

Jessie

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239

www.fayetteville-ar.gov

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From: Tim Brisiel <Tim@Legacyventuresnwa.com>
Sent: Wednesday, February 28, 2024 5:17 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>; Tim Brisiel <Tim@Legacyventuresnwa.com>
Subject: Timber Trails

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The lots I own are all of them clouded in red. It is a total of eight lots. please disregard any verbiage as this is an old sheet but at least you could see the lots in question.

Thank you!

Tim Brisiel
Legacy Ventures | Legacy Asset Management
PO Box 8216
Fayetteville, AR 72703
479-790-3315

Currently mobile so please forgive spelling and grammar!

Wonsower, Donna

From: Masters, Jessica
Sent: Thursday, February 29, 2024 3:43 PM
To: Wonsower, Donna
Subject: Expired PZD - Inquiries

Follow Up Flag: Follow up
Flag Status: Flagged

Donna,

I have so far received two phone calls about the staff-initiated rezoning.

Foxglove: Slightly concerned about CS and UT, but it sounds like they may be wanting to do some form of warehousing use anyway. They may be following up with an email regarding this.

HWY 112 (east of Truckers Drive): Not terribly concerned about the split of UT and CS, since they are trying to do residential and the use schedule in both of those zoning districts would allow for it. They are also working out other issues such as easement acquisitions and ROW acquisitions.

Thanks!

Jessie

Jessie Masters, AICP

Development Review Manager

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

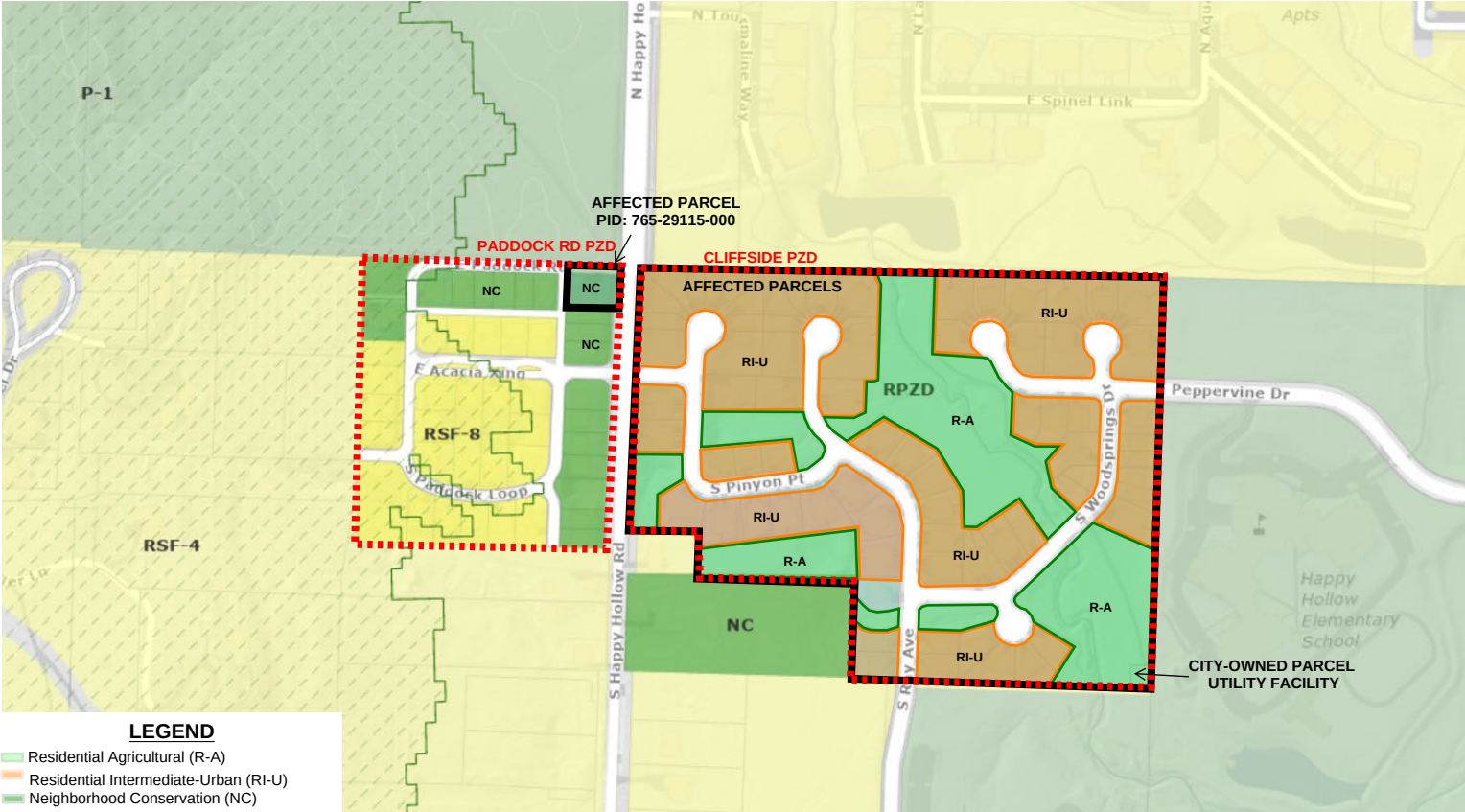
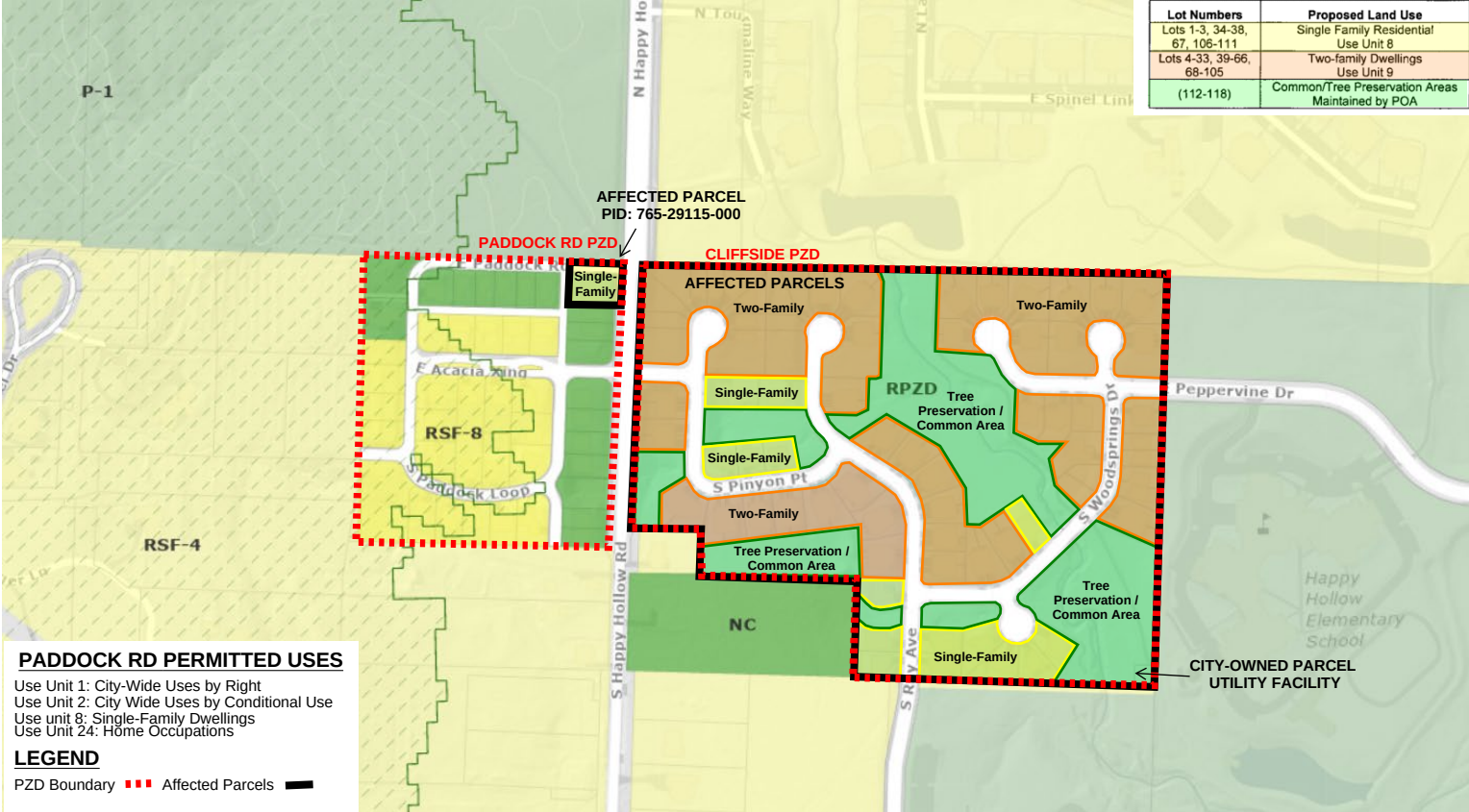
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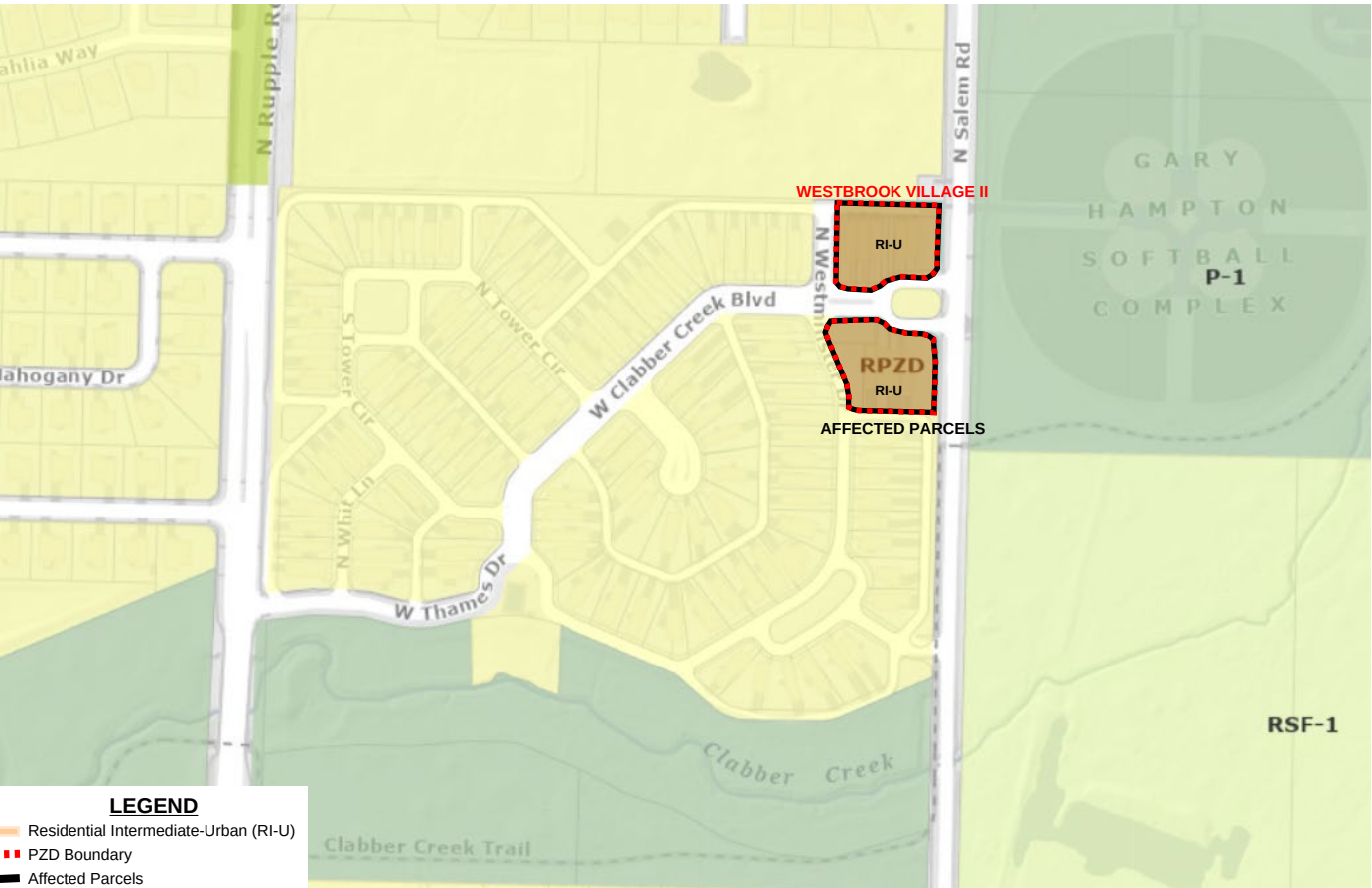
PZD AND ZONING COMPARISON CLIFFSIDE AND PADDOCK RD SUBDIVISION

CLIFFSIDE PERMITTED USES

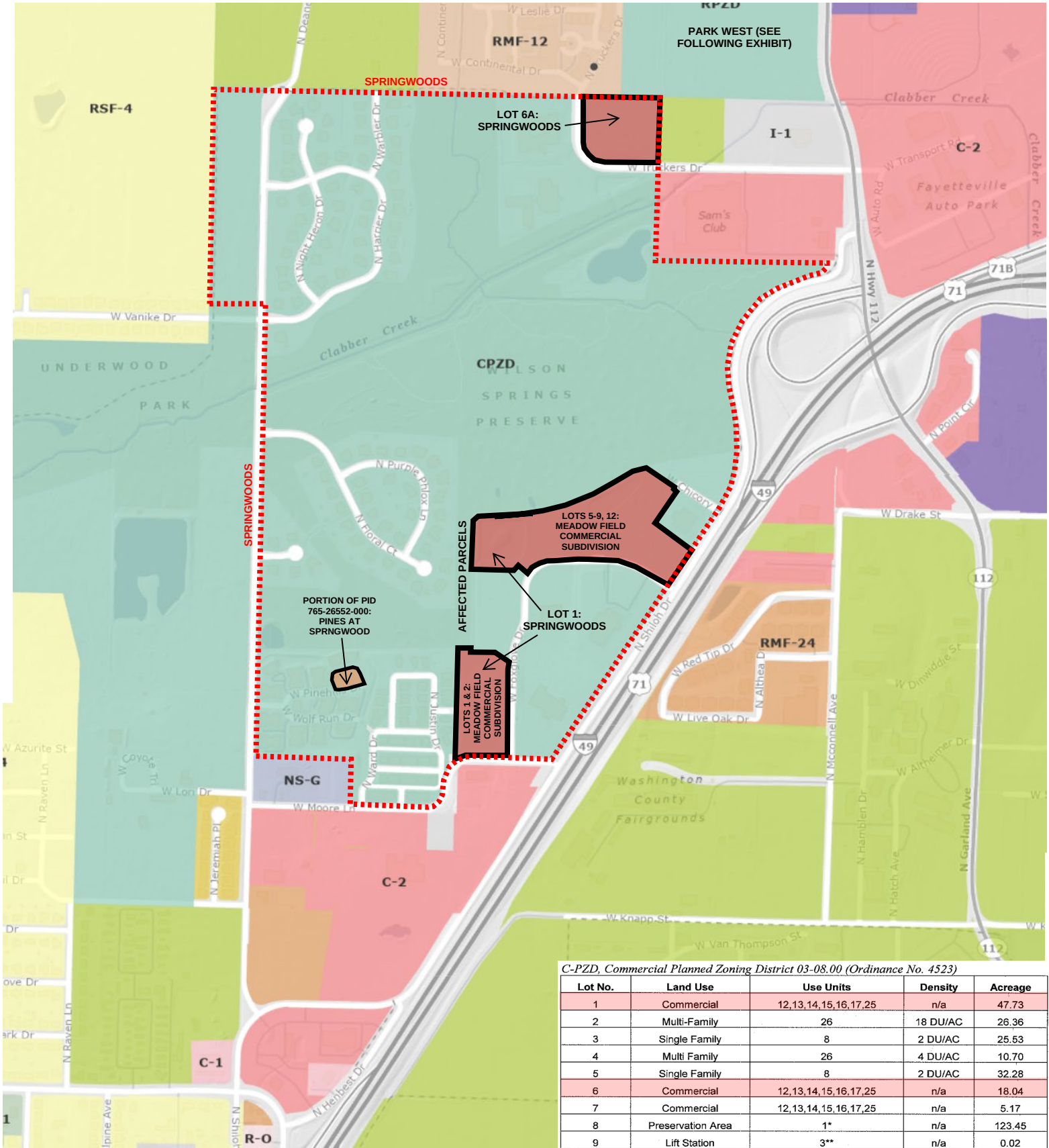
Lot Numbers	Proposed Land Use
Lots 1-3, 34-38, 67, 108-111	Single Family Residential Use Unit 8
Lots 4-33, 39-66, 68-105	Two-family Dwellings Use Unit 9
(112-118)	Common/Tree Preservation Areas Maintained by POA



