

SCHEDULED COMMITTEE MEETINGS to be held in the Multi-Purpose Room #236, second floor of the City Administration Building, 201 Spring Street:

- Monday, October 17th, 2016, 5:30 p.m. is the next Committee meetings.
 - Committee agendas will be available on Friday, October 14th, 2016.

SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, OCTOBER 11TH, 2016

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – **MIKE OVERTON**

6:00 p.m. OFFICIAL AGENDA

1. *Large Print* agendas are available.
2. Call to Order – Mayor Doug Sprouse
3. Roll Call – Denise Pearce, City Clerk
Recognition of a Quorum.
4. **A Report**- on the Community Garden by Mike Fohner, Founder/CEO, Youth Strategies.
5. Comments from Citizens
The Council will hear brief comments from citizens during this period on issues not on the agenda. No action will be taken tonight. All comments will be taken under advisement.
6. Approval of Minutes
 - a) September 27th, 2016 (3-17)
7. Procedural Motions
 - A. Entertain Motion to read all Ordinances and Resolutions by title only.
 - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item numbers....10a; 12; 13* (Motion must be approved by two-thirds (2/3) of the council members).
8. **An Appeal** of the Planning Commission's decision to deny rezoning at 2250 West Sunset by petitioner Matthew M. Dearnley. (18-62)
9. **An Appeal** of the Planning Commission's decision to deny rezoning for two acres on the west side of 56th Street, between Don Tyson and Sisemore Lane by petitioner Robin L. Jeter. (63-107)
10. Planning Commission Report and Recommendations by Patsy Christie, Director of Planning:
 - A. **An Ordinance** accepting the re-plat of 1A & 1B of the Replat of Lot 1, Block 1, Dill Addition to the City of Springdale, Washington County, Arkansas, to the City of Springdale, Arkansas, and declaring an emergency. (NW corner of Turner Street & Shoreline Drive.) (108-109)
 - B. **A Resolution** approving a Waiver of Subdivision Regulations as set forth in Chapter 112 of the Springdale Code of Ordinances in connection LS16-16 a Tandem Lot Split for Ozark Guidance Center Foundation. (Corner of Watkins & 48th Street.) (110-111)

11. Finance Committee Report and Recommendations by Chairman Eric Ford:
 - A. **A Resolution** amending the 2016 budget of the City of Springdale Administration Department. Committee recommended approval. (112)
 - B. **A Resolution** authorizing a Lease Agreement for two patrol cars. Committee recommended approval. (113-114)
12. **An Ordinance** authorizing the City Clerk to file a Clean-up Lien for the removal of overgrown brush and debris on property located within the City of Springdale, Washington County, Arkansas. Item presented by: Ernest Cate, City Attorney. (115-177)
13. **An Ordinance** authorizing the City Clerk to file a Clean-up Lien for the removal of overgrown brush and debris on property located within the City of Springdale, Benton County, Arkansas. Item presented by: Ernest Cate, City Attorney. (178-187)
14. Comments from Department Heads.
15. Comments from Council Members.
16. Comments from City Attorney.
17. Comments from Mayor
18. Adjournment.

SPRINGDALE CITY COUNCIL
SEPTEMBER 27, 2016

The City Council of the City of Springdale met in regular session on September 27, 2016, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Rick Culver	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Eric Ford	Ward 1
Mike Lawson	Ward 4
Rick Evans	Ward 2
Jim Reed	Ward 1
Kathy Jaycox	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Wyman Morgan	Director of Finance & Admin.
Derek Hudson	Police Captain
Mike Irwin	Fire Chief
Patsy Christie	Planning Director
Melissa Reeves	Public Relations Director
Sam Goade	Public Works Director
Bill Mock	Parks & Recreation Director

APPROVAL OF MINUTES

Alderman Reed moved the minutes of the September 13, 2016 City Council meeting be approved as presented. Alderman Evans made the second.

There was a voice vote of all ayes and no nays.

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Alderman Reed made the motion to read all Ordinances and Resolutions by title only and to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for all items listed on this agenda. Alderman Jaycox made the second.

The vote:

Yes: Culver, Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox

No: None

AGENDA ITEM CHANGE

Alderman Evans made the motion to move item 12B on tonight's agenda to item 13B. Alderman Culver made the second.

The vote:

Yes: Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver

No: None

RESOLUTION NO. 82-16 – AUTHORIZING THE TEMPORARY OPERATION OF A CIRCUS MAN EVENT (OCTOBER 11TH-OCTOBER 18TH)

Wyman Morgan presented a Resolution authorizing the temporary operation of a Circus Man Event October 11th – October 18th to be held at Luther George Grove Street Park.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE TEMPORARY OPERATION OF A CIRCUS MAN EVENT

WHEREAS, Misty Murphy, Executive Director of the Downtown Springdale Alliance and Potluck Arts has requested permission to conduct a Circus Man entertainment event at Luther George Grove Street Park, Springdale, AR; and

WHEREAS, the Potluck Arts Circus Man event dates will be Tuesday, October 11th, Wednesday, October 12th, Thursday, October 13th, Friday, October 14th, Saturday, October 15th, Sunday, October 16th, Monday, October 17th and Tuesday, October 18th, 2016; and

WHEREAS, the circus man hours of operation will be between 2:00 p.m. and 9:30 p.m. each day; and

WHEREAS, Sec. 26-43 of the Springdale Code of Ordinances provides that the operation of a carnival, sideshow or other similar amusement facility within the city must be approved by resolution adopted by the city council,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Misty Murphy, Executive Director of the Downtown Springdale Alliance and Potluck Arts are hereby authorized to conduct a circus man entertainment event at the Luther George Grove Street Park, Tuesday, October 11th through Tuesday, October 18th, 2016, with the opening and closing times listed above. In case of a rain out, the Mayor has the authority to reschedule this event.

PASSED AND APPROVED this ____ day of September, 2016.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Jaycox made the second.

The vote:

Yes: Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson

No: None

The Resolution was numbered 82-16.

RESOLUTION NO. 83-16 ~ AUTHORIZING THE TEMPORARY OPERATION OF A CIRCUS MAN EVENT (OCTOBER 19TH-OCTOBER 23RD)

Wyman Morgan presented a Resolution authorizing the temporary operation of a Circus Man Event October 19th – October 23rd to be held at Luther George Grove Street Park.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE TEMPORARY OPERATION OF A CIRCUS MAN EVENT

WHEREAS, Misty Murphy, Executive Director of the Downtown Springdale Alliance and Potluck Arts has requested permission to conduct a Circus Man entertainment event at Luther George Grove Street Park, Springdale, AR; and

WHEREAS, the Potluck Arts Circus Man event dates will be Tuesday, October 18th, Wednesday, October 19th, Thursday, October 20th, Friday, October 21st, Saturday, October 22nd, and Sunday, October 23rd; and

WHEREAS, the circus man hours of operation will be between 2:00 p.m. and 9:30 p.m. each day; and

WHEREAS, Sec. 26-43 of the Springdale Code of Ordinances provides that the operation of a carnival, sideshow or other similar amusement facility within the city must be approved by resolution adopted by the city council,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Misty Murphy, Executive Director of the Downtown Springdale Alliance and Potluck Arts are hereby authorized to conduct a circus man entertainment event at the Luther George Grove Street Park, Tuesday, October 18th through Sunday October 23rd, 2016, with the opening and closing times listed above. In case of a rain out, the Mayor has the authority to reschedule this event.

PASSED AND APPROVED this ____ day of September, 2016.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Jaycox made the second.

The vote:

Yes: Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson

No: None

The Resolution was numbered 83-16.

RESOLUTION NO. 84-16 – DESIGNATING PROPERTY AS PERMANENTLY
ACCESSIBLE FOR PUBLIC HIKING AND BIKE TRAILS

Alderman Mike Lawson presented a Resolution designating property as permanently accessible for public hiking and bike trails.

RESOLUTION NO. ____

**A RESOLUTION DESIGNATING PROPERTY AS
PERMANENTLY ACCESSIBLE FOR PUBLIC
HIKING AND BIKE TRAILS.**

WHEREAS, in 2014, the City of Springdale authorized the Mayor and City Clerk to enter into a grant agreement with the Walton Family Foundation for the construction of a mountain bike trail in connection with the Razorback Greenway Trail;

WHEREAS, in connection therewith, Springdale Water Utilities deeded approximately 50 acres of property to the City of Springdale that was needed for the mountain bike trail and other bike trails (a map of the property is attached hereto as Exhibit "A");

WHEREAS, the deed from Springdale Water Utilities to the City of Springdale provided that if the mountain bike trail property should ever fall into disrepair, disuse, or is no longer used for bike trails, then title to the property shall revert back to the Springdale Water & Sewer Commission;

WHEREAS, the City of Springdale wishes to ensure that the property will be permanently accessible to the public for recreational purposes and for use as hiking or bike trails;

WHEREAS, the City of Springdale recognizes the valuable participation of the Walton Family Foundation in this, and other, endeavors, and wishes to ensure that the property will forever continue to be used and maintained by the City for hiking or public bike trails;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, that the City of Springdale hereby affirms that the 50 acre tract transferred to the City from Springdale Water Utilities for the development and use as public hiking or public bike trails shall be made permanently accessible to the public for the purposes stated herein.

PASSED AND APPROVED this ____ day of September, 2016.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Alderman Evans moved the Resolution be adopted. Alderman Reed made the second.

The vote:

Yes: Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton

No: None

The Resolution was numbered 84-16.

RESOLUTION NO. 85-16 - AUTHORIZING FUNDS FROM THE CAPITAL IMPROVEMENT PROJECT FUND FOR THE SPRINGDALE MUNICIPAL AIRPORT

Alderman Evans presented a Resolution authorizing funds from the Capital Improvements Project Fund for renovations at the Springdale Municipal Airport Terminal Building.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING FUNDS FROM THE CAPITAL IMPROVEMENT PROJECT FUND FOR THE SPRINGDALE MUNICIPAL AIRPORT

WHEREAS, the Springdale Airport Commission was appropriated \$45,000 by Resolution No. 1-16 for renovations of the exterior of the Terminal Building, and

WHEREAS, the Commission was appropriated \$170,000 by Resolution No. 42-16 for renovation of the interior of the Terminal Building, and

WHEREAS, the Commission did not use all of the \$215,000 appropriation from these two resolutions and desires to use the balance of the funds for acquisition of furniture for the lobby and other maintenance improvements needed at the airport;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the expenditure of the unused balance of the \$215,000 appropriated by Resolutions Nos. 1-16 and 42-16 of funds from the Capital Improvement Projects Fund is hereby approved for acquisition of furniture for the lobby of the airport terminal building and other maintenance improvements designated by the Springdale Municipal Airport Commission.

PASSED AND APPROVED this ____ day of September, 2016.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Jaycox made the second.

The vote:

Yes: Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton, Ford

No: None

The Resolution was numbered 85-16.

RESOLUTION NO. 86-16 - TO LEVY WASHINGTON COUNTY AD VALOREM TAXES OF THE CITY OF SPRINGDALE, ARKANSAS

Alderman Ford presented a Resolution to levy Washington County Ad Valorem taxes of the City of Springdale, Arkansas.

RESOLUTION NO. ____

A RESOLUTION TO LEVY WASHINGTON COUNTY AD VALOREM TAXES OF THE CITY OF SPRINGDALE, ARKANSAS.

WHEREAS, governing bodies of the municipalities of the State of Arkansas are required by law to levy ad valorem taxes at their regular meeting in October of each year; and,

WHEREAS, certain levies are needed to properly finance the operation of the City of Springdale, Arkansas.

WHEREAS, all property taxes and voluntary taxes will be collected by the Tax Collector of Washington County.

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

SECTION 1: That the following levies be approved for collection in the year 2017 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Washington County.

The 2016 property tax levy to be collected by the Washington County Tax Collector are as follows:

	REAL ESTATE	PERSONAL PROPERTY
GENERAL FUND	.0047	.0047
FIREMEN'S PENSION	.0005	.0005
POLICEMEN'S PENSION	.0005	.0005
TOTAL	<u>.0057</u>	<u>.0057</u>

SECTION 2: The 2016 voluntary taxes to be collected by the City Clerk are as follows:

	REAL ESTA	PERSONAL PROPERTY
CITY FIRE FUND	.0015	.0015
LIBRARY	.001	.001
TOTAL	<u>.0025</u>	<u>.0025</u>

SECTION 3: The voluntary taxes will be printed in the Washington County Tax Collector's office and shall be billed and collected by the Washington County Tax Collector's office.

PASSED AND APPROVED this ____ day of September, 2016.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Jaycox made the second.

The vote:

Yes: Evans, Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson

No: None

The Resolution was numbered 86-16.

RESOLUTION NO. 87-16 – TO LEVY BENTON COUNTY AD VALOREM TAXES
OF THE CITY OF SPRINGDALE, ARKANSAS

Alderman Ford presented a Resolution to levy Benton County Ad Valorem taxes of the City of Springdale, Arkansas.

RESOLUTION NO. _____

**A RESOLUTION TO LEVY BENTON COUNTY AD
VALOREM TAXES OF THE CITY OF
SPRINGDALE, ARKANSAS.**

WHEREAS, governing bodies of the municipalities of the State of Arkansas are required by law to levy ad valorem taxes at their regular meeting in October of each year; and,

WHEREAS, certain levies are needed to properly finance the operation of the City of Springdale, Arkansas.

WHEREAS, all property taxes will be collected by the County Clerk and Tax Collector of Benton County.

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

SECTION 1: That the following levies be approved for collection in the year 2017 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Benton County.

The 2016 property tax levy to be collected by the Benton County Tax Collector are as follows:

SPRINGDALE CITY COUNCIL
SEPTEMBER 27, 2016

	REAL ESTATE	PERSONAL PROPERTY
GENERAL FUND	.0047	.0047
FIREMEN'S PENSION	.0005	.0005
POLICEMEN'S PENSION	.0005	.0005
TOTAL	<u>.0057</u>	<u>.0057</u>

PASSED AND APPROVED this ____ day of September, 2016.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Alderman Evans moved the Resolution be adopted. Alderman Reed made the second.

The vote:

Yes: Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson, Evans

No: None

The Resolution was numbered 87-16.

PROPOSED RESOLUTION AUTHORIZING THE SALE OF PROPERTY TO
NORTHWEST ARKANSAS CHILD CARE RESOURCES AND REFERRAL CENTER
INC., DBA CHILD CARE AWARE OF NWA

Alderman Ford presented a Resolution authorizing the sale of property located at 206 S. Blair Street to Northwest Arkansas Child Care Resources and Referral Center Inc., dba Child Care Aware of NWA for the sum of \$330,000.00.

Northwest Arkansas Child Care Resources and Referral Center Inc., dba Child Care Aware of NWA made an offer to buy this property at the September 13, 2016 City Council meeting for the sum of \$325,000.00 but City Council voted not to accept the offer.

Alderman Jaycox moved the Resolution be adopted. Alderman Culver made the second.

Michelle Winn, Child Care Aware Office, said they would really like to keep their offices in the City of Springdale. They have 14 employees and service 17 counties.

Mike Gilbert said he is supportive of the Child Care Aware Office but not so much for it being located in this building downtown. The Downtown Association took a lot of comments from people regarding the Master Plan for downtown and he feels like the city should follow the plan.

Misty Murphy, Downtown Springdale Alliance, said they are working on form based codes for the downtown area and an Arts District Master Plan and hope to present it to the City Council by the end of the year. She thinks this building is a very strategic

location in downtown Springdale and thinks this is not the highest and best use for the property.

Taryn Manning, President for the Board of the Arts Center of the Ozarks, expressed concern with this sale being a little bit premature and is hoping there is open communication while working together on the downtown plan.

The vote:

Yes: Watson

No: Jaycox, Overton, Ford, Lawson, Evans, Reed

Recuse: Culver

RESOLUTION NO. 88-16 – APPROVING A CONDITIONAL USE APPEAL BY MARLEEN NEWBERRY FOR A HOME OCCUPATION AT 271 CASTEEL LANE AS SET FORTH IN ORDINANCE NO. 4030

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Marleen Newberry for a home occupation at 271 Casteel Lane as set forth in Ordinance No. 4030.

RESOLUTION NO. ____

A RESOLUTION APPROVING A CONDITIONAL USE AT 271 CASTEEL LANE AS SET FORTH IN ORDINANCE NO. 4030

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on August 2, 2016, on a request by Marleen Newberry for a Use Unit 28 (Home Occupation) in an Agricultural District (A-1).

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yes and zero (0) no recommends that a conditional use be granted to Marleen Newberry for a Use Unit 28 (Home Occupation) in an Agricultural District (A-1) with the following conditions – All Code violations issued by Community Engagement and Building Inspection have been cleared. (Per Community Engagement and Building Inspections all violations have been corrected)

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Marleen Newberry for a Use Unit 28 (Home Occupation) in an Agricultural District (A-1) with the following conditions – All Code violations issued by Community Engagement and Building Inspection have been cleared. (Per Community Engagement and Building Inspections all violations have been corrected)

PASSED AND APPROVED THIS ____ DAY OF SEPTEMBER, 2016.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Jaycox made the second.

The vote:

Yes: Culver, Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox

No: None

The Resolution was numbered 88-16.

ORDINANCE NO. 5096 – REZONING 21.15 ACRES OWNED BY THOMAS J. EMBACH REVOCABLE TRUST, LOCATED AT 905 MILL STREET, FROM SF-2 TO PUD

Planning Director Patsy Christie presented an ordinance rezoning 21.15 acres owned by Thomas J. Embach Revocable Trust, located at 905 Mill Street, from SF-2 to PUD.

Planning Commission recommended approval at their September 6, 2016 meeting.

After reading the title of the Ordinance, Alderman Evans moved the Ordinance “Do Pass”. Alderman Culver made the second.

The vote:

Yes: Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver

No: None

Alderman Evans moved the Emergency Clause be adopted. Alderman Jaycox made the second.

The vote:

Yes: Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson

No: None

The Ordinance was numbered 5096.

RESOLUTION NO. 89-16 - APPROVING A WAIVER OF SUBDIVISION REGULATIONS AS SET FORTH IN CHAPTER 112 OF THE SPRINGDALE CODE OF ORDINANCES IN CONNECTION WITH LS16-13, A TANDEM LOT SPLIT REQUEST BY MARK MCGARRAH

Planning Director Patsy Christie presented a Resolution approving a waiver of subdivision regulations as set forth in Chapter 112 of the Springdale Code of Ordinances in connection with LS16-13, a tandem lot split request by Mark McGarrah.

Planning Commission recommended approval at their September 6, 2016 meeting.

RESOLUTION NO. ____

A RESOLUTION APPROVING A WAIVER OF SUBDIVISION REGULATIONS AS SET FORTH IN CHAPTER 112 OF THE SPRINGDALE CODE OF ORDINANCES IN CONNECTION WITH LS16-13 A TANDEM LOT SPLIT FOR MARK MCGARRAH

WHEREAS, Chapter 112 Subdivision of the Springdale Code of Ordinances sets forth the procedures, requirements and minimum standards governing the subdivision of land in the City of Springdale and its territorial jurisdiction; and

WHEREAS, the Planning Commission reviewed a request for waiver of subdivision requirements in connection LS16-13 a Tandem Lot split for Mark McGarrah to allow for a third split of the property for which all requirements for street improvements have been; and

WHEREAS, the Planning Commission recommends approval of a waiver of subdivision regulations with regard to the tandem lot split.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a waiver of subdivision requirements in connection with LS16-13 a Tandem Lot Split for Mark McGarrah.

PASSED AND APPROVED THIS ____ DAY OF SEPTEMBER, 2016.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Evans made the second.

The vote:

Yes: Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton

No: None

The Resolution was numbered 89-16.

PROPOSED RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO SPRINGDALE SCHOOL DISTRICT-SHS ATHLETIC FACILITIES, IN CONNECTION WITH L16-18, A LARGE SCALE DEVELOPMENT

Planning Director Patsy Christie presented a resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Springdale School District-SHS Athletic Facilities, in connection with L16-18, a Large Scale Development.

The developer has withdrawn their request for a waiver of sidewalks. They are going to build them. The request is mainly a waiver request for street lights.

Brad Hammond, McGoodwin, Williams and Yates Engineering, said he is representing the school district. He believes budgetary constraints were an issue.

Alderman Jaycox suggested this item be tabled to allow the developer to provide the cost estimate on how many lights are being required. A motion was made by Alderman Jaycox to table this item until the October 25, 2016 City Council meeting. Alderman Culver made the second.

The vote:

Yes: Evans, Jaycox, Culver, Watson

No: Lawson, Overton, Ford

Recuse: Reed

Motion failed. No other action was taken on the waiver request.

RESOLUTION NO. 90-16 -- APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO HEATHER DOUGLAS IN CONNECTION WITH A SINGLE FAMILY DWELLING AT 1094 NICHOLS ROAD

Planning Director Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Heather Douglas in connection with a single family dwelling at 1094 Nichols Road.

Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only.

The proposed Resolution provides for four options to consider, either Option 1 to grant waiver, Option 2 to deny waiver, Option 3 to approve payment in lieu of improvements or Option 4 to deny waiver and allow Bill of Assurance.

Alderman Jaycox moved the Resolution be adopted with Option 1. Alderman Evans made the second.

RESOLUTION NO. ____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO HEATHER DOUGLAS IN CONNECTION WITH 1094 NICHOLS ROAD A SINGLE FAMILY DWELLING

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, sidewalks in

connection with 1094 Nichols Road a single family dwelling for Heather Douglas and the Planning Commission recommends approval of the waiver request.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

Option 1: Grants a waiver of street improvements to 1094 Nichols Road including drainage improvements related thereto, sidewalks in connection with a single family dwelling for Heather Douglas.

PASSED AND APPROVED THIS ____ DAY OF SEPTEMBER, 2016.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote:

Yes: Evans, Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson

No: None

The Resolution was numbered 90-16.

ORDINANCE NO. 5097 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED WITHIN THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on the following properties located within the City of Springdale, Washington County, Arkansas:

513 Caudle Ave. (#815-22475-000)
516 Crutcher St. (#815-27649-000)
2815 N. 56th St., 5503 W. Hudson (WC 3104) Rd. (815-29789-230)
1301 Davis Ave. (#815-21282-000)
1410 W. Huntsville Ave. (#815-27440-000)
1015 N. Jefferson St. (#815-28204-000)
2951 Pinot Ave. (#815-36836-000)
2002 Stout Dr. (#815-31136-000)
1307 Young St. (#815-20876-000)

After reading the title of the Ordinance, Alderman Lawson moved the Ordinance “Do Pass”. Alderman Jaycox made the second.

Jim Milholen, owner of 2951 Pinot Avenue, stated Code Enforcement Officer Nivens had signed off on a violation at this location and said they were in compliance. They questioned why they came onto the property and abated it.

Missha Wagoner, Community Engagement Division Supervisor, said that is not the process and there is no form that states resident compliance that would have been given to them.

After discussion, it was decided to amend the motion and allow Mr. Milholen to present the paper to City Attorney Cate that shows they were in compliance and not put a lien on the 2951 Pinot Avenue property at this time.

Alderman Lawson moved the Ordinance "Do Pass" with an amendment to remove the 2951 Pinot Avenue. Alderman Jaycox made the second.

The vote:

Yes: Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson, Evans

No: None

Alderman Evans moved the Emergency Clause be adopted. Alderman Jaycox made the second.

The vote:

Yes: Jaycox, Culver, Watson, Overton, Ford, Lawson, Evans, Reed

No: None

The Ordinance was numbered 5097.

ORDINANCE NO. 5098 – REZONING 35.25 ACRES OWNED BY SHERRY FARMS, LLC, ACADIA HEALTHCARE COMPANY, INC. LOCATED AT 5060 E. ROBINSON AVENUE, FROM A-1 TO C-2

Planning Director Patsy Christie presented an Ordinance rezoning 35.25 acres owned by Sherry Farms, LLC, Acadia Healthcare Company, Inc. located at 5060 E. Robinson Avenue, from A-1 to C-2.

Planning Commission recommended approval at their September 6, 2016 meeting.

After reading the title of the Ordinance, Alderman Lawson moved the Ordinance "Do Pass". Alderman Culver made the second.

Mayor Sprouse reminded the audience that this meeting tonight is about zoning and whether or not C-2 is the proper zoning for this property. This is what City Council is considering tonight.

Mrs. Christie read the uses allowed in a C-2 zone. This type of facility would fall under a Use Unit 4 (Cultural, recreational and health facilities).

City Attorney Ernest Cate read the definition of a Health Care Facility as follows:

Health care facility means a facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of physical or mental conditions. Includes: general or special hospitals; public health centers; diagnostic centers; treatment centers; rehabilitation centers; extended care facilities; long-term care facilities; residential health care facilities; and, outpatient clinics. These facilities may include laundries, cafeterias, gift shops, laboratories, and medical officers as accessory uses.

Justin Eichman, Attorney representing Piney Ridge and the Sherry Family, pointed out that his clients feel like this is in line with the Comprehensive Land Use Plan approved by

SPRINGDALE CITY COUNCIL
SEPTEMBER 27, 2016

the City calling for commercial zoning in this area. Also the property is located along US Highway 412 which is a principal arterial street. While addressing property values and how they are affected, Katie Hampton, Real Estate Agent representing Sherry Farms, presented research on comparable properties being marketed for commercial use.

Tom Reed, Real Estate Appraiser, addressed the property value question. He did a sales study in the area where Piney Ridge is located in Fayetteville. His conclusion with data based on research at this location shows no decline in property values.

Neighboring residents spoke against Piney Ridge going into this area because of the close proximity of schools and homes. They are opposed to a lockdown facility being in this location. Those speaking against were: Michelle McCarver, Lee Evans, Lorie Davis, Ron Van Es, Dan Hinkson, Ray Dotson, Charles Futrall, Don Tipton, Michelle Boles, Colby Fulfer, Mike Nelson, Paul Hughes, Adam Cunningham, Karissa Russell, Janie Whitely, and Celia Chronister.

When questions came up regarding fencing, City Attorney Cate explained this will all be addressed during large scale development review.

People who spoke for the facility were Chaplain Paul Moore from Piney Ridge, John Comstock, Robert Billingsley, Psychiatrist with Piney Ridge, and Jessica Fowler, Mental Health Professional with Piney Ridge.

After considerable comments were heard, the vote was taken:

Yes: Culver, Watson, Lawson, Reed

No: Ford, Evans, Jaycox

Abstain: Overton

Mayor Sprouse voted yes.

The Ordinance was numbered 5098.

ADJOURNMENT

Alderman Jaycox made the motion to adjourn. Alderman Overton made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 9:45 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer



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City of Springdale
City Clerk's Office
Attn: Patsy Christie
201 Spring Street
Springdale, AR 72764

FILED
DATE 9/19/16
Demise Pearce
CITY CLERK SPRINGDALE, AR

RE: R16-30 Rezone 2250 W Sunset Avenue

Dear Springdale City Clerk's Office,

I am writing you to appeal the decision on September 6, 2016 of the Springdale Planning Commission that denied my request to re-zone our property at 2250 West Sunset from C-2 to C-5. As I stated at the Planning Commission, we have a coffee shop as one of our tenants that wants the ability to have live music on occasion in their store. When our request was denied, a woman who lived in Bentonville stood up and spoke about her deceased Grandmother that used to live on a nearby block and talked about how, if her Grandmother was still alive, the live music would have bothered her. In my opinion, that was not a fair assessment. If the city of Springdale is going to allow C-5 zoning anywhere, they should allow it along Highway 412 and Highway 71 because these are the major commercial thoroughfares. There already is live music being played outside of the Mexican restaurant Las Margaritas which is directly across the street from USA Plaza and at Las Palmas which is down the block, so any argument that it would disturb the neighborhood seems invalid. The tenant at USA Plaza would only play live music inside.

Please re-consider our request to re-zone this property. There is a local small business that is going to be adversely affected by the inability to have piano and acoustic music when they host church functions and other events.

Respectfully,

Matthew M. Dearnley



A MEMBER OF
CHAINLINKS
RETAIL ADVISORS

4100 Corporate Center Drive, Suite 203 • Springdale, Arkansas 72762
(479) 443-8002 • (479) 443-8061 fax

The Springdale Planning Commission met in regular session on Tuesday, September 6, 2016, at 5:00 p.m. in council Chambers.

Prior to the meeting being called to order, Chairman Kevin Parsley led the Pledge of Allegiance and Commissioner Roy Covert gave the invocation.

The meeting was called to order by Chairman Parsley at 5:05 p.m.

Roll call was answered by:

- Gary Compton
- Roy Covert
- Payton Parker
- Charles Gaines
- Vivi Haney – Secretary
- Kevin Parsley – Chairman
- Brian Powell

Commissioners that were absent were Bob Arthur and Mitch Miller. Also in attendance were Clayton Sedberry, GIS and Planning Coordinator who acted on behalf of Ms. Patsy Christie, Planning Director, who was unable to attend. Ms. Sarah Sparkman, Assistant City Attorney and City Attorney Ernest Cate were also in attendance.

Ms. Haney moved to approve the minutes for the August 2, 2016 meeting. Mr. Powell seconded the motion. By a voice vote of all ayes the August minutes were approved by a unanimous vote.

Mr. Parsley had the City's website pulled so that he could show the audience how to opt in to notifications.

Public Hearing

- A. Amend Article 8 Section 2 clarifying conditions under which a non-conforming use, structure, or lot may be allowed to continue
Presented by Clayton Sedberry

Mr. Sedberry stated that this was an amendment to the Ordinance. He said basically it adds a section that states that provided that the non-conforming use structure or lot complies with all other applicable City Ordinances including the expansion of the non-conforming use outlined in Section 3A of this Article.

Mr. Parsley asked if there were those in the audience that had comments or questions.

There were none.

Ms. Haney moved to forward to Council with a recommendation for approval. Mr. Powell seconded the motion.

VOTE:

YES: Compton, Covert, Parker, Gaines, Parsley, Powell
NO: None

The motion to forward to Council with a recommendation for approval was approved by a unanimous vote.

- B. Chapter 110, Article VI Code of Ordinance to rename Kawneer Drive between Huntsville Ave. & Emma Avenue to Reinert Drive
Presented by Clayton Sedberry

Mr. Sedberry said the City had a request from the Public Facilities Board to rename the street in honor of Jerry Reinert who was an active member of the board.

Mr. Parsley asked if there were comments or questions from the audience.

