

- The next Committee Meeting will be held on Monday, August 2nd, 2021 at 5:30p.m held in the Tiered Training Room, located in the new Criminal Justice Facility at 201 Spring Street, Springdale, Arkansas.
- Committee agendas will be available on the Friday before this meeting.

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
TUESDAY, July 27th, 2021**

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – Mark Fougrousse

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. Comments from Citizens
The Council will hear brief comments from citizens present at the meeting during this period on issues not on the Agenda. No action will be taken tonight. All comments will be taken under advisement.
5. **Quarterly Economic Development Report** presented by Scott Edmondson, Vice President of Economic Development, Springdale Chamber of Commerce.
6. Approval of Minutes – July 13th, 2021: **Minutes located at the back of Agenda. Pgs 64-73.**
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 number(s) **9A, and 11A - 11J.** Motion must be approved by two-thirds (2/3) of the council members).*
8. Appointments and Reappointments

A Resolution making appointments and a reappointment to the Public Vehicle Commission of the City of Springdale, Arkansas. Pg. 1

9. Finance Committee by Chairman Jeff Watson

A. **An Ordinance** authorizing a Stewardship Fee payment to the Northwest Arkansas Land Trust in connection with the grant of a Conservation Easement on property owned by the City of Springdale, to waive competitive bidding; and declaring an emergency. Forwarded from Committee with recommendation for approval. Pgs. 2-3

B. **A Resolution** authorizing the City Attorney to settle a condemnation lawsuit wherein Gary Cawood and Doris Cawood are defendants. Forwarded from Committee with recommendation of approval. Pgs. 4-5

10. Police and Fire Committee by Chairman Brian Powell

A Resolution authorizing payment of an invoice. Forwarded from Committee with recommendation for approval. Pgs. 6-8

11. Planning Commission Report and Recommendation by Patsy Christie, Director of Planning and Community Development

A. **An Ordinance** amending Ordinance No. 3307 the same being the zoning ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 570 W. County Line Road from Medium Density Multi-Family Residential District (MF-12) to General Commercial District (C-2) and declaring an emergency. Pgs. 9-11

B. **An Ordinance** amending Ordinance No. 5578 the same being the zoning ordinance of the City Of Springdale, Arkansas, and the plat pertaining thereto to correct a scrivener's error by rezoning certain lands located at 1609 Old Missouri Road from Light Industrial District (I-1) to General Industrial District (I-2) and declaring an emergency. Pgs. 12-14

C. **An Ordinance** amending Ordinance No. 3307 the same being the zoning ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 1600 Butterfield Coach Road from Agricultural District (A-1) to Institutional District (P-1) and declaring an emergency. Pgs. 15-17

D. **An Ordinance** amending Ordinance No. 3307 the same being the zoning ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 5141 Watkins Avenue from Neighborhood Commercial District (O-1) to Thoroughfare Commercial District (C-5) and declaring an emergency. Pgs. 18-20

E. **An Ordinance** amending Ordinance No. 3307 the same being the zoning ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands near intersection of W. Gibbs Rd., and Harber Ave., from

Planned Unit Development (PUD) to Planned Unit Development Revised (PUD) and declaring an emergency. **Pgs. 21-41**

- F. An Ordinance** amending Ordinance No. 3307 the same being the zoning ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located N. of Elm Springs Rd., W. of Interstate 49, E. of 48th St., from Thoroughfare Commercial District (C-5) to General Commercial District (C-2) and declaring an emergency. **Pgs. 42-44**
- G. An Ordinance** amending Ordinance No. 3307 the same being the zoning ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located along E. side of Gene George Blvd., W. of Oak Grove Rd., S. of Elm Springs Rd., from Low/Medium Density Single Family Residential District (SF-2) to Medium Density Multi-Family Residential District (MF-12) and declaring an emergency. **Pgs. 45-47**
- H. An Ordinance** amending Ordinance No. 3307 the same being the zoning ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located on the W. side of Oak Grove Road, S. of Elm Springs Road, N. of Stockton Avenue from General Commercial District (C-2) to Medium Density Multi-Family Residential District (Mf-12) and declaring an emergency. **Pgs. 48-50**
- I. An Ordinance** amending Ordinance No. 3307 the same being the zoning ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 4142 N. 45th Street from Large Product Retail Sales District (C-6) to Thoroughfare Commercial District (C-5) and declaring an emergency. **Pgs. 51-53**
- J. An Ordinance** amending Ordinance No. 3307 the same being the zoning ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located E. of Larkspur from Low/Medium Density Single Family Residential District (SF-2) to High Density Single Family Residential District (SF-3) and declaring an emergency. **Pgs. 54-56**
- K. A Resolution** approving a Waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to J. Todd Setser and Laura Setser in connection with 308 East Lakeview Drive, a single family dwelling. **Pgs. 57-58**
- L. A Resolution** approving a Waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Will Peters in connection with Parcel 21-00273-352. **Pgs. 59-60**
- 12. **A Resolution** authorizing payment of an invoice for Project NO. 18BPC1. Presented by Wyman Morgan, Finance Director. **Pgs. 61-62**
- 13. **A Resolution** granting approval for the Mayor's actions regarding a grant from the Federal Aviation Administration. Presented by Wyman Morgan, Finance Director. **Pg. 63**

14. Comments from Council Members.
15. Comments from City Attorney.
16. Comments from Mayor.
17. Adjournment.

RESOLUTION NO. _____

**A RESOLUTION MAKING APPOINTMENTS AND A
REAPPOINTMENT TO THE PUBLIC VEHICLE
COMMISSION OF THE CITY OF SPRINGDALE**

WHEREAS, terms of all three members of the Public Vehicle Commission have expired, and

WHEREAS, the Mayor has recommended the appointments of Mark Fougrousse and Kevin Flores to this Commission, and the reappointment of Amelia Williams to this Commission, and

WHEREAS, Section 122-26 of the Springdale Code of Ordinances provides the appointment and reappointment of members of the Public Vehicle Commission by the Mayor with the confirmation of the City Council,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Mark Fougrousse and Kevin Flores are hereby appointed to the Public Vehicle Commission, and that Amelia Williams is hereby reappointed to the Public Vehicle Commission, with their terms set to expire on December 31, 2021.

PASSED AND APPROVED this 27th day of July, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A STEWARDSHIP
FEE PAYMENT TO THE NORTHWEST ARKANSAS
LAND TRUST IN CONNECTION WITH THE GRANT OF
A CONSERVATION EASEMENT ON PROPERTY
OWNED BY THE CITY OF SPRINGDALE, TO WAIVE
COMPETITIVE BIDDING; AND DECLARING AN
EMERGENCY.

WHEREAS, on June 22, 2021, the City Council for the City of Springdale, Arkansas, passed Resolution No. 80-21, which authorized the Mayor and City Clerk to execute a Grant of Conservation Easement and Declaration of Covenants document granting a conservation easement, pursuant to the Arkansas Conservation Easement Act (Ark. Code Ann. §15-20-401, *et seq.*), to the Northwest Arkansas Land Trust on property owned by the City of Springdale known as Parcel No. 815-29767-200 and Parcel No. 815-29767-211, Washington County, Arkansas; and Parcel No. 21-00172-010 Benton County, Arkansas ("the Property");

WHEREAS, the Conservation Easement is necessary in preserving and maintaining the aforementioned Property consistent with the intents and purposes of the Arkansas Conservation Easement Act;

WHEREAS, the balance of the one-time stewardship fee associated with the creation, research, development, filing, and implementation of the Grant of Conservation Easement and Declaration of Covenants document is \$25,600.00;

WHEREAS, because the Northwest Arkansas Land Trust is actively involved in promoting, preserving, and enhancing the Property pursuant to the Arkansas Conservation Easement Act, they are in a unique position to provide these services to the City of Springdale, and therefore, the requirement of competitive bidding should be waived as it is not deemed feasible or practical in this case;

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

Section 1: That the Mayor and City Clerk are hereby authorized to pay the sum of \$25,600.00 to the Northwest Arkansas Land Trust, said one-time stewardship fee to be paid from the City's General Fund.

Section 2: That because of the exceptional circumstances set out herein, competitive bidding is not deemed feasible or practical for the reasons previously stated herein, and is therefore waived.

Section 3: 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 _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Northwest Arkansas Land Trust
1725 S Smokehouse Trail
Fayetteville, AR 72701 US
tlane@nwalandtrust.org
www.nwalandtrust.org

Invoice



BILL TO
City of Springdale
201 N. Spring Street
Springdale, AR 72764

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
97	06/11/2021	\$25,600.00	07/11/2021	Net 30	

ACTIVITY	QTY	RATE	AMOUNT
Stewardship Contributions Conservation Easement Stewardship Contribution	1	25,600.00	25,600.00

Please make all checks payable to:
Northwest Arkansas Land Trust
1725 Smokehouse Trail
Fayetteville, AR, 72701

BALANCE DUE

\$25,600.00

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN
GARY CAWOOD AND DORIS CAWOOD ARE
DEFENDANTS.**

WHEREAS, the City of Springdale has filed a lawsuit against Gary Cawood and Doris Cawood to condemn easements across property owned by the Cawoods for the 40th Street Extension (Falcon Road to Spring Creek Bridge, Project 18BPS4, Tract 5 and Tract 42);

WHEREAS, the City of Springdale deposited the sum of \$16,100.00 into the Registry of the Court as estimated just compensation for the easements across the property;

WHEREAS, the property owner has extended a counter-offer that the City pay the sum of \$23,600.00 to acquire the lands needed for the project, said amount being consistent with compensation paid for other easements for the Project;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$7,500.00 to acquire the property needed from the Cawoods, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the Cawood condemnation lawsuit for the total sum of \$23,600.00, with the additional \$7,500.00 to be paid from the 2018 Street Bond Fund.

PASSED AND APPROVED this ____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

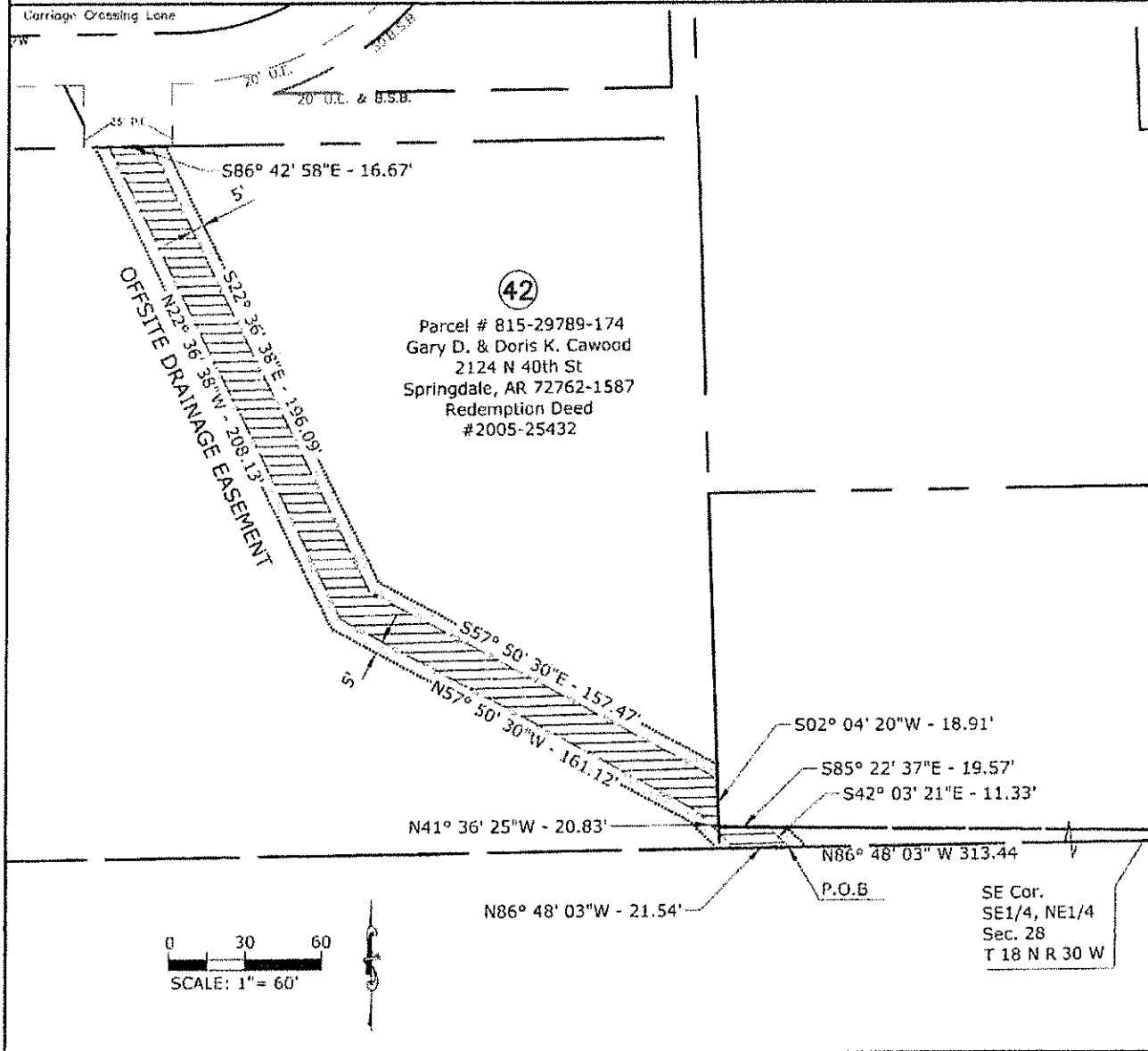
APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

BASIS OF BEARINGS:
ARKANSAS STATE PLANE COORDINATE SYSTEM,
NAD 83, NORTH ZONE.
(NOT A PLAT OF SURVEY)

DRAINAGE EASEMENT & T.C.E. TRACT 42 EXHIBIT "A" MAP

D.E. - 5,686 SQ. FT. (0.13 AC.)
T.C.E. - 3,750 SQ. FT. (0.08 AC.)