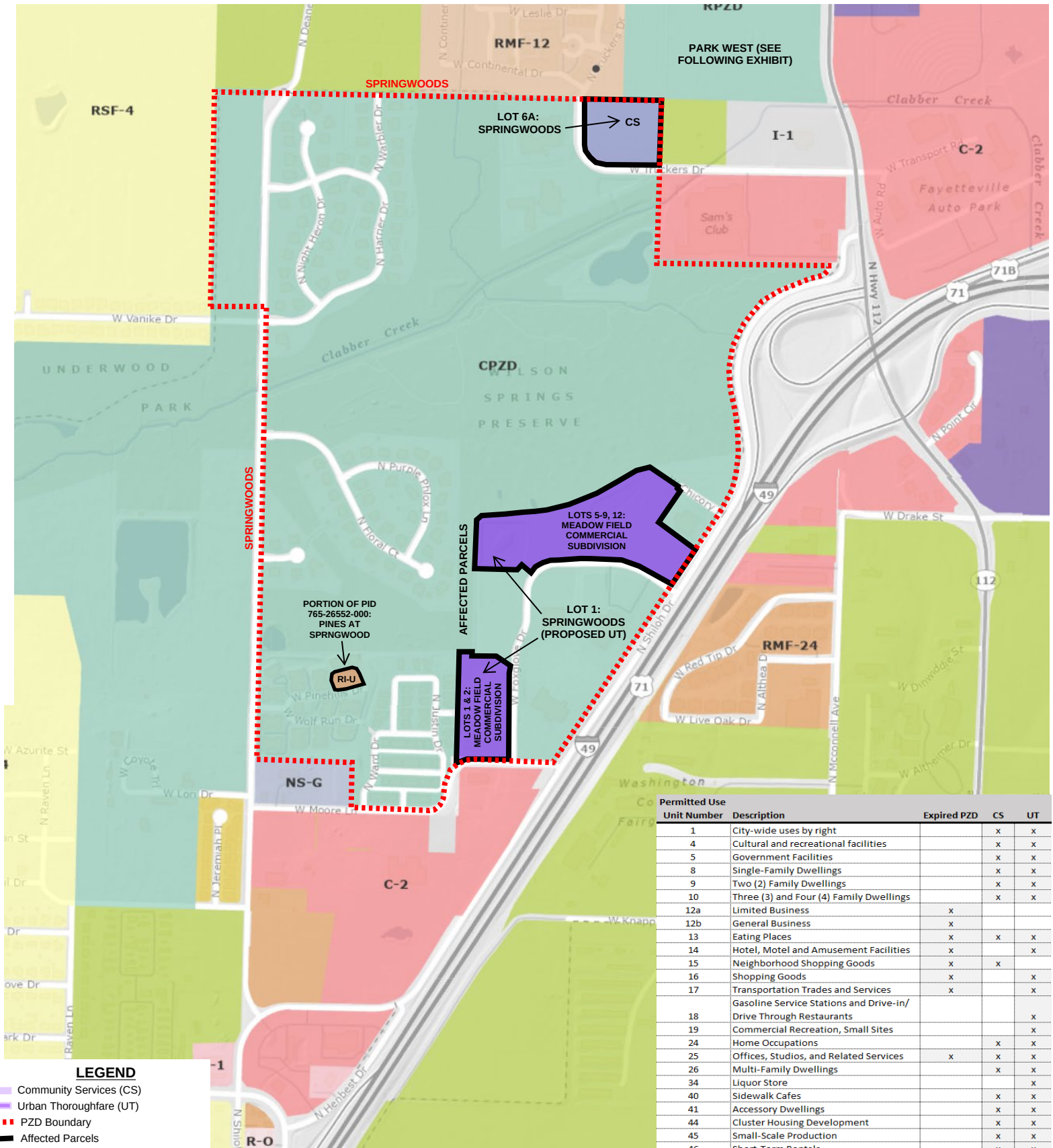
RZN-2024-0011 (VARIOUS EXPIRED PLZS)
Page 36 of 52



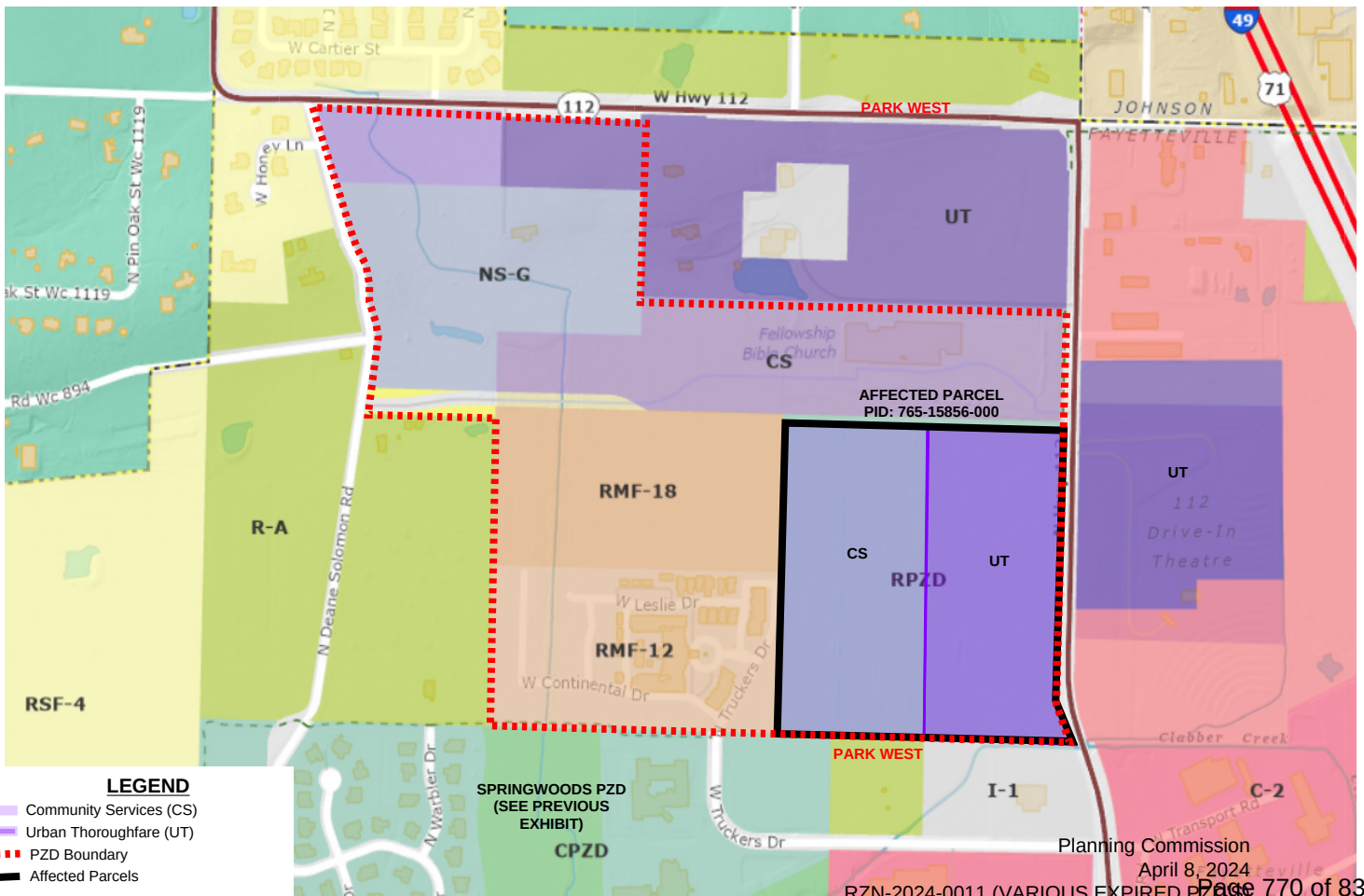
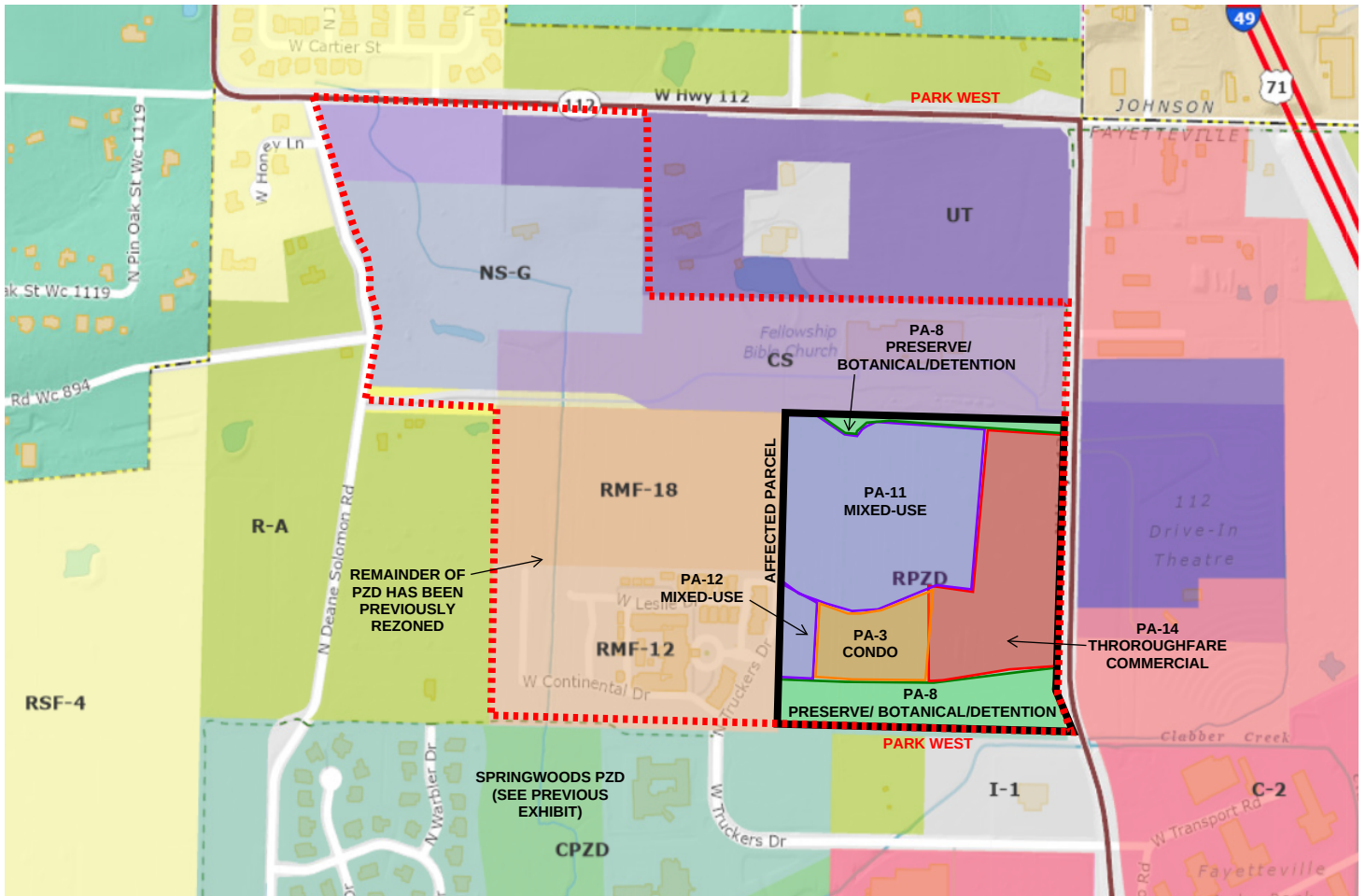
PZD AND ZONING COMPARISON SPRINGWOODS



PZD AND ZONING COMPARISON
SPRINGWOODS



PZD AND ZONING COMPARISON PARK WEST



LEGEND

- Community Services (CS)
- Urban Thoroughfare (UT)
- PZD Boundary
- Affected Parcels

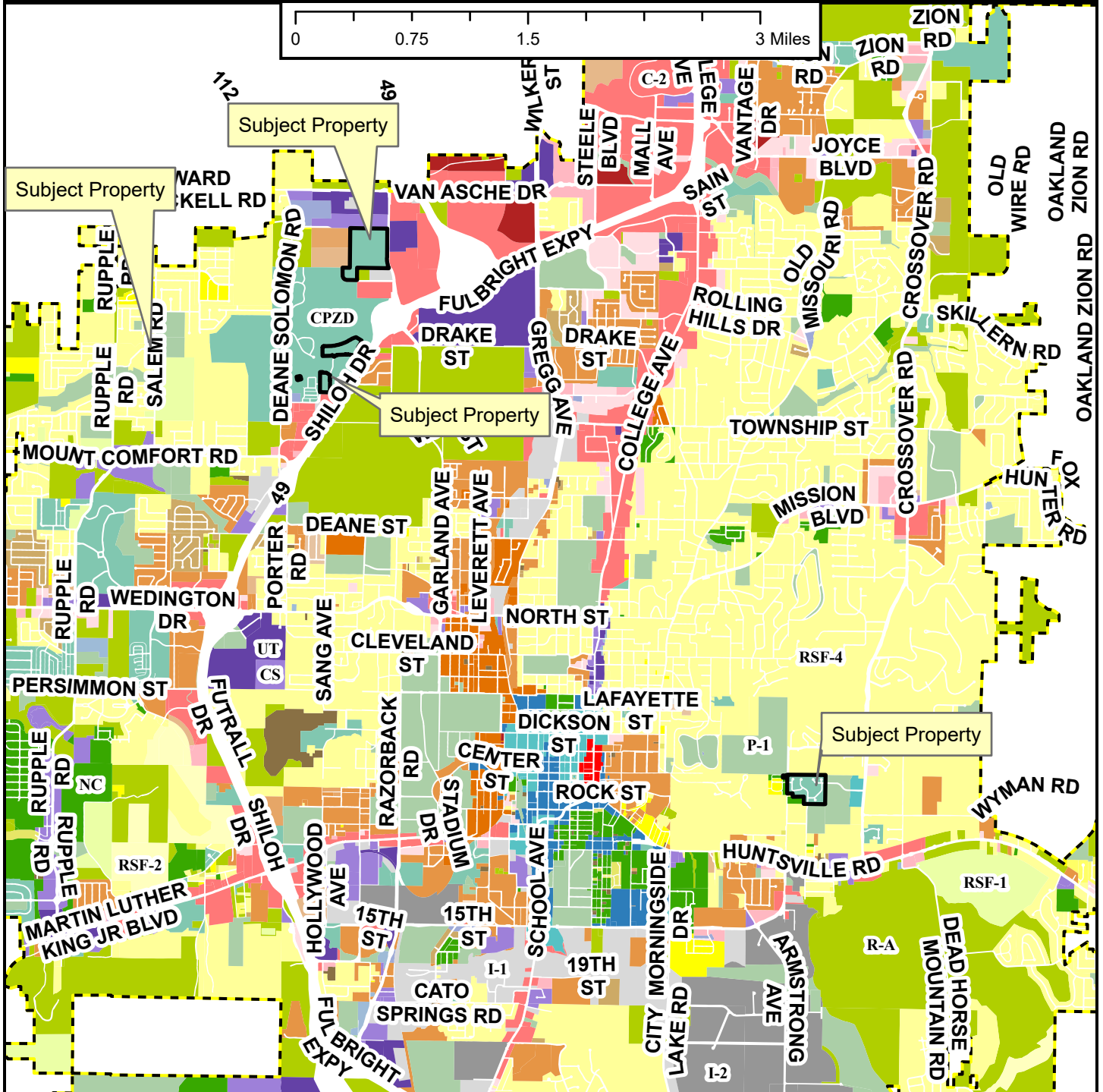
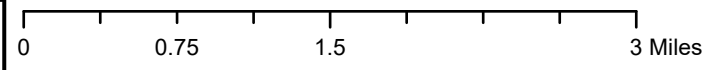
Planning Commission
April 8, 2024

RZN-2024-0011 (VARIOUS EXPIRED PZDs) Page 770 of 833

Page 39 of 52

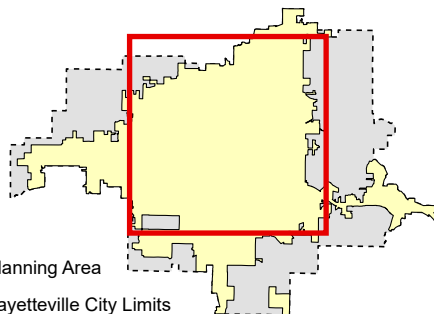
**PZD AND ZONING COMPARISON
PARK WEST**

Permitted Use Unit Number	Description	Park West PA-3	Park West PA-8	Park West PA-11 & 12	Park West PA-14	CS	UT
1	City-wide uses by right	x	x	x	x	x	x
3	Public Protection and Utility Facilities			x			
4	Cultural and recreational facilities		x	x	x	x	x
5	Government Facilities				x	x	x
8	Single-Family Dwellings	x		x		x	x
9	Two (2) Family Dwellings	x		x		x	x
10	Three (3) and Four (4) Family Dwellings	x		x		x	x
12a	Limited Business	x		x	x		
12b	General Business	x		x	x		
13	Eating Places	x		x	x	x	x
14	Hotel, Motel and Amusement Facilities			x	x		x
15	Neighborhood Shopping Goods	x		x	x	x	
16	Shopping Goods	x		x	x		x
17	Transportation Trades and Services			x	x		x
18	Gasoline Service Stations and Drive-in/ Drive Through Restaurants				x		x
19	Commercial Recreation, Small Sites			x	x		x
24	Home Occupations			x		x	x
25	Offices, Studios, and Related Services	x		x	x	x	x
26	Multi-Family Dwellings	x		x		x	x
34	Liquor Store			x	x		x
40	Sidewalk Cafes					x	x
41	Accessory Dwellings					x	x
44	Cluster Housing Development					x	x
45	Small-Scale Production					x	x
46	Short-Term Rentals					x	x