Mayor Sprouse said that Jerry Reinert was a long time member of the Public Facilities Board which is the reason the board requested the name change.

Ms. Haney moved to forward the request to Council with a recommendation for approval. Mr. Powell seconded the motion.

VOTE:

YES: Covert, Parker, Gaines, Haney, Parsley, Powell, Compton
NO: None

The motion to forward to Council with a recommendation for approval was approved by a unanimous vote.

Tabled Items

The following will be a verbatim of R16-30.

Mr. Parsley: The next section is tabled items. The first tabled item is:

- A. R16-30 412 Investments, LLC
2250 W. Sunset
From C-2 to C-5
Presented by Matt Dearnley

Mr. Parsley: This is for everyone. When you do come up to the mic, please make sure that you do speak into the mic; state your name and address.

Mr. Dearnley: My name Matthew Dearnly; my address is 4668 Jane Lane, in Fayetteville. This is a retail center that I'm the managing partner of. We have put a coffee shop into it as one of the tenants. They would like to have live music just a piano

or the ability to play music. According to City code, in order to have any type of live music you need to change the zoning to C-5 which is what we are requesting. We have sent out certified letters to all the neighbors and talked to them and everyone we talked to has been fine with the idea of having live music in a strip center.

Mr. Parsley: Staff comments.

Mr. Sedberry: The rezoning request is not in keeping with the Comprehensive Land Use Plan and is not recommended for approval. With residential to the north and east of the property are more intense commercial use of the property would not provide an adequate buffer.

Mr. Parsley: O.K. Any comments from the audience?

Mr. Parsley: Please come to the mic and state your name and address.

Mr. Watson: Donnie Watson; 23004 Highway 303, Hindsville, Arkansas. I am the owner of Bob's House Coffee Shop. Can you clarify that for me? I may not have understood everything.

Mr. Sedberry: Clarify it with residential to the north and east of the property and more intense commercial will not provide an adequate buffer. We tried to separate commercial uses from intense uses like; we try to separate residential uses from intense uses like a Thoroughfare Commercial is top commercial district that allows a lot of things like bars, live music.

Mr. Watson: It's a coffee shop though; I mean we are not a bar. We are a faith based coffee shop.

Mr. Sedberry: I understand. These are the comments that I was given. The intent is to separate residential and commercial as much as possible. We have had issues with properties in similar situations that are adjacent to residential districts. It can become a nuisance, not to say that yours will be but we tried to avoid it if at all possible.

Mr. Watson: So you are not going to rezone?

Mr. Sedberry: I don't vote. The Planning Commission that rezones.

Mr. Watson: O.K., I got you.

Mr. Parsley: These are just the comments from the actual Planning Department. They look at it based off the Master Land Use Plan.

Mr. Watson: I understand. Well, you know, pray that you all, you know, have some wisdom for us. We could sure use it. I know it would help the area right in there. I

believe it would bring more traffic into that area, bring more businesses in. It is about the best we can do. God Bless you guys.

Mr. Parsley: Thank you. Any other comments from the audience? O.K. it is to the Commission.

Ms. Haney: I think that the one thing that we have to remember is when we rezone it's rezoning that property permanently; so it's not anything on the business itself; sometimes that particular use might be okay but if we were to rezone that and then you were to sell that or one of the other businesses that move in, they would be able to do any of the higher level uses and I will tell you that when we had the church in there, we had issues with that.

Mr. Watson: I know. I have heard about that. How about rezoning with stipulations?

Ms. Haney: We can't do that.

Mr. Covert: What are the hours?

Mr. Watson: Right now 6:30 to 6:30 in the afternoon. 8:30 on Fridays, 6:30 on Saturdays.

Mr. Covert: So 8:30 is the latest on any given night.

Mr. Watson: Right now, yes sir. At the most we would ever go would be 10:00 p.m.

Ms. Haney: Right; but once it is rezoned if you moved out tomorrow, anything that is a C-5 and could you read what the C-5 that would be allowed to go and that's not just in your coffee shop; that's in that whole lot.

Mr. Watson: So you have to rezone the entire section and there are no stipulations that you could put on it that would help in that? Is there another classification.

Ms. Sparkman: Sarah Sparkman, Deputy City Attorney. The reason why they can't put limitations on rezoning that would be considered contract zoning and that is not allowed by law; so their hands are kind of tied to be able to make those type of agreements.

Mr. Dearnley: They are not trying to do outdoor concerts or anything that would really be a nuisance to the neighborhood. You were talking about acoustic music inside of a coffee shop. I realized that once you did it, technically speaking, we could have Bruce Springsteen come on in, but that is not the intention at all.

Mr. Parsley: Wasn't this an area that we had a similar situation as far as noise?

Mr. Sedberry: This specific building we did have issues with noise.

Ms. Haney: It had a church in it and there were noise issues; with the way the sounds carry in the building. There are apartments behind, I think, and then residential homes as well that were disturbed by the music.

Mr. Parsley: Missha, were you guys called out previously, not for this business but for the other.

Ms. Wagoner: Not code enforcement, not that I know of. Not while I have been involved.

Ms. Haney: But I think that we have to remember we are rezoning it, every single piece of that building. He may only do that but now someone else would be able to come in to one of the other open spots in that building and put in something at that higher level of classification and you know, that is the thing that we have to really consider.

Mr. Parsley: Any other questions or comments? Debbie went upstairs to get a code book. Was there someone that wanted us to read? Vivi I think that you wanted to read.

Ms. Haney: Yeah, unless someone else does, I know what it is.

Mr. Covert: Do we have anybody from the residential neighborhood behind this unit or from the apartments?

Mr. Parsley: If you could come up here to the mic.

Ms. Sanders: My name is Renee Sanders and I live at 902 SW Arrowhead in Bentonville, but my parents live at 608 Maria Street. That little area, we're talking about apartments; those are older people that live in those apartments that live right behind that strip mall. My grandmother used to live in that area and all the neighbors are older, elderly people that need assistance from their families living there. It would be really noisy. That area just carries and so I don't think that it would be good idea to have music outside in that place.

Mr. Parsley: This, I think is inside.

Ms. Sanders: Okay, inside. Well, still, with the church we were able to hear it. They live in the middle of Maria and we were still able to hear the music from the church.

Mr. Parsley: It will be a call for the vote.

Ms. Haney: Call for the vote.

Ms. Pounders: Parker, no; Gaines, yes; Haney, no; Parsley, no; Powell, no; Compton, no; Covert, yes.

Mr. Parsley: It fails to pass five (5) to two (2).

Mr. Sedberry: You have the right to appeal the Planning Commission's decision to City Council. Your appeal needs to be in writing to the City Clerk's office within fifteen (15) days and you have to notify the adjacent property owners again.

B. R16-32 Sherry Farms, LLC
5060 E. Robinson Ave.
From A-1 to C-2
Presented by R. Justin Eichman

Mr. Parsley stated prior to Mr. Eichman speaking, that those in attendance that would like to speak can certainly do that. He asked that they stated their name and address. He asked that if it starts to get repetitive as far as the comments go, to please make the statements brief. He also wanted to remind the audience that this item on the agenda is a rezoning.

Mr. Eichman was present on behalf of his client to answer any questions or comments. He reminded the audience that this is for a rezoning and that they should keep the merits of the request for a rezoning in mind.

He further stated that he and his clients have had many meetings with a lot of different folks from a lot of different areas to talk to them about what the intentions are. He said that the meetings were good but it does tonight get them deeper into the use. He said there were a couple of questions regarding the merits of the rezoning. One of the questions was why here as opposed to other places. The owners were present and wanted an opportunity to speak.

He said that Piney Ridge wanted to relocate to Springdale from Fayetteville and in doing so would need a significant piece of land to construct the facility. The land is 32 acres and was annexed into the City making it an A-1 or agricultural district. He said that the Comprehensive Land Use Plan indicates this area a commercial area. It is located along Highway 412 and there are other pieces of land that are for sale and are being marketed as commercial. He said both Piney Ridge and the Sherry's relied upon the Comprehensive Land Use Plan indicated use to both market and buy this property.

He further stated that he would like to keep conversation on the rezoning and its merits and not get deep into the use.

Mr. Parsley asked Mr. Sedberry to read what is a permitted use in a C-2 zone.

Mr. Sedberry said that permitted uses are: Citywide uses by right, cultural, recreational and health facilities, offices, studios and related services, eating places, neighborhood shopping goods, shopping goods, trades and services, automotive services, parking lot, temporary buildings and/or storage, transportation services, health care clinic and indoor flea markets.

Mr. Larry Sherry who is the owner of the property trying to be rezoned spoke. He said that his sister is with him as well. They are the owners of the property which is located at 5060 E. Robinson Avenue and that it had been in the family for many, many years.

Ms. Katy Hampton, who is a real estate agent with Irwin Partners, spoke. She stated that she represents Sherry Farms in the listing of their property for sale. She listed the property in February 2015. She further stated that she had researched other properties in that area that had been sold and comparable listings that were in the nearby area Sherry Farms. She looked at potential uses that would be feasible and what was legally permissible based on the land use plan. She stated that after review all the information she concluded that the best use for the Sherry's property would be commercial use. The surrounding areas that have either recently sold or on the market are all commercial.

Mr. Parsley asked for Staff comments.

Mr. Sedberry read the Staff comments.

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Improve the City's economic base and tax structure through the promotion of healthy, stable commercial concentrations

Assure adequate land allocation for commercial areas of sufficient size and in proper locations

Encourage the development of a wide range of commercial development for the residents and tourist to include neighborhood, community and regional centers.

Mr. Sedberry stated that the rezoning request was asking for a Use Unit 4 which is cultural, recreational and health care facilities. He then read what is allowed in a C-2 zone besides the Use Unit 4.

Mr. Parsley asked if there were those in the audience that had questions or comments. He reminded the audience that it is for the rezoning of the property and not what the intended use is.

The following persons spoke against the rezoning:

Jean Olsen

Lori Davis

Kelly Kirk

Ron VanEs

Connie Whitely

Mr. Denton Gay spoke next. He was in favor of the rezoning.

The following person again spoke against the rezoning.

Charlie Futrell

Ms. Kay Gay spoke in favor of the rezoning.

Jacci Perry Ryan spoke against the rezoning.

Kyra Guthrie spoke against the rezoning.

Mr. Travis Snyder spoke in favor of the rezoning.

Mr. Gary McGee from Maumelle, Arkansas spoke in favor of the rezoning.

Mr. Marcus Carruthers spoke in favor of the rezoning.

Mr. Ken Starkwell spoke against the rezoning.

Ms. Pam Forth (?) spoke in favor of the rezoning.

Lloyd James Vanture (?) spoke in favor of the rezoning.

Ms. Renee Daniel spoke against the rezoning.

Mr. John Comstock spoke for the rezoning.

Ms. Robin McDonald spoke against the rezoning.

Mr. Eddie Shockley spoke against the rezoning.

Mr. Eichman pointed out again it is a rezoning. They are prepared to speak about what will be there and the clinical aspects and the appropriateness of a C-2 zone along Highway 412; however, that would be getting into the use of the property and away from the rezoning, which is what this meeting is about.

Mr. Colby Fulfer spoke against the rezoning.

Ms. Sparkman, the Assistant City Attorney, said that it is the opinion of both Planning Staff and the City Attorney's office that this rezoning falls under residential care facility. She said there is legally a difference between a detention center and this type of facility. She further stated that even if a child is court ordered to go to this type of facility the obligations of the facility, the rights of the residents will be completely different than that of a detention center.

Mr. Eichman stated that Piney Ridge is licensed as a residential care facility and that is the reason it falls under the Use Unit 4 permitted use. There is security there to keep the residents from harming themselves and from leaving the facility.

Mr. Powell asked Mr. Eichman who he had meeting with in the Springdale community.

Mr. Eichman had Doris Singleton speak on behalf of the meetings that were held. She said that they had meetings with different City officials, residents and sent out certified letters to the property owners asking them to secure a meeting with them. Some of the residents responded others did not. She further stated that they also met with the different schools in the area as well. They met with Dr. Rollins, superintendent of the Springdale School District and with Perry Webb who is president with the Springdale Chamber of Commerce.

Dr. Compton said he was glad that they had made the effort to meet with the various persons in Springdale. He said that as of four days ago he was curious as to why they had not met with Springdale High School and Pete Jenks.

Ms. Singleton said they had made attempts to contact him so they could speak to him and were not successful.

Mr. Compton said as of today, they had not talked to Mr. Jenks.

Ms. Singleton said they were unable to make a connection with him.

Mr. Compton wanted to know if they had made any contact at all with significant Special Ed staff members. These are the administrators that would work with these kids.

Ms. Singleton said they had a meeting with Dr. Rollins and that he brought in those that he thought would be relevant to the meeting. She said there were eight to ten Springdale Staff in attendance.

Mr. Compton wanted to know if they had a list of the dates and times of the meetings.

Ms. Singleton said that she did not have them with her tonight, but she does have a record of it.

Mr. Gaines asked if the rezoning isn't approved, what are the property owners supposed to do.

Mr. Parsley said that this will be a call for the vote. It will require a minimum of five votes to pass. If it does not get the necessary five votes then it can be appealed to the City Council. He further stated that if the Council does not approve the rezoning, then the property owner may take it to the Court.

Ms. Haney stated that when she is looking at the request, she understands the emotion attached to it. However, Piney Ridge didn't need to disclose who they were. It isn't required and the question that she sees before the commission is, is this the right location for C-2 zoning. She said that is where they rely on the Comprehensive Land Use Plan to help make their decisions. It can be a tough decision and sometimes not a popular one, but, she said that if she voted no to a C-2 then she is in essence saying no then she is saying that no commercial use is appropriate in that location.

Mr. Covert called for the vote.

VOTE:

YES: Gaines, Haney, Powell, Covert, Parker

NO: Parsley, Compton

The rezoning was approved by a vote of five (5) yes and two (2) no.

Mr. Sedberry stated for the record that Staff would prepare the Ordinance to go to Council on Tuesday, September 27, 2016 at 6:00 p.m

The following will be verbatim minutes.

Mr. Parsley: Next item on the agenda is

John Backus
2126 Maestri Road
Expand an existing non-conforming
Use in an Agricultural District
 Presented by Engineering Services, Inc.

Mr. Appel: Thank you, Mr. Chairman, Jason Appel with Engineering Services. This property is directly north of the intersection of New Hope and 112. We are asking to extend/expand our existing conditional use application for this property. Approximately a year ago, we came to you with a request to; we applied for a conditional use for this use of a concrete business in an A-1 zone. Currently, the business has expanded and we are trying to utilize more of the property for his business and so doing that the requirements by the City is that we ask for an expansion. We can only expand the use of up to thirty per cent of the property over and above of what is already used as commercial. I do have a little sketch of the approximate acreage and size of what we are proposing to expand that thirty per cent for. I do know there is, since this picture was taken there's been some grading activities happen on the eastern side of the property. We did receive a grading permit for that work. What has happened, is we have had a multiple meetings with the City in the last two months, trying to come up with a plan on how to clean up the property, store his forms, concrete materials in an appropriate way that was not outside of what his existing use was for. This picture is a little out of date. I do have some more recent pictures from yesterday and today that shows the dirt work

that has happened and how the forms and the concrete materials have been moved closer to the existing shop building. I'll try to answer any other questions.

Mr. Parsley: Any comments from Staff?

Mr. Sedberry: We don't have any Staff comments.

Mr. Parsley: O.K., any comments from the audience? Make sure to state your name and address, please.

Mr. Clint McClain: So I'm Clint McClain, 2082 S. Maestri Road. I own the property adjacent to the Backus'. I just want to make sure that we need to be clear. I went back and looked at the record from a year ago. This was presented a property that was annexed into the City. It should be clear that we annexed this in, in 2011. The property was purchased in 2013 according to City and business license did not exist at this location prior, we do concede that there was a small business that did exist there, however; that business that business had been closed for more than six (6) months prior to the purchase. While we do have a non-conforming use, we have a non-conforming use on a property in an A-1 zone that I ask the question; should it have been there in the first place? I am going to concede that, that is water under the bridge. I wasn't here to have that conversation; I should have been. As we have gone over the last year, what we have seen is continued expansion. If you can kind of roll forward, sorry I'm on a PDF which is not great.

When I purchased this property, I recognized it was in the City limits and you can see that it basically had a nice green field in front of us and a baseball field behind. Not a bad place to build a large house. Matter of fact, this is a house that had been repoed several times. I took a risk on it and part of the reason why I was willing to take this risk was the fact that it was in the City and I feel somewhat protected of what could go in next door to me.

Can you move forward? This is the point when, well this is the last, basically we are at the last Google image that I had and I recognized that there has been grading and clean up in the last, the clean-up occurred in the last week, and the grading has occurred in the last few months.

You can see that I have lived next to a massive construction zone now. This is a detriment to my property; kind of flow to the next.

The point of this, you can see that it's not just my property. The property to the north, Bill had to leave but this is a farmer that has long term plans to turn that into residential area. The property behind where the baseball park is the Johnston's. Sorry, can you go back that? The Johnston's, they own the property behind and to the side of it and they are not happy with continued expansion and I have a letter to that effect if you want to pass that forward. Gerald could not be here, but they are definitely not pleased with this.

And then if you can see all the houses surrounding. This is an agri community that is community. It is not a place where, it not a place, you know, not that there is anything wrong farms. These are not just farms. These are homes that are facing that property from across the road and there is in effect a lifestyle and property value with a continued expansion of Backus. Next picture please; this is just a shot of what I get to view as I walk out my garage. This is, as you can see, a large house that I live in and I get this sweet shot when I come though I will commend that there has been clean up in the last five days which has made that better. My question would be as we expand this, this will be in that expansion and I don't how we are going to manage that through zoning but it is a concern.

Keep rolling; next picture please; this is the grading and I am doing this on behalf of the Johnston's. The grading permit and I'm not an engineer these guys are, we now have a, that's about a six (6) foot wall of dirt that comes within about six feet of Johnston's property so we are a little concerned as to what that is going to do to water runoff. We ask the question, what would the expansion of that property would be used for.

This is what it looks like if you are sitting across the street on New Hope and you have a nice house on New Hope and you have the opportunity to wake up to this every morning and that typically starts around 5:30 or 6:00 when the compressors go off and the trucks start backing up. The noise carries nicely both to my house and my friends on New Hope.

I just wanted to get a quick shot of these homes. This is a neighborhood that cares about property value; that cares about their homes and has built a community. I'm pro-business all the way.

When the Backus' purchased this property, they purchased the property in the City limits that ag zoned. That actually didn't have a business existing on it. It came in for non-conforming use. The continued expansion of that is a detriment to values. I have asked my builder who finished my house who builds a significant amount of houses; what he thinks my property value has dropped since the Backus' has increased their business; \$200,000.00. That is real money to me. Across the street, I don't even want to know what it has cost each individual property owner.

The Johnston's are in a position, where they were considering building a home on their property and as you can see in the letter they are not that interested in using that property for that at this point. What does that cost them? They have owned this property for years. So I asked you guys to consider strongly expanding this is only going to hurt the community more; at what benefit? I'm sure it is great for Backus but it is not great for us. It is costing us money; real money and it is actually hurting our quality of life as we kick this thing off so A) I would ask us not to expand, B) I would ask us to force really good screening and I'm not asking for fences, I'm asking for what we should do for screening in an agri area which is evergreen trees of significant level all the way around. This is a business that doesn't need drive by traffic; it can be surrounded by evergreens and be just fine and I would ask that we consider making sure that we all understand

the noise ordinances and agree to time of day kick off and finish where we have large equipment, large compressors going off so that we can all enjoy our homes for what we bought them for.

By the way, these are my neighbors here. They just ask that I kick it off so that we don't repeat ourselves cause we know it's gone long before. So I just wanted to represent the base. They may have other comments they want to add to it.

Ms. Ford: My name is Anita Ford and I live at 2635 New Hope Road in Springdale. And I first want to describe what we have out there and I'm sure you all know most of it. On the northeast corner of our addition out there.

Mr. Parsley: Make sure you speak into the Mic.

Ms. Ford: Is the new Arkansas Children's Hospital that's going on. O.K. on the other side the new leg of the NW Community College. We also have what Clint was describing of what is going in down here on the southwest corner of our addition. He referenced Mr. Bill Brandt who had to go to another meeting and he asked me if I would read this letter and I concur with everything that he says.

He said: I am Bill Brandt and live at 2025 S. Maestri Road. (He has property behind the the John Backus property) and have property 260 feet north of the referenced property which is parallel, adjacent and just to the north of Mr. Clint McClain and G&LC family property. The referenced property was Stuckey Painting business prior to the existing business. The prior business had very little traffic and did not generate any noise in the early morning or during the day. I have no proof, such as photos or dates, but in my personal opinion the existing business has expanded more than thirty percent. I am opposed to the approval of the request for expansion of the non-conforming use. Any expansion will not enhance the eye appeal or be an asset to the surround area. Thank y'all.

Mr. Parsley: Thank you. Any other comments?

Mr. McClain: Can I ask one more question? Can we have clarity, if this was approved, what would Backus do with the incremental thirty per cent? What their plan is.

Mr. Appel: Mr. Backus is here and representatives from Backus Concrete. I'll let them address those questions.

Mr. Brandon King: My name is Brandon King; I'm the operations manager at Backus Concrete. Jason has, I believe, what was submitted to you guys. We are willing to put up trees, screening whatever we need to do. We want to peacefully work with everybody. We bought this property, knowing that there was a business there. There were two commercial buildings. There was a fencing for a yard there; chain link with barbed wire fencing. The house was being used as office previously. We bought this

property with the understanding that a business had operated there, was operating there and that we could also there.

Yes, we have expanded. Yes, we had to come get permits, conditional use, we had to work on all that stuff. At that time we didn't talk about or know what was going to be required or needed screening wise. I know that I have spoken with Clint about the screening on his property. That is something we understand and are willing to do. We are open to do whatever and like I said, Jason's diagram shows that and so with any recommendations we look at doing any kind of screening and things we need to do to make sure everybody is pleased with end product.

Mr. John Backus: My name is John Backus; the owner of Backus Concrete.

Mr. Parsley: Can you state your address as well?

Mr. Backus: It is 2310 Willow Bend Circle. You know and so within the last month or two I'm kinda hearing rumors of things going on and other neighbors not being happy. The only person that we were aware of was Clint. We have overheard that some of the other neighbors are frustrated with our noise and we work in a lot of plants and industry; so we have backup beepers on our equipment and trucks. Since we have heard the dislike of our noise, we have installed switches on all of our equipment to where we are able to disable our back up alarms during loading and unloading. We have also hired someone to come in and load in the afternoon so we can prevent loading a piece of equipment at 5:30 or 6:00 in the morning.

We are more than willing to try to appease the neighbors. Part of the reason of the grading permit was for the potential use of putting a shed or a barn, something that we can keep all of our equipment and forms out of the weather and sight from the public, the neighbors and traffic.

Until this last month, I had never heard that the noise was an issue. Clint had made a few remarks about the sight and the view and stuff like that but the noise had never come up. We are willing to put a fence up.

Mr. Parsley: Let me ask you a question. Why wait until now?

Mr. Backus: It had just now come up. It was never brought up during our permitting or our expansion. I mean, this has just come up recently.

Mr. Appel: I will say this is been kind of an ongoing issue for a few months. Instead of us running out and doing something before we knew if we could even use the property.

Mr. Parsley: I'm not talking about the expanded use. The screening of the existing use. Why wait until now?

Mr. Backus: That has never been brought up or asked for.

Mr. Parsley: Any other comments.

Mr. McClain: I don't pretend to be an engineer or an attorney but my understanding is in A-1 zoning you put one building per two acres. Is that correct?

Mr. Sedberry: That is for residential use.

Mr. McClain: So can we have as many buildings as we want if we allowed to be a commercial use like this is? My concern is when we expand this by thirty percent there are only two choices that can come out of it. One is that we can have a huge laydown lot which feels terrible to anyone in the community, park a bunch of vehicles out there or two we can build another building. Adding more buildings to this property is not conducive to the property value that I have or the ones around us that just causes more degradation to our values and we would ask that, that be considered as we think about this.

Mr. Roger Branscom: Roger Branscom, 6485 New Hope Road. I am just directly south of Backus. My question would be, I'm not sure I understand who obtained the conditional permit in the first place. Was it the prior business or Backus?

Mr. Sedberry: Well, there was no conditional use. They came before the Planning Commission to be recognized as an existing non-conforming business and the Planning Commission granted them that status. There was no application for a conditional use which is a kind of a separate thing itself.

Mr. Branscom: So how was a business able to operate on agricultural? I built a home two years ago and I had to follow the rules based on the property rights of my neighbors and there was an assumption that there wasn't a huge industry or commercial situation when I moved there. I don't think Backus had begun operation there yet. I would like to just ask does Backus intend to build another building or buildings? I think that is it.

Mr. Larry Bonet(?): Hello, my name is Larry Bonet and I live at 6447 New Hope Road. I have been there 26 years. If you look at this building right here on this corner at the bottom that was built about 7 years ago and a guy parked his truck in it. Then there was another small building, you can see the outline of it on the roof right there. Now this other building has been expanded about 16 feet on this side, added to and all that's been added on since then and he has cleaned it up some. That looked like a junk yard out there about three months ago. It looked like a salvage yard for a bunch of old building material. He has cleaned it up but since he's started this new construction and that dirt work back there, it has just been terrible. To put another building back there and extend this property that's not a location for a concrete company. That is a residential neighborhood. It is just not a suitable place for this type of business. I'm sorry but that's just the way it is. Go somewhere else if you want to build something that big and expand that much. Sell that and move somewhere else. That's all I've got to say.

Mr. Backus: You know Clint and some of the neighbors have made some complaints to the City. You know and the City has responded. They have come out there five or six

times in the past six months. Never one time has anything been asked of us to do anything different. They all applaud and commend us and have a business; it may look like junk to some people, but it is stacked, palletized, banded forms. It is not just randomly piled with stuff. We run a tight ship. We have equipment that load it and sort it. It is not just a junk yard/scrap yard by any means. This is, not to mention, our business has frontage on Highway 112. This isn't a residence. This is a highway frontage. We are not on Carley, we are not on Don Tyson; we are on Highway 112.

Mr. Parsley: Any other comments, Missha?

Ms. Missha Wagoner: I'm just going to give you the facts as we have it. We were approached last year about going to this business; they didn't have a business license. That is what started the initial inspections from Buildings and the Fire Department. There were certain things that they were required to do; one was a fire hydrant which was required to be put on there; paving was also included and so that is what initiated the inspections. We got some other complaints this year based on unsightly/unsanitary, some of the noise different things like that, that prompted us to go back out there. While we were out there, we noticed multiple violations which we did address at the time. We had a meeting with everyone on June 21 to discuss many of the things, some of the screening issues, some of the screening of storage issues, the parking on the grass, the paving quite a few different things. Again, that was back in June. Today we did take some photos. They haven't stopped parking on the grass, there is no paving. They did try to screen but unfortunately they tried to screen with a fabric so we will need address that it needs to be the proper screening material per ordinance and they would have to remove the fabric. The only other question that we have in this whole process is on the house. The residential house there is being used as residence so if this is included in the commercial use in the commercial zoning in the expansion, then we would have to require them to use it as commercial and move out or not include it in the thirty percent increase; otherwise it would be a mixed use.

Mr. Parsley: Thank you Missha. Alright it is to the Commission.

Ms. Jerry Lynn Backus: My name is Jerry Lynn Backus, I live obviously at 2310 Willow Bend Circle. I think a lot of the issues have been addressed, but like Missha just said that there are a lot of things that you gave us to do that we have done. We have paved, we haven't paved the entire area, which would be extremely expensive, and y'all can understand that. But we have developed it; we have paved entries and exits. We have done, cleaned up a lot of stuff. If a building would help that, then yes, we would be happy to put a building in. If you say we can't put a building in, then we are trying to make options to clean that up. I think that obviously, from the neighbors' perspective there are things but that neighbor is not giving you the perspective that he sees from the other end of his house. I mean there is a trailer with a lot more trash than what there is at Backus Concrete, I promise you, in his front yard. Backus prides itself on the business that it brings to Springdale. We take pride in the fact that our equipment is clean. When you go to a job site it is cleaned. We get great reviews back from people that we do business with. I think it speaks volumes for the amount of money that we

have brought into Springdale. We are not here to try to stir something up. We are here to be a cooperative as we can.

Mr. McClain: I recognized that when we moved into this house what my neighbors were to the front. They have been great neighbors; never have had any problems. We have a large screen fence and that was my responsibility because they are living within the same exact property when they were annexed. It is not commercial, it may not be pretty but it is within a conforming use and it is not for me to judge. My question was more for the matter, I am the person that called and said what we can do on this property because we have to have some limitations. Property values do matter to this community and it is impacting all of us. While, yes, I would love for those guys to have a beautiful house, I would, it was my responsibility to screen it. If you will note, there is a large fence and I have put up pine trees so that my view is actually just fine going forward. You can look to my left there. I have put about \$5000.00 worth of pine trees to do the best I can do on screening. There is only so far I can go with my sight and there is the overall question of how large of a business should we allow in an A-1 area. Thank you.

Ms. Backus: I would just like to say, with Jason, we are trying to build up when he is saying that from his house as he looks over toward us, the building up that we are doing with the ground work, if we planted trees right now, we could plant 25' trees and he would still be able to see straight in to our property. So we are building the property up so that it is level with his property so that we can put screening in. Otherwise the screening would not be relevant. Jason is working on drainage. We are putting it in, that's part of the reason we are building the property up just so that we can screen it and make it less visible.

Mr. Parsley: Thank you.

Ms. Ford: Mr. Brandt did leave early, but I'm not going to let that ride without saying that they are building it up but it is all running on to Mr. Brandt's acreage behind them. I don't know what the Commission rules are about that but that's where he stands.

Mr. Appel: I believe that Brad in Engineering has been out inspecting the Storm Water Pollution Prevention Plan. He can speak to that if he wishes. All that water was going into that corner before we started this grading operation. We put in all the appropriate controls to keep the sediment from running off the site, as far as that comment goes.

Mr. Parsley: Brad, did you have anything on this? O.K.

Mr. Backus: Most of our materials are temporarily stored. I mean none of these are permanent fixture object, whether it is equipment or materials it is usually just an area for unloading, finishing a job, and loading back up to start another job. What we are looking to do is to consolidate and shelter it and it would be screened. I mean it would be from everybody's view.

Mr. Parsley: Thank you.

Mr. Branscom: Is this zoned agricultural or commercial.