LEGEND

● CORNERS OF PROP. UTILITY EASEMENT
815-29789-174 TAX PARCEL NUMBERS
REDEMPTION DEED #2005-25432 DEED RECORD
EXISTING PROPERTY LINE

PROPOSED DRAINAGE EASEMENT
PROPOSED UTILITY EASEMENT
PROPOSED TEMP. CONST. ESMT.
PROPOSED TEMP. CONST. ESMT.

CITY OF
SPRINGDALE

Property Owner: Gary D. & Doris K. Cawood

Drawn by : McClelland Consulting Engineers

Date: APRIL 2020

Scale : 1" = 60'

Project No. 182147

Tract No. 42

Project Name :
40TH STREET
IMPROVEMENTS
CITY PROJECT #18BPS4

No.	Revisions	Date

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING PAYMENT OF AN
INVOICE**

WHEREAS, Springdale municipal code sec. 2-158 requires approval of the governing body before paying any bill that exceeds \$1,000,000, and

WHEREAS, the City of Springdale has contracted with Motorola Solutions to install a new radio system for the Police and Fire departments, and

WHEREAS, The City has received an invoice in the amount of \$1,248,186.91 per the contract, and

WHEREAS, \$835,005.75 will be paid from the CIP/General Fund Reserve and \$413,181.16 will be paid from the Fire Bond Construction.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to pay Motorola Solutions \$1,248,186.91

PASSED AND APPROVED this 27th day of July, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



Motorola Solutions, Inc.
500 West Monroe
Chicago IL 60661
United States
Federal Tax ID: 36-1115800

COPY INVOICE			
Transaction Number 1187057159		Transaction Date 09-JUL-2021	
P.O. Number PO 2995		P.O. Date	Customer Account No 1012950946
Payment Terms Net Due in 30 Days			Payment Due Date 08-AUG-2021
Bill To Address SPRINGDALE POLICE DEPT, CITY OF ATTN: Accounts Payable 201 SPRING ST SPRINGDALE AR 72764 United States		Project No: AR-18I108AG Project Name: AR-18I108AG-SPRINGDALE	

Visit our website at www.motorolasolutions.com

IMPORTANT INFORMATION

Sales Order(s): 619063080055

For all invoice payment inquiries contact
SLT4EA@motorolasolutions.com
Telephone: 800-247-2346
Fax: +1(631)883-4238

SPECIAL INSTRUCTIONS / COMMENTS

Line Item #	Item Number	Description	Qty.	Unit Price (USD)	Amount (USD)
1		25% of Contract Price due upon Installation of Equipment	1	1,079,746.50	1,079,746.50
2		Tax on the Equipment Installation Milestone	1	105,275.24	105,275.24
3		Tax for 15% of Contract Price due Upon Contract Execution	1	63,165.17	63,165.17
If you have any questions or concerns regarding this invoice please contact Charles Turner @ Charles.Turner2@MotorolaSolutions.com Thank you for choosing Motorola Solutions Inc. Payment due per terms of contract					

Please detach here and return the bottom portion with your payment

Payment Coupon

Transaction Number 1187057159	Customer Account No 1012950946	Payment Due Date 08-AUG-2021	Transaction Total 1,248,186.91 USD	Amount Paid
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Please put your Transaction Number and your Customer Account Number on your payment for prompt processing.

SPRINGDALE POLICE DEPT, CITY OF
ATTN: Accounts Payable
201 SPRING ST
SPRINGDALE AR 72764
United States

Payment Transfer Details

CHICAGO
WIRE Routing Transit Number: 026009593
ACH/EFT Routing Transit Number: 111000012
SWIFT: BOFAUS3N
Bank Account No: 3756319819

Send Payments To:



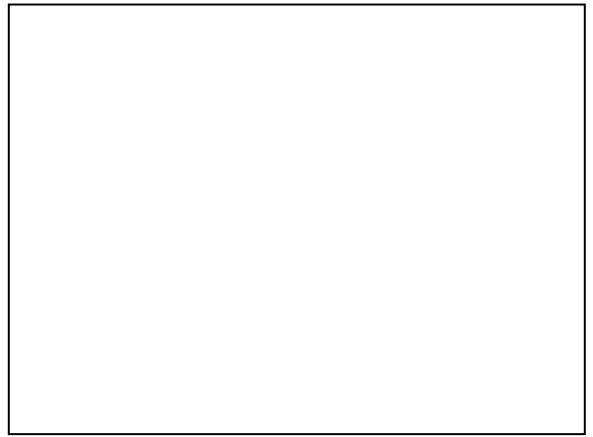
Motorola Solutions, Inc.
13104 Collections Center Drive
Chicago IL 60693
United States
Please provide your remittance details to:
US.remittance@motorolasolutions.com

**MOTOROLA SOLUTIONS****Motorola Solutions, Inc.**

500 West Monroe
Chicago IL 60661
United States

Federal Tax ID: 36-1115800Visit our website at www.motorolasolutions.com**COPY INVOICE**

Transaction Number 1187057159	Transaction Date 09-JUL-2021	Transaction Total 1,248,186.91 USD	
P.O. Number PO 2995	P.O. Date	Customer Account No 1012950946	
Payment Terms Net Due in 30 Days		Payment Due Date 08-AUG-2021	
		USD Subtotal	1,248,186.91
		USD Total Tax	0.00
		USD Total	1,248,186.91
		USD Amount Due	1,248,186.91



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-12) TO GENERAL COMMERCIAL DISTRICT (C-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Benton County, gave notice required by law and set a hearing date of April 6, 2021 for hearing the matter of a petition of Chad Reed, requesting that the following described tract of real estate to be zoned from Medium Density Multi-Family Residential District (MF-12) to General Commercial District (C-2).

Layman's Description: 570 West County Line Road

Legal Description: A part of the SW/4 of the SW/4 of Section 24, Township 18 North, Range 30 West, Benton County, Arkansas being more particularly described as follows:

Beginning at a Point which is S88°03'45" W 232.94 feet along the South line of said Section 24 from the SE corner of the SW/4 of the SW/4 of said Section 24; thence continuing along said South line S88°03'45" W 199.66 feet; thence leaving said South line N02°18'44" W 660.57 feet; thence N88°02'31" E 198.49 feet; thence S02°24'49" E 660.65 feet to the Point of Beginning, and continuing 3.019 acres, more or less, and subject to the right of way of County Line Road on the South and any rights of way, easements, covenants or restriction of record or fact.

AND WHEREAS, after notice as required by law, the Springdale Planning

Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Medium Density Multi-Family Residential District (MF-12) to General Commercial District (C-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Medium Density Multi-Family Residential District (MF-12) to General Commercial District (C-2).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: 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 _____, 2021

Doug Sprouse, Mayor

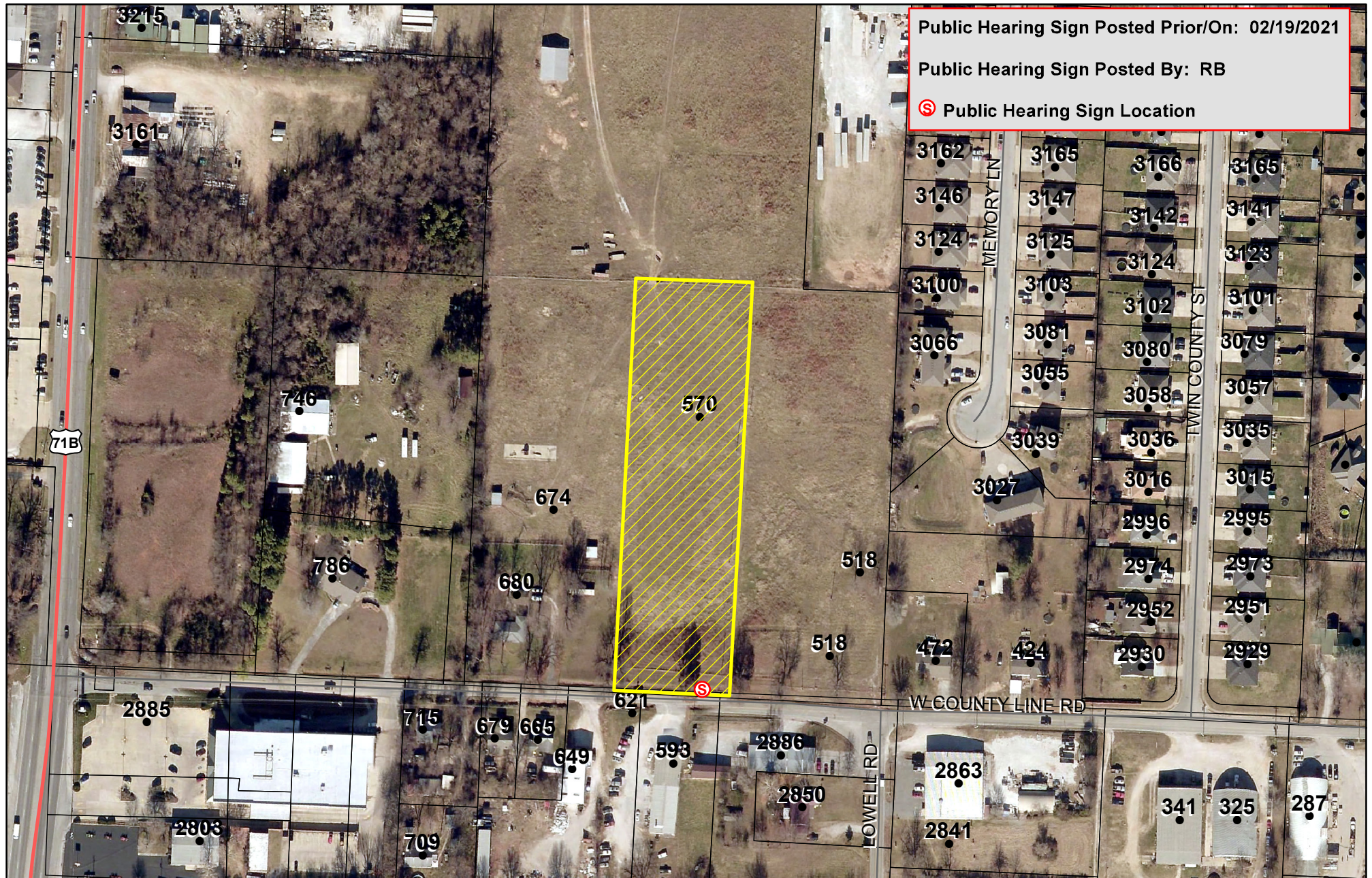
ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

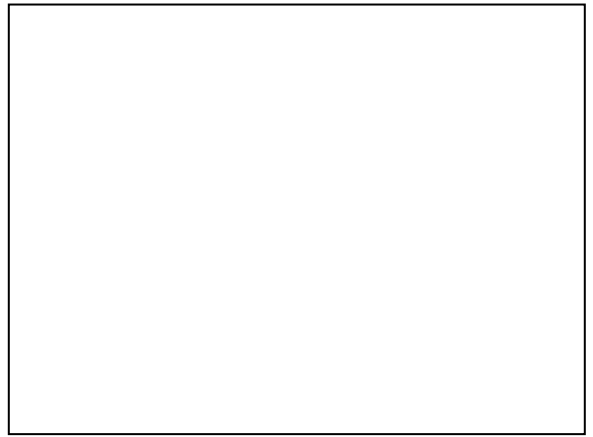
Public Hearing Sign Location



0 40 80 160 240 320 Feet
For Location Reference Only

FILE NO. R21-10
APPLICANT: Chad Reed
REQUEST: Rezone - MF-12 to C-2

PLANNING COMMISSION MEETING
April 6, 2021



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 5578 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO TO CORRECT A SCRIVENER'S ERROR BY REZONING CERTAIN LANDS FROM LIGHT INDUSTRIAL DISTRICT (I-1) TO GENERAL INDUSTRIAL DISTRICT (I-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of March 2, 2021 for hearing the matter of a petition of Old Mo East, LLC, requesting that the following described tract of real estate to be zoned from Light Industrial District (I-1) to General Industrial District (I-2).