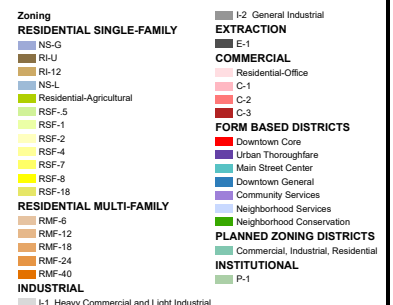


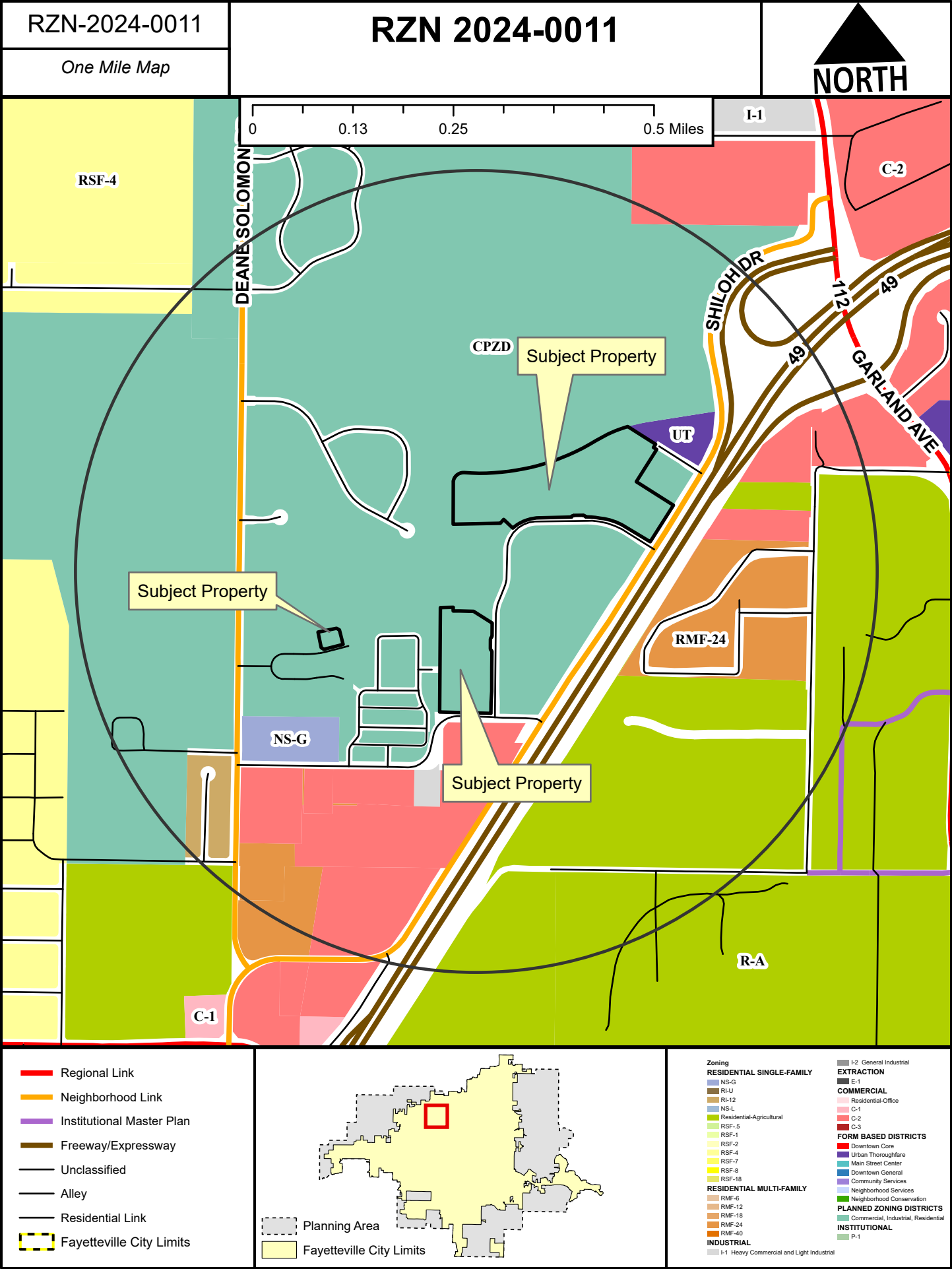
Fayetteville City Limits

Planning Area
Fayetteville City Limits



- Zoning**
- RESIDENTIAL SINGLE-FAMILY
 - NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY
 - RMF-6
 - RMF-12
 - RMF-13
 - RMF-24
 - RMF-40
 - INDUSTRIAL
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
 - EXTRACTION
 - E-1
 - COMMERCIAL
 - Residential-Office
 - C-1
 - C-2
 - C-3
 - FORM BASED DISTRICTS
 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
 - PLANNED ZONING DISTRICTS
 - Commercial, Industrial, Residential
 - INSTITUTIONAL
 - P-1

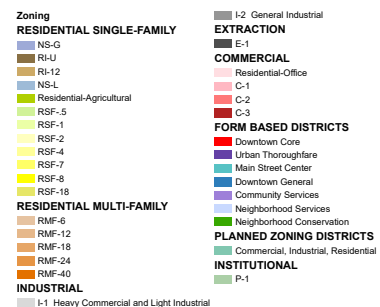
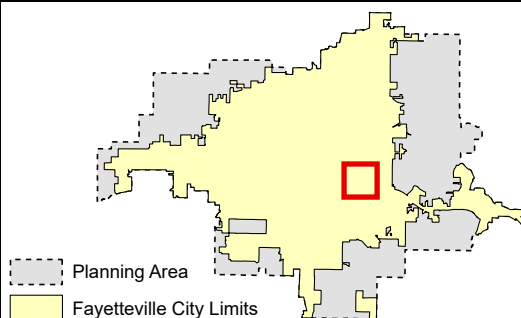
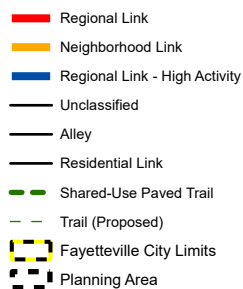
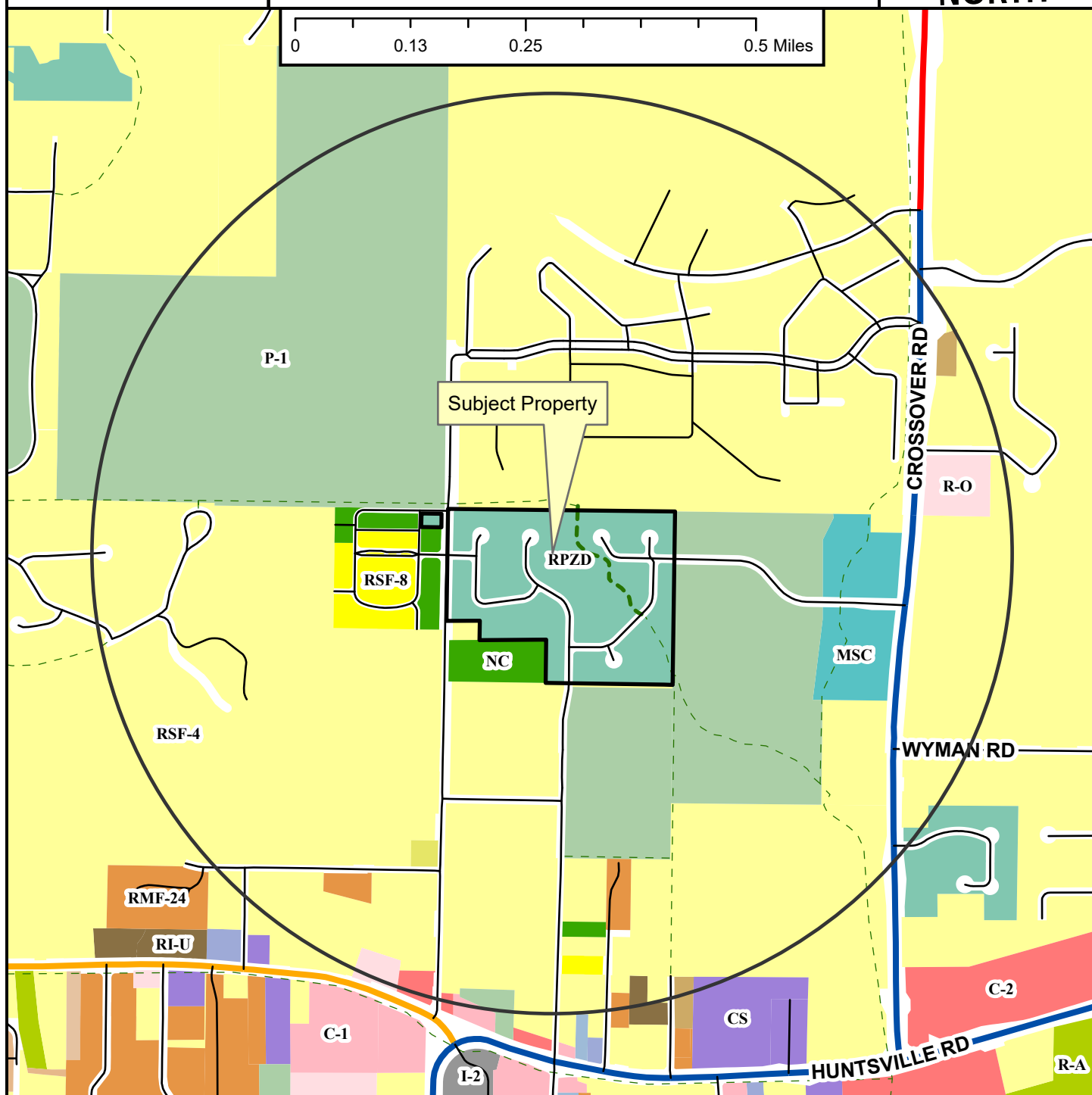
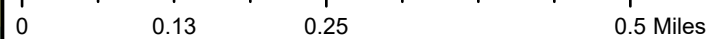


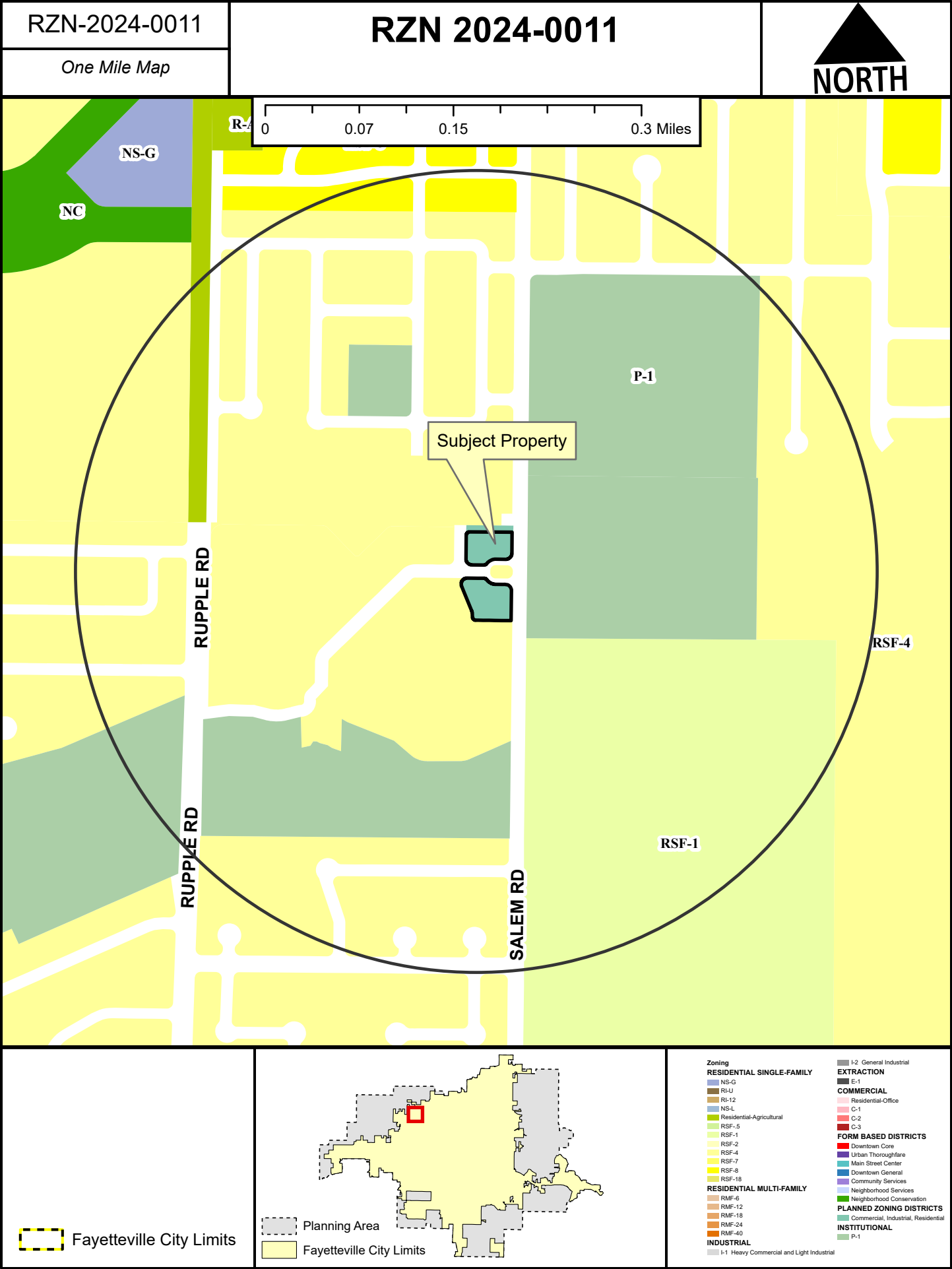
Planning Commission
April 8, 2024
Page 774 of 833
Page 43 of 52