Mr. Sedberry: agricultural.

Mr. Branscom: I'm missing something here. If I'd try to do this on my property, if I tried to have a contractor's business and operate it out of my home and store a truck; it wouldn't happen. You guys would be on me in a minute. So I'll ask again, where did the ball get dropped; when did the business; when was the business allowed to not only start but to continue and expand on agricultural zoned land?

Mr. Parsley: Just visiting with Clayton on this. When a property is annexed in to the City, it is annexed in as an A-1 associated with this. As Clayton has stated previously, in a Planning Commission it was brought forward as far as a non-conforming use associated with that and that was granted as far as in that A-1.

Mr. Branscom: To Backus or to the previous business?

Mr. Sedberry: Backus.

Mr. Branscom: O.K. so they were granted a conditional permit.

Mr. Parsley: It is not a conditional

Mr. Branscom: A temporary or what is the difference between that and just changing the zoning to commercial.

Ms. Sparkman: Sarah Sparkman, Deputy City Attorney. Think of it as being grandfathered in so what was found before there was an existing business there when it was annexed in to the city. It was made A-1 because everything that comes into the City is A-1; basically continuing a business use that's allowed there because it was grandfathered in. Does that make sense?

Mr. McClain: There was not a business license.

Ms. Sparkman: That issue has already been decided by the Planning Commission. Can I please finish what I'm trying to say.

Mr. McClain: Sure you can.

Ms. Sparkman: That is an issue that has already been decided by the Planning Commission and that is not what is before this body tonight because the body has already made that decision.

Mr. McClain: My only point to that why would we continue to expand upon a decision that was made that we could ask the question since the business that we can't prove even existed six months before, did not have a license and the neighborhood as I have

been asking since it was not in operation for six months which is my understanding that it has to be in operation within six months to be grandfathered in. I am not suggesting that we change that, I'm just asking the question why we would add fuel to that fire.

Mr. Parsley: Any other comments? O.K. it is to the commission.

Ms. Haney: I'm going to start and I'm going to say often times we are told that we are not business friendly and I think that when we did this non-conforming use there was a piece of property with some buildings up already and we allowed it to continue in that manner for the use of that building to go on. I do have an issue going deeper into an area perhaps not our plan for that area, because then you are expanding on that use.

Mr. Ernest Cate (City Attorney): Can I just expand on something real quick. The very first item you had your agenda was a proposed amendment to this particular provision to the zoning ordinance that would add a provision that says that if you don't otherwise comply with all other City Ordinances you put your non-conforming status/grandfather status in jeopardy. This is a great example of why we are changing that. I just wanted to make that clear.

Mr. Parsley: But we have to vote based off of what is currently there right now. That has to be approved by City Council. I just wanted to make sure that is clear, but you are absolutely right, it is a good example.

Ms. Haney: But we don't have to allow them to expand beyond a certain percentage.

Mr. Parsley: That's right, that's what we are voting on right now.

Ms. Haney: To me that is when, for myself, because I can't speak for the rest of you, is you have that property, the business buildings were there so short of tearing it down we went with being business friendly to allow that use to continue. But to allow the use to expand substantially into an area we would have never allowed it in the first place had it belonged to the City and not been annexed in, I would have some issues with even if it was a quiet business and not having any

Mr. Backus: How would we be allowed building permits to expand the building size without any intent of expanding the business? It was never brought up that O.K. you have maxed out your property, we are going to issue you your building permits but you have to understand that this is it. Obviously we are expanding our business; we are going to expand our revenue and our tax dollars and our footprint. I mean it was never mentioned.

Mr. Powell: So we are improving this piece of property basically. That is what he is wanting to do is improve?

Mr. Sedberry: Making improvements. As to whether you are improving it or not

Mr. Powell: Do what?

Mr. Sedberry: Whether the property is being improved is

Mr. Powell: What his intent is to improve the property.

Mr. Sedberry: Yes, they are making commercial improvements to the property.

Mr. Powell: So if he wanted to go beyond thirty percent then he would have to ask for a rezoning?

Mr. Sedberry: That is the way the non-conforming clause works, yes.

Mr. Powell: So up to thirty percent but if it was thirty one percent he would have to rezone it? Is that what I'm hearing Ernest?

Mr. Cate: The Ordinance says that you can expand an non-conforming use not to exceed thirty percent with Planning Commission approval. But if you go above that, then you would have to come into compliance with the zoning ordinance. In other words you wouldn't be grandfathered anymore; which in this case, yes, we would require them to get rezoned. Does that answer your question?

Mr. Powell: Yes. So this is it. So if he goes thirty percent now

Mr. Cate: Yeah

Mr. Powell: That's as big as he can go.

Mr. Backus: That's as far as we can go.

Mr. Sedberry: I think the area he is proposing is in excess of that thirty percent and that's why he is here. He is basically taking the entire property now, pretty much. There are some areas on the south side that they are not using.

Mr. Powell: So he is wanting to go beyond thirty percent? Is that what you are saying?

Mr. Appel: No, we are proposing to go to thirty percent additional from the existing acreage that was determined to be commercial and expanding that an additional thirty percent.

Mr. Sedberry: So he has met that thirty percent threshold which is why he is here.

Mr. Appel: We are asking to go to that thirty percent threshold. We are not going to go over.

Ms. Haney: So to expand it all they have to have permission to expand it at all?

Mr. Appel: Yes; even if it is ten percent or fifteen percent.

Mr. Powell: So thirty percent is not all of his property.

Mr. Appel: Correct. So we determined that there was 2.84 acres in the front that was utilized as commercial when he purchased the property.

Mr. Powell: It was commercial?

Mr. Backus: The footprint of the whole property was 2.84 acres.

Mr. Appel: So we are asking to go thirty percent on top of that 2.84 and the whole property

Mr. Sedberry: You are going to add 1.10 acres to the existing.

Mr. Backus: The property is 4.5

Mr. Appel: That leaves three quarters of an acre left.

Mr. Parsley: Any other questions? This is will be a call for the vote.

Mr. Covert: I have one quick question, I'm sorry. I don't want to belabor the issue. The Backus' have been very clear that they don't have an issue putting in some additional landscaping, correct? You have been pretty clear that the mounding of the dirt has been checked for significant runoff?

Mr. Appel: Correct.

Mr. Covert: I would just ask that as you move forward that you reach out to the neighborhood, Clint however you want to designate that as far as whether you want to drive that or you want to get the neighborhood together to be able to talk with them about what would best help you from a landscaping perspective. I think they are willing to meet you on that. I think that they have been cleaning up the property and doing what's been asked of them by the City. I would just encourage you both to do that as you go forward.

Mr. McClain: My assumption is that the screening requirement is required whether you guys added an additional thirty percent to this or not? Is that correct? It is a business in an agricultural area; my understanding is that it requires screening; or does it not?

Mr. Sedberry: My understanding is it would. I don't think granting a non-conformity in this case, an expansion, would exempt them from any part of the Ordinance. Am I correct Ernest?

Mr. Cate: It would not exempt them from Chapter 56.

Mr. Sedberry: It would not exempt them from Chapter 56 which is the landscaping Ordinance.

Mr. McClain: So whether they expand or not

Mr. Covert: Let me make sure that I am clear about what I am talking about; I am talking about additional landscaping that would help you with the issues you raised to night.

Mr. McClain: Oh, yeah

Mr. Covert: They are more than willing to meet you on.

Mr. McClain: I appreciate that.

Mr. Sedberry: Ernest, does this exempt them from doing a large scale development as well; if they grant that?

Ms. Minet: My name is Pam Minet at 6447 New Hope Road. Again, this is devaluing our property. We can see it out our front door. Not sure what this foundation that is underneath the dirt work. We have seen trucks of concrete coming in and the noise sounds like you have a helicopter hovering over your house all day long. I realize the building is not going to go on forever, but I'm considering our property value. Thank you.

Mr. Cate: A large scale is not required but before you can grant an expansion they do have to provide a site plan. I assume that they did. That would in essence

Mr. Sedberry: Well, they brought up a building a couple of times. There is no building shown on the drawings.

Mr. Cate: If they are going to expand it, the Ordinance requires them to provide you with a site plan that shows how they are going to expand. So in other words, you have something to hold them to.

Mr. Sedberry: I have another question. They brought up noise several times. The noise ordinance specifically addresses noise level by zone. Agricultural is not one of those zones.

Mr. Cate: Well they would be treated as commercial and it also has time requirements; 11 p.m. to 7 a.m. in between those times is quiet times. If there are noise issues, by all means call the police.

Mr. Parsley: Any other questions by the commission?

Someone ask a question but could not be heard.

Mr. Sedberry: No. They just show the area that they want to expand to. They have to provide that before they can do any work.

Mr. Appel: We just show the sketch of the property; what we are proposing to expand to the thirty percent.

Mr. Parsley: So if there were another building to be built on that they would have to present a large scale that would have to be approved.

Mr. Sedberry: Not a large scale, they would have to turn in a site plan and it would be an administrative review.

Mr. Parsley: Any other questions? This will be a call for the vote.

Mr. Covert: Call for the vote.

Mr. Parsley: Call for the vote by Mr. Covert:

Ms. Pounders: Haney-no; Parsley-no; Powell-yes; Compton-no; Covert-yes; Parker-no; Gaines-no.

Mr. Parsley: It is denied five to two.

Mr. Appel: Can that be appealed?

Mr. Sedberry: It can be appealed to City Council. You have to do the same as a regular rezoning. It has to be in the City Clerk's office within fifteen days in writing. You do not have to notify the adjacent property owners.

Public Hearing – Rezoning

A. R16-35 Thomas J. Embach Revocable Trustee
905 Mill Street
From SF-2 to PUD
Presented by Civil Design Engineers, Inc.

Mr. Sedberry stated that it is already zone PUD, the applicant is making a small change to the PUD and that required the applicant to come back.

Mr. Ferdie Fourie was present on behalf of his client to answer any questions or comments. He said they had to make a revision due to the floodplain. In their dealings with FEMA they didn't allow the applicant to change the boundary the way they wanted to so they had to redesign the site, which in turn caused them to decrease the setback on between lot 2 and lot 1; the number of units have not been changed.

Mr. Sedberry asked if the entrance drive is the same.

Mr. Fourie said that it was the same. The alignment of the road has been changed so that they are out of the floodway. He further stated that they included a commercial area that was not included in the first approval. He said they are not proposing anything on it at this time; they are just proposing a mixed unit for that small area; perhaps a daycare or a small business.

Mr. Parsley asked for Staff comments.

There were none.

Mr. Parsley asked if there were those in the audience that had comments or questions.

There were none.

Mr. Covert asked what the size of lot 2 was before the setback was changed.

Mr. Fourie they had to move the property line slightly to the north because the base flood elevation at FEMA made them use was about a foot higher than the one they were using.

Mr. Covert asked then if lot 2 was increased to 4.6 from 4.4 and decreased the setback. He then asked what the setback was before and what it is currently.

Mr. Fourie said it was 20 feet and it is now it goes down to three feet. He said the reason there is no problem is because nothing can be done on that lot; lot 2 can never be developed.

Mr. Covert said he was confused as to why the lot was increased in size. He wanted to know why they couldn't leave the line as is.

Mr. Fourie stated because the floodplain moved to the north requiring them to move the project to the north so that the entire floodplain will be out of the future development. He said that if we didn't move the line they would not be able to build on lot on1.

Ms. Haney asked about the commercial lot.

Mr. Fourie said that it wasn't included in the initial rezoning because Mr. Embach didn't own it at the time. Since the rezoning he has obtained that lot they thought with this revision they could include it as a commercial property within the PUD.

Mr. Sedberry said that they will have to know what Use Units they will be using before. He said that the Planning Commission has to know that before they can okay a commercial piece.

Mr. Fourie asked if they could remove it at this time.

Mr. Sedberry said that they could.

Mr. Fourie said they would remove it and come back at a later time to request the Use Units that they want.

Mr. Covert said he was still concerned about the 3 foot setback on lot 2.

Again, Mr. Fourie said that it doesn't matter as they will never be able to build on that lot. He said they are dedicating that entire area as part of the common area for the PUD.

Mr. Powell called for the vote.

VOTE:

YES: Parsley, Powell, Compton, Covert, Parker, Gaines, Haney

NO: None

The revisions to the PUD were approved by a unanimous vote.

Mr. Sedberry stated for the record that Staff would prepare the Ordinance to go to Council on Tuesday, September 27, 2016 at 6:00 p.m.

The following rezoning will be verbatim.

Mr. Parsley: Next item on the agenda:

R16-37

Daryl & Sally D. Hawkins Revocable Trust

W. side of 56th Street, N. of Sisemore Lane

From A-1 to C-5

Presented by Engineering Services, Inc.

Mr. Appel: Thank you Mr. Chairman. We are requesting that this property go from A-1 to C-5. It is approximately two acres. I'll answer any questions.

Mr. Parsley: Staff comments.

Mr. Sedberry: The rezoning request is not in keeping with the Comprehensive Land Use Plan and is not recommended for approval. Current zoning district is in keeping with the Comprehensive Land Use Plan.

Mr. Parsley: Any comments from the audience? To the commission.

Mr. Appel: I would like to say that there is C-5 directly across 56th Street.

Mr. Covert: So the Staff comments, Clayton, just so I can understand not wanting to approve it is because it is just not a C-5 area or

Mr. Sedberry: The land use plan shows residential use for that.

Mr. Covert: Do we know if that is an accurate statement there is C-5 across there?

Mr. Sedberry: There is C-5 across the street, yes.

Mr. Covert: Do we know when that was put in, by chance? I know that that is a hard question just to pull out.

Mr. Sedberry: Probably within the last three years.

Mr. Appel: I believe all the rest from that private north is C-5 as well, all the way to Don Tyson.

Mr. Sedberry: All the rezonings over there have been on the east side of 56th Street.

Mr. Covert: Nothing on the west side?

Mr. Sedberry: Nothing on the west side.

Mr. Appel: Is that what the master plan shows for the ball park district.

Mr. Sedberry: This is outside of the overlay district.

Mr. Appel: It's outside the overlay district?

Mr. Sedberry: Really the overlay stops at Don Tyson.

Mr. Parsley: Any other questions or comments? This will be a call for the vote.

Mr. Powell: Call for the vote.

Mr. Parsley: Call for the vote by Mr. Powell.

Ms. Ponders: Powell-no; Compton-no; Covert-yes; Parker-no; Gaines-yes; Haney-no; Parsley-no.

Mr. Parsley: This is denied 5 to 2.

Mr. Sedberry: You can appeal the Planning Commission's decision within 15 days in writing to the City Clerk's office and you need to notify the adjacent property owners.

- C. R16-37 Martin & Euginia Palma
1911 W. Huntsville
From C-1 to C-2
Presented by Hazel Pirnder(?)

This request was tabled due to no one being present to answer questions or comments.

Public Hearing – Conditional Use

- A. C16-14 HELPS, LLC
650 W. Highway 264
Use Unit 33 (Cell Tower) in C-2
Presented by James Cardinal

This request was tabled due to no one being present to answer questions or comments.

Lot Splits

- A. LS16-25 Mark & Pamela McGarrah
W. side of E. Monitor Road
South of Benton County Line
W16-13 Waiver of subdivision requirements
Presented by Bill Jenkins

Mr. Jenkins was present on behalf of his client to answer any questions or comments.

Mr. Parsley asked for Staff comments.

Mr. Sedberry stated that this was outside the City limits in the planning area. He then read the Staff comments.

1. All comments from the utility companies and other city departments must be addressed prior to approval.
2. A waiver from the subdivision requirements will need to be requested and granted prior to approval for filing.

Mr. Parsley asked if there were those in the audience that had questions or comments.

There were none.

Mr. Covert moved to approve the waiver. Ms. Haney seconded the motion.

VOTE:

YES: Compton, Covert, Parker, Gaines, Haney, Parsley, Powell
NO: None

The waiver was approved by a unanimous vote.

Mr. Covert moved to approve the lot split. Ms. Haney seconded the motion.

VOTE:

YES: Covert, Parker, Gaines, Haney, Parsley, Powell, Compton

NO: None

The lot split was approved by a unanimous vote.

Mr. Sedberry stated for the record that Staff will prepare the resolution for the waiver that will go to Council on Tuesday, September 27, 2016 at 6:00 p.m.

Preliminary Plats, Replats & Final Plats

- A. RP16-05 Replats Lots 1A & 1B Block 41 replat of Lot 1
Block 41 & Lot 1B Block 41 Har-Ber Meadows PUD
Phase XII
Presented by McClelland Engineering

Mr. Nathan Streett was present on behalf of his client to answer any questions or comments. He stated that this is in conjunction with Freddy's Frozen Custard and Steakhburgers on the NW corner of 412 and Founder's Park Drive. This is request is to adjust the lot sizes.

Mr. Parsley asked for Staff comments.

Mr. Sedberry read the Staff comments.

1. All comments from utility companies and other City departments must be addressed prior to approval.

Mr. Parsley asked if there were those in the audience that had questions or comments.

There were none.

Mr. Powell moved to approve subject to Staff comments. Mr. Gaines seconded the motion.

VOTE:

YES: Parker, Gaines, Haney, Parsley, Powell, Compton, Covert

NO: None

The replat was approved subject to Staff comments by a unanimous vote.

Mr. Sedberry stated for the record that Mr. Streett would need to have the Ordinance to the Mayor's office by noon on Thursday, September 8, 2016 for it to go to Council on Tuesday, September 13, 2016.

Large Scale Developments

- A. L16-15 Ozark Center Point Place West
N. of 412 W., E. side of 56th St.
- B16-55 A) Variance of distance between drives from 150' to 136'
- B) Variance for modification of Commercial Design Standards
- C) Variance to allow green space width to vary from 3' up to 6.2'
- Presented by Leonard Gabbard, P.E.

Mr. Gabbard was present on behalf of his client to answer any questions or comments. He spoke on the variances. He said the big building on southwest side of the development; he tried to center the building. He said there is a big box culvert and a power pole with concrete around the bottom of it. He said that was the best place for the entrance to come in because of the low hanging power lines on either side of that. He said he set a median up which will have the power pole in it. He further stated that all the drainage will go away and become parking lot and it will go underneath the parking lot if the distance between drives is granted. The modification of Commercial Design Standards refers to the middle building. He said his client has talked about the building being an annex with the Cassidy Children's Clinic is on the South side so he held the grade of that building since they may need access from the client's from one to the other. He made the sidewalks level and faced the building to the west so that it would coincide with the Children's center. That is the reason for the modification of Commercial Design Standards variance. He said that on the third building all the way up to the north they were trying to use landscaping option number 4 which requires a 4' green space with a three foot high concrete, brick, stone or masonry wall. He said from one end of the building to the other it starts out with the lower end being about 3' which is behind the right of way. He said as it goes north he decided to asked that they be allowed to go over the minimum of 5' and go to 6.2' making the average width of the green space a little over 4'. He said that the ordinance is 5' but he feels his solution meets the intent of the Ordinance. He further stated that he had issues with the water line that is in the back of the building. He wanted to make sure the water department had their easement so he had to rotate the building to match the easement which is why the green space is varied; it meets all setback requirements on the front, side and rear.

Mr. Parsley asked for Staff comments.

Mr. Sedberry read the Staff comments.

Planning Comments

1. Notice to all adjacent property owners must be sent by certified mail, return receipt requested at the time of resubmission. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, shall be submitted. Please return white mail receipts and affidavit to the Planning Office. Green return cards must be submitted to the Planning Office prior to the Planning Commission meeting or may be submitted at the meeting.
2. Need State Plane Coordinates (NAD 82, Feet) for all fire hydrant locations.
3. Show the typical dimensions for handicapped parking, (11' x 19').
4. Show the width of the handicapped access area, (5' min.).
5. Show the location of the handicapped parking signs.
6. Handicapped ramps shall be provided wherever a sidewalk crosses a curb at crosswalks, driveways, and street intersections.
7. Landscape islands are required at a rate of 1 per 15 parking spaces, in accordance with Chapter 56. 12 islands are required.
8. Interior parking area landscaping is required in accordance with Chapter 56. Show the total area of the parking lot, the percentage of landscaping required and the percentage of landscaping provided. Include a drawing that identifies all areas included in the calculations.
9. Need a landscape plan that shows the details of the landscaped areas including type, size and location of plants. Show plant type and species.
10. Minimum width of a drive for a one-way traffic is fifteen feet (15').
11. Maximum width of a drive, exclusive of radii, is forty feet (40').
12. Scale is incorrect.
13. Minimum radius to the face of the curb for driveways is twenty-five feet (25').
14. Show all existing easements.
15. Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street. Show location and the State Plane Coordinates (NAD 83, Feet) for each streetlight.
16. Need to show dumpster location.
17. Show the size and location of all freestanding signs. Show distances from street right-of-way.
18. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
19. This development must comply with the City of Springdale Commercial Design Standards or a variance is required..

Commercial Design Standards Comments

- 1) All sides of a principal building that directly faces an abutting public right-of-way shall feature at least one customer entrance unless, the principal building directly faces more than 2 abutting rights-of-way then only 2 entrances are required, one along the primary street and one along a secondary street.

- 2) Outdoor storage, trash collection, and loading areas must be landscaped so that their functions are fully contained and out of view of the adjacent property and the public right-of-way.
- 3) Façades over 100' in linear length shall incorporate wall projections and/or recesses per Springdale Commercial Design Standard.
- 4) Trash containers, trash compactors, and recycling bins shall be screened from public view on all four sides with a solid fence, wall, or gate constructed of cedar, redwood, masonry, or other compatible building material, and shall be appropriately landscaped.
- 5) Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meter shall be screen from public view with landscaping or with an architectural treatment compatible with the building architecture.
- 6) All rooftop equipment shall be screened from public view with an architectural treatment that is compatible with the building architecture.
- 7) Submit a unified lighting plan per Springdale Commercial Design Standards.

Engineering Comments

- 1) **Sect 112-8(i)** Need to show:
 - a. Original topography
 - b. Location and size of loading areas.
 - c. Set back lines. Distance from property lines to paving, curbs, buildings, etc.
- 2) Show the final contours.
- 3) Need a legend identifying all symbols used.
- 4) Show the size and location of all freestanding signs. Show distances from street right-of-way.
- 5) **Sect 112-4** Show existing and proposed streetlight locations. Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street.
 - a. The minimum initial rating for the streetlight shall be 6,800 lumens for a local street, 11,000 lumens for a collector street, or 20,000 lumens for an arterial street.
- 6) **Sect 106** Submit a preliminary drainage report, as outlined in the City of Springdale Drainage Criteria Manual.
 - a. Need to provide the City Staff with detailed calculations to support all drainage improvements.
- 7) **Sect 107** The site area of disturbance is greater than 1 acre. A storm Water Pollution Prevention Plan, Grading Permit Application and \$500.00 fee, in accordance with Chapter 107, must be submitted to the Planning Office prior to final

approval of construction plans. See Applications & Forms / Grading at [http://www.springdalear.gov/department/planning and community development/](http://www.springdalear.gov/department/planning_and_community_development/)

Mr. Parsley asked if there were questions or comments from the audience.

There were none.

Mr. Powell called for the vote on all the variances.

VOTE:

YES: Gaines, Haney, Parsley, Powell, Compton, Covert, Parker

NO: None

The variances were approved by a unanimous vote.

Mr. Powell moved to approve the large scale subject to Staff comments. Ms. Haney seconded the motion.

VOTE:

YES: Haney, Parsley, Powell, Compton, Covert, Parker, Gaines

NO: None

The large scale was approved subject to Staff comments by a unanimous vote.

- B. L16-16 Waco Title
 N. of Watkins, E. side of I-49
 Concept of Detention
 Presented by Engineering Services, Inc.

Mr. Jason Appel with Engineering Services, Inc. was present on behalf of his client to answer any questions or comments.

Mr. Parsley asked for Staff comments.

Mr. Sedberry read the Staff comments.

Planning Comments

1. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.

Engineering Comments

- 1) Show the size and location of all freestanding signs. Show distances from street right-of-way.

Sect 98-60(c)(1) Front Set back = 2-feet (leading edge) from ROW
Sect 98-60(c)(2) = 10-ft side PL

- 2) The concept of detention must be approved by the Planning Commission.
- 3) **DCM Section 5.4.10** *“An easement shall be provided in Plans for detention facilities. A minimum 20’ wide drainage easement shall be provided around the 100-year flood pool, connecting the tributary pipes and the discharge system along the most passable routing of piping system.”* Ownership of the detention facility will remain with the land .
- 4) Sect 107 The site area of disturbance is greater than 1 acre. A storm Water Pollution Prevention Plan, Grading Permit Application and \$500.00 fee, in accordance with Chapter 107, must be submitted to the Planning Office prior to final approval of construction plans. See Applications & Forms / Grading at http://www.springdalear.gov/department/planning_and_community_development/

Mr. Parsley asked if there were those in the audience that had questions or comments.

There were none.

Ms. Haney called for the vote on the concept of detention.

VOTE:

YES: Parsley, Powell, Compton, Covert, Parker, Gaines, Haney
NO: None

The concept of detention was approved by a unanimous vote.

Ms. Haney moved to approve the large scale development subject to Staff comments. Mr. Gaines seconded the motion.

VOTE:

YES: Powell, Compton, Covert, Parker, Gaines, Haney, Parsley
NO: None

The large scale development was approved subject to Staff comments by a unanimous vote.

- C. L16-17 Tyson Shared Services, Inc.
S. of 412 W., W. side of Johnson Road
Concept of Detention
- B16-56 Variance for reduction of distance between drives
Presented by Engineering Services, Inc.

Mr. Jason Appel with Engineering Services, Inc. was present on behalf of his client to answer any questions or comments.

Mr. Parsley asked for Staff comments.

Mr. Sedberry read the Staff comments.

Planning Comments

1. Notice to all adjacent property owners must be sent by certified mail, return receipt requested at the time of resubmission. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, shall be submitted. Please return white mail receipts and affidavit to the Planning Office. Green return cards must be submitted to the Planning Office prior to the Planning Commission meeting or may be submitted at the meeting.
2. Submit the approved authorization or representation form, if the property owner will not be present at Planning Commission meeting.
3. Minimum distance between driveways on adjoining properties is fifty feet (50') and 150' on a single tract.
4. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.

Engineering Comments

- 1) The concept of detention must be approved by the Planning Commission.
- 2) ***DCM Section 5.4.10*** "An easement shall be provided in Plans for detention facilities. A minimum 20' wide drainage easement shall be provided around the 100-year flood pool, connecting the tributary pipes and the discharge system along the most passable routing of piping system." Ownership of the detention facility will remain with the land .
- 3) Sect 107 The site area of disturbance is greater than 1 acre. A storm Water Pollution Prevention Plan, Grading Permit Application and \$500.00 fee, in accordance with Chapter 107, must be submitted to the Planning Office prior to final approval of construction plans. See Applications & Forms / Grading at http://www.springdalear.gov/department/planning_and_community_development/

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Ms. Haney called for the vote on the concept of detention.

VOTE:

YES: Compton, Covert, Parker, Gaines, Haney, Parsley, Powell
NO: None

The concept of detention was approved by a unanimous vote.

Mr. Covert called for the vote on the variance.

VOTE:

YES: Covert, Parker, Gaines, Haney, Parsley, Powell, Compton
NO: None

The variance was approved by a unanimous vote.

Ms. Haney moved to approve the large scale development subject to Staff comments.
Mr. Covert seconded the motion.

VOTE:

YES: Parker, Gaines, Haney, Parsley, Powell, Compton, Covert
NO: None

The large scale development was approved subject to Staff comments by a unanimous vote.

- D. L16-18 SHS Athletic Fields
Huntsville & Pleasant & NE corner of Maple & Kansas
Concept of Detention
- B16-54 A) Variance for modification of landscaping requirements per Chapter 56 (NE corner of Maple & Kansas)
B) Variance to allow existing utility wires to remain as is
- W16-12 Waiver for sidewalk & streetlight requirement
Presented by McGoodwin, Williams & Yates

Mr. Chris Brackett with McGoodwin, Williams & Yates was present on behalf of his client to answer any questions or comments. Also present were Mr. Jared Cleveland with the Springdale School District and Brad (?) with the architectural firm.

Mr. Parsley asked for Staff comments.

Mr. Sedberry read the Staff comments.

Planning Comments

1. Submit a copy of the Warranty deed.
2. Show the typical dimensions for regular parking, (9' x 19').

3. A screening fence is required in accordance with Chapter 56. Show trees associated with screen.
4. Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street. Show location and the State Plane Coordinates (NAD 83, Feet) for each streetlight.
5. The developer is required to dedicate right-of-way of an abutting street in conformance with the City of Springdale Master Street Plan. A separate dedication document shall be submitted to the City for filing.
6. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
7. In all residential, commercial and industrial developments submitted after August 30, 2007, all utility wires, lines and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground. Excluding 12Kv and above.

Engineering Comments

- 1) **Sect 112-8(i)** Need to show
 - a. Location of existing and proposed streetlights. **Pending waiver approval.**
- 2) **Sects 110-31(a)** Sidewalks are required one-foot (1') inside the right-of-way line. Sidewalks are required along Maple St and Kansas St. **Pending waiver approval.**
- 3) **Sect 112-4** Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street. **Pending waiver approval.**
- 4) **Sect 107** The site area of disturbance is greater than 1 acre. A storm Water Pollution Prevention Plan, Grading Permit Application and \$500.00 fee, in accordance with Chapter 107, must be submitted to the Planning Office prior to final approval of construction plans. See Applications & Forms / Grading at http://www.springdalear.gov/departments/planning_and_community_development/

Mr. Parsley asked if there were those in the audience with questions or comments.

Mr. Rick Walls who lives at 404 S. Pleasant had a question. He wanted to know what exactly from where he lives. He said that he is at the corner of Rogers & South Pleasant.

Mr. Brackett said right across the street they are proposing a track facility.

Mr. Walls said that when he called he was told that the variance was for landscaping.

Mr. Sedberry said they are asking for a variance of the landscaping ordinance but that doesn't include their entire development. They are proposing athletic facilities.

Mr. Walls wanted to know how it would affect their property.

Mr. Sedberry stated that no one on Staff is an appraiser and did not have an answer for him.

Mr. Covert asked about the sidewalk and the streetlight waiver. He wanted to know where the light would be and why would they not want a sidewalk at a heavily trafficked area.