Layman's Description: 1609 Old Missouri Road

Legal Description:

A part of the Southwest Quarter (SW1/4) of Section 30, Township 18 North, Range 29 West, Washington County, Arkansas, and being more particularly described as:

Commencing at the SE corner of the SW1/4 of said Section 30, thence along the east line of said SW1/4 N02°48'39"E 644.19 feet to the Point of Beginning, thence leaving said East line N87°07'11"W 1576.74 feet to the East Right-of-way line of N. Old Missouri Road, thence along said east Right-of-way line the following courses, N05°11'49"E 641.65 feet, thence N01°16'11"W 251.50 feet, thence N01°28'49"E 300.00 feet, thence N87°34'11"W 22.00 feet, thence N02°48'49"E 88.22 feet, thence leaving said East Right-of-way line S87°07'11"E 246.88 feet, thence N02°48'39"E 121.00 feet, thence S87°07'11"E 379.14 feet, thence N02°48'39"E 132.90 feet, thence S87°07'11"E 970.86 feet, thence S02°48'39"W 1533.82 feet to the Point of Beginning containing 2,297,629 square feet or 52.74 acres, more or less and subject to all Rights-of-way, easements and restrictive covenants of record or fact.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Light Industrial District (I-1) to General Industrial District (I-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Light Industrial District (I-1) to General Industrial District (I-2).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: 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 _____, 2021

Doug Sprouse, Mayor

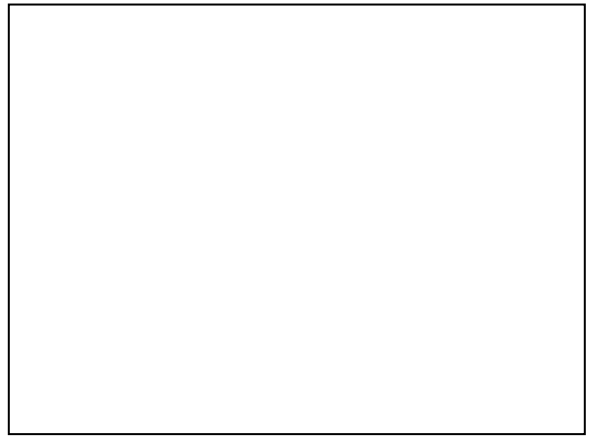
ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney





ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO INSTITUTIONAL DISTRICT (P-1) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of July 6, 2021 for hearing the matter of a petition of Living Savior Lutheran Church, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Institutional District (P-1).

Layman's Description: 1600 Butterfield Coach Road

Legal Description:

SURVEY DESCRIPTION:

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND RUNNING THENCE S02°24'12"W 99.00', THENCE N87°35'47"W 198.00' TO AN EXISTING REBAR, THENCE N02°24'13"E 197.92' TO AN EXISTING REBAR, THENCE S87°26'42"E 198.00', THENCE S02°24'12"W 98.40' TO THE POINT OF BEGINNING, CONTAINING 0.90 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN BUTTERFIELD COACH ROAD RIGHT-OF-WAY ON THE EAST SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning,

recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Institutional District (P-1) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to Institutional District (P-1) .

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: 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 _____, 2021

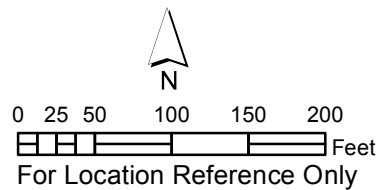
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

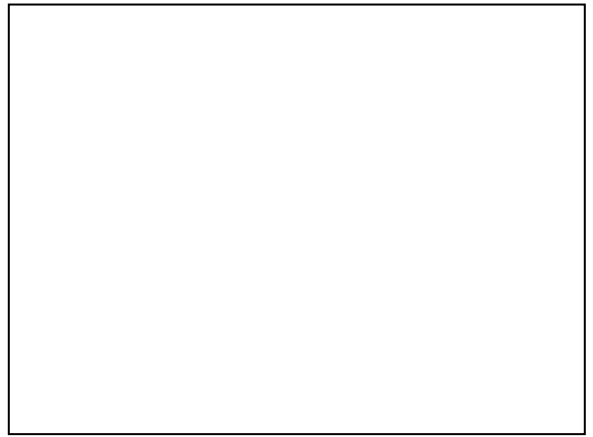
APPROVED AS TO FORM:

Ernest Cate, City Attorney



FILE NO. R21-36
APPLICANT: Living Savior Lutheran Church
REQUEST: Rezoning from A-1 to P-1

PLANNING COMMISSION MEETING
July 6, 2021



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM NEIGHBORHOOD COMMERCIAL DISTRICT (O-1) TO THOROUGHFARE COMMERCIAL DISTRICT (C-5) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of July 6, 2021 for hearing the matter of a petition of Motah, LLC, Kris Keyton , requesting that the following described tract of real estate to be zoned from Neighborhood Commercial District (O-1) to Thoroughfare Commercial District (C-5).

Layman's Description: 5141 Watkins Avenue

Legal Description: THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AND IS DESCRIBED AS FOLLOWS:

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THENCE NORTH 1 DEGREES 14'51" WEST 1297.01 FEET TO THE RIGHT-OF-WAY OF U.S. HIGHWAY 71; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING:

NORTH 88 DEGREES 41'01" EAST 58.20 FEET

SOUTH 76 DEGREES 53'19" EAST 180.57 FEET

SOUTH 89 DEGREES 49'36" EAST 175.85 FEET

SOUTH 3 DEGREES 48'00" EAST 1075.19 FEET AND

SOUTH 3 DEGREES 02'15" EAST 175.68 FEET THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 88 DEGREES 58 MINUTES 22" WEST 462.30

FEET TO THE POINT OF BEGINNING, CONTAINING 12.67 ACRES, MORE OR LESS, ALL IN THE CITY LIMITS OF SPRINGDALE.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Neighborhood Commercial District (O-1) to Thoroughfare Commercial District (C-5) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Neighborhood Commercial District (O-1) to Thoroughfare Commercial District (C-5).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: 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 _____, 2021

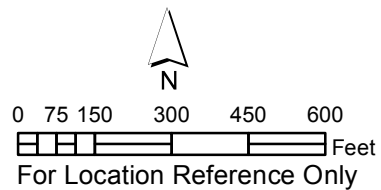
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

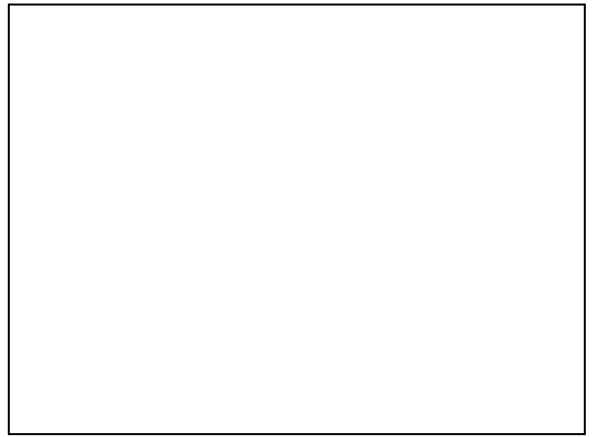
APPROVED AS TO FORM:

Ernest Cate, City Attorney



FILE NO. R21-37
APPLICANT: Motah, LLC
REQUEST: Rezoning from C-1 to C-5

PLANNING COMMISSION MEETING
 July 6, 2021



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM PLANNED UNIT DEVELOPMENT (PUD) TO PLANNED UNIT DEVELOPMENT REVISED (PUD) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of July 6, 2021 for hearing the matter of a petition of Cadence Crossing, LLC, requesting that the following described tract of real estate to be zoned from Planned Unit Development (PUD) to Planned Unit Development Revised (PUD)

Layman's Description: 4.9 acres near the intersection of West Gibbs Road and Har-Ber Avenue

Legal Description: PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 31; THENCE ALONG THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4, N03°08'21"E A DISTANCE OF 659.28 FEET TO A FOUND 5/8 INCH REBAR IN WEST GIBBS ROAD AND THE POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE AND WEST GIBBS ROAD, N86°26'38"W A DISTANCE OF 550.19 FEET TO A FOUND IRON PIN WITH UNREADABLE CAP; THENCE N03°50'22"E A DISTANCE OF 394.00 FEET TO A FOUND 5/8 INCH REBAR; THENCE S86°26'00"E A DISTANCE OF 545.38 FEET TO A POINT ON THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4 IN SAID WEST GIBBS ROAD; THENCE ALONG SAID EAST LINE AND WEST GIBBS ROAD, S03°08'21"W A DISTANCE OF 393.91 FEET TO THE POINT OF BEGINNING, CONTAINING 4.95 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF WEST GIBBS ROAD ON THE EAST SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE

COVENANTS OF RECORD OR FACT.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Planned Unit Development (PUD) to Planned Unit Development Revised (PUD) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Planned Unit Development (PUD) to Planned Unit Development Revised (PUD).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: 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 _____, 2021

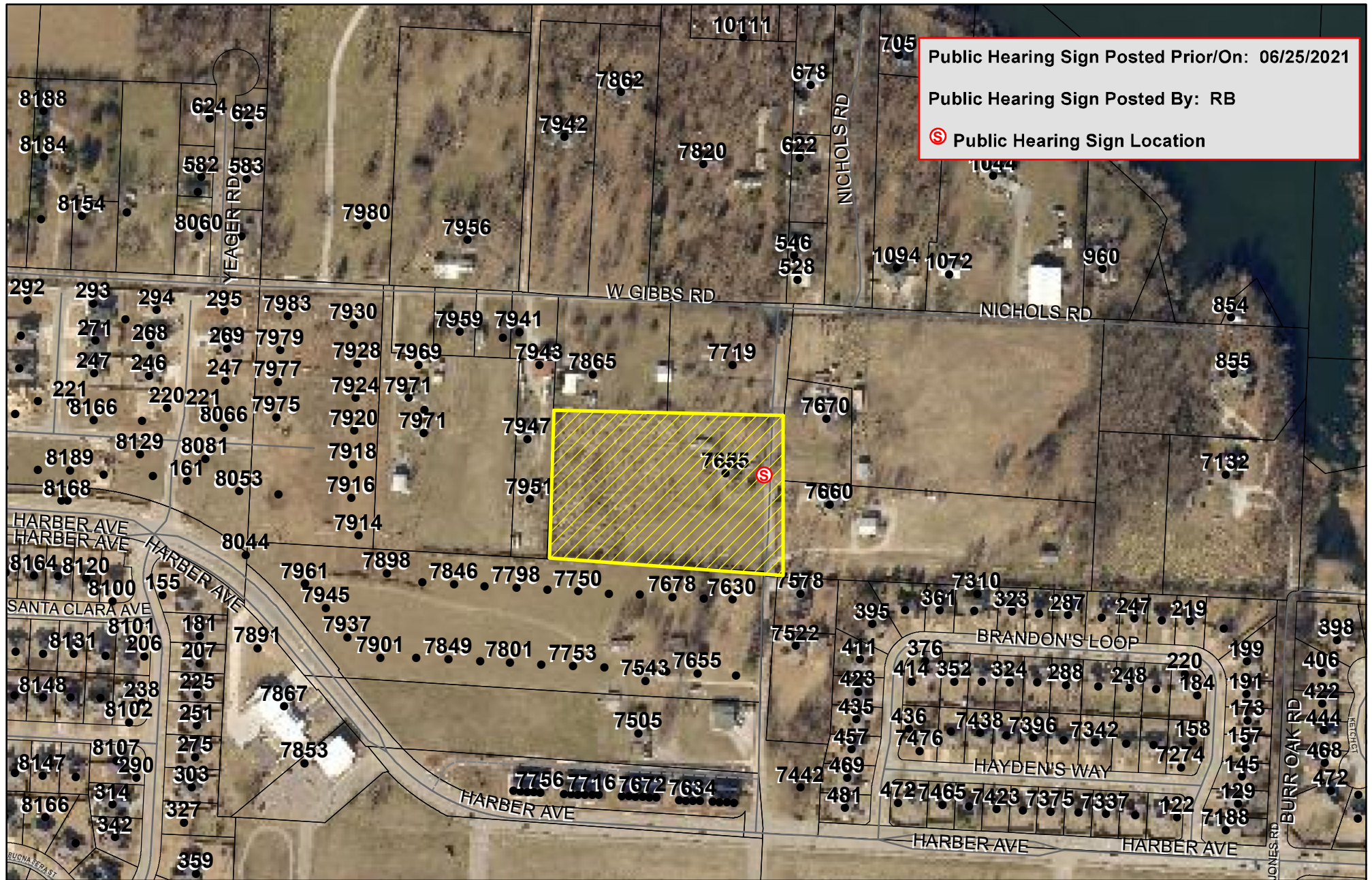
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 70 140 280 420 560
 Feet
 For Location Reference Only

FILE NO. R21-38
APPLICANT: Cadance Crossing, LLC
REQUEST: Rezoning from PUD to Revised PUD

PLANNING COMMISSION MEETING
 July 6, 2021

**DECLARATION OF COVENANTS OF ASSURANCE
AND RESTRICTIONS OF THE CADENCE CROSSING
SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS**

KNOW ALL MEN BY THE PRESENTS:

WITNESS:

WHEREAS, the undersigned is the owner of all of property referenced in Exhibit A, attached hereto and incorporated herein, which property has been subdivided into the lots of Cadence Crossing Subdivision to the City of Springdale and is reflected upon a plat of said subdivision which plat, on _____, 2021 was recorded and filed in the Plat Records of Washington County, Arkansas, in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and bears document number _____, and which plat is made a part of this Declaration, by reference, and this Declaration is likewise made a part by reference of said plat; and,

NOW, THEREFORE, the Developer declares that the real property described herein, and the soon-to-be-created lots on such property and in said Cadence Crossing Subdivision, are and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens hereinafter set forth or as hereinafter changed or amended.