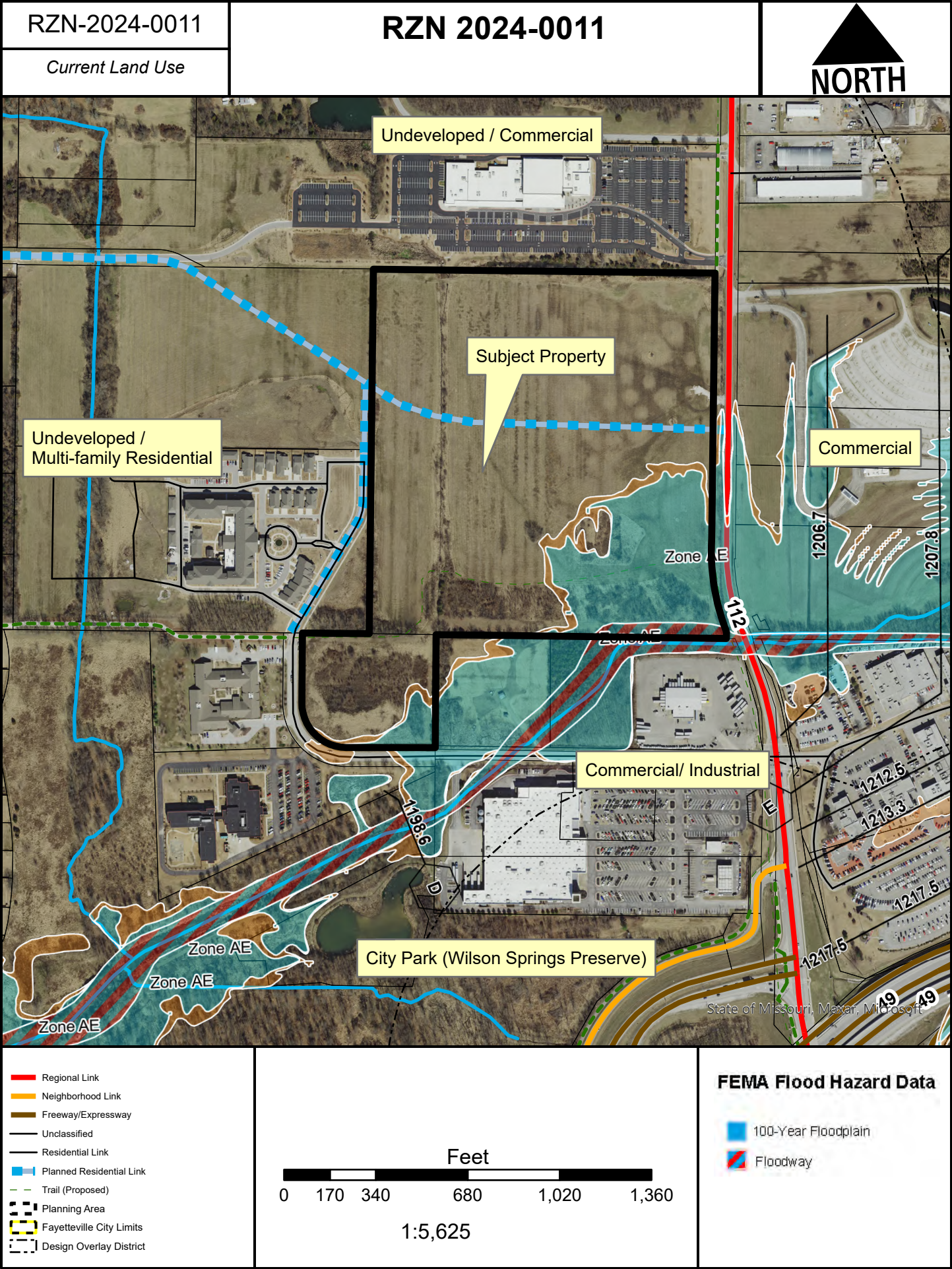
RZN-2024-0011

One Mile View

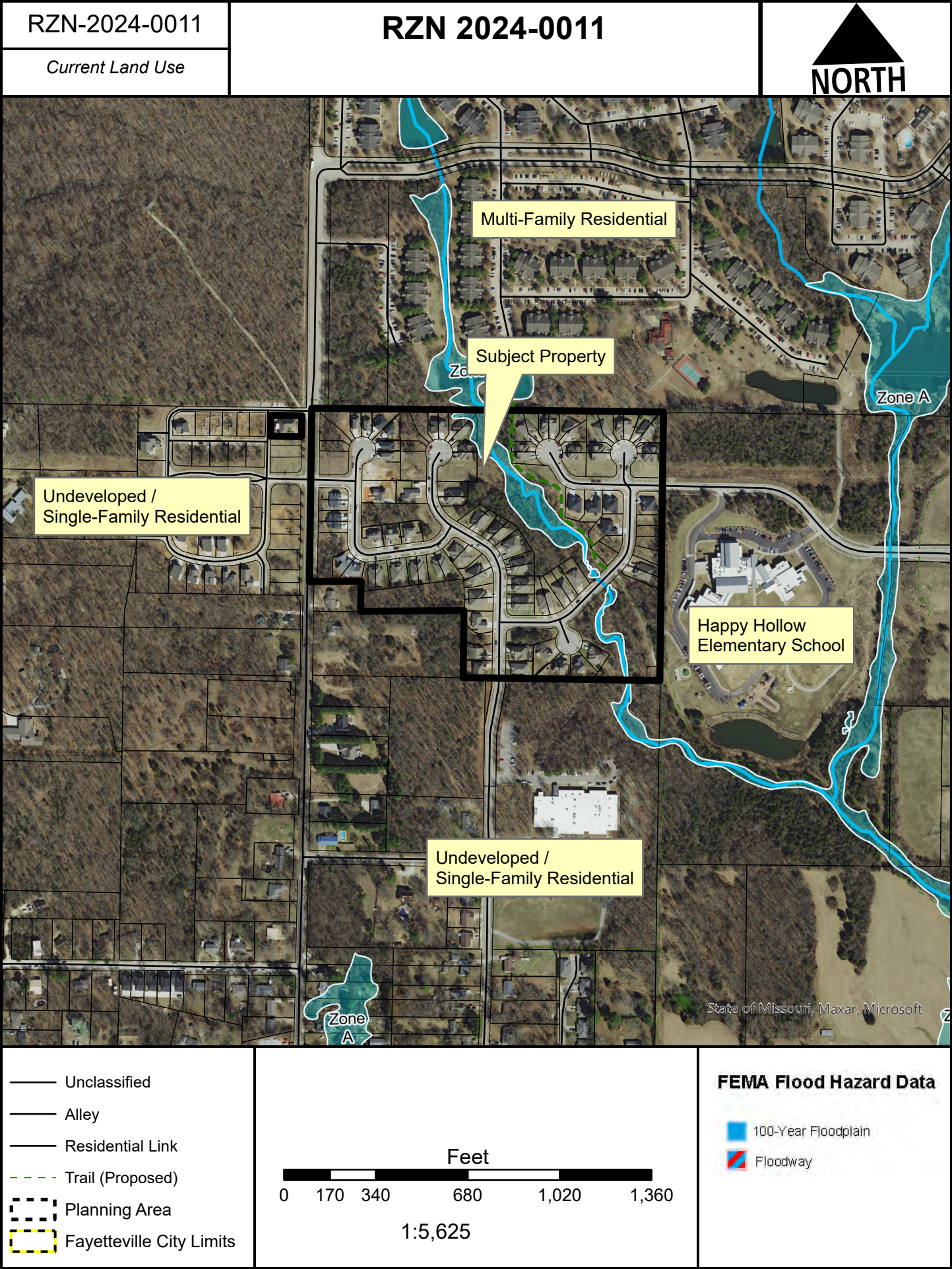
RZN 2024-0011

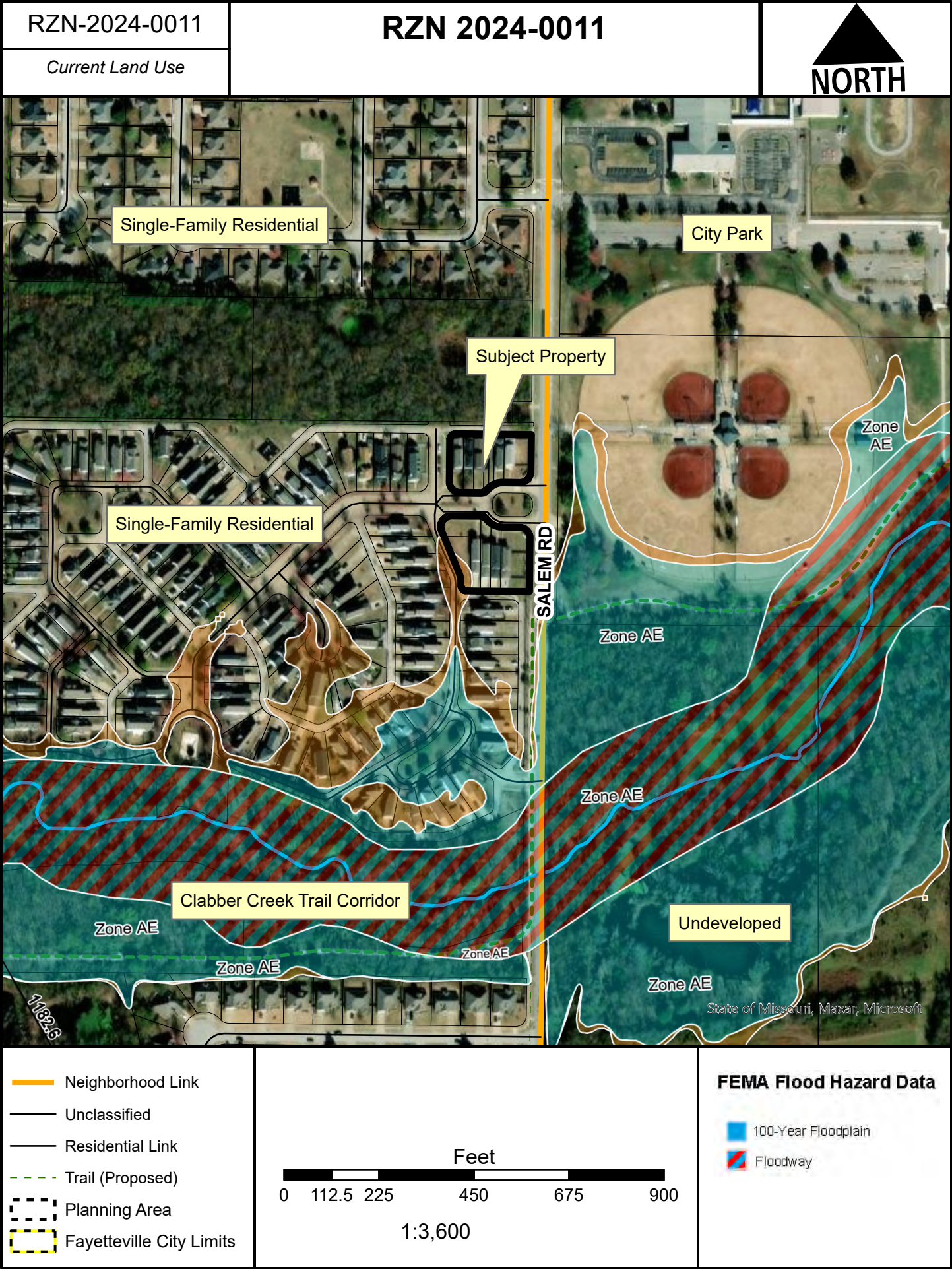


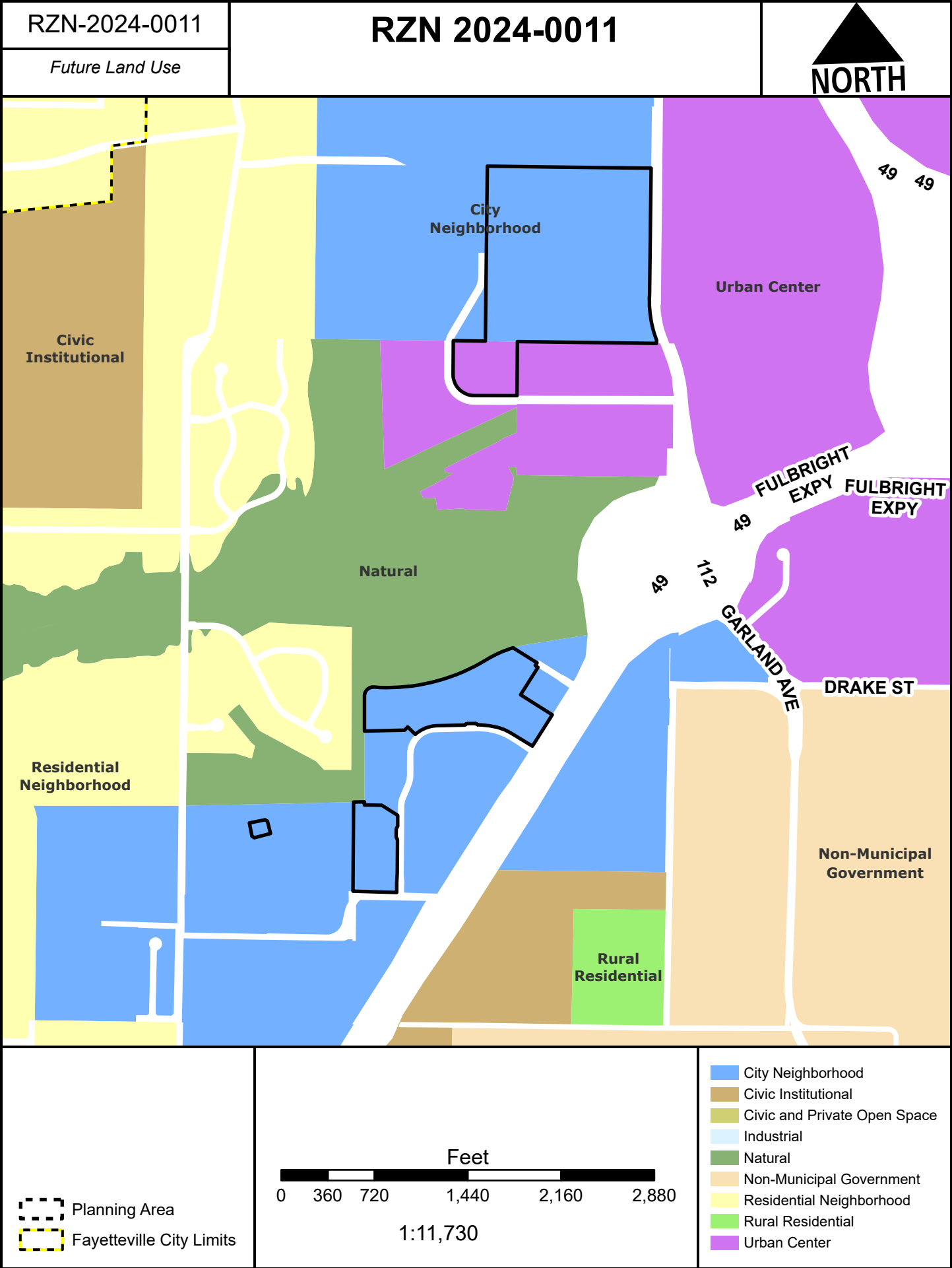


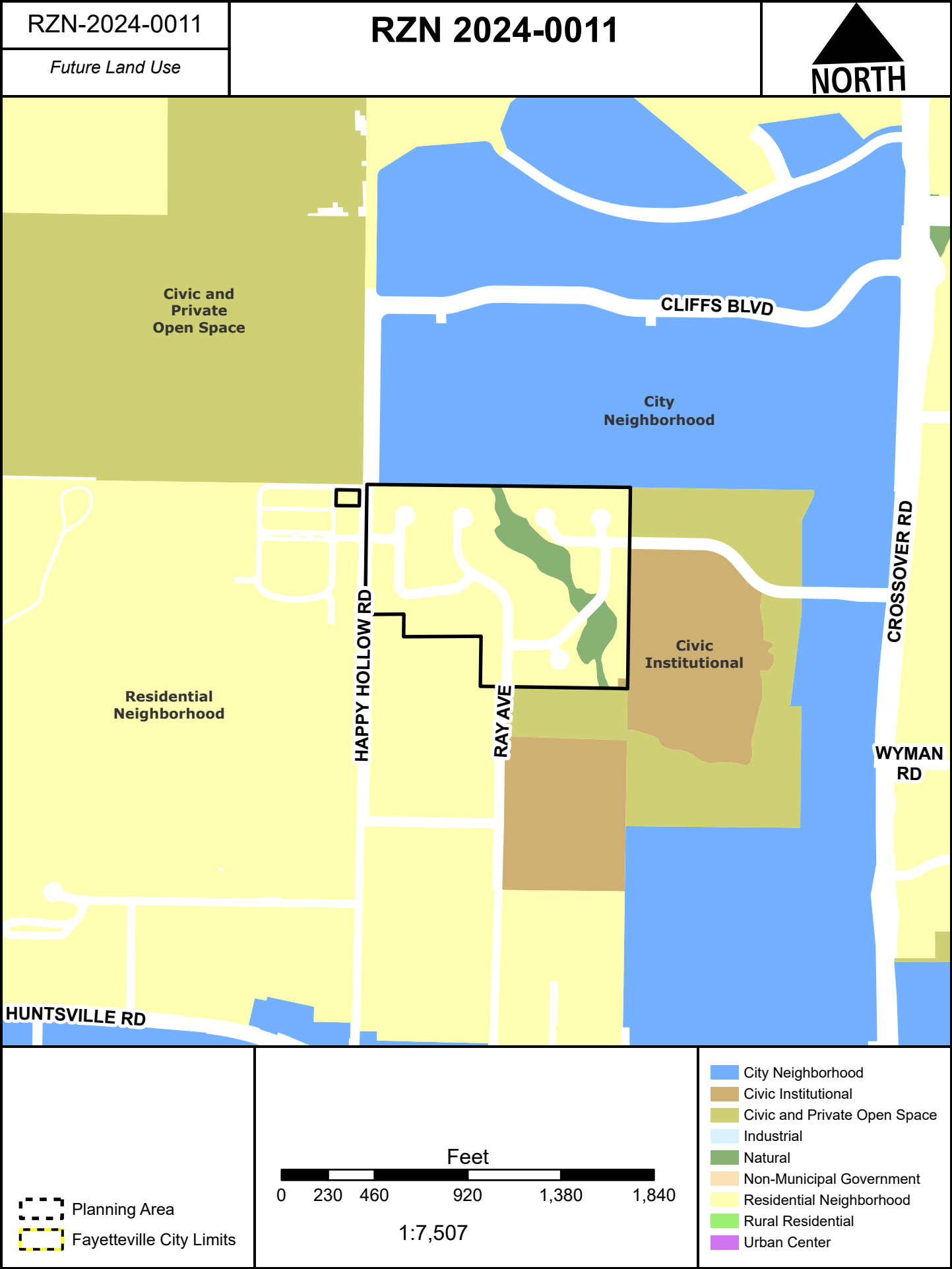


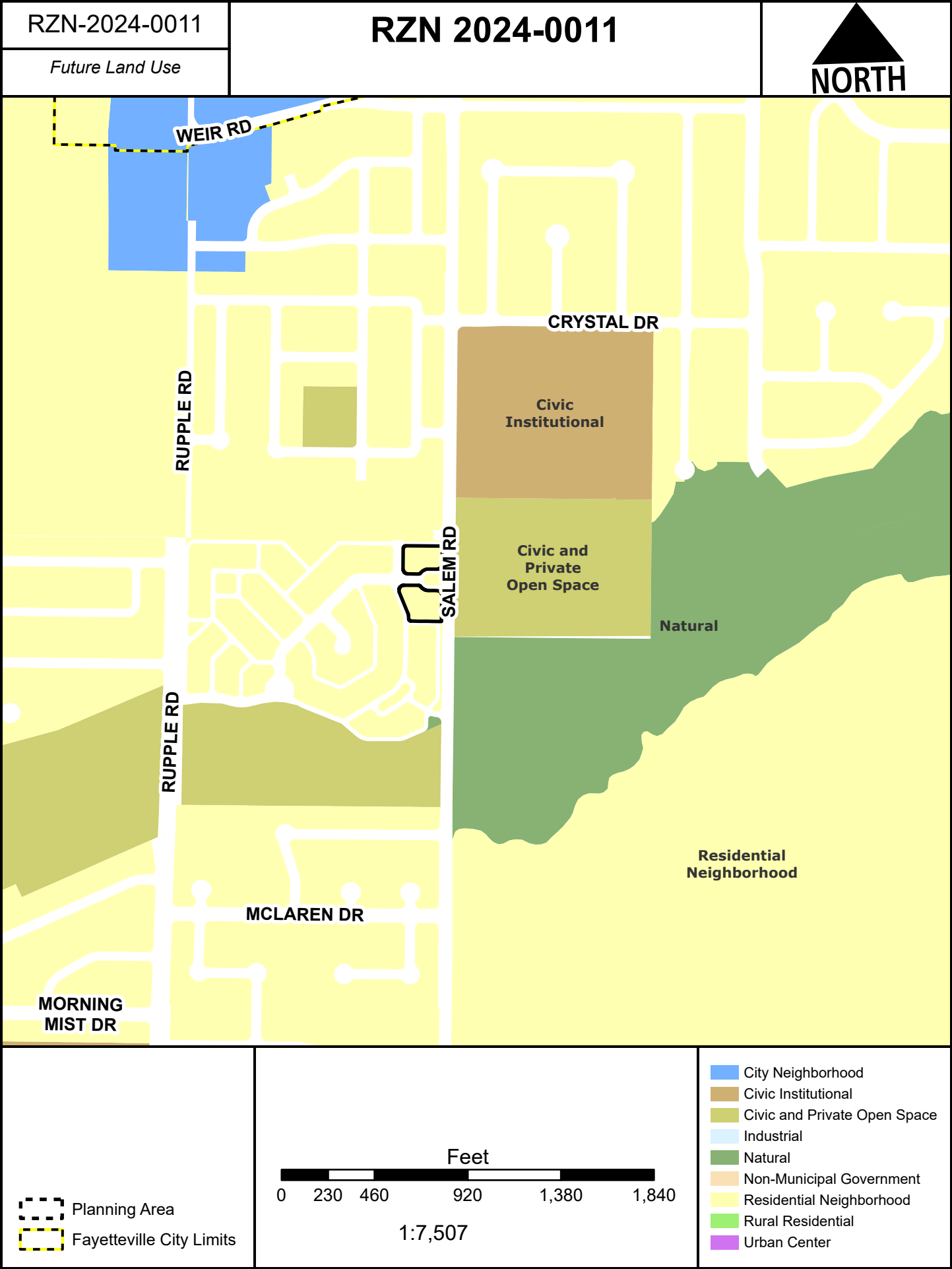














MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Development Review Manager

SUBJECT: **Appeal: CUP-2024-0011: Conditional Use Permit (155 N. POWERHOUSE AVE/TRINITAS VENTURES, 483): Submitted by BLEW & ASSOCIATES for property located at 155 N. POWERHOUSE AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 2.46 acres. The request is for offsite parking.**

RECOMMENDATION:

City Planning staff recommend approval of a conditional use permit for an off-site parking lot as described below and with the conditions outlined in the attached Planning Commission staff report.