Mr. Brad Showcate(?) with the architecture firm spoke. He said they wanted a waiver for the sidewalks along the south and west side of the street lights. He said the reasoning behind the request is that are under the impression that a regional trail is being planned on the two streets and they felt it was an inefficient use of their funds to build a sidewalk only to have to tear it out when the trail went through. He said that as far as the waiver for the street lighting, there are streetlights across the street along the park and the street lighting on the west is inconsistent.

Mr. Covert wanted to know what the timing was for the proposed trail.

Mr. Sedberry said he did not know when it was going to be put in.

Mr. Covert said he understood not wanting to put in a sidewalk just to rip it out again; he wanted to know if the school would be willing to put funds to go toward the trail that they would have put on the sidewalk to start with.

Mr. Sedberry stated that in terms of putting the trail in he didn't think that Staff can make them make a payment but they are required to build a sidewalk. That is one of the options that City Council has is to request payment in lieu of the improvements. He didn't know if that could be used for the trail. He suggested that perhaps Ms. Sparkman is better equipped to answer that question.

Ms. Sparkman said that there can be payment in-lieu of sidewalk but there cannot be payment in-lieu of the trail.

Ms. Haney said that the other option would be to bond.

Mr. Sedberry said that Staff could take a bond for the sidewalk but bonding by Ordinance is only a 270 day reprieve. They would have to install the sidewalk at some point. Whether or not the trail will become a reality at that point, he does not know.

Mr. Cleveland, deputy superintendent with the Springdale School District spoke. He said that right now what they are requesting is just a plan. The school district does not have the funding to even do the track in the designated area. It is a long range plan. They would want to make sure that in the event the funding becomes available the school district can move forward. He said in essence the track is just a dream and they would not be putting in a sidewalk until there is a track.

Mr. Parsley asked if this is project where the school district can go to State and ask for funding.

Mr. Cleveland stated that the State does not fund any athletic facilities.

Mr. Parsley stated since there is no funding available for the track part of the large scale development, he felt the school district was being premature in asking for the waiver of street lights and sidewalks. He wanted to know if they would prefer to wait until the funding is available before they ask for the waiver.

Mr. Cleveland said that if they were able to secure the funds within the next year to year and a half they want to make sure that the school district has every single dime accounted for.

Mr. Parsley said the school district has a history of asking for waivers for sidewalks. His suggestion was for the school district to make plans and have the funding for the sidewalks instead of just asking for a waiver every time they come before the Planning Commission.

Mr. Parsley asked if they wanted the Planning Commission to vote on the waiver or did the school district want to wait.

Mr. Cleveland said they would withdraw the waiver request for the sidewalk and pursue the waiver of the streetlights.

Ms. Haney called for the vote on the concept of detention.

VOTE:

YES: Gaines, Haney, Parsley, Powell, Compton, Covert, Parker

NO: None

The concept of detention was approved by a unanimous vote.

It was determined to take both variances together.

Mr. Powell called for the vote.

VOTE:

YES: Haney, Parsley, Powell, Compton, Covert, Parker, Gaines

NO: None

Both variances were approved by a unanimous vote.

Ms. Haney moved to approve the waiver for street lights only subject to Staff comments.
Mr. Gaines seconded the motion.

VOTE:

YES: Parsley, Powell, Compton, Covert, Parker, Gaines, Haney

NO: None

The waiver of street lights requirement was approved by a unanimous vote.

Mr. Powell moved to approve the large scale development subject to Staff comments.
Mr. Covert seconded the motion.

VOTE:

YES: Powell, Compton, Covert, Parker, Gaines, Haney, Parsley

NO: None

The large scale development was approved subject to Staff comments by a unanimous vote.

Board of Adjustment

- A. B16-53 Cypress Investments
1008 Clayton Street
Variance for deletion of screening requirement
Presented by Engineering Services, Inc.

Ms. Robin Lundstrum, who is the owner of the property, was present to answer any questions or comments. She said that her tenants had not kept the property as they should have but they have since cleaned it up and she is here asking for a variance for the deletion of the screening requirement.

Mr. Parsley asked for Staff comments.

Mr. Sedberry said that it is the same variance request that was denied last month.

Mr. Parsley asked if there were any comments or questions from the audience. He asked Ms. Wagoner if she had any comments.

Ms. Wagoner stated that the owner has addressed the violations.

Mr. Powell called for the vote.

VOTE:

YES: Compton, Covert, Parker, Gaines, Parsley, Powell
NO: Haney

The variance was approved by a vote of six (6) yes and one (1) no.

- B. B16-54 SHS Athletic Field
NE corner of Maple & Kansas Streets
A) Variance for modification of landscaping requirement per Chapter 56
B) Variance to allow utility wires to remain as is
Presented by McGoodwin, Williams & Yates

These variances were approved by a unanimous vote in conjunction with the large scale development.

- C. B16-55 Mathias Properties
Between 56th & Mathias Drive
A) Variance of reduction of distance between drives from 150' to 136'
B) Variance for modification of Commercial Design Standards
C) Variance to allow green space width to vary from 3' up to 6.2'
Presented by Leonard Gabbard

These variances were approved by a unanimous vote in conjunction with the large scale development.

- D. B16-56 Tyson Shared Services
W. of Johnson Rd., 600' s. of 412 W
Variance for reduction of distance between drives
Presented by Engineering Services, Inc.

This variance was approved by a unanimous vote in conjunct with the large scale development.

- E. B16-57 Arkansas Children's Hospital
2601 S. 56th Street
Variance for modification of screening requirements
Presented by McClelland Consulting Engineers

Mr. Nathan Streett with McClelland Consulting Engineers was present on behalf of his client to answer any questions or comments.

Mr. Parsley asked for Staff comments.

Mr. Sedberry stated that Ms. Christie wanted Mr. Sedberry to read a couple of notes that she had.

The central energy plant is located on the site in an elevation to minimize its visual impact on campus. The majority of the equipment will be screened except for the cooling towers. They are located in the northwest corner and they are the furthest away any public right-of-way. The screening walls are proposed to be fifteen feet four inches above the finished floor elevation but the tallest equipment is seventeen feet six inches; additional landscaping is provided around the screening wall to offset this difference. To address the intent of the revisions of the overlay district, the screening wall will be masonry to a height of four feet eight inches above the finished floor elevation around the service yard and a metal panel will be installed on top of the wall with finished corners to provide a finished look for the perimeter of the storage area.

Mr. Sedberry it is similar material that is being used on the hospital.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Ms. Haney called for the vote.

VOTE:

YES: Covert, Parker, Gaines, Haney, Parsley, Powell, Compton

NO: None

The variance was approved by a unanimous vote.

Waivers

- A. W16-14 John Easterling for Heather Douglas
1094 Nichols
Waiver of sidewalk requirement
Presented by John Easterling

Mr. Easterling was present to answer any questions or comments. He stated that it is on a dead end road and the other corner lot is on Kingfish Road. Ms. Douglas' property goes past the street. There is no existing sidewalk and it will be difficult to establish grades on the property.

Mr. Parsley asked for Staff comments.

Mr. Sedberry Staff had no comments.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Mr. Covert moved to approve the waiver. Mr. Parker seconded the motion.

VOTE:

YES: Parker, Gaines, Haney, Parsley, Powell, Mr. Compton had to leave
Covert

NO: None

The waiver was approved by a unanimous vote.

Mr. Sedberry stated for the record that Staff would prepare the resolution to go to Council on Tuesday, September 27, 2016 at 6:00 p.m.

Planning Director's Report

Mr. Sedberry did not have anything from Ms. Christie. Mr. Parsley said that there would probably have a work session on Tuesday, September 20, 2016.

There being no further business, the meeting was adjourned at 8:40 p.m.

Kevin Parsley, Chairman

Vivi Haney, Secretary

**Clayton Sedberry, GIS and Planning Coordinator
Planning and Community Development Division**

Debbie Ponders, Recording Secretary

FILED
DATE 9/21/16
Denise Pearce
CITY CLERK SPRINGDALE, AR

September 19, 2016

Ms. Denise Pearce, City Clerk
City of Springdale
201 Spring Street
Springdale, Arkansas 72764

RE: Petition for Rezoning Request
2 Acres on the west side of 56th Street, between Don Tyson and Sisemore Lane
Robin L Jeter
Springdale, Arkansas

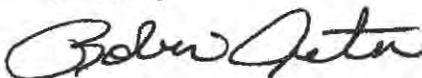
Dear Ms. Pearce:

We would like to appeal the Planning Commission's decision on September 6th to deny the Petition for Rezoning for the property referenced above.

We feel the request to re-zone the 2-acre property along 56th street from A-1 to C-5 is in line with the city's current and future land use plan. The planned widening of 56th street from Don Tyson Parkway to Johnson Mill Boulevard, along with the presence of other commercial zoned lands near this property along 56th street and Don Tyson Parkway, make this an ideal location for planned commercial development (see attached Exhibits). We would like to request a hearing with the City Council to discuss our appeal of the decision regarding this property.

Please feel free to contact me if additional information is needed. Thank you for your consideration.

Sincerely,



Robin L. Jeter

The Springdale Planning Commission met in regular session on Tuesday, September 6, 2016, at 5:00 p.m. in council Chambers.

Prior to the meeting being called to order, Chairman Kevin Parsley led the Pledge of Allegiance and Commissioner Roy Covert gave the invocation.

The meeting was called to order by Chairman Parsley at 5:05 p.m.

Roll call was answered by:

- Gary Compton
- Roy Covert
- Payton Parker
- Charles Gaines
- Vivi Haney – Secretary
- Kevin Parsley – Chairman
- Brian Powell

Commissioners that were absent were Bob Arthur and Mitch Miller. Also in attendance were Clayton Sedberry, GIS and Planning Coordinator who acted on behalf of Ms. Patsy Christie, Planning Director, who was unable to attend. Ms. Sarah Sparkman, Assistant City Attorney and City Attorney Ernest Cate were also in attendance.

Ms. Haney moved to approve the minutes for the August 2, 2016 meeting. Mr. Powell seconded the motion. By a voice vote of all ayes the August minutes were approved by a unanimous vote.

Mr. Parsley had the City's website pulled so that he could show the audience how to opt in to notifications.

Public Hearing

- A. Amend Article 8 Section 2 clarifying conditions under which a non-conforming use, structure, or lot may be allowed to continue
Presented by Clayton Sedberry

Mr. Sedberry stated that this was an amendment to the Ordinance. He said basically it adds a section that states that provided that the non-conforming use structure or lot complies with all other applicable City Ordinances including the expansion of the non-conforming use outlined in Section 3A of this Article.

Mr. Parsley asked if there were those in the audience that had comments or questions.

There were none.

Ms. Haney moved to forward to Council with a recommendation for approval. Mr. Powell seconded the motion.

VOTE:

YES: Compton, Covert, Parker, Gaines, Parsley, Powell
NO: None

The motion to forward to Council with a recommendation for approval was approved by a unanimous vote.

- B. Chapter 110, Article VI Code of Ordinance to rename Kawneer Drive between Huntsville Ave. & Emma Avenue to Reinert Drive
Presented by Clayton Sedberry

Mr. Sedberry said the City had a request from the Public Facilities Board to rename the street in honor of Jerry Reinert who was an active member of the board.

Mr. Parsley asked if there were comments or questions from the audience.

Mayor Sprouse said that Jerry Reinert was a long time member of the Public Facilities Board which is the reason the board requested the name change.

Ms. Haney moved to forward the request to Council with a recommendation for approval. Mr. Powell seconded the motion.

VOTE:

YES: Covert, Parker, Gaines, Haney, Parsley, Powell, Compton
NO: None

The motion to forward to Council with a recommendation for approval was approved by a unanimous vote.

Tabled Items

The following will be a verbatim of R16-30.

Mr. Parsley: The next section is tabled items. The first tabled item is:

- A. R16-30 412 Investments, LLC
2250 W. Sunset
From C-2 to C-5
Presented by Matt Dearnley

Mr. Parsley: This is for everyone. When you do come up to the mic, please make sure that you do speak into the mic; state your name and address.

Mr. Dearnley: My name Matthew Dearnly; my address is 4668 Jane Lane, in Fayetteville. This is a retail center that I'm the managing partner of. We have put a coffee shop into it as one of the tenants. They would like to have live music just a piano

or the ability to play music. According to City code, in order to have any type of live music you need to change the zoning to C-5 which is what we are requesting. We have sent out certified letters to all the neighbors and talked to them and everyone we talked to has been fine with the idea of having live music in a strip center.

Mr. Parsley: Staff comments.

Mr. Sedberry: The rezoning request is not in keeping with the Comprehensive Land Use Plan and is not recommended for approval. With residential to the north and east of the property are more intense commercial use of the property would not provide an adequate buffer.

Mr. Parsley: O.K. Any comments from the audience?

Mr. Parsley: Please come to the mic and state your name and address.

Mr. Watson: Donnie Watson; 23004 Highway 303, Hindsville, Arkansas. I am the owner of Bob's House Coffee Shop. Can you clarify that for me? I may not have understood everything.

Mr. Sedberry: Clarify it with residential to the north and east of the property and more intense commercial will not provide an adequate buffer. We tried to separate commercial uses from intense uses like; we try to separate residential uses from intense uses like a Thoroughfare Commercial is top commercial district that allows a lot of things like bars, live music.

Mr. Watson: It's a coffee shop though; I mean we are not a bar. We are a faith based coffee shop.

Mr. Sedberry: I understand. These are the comments that I was given. The intent is to separate residential and commercial as much as possible. We have had issues with properties in similar situations that are adjacent to residential districts. It can become a nuisance, not to say that yours will be but we tried to avoid it if at all possible.

Mr. Watson: So you are not going to rezone?

Mr. Sedberry: I don't vote. The Planning Commission that rezones.

Mr. Watson: O.K., I got you.

Mr. Parsley: These are just the comments from the actual Planning Department. They look at it based off the Master Land Use Plan.

Mr. Watson: I understand. Well, you know, pray that you all, you know, have some wisdom for us. We could sure use it. I know it would help the area right in there. I

believe it would bring more traffic into that area, bring more businesses in. It is about the best we can do. God Bless you guys.

Mr. Parsley: Thank you. Any other comments from the audience? O.K. it is to the Commission.

Ms. Haney: I think that the one thing that we have to remember is when we rezone it's rezoning that property permanently; so it's not anything on the business itself; sometimes that particular use might be okay but if we were to rezone that and then you were to sell that or one of the other businesses that move in, they would be able to do any of the higher level uses and I will tell you that when we had the church in there, we had issues with that.

Mr. Watson: I know. I have heard about that. How about rezoning with stipulations?

Ms. Haney: We can't do that.

Mr. Covert: What are the hours?

Mr. Watson: Right now 6:30 to 6:30 in the afternoon. 8:30 on Fridays, 6:30 on Saturdays.

Mr. Covert: So 8:30 is the latest on any given night.

Mr. Watson: Right now, yes sir. At the most we would ever go would be 10:00 p.m.

Ms. Haney: Right; but once it is rezoned if you moved out tomorrow, anything that is a C-5 and could you read what the C-5 that would be allowed to go and that's not just in your coffee shop; that's in that whole lot.

Mr. Watson: So you have to rezone the entire section and there are no stipulations that you could put on it that would help in that? Is there another classification.

Ms. Sparkman: Sarah Sparkman, Deputy City Attorney. The reason why they can't put limitations on rezoning that would be considered contract zoning and that is not allowed by law; so their hands are kind of tied to be able to make those type of agreements.

Mr. Dearnley: They are not trying to do outdoor concerts or anything that would really be a nuisance to the neighborhood. You were talking about acoustic music inside of a coffee shop. I realized that once you did it, technically speaking, we could have Bruce Springsteen come on in, but that is not the intention at all.

Mr. Parsley: Wasn't this an area that we had a similar situation as far as noise?

Mr. Sedberry: This specific building we did have issues with noise.

Ms. Haney: It had a church in it and there were noise issues; with the way the sounds carry in the building. There are apartments behind, I think, and then residential homes as well that were disturbed by the music.

Mr. Parsley: Missha, were you guys called out previously, not for this business but for the other.

Ms. Wagoner: Not code enforcement, not that I know of. Not while I have been involved.

Ms. Haney: But I think that we have to remember we are rezoning it, every single piece of that building. He may only do that but now someone else would be able to come in to one of the other open spots in that building and put in something at that higher level of classification and you know, that is the thing that we have to really consider.

Mr. Parsley: Any other questions or comments? Debbie went upstairs to get a code book. Was there someone that wanted us to read? Vivi I think that you wanted to read.

Ms. Haney: Yeah, unless someone else does, I know what it is.

Mr. Covert: Do we have anybody from the residential neighborhood behind this unit or from the apartments?

Mr. Parsley: If you could come up here to the mic.

Ms. Sanders: My name is Renee Sanders and I live at 902 SW Arrowhead in Bentonville, but my parents live at 608 Maria Street. That little area, we're talking about apartments; those are older people that live in those apartments that live right behind that strip mall. My grandmother used to live in that area and all the neighbors are older, elderly people that need assistance from their families living there. It would be really noisy. That area just carries and so I don't think that it would be good idea to have music outside in that place.

Mr. Parsley: This, I think is inside.

Ms. Sanders: Okay, inside. Well, still, with the church we were able to hear it. They live in the middle of Maria and we were still able to hear the music from the church.

Mr. Parsley: It will be a call for the vote.

Ms. Haney: Call for the vote.

Ms. Pounders: Parker, no; Gaines, yes; Haney, no; Parsley, no; Powell, no; Compton, no; Covert, yes.

Mr. Parsley: It fails to pass five (5) to two (2).

Mr. Sedberry: You have the right to appeal the Planning Commission's decision to City Council. Your appeal needs to be in writing to the City Clerk's office within fifteen (15) days and you have to notify the adjacent property owners again.

B. R16-32 Sherry Farms, LLC
5060 E. Robinson Ave.
From A-1 to C-2
Presented by R. Justin Eichman

Mr. Parsley stated prior to Mr. Eichman speaking, that those in attendance that would like to speak can certainly do that. He asked that they stated their name and address. He asked that if it starts to get repetitive as far as the comments go, to please make the statements brief. He also wanted to remind the audience that this item on the agenda is a rezoning.

Mr. Eichman was present on behalf of his client to answer any questions or comments. He reminded the audience that this is for a rezoning and that they should keep the merits of the request for a rezoning in mind.

He further stated that he and his clients have had many meetings with a lot of different folks from a lot of different areas to talk to them about what the intentions are. He said that the meetings were good but it does tonight get them deeper into the use. He said there were a couple of questions regarding the merits of the rezoning. One of the questions was why here as opposed to other places. The owners were present and wanted an opportunity to speak.

He said that Piney Ridge wanted to relocate to Springdale from Fayetteville and in doing so would need a significant piece of land to construct the facility. The land is 32 acres and was annexed into the City making it an A-1 or agricultural district. He said that the Comprehensive Land Use Plan indicates this area a commercial area. It is located along Highway 412 and there are other pieces of land that are for sale and are being marketed as commercial. He said both Piney Ridge and the Sherry's relied upon the Comprehensive Land Use Plan indicated use to both market and buy this property.

He further stated that he would like to keep conversation on the rezoning and its merits and not get deep into the use.

Mr. Parsley asked Mr. Sedberry to read what is a permitted use in a C-2 zone.

Mr. Sedberry said that permitted uses are: Citywide uses by right, cultural, recreational and health facilities, offices, studios and related services, eating places, neighborhood shopping goods, shopping goods, trades and services, automotive services, parking lot, temporary buildings and/or storage, transportation services, health care clinic and indoor flea markets.

Mr. Larry Sherry who is the owner of the property trying to be rezoned spoke. He said that his sister is with him as well. They are the owners of the property which is located at 5060 E. Robinson Avenue and that it had been in the family for many, many years.

Ms. Katy Hampton, who is a real estate agent with Irwin Partners, spoke. She stated that she represents Sherry Farms in the listing of their property for sale. She listed the property in February 2015. She further stated that she had researched other properties in that area that had been sold and comparable listings that were in the nearby area Sherry Farms. She looked at potential uses that would be feasible and what was legally permissible based on the land use plan. She stated that after review all the information she concluded that the best use for the Sherry's property would be commercial use. The surrounding areas that have either recently sold or on the market are all commercial.

Mr. Parsley asked for Staff comments.

Mr. Sedberry read the Staff comments.

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Improve the City's economic base and tax structure through the promotion of healthy, stable commercial concentrations

Assure adequate land allocation for commercial areas of sufficient size and in proper locations

Encourage the development of a wide range of commercial development for the residents and tourist to include neighborhood, community and regional centers.

Mr. Sedberry stated that the rezoning request was asking for a Use Unit 4 which is cultural, recreational and health care facilities. He then read what is allowed in a C-2 zone besides the Use Unit 4.

Mr. Parsley asked if there were those in the audience that had questions or comments. He reminded the audience that it is for the rezoning of the property and not what the intended use is.

The following persons spoke against the rezoning:

Jean Olsen
Lori Davis
Kelly Kirk
Ron VanEs
Connie Whitely

Mr. Denton Gay spoke next. He was in favor of the rezoning.

The following person again spoke against the rezoning.

Charlie Futrell

Ms. Kay Gay spoke in favor of the rezoning.

Jacci Perry Ryan spoke against the rezoning.

Kyra Guthrie spoke against the rezoning.

Mr. Travis Snyder spoke in favor of the rezoning.

Mr. Gary McGee from Maumelle, Arkansas spoke in favor of the rezoning.

Mr. Marcus Carruthers spoke in favor of the rezoning.

Mr. Ken Starkwell spoke against the rezoning.

Ms. Pam Forth (?) spoke in favor of the rezoning.

Lloyd James Vanture (?) spoke in favor of the rezoning.

Ms. Renee Daniel spoke against the rezoning.

Mr. John Comstock spoke for the rezoning.

Ms. Robin McDonald spoke against the rezoning.

Mr. Eddie Shockley spoke against the rezoning.

Mr. Eichman pointed out again it is a rezoning. They are prepared to speak about what will be there and the clinical aspects and the appropriateness of a C-2 zone along Highway 412; however, that would be getting into the use of the property and away from the rezoning, which is what this meeting is about.

Mr. Colby Fulfer spoke against the rezoning.

Ms. Sparkman, the Assistant City Attorney, said that it is the opinion of both Planning Staff and the City Attorney's office that this rezoning falls under residential care facility. She said there is legally a difference between a detention center and this type of facility. She further stated that even if a child is court ordered to go to this type of facility the obligations of the facility, the rights of the residents will be completely different than that of a detention center.

Mr. Eichman stated that Piney Ridge is licensed as a residential care facility and that is the reason it falls under the Use Unit 4 permitted use. There is security there to keep the residents from harming themselves and from leaving the facility.

Mr. Powell asked Mr. Eichman who he had meeting with in the Springdale community.

Mr. Eichman had Doris Singleton speak on behalf of the meetings that were held. She said that they had meetings with different City officials, residents and sent out certified letters to the property owners asking them to secure a meeting with them. Some of the residents responded others did not. She further stated that they also met with the different schools in the area as well. They met with Dr. Rollins, superintendent of the Springdale School District and with Perry Webb who is president with the Springdale Chamber of Commerce.

Dr. Compton said he was glad that they had made the effort to meet with the various persons in Springdale. He said that as of four days ago he was curious as to why they had not met with Springdale High School and Pete Jenks.

Ms. Singleton said they had made attempts to contact him so they could speak to him and were not successful.

Mr. Compton said as of today, they had not talked to Mr. Jenks.

Ms. Singleton said they were unable to make a connection with him.

Mr. Compton wanted to know if they had made any contact at all with significant Special Ed staff members. These are the administrators that would work with these kids.

Ms. Singleton said they had a meeting with Dr. Rollins and that he brought in those that he thought would be relevant to the meeting. She said there were eight to ten Springdale Staff in attendance.

Mr. Compton wanted to know if they had a list of the dates and times of the meetings.

Ms. Singleton said that she did not have them with her tonight, but she does have a record of it.

Mr. Gaines asked if the rezoning isn't approved, what are the property owners supposed to do.

Mr. Parsley said that this will be a call for the vote. It will require a minimum of five votes to pass. If it does not get the necessary five votes then it can be appealed to the City Council. He further stated that if the Council does not approve the rezoning, then the property owner may take it to the Court.

Ms. Haney stated that when she is looking at the request, she understands the emotion attached to it. However, Piney Ridge didn't need to disclose who they were. It isn't required and the question that she sees before the commission is, is this the right location for C-2 zoning. She said that is where they rely on the Comprehensive Land Use Plan to help make their decisions. It can be a tough decision and sometimes not a popular one, but, she said that if she voted no to a C-2 then she is in essence saying no then she is saying that no commercial use is appropriate in that location.

Mr. Covert called for the vote.

VOTE:

YES: Gaines, Haney, Powell, Covert, Parker

NO: Parsley, Compton

The rezoning was approved by a vote of five (5) yes and two (2) no.

Mr. Sedberry stated for the record that Staff would prepare the Ordinance to go to Council on Tuesday, September 27, 2016 at 6:00 p.m

The following will be verbatim minutes.

Mr. Parsley: Next item on the agenda is

John Backus
2126 Maestri Road
Expand an existing non-conforming
Use in an Agricultural District
Presented by Engineering Services, Inc.

Mr. Appel: Thank you, Mr. Chairman, Jason Appel with Engineering Services. This property is directly north of the intersection of New Hope and 112. We are asking to extend/expand our existing conditional use application for this property. Approximately a year ago, we came to you with a request to; we applied for a conditional use for this use of a concrete business in an A-1 zone. Currently, the business has expanded and we are trying to utilize more of the property for his business and so doing that the requirements by the City is that we ask for an expansion. We can only expand the use of up to thirty per cent of the property over and above of what is already used as commercial. I do have a little sketch of the approximate acreage and size of what we are proposing to expand that thirty per cent for. I do know there is, since this picture was taken there's been some grading activities happen on the eastern side of the property. We did receive a grading permit for that work. What has happened, is we have had a multiple meetings with the City in the last two months, trying to come up with a plan on how to clean up the property, store his forms, concrete materials in an appropriate way that was not outside of what his existing use was for. This picture is a little out of date. I do have some more recent pictures from yesterday and today that shows the dirt work

that has happened and how the forms and the concrete materials have been moved closer to the existing shop building. I'll try to answer any other questions.

Mr. Parsley: Any comments from Staff?

Mr. Sedberry: We don't have any Staff comments.

Mr. Parsley: O.K., any comments from the audience? Make sure to state your name and address, please.

Mr. Clint McClain: So I'm Clint McClain, 2082 S. Maestri Road. I own the property adjacent to the Backus'. I just want to make sure that we need to be clear. I went back and looked at the record from a year ago. This was presented a property that was annexed into the City. It should be clear that we annexed this in, in 2011. The property was purchased in 2013 according to City and business license did not exist at this location prior, we do concede that there was a small business that did exist there, however; that business that business had been closed for more than six (6) months prior to the purchase. While we do have a non-conforming use, we have a non-conforming use on a property in an A-1 zone that I ask the question; should it have been there in the first place? I am going to concede that, that is water under the bridge. I wasn't here to have that conversation; I should have been. As we have gone over the last year, what we have seen is continued expansion. If you can kind of roll forward, sorry I'm on a PDF which is not great.

When I purchased this property, I recognized it was in the City limits and you can see that it basically had a nice green field in front of us and a baseball field behind. Not a bad place to build a large house. Matter of fact, this is a house that had been repoed several times. I took a risk on it and part of the reason why I was willing to take this risk was the fact that it was in the City and I feel somewhat protected of what could go in next door to me.

Can you move forward? This is the point when, well this is the last, basically we are at the last Google image that I had and I recognized that there has been grading and clean up in the last, the clean-up occurred in the last week, and the grading has occurred in the last few months.

You can see that I have lived next to a massive construction zone now. This is a detriment to my property; kind of flow to the next.

The point of this, you can see that it's not just my property. The property to the north, Bill had to leave but this is a farmer that has long term plans to turn that into residential area. The property behind where the baseball park is the Johnston's. Sorry, can you go back that? The Johnston's, they own the property behind and to the side of it and they are not happy with continued expansion and I have a letter to that effect if you want to pass that forward. Gerald could not be here, but they are definitely not pleased with this.

And then if you can see all the houses surrounding. This is an agri community that is community. It is not a place where, it not a place, you know, not that there is anything wrong farms. These are not just farms. These are homes that are facing that property from across the road and there is in effect a lifestyle and property value with a continued expansion of Backus. Next picture please; this is just a shot of what I get to view as I walk out my garage. This is, as you can see, a large house that I live in and I get this sweet shot when I come though I will commend that there has been clean up in the last five days which has made that better. My question would be as we expand this, this will be in that expansion and I don't how we are going to manage that through zoning but it is a concern.

Keep rolling; next picture please; this is the grading and I am doing this on behalf of the Johnston's. The grading permit and I'm not an engineer these guys are, we now have a, that's about a six (6) foot wall of dirt that comes within about six feet of Johnston's property so we are a little concerned as to what that is going to do to water runoff. We ask the question, what would the expansion of that property would be used for.

This is what it looks like if you are sitting across the street on New Hope and you have a nice house on New Hope and you have the opportunity to wake up to this every morning and that typically starts around 5:30 or 6:00 when the compressors go off and the trucks start backing up. The noise carries nicely both to my house and my friends on New Hope.

I just wanted to get a quick shot of these homes. This is a neighborhood that cares about property value; that cares about their homes and has built a community. I'm pro-business all the way.

When the Backus' purchased this property, they purchased the property in the City limits that ag zoned. That actually didn't have a business existing on it. It came in for non-conforming use. The continued expansion of that is a detriment to values. I have asked my builder who finished my house who builds a significant amount of houses; what he thinks my property value has dropped since the Backus' has increased their business; \$200,000.00. That is real money to me. Across the street, I don't even want to know what it has cost each individual property owner.

The Johnston's are in a position, where they were considering building a home on their property and as you can see in the letter they are not that interested in using that property for that at this point. What does that cost them? They have owned this property for years. So I asked you guys to consider strongly expanding this is only going to hurt the community more; at what benefit? I'm sure it is great for Backus but it is not great for us. It is costing us money; real money and it is actually hurting our quality of life as we kick this thing off so A) I would ask us not to expand, B) I would ask us to force really good screening and I'm not asking for fences, I'm asking for what we should do for screening in an agri area which is evergreen trees of significant level all the way around. This is a business that doesn't need drive by traffic; it can be surrounded by evergreens and be just fine and I would ask that we consider making sure that we all understand

the noise ordinances and agree to time of day kick off and finish where we have large equipment, large compressors going off so that we can all enjoy our homes for what we bought them for.