ARTICLE I

PROPERTY SUBJECT TO THIS DECLARATION

1.1. The real property which is, and shall be held, transferred, sold, conveyed and occupied subject to this Declaration, is located and situated in Washington County, Arkansas, and which subdivision is located on the following lands, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

ARTICLE II

DEFINITIONS

2.1. The following terms as used in this Declaration of Covenants of Assurance and Restrictions are defined as follows:

a. "Declaration" means this Declaration of Covenants of Assurance and Restrictions for Cadence Crossing Subdivision to the City of Springdale, Arkansas.

b. "Property" means the Cadence Crossing Subdivision to the City of Springdale, Arkansas, as the same may be shown on the plat referenced hereinabove and recorded in Washington County, Arkansas.

- c. "Lot" means any numbered Lot designated on the Plat of the property, except as may be herein excepted.
- d. "Plat" means the map of the plat of Cadence Crossing Subdivision to the City of Springdale, Arkansas, as it is recorded.
- e. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any lot subject to this Declaration, except that such term shall not mean Developer regardless of whether Developer has a fee simple interest in any lot.
- f. "Developer" shall mean and refer to Chancad, LLC.
- g. "Subdivision" shall mean Cadence Crossing Subdivision to the City of Springdale, Arkansas, as per plat on file in the office of the Circuit Clerk, and Ex-Officio Recorder of Washington County, Arkansas.
- h. "Association" shall mean and refer to Cadence Crossing Homeowners Association, organized and existing pursuant to the laws of the State of Arkansas.
- i. "Common Properties" shall mean and refer to those real properties owned by or hereafter acquired by the Association including, but not limited to, any Detention Basins, as the same are shown on the Plat. Common properties are intended to be devoted to the common use and enjoyment of owners of the properties. The Association shall maintain all Common Properties.
- j. "ARC" shall mean and refer to the Architectural Review Committee as established and maintained by the Association. Initially, the ARC shall consist of members of Chancad, LLC, who shall serve until their resignation. Should anyone from Chancad, LLC resign, the person to replace them shall be determined by a majority vote of Lot Owners with Developer having votes as provided in Section 3.18. The Association may change the number and composition of the ARC by a majority vote of Lot Owners with Developer having votes as provided in Section 3.18.

ARTICLE III

RESTRICTIONS ON RESIDENTIAL LOTS

3.1. Fences: Only fences constructed of wood or wrought iron may be installed. There shall be no other fences allowed. In no event shall any fence be built which would detract from the appearance or obstruct visibility of the entry signs to the Property. All privacy fences

shall be constructed so that the framing shall be toward the inside of the Owner's Lot and shall be constructed at a height of six (6) feet to maintain uniformity. Any fence, once constructed, must be maintained by the property owner who had it constructed or their successor-in-interest. No double fences shall be allowed.

3.2. Nuisances: No noxious or offensive activities or nuisances shall be permitted on any Lot or Parcel.

3.3. Signs: No person shall erect or maintain upon any Lot, or improvement thereto, any sign or advertisement, except a real estate sign when the property is listed for sale, provided, however, that this restriction shall not apply to Developer during development and construction of the Subdivision and shall not apply to campaign signs.

3.4. Animals: No animals shall be kept or maintained on any Lot except the usual household pets which shall be kept reasonably confined so as not to become a nuisance and all Owners shall comply with applicable laws, ordinances and regulations concerning animals.

3.5. Garbage and Refuse Disposal: No Owner shall accumulate on his or her Lot litter, refuse or garbage, except in approved receptacles. All Owners shall be required to have a mandatory trash pick up as provided or required by the City of Springdale, Arkansas. Trash shall be picked up along the alleys at the rear of the lots.

3.6. Limited Access: There shall be no access to any Lot on the perimeter except from designated streets or roads within the Subdivision.

3.7. Drilling and Mining: No drilling, refining, quarrying or mining operations of any kind shall be permitted on any Lot.

3.8. Communication Towers and Satellite Dishes: No communications mast, tower, or structure may be installed on any Lot, except that satellite dishes may be installed only on the rear roof of a dwelling and shall not exceed the height of the lowest roof ridge line of such dwelling.

3.9. Parking on the Streets: Parking shall be allowed along both sides of the central street in front of lots 8 through 27. Parking shall not be allowed along the portion of the central street between lots 3 and 4. No parking is allowed along the alleys. No vehicles may be parked in front yards at any time. No semi-trailer trucks or commercial vehicles shall be allowed to park in the Subdivision, either on the streets or on the Lots, provided, however, that this restriction shall not apply to Developer during construction and development of the Subdivision. Moving trucks shall be allowed on a short-term basis.

3.10. Recreational Vehicles and Boats: Recreational and camping vehicles, trailers and boats may not be stored or parked on the Lots.

3.11. Minimum Square Footage: All Dwellings in the Subdivision shall have a minimum of eight hundred (800) square feet of heated area on the first floor, and thirteen

hundred (1,300) square feet overall, for all floors. The minimum square footage requirements is exclusive of garages, porches, patios and decks. Irrespective of other provisions regarding amendments of these covenants, the minimum square footage requirements cannot be amended except with the express approval of the Developer and the City of Springdale.

3.12. Restriction of Type of Dwelling: There shall be no Dwellings erected on any Lot other than a detached single family dwelling having an enclosed garage.

3.13. Approval of Plans by ARC: All plans for improvements to be constructed on each Lot shall be first submitted for review and approval by the ARC. Approval by the ARC must be obtained in writing before construction of any improvement on any Lot begins and any variances to the improvement initially approved must be authorized in writing by the chairman of the ARC. Developer is exempt from this requirement to obtain written approval from the ARC.

3.14. Exterior of Dwellings: All exterior walls of all Dwellings erected on the Lots shall be finished with high quality materials. Primary building materials will include brick, stone, manufactured stone, wood, and concrete siding (such as Hardy brand). Soffits and fascia may be covered with steel, vinyl, aluminum, or concrete composition materials. All roof pitches shall be a minimum of 6/12 pitch. No metal roofs shall be permitted. Roofs shall be covered with shingles using architectural composition or better.

3.15. Lot maintenance and sod: All Lots shall be maintained, mowed and kept free of noxious weeds whether they be improved or unimproved. Further, upon construction of a dwelling, the Owner shall sod the entire Lot, provided, however, that this section shall not apply to Developer during construction and development of the Subdivision. If Owner allows grass to grow such that it is more than 4 inches high, Developer or Association, shall have the right, but not the obligation, to have it mowed without giving notice to the Owner and shall charge Seventy Five Dollars (\$75.00) or the amount it costs Developer or Association to have it mowed, whichever is greater. The Development Plan requires installation of a tree on each lot, and the homeowner shall be responsible for the tree's maintenance.

3.16. Platted easements: All Lots are subject to easements that are shown on the Plat, including, but not limited to, easements for fences and entry signs.

3.17. Covenants to Run with the Land: All covenants and restrictions set forth in this Declaration are to run with the land and shall be binding on all parties, their successors, heirs and assigns, for a period of thirty (30) years from the date this Declaration is recorded; provided, however, that any time after the date this Declaration is recorded, the covenants and restrictions may be amended at any time by the record owners of at least sixty (60) percent of the total Lots in the Subdivision. The Developer shall have four (4) votes per Lot which Developer owns. All other Lot owners shall have one (1) vote per Lot. Such amendments shall be made and executed by said record owners so as to be recorded with the registrar of deeds of Washington County, Arkansas. Any such amendments must be approved by the City of Springdale.

Provided, further, that after the expiration of the thirty (30) year period set forth above and any time within six (6) months from said expiration, a majority of the Lots, through their record owners, may express their intention, in writing, so drafted and executed as to be recorded with the registrar of deeds in Washington County, Arkansas, that they no longer care for the

covenants, and the same shall then be terminated. Termination of covenants requires approval by the City of Springdale. In the event that no action is taken within the prescribed time, this Declaration shall continue for additional periods of ten years, and for any such ten year period, said covenants may be terminated in accordance with the terms for the original termination.

It is further provided that this Declaration may be amended after its execution, either by adding to or taking from said Declaration in their present form, providing that said amendment or amendments shall be incorporated in a written instrument executed by no less than a majority of the Lots, through their record owners, and which instrument shall be capable of being recorded as above referred to under the same terms and conditions thereof. Any amendment to this Declaration requires approval by City of Springdale.

3.18. Sex Offender Restriction: No person who is required to register as a sex offender pursuant to the Sex Offender Registration Act of 1997, Arkansas Code Ann. §§12-12-901, et seq., as amended from time to time or any other similar federal, state or local law, regulation, or ordinance may rent, reside in, own or occupy any Lot or Dwelling in the subdivision either permanently or temporarily.

ARTICLE IV

HOMEOWNERS ASSOCIATION AND COVENANT AND PLAN FOR MAINTENANCE AND OTHER ASSESSMENTS

4.1. Homeowners Association: Cadence Crossing Homeowners Association (referred to herein as "Association") has been or will be formed as an unincorporated association. All Lot Owners must be members of the Association and each shall automatically become a member of the Association upon the conveyance of a lot to him or her. The Association shall be governed by By-Laws accepted and approved by the Association.

All association memberships will pass with Lot ownership in the Subdivision. All Lots will carry one (1) vote in the Association, except that the Developer shall have four (4) votes per Lot which Developer owns.

4.2. Creation of Lien: Each Owner of any Lot of the Subdivision, by acceptance of a deed therefore, whether or not it shall be so expressed in any such deed, contract of purchase, or other conveyance, shall be deemed to covenant and agree to pay to the Association: (1) Annual assessments or charges; (2) special assessments for capital improvements and other purposes, such assessments to be fixed, established and corrected from time to time as hereinafter provided. The annual and special assessments, together with such interest thereon and costs of collection thereof as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. In no event shall an annual or special assessment be applicable at any time to any lot owned by the Developer and the Developer shall not be obligated to pay any annual or special assessment.

4.3. Purpose of Assessments: The assessments levied pursuant hereto by the Association shall be used for the purposes of acquisition, improvement and maintenance of the Common Properties, services and facilities devoted to this purpose and related to the use and enjoyment of the common properties, insurance thereon, and repair, replacement, and

modifications thereto, and for the cost of labor, equipment, materials, management and supervision thereof. In addition, assessments may also be used for expenses related to the necessary and reasonable operation of the Association, including, but not limited to, collection of assessments and related costs and enforcement of the covenants and restrictions of the Subdivision.

4.4. Basis and Maximum of Annual Assessments: The annual assessment for each lot shall be \$50.00. An Owner's first such assessment shall be prorated and paid to the Association at closing according to time of conveyance of a Lot to the Owner. The annual assessment may be increased, as hereinafter provided, by a majority vote of the votes entitled to be cast by the members of the Association for the next succeeding "assessment year" (beginning January 1) and at the end of each such period of one year for each succeeding period of one year. At no time shall the annual assessment per lot be increased more than twenty-five percent (25%) above the prior year's annual assessment. Said annual assessment shall be payable in advance on the 1st day of January each year. The Board of Directors may, after consideration of current maintenance costs and future needs of the Association, fix the actual assessment for any year at a lesser amount.

4.5. Special Assessments for Capital Improvements: In addition to the annual assessments authorized hereinabove, the Association may levy in any assessment year a special assessment, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of a described capital improvement upon the common properties, including the necessary fixtures and personal property related thereto, provided that any such assessment shall have the assent of 2/3 of the votes entitled to be cast by members of the Association who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be mailed to all members at the last known address of each member at least fifteen (15) days in advance and shall set forth the purpose of the meeting.

4.6. Change in Basis of Maximum of Annual Assessments: Subject to the limitations of other sections of this Article, and for the purposes therein specified, the Association may change the maximum and basis of the assessments fixed by this Article prospectively for any such period, provided that any such change shall have the assent of 2/3 of the votes entitled to be cast by members who are voting in person or by proxy, at a meeting duly called for this purpose, where a quorum is present, written notice of which shall be mailed to all members at the last known mailing address of each voting member at least fifteen (15) days in advance and shall set forth the purpose of the meeting.