A Planning Commission vote to approve the request failed.

BACKGROUND:

The subject property is in downtown Fayetteville with street frontage along N. University Avenue. Situated approximately halfway between W. Dickson Street and W. Center Street, the site sits just south of the downtown SWEPCO electric substation and was the former site of the Powerhouse Seafood restaurant that permanently closed in June 2023. The property is zoned MSC, Main Street/Center, contains approximately 2.5 acres, and slopes downward to the east at an approximately 12% grade change.

Request: The applicant requests conditional use permit approval to install an off-site parking lot in the Main Street/Center zoning district to provide parking for a proposed student housing project on W. Center Street. Fayetteville's Unified Development Code, under §172.06 – Parking Lot Location Standards, stipulates that parking lots that are not located on the same lot as the principal use require conditional use permit approval from the Planning Commission.

Public Comment: Staff received inquiries from the public regarding this request, but no comments in opposition or support. One member of the public indicated a preference for fencing along the southern and eastern property lines.

Findings: Staff finds that granting the requested conditional use is unlikely to negatively impact the public interest and is compatible with the current land use surroundings and future land use plans. The proposed parking lot is within a nearby vicinity to the proposed housing development that it intends to serve and should in some manner prevent residents and guests parking illegally in this area. Given the natural borders to the site (a cemetery to the west, a substation to the north, and a railroad to the east), staff finds that the parking lot will have limited visual impact to the surrounding neighborhood characteristics. Though a sidewalk is present, staff recommends the improvement of the sidewalk along the property's frontage on N. University Avenue to be

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

improved to meet the Neighborhood Link Street requirements for sidewalks, street trees, and greenspace. Further, to reduce the visual impact of the parking lot, staff recommends a hedge row to be constructed along the N. University Avenue frontage to provide additional screening. While infill is cited as a top priority in City Plan 2040, staff also finds that the illustrative Fayetteville Downtown Master Plan does not identify this specific site as an infill opportunity. Given existing physical constraints on this property, including both slope and overhead power lines, a parking lot is a generally suitable option for the near-term future of this site.

DISCUSSION:

At the April 8, 2024 Planning Commission meeting, the request failed to receive approval after receiving a vote of 4-4-0 following a motion to approve by Commissioner Brink with a second by Commissioner Payne; Commissioners Castin, Garlock, Gulley, and McGetrick were opposed. Commissioners in favor of the request found that the site's location and existing features made the development of a parking lot a reasonable request and would support the need for additional housing in the area; the parking lot is tied to the development of a proposed student housing project. Commissioners' main concerns and opposition to the proposal included the lack of preservation or redevelopment of the former Powerhouse structure, the length of the proposed 55-year lease and whether a parking lot would need to remain on this site for that length of time, and potential street and lighting improvements along N. University Avenue. Commissioners had questions about upgrading sidewalk, trees, streetlights, and greenspace not only along the property's frontage, but expressed a desire to continue the improvements to the intersection of N. University Avenue to W. Center Street. An initial motion was made but was ultimately withdrawn regarding extending improvements south along University to W. Center Street, given the lack of the feasibility of the request and constructability without additional land acquisition. Further, Commissioners had concerns about the indefinite, or 55-year future of the land, ultimately finding, based on staff and City Attorney's office feedback, that an amendment or formal abandonment to the CUP would be required to decouple the parking lot from the housing development in the future. Commissioners in opposition also found a general lack of compatibility with future land use plans for the area, and the City's nearby investment in the Cultural Arts Corridor. No members of the public spoke during the meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: Appeal Request Letter (#3), Council Member Berna - Affirmation of Appeal (#4), Council Member Jones - Affirmation of Appeal (#5), Council Member Stafford - Affirmation of Appeal (#6), Planning Commission Staff Report (#7)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-51

Appeal: CUP-2024-0011: Conditional Use Permit (155 N. POWERHOUSE AVE/TRINITAS VENTURES, 483): Submitted by BLEW & ASSOCIATES for property located at 155 N. POWERHOUSE AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 2.46 acres. The request is for offsite parking.

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SCOTT BERNA, D'ANDRE JONES, AND BOB STAFFORD AND APPROVE CONDITIONAL USE PERMIT CUP 2024-011 TO ALLOW THE INSTALLATION OF AN OFFSITE PARKING LOT AT 155 NORTH POWERHOUSE AVENUE AND UNIVERSITY AVENUE TO SERVE THE APPLICANT'S PROPOSED APARTMENT BUILDING ON CENTER STREET

WHEREAS, in June of 2023, the Powerhouse Seafood restaurant situated approximately halfway between W. Dickson Street and W. Center Street closed permanently; and

WHEREAS, Fayetteville's *Unified Development Code* § 172.06 – Parking Lot Location Standards, stipulates that parking lots that are not located on the same lot as the principal use require a conditional use permit approval from the Planning Commission; and

WHEREAS, the proposed parking lot is within a nearby vicinity to the proposed housing development that it intends to serve and should reduce potential illegal parking by residents and guests; and

WHEREAS, on April 8, 2024, the Planning Commission voted 4-4 and so did not approve the applicant's requested Conditional Use for an offsite parking lot; and

WHEREAS, Council Members Scott Berna, D'Andre Jones, and Bob Stafford have properly appealed the decision of the Planning Commission pursuant to §155.05(A)(3) of the *Unified Development Code*.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby grants the appeal of Council Members Scott Berna, D'Andre Jones, and Bob Stafford, finds that the proposed conditional use is compatible with adjacent properties and other property in the zoning district, and approves Conditional Use Permit CUP 2024-011 for offsite parking at 155 N. Powerhouse Avenue and N. University Avenue with all conditions proposed by Staff.

APPLICANT APPEAL LETTER

From: Suzanne Clark <sclark@clark-firm.com>

Sent: Friday, April 12, 2024 1:13 PM

To: Pennington, Blake <bpennington@fayetteville-ar.gov>; Stafford, Bob <bob.stafford@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Berna, Scott

<scott.berna@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>

Cc: Anna Langner <alangner@clark-firm.com>; CityClerk <cityclerk@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>; Curth, Jonathan <jcurth@fayetteville-ar.gov>

Subject: RE: Trinitas Ventures - Appeal - CUP 2024-0011

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With apologies, I believed the staff report referencing the code section provided that requirement, but to clarify, it is the decision denying the CUP UDC 172.06 – Parking Lot Location Standards that is being appealed.

Suzanne G. Clark

CLARK LAW FIRM, PLLC

121 W. South Street

P.O. Box 4248

Fayetteville, AR 72702-4248

Tel: 479-856-6380

Fax: 479-856-6381

sclark@clark-firm.com

www.clark-firm.com



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From: Pennington, Blake <bpennington@fayetteville-ar.gov>

Sent: Friday, April 12, 2024 1:06 PM

To: Suzanne Clark <sclark@clark-firm.com>; Stafford, Bob <bob.stafford@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>

Cc: Anna Langner <alangner@clark-firm.com>; CityClerk <cityclerk@fayetteville-ar.gov>; Williams, Kit

APPLICANT APPEAL LETTER

<kwilliams@fayetteville-ar.gov>; Curth, Jonathan <jcurth@fayetteville-ar.gov>

Subject: RE: Trinitas Ventures - Appeal - CUP 2024-0011

Council Members,

Section 155.02(A) requires appeals to be “submitted in writing referencing the applicable UDC section(s) and setting out the reasons the applicant contends the decision was in error.” Ms. Clark’s email satisfies the writing requirement and the requirement to set out the reasons they believe the decision was in error; however, it does not reference any applicable UDC sections or specifically cite any of the factors to be considered on conditional use permit applications.

Because this is a conditional use permit, Section 163.02 of the UDC says the Planning Commission and, on appeal, the City Council, must determine that the proposed use is compatible with adjacent properties and other properties in the district, is compatible with the goals and intent of the City’s adopted land use, transportation, and other strategic plans, and granting the conditional use will not adversely affect the public interest.

There are other requirements that may be at issue but I want to confirm with Ms. Clark that the UDC section applicable to this appeal is Section 163.02 and also confirm that any council member who wishes to sponsor the appeal concurs.

Thank you,

Blake E. Pennington

Senior Assistant City Attorney

City of Fayetteville, Arkansas

bpennington@fayetteville-ar.gov

Direct: 479.575.8312

www.fayetteville-ar.gov



From: Suzanne Clark <sclark@clark-firm.com>

Sent: Friday, April 12, 2024 12:30 PM

To: Stafford, Bob <bob.stafford@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>

Cc: Anna Langner <alangner@clark-firm.com>; CityClerk <cityclerk@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>

Subject: Trinitas Ventures - Appeal - CUP 2024-0011

Importance: High

APPLICANT APPEAL LETTER

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council,

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I have attached the staff report that was submitted to the Planning Commission. I have also attached a few slides from our presentation regarding the development and the proposed remote parking lot. You can see from the staff report that this was recommended for approval and that Fire and Police are in support of the petition as well. The matter failed before the Planning Commission with four (4) commissioners in favor and four (4) against.

My client explored several sites that would meet the code requirements regarding distance from the residential site before settling on the Powerhouse lot for the CUP application. This site was considered by staff, police, and fire as the best option for many reasons. In addition to the conditions required of staff, with which my client is in agreement, there will be significant improvements to the site which will provide improvements from both an aesthetic and safety perspective. The site is not amenable to other development options specifically because of the power lines traversing the property.

Fayetteville recently declared a housing crisis. This development, which add over 600 beds in the heart of downtown, has an infill score of 13 out of 14. It will help provide housing options primarily for students, which will in turn open up some of the more affordable housing options that students currently occupy. I would respectfully request that you allow this matter to heard by the City Council and give my client the opportunity to present why approval of this CUP is a good decision for Fayetteville.

Should you have any questions, please do not hesitate to contact me.

Suzanne G. Clark
CLARK LAW FIRM, PLLC
121 W. South Street
P.O. Box 4248
Fayetteville, AR 72702-4248
Tel: 479-856-6380
Fax: 479-856-6381
sclark@clark-firm.com
www.clark-firm.com



APPLICANT APPEAL LETTER

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COMING FALL 2026

612 CENTER STREET

Student Housing | Fayetteville, Arkansas



TRINITAS

Project Statistics | 612 Center Street

Fayetteville Housing Shortage

- Free-Up Single Family Homes & Low-Income Housing for Non-Students
- Provide Desperately Needed New Housing for the Community
- Consolidate Students into Purpose-Built Student Housing
- Provide On-Site, Professionally Managed Experience for Students



Unit Mix

Studio	9%	20 Units	20 Beds
1 Bed	4%	11 Units	11 Beds
2 Bed	25%	52 Units	104 Beds
3 Bed	14%	31 Units	93 Beds
4 Bed	45%	112 Units	448 Beds
Totals	100%	224 Units	676 Beds

Units/Acre 112 Units per Acre
Land Area 2 Acres

Location Highlights

- Connection to Trail System
- Public Transit Accessibility
- Walking Distance to:
 - The University of Arkansas Campus
 - Dickson Street
 - The Fayetteville Square

Amenity Highlights

- Bike & Scooter Storage
- Lounge Rooms
- 24/7 Study & Co-Working Space
- State of The Art Fitness Center
- Rooftop Pool

Conceptual Rendering | North Trail View

Activate & Engage with the Fayetteville Trail System

- Provide Public Amenity Along the Trail including:
 - 3rd Party Food Truck Opportunity
 - Bike Fix-It Station
 - Water Fountain
 - Local Artist Inspired Mural
 - Balconies Overlook Trail for "Eyes on the Street"



Conceptual Rendering | South Trail View

Pedestrian and Street Enhancements

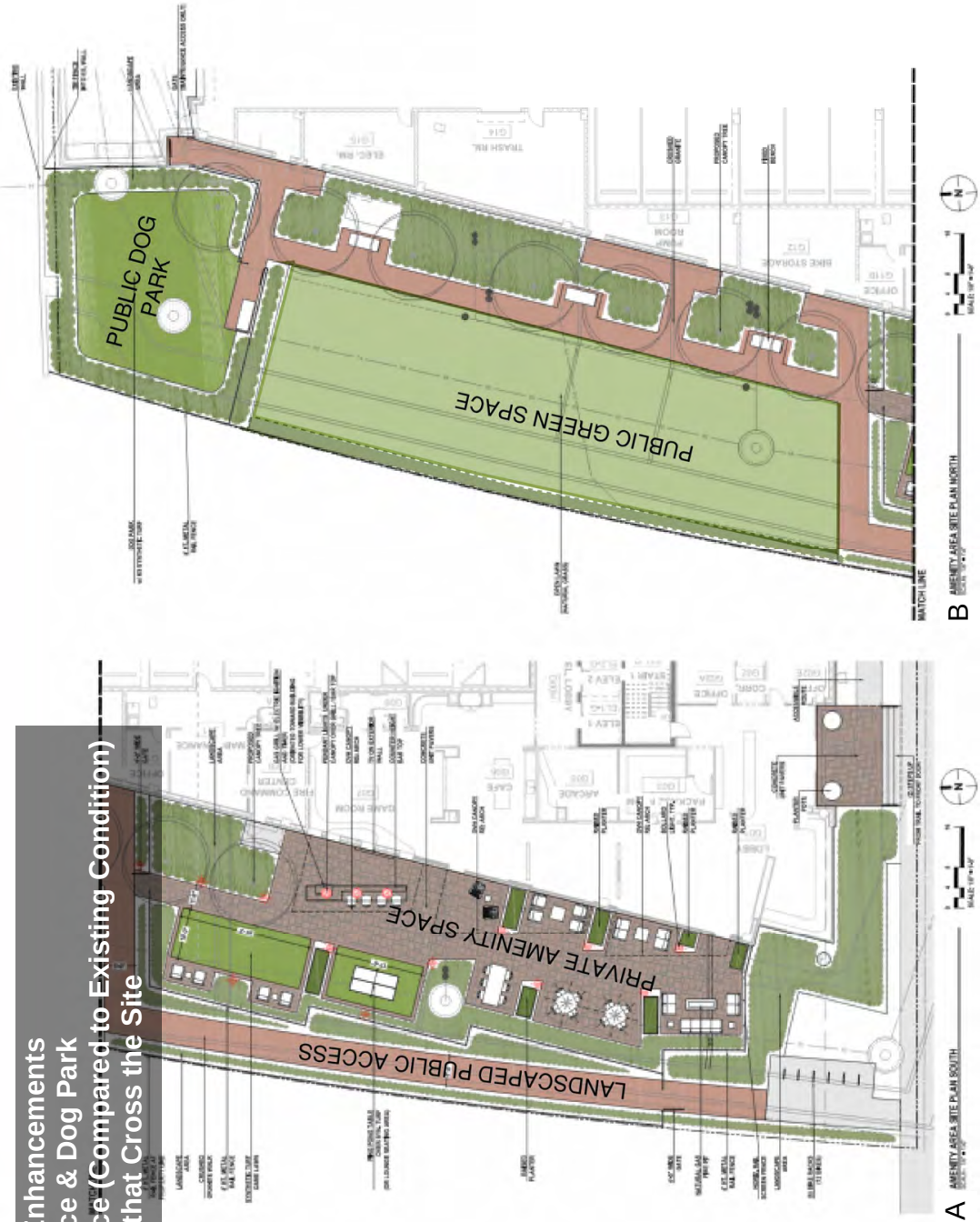
- Provide New Sidewalk for the Oak Ridge Trail
- Include Landscaping along Trail and Center Street Edge
- Provide New Pavement on 1/2 of Center Street



GRADE

New Public Amenity & Utility Enhancements

- Provide Public Green Space & Dog Park
- Increase Permeable Surface (Compared to Existing Condition)
- Modernize Public Utilities that Cross the Site



Powerhouse Site | 112 N University Ave

Project's Parking Solution

- Meet the .65 Parking Space per Bed Requirement
 - 676 Beds | 439 Parking Spaces Required
 - 245 Parking Spaces at the Project
 - 194 Parking Spaces at the Remote Lot
- Site meets requirements of Zoning Code
 - Within 600' of Project Site
 - Same Zoning District: MSC

Remote Parking Lot

1 Parcel

Direct Distance
171 FT

Walking Distance
0.2 Miles or 5 Minutes

The Project



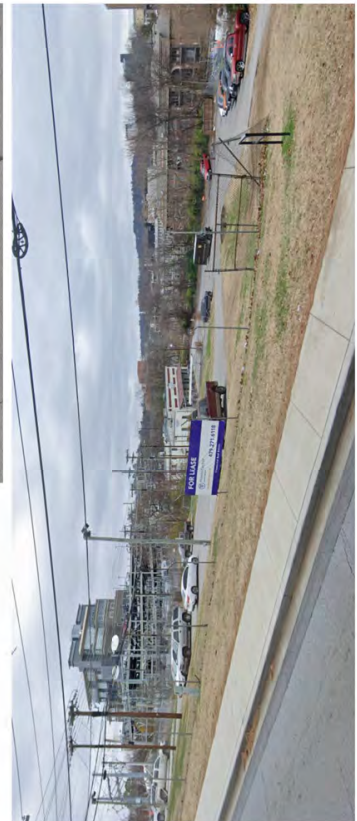
TRINITAS

TRINITAS VENTURES | FAYETTEVILLE, AR | 612 CENTER ST PARKING LOT EXHIBIT

POWERHOUSE

Project's Parking Solution

- Current Site Condition
- Adjacent to Power Station & Rail Corridor
- Covered in Power lines
- Separated from Downtown by Rail Corridor
- Unorganized Parking Lot
- Proposed Improvements
- Meet all current Zoning and Landscaping Requirements
- Including: Landscape and Tree Islands
- Landscape Buffer Adjacent to the Street
- Improvements Will Enhance Pedestrian Experience
- Improvements Will Continue the Greening of Fayetteville



Community Benefits

- Urban Infill Project Providing Density to Downtown Fayetteville
- Building Development According to The Fayetteville 2030 and 2040 Plans
- Enhancement of Oak Ridge and Frisco Trail
- Providing Public Trail Amenity of Bike Fix-It Station and Water Fountain
- Providing Residential Uses Walkable to The University, Dickson Street, and The Fayetteville Square
- Street Trees Along Center Street Providing Shade and Pedestrian Friendly Path
- Manicured Gardens Along Trails
- Updating Public Utility Lines and Access Points for Stormwater, Sewer, Electrical and T-Com

COUNCILMAN BERNA

From: Berna, Scott <scott.berna@fayetteville-ar.gov>

Sent: Friday, April 12, 2024 1:27 PM

To: Suzanne Clark <sclark@clark-firm.com>; Pennington, Blake <bpennington@fayetteville-ar.gov>; Stafford, Bob <bob.stafford@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>

Cc: Anna Langner <alangner@clark-firm.com>; CityClerk <cityclerk@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>; Curth, Jonathan <jcurth@fayetteville-ar.gov>

Subject: Re: Trinitas Ventures - Appeal - CUP 2024-0011

Thanks for clarification Blake and Suzanne. I assume you would like for me to reconfirm my willingness to hear the appeal. Please let this email reconfirm my consent.