By the way, these are my neighbors here. They just ask that I kick it off so that we don't repeat ourselves cause we know it's gone long before. So I just wanted to represent the base. They may have other comments they want to add to it.

Ms. Ford: My name is Anita Ford and I live at 2635 New Hope Road in Springdale. And I first want to describe what we have out there and I'm sure you all know most of it. On the northeast corner of our addition out there.

Mr. Parsley: Make sure you speak into the Mic.

Ms. Ford: Is the new Arkansas Children's Hospital that's going on. O.K. on the other side the new leg of the NW Community College. We also have what Clint was describing of what is going in down here on the southwest corner of our addition. He referenced Mr. Bill Brandt who had to go to another meeting and he asked me if I would read this letter and I concur with everything that he says.

He said: I am Bill Brandt and live at 2025 S. Maestri Road. (He has property behind the the John Backus property) and have property 260 feet north of the referenced property which is parallel, adjacent and just to the north of Mr. Clint McClain and G&LC family property. The referenced property was Stuckey Painting business prior to the existing business. The prior business had very little traffic and did not generate any noise in the early morning or during the day. I have no proof, such as photos or dates, but in my personal opinion the existing business has expanded more than thirty percent. I am opposed to the approval of the request for expansion of the non-conforming use. Any expansion will not enhance the eye appeal or be an asset to the surround area. Thank y'all.

Mr. Parsley: Thank you. Any other comments?

Mr. McClain: Can I ask one more question? Can we have clarity, if this was approved, what would Backus do with the incremental thirty per cent? What their plan is.

Mr. Appel: Mr. Backus is here and representatives from Backus Concrete. I'll let them address those questions.

Mr. Brandon King: My name is Brandon King; I'm the operations manager at Backus Concrete. Jason has, I believe, what was submitted to you guys. We are willing to put up trees, screening whatever we need to do. We want to peacefully work with everybody. We bought this property, knowing that there was a business there. There were two commercial buildings. There was a fencing for a yard there; chain link with barbed wire fencing. The house was being used as office previously. We bought this

property with the understanding that a business had operated there, was operating there and that we could also there.

Yes, we have expanded. Yes, we had to come get permits, conditional use, we had to work on all that stuff. At that time we didn't talk about or know what was going to be required or needed screening wise. I know that I have spoken with Clint about the screening on his property. That is something we understand and are willing to do. We are open to do whatever and like I said, Jason's diagram shows that and so with any recommendations we look at doing any kind of screening and things we need to do to make sure everybody is pleased with end product.

Mr. John Backus: My name is John Backus; the owner of Backus Concrete.

Mr. Parsley: Can you state your address as well?

Mr. Backus: It is 2310 Willow Bend Circle. You know and so within the last month or two I'm kinda hearing rumors of things going on and other neighbors not being happy. The only person that we were aware of was Clint. We have overheard that some of the other neighbors are frustrated with our noise and we work in a lot of plants and industry; so we have backup beepers on our equipment and trucks. Since we have heard the dislike of our noise, we have installed switches on all of our equipment to where we are able to disable our back up alarms during loading and unloading. We have also hired someone to come in and load in the afternoon so we can prevent loading a piece of equipment at 5:30 or 6:00 in the morning.

We are more than willing to try to appease the neighbors. Part of the reason of the grading permit was for the potential use of putting a shed or a barn, something that we can keep all of our equipment and forms out of the weather and sight from the public, the neighbors and traffic.

Until this last month, I had never heard that the noise was an issue. Clint had made a few remarks about the sight and the view and stuff like that but the noise had never come up. We are willing to put a fence up.

Mr. Parsley: Let me ask you a question. Why wait until now?

Mr. Backus: It had just now come up. It was never brought up during our permitting or our expansion. I mean, this has just come up recently.

Mr. Appel: I will say this is been kind of an ongoing issue for a few months. Instead of us running out and doing something before we knew if we could even use the property.

Mr. Parsley: I'm not talking about the expanded use. The screening of the existing use. Why wait until now?

Mr. Backus: That has never been brought up or asked for.

Mr. Parsley: Any other comments.

Mr. McClain: I don't pretend to be an engineer or an attorney but my understanding is in A-1 zoning you put one building per two acres. Is that correct?

Mr. Sedberry: That is for residential use.

Mr. McClain: So can we have as many buildings as we want if we allowed to be a commercial use like this is? My concern is when we expand this by thirty percent there are only two choices that can come out of it. One is that we can have huge laydown lot which feels terrible to anyone in the community, park a bunch of vehicles out there or two we can build another building. Adding more buildings to this property is not conducive to the property value that I have or the ones around us that just causes more degradation to our values and we would ask that, that be considered as we think about this.

Mr. Roger Branscom: Roger Branscom, 6485 New Hope Road. I am just directly south of Backus. My question would be, I'm not sure I understand who obtained the conditional permit in the first place. Was it the prior business or Backus?

Mr. Sedberry: Well, there was no conditional use. They came before the Planning Commission to be recognized as an existing non-conforming business and the Planning Commission granted them that status. There was no application for a conditional use which is a kind of a separate thing itself.

Mr. Branscom: So how was a business able to operate on agricultural? I built a home two years ago and I had to follow the rules based on the property rights of my neighbors and there was an assumption that there wasn't a huge industry or commercial situation when I moved there. I don't think Backus had begun operation there yet. I would like to just ask does Backus intend to build another building or buildings? I think that is it.

Mr. Larry Bonet(?): Hello, my name is Larry Bonet and I live at 6447 New Hope Road. I have been there 26 years. If you look at this building right here on this corner at the bottom that was built about 7 years ago and a guy parked his truck in it. Then there was another small building, you can see the outline of it on the roof right there. Now this other building has been expanded about 16 feet on this side, added to and all that's been added on since then and he has cleaned it up some. That looked like a junk yard out there about three months ago. It looked like a salvage yard for a bunch of old building material. He has cleaned it up but since he's started this new construction and that dirt work back there, it has just been terrible. To put another building back there and extend this property that's not a location for a concrete company. That is a residential neighborhood. It is just not a suitable place for this type of business. I'm sorry but that's just the way it is. Go somewhere else if you want to build something that big and expand that much. Sell that and move somewhere else. That's all I've got to say.

Mr. Backus: You know Clint and some of the neighbors have made some complaints to the City. You know and the City has responded. They have come out there five or six

times in the past six months. Never one time has anything been asked of us to do anything different. They all applaud and commend us and have a business; it may look like junk to some people, but it is stacked, palletized, banded forms. It is not just randomly piled with stuff. We run a tight ship. We have equipment that load it and sort it. It is not just a junk yard/scrap yard by any means. This is, not to mention, our business has frontage on Highway 112. This isn't a residence. This is a highway frontage. We are not on Carley, we are not on Don Tyson; we are on Highway 112.

Mr. Parsley: Any other comments, Missha?

Ms. Missha Wagoner: I'm just going to give you the facts as we have it. We were approached last year about going to this business; they didn't have a business license. That is what started the initial inspections from Buildings and the Fire Department. There were certain things that they were required to do; one was a fire hydrant which was required to be put on there; paving was also included and so that is what initiated the inspections. We got some other complaints this year based on unsightly/unsanitary, some of the noise different things like that, that prompted us to go back out there. While we were out there, we noticed multiple violations which we did address at the time. We had a meeting with everyone on June 21 to discuss many of the things, some of the screening issues, some of the screening of storage issues, the parking on the grass, the paving quite a few different things. Again, that was back in June. Today we did take some photos. They haven't stopped parking on the grass, there is no paving. They did try to screen but unfortunately they tried to screen with a fabric so we will need address that it needs to be the proper screening material per ordinance and they would have to remove the fabric. The only other question that we have in this whole process is on the house. The residential house there is being used as residence so if this is included in the commercial use in the commercial zoning in the expansion, then we would have to require them to use it as commercial and move out or not include it in the thirty percent increase; otherwise it would be a mixed use.

Mr. Parsley: Thank you Missha. Alright it is to the Commission.

Ms. Jerry Lynn Backus: My name is Jerry Lynn Backus, I live obviously at 2310 Willow Bend Circle. I think a lot of the issues have been addressed, but like Missha just said that there are a lot of things that you gave us to do that we have done. We have paved, we haven't paved the entire area, which would be extremely expensive, and y'all can understand that. But we have developed it; we have paved entries and exits. We have done, cleaned up a lot of stuff. If a building would help that, then yes, we would be happy to put a building in. If you say we can't put a building in, then we are trying to make options to clean that up. I think that obviously, from the neighbors' perspective there are things but that neighbor is not giving you the perspective that he sees from the other end of his house. I mean there is a trailer with a lot more trash than what there is at Backus Concrete, I promise you, in his front yard. Backus prides itself on the business that it brings to Springdale. We take pride in the fact that our equipment is clean. When you go to a job site it is cleaned. We get great reviews back from people that we do business with. I think it speaks volumes for the amount of money that we

have brought into Springdale. We are not here to try to stir something up. We are here to be a cooperative as we can.

Mr. McClain: I recognized that when we moved into this house what my neighbors were to the front. They have been great neighbors; never have had any problems. We have a large screen fence and that was my responsibility because they are living within the same exact property when they were annexed. It is not commercial, it may not be pretty but it is within a conforming use and it is not for me to judge. My question was more for the matter, I am the person that called and said what we can do on this property because we have to have some limitations. Property values do matter to this community and it is impacting all of us. While, yes, I would love for those guys to have a beautiful house, I would, it was my responsibility to screen it. If you will note, there is a large fence and I have put up pine trees so that my view is actually just fine going forward. You can look to my left there. I have put about \$5000.00 worth of pine trees to do the best I can do on screening. There is only so far I can go with my sight and there is the overall question of how large of a business should we allow in an A-1 area. Thank you.

Ms. Backus: I would just like to say, with Jason, we are trying to build up when he is saying that from his house as he looks over toward us, the building up that we are doing with the ground work, if we planted trees right now, we could plant 25' trees and he would still be able to see straight in to our property. So we are building the property up so that it is level with his property so that we can put screening in. Otherwise the screening would not be relevant. Jason is working on drainage. We are putting it in, that's part of the reason we are building the property up just so that we can screen it and make it less visible.

Mr. Parsley: Thank you.

Ms. Ford: Mr. Brandt did leave early, but I'm not going to let that ride without saying that they are building it up but it is all running on to Mr. Brandt's acreage behind them. I don't know what the Commission rules are about that but that's where he stands.

Mr. Appel: I believe that Brad in Engineering has been out inspecting the Storm Water Pollution Prevention Plan. He can speak to that if he wishes. All that water was going into that corner before we started this grading operation. We put in all the appropriate controls to keep the sediment from running off the site, as far as that comment goes.

Mr. Parsley: Brad, did you have anything on this? O.K.

Mr. Backus: Most of our materials are temporarily stored. I mean none of these are permanent fixture object, whether it is equipment or materials it is usually just an area for unloading, finishing a job, and loading back up to start another job. What we are looking to do is to consolidate and shelter it and it would be screened. I mean it would be from everybody's view.

Mr. Parsley: Thank you.

Mr. Branscom: Is this zoned agricultural or commercial.

Mr. Sedberry: agricultural.

Mr. Branscom: I'm missing something here. If I'd try to do this on my property, if I tried to have a contractor's business and operate it out of my home and store a truck; it wouldn't happen. You guys would be on me in a minute. So I'll ask again, where did the ball get dropped; when did the business; when was the business allowed to not only start but to continue and expand on agricultural zoned land?

Mr. Parsley: Just visiting with Clayton on this. When a property is annexed in to the City, it is annexed in as an A-1 associated with this. As Clayton has stated previously, in a Planning Commission it was brought forward as far as a non-conforming use associated with that and that was granted as far as in that A-1.

Mr. Branscom: To Backus or to the previous business?

Mr. Sedberry: Backus.

Mr. Branscom: O.K. so they were granted a conditional permit.

Mr. Parsley: It is not a conditional

Mr. Branscom: A temporary or what is the difference between that and just changing the zoning to commercial.

Ms. Sparkman: Sarah Sparkman, Deputy City Attorney. Think of it as being grandfathered in so what was found before there was an existing business there when it was annexed in to the city. It was made A-1 because everything that comes into the City is A-1; basically continuing a business use that's allowed there because it was grandfathered in. Does that make sense?

Mr. McClain: There was not a business license.

Ms. Sparkman: That issue has already been decided by the Planning Commission. Can I please finish what I'm trying to say.

Mr. McClain: Sure you can.

Ms. Sparkman: That is an issue that has already been decided by the Planning Commission and that is not what is before this body tonight because the body has already made that decision.

Mr. McClain: My only point to that why would we continue to expand upon a decision that was made that we could ask the question since the business that we can't prove even existed six months before, did not have a license and the neighborhood as I have

been asking since it was not in operation for six months which is my understanding that it has to be in operation within six months to be grandfathered in. I am not suggesting that we change that, I'm just asking the question why we would add fuel to that fire.

Mr. Parsley: Any other comments? O.K. it is to the commission.

Ms. Haney: I'm going to start and I'm going to say often times we are told that we are not business friendly and I think that when we did this non-conforming use there was a piece of property with some buildings up already and we allowed it to continue in that manner for the use of that building to go on. I do have an issue going deeper into an area perhaps not our plan for that area, because then you are expanding on that use.

Mr. Ernest Cate (City Attorney): Can I just expand on something real quick. The very first item you had your agenda was a proposed amendment to this particular provision to the zoning ordinance that would add a provision that says that if you don't otherwise comply with all other City Ordinances you put your non-conforming status/grandfather status in jeopardy. This is a great example of why we are changing that. I just wanted to make that clear.

Mr. Parsley: But we have to vote based off of what is currently there right now. That has to be approved by City Council. I just wanted to make sure that is clear, but you are absolutely right, it is a good example.

Ms. Haney: But we don't have to allow them to expand beyond a certain percentage.

Mr. Parsley: That's right, that's what we are voting on right now.

Ms. Haney: To me that is when, for myself, because I can't speak for the rest of you, is you have that property, the business buildings were there so short of tearing it down we went with being business friendly to allow that use to continue. But to allow the use to expand substantially into an area we would have never allowed it in the first place had it belonged to the City and not been annexed in, I would have some issues with even if it was a quiet business and not having any

Mr. Backus: How would we be allowed building permits to expand the building size without any intent of expanding the business? It was never brought up that O.K. you have maxed out your property, we are going to issue you your building permits but you have to understand that this is it. Obviously we are expanding our business; we are going to expand our revenue and our tax dollars and our footprint. I mean it was never mentioned.

Mr. Powell: So we are improving this piece of property basically. That is what he is wanting to do is improve?

Mr. Sedberry: Making improvements. As to whether you are improving it or not

Mr. Powell: Do what?

Mr. Sedberry: Whether the property is being improved is

Mr. Powell: What his intent is to improve the property.

Mr. Sedberry: Yes, they are making commercial improvements to the property.

Mr. Powell: So if he wanted to go beyond thirty percent then he would have to ask for a rezoning?

Mr. Sedberry: That is the way the non-conforming clause works, yes.

Mr. Powell: So up to thirty percent but if it was thirty one percent he would have to rezone it? Is that what I'm hearing Ernest?

Mr. Cate: The Ordinance says that you can expand an non-conforming use not to exceed thirty percent with Planning Commission approval. But if you go above that, then you would have to come into compliance with the zoning ordinance. In other words you wouldn't be grandfathered anymore; which in this case, yes, we would require them to get rezoned. Does that answer your question?

Mr. Powell: Yes. So this is it. So if he goes thirty percent now

Mr. Cate: Yeah

Mr. Powell: That's as big as he can go.

Mr. Backus: That's as far as we can go.

Mr. Sedberry: I think the area he is proposing is in excess of that thirty percent and that's why he is here. He is basically taking the entire property now, pretty much. There are some areas on the south side that they are not using.

Mr. Powell: So he is wanting to go beyond thirty percent? Is that what you are saying?

Mr. Appel: No, we are proposing to go to thirty percent additional from the existing acreage that was determined to be commercial and expanding that an additional thirty percent.

Mr. Sedberry: So he has met that thirty percent threshold which is why he is here.

Mr. Appel: We are asking to go to that thirty percent threshold. We are not going to go over.

Ms. Haney: So to expand it all they have to have permission to expand it at all?

Mr. Appel: Yes; even if it is ten percent or fifteen percent.

Mr. Powell: So thirty percent is not all of his property.

Mr. Appel: Correct. So we determined that there was 2.84 acres in the front that was utilized as commercial when he purchased the property.

Mr. Powell: It was commercial?

Mr. Backus: The footprint of the whole property was 2.84 acres.

Mr. Appel: So we are asking to go thirty percent on top of that 2.84 and the whole property

Mr. Sedberry: You are going to add 1.10 acres to the existing.

Mr. Backus: The property is 4.5

Mr. Appel: That leaves three quarters of an acre left.

Mr. Parsley: Any other questions? This is will be a call for the vote.

Mr. Covert: I have one quick question, I'm sorry. I don't want to belabor the issue. The Backus' have been very clear that they don't have an issue putting in some additional landscaping, correct? You have been pretty clear that the mounding of the dirt has been checked for significant runoff?

Mr. Appel: Correct.

Mr. Covert: I would just ask that as you move forward that you reach out to the neighborhood, Clint however you want to designate that as far as whether you want to drive that or you want to get the neighborhood together to be able to talk with them about what would best help you from a landscaping perspective. I think they are willing to meet you on that. I think that they have been cleaning up the property and doing what's been asked of them by the City. I would just encourage you both to do that as you go forward.

Mr. McClain: My assumption is that the screening requirement is required whether you guys added an additional thirty percent to this or not? Is that correct? It is a business in an agricultural area; my understanding is that it requires screening; or does it not?

Mr. Sedberry: My understanding is it would. I don't think granting a non-conformity in this case, an expansion, would exempt them from any part of the Ordinance. Am I correct Ernest?

Mr. Cate: It would not exempt them from Chapter 56.

Mr. Sedberry: It would not exempt them from Chapter 56 which is the landscaping Ordinance.

Mr. McClain: So whether they expand or not

Mr. Covert: Let me make sure that I am clear about what I am talking about; I am talking about additional landscaping that would help you with the issues you raised to night.

Mr. McClain: Oh, yeah

Mr. Covert: They are more than willing to meet you on.

Mr. McClain: I appreciate that.

Mr. Sedberry: Ernest, does this exempt them from doing a large scale development as well; if they grant that?

Ms. Minet: My name is Pam Minet at 6447 New Hope Road. Again, this is devaluing our property. We can see it out our front door. Not sure what this foundation that is underneath the dirt work. We have seen trucks of concrete coming in and the noise sounds like you have a helicopter hovering over your house all day long. I realize the building is not going to go on forever, but I'm considering our property value. Thank you.

Mr. Cate: A large scale is not required but before you can grant an expansion they do have to provide a site plan. I assume that they did. That would in essence

Mr. Sedberry: Well, they brought up a building a couple of times. There is no building shown on the drawings.

Mr. Cate: If they are going to expand it, the Ordinance requires them to provide you with a site plan that shows how they are going to expand. So in other words, you have something to hold them to.

Mr. Sedberry: I have another question. They brought up noise several times. The noise ordinance specifically addresses noise level by zone. Agricultural is not one of those zones.

Mr. Cate: Well they would be treated as commercial and it also has time requirements; 11 p.m. to 7 a.m. in between those times is quiet times. If there are noise issues, by all means call the police.

Mr. Parsley: Any other questions by the commission?

Someone ask a question but could not be heard.

Mr. Sedberry: No. They just show the area that they want to expand to. They have to provide that before they can do any work.

Mr. Appel: We just show the sketch of the property; what we are proposing to expand to the thirty percent.

Mr. Parsley: So if there were another building to be built on that they would have to present a large scale that would have to be approved.

Mr. Sedberry: Not a large scale, they would have to turn in a site plan and it would be an administrative review.

Mr. Parsley: Any other questions? This will be a call for the vote.

Mr. Covert: Call for the vote.

Mr. Parsley: Call for the vote by Mr. Covert:

Ms. Pounders: Haney-no; Parsley-no; Powell-yes; Compton-no; Covert-yes; Parker-no; Gaines-no.

Mr. Parsley: It is denied five to two.

Mr. Appel: Can that be appealed?

Mr. Sedberry: It can be appealed to City Council. You have to do the same as a regular rezoning. It has to be in the City Clerk's office within fifteen days in writing. You do not have to notify the adjacent property owners.

Public Hearing – Rezoning

- A. R16-35 Thomas J. Embach Revocable Trustee
905 Mill Street
From SF-2 to PUD
Presented by Civil Design Engineers, Inc.

Mr. Sedberry stated that it is already zone PUD, the applicant is making a small change to the PUD and that required the applicant to come back.

Mr. Ferdie Fourie was present on behalf of his client to answer any questions or comments. He said they had to make a revision due to the floodplain. In their dealings with FEMA they didn't allow the applicant to change the boundary the way they wanted to so they had to redesign the site, which in turn caused them to decrease the setback on between lot 2 and lot 1; the number of units have not been changed.

Mr. Sedberry asked if the entrance drive is the same.

Mr. Fourie said that it was the same. The alignment of the road has been changed so that they are out of the floodway. He further stated that they included a commercial area that was not included in the first approval. He said they are not proposing anything on it at this time; they are just proposing a mixed unit for that small area; perhaps a daycare or a small business.

Mr. Parsley asked for Staff comments.

There were none.

Mr. Parsley asked if there were those in the audience that had comments or questions.

There were none.

Mr. Covert asked what the size of lot 2 was before the setback was changed.

Mr. Fourie they had to move the property line slightly to the north because the base flood elevation at FEMA made them use was about a foot higher than the one they were using.

Mr. Covert asked then if lot 2 was increased to 4.6 from 4.4 and decreased the setback. He then asked what the setback was before and what it is currently.

Mr. Fourie said it was 20 feet and it is now it goes down to three feet. He said the reason there is no problem is because nothing can be done on that lot; lot 2 can never be developed.

Mr. Covert said he was confused as to why the lot was increased in size. He wanted to know why they couldn't leave the line as is.

Mr. Fourie stated because the floodplain moved to the north requiring them to move the project to the north so that the entire floodplain will be out of the future development. He said that if we didn't move the line they would not be able to build on lot on1.

Ms. Haney asked about the commercial lot.

Mr. Fourie said that it wasn't included in the initial rezoning because Mr. Embach didn't own it at the time. Since the rezoning he has obtained that lot they thought with this revision they could include it as a commercial property within the PUD.

Mr. Sedberry said that they will have to know what Use Units they will be using before. He said that the Planning Commission has to know that before they can okay a commercial piece.

Mr. Fourie asked if they could remove it at this time.

Mr. Sedberry said that they could.

Mr. Fourie said they would remove it and come back at a later time to request the Use Units that they want.

Mr. Covert said he was still concerned about the 3 foot setback on lot 2.

Again, Mr. Fourie said that it doesn't matter as they will never be able to build on that lot. He said they are dedicating that entire area as part of the common area for the PUD.

Mr. Powell called for the vote.

VOTE:

YES: Parsley, Powell, Compton, Covert, Parker, Gaines, Haney

NO: None

The revisions to the PUD were approved by a unanimous vote.

Mr. Sedberry stated for the record that Staff would prepare the Ordinance to go to Council on Tuesday, September 27, 2016 at 6:00 p.m.

The following rezoning will be verbatim.

Mr. Parsley: Next item on the agenda:

R16-37

Daryl & Sally D. Hawkins Revocable Trust

W. side of 56th Street, N. of Sisemore Lane

From A-1 to C-5

Presented by Engineering Services, Inc.

Mr. Appel: Thank you Mr. Chairman. We are requesting that this property go from A-1 to C-5. It is approximately two acres. I'll answer any questions.

Mr. Parsley: Staff comments.

Mr. Sedberry: The rezoning request is not in keeping with the Comprehensive Land Use Plan and is not recommended for approval. Current zoning district is in keeping with the Comprehensive Land Use Plan.

Mr. Parsley: Any comments from the audience? To the commission.

Mr. Appel: I would like to say that there is C-5 directly across 56th Street.

Mr. Covert: So the Staff comments, Clayton, just so I can understand not wanting to approve it is because it is just not a C-5 area or

Mr. Sedberry: The land use plan shows residential use for that.

Mr. Covert: Do we know if that is an accurate statement there is C-5 across there?

Mr. Sedberry: There is C-5 across the street, yes.

Mr. Covert: Do we know when that was put in, by chance? I know that that is a hard question just to pull out.

Mr. Sedberry: Probably within the last three years.

Mr. Appel: I believe all the rest from that private north is C-5 as well, all the way to Don Tyson.

Mr. Sedberry: All the rezonings over there have been on the east side of 56th Street.

Mr. Covert: Nothing on the west side?

Mr. Sedberry: Nothing on the west side.

Mr. Appel: Is that what the master plan shows for the ball park district.

Mr. Sedberry: This is outside of the overlay district.

Mr. Appel: It's outside the overlay district?

Mr. Sedberry: Really the overlay stops at Don Tyson.

Mr. Parsley: Any other questions or comments? This will be a call for the vote.

Mr. Powell: Call for the vote.

Mr. Parsley: Call for the vote by Mr. Powell.

Ms. Pounders: Powell-no; Compton-no; Covert-yes; Parker-no; Gaines-yes; Haney-no; Parsley-no.

Mr. Parsley: This is denied 5 to 2.

Mr. Sedberry: You can appeal the Planning Commission's decision within 15 days in writing to the City Clerk's office and you need to notify the adjacent property owners.

- C. R16-37 Martin & Euginia Palma
1911 W. Huntsville
From C-1 to C-2
Presented by Hazel Pimder(?)

This request was tabled due to no one being present to answer questions or comments.

Public Hearing – Conditional Use

- A. C16-14 HELPS, LLC
650 W. Highway 264
Use Unit 33 (Cell Tower) in C-2
Presented by James Cardinal

This request was tabled due to no one being present to answer questions or comments.

Lot Splits

- A. LS16-25 Mark & Pamela McGarran
W. side of E. Monitor Road
South of Benton County Line
W16-13 Waiver of subdivision requirements
Presented by Bill Jenkins

Mr. Jenkins was present on behalf of his client to answer any questions or comments.

Mr. Parsley asked for Staff comments.

Mr. Sedberry stated that this was outside the City limits in the planning area. He then read the Staff comments.

1. All comments from the utility companies and other city departments must be addressed prior to approval.
2. A waiver from the subdivision requirements will need to be requested and granted prior to approval for filing.

Mr. Parsley asked if there were those in the audience that had questions or comments.

There were none.

Mr. Covert moved to approve the waiver. Ms. Haney seconded the motion.

VOTE:

YES: Compton, Covert, Parker, Gaines, Haney, Parsley, Powell
NO: None

The waiver was approved by a unanimous vote.

Mr. Covert moved to approve the lot split. Ms. Haney seconded the motion.

VOTE:

YES: Covert, Parker, Gaines, Haney, Parsley, Powell, Compton

NO: None

The lot split was approved by a unanimous vote.

Mr. Sedberry stated for the record that Staff will prepare the resolution for the waiver that will go to Council on Tuesday, September 27, 2016 at 6:00 p.m.

Preliminary Plats, Replats & Final Plats

- A. RP16-05 Replats Lots 1A & 1B Block 41 replat of Lot 1
Block 41 & Lot 1B Block 41 Har-Ber Meadows PUD
Phase XII
Presented by McClelland Engineering

Mr. Nathan Streett was present on behalf of his client to answer any questions or comments. He stated that this is in conjunction with Freddy's Frozen Custard and Steamburgers on the NW corner of 412 and Founder's Park Drive. This is request is to adjust the lot sizes.

Mr. Parsley asked for Staff comments.

Mr. Sedberry read the Staff comments.

1. All comments from utility companies and other City departments must be addressed prior to approval.

Mr. Parsley asked if there were those in the audience that had questions or comments.

There were none.

Mr. Powell moved to approve subject to Staff comments. Mr. Gaines seconded the motion.

VOTE:

YES: Parker, Gaines, Haney, Parsley, Powell, Compton, Covert

NO: None

The replat was approved subject to Staff comments by a unanimous vote.

Mr. Sedberry stated for the record that Mr. Streett would need to have the Ordinance to the Mayor's office by noon on Thursday, September 8, 2016 for it to go to Council on Tuesday, September 13, 2016.

Large Scale Developments

- A. L16-15 Ozark Center Point Place West
N. of 412 W., E. side of 56th St.
- B16-55 A) Variance of distance between drives from 150' to 136'
- B) Variance for modification of Commercial Design Standards
- C) Variance to allow green space width to vary from 3' up to 6.2'
- Presented by Leonard Gabbard, P.E.

Mr. Gabbard was present on behalf of his client to answer any questions or comments. He spoke on the variances. He said the big building on southwest side of the development; he tried to center the building. He said there is a big box culvert and a power pole with concrete around the bottom of it. He said that was the best place for the entrance to come in because of the low hanging power lines on either side of that. He said he set a median up which will have the power pole in it. He further stated that all the drainage will go away and become parking lot and it will go underneath the parking lot if the distance between drives is granted. The modification of Commercial Design Standards refers to the middle building. He said his client has talked about the building being an annex with the Cassidy Children's Clinic is on the South side so he held the grade of that building since they may need access from the client's from one to the other. He made the sidewalks level and faced the building to the west so that it would coincide with the Children's center. That is the reason for the modification of Commercial Design Standards variance. He said that on the third building all the way up to the north they were trying to use landscaping option number 4 which requires a 4' green space with a three foot high concrete, brick, stone or masonry wall. He said from one end of the building to the other it starts out with the lower end being about 3' which is behind the right of way. He said as it goes north he decided to asked that they be allowed to go over the minimum of 5' and go to 6.2' making the average width of the green space a little over 4'. He said that the ordinance is 5' but he feels his solution meets the intent of the Ordinance. He further stated that he had issues with the water line that is in the back of the building. He wanted to make sure the water department had their easement so he had to rotate the building to match the easement which is why the green space is varied; it meets all setback requirements on the front, side and rear.

Mr. Parsley asked for Staff comments.

Mr. Sedberry read the Staff comments.