4.7. Quorum for any Action Authorized Under This Article: The quorum of any action authorized by this Article, the presence at the meeting of members, or of proxies, entitled to cast fifty percent (50%) of all votes of the membership shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called, subject to the notice requirement set forth in this Article

4.8. Late Payment of Assessments: As hereinabove provided, each annual assessment shall be due and payable on the 1st day of January of each year. In the event of default as to any payment (annual or special), and if the default is not remedied within ninety (90) days, the Association shall have the option of taking such action as permitted by law or

equity and by this Declaration and the By-laws of the Association. An additional late charge of ten percent (10%) shall be assessed on any payment which is more than ninety (90) days delinquent. Costs of collection of the assessment, including reasonable attorney's fees therefor, shall also be assessed.

The due date of any special assessment under this Article shall be fixed in the resolution of the members of the Association authorizing such assessments, with the same option on the part of the Association in the event of default.

4.9. Duties of the Board of Directors: In addition to the other duties of the Board of Directors as may be set forth herein or in the By-laws of the Association, the said Board of Directors shall fix the date of any special assessment against each lot for any special assessment period at least thirty (30) days in advance of such special assessment, written notice of the special assessment shall thereupon be sent to every member subject thereto at the last known mailing address of such member.

The Secretary of the Association, upon demand at any reasonable time, shall furnish to any member liable for said assessment a certificate in writing signed by an officer of the Association, setting forth whether said assessments have been paid. Such certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.

4.10. Effect of Non-Payment of Assessment and the Lien Remedies of the Association: If the assessments (annual or special) are not paid on the date when due, then such assessment shall be come delinquent as provided in this Article and shall, together with such interest, late charges thereon and costs of collection thereof as herein provided, thereupon become a continuing lien on the lot which shall bind such lot in the hands of the then owner, its successors, heirs, devisees, personal representatives and assigns. If the assessment is not paid as provided herein, it shall bear interest from date of delinquency at the maximum rate of interest allowed by law, not to exceed ten percent (10%) per annum, and the Association may foreclose the lien against said lot, and there shall be added to the amount of such assessment the cost of attorney fees in connection with any court proceedings arising therefrom, together with all court costs, late charges and expenses incurred by the Association.

4.11. Subordination of the Lien or Mortgages: The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage or first deed of trust now or hereafter placed upon the lots subject to assessment; provided however, that such subordination shall apply only to the assessments which have become due and payable prior to a sale or transfer of such lot pursuant to a Decree of Foreclosure, or any other proceeding in lieu of foreclosure. Such sale or transfer shall not relieve such lot from liability for any assessments thereafter becoming due, nor from the lien of any such subsequent assessment.

4.12. Suspension of Rights of Membership: Prior to the foreclosure of any lien upon any lot subject to this Declaration, the Board of Directors of the Association may elect to suspend all membership rights of any member or members of the Association who are delinquent in any payment due to the Association for more than thirty (30) days, with such suspension to continue for so long as any such delinquency exists. Further, the Board of Directors may suspend membership rights for a period not to exceed thirty (30) days for the infraction of any rules or regulations by the member, family of the member or guest of the member, relating to the use of

any of the common properties. Suspension of membership rights shall be effective from the date that notice of suspension is mailed to the member via U.S. Certified mail, return receipt requested, postage prepaid, to the last known address of the said member.

4.13. Cancellation and Hearing: The said Board of Directors may elect to permanently cancel the membership and all membership rights of any member who is delinquent in any payment due to the Association for more than ninety (90) days or when such member, family of the member, or guest of the member are guilty of repeated or flagrant violation(s) after a hearing conducted by said Board of Directors, which notice of such hearing mailed to such member at least thirty (30) days in advance of said hearing date, and further provided that such member may appeal any such decision of said Board of Directors to the membership of the Association by such affected member calling a special meeting of the membership of the Association by notice mailed to each member at least ten (10) days in advance of the desired special meeting date, and said notice setting forth the time, date, place and purpose of said meeting. A majority vote of the votes entitled to be cast by the members of the Association attending such special meeting shall be necessary to override the decision of the Board of Directors, and all votes shall be by secret ballot. Notice shall be mailed by the member via U.S. Certified mail, postage prepaid, return receipt requested.

4.14 Detention Ponds: The Association shall have the responsibility of maintaining any Detention Ponds situated on the Common Properties and shall use assessments as provided in this Article IV for such purpose.

ARTICLE V

PROPERTY RIGHTS OF THE COMMON PROPERTIES

51. Members' Easement for Enjoyment: Subject to the provision of this article and related provisions set forth elsewhere herein, every member shall have a right of enjoyment in and to the Common Properties, subject to the rules and regulations governing such use as promulgated, from time to time, by the Association. Such right and easement shall be appurtenant to and shall pass with the conveyance of title to every lot.

52. Extent of Members' Rights of Enjoyment: The rights of easements of enjoyment created hereby shall be subject to the following:

- a. The right of the Association to borrow money for the purpose of acquiring, constructing, improving and maintaining the common properties and in aid thereof to mortgage said properties or execute a deed of trust or other instrument covering said properties. In the event of default upon any such mortgage, the lender shall have a right, after taking possession of such properties, to charge service or use charges, admission and other fees as a condition to continued enjoyment by the members, and if necessary to have other relief as permitted by law; and,
- b. The right of the Association to take such steps as are reasonably necessary to protect the above-described properties against foreclosure; and,

- c. The right of the Association to suspend or permanently cancel the rights of any member and membership in the Association; and,
- d. The right of the Association to charge reasonable service or use charges, admission and other fees for the use, service and enjoyment of the common properties; and,
- e. The right of the Association to limit the number of members per lot who may be entitled to the benefit of the easement of enjoyment as to the common properties by reason of ownership of a lot; and
- f. The right of individual members to have exclusive use of any of the common properties as from time to time may be granted by the Board or its designate;
- g. The right of the Association to pass and enforce rules and regulations related to use, control and maintenance of the common properties and the areas situate thereon.

ARTICLE VI

MISCELLANEOUS

6.1. Violations: If the parties hereto, or their heirs, successors or assigns or any other person shall violate or attempt to violate any of the covenants or restrictions herein while said covenants or restrictions are still in force, it shall be lawful for any person or persons owning any interest in any Lot or Lots in the Subdivision, as well as the Association, to prosecute any violation or attempted violation of any such covenant or restriction, either to prevent the person from doing so or to recover damages or other penalties and costs, including reasonable attorney's fees for such violation.

6.2. Notices: Any notice required to be sent to any Owner under the provisions of this Declaration shall be deemed to have been properly sent when mailed, postpaid, to the last known address of the person who appears as Owner on the records of the Association at the time of such mailing.

6.3. Severance: Invalidation of any one of these covenants by judgment or court order shall, in no way, affect any other provisions herein contained.

6.4. Waiver: Failure of any of the parties, their heirs, successors or assigns, to exercise any of the options contained herein upon breach by the other party, its heirs, successors or assigns, subject to this Declaration, shall not constitute a waiver of that party's right to exercise such option upon future breach.

6.5 Any changes to these covenants shall require City Council approval.

IN WITNESS WHEREOF, the undersigned has set its hand and seal this _____ day of _____, 2021.

DEVELOPER:

By: _____

_____, Member

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, appeared in person the within named _____, to me personally known, who stated that he was a Member of _____, an Arkansas limited liability company, and was duly authorized in such capacity to execute the foregoing instrument for and in the name and behalf of said company, and further stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

Witness my hand and seal as such Notary Public this _____ day of _____, 2021.

My Commission Expires:

Notary Public

**EXHIBIT "A" TO
DECLARATION OF COVENANTS OF ASSURANCE
AND RESTRICTIONS OF
THE CADENCE CROSSING SUBDIVISION
IN THE CITY OF SPRINGDALE**

SURVEY DESCRIPTION PARCEL NO. 815-33683-120:

PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 31; THENCE ALONG THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4, N03°08'21"E A DISTANCE OF 659.28 FEET TO A FOUND 5/8 INCH REBAR IN WEST GIBBS ROAD AND THE **POINT OF BEGINNING**; THENCE LEAVING SAID EAST LINE AND WEST GIBBS ROAD, N86°26'38"W A DISTANCE OF 550.19 FEET TO A FOUND IRON PIN WITH UNREADABLE CAP; THENCE N03°50'22"E A DISTANCE OF 394.00 FEET TO A FOUND 5/8 INCH REBAR; THENCE S86°26'00"E A DISTANCE OF 545.38 FEET TO A POINT ON THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4 IN SAID WEST GIBBS ROAD; THENCE ALONG SAID EAST LINE AND WEST GIBBS ROAD, S03°08'21"W A DISTANCE OF 393.91 FEET TO THE **POINT OF BEGINNING**, CONTAINING 4.95 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF WEST GIBBS ROAD ON THE EAST SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.

**Revised Development Plan for
CADENCE CROSSING P.U.D.
Planned Unit Development
May 27, 2021**

NOTE: The approved final development plan shall be binding on all subsequent owners of the land until revised or repealed as authorized in Chapter 130 of the Springdale Code of Ordinances.

General Eligibility and Staging Requirements

1. Location: The intent is to apply the PUD district to the approximately 4.95 acres included in the project, all of which are within the municipal limits of Springdale. The Comprehensive Land Use Plan designates this area for Medium Density Residential.
2. Ownership: The property is owned by Cadence Crossing LLC. Warranty deed 2021-17237 establishing current ownership is included in the application materials.
3. Project size: The subject property is 4.95 acres in size. A variance of the required 10 acre minimum size for a PUD is requested.
4. Staging: The 4.95 acres shown in the attached plans represents the entirety of the project. The developer does not anticipate bringing any additional/other properties into the PUD.

Project will be constructed as a single phase.

Developer intends to begin construction as quickly as is practical once construction plans are approved by all appropriate regulatory entities. Anticipated timeframe to complete infrastructure construction is eighteen months from City Council PUD approval.

APPLICATION REVIEW PROCEDURES

1. Three Phases:
 - a. A preapplication conference with planning and community development staff. – A pre-application conference has been held with the planning department staff.
 - b. The preliminary development plan is submitted for review and approval by the planning department staff along with the preliminary plat, rezoning application, and other supporting materials. Following staff review and revisions, revised application materials will be reviewed and potentially approved by Planning Commission and City Council.

- c. Final development plan approved as a whole or in phases by the planning commission and city council following its review for conformity with the preliminary development plan.

The final development plan shall be approved prior to the issuance of any building permits within any portion of the planned unit development and shall be recorded prior to the issuance of a building permit.

5. Civil Engineer & Land Surveyor: Engineering Services, Inc., 1207 South Old Missouri Road, Springdale, AR 72764, (479) 751-8733, bmurray@engineeringservices.com.

6. Size: Subject property is 4.95 acres in size. Legal description of the property is included below:

SURVEY DESCRIPTION PARCEL NO. 815-33683-120:

PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 31; THENCE ALONG THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4, N03°08'21"E A DISTANCE OF 659.28 FEET TO A FOUND 5/8 INCH REBAR IN WEST GIBBS ROAD AND THE **POINT OF BEGINNING**; THENCE LEAVING SAID EAST LINE AND WEST GIBBS ROAD, N86°26'38"W A DISTANCE OF 550.19 FEET TO A FOUND IRON PIN WITH UNREADABLE CAP; THENCE N03°50'22"E A DISTANCE OF 394.00 FEET TO A FOUND 5/8 INCH REBAR; THENCE S86°26'00"E A DISTANCE OF 545.38 FEET TO A POINT ON THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4 IN SAID WEST GIBBS ROAD; THENCE ALONG SAID EAST LINE AND WEST GIBBS ROAD, S03°08'21"W A DISTANCE OF 393.91 FEET TO THE **POINT OF BEGINNING**, CONTAINING 4.95 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF WEST GIBBS ROAD ON THE EAST SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.

7. Project Name: Cadence Crossing Planned Unit Development

8. Site Plan: Drawings are attached illustrating the subdivision layout, typical setbacks, connectivity, green space, and landscaping.

1. Development Strategy – Intent is to develop a 5.0 acre site as a PUD with twenty-six single-family residential lots. The entire subdivision will be residential with no commercial uses proposed or allowed. Developer intends to build and sell or lease homes on all lots. However, developer reserves the right to sell lots as market conditions warrant.

All homes will face either the central primary street or toward Gibbs Road and all will include rear load garages with driveway access from the alleyways which run along the rear of the lots.

Typical lot size is 36' wide by 100'-110' feet long.

2. Permitted Uses: The entire development will be strictly residential in nature. No commercial or industrial uses are proposed or allowed for this development. Specific Use Units allowed in Cadence Crossing PUD are:

Use Unit 1 – Citywide Public Uses by Right
Use Unit 4 – Cultural, Recreational, and Health Facilities
Use Unit 8 – Single Family Dwellings
Use Unit 9 – Zero Lot Line
Use Unit 34 – Model Home/Temporary Marketing Office

3. Site Development Requirements

A) Density, Bulk, Area and Yard Regulations

Density – 26 Single Family Lots / 4.95 Acres = 5.3 Units / Acre

Green Space (15% Minimum by City Code)
1.03 Acres Provided / 4.95 Acres = 20.8% Provided

Lot size - Single Family Residential: 37' Wide x 100'-110' Deep Typical

B) Building Setbacks

Front Setback: 12.5 Feet
Side Setback: 10 Feet on One Side and 0 Feet on Other Side
Rear: 15 Feet

CADENCE CROSSING PUD CONCEPT AND NARRATIVE

Applicant proposes a Planned Unit Development (PUD) with 26 single family residential lots on 5.0 acres in northwest Springdale. The subject property is 7655 West Gibbs Road, Washington County Parcel 815-33683-120, which is situated along the west side of West Gibbs Road and approximately 600 feet north of Har-Ber Avenue.