Scott Berna

From: Suzanne Clark <sclark@clark-firm.com>

Sent: Friday, April 12, 2024 1:12 PM

To: Pennington, Blake <bpennington@fayetteville-ar.gov>; Stafford, Bob <bob.stafford@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>

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Subject: RE: Trinitas Ventures - Appeal - CUP 2024-0011

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With apologies, I believed the staff report referencing the code section provided that requirement, but to clarify, it is the decision denying the CUP UDC 172.06 – Parking Lot Location Standards that is being appealed.

Suzanne G. Clark

CLARK LAW FIRM, PLLC

121 W. South Street

P.O. Box 4248

Fayetteville, AR 72702-4248

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Fax: 479-856-6381

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COUNCILMAN BERNA

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Sent: Friday, April 12, 2024 1:06 PM

To: Suzanne Clark <sclark@clark-firm.com>; Stafford, Bob <bob.stafford@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>

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Subject: RE: Trinitas Ventures - Appeal - CUP 2024-0011

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There are other requirements that may be at issue but I want to confirm with Ms. Clark that the UDC section applicable to this appeal is Section 163.02 and also confirm that any council member who wishes to sponsor the appeal concurs.

Thank you,

Blake E. Pennington

Senior Assistant City Attorney

City of Fayetteville, Arkansas

bpennington@fayetteville-ar.gov

Direct: 479.575.8312

www.fayetteville-ar.gov

COUNCILMAN BERNA



From: Suzanne Clark <sclark@clark-firm.com>

Sent: Friday, April 12, 2024 12:30 PM

To: Stafford, Bob <bob.stafford@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>

Cc: Anna Langner <alangner@clark-firm.com>; CityClerk <cityclerk@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>

Subject: Trinitas Ventures - Appeal - CUP 2024-0011

Importance: High

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COUNCILMAN BERNA

Council and give my client the opportunity to present why approval of this CUP is a good decision for Fayetteville.

Should you have any questions, please do not hesitate to contact me.

Suzanne G. Clark

CLARK LAW FIRM, PLLC

121 W. South Street

P.O. Box 4248

Fayetteville, AR 72702-4248

Tel: 479-856-6380

Fax: 479-856-6381

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COUNCILMAN JONES

From: D'Andre Jones <dre91732000@gmail.com>

Sent: Friday, April 12, 2024 1:36 PM

To: Pennington, Blake <bpennington@fayetteville-ar.gov>

Cc: Suzanne Clark <sclark@clark-firm.com>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Anna Langner <alangner@clark-firm.com>; CityClerk <cityclerk@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>

Subject: Re: Trinitas Ventures - Appeal - CUP 2024-0011

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Yes my commitment stands
Sent from my iPhone

On Apr 12, 2024, at 1:29 PM, Pennington, Blake <bpennington@fayetteville-ar.gov> wrote:

D'Andre,

I just wanted to confirm that you had seen Suzanne's latest email references Section 172.06 of the UDC as the applicable section to be considered on appeal and that you concurred.

Thank you,

Blake E. Pennington

Senior Assistant City Attorney

City of Fayetteville, Arkansas

bpennington@fayetteville-ar.gov

Direct: 479.575.8312

www.fayetteville-ar.gov

<image001.png>

From: D'Andre Jones <dre91732000@gmail.com>

Sent: Friday, April 12, 2024 1:08 PM

To: Suzanne Clark <sclark@clark-firm.com>

Cc: Stafford, Bob <bob.stafford@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>; Anna Langner <alangner@clark-firm.com>; CityClerk <cityclerk@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>

Subject: Re: Trinitas Ventures - Appeal - CUP 2024-0011

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COUNCILMAN JONES

Hey Suzanne as promised I will support the hearing of the appeal !!
Sent from my iPhone

On Apr 12, 2024, at 12:30 PM, Suzanne Clark <sclark@clark-firm.com> wrote:

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Dear Council,

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Should you have any questions, please do not hesitate to contact me.

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P.O. Box 4248
Fayetteville, AR 72702-4248
Tel: 479-856-6380

COUNCILMAN JONES

Fax: 479-856-6381

sclark@clark-firm.com

www.clark-firm.com

<image001.jpg>

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<CUP-2024-0011 PC Report.pdf>

<612 Center St Parking - CUP Appeal.pdf>

COUNCILMAN STAFFORD

From: Stafford, Bob <bob.stafford@fayetteville-ar.gov>

Sent: Monday, April 15, 2024 1:05 PM

To: Suzanne Clark <sclark@clark-firm.com>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>

Cc: Anna Langner <alangner@clark-firm.com>; CityClerk <cityclerk@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>

Subject: Re: Trinitas Ventures - Appeal - CUP 2024-0011

Hi Suzanne et al.,

As per our earlier phone conversation, I will support hearing this appeal.

Thanks, Bob

Robert B. Stafford

Fayetteville City Council

Ward 1, Position 1

479.879.6802

From: Suzanne Clark <sclark@clark-firm.com>

Sent: Friday, April 12, 2024 12:30 PM

To: Stafford, Bob <bob.stafford@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>

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Subject: Trinitas Ventures - Appeal - CUP 2024-0011

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COUNCILMAN STAFFORD

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TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: April 8, 2024 **Updated with results from April 8, 2024 PC Meeting**

SUBJECT: **CUP-2024-0011: Conditional Use Permit (155 N. POWERHOUSE AVE/TRINITAS VENTURES, 483):** Submitted by BLEW & ASSOCIATES for property located at 155 N. POWERHOUSE AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 2.46 acres. The request is for offsite parking.

RECOMMENDATION:
Staff recommends approval of **CUP-2024-0011**.

RECOMMENDED MOTION:
*"I move to approve **CUP-2024-0011**, determining:*

- In favor of compatibility for an off-site parking lot serving a residential use;*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is in downtown Fayetteville with street frontage along N. University Avenue. Situated approximately halfway between W. Dickson Street and W. Center Street, the site sits just south of the downtown SWEPCO electric substation, and was the former site of the Powerhouse Seafood restaurant that permanently closed in June 2023. The property is zoned MSC, Main Street Center and contains approximately 2.5 acres. The site slopes downward to the east at an approximately 12% grade change. Surrounding land uses and zoning are depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	SWEPCO Substation	MSC, Main Street Center
South	University of Arkansas (Warehousing and Offices)	MSC, Main Street Center
East	Arkansas Missouri Railroad/Commercial/Multi-family	MSC, Main Street Center
West	Evergreen Cemetery	MSC, Main Street Center

City Plan 2040 Future Land Use Designation: **City Neighborhood Area.**

Proposal: The applicant requests conditional use permit approval to install an off-site parking lot in the Main Street/Center zoning district. The purpose of this request is to provide an off-site parking lot for a proposed student housing project on W. Center Street. Fayetteville's Unified Development Code, under §172.06 – Parking Lot Location Standards, notes that parking lots that are not located on the same lot as the principal use, require conditional use permit approval from the Planning Commission.

Public Comment: Staff have received inquiries from the public regarding this request, but no comments in opposition or support. One member of the public indicated a request for fencing along the southern and eastern property lines.

RECOMMENDATION: Staff recommends approval of CUP-2024-0011, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for an off-site parking lot serving a residential use.** *Staff finds the proposed parking lot to be compatible for the reasons outlined in this report;*
2. **Conditional use permit approval does not grant any necessary development entitlement approval for the associated parking lot, or for the related student housing project. For the purposes of development review, development entitlement for this parking lot and for the related proposed student housing project (parcels 765-12932-001 and 765-12934-000, 765-01886-000 respectively) shall be considered as one site and/or one project.**
3. **At the time of development entitlement, applicant shall supply adequate ownership or long-term lease information that ensures the property can be retained as a parking lot for a reasonable amount of time to serve the residential structure.**
4. **Sidewalk, greenspace, streetlights, and street trees shall be installed along the property's frontage along N. University Avenue in line with the typical master street plan requirements for Neighborhood Link streets.**
5. **A hedge row, between 32 and 42 inches in height, shall be installed between the parking lot and the street, and that a maintenance guarantee be provided to cover the installation and care of the hedge until it is grown to sufficient height and density to screen the parking lot as intended.**
6. **Off-site parking lots shall be prohibited from being located within the build-to-zone, per 172.04(C)3. Associated spaces shall not be located within 0-25 feet from the existing right-of-way, or master street plan right-of-way, whichever is greater.**
7. **Accessible parking requirements shall be evaluated for compliance with the Unified Development Code and the Americans with Disabilities Act;**
8. **Trash receptacles shall be provided for the convenience of the users, and shall be screened from view of the public right-of-way. The property owner shall be responsible for maintaining the property and keeping it free and clear of litter and debris;**
9. **Signage shall comply with the UDC Chapter 174, Signs;**
10. **Outdoor lighting on this property shall comply with UDC Chapter 176, Outdoor Lighting;**

11. Existing non-conforming access features shall be brought into conformity in line with the standard requirements in UDC Chapter 166.08(F);
12. Parking lot must meet all other standard design and development standards as outlined in the Unified Development Code, including, but not limited to, paving and construction, dimensional standards, landscape requirements, and drainage requirements.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>April 8, 2024</u>	☐ Tabled	☐ Approved	☒ Denied		
Motion: Brink	Failed for a lack of 5 affirmative votes.				
Second: Payne					
Vote: 4-4-0 (Commissioners Castin, Garlock, Gulley, McGetrick opposed)					

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

C. Procedures. A conditional use shall not be granted by the Planning Commission unless and until:

1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: The applicant has submitted a written application requesting conditional use approval for an off-site parking lot.

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: The applicant has paid the required filing fee.

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:

(a.) That it is empowered under the section of this chapter described in the application to grant the conditional use;

Finding: The Planning Commission is empowered under Unified Development Code §172.06 to grant the requested conditional use permit.

(b.) That the granting of the conditional use will not adversely affect the public interest;

Finding: Staff finds that granting the requested conditional use permit is not likely to negatively affect the public interest. By including this off-site parking lot within a nearby vicinity to the proposed housing development, staff finds that residents and guests of the proposed housing development are less likely to park in an illegal manner or in a way that would conflict with public safety or emergency services access.

(c.) The Planning Commission shall certify:

(1.) Compliance with the specific rules governing individual conditional uses; and

Finding: There are specific rules governing off-site parking locations in Unified Development Code §172.06, Parking Lot Location Standards.

§172.06. PARKING LOT LOCATION STANDARDS.

...

B. Permitted Locations as a Conditional Use.

1. Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.
2. Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

The Planning Commission shall make a finding based upon the size, scale, and location of these activities that the proposed parking lot will not adversely affect adjacent residential uses or the residential character of the neighborhood.

Finding: The request is for a parking lot located within the same zoning district as the principal use (both areas are zoned MSC). Staff finds that the proposed size and scale is unlikely to negatively affect the surrounding neighborhood characteristics.

- C. Off-Site Locations.** If off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.

Finding: The intent of the ordinance limiting the distance to 600 feet is meant to provide an off-site parking lot that is still within a convenient, walkable location for the proposed users. The proposed site is, as the crow flies, less than 200 feet away from the proposed principal use at its closest corners, but via a reasonable and legal walking distance, the parking lot is approximately 675 feet from the primary use. The applicant has not provided additional information about possible transportation or a shuttle service, but intends to use existing public sidewalk and existing public trail for transportation between the parking lot at the proposed housing use.

...

§163.02. AUTHORITY; CONDITIONS; PROCEDURES. (continued)

(2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

(a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: N. University Avenue is classified as a Neighborhood Link Street, which typically requires a curb separation distance of 100 feet. The applicant is showing an intent to provide vehicular access through two proposed curb cuts, which are approximately 150 feet in separation. The site is currently served by what appear to be two existing non-conforming driveways, one to the south, and one to the north. The proposal would provide for safer and more predictable vehicular access to the site. The site also has an existing sidewalk and pedestrian crossing to the Razorback Greenway to the east; staff would recommend improvements to the pedestrian crossing here, since it is a likely desired path that individuals parking their vehicles in this site would take to access the proposed housing to the south.

(b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: No substantial noise, glare, or odor effects on adjoining properties are anticipated, though staff recognizes that a stagnant use such as a parking lot may not provide necessary activation to the site that may help generate economic activity in this area. That said, a parking lot in this location may be one of the more reasonable uses that could be installed at this site; given the substation to the north, staff finds that the site is likely encumbered by many easements that could make building more vertically less likely. Further, the site has natural borders; the cemetery to the west, the substation to the north, and the railroad to the east limits access to the area. The site also slopes significantly to the east, so any negative visual impact from a parking lot is likely to be minimal. That said, staff recommend a

landscaped screen between 32 and 42 inches in height with a 50% opaque minimum be installed along the N. University Avenue frontage.

- (c.) Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: Minimal refuse generation is anticipated with the proposed off-site parking lot. The property owner is responsible for maintaining the lot. Staff recommends, however, that trash facilities be provided for and maintained at this location for the convenience of the individuals parked here.

- (d.) Utilities, with reference to locations, availability, and compatibility;

Finding: No development is proposed on the subject property where water and sewer services are necessary. The adequacy of existing infrastructure would be evaluated at the time of any future development.

- (e.) Screening and buffering with reference to type, dimensions, and character;

Finding: The off-site parking lot shall be subject to the City's landscaping requirements, and the applicant is showing an intent to provide required tree islands. Staff recommends that screening and buffering be installed per the requirements as outlined in chapter 177, Landscape Regulations. Staff also recommends that a landscaped screen between 32 and 42 inches in height with a 50% opaque minimum be installed along the N. University Avenue frontage to minimize the visual impact of the parking lot from the public right-of-way.

- (f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: Any proposed signage must meet the requirements as outlined by chapter 174. The applicant has not currently indicated any signage to be placed on-site.

- (g.) Required yards and other open space; and

Finding: No structures are proposed with this conditional use permit. Staff finds that the proposal is generally meeting the landscape buffer requirements as outlined in chapter 177, Landscape Regulations.

- (h.) General compatibility with adjacent properties and other property in the district.

Finding: Staff finds that the proposal is compatible with adjacent properties, though not necessarily compatible with other allowable uses in the Main Street/Center zoning district. Surface parking lots are becoming less

common in downtown Fayetteville, with the ongoing redevelopment of the Civic Plaza property to the east from a parking lot to a city public park and open space.

- (i) General compatibility with the goals and intent of the city's adopted land-use, transportation, and other strategic plans.

Finding: Staff finds that the proposal is compatible with the goals and intent of the city's adopted land-use, transportation, and other strategic plans. The property in question was evaluated in 2004 with the adoption of the Fayetteville Downtown Master Plan. While this plan is 20 years old, staff recognizes that it is still the governing document for the area. The illustrative plan for this site did not call for any form of redevelopment or infill, where it did in other locations. There is no long-term plan for this site with this proposal to become redeveloped, or to transfer to a different use in the future, and approval of this conditional use permit would solidify its development as such for the long-term.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.27 Main Street/Center
 - §172.06 - Parking Lot Location Standards
- Location exhibit
- Fayetteville Downtown Master Plan (Excerpt)
- Applicant Request Letter
- Applicant Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map

Additional public comment

161.27 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial 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 (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet
---------------------------	---------

(2) *Lot Area Minimum.* None.

(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	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 75% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*
-------------------------	----------------------

* A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of seven (7) stories.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

172.06 - Parking Lot Location Standards

The location of all required and nonrequired parking lots with five (5) or more spaces shall meet the location requirements below. All conditional uses hereunder shall be granted by the Planning Commission in accordance with Chapter 163, governing applications of conditional uses; procedures.

(A) *Permitted Locations by Right.* Parking lots shall be located within the same zoning district as the use they serve. Required parking lots for uses allowed by right within a zoning district are allowed as a use by right in the same zoning district.