Planning Comments

1. Notice to all adjacent property owners must be sent by certified mail, return receipt requested at the time of resubmission. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, shall be submitted. Please return white mail receipts and affidavit to the Planning Office. Green return cards must be submitted to the Planning Office prior to the Planning Commission meeting or may be submitted at the meeting.
2. Need State Plane Coordinates (NAD 82, Feet) for all fire hydrant locations.
3. Show the typical dimensions for handicapped parking, (11' x 19').
4. Show the width of the handicapped access area, (5' min.).
5. Show the location of the handicapped parking signs.
6. Handicapped ramps shall be provided wherever a sidewalk crosses a curb at crosswalks, driveways, and street intersections.
7. Landscape islands are required at a rate of 1 per 15 parking spaces, in accordance with Chapter 56. 12 islands are required.
8. Interior parking area landscaping is required in accordance with Chapter 56. Show the total area of the parking lot, the percentage of landscaping required and the percentage of landscaping provided. Include a drawing that identifies all areas included in the calculations.
9. Need a landscape plan that shows the details of the landscaped areas including type, size and location of plants. Show plant type and species.
10. Minimum width of a drive for a one-way traffic is fifteen feet (15').
11. Maximum width of a drive, exclusive of radii, is forty feet (40').
12. Scale is incorrect.
13. Minimum radius to the face of the curb for driveways is twenty-five feet (25').
14. Show all existing easements.
15. Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street. Show location and the State Plane Coordinates (NAD 83, Feet) for each streetlight.
16. Need to show dumpster location.
17. Show the size and location of all freestanding signs. Show distances from street right-of-way.
18. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
19. This development must comply with the City of Springdale Commercial Design Standards or a variance is required..

Commercial Design Standards Comments

- 1) All sides of a principal building that directly faces an abutting public right-of-way shall feature at least one customer entrance unless, the principal building directly faces more than 2 abutting rights-of-way then only 2 entrances are required, one along the primary street and one along a secondary street.

- 2) Outdoor storage, trash collection, and loading areas must be landscaped so that their functions are fully contained and out of view of the adjacent property and the public right-of-way.
- 3) Façades over 100' in linear length shall incorporate wall projections and/or recesses per Springdale Commercial Design Standard.
- 4) Trash containers, trash compactors, and recycling bins shall be screened from public view on all four sides with a solid fence, wall, or gate constructed of cedar, redwood, masonry, or other compatible building material, and shall be appropriately landscaped.
- 5) Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meter shall be screen from public view with landscaping or with an architectural treatment compatible with the building architecture.
- 6) All rooftop equipment shall be screened from public view with an architectural treatment that is compatible with the building architecture.
- 7) Submit a unified lighting plan per Springdale Commercial Design Standards.

Engineering Comments

- 1) **Sect 112-8(j)** Need to show:
 - a. Original topography
 - b. Location and size of loading areas.
 - c. Set back lines. Distance from property lines to paving, curbs, buildings, etc.
- 2) Show the final contours.
- 3) Need a legend identifying all symbols used.
- 4) Show the size and location of all freestanding signs. Show distances from street right-of-way.
- 5) **Sect 112-4** Show existing and proposed streetlight locations. Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street.
 - a. The minimum initial rating for the streetlight shall be 6,800 lumens for a local street, 11,000 lumens for a collector street, or 20,000 lumens for an arterial street.
- 6) **Sect 106** Submit a preliminary drainage report, as outlined in the City of Springdale Drainage Criteria Manual.
 - a. Need to provide the City Staff with detailed calculations to support all drainage improvements.
- 7) **Sect 107** The site area of disturbance is greater than 1 acre. A storm Water Pollution Prevention Plan, Grading Permit Application and \$500.00 fee, in accordance with Chapter 107, must be submitted to the Planning Office prior to final

approval of construction plans. See Applications & Forms / Grading at http://www.springdalear.gov/department/planning_and_community_development/

Mr. Parsley asked if there were questions or comments from the audience.

There were none.

Mr. Powell called for the vote on all the variances.

VOTE:

YES: Gaines, Haney, Parsley, Powell, Compton, Covert, Parker

NO: None

The variances were approved by a unanimous vote.

Mr. Powell moved to approve the large scale subject to Staff comments. Ms. Haney seconded the motion.

VOTE:

YES: Haney, Parsley, Powell, Compton, Covert, Parker, Gaines

NO: None

The large scale was approved subject to Staff comments by a unanimous vote.

B. L16-16 Waco Title
N. of Watkins, E. side of I-49
Concept of Detention
Presented by Engineering Services, Inc.

Mr. Jason Appel with Engineering Services, Inc. was present on behalf of his client to answer any questions or comments.

Mr. Parsley asked for Staff comments.

Mr. Sedberry read the Staff comments.

Planning Comments

1. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.

Engineering Comments

- 1) Show the size and location of all freestanding signs. Show distances from street right-of-way.

Sect 98-60(c)(1) Front Set back = 2-feet (leading edge) from ROW
Sect 98-60(c)(2) = 10-ft side PL

- 2) The concept of detention must be approved by the Planning Commission.
- 3) *DCM Section 5.4.10 "An easement shall be provided in Plans for detention facilities. A minimum 20' wide drainage easement shall be provided around the 100-year flood pool, connecting the tributary pipes and the discharge system along the most passable routing of piping system."* Ownership of the detention facility will remain with the land .
- 4) Sect 107 The site area of disturbance is greater than 1 acre. A storm Water Pollution Prevention Plan, Grading Permit Application and \$500.00 fee, in accordance with Chapter 107, must be submitted to the Planning Office prior to final approval of construction plans. See Applications & Forms / Grading at http://www.springdalear.gov/department/planning_and_community_development/

Mr. Parsley asked if there were those in the audience that had questions or comments.

There were none.

Ms. Haney called for the vote on the concept of detention.

VOTE:

YES: Parsley, Powell, Compton, Covert, Parker, Gaines, Haney
NO: None

The concept of detention was approved by a unanimous vote.

Ms. Haney moved to approve the large scale development subject to Staff comments.
 Mr. Gaines seconded the motion.

VOTE:

YES: Powell, Compton, Covert, Parker, Gaines, Haney, Parsley
NO: None

The large scale development was approved subject to Staff comments by a unanimous vote.

- C. L16-17 Tyson Shared Services, Inc.
S. of 412 W., W. side of Johnson Road
 Concept of Detention
- B16-56 Variance for reduction of distance between drives
 Presented by Engineering Services, Inc.

Mr. Jason Appel with Engineering Services, Inc. was present on behalf of his client to answer any questions or comments.

Mr. Parsley asked for Staff comments.

Mr. Sedberry read the Staff comments.

Planning Comments

1. Notice to all adjacent property owners must be sent by certified mail, return receipt requested at the time of resubmission. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, shall be submitted. Please return white mail receipts and affidavit to the Planning Office. Green return cards must be submitted to the Planning Office prior to the Planning Commission meeting or may be submitted at the meeting.
2. Submit the approved authorization or representation form, if the property owner will not be present at Planning Commission meeting.
3. Minimum distance between driveways on adjoining properties is fifty feet (50') and 150' on a single tract.
4. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.

Engineering Comments

- 1) The concept of detention must be approved by the Planning Commission.
- 2) **DCM Section 5.4.10** *"An easement shall be provided in Plans for detention facilities. A minimum 20' wide drainage easement shall be provided around the 100-year flood pool, connecting the tributary pipes and the discharge system along the most passable routing of piping system."* Ownership of the detention facility will remain with the land .
- 3) Sect 107 The site area of disturbance is greater than 1 acre. A storm Water Pollution Prevention Plan, Grading Permit Application and \$500.00 fee, in accordance with Chapter 107, must be submitted to the Planning Office prior to final approval of construction plans. See Applications & Forms / Grading at http://www.springdalear.gov/department/planning_and_community_development/

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Ms. Haney called for the vote on the concept of detention.

VOTE:

YES: Compton, Covert, Parker, Gaines, Haney, Parsley, Powell
NO: None

The concept of detention was approved by a unanimous vote.

Mr. Covert called for the vote on the variance.

VOTE:

YES: Covert, Parker, Gaines, Haney, Parsley, Powell, Compton
NO: None

The variance was approved by a unanimous vote.

Ms. Haney moved to approve the large scale development subject to Staff comments.
Mr. Covert seconded the motion.

VOTE:

YES: Parker, Gaines, Haney, Parsley, Powell, Compton, Covert
NO: None

The large scale development was approved subject to Staff comments by a unanimous vote.

- D. L16-18 SHS Athletic Fields
Huntsville & Pleasant & NE corner of Maple & Kansas
Concept of Detention
- B16-54 A) Variance for modification of landscaping requirements per Chapter 56 (NE corner of Maple & Kansas)
B) Variance to allow existing utility wires to remain as is
- W16-12 Waiver for sidewalk & streetlight requirement
Presented by McGoodwin, Williams & Yates

Mr. Chris Brackett with McGoodwin, Williams & Yates was present on behalf of his client to answer any questions or comments. Also present were Mr. Jared Cleveland with the Springdale School District and Brad (?) with the architectural firm.

Mr. Parsley asked for Staff comments.

Mr. Sedberry read the Staff comments.

Planning Comments

1. Submit a copy of the Warranty deed.
2. Show the typical dimensions for regular parking, (9' x 19').

3. A screening fence is required in accordance with Chapter 56. Show trees associated with screen.
4. Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street. Show location and the State Plane Coordinates (NAD 83, Feet) for each streetlight.
5. The developer is required to dedicate right-of-way of an abutting street in conformance with the City of Springdale Master Street Plan. A separate dedication document shall be submitted to the City for filing.
6. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
7. In all residential, commercial and industrial developments submitted after August 30, 2007, all utility wires, lines and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground. Excluding 12Kv and above.

Engineering Comments

- 1) **Sect 112-8(i)** Need to show
 - a. Location of existing and proposed streetlights. ***Pending waiver approval.***
- 2) **Sects 110-31(a)** Sidewalks are required one-foot (1') inside the right-of-way line. Sidewalks are required along Maple St and Kansas St. ***Pending waiver approval.***
- 3) **Sect 112-4** Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street. ***Pending waiver approval.***
- 4) **Sect 107** The site area of disturbance is greater than 1 acre. A storm Water Pollution Prevention Plan, Grading Permit Application and \$500.00 fee, in accordance with Chapter 107, must be submitted to the Planning Office prior to final approval of construction plans. See Applications & Forms / Grading at [http://www.springdalear.gov/department/planning and community development/](http://www.springdalear.gov/department/planning%20and%20community%20development/)

Mr. Parsley asked if there were those in the audience with questions or comments.

Mr. Rick Walls who lives at 404 S. Pleasant had a question. He wanted to know what exactly from where he lives. He said that he is at the corner of Rogers & South Pleasant.

Mr. Brackett said right across the street they are proposing a track facility.

Mr. Walls said that when he called he was told that the variance was for landscaping.

Mr. Sedberry said they are asking for a variance of the landscaping ordinance but that doesn't include their entire development. They are proposing athletic facilities.

Mr. Walls wanted to know how it would affect their property.

Mr. Sedberry stated that no one on Staff is an appraiser and did not have an answer for him.

Mr. Covert asked about the sidewalk and the streetlight waiver. He wanted to know where the light would be and why would they not want a sidewalk at a heavily trafficked area.

Mr. Brad Showcate(?) with the architecture firm spoke. He said they wanted a waiver for the sidewalks along the south and west side of the street lights. He said the reasoning behind the request is that they are under the impression that a regional trail is being planned on the two streets and they felt it was an inefficient use of their funds to build a sidewalk only to have to tear it out when the trail went through. He said that as far as the waiver for the street lighting, there are streetlights across the street along the park and the street lighting on the west is inconsistent.

Mr. Covert wanted to know what the timing was for the proposed trail.

Mr. Sedberry said he did not know when it was going to be put in.

Mr. Covert said he understood not wanting to put in a sidewalk just to rip it out again; he wanted to know if the school would be willing to put funds to go toward the trail that they would have put on the sidewalk to start with.

Mr. Sedberry stated that in terms of putting the trail in he didn't think that Staff can make them make a payment but they are required to build a sidewalk. That is one of the options that City Council has is to request payment in lieu of the improvements. He didn't know if that could be used for the trail. He suggested that perhaps Ms. Sparkman is better equipped to answer that question.

Ms. Sparkman said that there can be payment in-lieu of sidewalk but there cannot be payment in-lieu of the trail.

Ms. Haney said that the other option would be to bond.

Mr. Sedberry said that Staff could take a bond for the sidewalk but bonding by Ordinance is only a 270 day reprieve. They would have to install the sidewalk at some point. Whether or not the trail will become a reality at that point, he does not know.

Mr. Cleveland, deputy superintendent with the Springdale School District spoke. He said that right now what they are requesting is just a plan. The school district does not have the funding to even do the track in the designated area. It is a long range plan. They would want to make sure that in the event the funding becomes available the school district can move forward. He said in essence the track is just a dream and they would not be putting in a sidewalk until there is a track.

Mr. Parsley asked if this is project where the school district can go to State and ask for funding.

Mr. Cleveland stated that the State does not fund any athletic facilities.

Mr. Parsley stated since there is no funding available for the track part of the large scale development, he felt the school district was being premature in asking for the waiver of street lights and sidewalks. He wanted to know if they would prefer to wait until the funding is available before they ask for the waiver.

Mr. Cleveland said that if they were able to secure the funds within the next year to year and a half they want to make sure that the school district has every single dime accounted for.

Mr. Parsley said the school district has a history of asking for waivers for sidewalks. His suggestion was for the school district to make plans and have the funding for the sidewalks instead of just asking for a waiver every time they come before the Planning Commission.

Mr. Parsley asked if they wanted the Planning Commission to vote on the waiver or did the school district want to wait.

Mr. Cleveland said they would withdraw the waiver request for the sidewalk and pursue the waiver of the streetlights.

Ms. Haney called for the vote on the concept of detention.

VOTE:

YES: Gaines, Haney, Parsley, Powell, Compton, Covert, Parker

NO: None

The concept of detention was approved by a unanimous vote.

It was determined to take both variances together.

Mr. Powell called for the vote.

VOTE:

YES: Haney, Parsley, Powell, Compton, Covert, Parker, Gaines
NO: None

Both variances were approved by a unanimous vote.

Ms. Haney moved to approve the waiver for street lights only subject to Staff comments.
Mr. Gaines seconded the motion.

VOTE:

YES: Parsley, Powell, Compton, Covert, Parker, Gaines, Haney
NO: None

The waiver of street lights requirement was approved by a unanimous vote.

Mr. Powell moved to approve the large scale development subject to Staff comments.
Mr. Covert seconded the motion.

VOTE:

YES: Powell, Compton, Covert, Parker, Gaines, Haney, Parsley
NO: None

The large scale development was approved subject to Staff comments by a unanimous vote.

Board of Adjustment

- A. B16-53 Cypress Investments
1008 Clayton Street
Variance for deletion of screening requirement
Presented by Engineering Services, Inc.

Ms. Robin Lundstrum, who is the owner of the property, was present to answer any questions or comments. She said that her tenants had not kept the property as they should have but they have since cleaned it up and she is here asking for a variance for the deletion of the screening requirement.

Mr. Parsley asked for Staff comments.

Mr. Sedberry said that it is the same variance request that was denied last month.

Mr. Parsley asked if there were any comments or questions from the audience. He asked Ms. Wagoner if she had any comments.

Ms. Wagoner stated that the owner has addressed the violations.

Mr. Powell called for the vote.

VOTE:

YES: Compton, Covert, Parker, Gaines, Parsley, Powell
NO: Haney

The variance was approved by a vote of six (6) yes and one (1) no.

- B. B16-54 SHS Athletic Field
NE corner of Maple & Kansas Streets
A) Variance for modification of landscaping requirement per Chapter 56
B) Variance to allow utility wires to remain as is
Presented by McGoodwin, Williams & Yates

These variances were approved by a unanimous vote in conjunction with the large scale development.

- C. B16-55 Mathias Properties
Between 56th & Mathias Drive
A) Variance of reduction of distance between drives from 150' to 136'
B) Variance for modification of Commercial Design Standards
C) Variance to allow green space width to vary from 3' up to 6.2'
Presented by Leonard Gabbard

These variances were approved by a unanimous vote in conjunction with the large scale development.

- D. B16-56 Tyson Shared Services
W. of Johnson Rd., 600' s. of 412 W
Variance for reduction of distance between drives
Presented by Engineering Services, Inc.

This variance was approved by a unanimous vote in conjunct with the large scale development.

- E. B16-57 Arkansas Children's Hospital
2601 S. 56th Street
Variance for modification of screening requirements
Presented by McClelland Consulting Engineers

Mr. Nathan Streett with McClelland Consulting Engineers was present on behalf of his client to answer any questions or comments.

Mr. Parsley asked for Staff comments.

Mr. Sedberry stated that Ms. Christie wanted Mr. Sedberry to read a couple of notes that she had.

The central energy plant is located on the site in an elevation to minimize its visual impact on campus. The majority of the equipment will be screened except for the cooling towers. They are located in the northwest corner and they are the furthest away any public right-of-way. The screening walls are proposed to be fifteen feet four inches above the finished floor elevation but the tallest equipment is seventeen feet six inches; additional landscaping is provided around the screening wall to offset this difference. To address the intent of the revisions of the overlay district, the screening wall will be masonry to a height of four feet eight inches above the finished floor elevation around the service yard and a metal panel will be installed on top of the wall with finished comers to provide a finished look for the perimeter of the storage area.

Mr. Sedberry it is similar material that is being used on the hospital.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Ms. Haney called for the vote.

VOTE:

YES: Covert, Parker, Gaines, Haney, Parsley, Powell, Compton

NO: None

The variance was approved by a unanimous vote.

Waivers

- A. W16-14 John Easterling for Heather Douglas
1094 Nichols
Waiver of sidewalk requirement
Presented by John Easterling

Mr. Easterling was present to answer any questions or comments. He stated that it is on a dead end road and the other corner lot is on Kingfish Road. Ms. Douglas' property goes past the street. There is no existing sidewalk and it will be difficult to establish grades on the property.

Mr. Parsley asked for Staff comments.

Mr. Sedberry Staff had no comments.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Mr. Covert moved to approve the waiver. Mr. Parker seconded the motion.

VOTE:

YES: Parker, Gaines, Haney, Parsley, Powell, Mr. Compton had to leave
Covert

NO: None

The waiver was approved by a unanimous vote.

Mr. Sedberry stated for the record that Staff would prepare the resolution to go to Council on Tuesday, September 27, 2016 at 6:00 p.m.

Planning Director's Report

Mr. Sedberry did not have anything from Ms. Christie. Mr. Parsley said that there would probably have a work session on Tuesday, September 20, 2016.

There being no further business, the meeting was adjourned at 8:40 p.m.

Kevin Parsley, Chairman

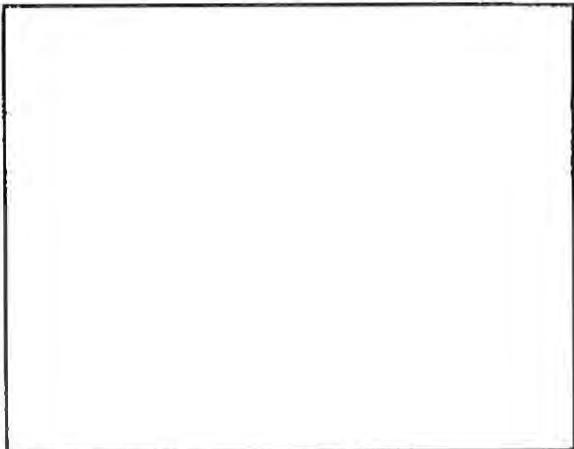
Vivi Haney, Secretary

**Clayton Sedberry, GIS and Planning Coordinator
Planning and Community Development Division**

Debbie Ponders, Recording Secretary

Planning Commission Minutes

September 8, 2016



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE RE-PLAT OF LOT 1A & 1B OF THE REPLAT OF LOT 1, BLOCK 1, DILL ADDITION TO THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, TO THE CITY OF SPRINGDALE ARKANSAS, AND DECLARING AN EMERGENCY.

BE IT KNOWN BY THE CITY OF SPRINGDALE, ARKANSAS:

WHEREAS, there has been duly presented to the City Planning Commission of Springdale, Arkansas, a plat of certain lands in the City of Springdale, County, Arkansas, being more particularly described as follows, to-wit:

REPLAT OF LOT 1A & 1B OF THE REPLAT OF LOT 1, BLOCK 1, DILL ADDITION TO THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS.

AND WHEREAS, said Planning Commission after conducting a public hearing, has approved the re-plat as presented by petitioner, and has approved the dedication of streets, rights-of-way and utility easements as shown upon said re-plat and join with the said petitioner in petitioning the City Council to accept the said **REPLAT OF LOT 1A & 1B OF THE REPLAT OF LOT 1, BLOCK 1, DILL ADDITION TO THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS**, to the City of Springdale, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the **REPLAT OF LOT 1A & 1B OF THE REPLAT OF LOT 1, BLOCK 1, DILL ADDITION TO THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS**. TO THE City of Springdale, Arkansas, as shown on the re-plat approved by the City Planning Commission, a copy of which is attached to this Ordinance and made a part hereof as though set out herein word for word, be and the same is hereby accepted by the City of Springdale, Benton County, Arkansas, and the City hereby accepts for use and benefit to the public the dedications contained therein.

EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

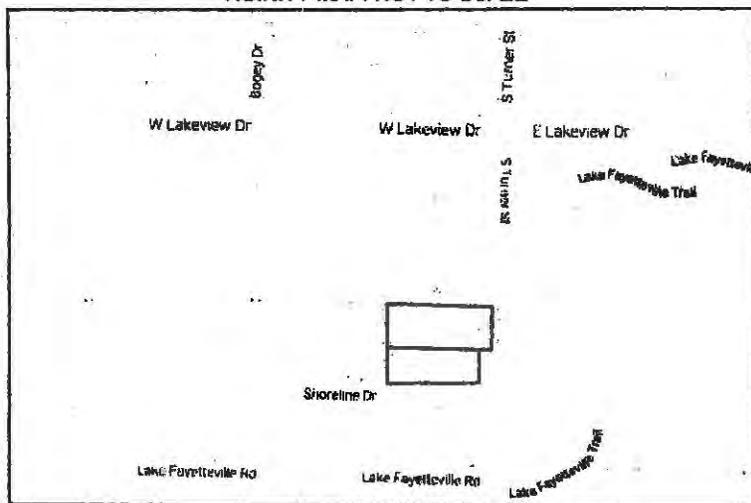
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest Cate, CITY ATTORNEY

**VICINITY MAP FOR
REPLAT OF LOT 1A & LOT 1B
OF THE REPLAT OF LOT 1 BLOCK 1,
DILL ADDITION**

VICINITY MAP: NOT TO SCALE



RESOLUTION NO. _____

**A RESOLUTION APPROVING A WAIVER OF
SUBDIVISION REGULATIONS AS SET FORTH IN
CHAPTER 112 OF THE SPRINGDALE CODE OF
ORDINANCES IN CONNECTION WITH LS16-18 A
TANDEM LOT SPLIT FOR OZARK GUIDANCE CENTER
FOUNDATION**

WHEREAS, Chapter 112 Subdivision of the Springdale Code of Ordinances sets forth the procedures, requirements and minimum standards governing the subdivision of land in the City of Springdale and its territorial jurisdiction; and

WHEREAS, the Planning Commission reviewed a request for waiver of subdivision requirements in connection LS16-18 a Tandem Lot split for Ozark Guidance Center Foundation to allow for a third split of the property for which all requirements for street improvements have been; and

WHEREAS, the Planning Commission recommends approval of a waiver of subdivision regulations with regard to the tandem lot split.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a waiver of subdivision requirements in connection with LS16-18 a Tandem Lot Split for Ozark Guidance Center Foundation.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

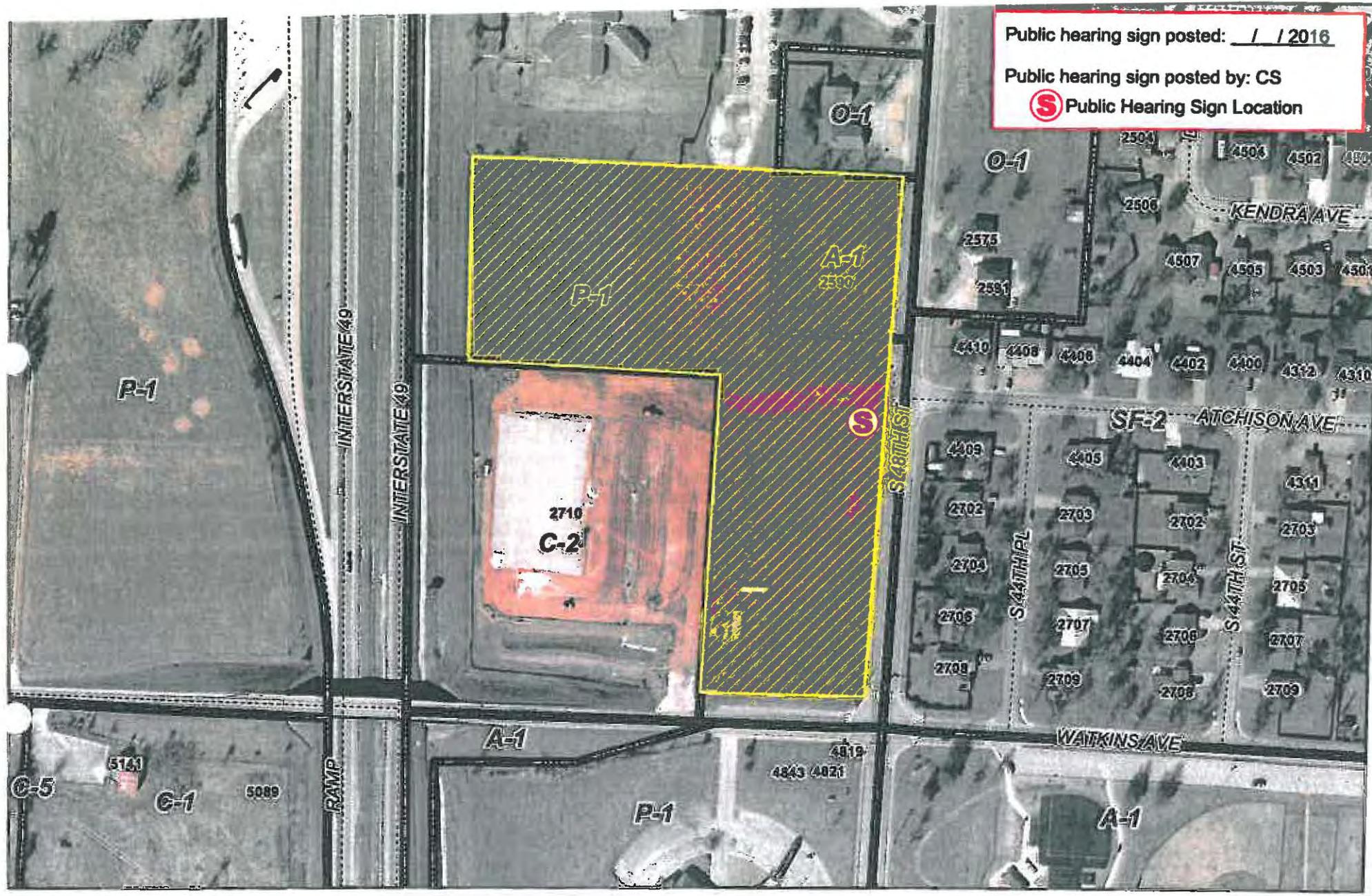
Doug Sprouse, Mayor

ATTEST:

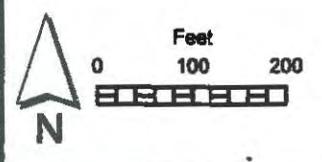
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Public hearing sign posted: / / 2016
 Public hearing sign posted by: CS
 (S) Public Hearing Sign Location



FILE NO. C16-11
APPLICANT: OZARK GUIDANCE CENTER
FOUNDATION
CONDITIONAL USE REQUEST: TANDEM LOT SPLIT

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
JULY 5TH, 2016

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE 2016
BUDGET OF THE CITY OF SPRINGDALE
ADMINISTRATION DEPARTMENT**

WHEREAS, there is a need to discontinue the practice of using Arkansas Department of Correction prisoners on the work release program to perform janitorial work in the Administration Building to improve security; and

WHEREAS, the work release prisoners can be utilized in other departments;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City of Springdale Administration Department authorized staff is increased by four General Maintenance I workers and the budget is hereby amended as follows:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
Administration	10101014113001	Salaries	936,430	21,400		957,830
Administration	10101014113502	Insurance	172,400	2,760		175,160
Administration	10101014113501	FICA	7,520	1,640		9,160
Administration	10101014113010	Retirement	110,880	640		112,520
Administration	10101014113504	Worker's Comp	1,650	380		2,030
				<u>26,820</u>		

PASSED AND APPROVED this 11th day of October, 2016

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING A LEASE AGREEMENT
FOR TWO PATROL CARS**

WHEREAS, Everett CDJR has offered to furnish two vehicles to be used by school resource officers, and

WHEREAS, the City of Springdale will enter into a lease agreement for the cars and the lease payment will be made by Everett CDJR, and

WHEREAS, the Mayor and Police Chief recommend approval of this arrangement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to execute lease agreement for two cars from Everett CDJR.

PASSED AND APPROVED this 11th day of October, 2016.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



To whom it may concern,

Everett CDJR is very proud to have the opportunity to partner with the Springdale Police School Resource Department. Below you will find the details of the partnership

- This partnership will be for two Dodge Chargers supplied by Everett CDJR with the understanding that the two vehicles will be provided for the Springdale High School & Harber High School Resource Officers.
- Both vehicles will be leased in the name of the Springdale Police Department (or what is determine the titled name should be) with the agreement that Everett CDJR will make the monthly payment for a period of 12 months or 24 months. The duration of the 12-month or 24-month payment period will be determined by Everett CDJR on the basis of the highest residual value of the vehicle at those time increments.
- It will be the responsibility of the Springdale Police Department to insure the vehicle. Everett CDJR will assume no liability for the vehicle other that the financed monthly payment.