This property is designated for Medium Density Residential use on the City's Comprehensive Land Use Plan.

The intent of the development is to provide twenty-six rear load, single family homes along a central, primary street. The development includes a large open green space area at the south end with parking, a play structure, and picnic benches.

The project is being proposed as a Planned Unit Development to provide a style of housing not widely available in the area. The lots and houses in this development will be similar to those found along the west end of Har-Ber Meadows PUD between Jones Road and JTL Parkway. These houses feature an attractive streetscape due to the reduced front building setback and absence of front load garages, with utility pedestals, trash collection, and driveways out of sight behind the homes. Developer is seeking to create a similar aesthetic in the proposed development. The proposed PUD will include houses with a single side yard and with rear load garages accessing rear alleyways in a similar configuration to the Har-Ber Meadows houses. The spacing of houses, reduced front yards, and absence of driveways along the primary street will create an inviting space with a strong sense of community. It is difficult to achieve this concept within the City's standard zoning districts.

It is not anticipated the development will strain public services or infrastructure in the area. This area includes multiple schools, shopping, eating, health care, and other services a short distance from the proposed development. Fire Station 7 is located less than half a mile from the subject property. Har-Ber Avenue, Jones Road, Highway 112, and Highway 412 are all major vehicular corridors near the development. An existing 8" gravity sewer main is located at the southeast corner of the development, and an existing 6" water main runs along the east side of Gibbs Road. Due to the relatively small number of new homes proposed, the abundance of services available in the area, and level of infrastructure present, the proposed development is not anticipated to strain City services or adversely impact surrounding properties.

Proposed building setbacks within the PUD are not typical of standard residential zoning districts in the City. The proposed setbacks will allow the single family homes to be built on the lots as shown in the Preliminary Plat with a single side yard on one side and reduced front yards to emulate the look and feel of the Har-Ber Meadows homes discussed above.

The front building setback is proposed to be twelve and a half feet, which is significantly less than the typical Springdale residential setback of thirty feet. However, since the homes all feature rear load garages, one of the primary reasons for needing a large front setback (sufficient driveway length to avoid vehicles in driveways blocking sidewalks/streets) is removed

in this development. The proposed setbacks will still allow for a substantial front yard and landscaping for these units and provide space for water and sewer infrastructure.

Each lot will have a zero foot side setback along one side and a ten foot side setback along the other. The plat will indicate which side of each lot is subject to the ten foot wide side setback. This will allow for homes to be built on the proposed lots with a zero lot line configuration on one side and provide at least a ten foot wide yard on the other side, which is an important element of the overall concept for this development.

Rear setbacks are proposed to be fifteen feet, which is identical to the rear setback for lots 24 through 35 in Har-Ber Meadows, Phase XVIII.

Each home is required to have a rear load garage with capacity for at least two vehicles. Front loading garages or direct driveway access to West Gibbs Road or the central street are prohibited. The covenants will provide requirements regarding any accessory structures to be placed on the lots.

Primary use of the development is single family homes, with no commercial or industrial use units allowed in the development. The following specific use units will be allowed in the development:

Use Unit 1 – Citywide Public Uses by Right

Use Unit 4 – Cultural, Recreational, and Health Facilities

Use Unit 8 – Single Family Dwellings

Use Unit 9 – Zero Lot Line

Use Unit 34 – Model Home/Temporary Marketing Office

Covenants shall specify exterior building material requirements, all of which will be required to be high quality materials. Primary building materials will include brick, stone, manufactured stone, wood, and concrete siding (such as Hardy brand). Vinyl shall be allowed for soffit or fascia.

Developer intends to build then sell or lease homes on all lots. However, depending on market demand, developer reserves the right to sell lots. Plans and elevations of sample single family homes, which are similar in appearance/materials to the types of homes developer will build in this subdivision are enclosed with this development plan. To facilitate marketing and selling homes, developer may operate a temporary sales office and up to two model homes at a time in the development.

Covenants shall include various provisions to ensure the pleasing appearance of the neighborhood is maintained and which are typical of many developments. These shall include, but not be limited to, requirements related to fences, yard maintenance, and storing trash cans out of sight from the road.

The residents of the PUD will have access to several amenities. The development will have sidewalks along the central street and along Gibbs Road. 20.8% of the property will be reserved

as a large open POA lot with parking, a tot-lot with play structure, and picnic benches. An access easement between lots mid-block will allow pedestrians to access the POA lot from the central street without having to walk to the end of the development.

Home builder will be responsible for installation of one tree per lot during house construction. Installation of the tree is a requirement prior to issuance of Certificate of Occupancy, and the homeowner shall be responsible for the tree's maintenance. Developer will install trees and landscaping in common areas as shown on landscape plans. Builder and developer shall provide a standard one year warranty for each tree they install. All trees installed by developer and/or home builder shall be one of the following species:

- Alle Elm (*Ulmus americana*)
- Northern Red Oak (*Quercus rubra*)
- Shumard Oak (*Quercus shumardii*)
- Sugar Maples (*Acer saccharum*)
- Chinese Pistache (*Pistachia chinensis*)

There are three types of street sections proposed to be constructed in the subdivision.

- A) East Section of Street A: The portion of Street A between Gibbs Road and the first intersection with the alleyways has no lots fronting it and includes a landscaped median with curb and gutter through the middle of the street. This portion of the street will have a 60' wide right-of-way and measure 50' from back of curb to back of curb. Sidewalk will be installed along both sides of the street. No parking is allowed on this portion of the street.
- B) West Section of Street A: The portion of Street A between the two intersections with alleyways has lots fronting the street and does not include a median. This portion of the street will have a 53' wide right-of-way with 5' sidewalks and 7' parking lanes along each side of the street.
- C) Alley A and Alley B: The proposed alleys will be 15' wide and have a 20' wide right-of-way. No curb and gutter or sidewalks are proposed for the alleys and parking on the alleyways is prohibited.

In addition to the interior streets, the project will also include improving the west side of West Gibbs Road to master street plan requirements. This will include dedicating right-of-way, widening the street, adding curb and gutter, installing sidewalk, and installing drainage improvements where necessary.

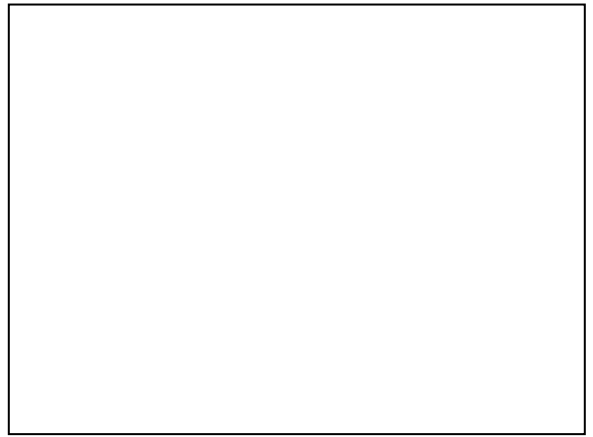
Project includes a single street connection to West Gibbs Road.

Signage for the subdivision will consist of a single monument sign in the median of the central street near the intersection with Gibbs Road. The exterior of the sign will be constructed with primarily stone, brick, and/or metal. The developer will install landscaping around the sign in accordance with the landscape plan.

Developer intends to begin construction as quickly as possible once the PUD and construction plans are approved. It is anticipated that construction of subdivision infrastructure will be complete within eighteen months of City Council approval of the PUD.

The adjacent properties to the west, north, and east are in the A-1 zoning district. The adjacent property to the south is SF-2, and the adjacent property diagonally to the southeast is SF-1.

The proposed development is compatible with existing and future land uses in this area. The development consists of single family residential lots, which is the dominant land use in this area. There are several existing residential developments in the vicinity, most of which are in the SF-2 district. It is compatible with the nearby institutional uses, which include Hellstern Middle School and Har-Ber High School. Other nearby properties that have not been developed and remain in the A-1 district appear to be primarily single family as well.



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM THOROUGHFARE COMMERCIAL DISTRICT (C-5) TO GENERAL COMMERCIAL DISTRICT (C-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of July 6, 2021 for hearing the matter of a petition of 48th and Elm Springs, LLC, requesting that the following described tract of real estate to be zoned from Thoroughfare Commercial District (C-5) to General Commercial District (C-2).

Layman's Description: NW corner of the intersection of I-49 and Elm Springs Road

Legal Description: LOT 6 FINAL PLAT OF HALL CROSSING, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD 24A AT PAGE 28. PARCEL 815-39269-000 ONLY.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Thoroughfare Commercial District (C-5) to General Commercial District (C-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Thoroughfare Commercial District (C-5) to General Commercial District (C-2).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: 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 _____, 2021

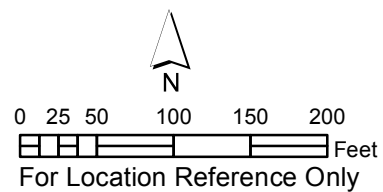
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

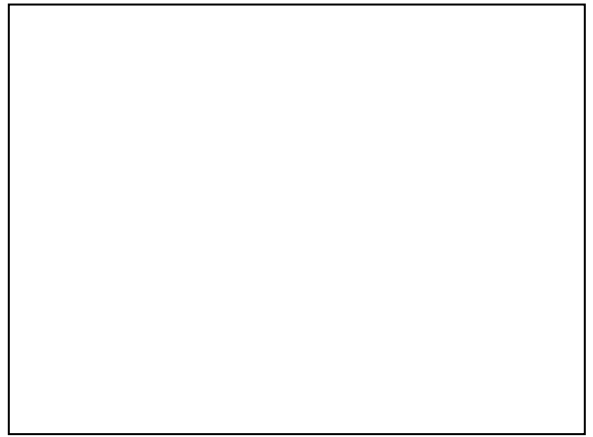
APPROVED AS TO FORM:

Ernest Cate, City Attorney



FILE NO. R21-39
APPLICANT: 48th & Elm Springs, LLC
REQUEST: Rezoning from Thoroughfare Commercial (C-5)
to General Commercial (C-2)

PLANNING COMMISSION MEETING
July 6, 2021



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM LOW/MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-2) TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-12) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of July 6, 2021 for hearing the matter of a petition of Riggins Construction, Inc. Retirement Trust, requesting that the following described tract of real estate to be zoned from Low/Medium Density Single Family Residential District (SF-2) to Medium Density Multi-family Residential District (MF-12).

Layman's Description: East side of Gene George Blvd., 400' south of Elm Springs Road

Legal Description: Lot 61, Parker's Place Subdivision, Phase II, to the City of Springdale, Washington County, Arkansas, as shown on Plat Record "23" at page 380.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Low/Medium Density Single Family Residential District (SF-2) to Medium Density Multi-family Residential District (MF-12) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Low/Medium Density Single Family Residential District (SF-2) to Medium Density Multi-family Residential District (MF-12).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: 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 _____, 2021

Doug Sprouse, Mayor

ATTEST:

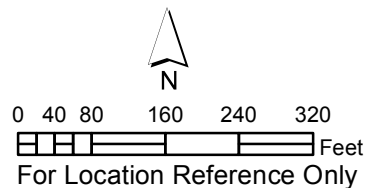
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

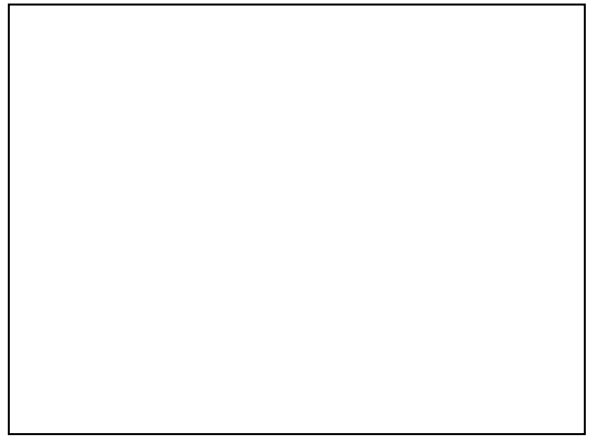


Public Hearing Sign Posted Prior/On: 06/25/2021
 Public Hearing Sign Posted By: RB
 S Public Hearing Sign Location



FILE NO. R21-41
APPLICANT: Kevin & Kari Riggins
REQUEST: Rezoning from Single Family Residential (SF-2)
to Multi-family (MF-12)

PLANNING COMMISSION MEETING
 July 6, 2021



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM GENERAL COMMERCIAL DISTRICT (C-2) TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-12) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of July 6, 2021 for hearing the matter of a petition of Thang Van Nyugen & Xuan Thi Huynh, requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) to Medium Density Multi-family Residential District (MF-12).