(B) *Permitted Locations as a Conditional Use.*

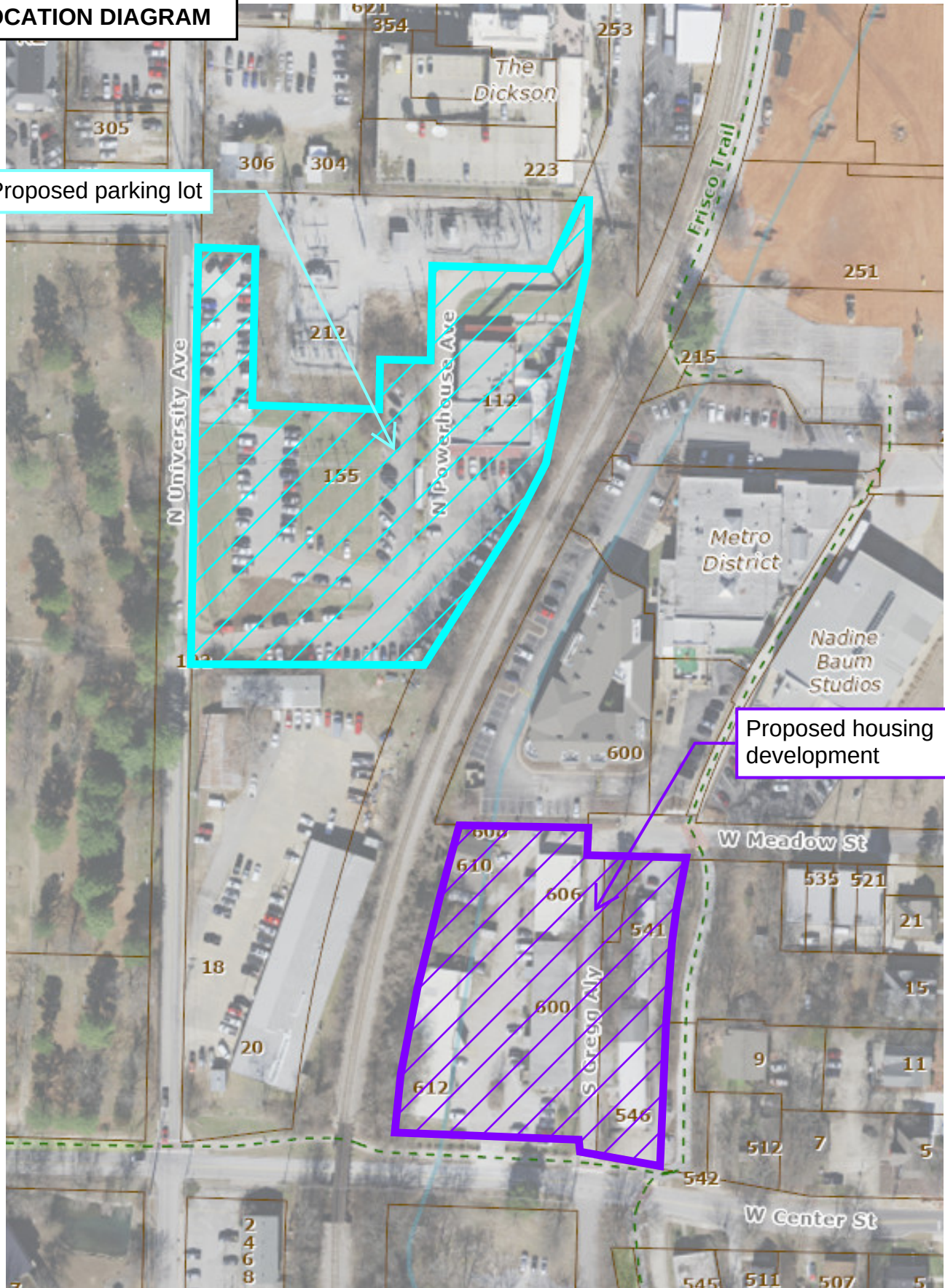
- (1) Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.
- (2) Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

The Planning Commission shall make a finding based upon the size, scale, and location of these activities that the proposed parking lot will not adversely affect adjacent residential uses or the residential character of the neighborhood.

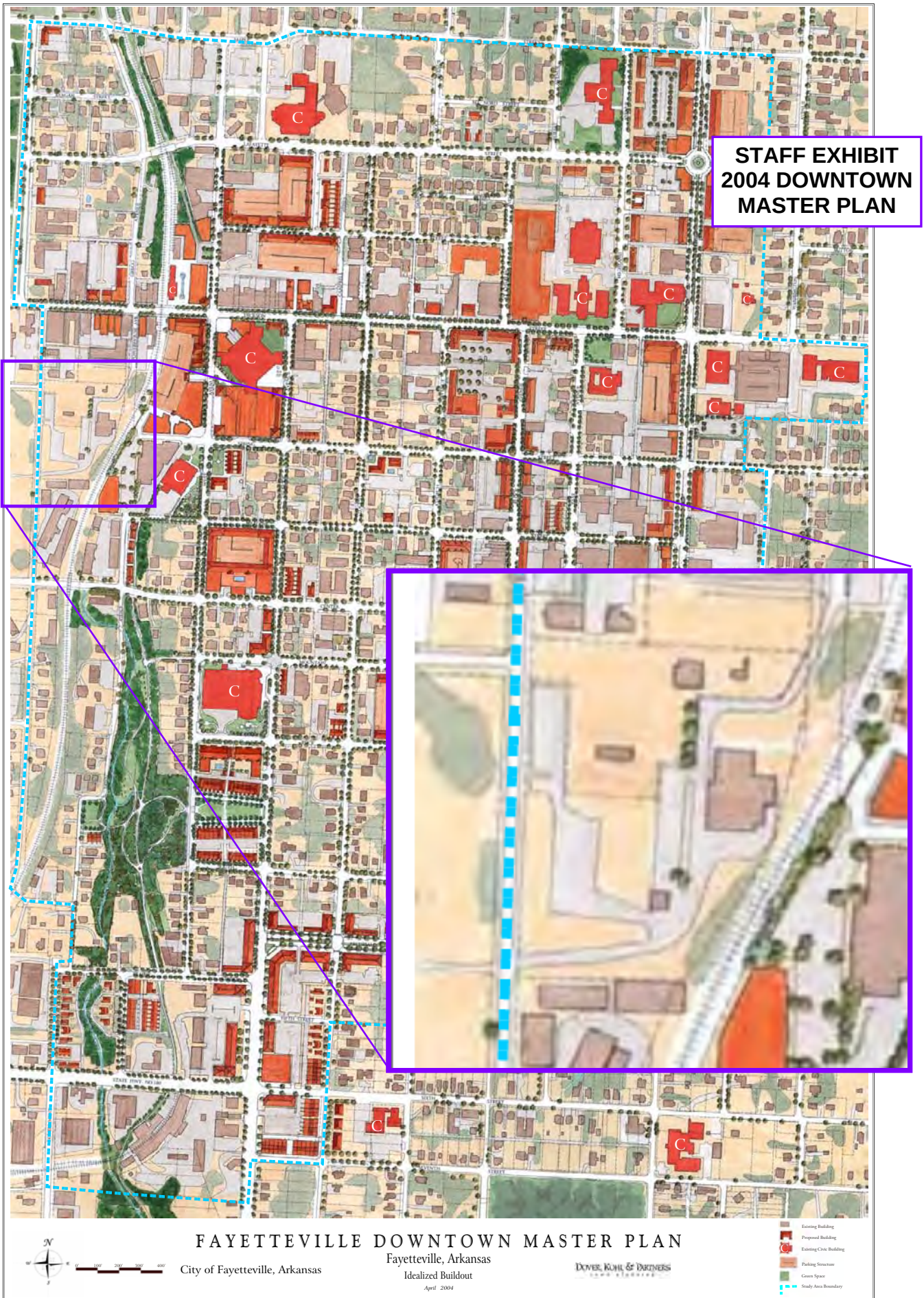
(C) *Off-Site Locations.* If off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.

**STAFF EXHIBIT
OFF-SITE PARKING LOT
LOCATION DIAGRAM**

Proposed parking lot



Proposed housing
development



STAFF EXHIBIT
2004 DOWNTOWN
MASTER PLAN

BLEW

Surveying | Engineering
Environmental

March 20, 2024

City of Fayetteville
125 W. Mountain Street
Fayetteville, Arkansas

SUBJECT: Conditional Use Permit
Parcel 765-12932-001

To Whom It May Concern:

Trinitas Development, LLC is submitting a Conditional Use Permit for Parcel 765-12932-001 to develop said parcel as a Parking Lot for use of the residents of the Trinitas Development properties. *The attached site plan is conceptual and may be modified based on site conditions.*

Building size in square feet; existing and proposed

N/A, No buildings are proposed for this site.

Color elevations of all exterior sides of the structure

N/A, No buildings are proposed for this site.

Number of off-street parking spaces to be provided / number required.

This will be an offsite parking area to be used by residents of the Trinitas Development properties. The number of parking spaces proposed will be a minimum of 194 spaces but no more than 221 spaces as required for the 612 Center Street Development. *194 spaces are needed to make up the difference for the principal use.* The parking lot will comply with the City of Fayetteville's Unified Development Code.

When request applies to a business or non-residential use: -Hours of operation -Number of employees -Anticipated number of patrons, clients, children, customers, etc. (average per day / peak hour)

Hours of Operation: 24 hours per day, 7 days per week.

Number of Employees: 0

Anticipated number of patrons: 194 vehicles

Outdoor lighting

Outdoor lighting meeting City of Fayetteville's Unified Development Code will be provided for the purposes of security for the patrons of the parking lot.

Noise

Due to the nature of the project, the only expected noise would be generated from vehicular traffic on the site.



479-443-4506



blewinc.com



Planning Commission
1025 S. Prairie Hills Pkwy
Fayetteville, Arkansas 72758

CUP-2024-0011 (TRINITAS VENTURES)
Page 12 of 17

Screening or buffering from adjacent properties.

The parking lot will be placed outside of the build to zone, so the requirements of 172.04(C) are not applicable. The following will be provided: landscaping meeting the requirement of the municipal code; and a fence around the property.

Trash and refuse service (with particular reference to visibility from the street and adjacent properties)

N/A, Trash and refuse service will not be provided at this site.

Ingress and egress to the property; traffic impacts

With 194 vehicles associated with this site, per the ITE Trip Generation Manual, we can expect 3.24 trips per Parking Space on a Weekday. For this site, that would generate 629 vehicle trips per day with 50% Entering, and 50% Exiting. Traffic would access N. University Avenue and N. Powerhouse Avenue (both being classified as an Urban Center Road) having enough capacity for the added vehicle trips.

A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood.

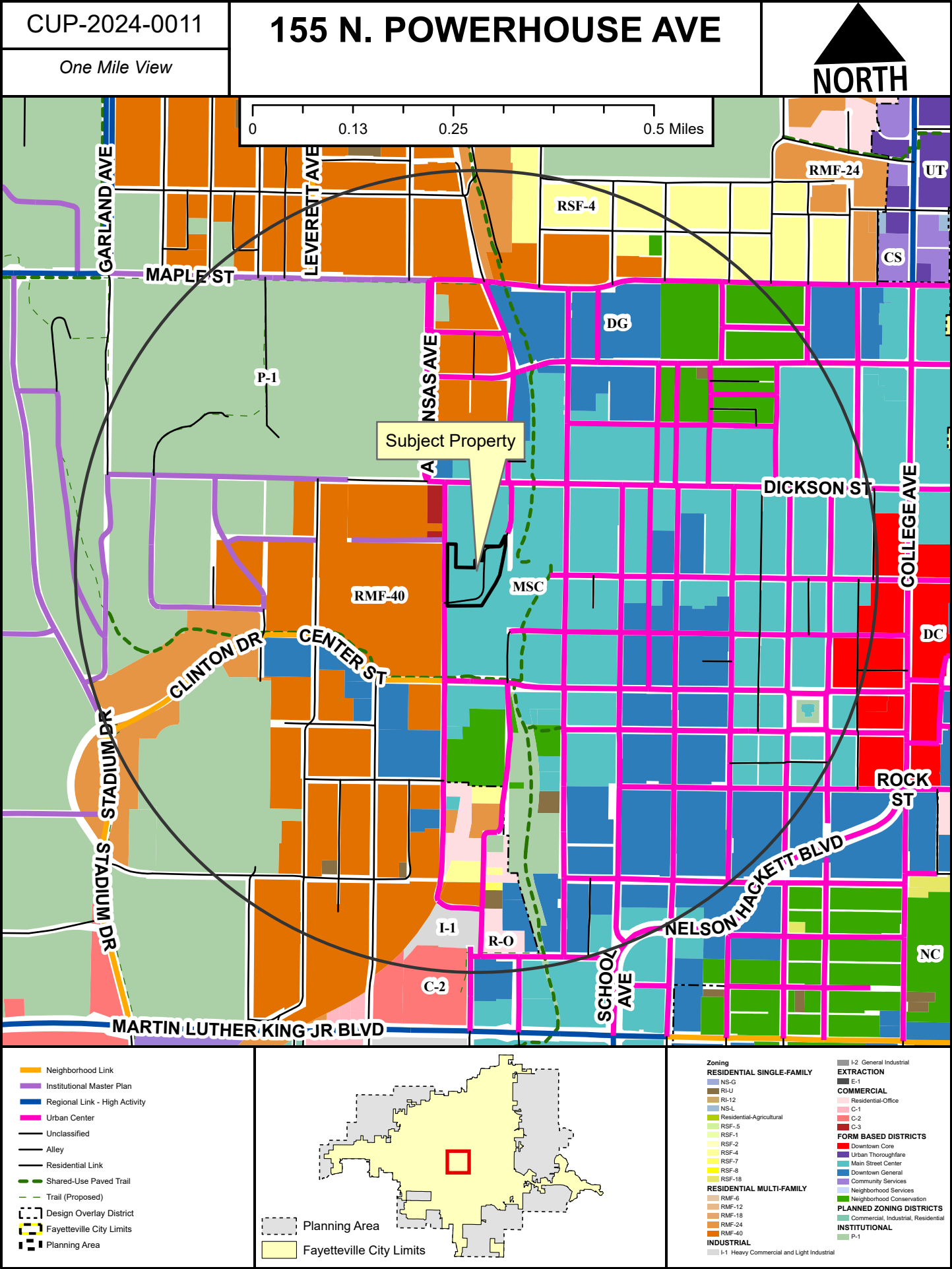
To the north of the site is an electric substation controlled by Southwestern Electric Power Company. To the south of the property is what appears to be a maintenance building for the University of Arkansas. To the west is Evergreen Cemetery. To the east is the railroad and east of the railroad is mixed use building housing both residential uses and commercial uses. This site was where the Powerhouse Restaurant was located (now permanently closed). The proposed development will bring this site to current City Standards. The developer will be adding vegetation around and within the Site that does not currently exist helping to add shade and reduce heat-island affect.

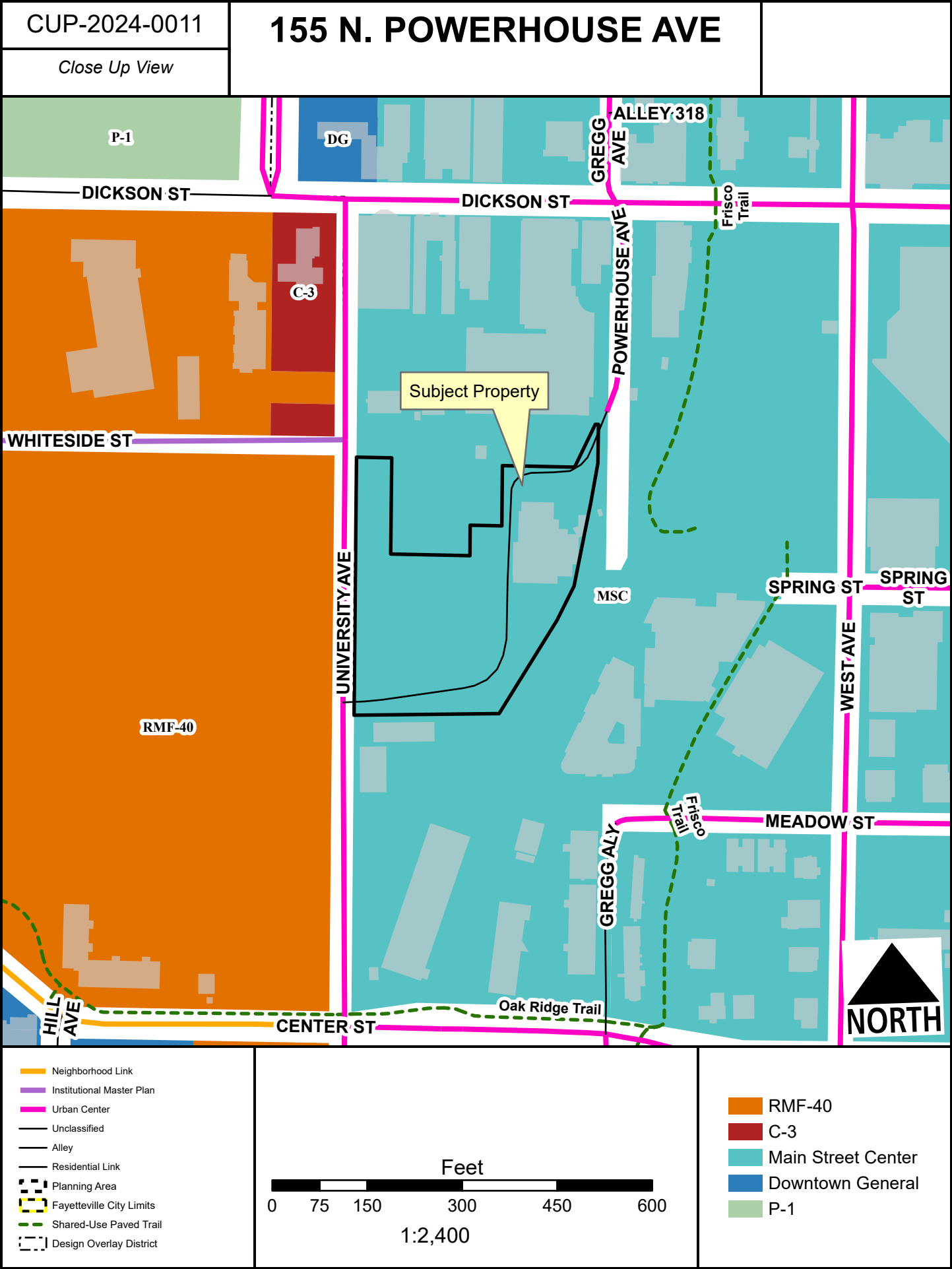
Sincerely,



Jorge Du Quesne
Blew & Associates, PA

* CONCEPTUAL DISCLOSURE *
THIS DRAWING WAS CREATED FOR CONCEPTUAL PURPOSES ONLY. THE SITE INFORMATION WAS OBTAINED FROM THE CITY'S DOCUMENTS AND/OR INFORMATION. THEREFORE, THE DESIGNS MAY VARY DEPENDING ON ACTUAL TOPOGRAPHY, DRAINAGE CONDITIONS, SOILS, SUEYERS, ETC. ANY ADDITIONAL DATA AND/OR SITE CONDITIONS COULD RESULT IN CHANGES TO THE OVERALL DESIGN OF THE SITE. INCLUDING, BUT NOT LIMITED TO PARKING RATIOS, NUMBER OF BUILDINGS, AMOUNT OF DEVELOPMENT, AND ACCESS TO THE SITE. ETC. AND MAY INCREASE ESTIMATED DEVELOPMENT COSTS.