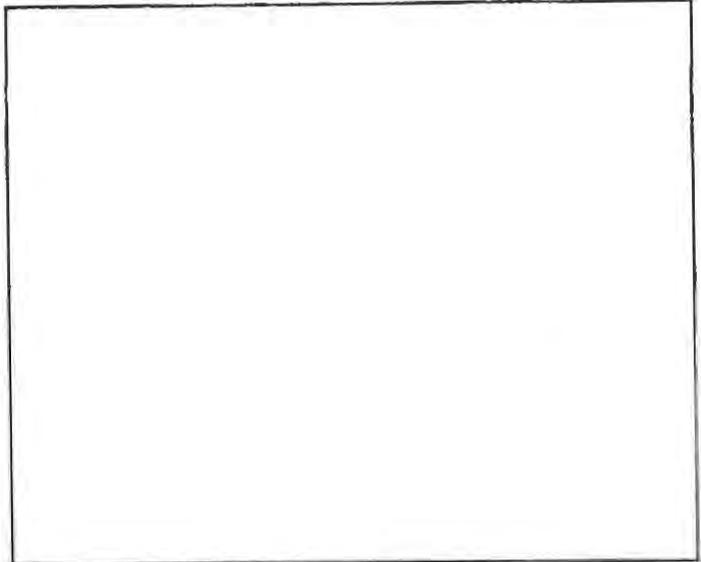
If you have any other questions or concerns, please feel free to contact me @ 479-751-4563.

Thank you,

Tracy Harmon
General Manager
Everett CDJR

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED WITHIN THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS.



WHEREAS, the following real property located in Springdale, Washington County, Arkansas, is owned as set out below:

PROPERTY OWNER: Jose Torres
LEGAL DESCRIPTION: Lot Numbered 36, Southfield Subdivision, Phase II, to the City of Springdale, Arkansas, as per plat of said subdivision on file in Plat Book 12 at page 1 in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas. Subject to protective covenants, bill of assurance and restrictions.
LAYMAN'S DESCRIPTION: 3378 Brian St.
Springdale, Washington County, Arkansas
PARCEL NO.: 815-31642-000

PROPERTY OWNER: Melissa Lee Page
LEGAL DESCRIPTION: Lot 27, Palisades Subdivision, a Subdivision to the City of Springdale, Arkansas, as shown upon the recorded plat thereof on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.
LAYMAN'S DESCRIPTION: 866 Nicholson Ave.
Springdale, Arkansas
PARCEL NO.: 815-34828-000

PROPERTY OWNER: Bertha Louise Macon, Trustee of the Bertha Macon Revocable Trust
LEGAL DESCRIPTION: Part of Block Numbered Two (2) in R.L. Hayes Sub-Division of part of the South Half of the Southwest Quarter of the Northeast Quarter of Section One (1) in Township Seventeen (17) North, Range Thirty (30) West, described as: Beginning at a point 210 feet west of the North East corner of said Block 2, and running, thence West One Hundred Sixteen (116) feet, thence South One Hundred Seventy Five (175) feet, Thence east One Hundred Sixteen (116) feet, thence North One Hundred Seventy Five (175) feet the point of beginning.

ALSO,

Part of Block Two in the R.L. Hayes Subdivision in the R.L. Hayes Addition to the City of Springdale, and being part of the South half of the Southwest Quarter of the Northeast Quarter of Section One, Township Seventeen North, Range Thirty West, and being more particularly

described as follows: Beginning at the Northeast corner of Block Two (2) as a beginning point; thence South One Hundred (100) feet; thence West One Hundred Fifty (150) feet; thence North One Hundred (100) feet; thence East One Hundred Fifty (150) feet to the place of beginning.

LAYMAN'S DESCRIPTION: 902 Powell St.
Springdale, Washington County, Arkansas
PARCEL NO.: 815-22494-000

PROPERTY OWNER: Ola Mae Huffmaster
LEGAL DESCRIPTION: A part of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 1 in Township 17 North, Range 30 West and described as follows: Beginning at the Northwest corner of said 10 acre tract and running thence South 255 feet for a beginning corner to the lands hereby intended to be conveyed; and running thence East 132 feet; thence North 57.50 feet; thence West 132 feet; thence South 57.50 feet to the beginning corner.

LAYMAN'S DESCRIPTION: 1903 Powell St.
Springdale, Washington County, Arkansas
PARCEL NO.: 815-28786-000

PROPERTY OWNER: Trumayne T. Cuffie
LEGAL DESCRIPTION: Part of the SW 1/4 of the NE 1/4 of Section 12, Township 17 North, Range 30 West, Washington County, Arkansas, described as follows, to-wit: Beginning at a point 366.0 feet North and 1309.6 feet East of the SW Corner of said forty acre tract, thence North 80.0 feet; thence West 120.0 feet; thence South 80.0 feet; thence East 120.0 feet to the place of beginning.

LAYMAN'S DESCRIPTION: 2674 Powell St.
Springdale, Washington County, Arkansas
PARCEL NO.: 815-29248-260

PROPERTY OWNER: Lalah M. Liles Revocable Trust
LEGAL DESCRIPTION: Part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section Thirty-five (35) in Township Eighteen (18) North of Range Thirty (30) West, described as follows: Beginning at a point Sixty (60) rods North of the Southwest corner of said forty acre tract, and running, thence East One Hundred Sixty (160) feet; thence North Ninety-two (92) feet; thence West One Hundred Sixty (160) feet; thence South Ninety-two (92) feet to the place of beginning, less and except the South Twenty-five (25) feet of said lot which is embraced in the limits of Christian Street.

LAYMAN'S DESCRIPTION: 501 N. West End St.
Springdale, Washington County, Arkansas
PARCEL NO.: #815-28035-000

WHEREAS, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the unsightly and unsanitary conditions on the properties described above, and instructed to clean the properties in accordance with Sections 42-77 and 42-78 of the Springdale Code of Ordinances;

WHEREAS, the property owner of record did not abate the situation on these properties, and as a result, the City of Springdale was required to abate the conditions on these properties and incurred cost as follows, and as shown in the attached Exhibits:

\$1,431.26 clean-up costs and \$21.74 administrative costs – 3378 Brian St. (#815-31642-000)
\$977.84 clean-up costs and \$35.22 administrative costs – 866 Nicholson Ave. (#815-34828-000)
\$465.42 clean-up costs and \$21.74 administrative costs – 902 Powell St. (#815-22494-000)
\$864.84 clean-up costs and \$28.48 administrative costs – 1903 Powell St. (#815-28786-000)
\$1,342.00 clean-up costs and \$35.22 administrative costs – 2674 Powell St. (#815-29248-260)
\$488.42 clean-up costs and \$21.74 administrative costs – 501 N. West End St. (#815-28035-000)

WHEREAS, the property owners have been given at least 30 days written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903, as shown in the attached Exhibits:

WHEREAS, Ark. Code Ann. §14-54-904 authorizes the City Council to assert a clean-up lien on these properties to collect the amounts expended by the City in cleaning up these properties:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, pursuant to Ark. Code Ann. §14-54-904, the City Council certifies that the following real property shall be placed on the tax books of the Washington County Tax Collector as delinquent taxes and collected accordingly:

\$1,453.00, plus 10% for collection – 3378 Brian St. (#815-31642-000)
\$1,013.06, plus 10% for collection – 866 Nicholson Ave. (#815-34828-000)
\$487.16, plus 10% for collection – 902 Powell St. (#815-22494-000)
\$893.32, plus 10% for collection – 1903 Powell St. (#815-28786-000)
\$1,377.22, plus 10% for collection – 2674 Powell St. (#815-29248-260)
\$510.16, plus 10% for collection – 501 N. West End St. (#815-28035-000)

Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of October, 2016.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY



Office Of The City Attorney

201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov

August 31, 2016

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy
City Attorney
tsamples@springdalear.gov

Sarah Sparkman
Deputy City Attorney
ssparkman@springdalear.gov

David D. Phillips
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Lynda Belvedresi
Case Coordinator/
Victim Advocate
lbelvedresi@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Cindy Horlick
Administrative Legal
Assistant/Paralegal
chorlick@springdalear.gov

Jacque Roth
Docket Coordinator/
Discovery Clerk
jroth@springdalear.gov

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and REGULAR MAIL**

Rosa Maria Chiquito and Ortencia Chiquita-Hortencia
6151 Trowbridge Dr.
El Paso, TX 79905-2113

RE: Notice of clean-up lien on property located at 3378 Brian St.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
31642-000

Dear Ms. Chiquito and Ms. Chiquita-Hortencia:

On April 8, 2016, notice was posted on property located at 3378 Brian St., Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77, 42-78 and 102-5, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on April 12, 2016, that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied.

No action was taken by the owner to clean up the property within seven (7) business days. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about June 21, 2016, July 20, 2016, and August 18, 2016. As of this date, the total costs incurred by the City of Springdale to clean this property are \$1,431.26. I have enclosed invoices evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$6.74 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before October 11, 2016, a hearing will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, October 11, 2016 at 6:00 p.m. in the

City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$1,439.00, which includes \$1,432.26 for cleaning up the property and \$6.74 for certified mailings to the City of Springdale by the date listed above. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office. Please provide me with a copy of any payment you make so that I will be aware of it.

With all that being said, it is our understanding that Mr. Torres died at his residence in September, 2012, and that you are his niece and sister. I am mindful that the events leading up to the City having to expend \$1,432.26 to clean up this property did not involve you, nor were you responsible for the property at that time. However, I am obligated to try and recover the taxpayer's funds that were expended to clean up this property. I would be happy to discuss this matter with you at your convenience.

This letter is also being mailed by regular mail to the addresses above. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

If you should have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Sparkman', with a long horizontal line extending to the right.

Sarah Sparkman
Deputy City Attorney

enclosures
SS:ch



City of Springdale Code Enforcement

210 Spring Street – Springdale, AR 72764 – Office 479/756-7712

CITY ABATEMENT - Tuesday, June 21, 2016 8:48:16 AM (645 CITY ABATEMENT)

User Name 645 CITY ABATEMENT
User # 4797993474
Form Started 6/21/2016 8:48:16 AM
Form Submitted 6/21/2016 9:21:14 AM
Property Address 3378 Brian St
Before Picture Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement

Date of Abatement

Officer on Site

Supervisor on Job

Employee

Employee

HH Benefit Rate

Lien

Tuesday, June 21, 2016 8:48:00 AM

Bobby Nivens

Henry Hernandez

Henry Hernandez

\$27.42

Method of Compliance

1 Method of Compliance Mowing

Equipment Used

Equipment	748 Grasshopper,743 Kubota,6030 Service Truck-Landscaping,6050 1-ton Work Truck Landscaping
748 Grasshopper	\$55.00
743 Kubota	\$65.00
6030 Service Truck-Landscaping	\$35.00
6050 1-ton Work Truck-Landscaping	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	4
Temporary Labor Cost	48.00
Employee Cost per hour	27.42
Total Employee Cost	27.42
Equipment Cost per hour	190.00
Total Equipment Cost	190.00
Mobilization Fee	\$200.00
Extra materials cost	\$0.00
Total Cost of Abatement	465.42
Final Photos	Attached Data



Final Photos

Attached Data



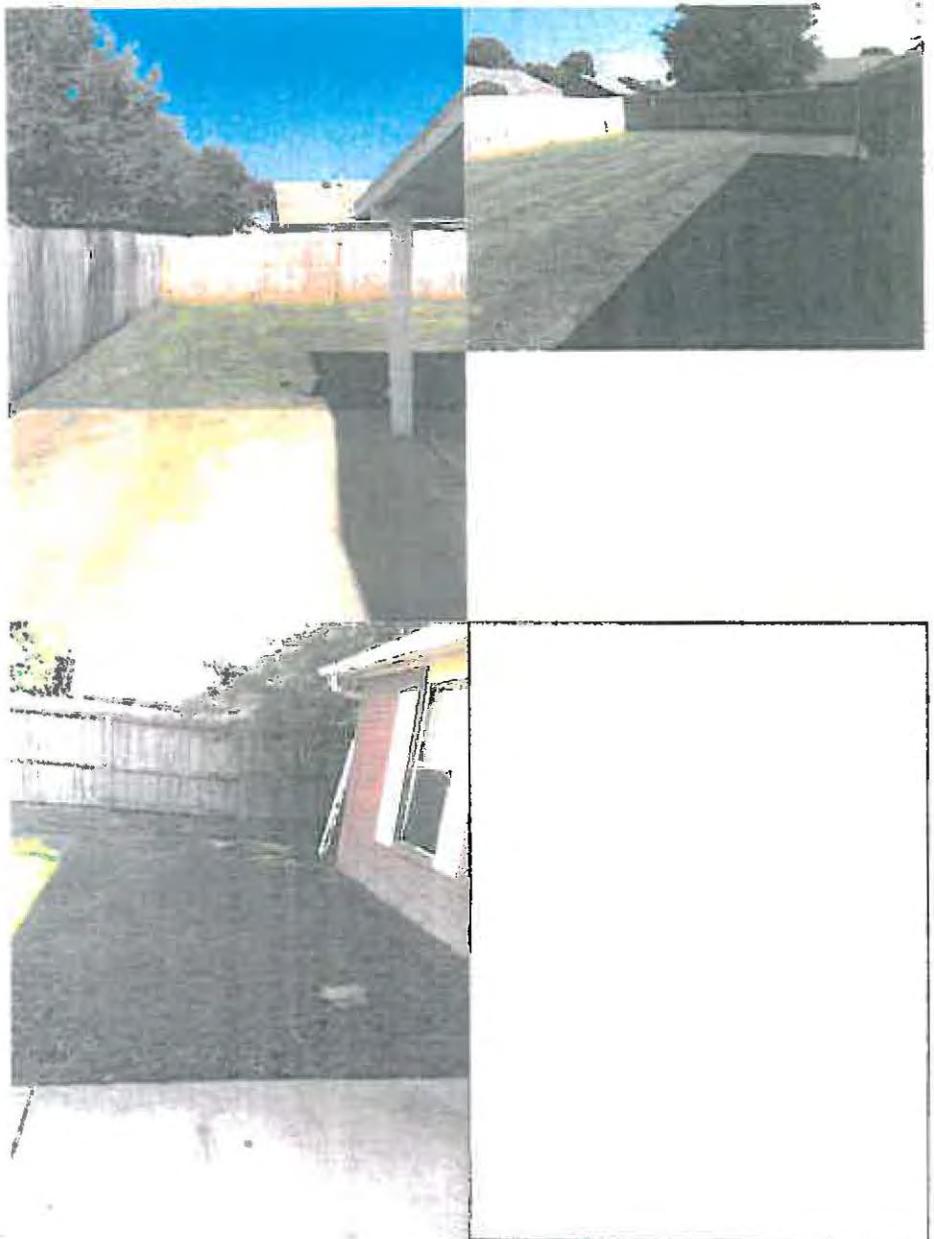
Final Photos

Attached Data



Final Photos

Attached Data





City of Springdale Code Enforcement

210 Spring Street – Springdale, AR 72764 – Office 479/756-7712

CITY ABATEMENT - Wednesday, July 20, 2016 1:39:02 PM (645 CITY ABATEMENT)

User Name	645 CITY ABATEMENT
User #	4797993474
Form Started	7/20/2016 1:39:02 PM
Form Submitted	7/20/2016 1:48:23 PM
Property Address	3378 Brian St
Before Picture	Attached Data



Before Picture

Attached Data



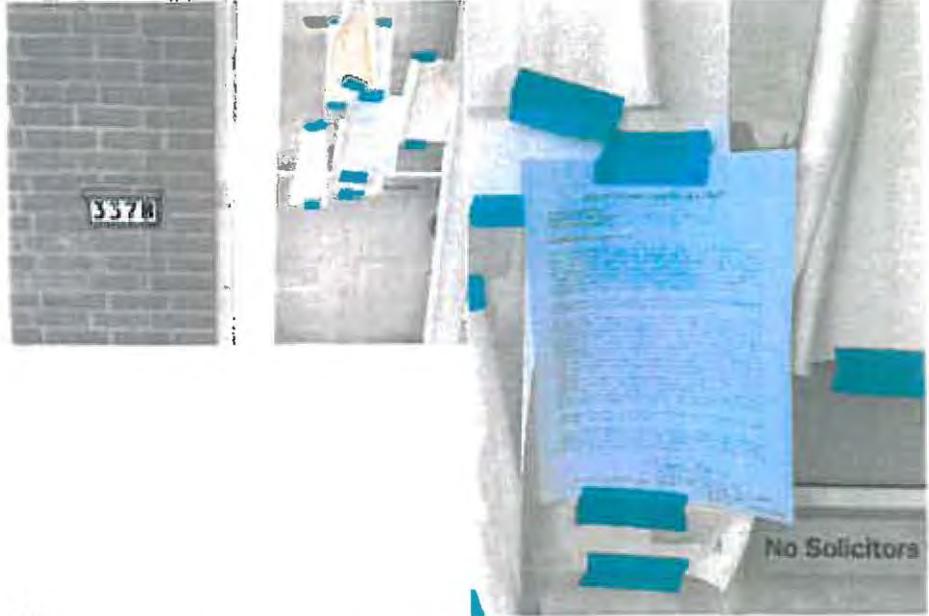
Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement	Lien
Date of Abatement	Wednesday, July 20, 2016 1:39:00 PM
Officer on Site	B. Clyne
Supervisor on Job	Henry Hernandez
Employee	
Employee	Henry Hernandez
HH Benefit Rate	\$27.42
Method of Compliance	
1 Method of Compliance	Mowing,Property Clean Up - Junk and Trash
Equipment Used	
Equipment	748 Grasshopper,743 Kubota,6030 Service Truck-Landscaping,6050 1-ton Work Truck Landscaping
748 Grasshopper	\$55.00
743 Kubota	\$65.00
6030 Service Truck-Landscaping	\$35.00

6050 1-ton Work Truck-Landscaping	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	4
Temporary Labor Cost	48.00
Employee Cost per hour	27.42
Total Employee Cost	27.42
Equipment Cost per hour	190.00
Total Equipment Cost	190.00
Mobilization Fee	\$200.00
Extra materials cost	\$0.00
Total Cost of Abatement	465.42
Final Photos	Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

Attached Data





City of Springdale Code Enforcement

210 Spring Street – Springdale, AR 72764 – Office 479/756-7712

CITY ABATEMENT - Thursday, August 18, 2016 12:56:56 PM (645 CITY ABATEMENT)

User Name	645 CITY ABATEMENT
User #	4797993474
Form Started	8/18/2016 12:56:56 PM
Form Submitted	8/18/2016 1:25:21 PM
Property Address	3378 Brian St
Before Picture	Attached Data



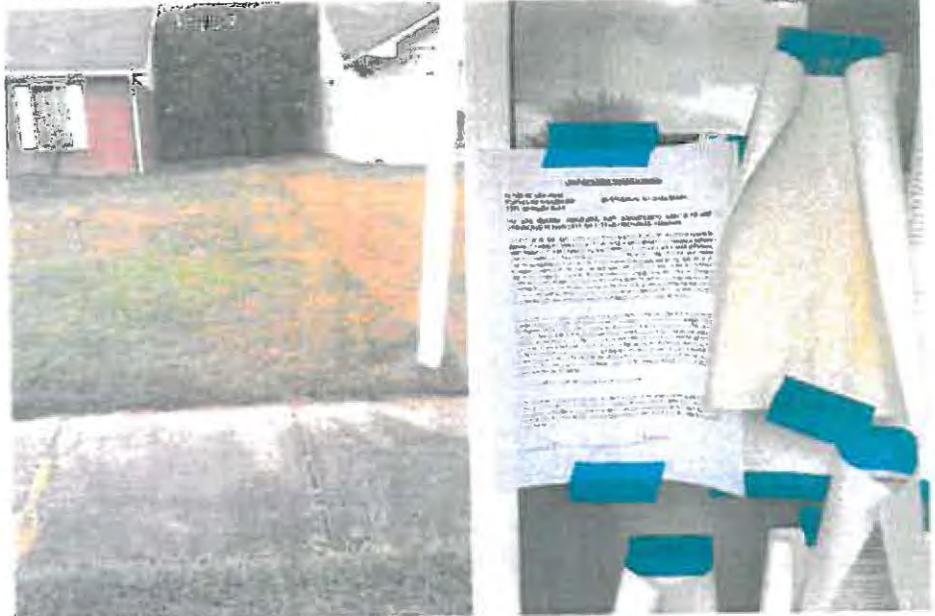
Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement
 Date of Abatement
 Officer on Site
 Supervisor on Job

Employee

Employee
 HH Benefit Rate

Method of Compliance

1 Method of Compliance
 Equipment Used

Lien

Thursday, August 18, 2016 12:56:00 PM

B. Nivens

Henry Hernandez

Henry Hernandez

\$27.42

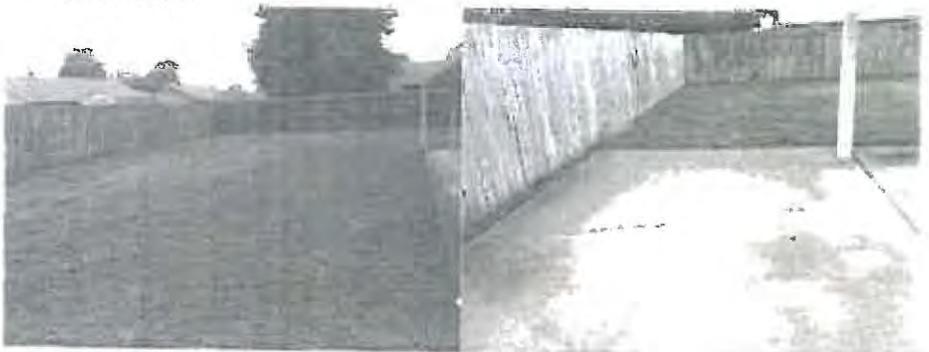
Mowing, Property Clean Up - Junk and Trash

Equipment	748 Grasshopper,743 Kubota,6019 (S-10) Service Pick Up,6050 1-ton Work Truck Landscaping
748 Grasshopper	\$55.00
743 Kubota	\$65.00
6019 (S-10) Service Pick Up	\$35.00
6050 1-ton Work Truck-Landscaping	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	4
Temporary Labor Cost	48.00
Employee Cost per hour	62.42
Total Employee Cost	62.42
Equipment Cost per hour	190.00
Total Equipment Cost	190.00
Mobilization Fee	\$200.00
Extra materials cost	\$0.00
Total Cost of Abatement	500.42
Final Photos	Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

Attached Data





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Product & Tracking Information

Postal Product:

Features:

Certified Mail™

DATE & TIME

STATUS OF ITEM

LOCATION

September 3, 2016 , 12:52 pm

Notice Left (No Authorized Recipient Available)

EL PASO, TX 79905

We attempted to deliver your item at 12:52 pm on September 3, 2016 in EL PASO, TX 79905 and a notice was left because an authorized recipient was not available.

September 1, 2016 , 12:37 am

Departed USPS Facility

FAYETTEVILLE, AR 72701

August 31, 2016 , 10:34 pm

Arrived at USPS Facility

FAYETTEVILLE, AR 72701

Available Actions

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Tracking (or receipt) number

[Track It](#)

Manage Incoming Packages

Track all your packages from a dashboard
No tracking numbers necessary.



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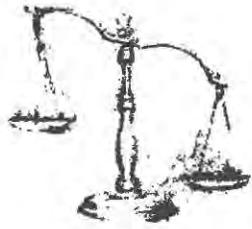
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Office Of The City Attorney

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August 31, 2016

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Jacque Roth
Docket Coordinator/
Discovery Clerk
jroth@springdalear.gov

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

Melissa Lee Page
866 Nicholson Ave.
Springdale, AR 72764

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

The Corporation Company, d/b/a CT Corporation,
Registered Agent for Bank of America, National Association
124 W. Capitol Ave., Suite 1900
Little Rock, AR 72201

Corporation Service Company, Registered Agent
for Nationstar Mortgage, LLC
300 Spring Bldg., Suite 900
300 S. Spring St.
Little Rock, AR 72201

RE: Notice of clean-up lien on property located at 866 Nicholson Ave.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
30614-000

Dear Property Owner/Lienholder:

On May 27, 2016, notice was posted on property located on 866 Nicholson Ave., Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied.

No action was taken by the owner to clean up the property within seven (7) business days. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about July 7, 2016 and August 16, 2016. As of this date, the total costs incurred by the City of Springdale to clean this property are \$977.84. I have enclosed an invoices evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the

City of Springdale, which will include certified mailing fee in the amount of \$6.74 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before October 11, 2016, a hearing will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, October 11, 2016 at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$998.06, which includes \$977.84 for cleaning up the property and \$20.22 for certified mailings to the City of Springdale by the date listed above. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office. Please provide me with a copy of any payment you make so that I will be aware of it.

This letter is also being mailed by regular mail to the Melissa Lee Page. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

If you should have any questions, please let me know.

Sincerely,



Sarah Sparkman
Deputy City Attorney

enclosures
SS:ch

cc: Robert S. Coleman, Jr.
Marinosci Law Group, P.C.
1405 N. Pierce, Suite 306
Little Rock, AR 72207



City of Springdale Code Enforcement

210 Spring Street – Springdale, AR 72764 – Office 479/756-7712

CITY ABATEMENT - Thursday, July 07, 2016 10:39:55 AM (645 CITY ABATEMENT)

User Name	645 CITY ABATEMENT
User #	4797993474
Form Started	7/7/2016 10:39:55 AM
Form Submitted	7/7/2016 11:24:42 AM
Property Address	866 Nicholson Ave

Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement

Date of Abatement

Officer on Site

Supervisor on Job

Employee

Employee

HH Benefit Rate

Method of Compliance

Equipment Used

Lien

Thursday, July 07, 2016 10:39:00 AM

Bobby Nivens

Henry Hernandez

Henry Hernandez

\$27.42

Equipment	748 Grasshopper,743 Kubota,6030 Service Truck-Landscaping,6050 1-ton Work Truck Landscaping
748 Grasshopper	\$55.00
743 Kubota	\$65.00
6030 Service Truck-Landscaping	\$35.00
6050 1-ton Work Truck-Landscaping	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	4
Temporary Labor Cost	48.00
Employee Cost per hour	27.42
Total Employee Cost	27.42
Equipment Cost per hour	190.00
Total Equipment Cost	190.00
Mobilization Fee	\$200.00
Extra materials cost	\$0.00
Total Cost of Abatement	465.42
Final Photos	Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

Attached Data





City of Springdale Code Enforcement

210 Spring Street – Springdale, AR 72764 – Office 479/756-7712

CITY ABATEMENT - Tuesday, August 16, 2016 1:57:29 PM (645 CITY ABATEMENT)

User Name 645 CITY ABATEMENT
User # 4797993474
Form Started 8/16/2016 1:57:29 PM
Form Submitted 8/16/2016 2:46:01 PM
Property Address 866 Nicholson Ave
Before Picture Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement	Lien
Date of Abatement	Tuesday, August 16, 2016 1:57:00 PM
Officer on Site	B. Nivens
Supervisor on Job	Henry Hernandez
Employee	
Employee	Henry Hernandez
HH Benefit Rate	\$27.42
Method of Compliance	
1 Method of Compliance	Mowing,Property Clean Up - Junk and Trash
Equipment Used	
Equipment	748 Grasshopper,743 Kubota,6019 (S-10) Service Pick Up,6026 Service Truck-Landscaping,6050 1-ton Work Truck Landscaping
748 Grasshopper	\$55.00
743 Kubota	\$65.00
6019 (S-10) Service Pick Up	\$35.00

6026 Service Truck-Landscaping	\$35.00
6050 1-ton Work Truck-Landscaping	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	5
Temporary Labor Cost	60.00
Employee Cost per hour	27.42
Total Employee Cost	27.42
Equipment Cost per hour	225.00
Total Equipment Cost	225.00
Mobilization Fee	\$200.00
Extra materials cost	\$0.00
Total Cost of Abatement	512.42
Final Photos	Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

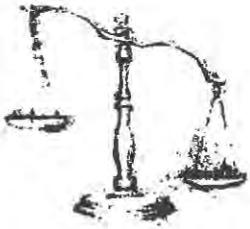
Attached Data



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
	B. Received by (Printed Name) _____ C. Date of Delivery _____	
1. Article Addressed to: Melissa Lee Page 866 Johnson Ave. Springdale, AR 72764		
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Transfer from service label)	7016 0910 0000 5636 2457	
PS Form 3811, July 2013	Domestic Return Receipt	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
	B. Received by (Printed Name) _____ C. Date of Delivery _____	
1. Article Addressed to: Corporation Service Company, Registered Agent for Nationstar Mortgage, LLC 300 Spring Bldg., Suite 900 300 S. Spring St. Little Rock, AR 72201		
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input checked="" type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Transfer from service label)	7016 0910 0000 5636 2433	
PS Form 3811, July 2013	Domestic Return Receipt	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
	B. Received by (Printed Name) _____ C. Date of Delivery _____	
1. Article Addressed to: The Corporation Company, d/b/a CT Corporation, Registered Agent for Bank of America, National Association 124 W. Capitol Ave., Suite 1900 Little Rock, AR 72201		
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Transfer from service label)	7016 0910 0000 5636 2440	
PS Form 3811, July 2013	Domestic Return Receipt	



Office Of The City Attorney

201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov

August 31, 2016

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy
City Attorney
tsamples@springdalear.gov

Sarah Sparkman
Deputy City Attorney
ssparkman@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov

Lynda Belvedresi
Case Coordinator/
Victim Advocate
lbelvedresi@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Cindy Horlick
Administrative Legal
Assistant/Paralegal
chorlick@springdalear.gov

Jacque Roth
Docket Coordinator/
Discovery Clerk
jroth@springdalear.gov

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and REGULAR MAIL**

Bertha Macon, Trustee
of the Bertha Macon Revocable Trust
P.O. Box 681
Olney, IL 62450-0681

RE: Notice of clean-up lien on property located at 902 Powell St.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
22494-000

Dear Property Owner:

On May 11, 2016, notice was posted on property located at 902 Powell St.,
Springdale, Arkansas, that the property was in violation of Springdale City
Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days.
Notice was mailed to the owner of record on May 11, 2016, that the City
intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-
54-903 if the violations were not remedied.

No action was taken by the owner to clean up the property within seven (7)
business days. As a result, the City of Springdale took action to remedy the
violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or
about July 22, 2016. As of this date, the total costs incurred by the City of
Springdale to clean this property are \$465.42. I have enclosed an invoice
evidencing the abatement costs incurred and paid by the City of Springdale to
clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4),
administrative fees may be added to the total costs incurred by the City of
Springdale, which will include certified mailing fee in the amount of \$6.74 per
letter and a filing fee in the amount of \$15.00 to the Washington County Circuit
Court.