Layman's Description: West side of Oak Grove Road, 400' south of Elm Springs Road

Legal Description: A PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 33, T-18-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND IRON PIN AT THE SW CORNER OF SAID SW 1/4 OF THE NW 1/4; THENCE S 87°21'08" E, 559.94 FEET TO A FOUND IRON PIN; THENCE N 02°45'20" E, 347.06 FEET TO A FOUND IRON PIN; THENCE N 02°43'40" E, 309.77 FEET TO A SET IRON PIN AND THE POINT OF BEGINNING; THENCE N 02°43'40" E, 243.22 FEET TO A SET IRON PIN; THENCE S 86°57'06" E, 214.32 FEET TO A FOUND IRON PIPE; THENCE S 87°47'52" E, 550.17 FEET TO A SET MAG NAIL; THENCE S 02°47'04" W, 249.14 FEET TO A SET MAG NAIL; THENCE N 87°06'59" W, 764.21 FEET TO THE POINT OF BEGINNING, CONTAINING 4.30 ACRES, MORE OR LESS. BEING SUBJECT TO THE RIGHT-OF-WAY OF OAK GROVE ROAD AND ALSO SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from General Commercial District (C-2) to Medium Density Multi-family

Residential District (MF-12) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From General Commercial District (C-2) to Medium Density Multi-family Residential District (MF-12).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: 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 _____, 2021

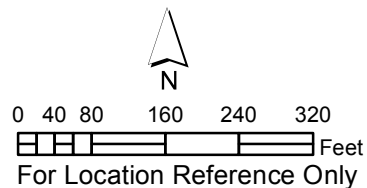
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

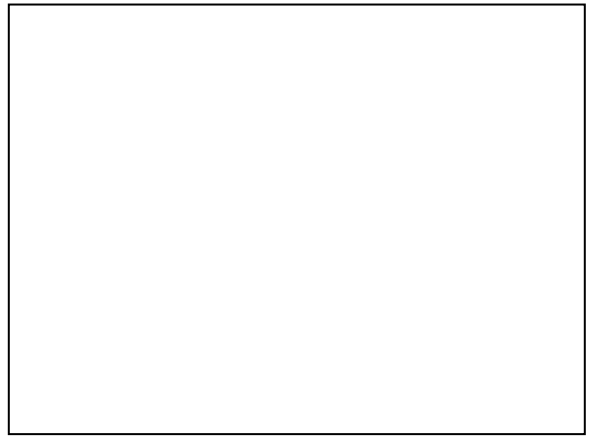


FILE NO. R21-42

APPLICANT: Thang Van Nyugen & Xuan Thi Huynh

REQUEST: Rezoning from Thoroughfare Commercial (C-2)
to Multi-family (MF-12)

PLANNING COMMISSION MEETING
 July 6, 2021



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM LARGE PRODUCT RETAIL SALES DISTRICT (C-6) TO THOROUGHFARE COMMERCIAL DISTRICT (C-5) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Benton County, gave notice required by law and set a hearing date of July 6, 2021 for hearing the matter of a petition of Wobbe Lane, LLC, requesting that the following described tract of real estate to be zoned from Large Product Retail Sales District (C-6) to Thoroughfare Commercial District (C-5).

Layman's Description: 4142 North 45th Street

Legal Description: Lots 4 and 5 of Diesel Downs Addition to the City of Springdale, Benton County, Arkansas, as shown on Plat recorded as Book & Page 2008-569.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Large Product Retail Sales (C-6) to Thoroughfare Commercial District (C-5) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Large Product Retail Sales (C-6) to Thoroughfare Commercial District (C-5).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: 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 _____, 2021

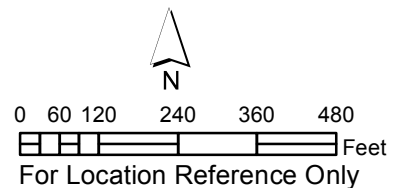
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

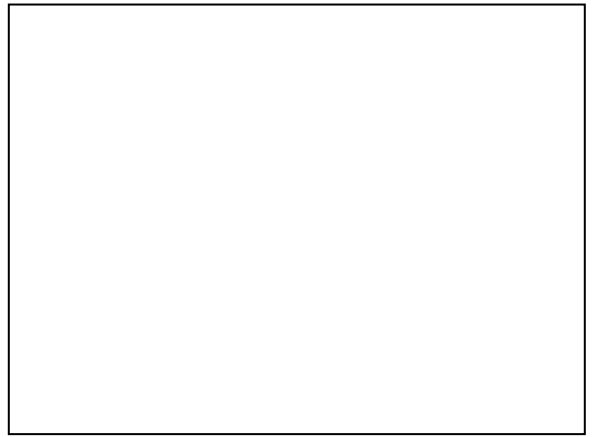
APPROVED AS TO FORM:

Ernest Cate, City Attorney



FILE NO. R21-43
APPLICANT: Wobbe Lane, LLC
REQUEST: Rezoning from Large Product Retail (C-6)
to Thoroughfare Commercial (C-5)

PLANNING COMMISSION MEETING
July 6, 2021



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM LOW/MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-2) TO HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-3) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of July 6, 2021 for hearing the matter of a petition of Parson's Family Trust, requesting that the following described tract of real estate to be zoned from Low/Medium Density Single Family Residential District (SF-2) to High Density Single Family Residential District (SF-3).

Layman's Description: North end of Thelma Street and North Pleasant Street, east of Larkspur Street

Legal Description: PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 26, SAID POINT BEING IN U.S. HIGHWAY 71B (NORTH THOMPSON STREET); THENCE ALONG THE NORTH LINE OF SAID NE 1/4 OF THE SE 1/4, N86°28'52"W A DISTANCE OF 1328.55 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID NORTH LINE, S02°22'42"W A DISTANCE OF 1,183.38 FEET; THENCE S02°22'42"W A DISTANCE OF 142.34 FEET TO THE SOUTHEAST CORNER OF SAID NW 1/4 OF THE SE 1/4; THENCE ALONG THE SOUTH LINE OF SAID NW 1/4 OF THE SE 1/4, N86°34'47"W A DISTANCE OF 669.50 FEET; THENCE LEAVING SAID SOUTH LINE, N02°49'49"E A DISTANCE OF 664.33 FEET TO A FOUND 5/8 INCH REBAR; THENCE N02°45'00"E A DISTANCE OF 263.80 FEET; THENCE N36°04'47"E A DISTANCE OF 307.13 FEET; THENCE N23°56'11"E A

DISTANCE OF 117.27 FEET; THENCE S86°51'07"E A DISTANCE OF 295.34 FEET; THENCE N24°53'11"E A DISTANCE OF 29.94 FEET; THENCE S86°28'52"E A DISTANCE OF 142.18 FEET TO THE POINT OF BEGINNING, CONTAINING 18.90 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Low/Medium Density Single Family Residential District (SF-2) to High Density Single Family Residential District (SF-3) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Low/Medium Density Single Family Residential District (SF-2) to High Density Single Family Residential District (SF-3).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: 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 _____, 2021

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 75 150 300 450 600
 Feet
 For Location Reference Only

FILE NO. R21-44
APPLICANT: Parsons Family Trust
REQUEST: Rezoning from Single Family (SF-2) to
Single Family (SF-3)

PLANNING COMMISSION MEETING
 July 6, 2021

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO J. TODD SETSER AND LAURA SETSER IN CONNECTION WITH 308 EAST LAKEVIEW DRIVE 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 308 East Lakeview Drive, a single family dwelling for J. Todd Setser and Laura Setser 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 308 East Lakeview Drive including drainage improvements related thereto, sidewalks in connection with 308 East Lakeview Drive, a single family dwelling for J. Todd Setser and Laura Setser.

Option 2: Denies a waiver of street improvements to 308 East Lakeview Drive including drainage improvements related thereto, sidewalks in connection with 308 East Lakeview Drive, a single family dwelling for J. Todd Setser and Laura Setser.

Option 3: Approves payment in lieu of improvements to 308 East Lakeview Drive in connection with 308 East Lakeview Drive, a single family dwelling for J. Todd Setser and Laura Setser with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to 308 East Lakeview Drive including drainage improvements related thereto, sidewalks s to be built in connection with 308 East Lakeview Drive, a single family dwelling for J. Todd Setser and Laura Setser.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 30 60 120 180 240
Feet
For Location Reference Only

FILE NO. W21-10
APPLICANT: Todd Setser
REQUEST: Waiver of sidewalk requirements

PLANNING COMMISSION MEETING
July 6, 2021

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO WILL PETERS IN CONNECTION WITH PARCEL 21-00273-352

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, curbs, gutters, sidewalks and street lights in connection with Parcel 21-00273-352 for Will Peters 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 the west side of Robbins Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with Parcel 21-00273-352 for Will Peters.

Option 2: Denies a waiver of street improvements to the west side of Robbins Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with Parcel 21-00273-352 for Will Peters.

Option 3: Approves payment in lieu of improvements to the west side of Robbins Road in connection with Parcel 21-00273-352 for Will Peters with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to the west side of Robbins Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with Parcel 21-00273-352 for Will Peters.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 50 100 200 300 400
Feet
For Location Reference Only

FILE NO. W21-11
APPLICANT: Petra Properties, LLC (Will Peters)
REQUEST: Waiver of subdivision requirements

PLANNING COMMISSION MEETING
July 6, 2021

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING PAYMENT OF AN
INVOICE
PROJECT NO. 18BPC1**

WHEREAS, Springdale municipal code sec. 2-158 requires approval of the governing body before paying any bill that exceeds \$1,000,000, and

WHEREAS, the City of Springdale has contracted with Milestone Construction Company, LLC to construct/renovate the Springdale Municipal Campus, and

WHEREAS, The City has received an invoice for \$1,362,986.41 for construction expenses for June 2021.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to pay Milestone Construction Company, LLC \$1,362,986.41 from the 2018 Bond Construction Fund.

PASSED AND APPROVED this 27th day of July, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RECEIVED

JUL 06 2021

APPLICATION AND CERTIFICATE FOR PAYMENT

Page: 1 of 6

TO OWNER: City of Springdale
201 Spring Street
Springdale, AR 72764

PROJECT: Springdale Municipal Campus
201 Spring Street
Springdale, AR 72764

APPLICATION NO.: 24
PERIOD TO: Jun 30, 2021
PROJECT NOS.: 1371
INVOICE NO.: 1371-24

Distribution to:
☐ OWNER
☐ ARCHITECT
☐ CONTRACTOR
☐
☐

FROM CONTRACTOR: Milestone Construction Company, LLC
2002 South 48th Street
Suite A
Springdale, AR 72762

ARCHITECT: Duvall Decker Architects, P.A.
2915 North State Street
Jackson, MS 39216

CONTRACT DATE: Jul 31, 2019

CONTRACT FOR: Springdale Municipal Campus

APPLICATION AND CERTIFICATE FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation sheet is attached.

1. ORIGINAL CONTRACT SUM	\$	35,855,288.00
2. Net change by change orders	\$	1,278,133.00
3. CONTRACT SUM TO DATE (Line1 +/- 2)	\$	37,133,421.00
4. TOTAL COMPLETED & STORED TO DATE	\$	27,772,454.39
(Column G on G703)		
5. RETAINAGE:		
(Total retainage Column I of G703)	\$	1,388,622.72
6. TOTAL EARNED LESS RETAINAGE	\$	26,383,831.67
(Line 4 less Line 5 Total)		
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT		
(Line 6 from prior Certificate)	\$	25,020,845.26
8. CURRENT PAYMENT DUE	\$	1,362,986.41
9. BALANCE TO FINISH, INCLUDING RETAINAGE		
(Line 3 less Line 6)	\$	10,749,589.33

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change Order approved in previous months by Owner		1,278,133.00	0.00
APPROVED THIS MONTH			
Number	Date Approved		
Current Total:		0.00	0.00
Net Change by Change Orders			1,278,133.00

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for payment were issued and payments received from the Owner, and that current payment shown herein is now due.

Contractor: Milestone Construction Company, LLC

By: Gregorius Date: 7/2/21

State of: Arkansas

County of: Benton

Subscribed and sworn to before

me this 2nd day of July 2021

Notary Public: Melissa Bell

My Commission expires: 8/3/29



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of Work is in accordance with the Contract Documents, and the Contractor is entitled to the payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED.....\$ 1,362,986.41

(Attach explanation if amount certified differs from the amount applied for. Initial figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: Duvall Decker Architects, P.A.

By: Ran Date: 07-14-21

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

RESOLUTION NO. _____

**A RESOLUTION GRANTING APPROVAL FOR THE MAYOR'S
ACTIONS REGARDING A GRANT FROM THE FEDERAL
AVIATION ADMINISTRATION**

WHEREAS, the Springdale Municipal Airport Commission has determined there is a need to extend the east side taxiway to the north at an expected cost of \$3,000,000; and

WHEREAS, it is the intent of the City of Springdale to submit an application for 100% funding through the Federal Aviation Administration; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to sign a grant application through the Federal Aviation Administration, and if a grant offer is made, the Mayor is authorized to accept the grant and execute all documents related thereto.