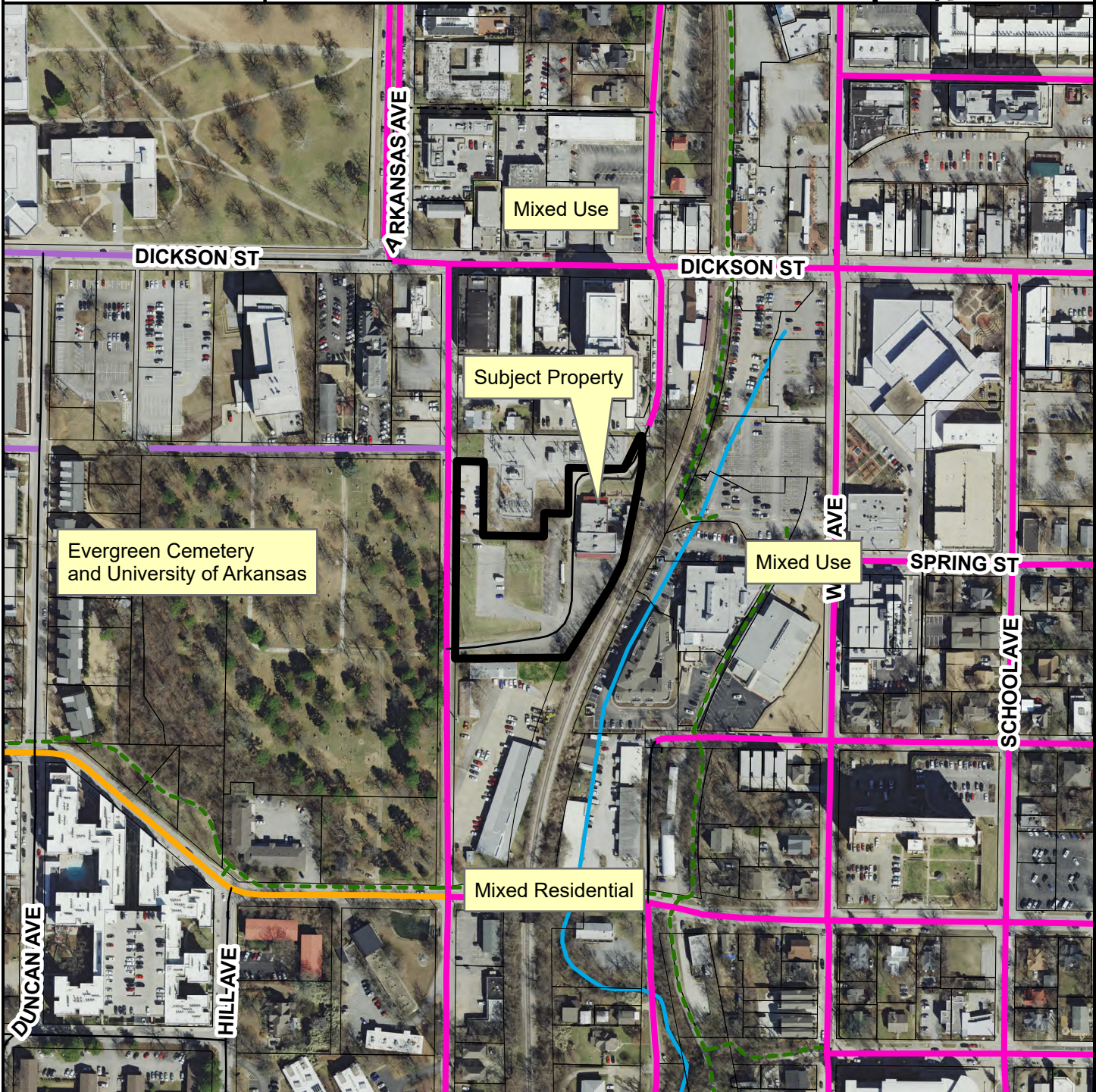




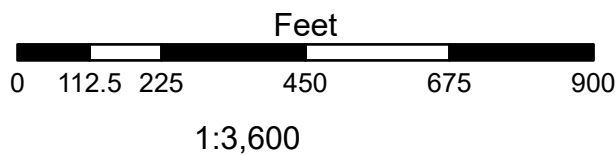
CUP-2024-0011

155 N. POWERHOUSE AVE

Current Land Use



- Neighborhood Link
- Institutional Master Plan
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

From: Thomas Brown <tbrownii@icloud.com>

Sent: Sunday, April 7, 2024 12:59 PM

To: Garlock, Jimm <jimm.garlock@fayetteville-ar.gov>; Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>

Cc: CityClerk <cityclerk@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>

Subject: CUP-2024-0011 The Development of the Powerhouse Property as an Offsite Parking Lot

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Commissioners,

I took note of the referenced CUP case regarding the development of an Offsite Parking Lot on the Powerhouse property. As a resident of our Downtown Tier 1 Center and a supporter of the development of the Cultural Arts Corridor and Dickson Street Entertainment District, I feel compelled to voice my concern about the incompatibility of an expansive single use parking lot located along the border of the Cultural Arts Corridor. The Corridor having as one of its design objectives, the mixed-use (residential and commercial) development along its edges. I am especially concerned about the potential loss of several important opportunities that a creative mixed-use development on this historic Powerhouse property could mean for the City, including:

- The opportunity to continue to demonstrate the power of the Cultural Arts Corridor to attract successful mixed-use development around its edges. (*This was one of the Corridor Project's major investment objectives.*)
- The opportunity to explore the potential application of a parking incentive with the developer (*Offering a parking variance for their adjacent Student Housing Project for their willingness to support the Historic Preservation of the Powerhouse Building and development of the balance of the property as a creative mixed-use Project.*) and test the concept of eliminating Residential Parking Minimums in a Tier 1 Center.
- The opportunity to restore and preserve the Powerhouse Building through its continued adaptive use as a commercial establishment. (*Hopefully a restaurant which could become an historical culinary amenity for the Public Plaza Area of the Cultural Arts Corridor.*)
- The opportunity to explore a partnership with the University as a potential occupant in the ground level portion of a vertically oriented mixed-use high density residential building complex. (*This partnership could function as studio/instructional space that*

strengthens the art's orientation of the Corridor and potentially present an opportunity to justify the application of a parking reduction incentives by the City through the implementation of a shared parking concept with the University.). The mixed-use building complex could be located along University Avenue and the southern boundary of the property.

- The opportunity to develop a multimodal public plaza space between the Historic Powerhouse Building and an adjacent Mixed-use Building Complex that would be designed to integrate and connect Powerhouse Drive to Greg Avenue and Spring Street (*Pedestrian only*).
- The opportunity to explore the application of the City's affordable housing objectives as a component of a mixed-use high density residential building complex located along University Avenue and the southern boundary of the property.

I believe the potential to support the successful realization of these opportunities deserves the involvement of the City to include efforts in active coordination and support through the application of incentives (*parking, height, lot coverage, density, setbacks, fees, in kind construction equity, etc.*).

It is my hope that the Planning Commision and the City Management Team will play an active role in helping the Developer and Property Owner fully understand and explore the opportunities associated with the mixed-use development of the historic Powerhouse property. This action can become an important and meaningful effort to continue the implementation of the Cultural Arts Corridor Plan and *test the concept of eliminating Residential Parking Minimums in a Tier 1 Center.*

Thomas Brown

P. S. As a member of the Planning Commission that recommended the elimination of Commercial Parking Minimums, I feel it is important to let you know that during our discussions regarding the concepts, there was a general understanding that eliminating parking minimums was not eliminating all parking. It was making the decision, regarding the number of needed parking spaces, a business decision and responsibility of the developer.

From: Masters, Jessica
Sent: Wednesday, April 3, 2024 11:08 AM
To: t1tlott@gmail.com
Cc: Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: RE: Tech Plat - CUP 2024-0011 115 N. Powerhouse

Tom,

Thank you for the question, and thank you for the patience in my response. The reason why this item is being heard and considered by the Planning Commission is under [172.06\(C\)](#).

“(C)Off-Site Locations. If off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.”

As far as pedestrian access, you are correct that pedestrians will likely use the existing sidewalk along N. University and connect to the site to W. Center. Further, there is also an existing pedestrian crossing on the railroad tracks that leads into the Powerhouse site and onto the Razorback Greenway. The applicant does not intend to make any changes to that existing path, and would likely connect to that for an additional pedestrian route. I’ve highlighted it below for reference.

Staff will make sure your comment is included in staff’s report on the item. If you have any additional comments, please let me know. We will be publishing our final reports on Thursday afternoon, ahead of the 4:30 PM agenda session. Further, any written comment forwarded along to staff after the published report will be forwarded to the Commission directly.

Thank you,

Jessie



Jessie Masters, AICP

Development Review Manager

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



Compiled public comment
CUP-2024-0011

From: t1tlott@gmail.com <t1tlott@gmail.com>
Sent: Monday, March 11, 2024 8:03 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: Tech Plat - CUP 2024-0011 115 N. Powerhouse

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessie – this will be discussed on Wednesday. I have a question/observation. To me, this proposed off-site parking lot is far better than previous proposals. But does it meet the City Code requirements?

City Code 172.06(A) does not seem to apply since parking does not seem to be covered under City Code 161.27(B)(1).

City Code 172.06(C) permits it. But City Code 172.06(B) which governs CUPs seems to apply only to nonresidential zones. All references in it are to residential zones.

Or does City Code 161.27(B)(2) provide for the request as a Unit 2 use?

In addition, the proposed parking lot has no connection to the property at 612 Center Street. No access would be permitted across the railroad tracks. The two properties do not touch each other. So, the only access to 115 N Powerhouse will be for users of the parking lot to use the sidewalks to and from N. University Avenue and 612 Center Street. That would be permitted. But the users may attempt to cross the railroad tracks onto adjacent property and then to 612 Center Street. Is that a valid consideration in reviewing a CUP by Tech Plat or the Planning Commission? Could a fence along the East and South sides of 115 N Powerhouse be required?

Thanks.
Tom Overbey
T1TLOTT@gmail.com
479-871-2180



MEETING OF APRIL 30, 2024

TO: Mayor Jordan and City Council

THRU:

FROM: Sarah Moore, City Council Member - Ward 1 Position 2

SUBJECT: **Sarah Moore recommends a Resolution to call for a permanent ceasefire in Gaza and for the prevention of further loss of human life in the Middle East.**

RECOMMENDATION:

Sarah Moore recommends a Resolution to call for a permanent ceasefire in Gaza and for the prevention of further loss of human life in the Middle East.

BACKGROUND:

WHEREAS, we agree that all human life is precious regardless of faith, race, or ethnicity, and that the targeting of civilians is a violation of international humanitarian law; and

WHEREAS the events of October 7th, 2023 and the resulting military action have resulted in a humanitarian crisis affecting hundreds of thousands of families with tremendous loss of Palestinian and Israeli lives; and

WHEREAS, the Fayetteville City Council recognizes the importance of peace, safety, justice, and the protection of all human life in our city, state, nation, and world; and

WHEREAS, the Fayetteville City Council calls upon our national leaders to do everything in their power to end this crisis, supply humanitarian aid, and begin the process for peaceful, sustainable solutions, and

WHEREAS, the Fayetteville City Council asserts that harassment, discrimination, and violence toward Muslims, Jews, and all other people are contradictory to the values upon which our community is built.

DISCUSSION:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS: Email - Council Member Moore (#3), Agenda Request - Council Member Moore (#4)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-54

Sarah Moore recommends a Resolution to call for a permanent ceasefire in Gaza and for the prevention of further loss of human life in the Middle East.

A RESOLUTION TO CALL FOR A PERMANENT CEASEFIRE IN GAZA AND FOR THE PREVENTION OF FURTHER LOSS OF HUMAN LIFE IN THE MIDDLE EAST

WHEREAS, we agree that all human life is precious regardless of faith, race, or ethnicity, and that the targeting of civilians is a violation of international humanitarian law; and

WHEREAS the events of October 7th, 2023 and the resulting military action have resulted in a humanitarian crisis affecting hundreds of thousands of families with tremendous loss of Palestinian and Israeli lives; and

WHEREAS, the Fayetteville City Council recognizes the importance of peace, safety, justice, and the protection of all human life in our city, state, nation, and world; and

WHEREAS, the Fayetteville City Council calls upon our national leaders to do everything in their power to end this crisis, supply humanitarian aid, and begin the process for peaceful, sustainable solutions, and

WHEREAS, the Fayetteville City Council asserts that harassment, discrimination, and violence toward Muslims, Jews, and all other people are contradictory to the values upon which our community is built.

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 states their unqualified support for an immediate and permanent ceasefire, for life-saving humanitarian aid for Gaza, and for the release of all hostages and political prisoners.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby condemns all anti-Palestinian, Islamophobic, antisemitic, xenophobic, and hateful speech directed against any person or group.

Williams, Kit

From: Moore, Sarah
Sent: Friday, April 19, 2024 12:39 PM
To: Williams, Kit; Hungate, Hannah; Pennington, Blake
Subject: Re: RESOLUTION TO CALL FOR A PERMANENT CEASEFIRE IN GAZA AND PREVENT FURTHER LOSS OF HUMAN LIFE IN THE MIDDLE EAST

Resolution language approved.

--

Sarah Moore
Fayetteville City Council, Ward 2
sarah.moore@fayetteville-ar.gov
479.263.6629



Report a concern with SeeClickFix:

<https://www.fayetteville-ar.gov/4233/Report-a-Concern-with-SeeClickFix>

Speak up on City projects:

<https://speakup.fayetteville-ar.gov/>

Voice your feedback to the entire Council and Mayor by emailing:

agendaitemcomment@fayetteville-ar.gov

From: Williams, Kit <kwilliams@fayetteville-ar.gov>
Date: Monday, April 15, 2024 at 4:55 PM
To: Moore, Sarah <sarah.moore@fayetteville-ar.gov>, Hungate, Hannah <hhungate@fayetteville-ar.gov>, Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: RE: RESOLUTION TO CALL FOR A PERMANENT CEASEFIRE IN GAZA AND PREVENT FURTHER LOSS OF HUMAN LIFE IN THE MIDDLE EAST

Sarah,

I have made a few edits for your proposed Resolution. It is attached above. Most Council Members in the past have sought to concentrate on local Fayetteville issues and concerns rather than address national or international problems far beyond our power to resolve or have any impact on.

Kit

From: Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Sent: Friday, April 12, 2024 3:11 PM
To: Hungate, Hannah <hhungate@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: RESOLUTION TO CALL FOR A PERMANENT CEASEFIRE IN GAZA AND PREVENT FURTHER LOSS OF HUMAN LIFE IN THE MIDDLE EAST

Hi Kit, Blake, and Hannah

I have been approached by some community members to sponsor this resolution for a ceasefire. I would like to plan for this to run at the May 7th CC meeting. Please let me know if you need anything further.

2. **A RESOLUTION TO CALL FOR A PERMANENT CEASEFIRE IN GAZA AND**
3. **PREVENT FURTHER LOSS OF HUMAN LIFE IN THE MIDDLE EAST.**

4

5. 5 **WHEREAS**, we agree that all human life is precious, regardless of faith, race, or ethnicity, and
6. 6 the targeting of civilians is a violation of international humanitarian law;

7

8. 8 **WHEREAS**, the events of October 7th and the resulting military action have resulted in a
9. 9 humanitarian crisis affecting hundreds of thousands of families, with tremendous loss of
10. 10 Palestinian and Israeli life;

11

12. 12 **WHEREAS**, the Fayetteville City Council recognizes the importance of peace, safety, justice,
13. 13 and the protection of all human life in our city, state, nation, and world;

14

15. 15 **WHEREAS**, the Fayetteville City Council calls upon our national leaders to do everything in
16. 16 their power to end this crisis, supply humanitarian aid, and begin the process for peaceful,
17. 17 sustainable solutions;

18

19. 19 **WHEREAS**, the Fayetteville City Council asserts that harassment, discrimination, and violence
20. 20 toward Muslims, Jews, and all other marginalized groups are contradictory to the values upon
21. 21 which our community is built.

22

23. 23 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF**
24. 24 **FAYETTEVILLE, ARKANSAS:**

25

26. 26 **Section 1.** The Mayor and Members of the City Council of Fayetteville, Arkansas, state their
27. 27 unqualified support for an immediate and permanent ceasefire, life-saving humanitarian aid in
28. 28 Gaza, and the release of all hostages and political prisoners;

29

30. 30 **Section 2.** The City of Fayetteville condemns all anti-Palestinian, Islamophobic, antisemitic, and
31. 31 xenophobic rhetoric and attacks.

Thank you

--

Sarah Moore

Fayetteville City Council, Ward 2

sarah.moore@fayetteville-ar.gov

479.263.6629

AGENDA REQUEST FORM

FOR: Council Meeting of May 7, 2024

FROM: Council Member Sarah Moore

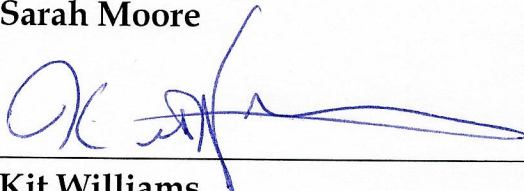
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO CALL FOR A PERMANENT CEASEFIRE IN GAZA AND FOR
THE PREVENTION OF FURTHER LOSS OF HUMAN LIFE IN THE MIDDLE EAST

APPROVED FOR AGENDA:

Approved by email
City Council Member
Sarah Moore

4-19-24
Date


Kit Williams
Fayetteville City Attorney
Approved as to form

4-15-24
Date