This is to notify you that in the event this amount is not paid to the City of
Springdale on or before October 11, 2016, a hearing will be held before the
Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the
amount of the clean-up lien to which the City is entitled for cleaning up the
property. The hearing will be held Tuesday, October 11, 2016 at 6:00 p.m. in the

City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$472.16, which includes \$465.42 for cleaning up the property and \$6.74 for certified mailings to the City of Springdale by the date listed above. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office. Please provide me with a copy of any payment you make so that I will be aware of it.

This letter is also being mailed by regular mail to the address above. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

If you should have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Sparkman", with a long horizontal flourish extending to the right.

Sarah Sparkman
Deputy City Attorney

enclosures
SS:ch



City of Springdale Code Enforcement

210 Spring Street – Springdale, AR 72764 – Office 479/756-7712

CITY ABATEMENT - Friday, July 22, 2016 8:01:59 AM (645 CITY ABATEMENT)

User Name 645 CITY ABATEMENT
User # 4797993474
Form Started 7/22/2016 8:01:59 AM
Form Submitted 7/22/2016 8:58:22 AM
Property Address 902 Powell St
Before Picture Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement

Lien

Date of Abatement

Friday, July 22, 2016 8:02:00 AM

Officer on Site

D. Bentley

Supervisor on Job

Henry Hernandez

Employee

Employee

Henry Hernandez

HH Benefit Rate

\$27.42

Method of Compliance

1 Method of Compliance Mowing,Property Clean Up - Junk and Trash

Equipment Used

Equipment	748 Grasshopper,743 Kubota,6030 Service Truck-Landscaping,6050 1-ton Work Truck Landscaping
748 Grasshopper	\$55.00
743 Kubota	\$65.00
6030 Service Truck-Landscaping	\$35.00
6050 1-ton Work Truck-Landscaping	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	4
Temporary Labor Cost	48.00
Employee Cost per hour	27.42
Total Employee Cost	27.42
Equipment Cost per hour	190.00
Total Equipment Cost	190.00
Mobilization Fee	\$200.00
Extra materials cost	\$0.00
Total Cost of Abatement	465.42
Final Photos	Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

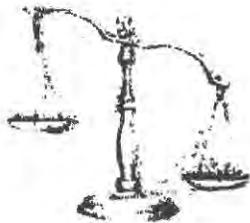
Attached Data



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>Bertha Macon</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Bertha Macon</i> <i>9-10-16</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Bertha Macon, Trustee of the Bertha Macon Revocable Trust P.O. Box 681 Olney, IL 62450-0681</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="text-align: center; font-size: 2em;">S</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p style="text-align: center; font-size: 1.2em;">7016 0910 0000 5636 2426</p>

PS Form 3811, July 2013

Domestic Return Receipt



Office Of The City Attorney

201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov

August 31, 2016

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and REGULAR MAIL**

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy
City Attorney
tsamples@springdalear.gov

Sarah Sparkman
Deputy City Attorney
ssparkman@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov

Lynda Belvedresi
Case Coordinator/
Victim Advocate
lbelvedresi@springdalear.gov

Steve Helms
Investigator
sheims@springdalear.gov

Cindy Horlick
Administrative Legal
Assistant/Paralegal
chorlick@springdalear.gov

Jacque Roth
Docket Coordinator/
Discovery Clerk
jroth@springdalear.gov

Linda Maxine Sams
a/k/a Linda Maxine Martindale
1504 Burton Lane
Rogers, AR 72756

Velva Darlene Cline
10272 Devore Dr.
Harrison, AR 72601

RE: Notice of clean-up lien on property located at 1903 Powell,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
28786-000

Dear Heirs of Ola Mae Huffmaster:

On July 27, 2016, notice was posted on property located at 1903 Powell, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on July 28, 2016, that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied.

No action was taken by the owner to clean up the property within seven (7) business days. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about August 16, 2016. As of this date, the total costs incurred by the City of Springdale to clean this property are \$864.84. I have enclosed an invoice evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$6.74 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before October 11, 2016, a hearing will be held before the

Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, October 11, 2016, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$878.32, which includes \$864.84 for cleaning up the property and \$13.48 for certified mailings to the City of Springdale by the date listed above. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office. Please provide me with a copy of any payment you make so that I will be aware of it.

If you should have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Sparkman', with a long horizontal flourish extending to the right.

Sarah Sparkman
Deputy City Attorney

enclosures
SS:ch



City of Springdale Code Enforcement

210 Spring Street - Springdale, AR 72764 - Office 479/756-7712

CITY ABATEMENT - Tuesday, August 16, 2016 8:54:13 AM (645 CITY ABATEMENT)

User Name 645 CITY ABATEMENT
User # 4797993474
Form Started 8/16/2016 8:54:13 AM
Form Submitted 8/16/2016 10:13:28 AM
Property Address 1903 S Powell St
Before Picture Attached Data



Before Picture



Attached Data

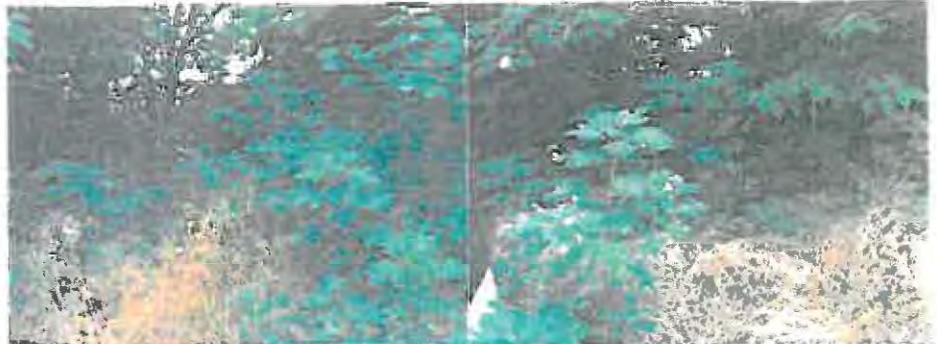
Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement	Lien
Date of Abatement	Tuesday, August 16, 2016 8:54:00 AM
Officer on Site	B. Clyne
Supervisor on Job	Henry Hernandez
Employee	
Employee	Henry Hernandez
HH Benefit Rate	\$27.42
Method of Compliance	
1 Method of Compliance	Mowing,Property Clean Up - Junk and Trash
Equipment Used	
Equipment	748 Grasshopper,743 Kubota,6014 Flat Bed Dump Truck,6019 (S-10) Service Pick Up,6050 1-ton Work Truck Landscaping
748 Grasshopper	\$55.00
743 Kubota	\$65.00
6014 Flat Bed Dump Truck	\$55.00
6019 (S-10) Service Pick Up	\$35.00
6050 1-ton Work Truck-Landscaping	\$35.00
Time of Abatement in Hours	2
Number of Temporary Laborers	5
Temporary Labor Cost	120.00
Employee Cost per hour	27.42

Total Employee Cost 54.84
Equipment Cost per hour 245.00
Total Equipment Cost 490.00
Mobilization Fee \$200.00
Extra materials cost \$0.00
Total Cost of Abatement 864.84
Final Photos Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

Attached Data





Office Of The City Attorney
201 Spring Street
Springdale, Arkansas 72764

CERTIFIED MAIL



7016 0910 0000 5636 2402



Velva Darlene Cline
10272 Devore Dr.
Harrison, AR 72601

SEP - 2

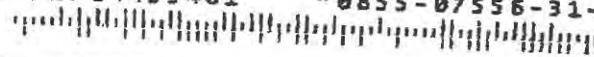
DATE
1ST NOTICE 9-8

NIXIE 722 SE 1 0009/29/16

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC
72764>4554

BC: 72764455401 *0855-07556-31-40





Office Of The City Attorney
201 Spring Street
Springdale, Arkansas 72764

CERTIFIED MAIL



7016 0910 0000 5636 2396

FOE



Linda Maxine Sams
a/k/a Linda Maxine Martindale
1504 Burto
Rogers, AR

MIXIE 727 65 1 0209/14/16

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

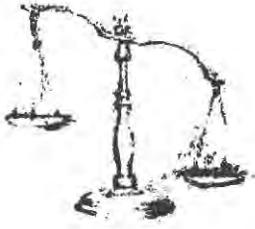
938002006000948

JAA

727657644554 UTF

BC: 72764455401 *0855-07376-31-40





Office Of The City Attorney

201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov

August 31, 2016

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy
City Attorney
tsamples@springdalear.gov

Sarah Sparkman
Deputy City Attorney
ssparkman@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov

Lynda Belvedresi
Case Coordinator/
Victim Advocate
lbelvedresi@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Cindy Horlick
Administrative Legal
Assistant/Paralegal
chorlick@springdalear.gov

Jacque Roth
Docket Coordinator/
Discovery Clerk
jroth@springdalear.gov

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

Trumayne T. Cuffie
2674 Powell St.
Springdale, AR 72764

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Ken F. Calhoon, Registered Agent
For Arvest Mortgage Company
One Riverfront Place
North Little Rock, AR 72114

Nicole W. Misencik, Registered Agent
For U.S. Bank, N.A.
800 Nicollet Mall
Minneapolis, MN 55402

RE: Notice of clean-up lien on property located at 2674 Powell St.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
29248-260

Dear Property Owner/Lienholders:

On July 6, 2016, notice was posted on property located at 2674 Powell St., Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on July 15, 2016, that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied.

No action was taken by the owner to clean up the property within seven (7) business days. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about August 22, 2016 and August 23, 2016. As of this date, the total costs incurred by the City of Springdale to clean this property are \$1,342.00. I have enclosed copies of invoices evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs

incurred by the City of Springdale, which will include certified mailing fee in the amount of \$6.74 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before October 11, 2016, a hearing will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, October 11, 2016, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$1,362.22, which includes \$1,342.00 for cleaning up the property and \$20.22 for certified mailings to the City of Springdale by the date listed above. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office. Please provide me with a copy of any payment you make so that I will be aware of it.

This letter is also being mailed by regular mail to Trumayne Cuffie at the address above. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

Sincerely,



Sarah Sparkman
Deputy City Attorney

enclosures

SS:ch

cc: Mackie, Wolf, Zientz & Mann, P.C.
124 W. Capitol Ave., Suite 1560
Little Rock, AR 72201
MWZM No.: 16-000108-520



City of Springdale Code Enforcement

210 Spring Street – Springdale, AR 72764 – Office 479/756-7712

CITY ABATEMENT - Monday, August 22, 2016 1:54:32 PM (645 CITY ABATEMENT)

User Name 645 CITY ABATEMENT
User # 4797993474
Form Started 8/22/2016 1:54:32 PM
Form Submitted 8/22/2016 3:16:10 PM
Property Address 2674 S Powell St
Before Picture Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement

Lien

Date of Abatement

Monday, August 22, 2016 1:54:00 PM

Officer on Site

B. Nivens

Supervisor on Job

Henry Hernandez

Employee

Employee

Henry Hernandez

HH Benefit Rate

\$27.42

Method of Compliance

1 Method of Compliance

Mowing,Junk and Trash Removal from Curb,Property Clean Up - Junk and Trash

2 Method of Compliance

Mowing,Junk and Trash Removal from Curb,Property Clean Up - Junk and Trash

Equipment Used

Equipment

748 Grasshopper,743 Kubota,6026 Service Truck-Landscaping,6050 1-ton Work Truck Landscaping

748 Grasshopper	\$55.00
743 Kubota	\$65.00
6026 Service Truck-Landscaping	\$35.00
6050 1-ton Work Truck-Landscaping	\$35.00
Time of Abatement in Hours	2
Number of Temporary Laborers	4
Temporary Labor Cost	96.00
Employee Cost per hour	62.42
Total Employee Cost	124.84
Equipment Cost per hour	190.00
Total Equipment Cost	380.00
Mobilization Fee	\$200.00
Extra materials cost	\$0.00
Total Cost of Abatement	800.84
Final Photos	Attached Data



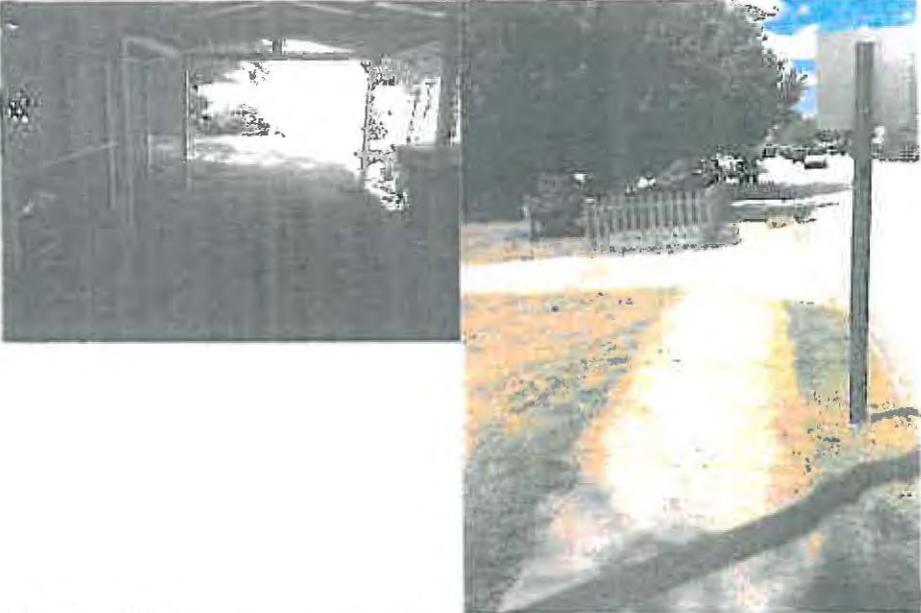
Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

Attached Data





City of Springdale Code Enforcement

210 Spring Street – Springdale, AR 72764 – Office 479/756-7712

CITY ABATEMENT - Tuesday, August 23, 2016 10:34:16 AM (1- BULKY WASTE)

User Name 1- BULKY WASTE
User # 4792839382
Form Started 8/23/2016 10:34:16 AM
Form Submitted 8/23/2016 10:45:48 AM
Property Address 2674 Powell
Before Picture Attached Data



Type of Abatement Lien
Date of Abatement Tuesday, August 23, 2016 10:34:00 AM
Employee Ervin Phillips,Chris Myers,Peter Wilson,Rod Dorsey
Employee Benefit Rate \$20.42
EP Benefit Rate \$16.58
CM Benefit Rate \$16.24
PW Benefit Rate \$17.92
RD Benefit Rate
Method of Compliance
Equipment Used

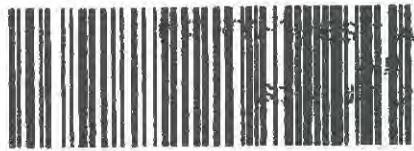
Equipment	660/652 New Bulky Waste Truck,6001/6005 Service Pick Up Truck,6015 Service Truck
660 New Bulky Waste Truck	\$200.00
6001 Service Pick Up Truck	\$35.00
6015 Service Truck	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	0
Temporary Labor Cost	0.00
Employee Cost per hour	71.16
Total Employee Cost	71.16
Equipment Cost per hour	270.00
Total Equipment Cost	270.00
Mobilization Fee	\$200.00
Extra materials cost	\$0.00
Total Cost of Abatement	541.16
Extra Materials &/or Notes	0
Final Photos	Attached Data



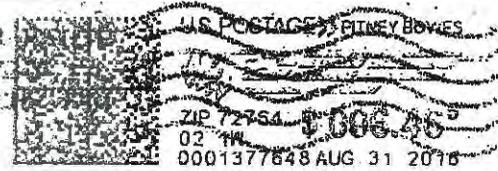


Office Of The City Attorney
201 Spring Street
Springdale, Arkansas 72764

GENERAL MAIL



7016 0910 0000 5636 2389



9-14
9-24

MLNA

Trumayne T. Cuffie
2674 Powell St.
Springdale, AR

NIXIE 641 SE 1 0009/30/16

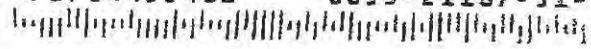
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

93314070017968133

UNC P

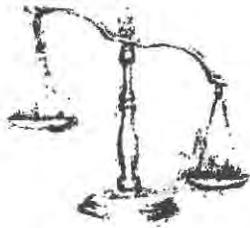
BC: 72764455401 *0855-21187-31-46

7276445548
7276445548
5485-21187-31-46



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Nicole W. Misencik, Registered Agent For U.S. Bank, N.A. 800 Nicollet Mall Minneapolis, MN 55402</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7016 0910 0000 5636 2365</p>	
<p>PS Form 3811, July 2013 Domestic Return Receipt</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Ken F. Calhoun, Registered Agent For Arvest Mortgage Company One Riverfront Place North Little Rock, AR 72114</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7016 0910 0000 5636 2372</p>	
<p>PS Form 3811, July 2013 Domestic Return Receipt</p>	



Office Of The City Attorney

201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov

August 31, 2016

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy
City Attorney
tsamples@springdalear.gov

Sarah Sparkman
Deputy City Attorney
sparkman@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov

Lynda Belvedresi
Case Coordinator/
Victim Advocate
lbelvedresi@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Cindy Horlick
Administrative Legal
Assistant/Paralegal
chorlick@springdalear.gov

Jacque Roth
Docket Coordinator/
Discovery Clerk
jroth@springdalear.gov

Lalah M. Liles, Trustee
Lalah M. Liles Revocable Trust
4186 Bel Air Rd.
Springdale, AR 72762

RE: Notice of clean-up lien on property located at 501 N. West End St.,
Springdale, Washington County, Arkansas, Tax Parcel No. 815-
28035-000

Dear Property Owner:

On July 19, 2016, notice was posted on property located at 501 N. West End St., Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on July 28, 2016, 2016, that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied.

No action was taken by the owner to clean up the property within seven (7) business days. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about August 19, 2016. As of this date, the total costs incurred by the City of Springdale to clean this property are \$488.42. I have enclosed an invoice evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$6.74 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before October 11, 2016, a hearing will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, October 11, 2016, at 6:00 p.m. in the

City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$495.16, which includes \$488.42 for cleaning up the property and \$6.74 for certified mailings to the City of Springdale by the date listed above. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office. Please provide me with a copy of any payment you make so that I will be aware of it.

This letter is also being mailed by regular mail to Lalah M. Liles at the address above. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

Sincerely,



Sarah Sparkman
Deputy City Attorney

enclosures
SS:ch



City of Springdale Code Enforcement

210 Spring Street – Springdale, AR 72764 – Office 479/756-7712

CITY ABATEMENT - Friday, August 19, 2016 9:38:21 AM (645 CITY ABATEMENT)

User Name	645 CITY ABATEMENT
User #	4797993474
Form Started	8/19/2016 9:38:21 AM
Form Submitted	8/19/2016 10:26:35 AM
Property Address	501 W End St
Before Picture	Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement	Lien
Date of Abatement	Friday, August 19, 2016 9:38:00 AM
Officer on Site	T. Lankford
Supervisor on Job	Henry Hernandez
Employee	
Employee	Henry Hernandez
HH Benefit Rate	\$27.42
Method of Compliance	
1 Method of Compliance	Mowing,Property Clean Up - Junk and Trash
Equipment Used	
Equipment	748 Grasshopper,743 Kubota,6019 (S-10) Service Pick Up,6050 1-ton Work Truck Landscaping
748 Grasshopper	\$55.00
743 Kubota	\$65.00
6019 (S-10) Service Pick Up	\$35.00

6050 1-ton Work Truck-Landscaping	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	3
Temporary Labor Cost	36.00
Employee Cost per hour	62.42
Total Employee Cost	62.42
Equipment Cost per hour	190.00
Total Equipment Cost	190.00
Mobilization Fee	\$200.00
Extra materials cost	\$0.00
Total Cost of Abatement	488.42
Final Photos	Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



Final Photos

Attached Data



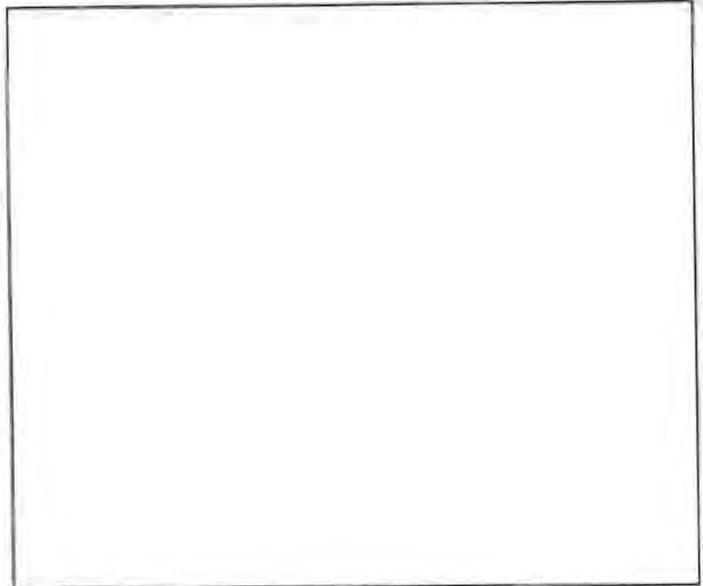
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>Steven O'Neal</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>STEVEN O'NEAL 9/11/16</p>
<p>1. Article Addressed to:</p> <p style="padding-left: 40px;">Lalah M. Liles, Trustee Lalah M. Liles Revocable Trust 4186 Bel Air Rd. Springdale, AR 72762</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number <i>(Transfer from service label)</i></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
	<p>7036 0910 0000 5636 2303</p>

PS Form 3811, July 2013

Domestic Return Receipt

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED WITHIN THE CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS.



WHEREAS, the following real property located in Springdale, Benton County, Arkansas, is owned as set out below:

PROPERTY OWNER: Andrew Gillespie
LEGAL DESCRIPTION: Lot 1, Charleston Park at Legendary P.U.D., an Addition to the City of Springdale, Benton County, Arkansas, as shown on plat of record in Plat Book 2007, at Pages 795, 796 & 797, Plat Records of Benton County, Arkansas.
LAYMAN'S DESCRIPTION: 4151 Crosshill Cove
Springdale, Benton County, Arkansas
PARCEL NO.: 21-02151-000

WHEREAS, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the unsightly and unsanitary conditions on the properties described above, and instructed to clean the properties in accordance with Sections 42-77 and 42-78 of the Springdale Code of Ordinances;

WHEREAS, the property owner of record did not abate the situation on these properties, and as a result, the City of Springdale was required to abate the conditions on these properties and incurred cost as follows, and as shown in the attached Exhibits:

\$423.42 clean-up costs and \$28.48 administrative costs -- 4151 Crosshill Cove (#21-02151-000)

WHEREAS, the property owners have been given at least 30 days written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903, as shown in the attached Exhibits;

WHEREAS, Ark. Code Ann. §14-54-904 authorizes the City Council to assert a clean-up lien on these properties to collect the amounts expended by the City in cleaning up these properties;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, pursuant to Ark. Code Ann. §14-54-904, the City Council certifies that the following real property shall be placed on the tax books of the Washington County Tax Collector as delinquent taxes and collected accordingly:

\$451.90, plus 10% for collection -- 4151 Crosshill Cove (#21-02151-000)

CindyHortick/2016 Files/2016 Ordinances/Lien Ordinances/9-27-16.LienOrd(BentonCo.)

Emergency Clause. It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of October, 2016.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY



Office Of The City Attorney

201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov

August 31, 2016

Ernest B. Cate
City Attorney
ecat@springdalear.gov

Taylor Samples
Senior Deputy
City Attorney
tsamples@springdalear.gov

Sarah Sparkman
Deputy City Attorney
ssparkman@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov

Lynda Belvedresi
Case Coordinator/
Victim Advocate
lbelvedresi@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Cindy Horlick
Administrative Legal
Assistant/Paralegal
chorlick@springdalear.gov

Jacques Roth
Docket Coordinator/
Discovery Clerk
jroth@springdalear.gov

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

Andrew Gillespie
2678 E. Tulip Ct.
Fayetteville, AR 72701

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Wilmington Savings Fund Society FSB
d/b/a Christian Trust, Trustee for BCAT 2014-4TT
AND Wilmington Savings Fund Society FSB
d/b/a Christian Trust, Trustee for Winsted Funding Trust 2015-1
500 Delaware Ave.
11th Floor
Wilmington, DE 19801

RE: Notice of clean-up lien on property located at 4151 Crosshill Cove,
Springdale, Benton County, Arkansas, Tax Parcel No. 21-02151-
000

Dear Property Owner/Lienholder:

On April 7, 2016, notice was posted on property located at 4151 Crosshill Cove, Springdale, Arkansas, that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Notice was mailed to the owner of record on April 25, 2016, 2016, that the City intended to seek a clean-up lien on this property pursuant to Ark. Code Ann. §14-54-903 if the violations were not remedied.

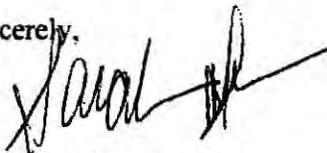
No action was taken by the owner to clean up the property within seven (7) business days. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about August 19, 2016. As of this date, the total costs incurred by the City of Springdale to clean this property are \$423.42. I have enclosed an invoice evidencing the abatement costs incurred and paid by the City of Springdale to clean this property. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$6.74 per letter and a filing fee in the amount of \$15.00 to the Benton County Circuit Court.

This is to notify you that in the event this amount is not paid to the City of Springdale on or before October 11, 2016, a hearing will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, October 11, 2016, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$436.90, which includes \$423.42 for cleaning up the property and \$13.48 for certified mailings to the City of Springdale by the date listed above. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for the costs of filing the ordinance with the Circuit Clerk's Office. Please provide me with a copy of any payment you make so that I will be aware of it.

This letter is also being mailed by regular mail to Andrew Gillespie at the address above. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

Sincerely,



Sarah Sparkman
Deputy City Attorney

enclosures

SS:ch

cc: Robert S. Coleman, Jr.
Marinosci Law Group, P.C.
145 Pierce, Suite 306
Little Rock, AR 72207



City of Springdale Code Enforcement

210 Spring Street – Springdale, AR 72764 – Office 479/756-7712

CITY ABATEMENT - Friday, August 19, 2016 1:40:02 PM (645 CITY ABATEMENT)

User Name 645 CITY ABATEMENT
User # 4797993474
Form Started 8/19/2016 1:40:02 PM
Form Submitted 8/19/2016 2:10:31 PM
Property Address 4151 Crosshill Cove
Before Picture Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Before Picture

Attached Data



Type of Abatement	Lien
Date of Abatement	Friday, August 19, 2016 1:40:00 PM
Officer on Site	B. Clyne
Supervisor on Job	Henry Hernandez
Employee	
Employee	Henry Hernandez
HH Benefit Rate	\$27.42
Method of Compliance	
1 Method of Compliance	Mowing,Property Clean Up - Junk and Trash
Equipment Used	
Equipment	748 Grasshopper,6019 (S-10) Service Pick Up,6050 1-ton Work Truck Landscaping
748 Grasshopper	\$55.00
6019 (S-10) Service Pick Up	\$35.00
6050 1-ton Work Truck-Landscaping	\$35.00
Time of Abatement in Hours	1
Number of Temporary Laborers	3
Temporary Labor Cost	36.00
Employee Cost per hour	62.42
Total Employee Cost	62.42
Equipment Cost per hour	125.00
Total Equipment Cost	125.00
Mobilization Fee	\$200.00
Extra materials cost	\$0.00
Total Cost of Abatement	423.42
Final Photos	Attached Data



Final Photos

Attached Data



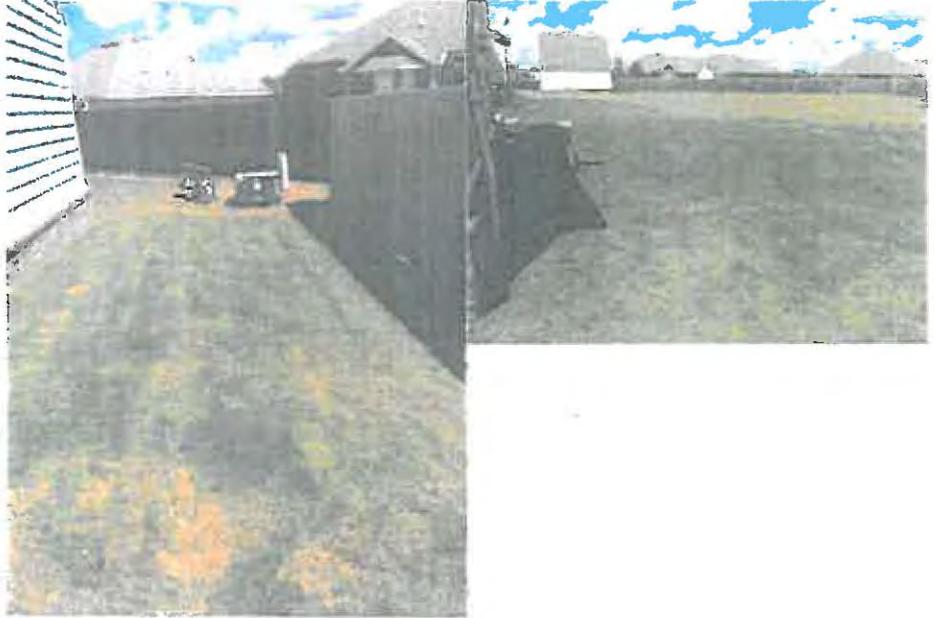
Final Photos

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Final Photos

Attached Data



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<p>1. Article Addressed to:</p> <p>Wilmington Savings Fund Society FSB d/b/a Christian Trust, Trustee for BCAT 2014-JTT AND Wilmington Savings Fund Society FSB d/b/a Christian Trust, Trustee for Winsted Funding Trust 2015-1 500 Delaware Ave. 11th Floor Wilmington, DE 19801</p>	<p>3. Service Type</p> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Priority Mail Express™ <input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input checked="" type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery
<p>2. Article Number (Transfer from service label) 7016 0910 0000 5636 2327</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, July 2013

Domestic Return Receipt



Office of The City Attorney
201 Spring Street
Springdale, Arkansas 72764



7016 0910 0000 5636 2310



Handwritten: 225
7/20/11
9-13
9-22

Andrew Gillespie
2678 E. Tulip Ct.
Fayetteville, AR 72701

NIXTE 722 5E 1 0009/25/16

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC 727013883554 BC: 72764455401 *0855-07578-31-48