PASSED AND APPROVED this 27th day of July, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

The City Council of the City of Springdale met in regular session on Tuesday, July 13, 2021, 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
Brian Powell	Ward 1
Amelia Williams	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Mike Lawson	Ward 4
Kevin Flores	Ward 2
Randall Harriman	Ward 1
Mark Fougerousse	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Mike Irwin	Fire Chief
Mike Peters	Police Chief
Wyman Morgan	Director of Financial Services
Patsy Christie	Planning & Comm. Dev. Director
Brad Baldwin	Public Works & Eng. Director
Ron Findley	Community Engagement Director
Colby Fulfer	Chief of Staff
Mark Gutte	IT Director

PRESENTATION OF SPRINGDALE SPIRIT AWARD TO VICTORIA HENNESSEY FROM COMMUNITY PHARMACY

Mayor Sprouse presented Victoria Hennessey, owner of Community Pharmacy, the City of Springdale Spirit Award for her outstanding service to the community during the Covid-19 pandemic.

Barbara Ludwig who nominated Victoria said she was the only pharmacy in Springdale that actually set out to do mass vaccinations during the pandemic.

Victoria said she could not have done this without all the help of a lot of people in the community.

PUBLIC HEARING ON AN ORDINANCE TO ABANDON A PORTION OF A DRAINAGE EASEMENT ON LOT 73, THORNBURY SUBDIVISION, PHASE V

City Attorney Ernest Cate opened up a public hearing on an ordinance to abandon a portion of a drainage easement on Lot 73, Thornbury Subdivision, Phase V.

There were no public comments.

APPROVAL OF MINUTES

Council Member Overton moved the minutes of the June 22, 2021 City Council meeting be approved as presented. Council Member Williams made the second.

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

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Williams 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. Council Member Harriman made the second.

The vote:

Yes: Watson, Overton, Lawson, Flores, Harriman, Fougerousse, Powell, Williams

No: None

APPEAL BY MARIA PEREZ OF INGLESIA DE DIOS PENTECOSTAL M.I. ON DENIAL BY THE PLANNING COMMISSION FOR A CONDITIONAL USE REQUEST FOR A CHURCH TO BE LOCATED AT 1880 S. PLEASANT STREET

At their June 22, 2021 meeting, City Council heard an appeal by Maria Perez on Planning Commission's denial of a conditional use request at their June 1st meeting by Inglesia De Dios Pentecostal M.I. for a church to be located at 1880 S. Pleasant Street.

The application was denied by Planning Commission due to the parking spaces on the property being in conflict with other businesses at that location using them during the times set for services.

The appeal was tabled to allow the applicant to work with city staff and the owner of the building on changes that might work for the proposed church.

Ms. Perez told the council that the owner of the building cancelled the contract with the church because they could only give a one year contract. She said she has worked hard on this location and has lost money. The parking is stopping her from accomplishing her mission.

Patsy Christie said she did talk to the new owner of the building, who is different than the owner Ms. Perez originally signed the contract with, and he does not feel like he can move forward with the contract because he has some empty spaces and cannot commit to the parking she needs.

No action was taken by City Council. The Planning Commission's decision to deny stands.

ORDINANCE NO. 5618 – TO APPROVE THE ACTION OF NATURAL STATE ROCK AND REPUBLIC, LOCATED AT 500 N. MAIN STREET, SPRINGDALE, ARKANSAS, IN FILING AN APPLICATION FOR OPERATION AS A PRIVATE CLUB PERMITTED FROM THE ARKANSAS ALCOHOL BEVERAGE CONTROL DIVISION OF THE ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION; TO COMPLY WITH ARK. CODE ANN. §3-9-222(A)(1); AND TO DECLARE AN EMERGENCY

Council Member Mike Overton presented an Ordinance to approve the action of Natural State Rock and Republic, located at 500 N. Main Street, Springdale, Arkansas, in filing an application for operation as a private club permitted from the Arkansas Alcohol Beverage Control Division of the Arkansas Department of Finance and Administration; to comply with Ark. Code Ann. §3-9-222(A)(1); and to declare an emergency.

After reading the title of the Ordinance, Council Member Harriman moved the Ordinance “Do Pass”. Council Member Flores made the second.

The vote:

Yes: Overton, Lawson, Flores, Harriman, Fougerousse, Powell, Williams, Watson

No: None

Council Member Harriman moved the Emergency Clause be adopted. Council Member Flores made the second.

The vote:

Yes: Lawson, Flores, Harriman, Fougrousse, Powell, Williams, Watson, Overton

No: None

The Ordinance was numbered 5618.

RESOLUTION NO. 83-21 – ACCEPTING THE TRANSFER OF FUNDS AND CLARIFY THE RESTRICTION ON THE EXPENDITURE OF THOSE FUNDS

Council Member Jeff Watson presented a Resolution accepting the transfer of funds from the Area Agency on Aging of Northwest Arkansas Foundation and clarifying the restriction on the expenditure of those funds.

The Area Agency on Aging of Northwest Arkansas Foundation has been holding \$104,543.91 of funds donated for the construction of a new senior center in Springdale. These funds have now been transferred to the City of Springdale.

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING THE TRANSFER OF FUNDS
AND CLARIFYING THE RESTRICTION ON THE
EXPENDITURE OF THOSE FUNDS**

WHEREAS, the Area Agency On Aging of Northwest Arkansas Foundation has been holding \$104,543.91 of funds donated for the construction of a new senior center in Springdale, and

WHEREAS, these funds have been transferred to the City Springdale,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City of Springdale accepts the responsibility of safe keeping these funds and they shall be deposited into an account with the restriction that they shall only be used for the construction of a new senior center in Springdale.

PASSED AND APPROVED this ____ day of July, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Overton moved the Resolution be adopted. Council Member Lawson made the second.

The vote:

Yes: Flores, Harriman, Fougrousse, Powell, Williams, Watson, Overton, Lawson

No: None

The Resolution was numbered 83-21.

RESOLUTION NO. 84-21 – AUTHORIZING THE PUBLIC WORKS TO ORDER VEHICLES

Council Member Jeff Watson presented a Resolution authorizing the Public Works Department to order vehicles through the lease program with Enterprise for 2022.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING PUBLIC WORKS TO
ORDER VEHICLES**

WHEREAS, Enterprise expects the vehicle shortage to continue into 2022; and

WHEREAS, in 2022 the Public Works Department will need replacement vehicles and a renewal of the lease program for them, and

WHEREAS, the lease program was acquired utilizing a cooperative purchasing program as authorized by Arkansas Statue 19-11-249, therefore competitive bidding will not be required.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Council hereby authorizes the Public Works Director to renew the lease program with Enterprise, where Enterprise will be able to order vehicles for us.

PASSED AND APPROVED this ____ day of July, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Overton moved the Resolution be adopted. Council Member Lawson made the second.

The vote:

Yes: Harriman, Fougrousse, Powell, Williams, Watson, Overton, Lawson, Flores

No: None

The Resolution was numbered 84-21.

RESOLUTION NO. 85-21 – AUTHORIZING THE EXECUTION OF A CONTRACT FOR 2021
SPRINGDALE STREET OVERLAY

Council Member Jeff Watson presented a Resolution authorizing the execution of a contract with APAC Central Inc. for 2021 Springdale's Street Overlay Program in the amount of \$919,040.44.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
CONTRACT FOR 2021 SPRINGDALE STREET OVERLAY**

WHEREAS, Thirty street segments in central Springdale are planned to be overlaid as part of Springdale's 2021 Overlay Program, and

WHEREAS, Funds for this project are included in the 2021 Public Works/Street Construction Budget, and

WHEREAS, City of Springdale Engineering Department prepared specifications and requested sealed bids, and

WHEREAS, the low bid received was \$919,040.44 from APAC Central, Inc.

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

1. The Mayor is hereby authorized to execute a contract in the amount of \$919,040.44 with APAC Central, Inc. for the 2021 Springdale Street Overlay project.
2. The Mayor is authorized to approve construction change orders as long as the cumulative total of the change orders do not exceed 10% of the contract price.

PASSED AND APPROVED this ____ day of July, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Harriman moved the Resolution be adopted. Council Member Fougrousse made the second.

The vote:

Yes: Fougrousse, Powell, Williams, Watson, Overton, Lawson, Flores, Harriman

No: None

The Resolution was numbered 85-21.

RESOLUTION NO. 86-21 – AUTHORIZING THE EXECUTION OF A
CONSTRUCTION CONTRACT FOR 40TH STREET (18BPS4)

Council Member Jeff Watson presented a Resolution authorizing the execution of a construction contract with McClelland Consulting Engineers Inc. for 40th Street (18BPS4).

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A CONSTRUCTION CONTRACT FOR 40TH
STREET (18BPS4)**

WHEREAS, sealed bids were received on June 3rd 2021 for improvements to a portion of 40th Street; and

WHEREAS, McCelland Consulting Engineers, Inc. recommends that the contract be awarded to APAC-Central, Inc. for a price of \$7,593,824.44;

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

Section 1. The Mayor and City Clerk are hereby authorized to execute a contract with APAC-Central, Inc. for improvements to 40th Street for \$7,593,824.44.

Section 2. The Mayor is authorized to approve construction change orders as long as the cumulative total of the change orders does not exceed 10% of the original contract price.

PASSED AND APPROVED this ____ day of July, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Harriman moved the Resolution be adopted. Council Member Fougrousse made the second.

The vote:

Yes: Powell, Williams, Watson, Overton, Lawson, Flores, Harriman, Fougrousse

No: None

The Resolution was numbered 86-21.

RESOLUTION NO. 87-21 – AUTHORIZING PHASE II OF THE RESTORATION OF RABBIT FOOT LODGE

Council Member Mike Lawson presented a Resolution authorizing Phase II of the restoration of Rabbit Foot Lodge. Clements & Associates Architecture, Inc. estimates the cost of Phase II to be about \$553,709.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING PHASE II OF THE
RESTORATION OF RABBIT FOOT LODGE**

WHEREAS, Phase I of the restoration of Rabbit Foot Lodge is complete with a final construction cost of \$411,759.12 and

WHEREAS, the architect estimates the cost of phase II to be about \$553,709,
and

WHEREAS, the Mayor recommends the funding for phase II;

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

Section 1. Expenditures for this project will be paid from the General Fund reserves, and

Section 2. The Mayor and City Clerk are hereby authorized to execute an architecture services contract with Clements & Associates Architecture, Inc. for phase II of the Restoration of Rabbit Foot Lodge.

PASSED AND APPROVED this ____ day of July, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Lawson moved the Resolution be adopted. Council Member Williams made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Flores, Harriman, Fougrousse, Powell

No: None

The Resolution was numbered 87-21.

**RESOLUTION NO. 88-21 – AUTHORIZING THE POLICE CHIEF TO ORDER
VEHICLES**

Council Member Mike Lawson presented a Resolution authorizing the Police Chief to order twelve 2022 vehicles and renew the lease program with Enterprise.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE POLICE CHIEF TO
ORDER VEHICLES**

WHEREAS, Ford expects the vehicle shortage to continue into 2022; and

WHEREAS, in 2022 the Police Department will need 12 marked vehicles and a renewal of the lease program for unmarked vehicles, and

WHEREAS, both purchases will be made utilizing a cooperative purchasing program as authorized by Arkansas Statue 19-11-249, therefore competitive bidding will not be required.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR
THE CITY OF SPRINGDALE, ARKANSAS**, that the City Council hereby authorizes

the Police Chief to order 12 marked vehicles to be delivered in 2022 and to renew the lease program with Enterprise.

PASSED AND APPROVED this ____ day of July, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Overton made the second.

The vote:

Yes: Watson, Overton, Lawson, Flores, Harriman, Fougrousse, Powell, Williams

No: None

The Resolution was numbered 88-21.

ORDINANCE NO. 5619 – ACCEPTING A NEW ADDITION TO BE KNOWN AS SUNDANCE TO THE CITY OF SPRINGDALE, ARKANSAS AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting a new addition to be known as Sundance Subdivision located off Julio Road to the City of Springdale, Arkansas and declaring an emergency.

After reading the title of the Ordinance, Council Member Overton moved the Ordinance “Do Pass”. Council Member Fougrousse made the second.

The vote:

Yes: Overton, Lawson, Flores, Harriman, Fougrousse, Powell, Williams, Watson

No: None

Council Member Harriman moved the Emergency Clause be adopted. Council Member Williams made the second.

The vote:

Yes: Lawson, Flores, Harriman, Fougrousse, Powell, Williams, Watson, Overton

No: None

The Ordinance was numbered 5619.

ORDINANCE NO. 5620 – ACCEPTING THE REVISED FINAL PLAT OF SPRING MEADOWS SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Revised Final Plat of Spring Meadows Subdivision located south of Apple Blossom and west of Old Wire Road to the City of Springdale, Arkansas, and declaring an emergency.

After reading the title of the Ordinance, Council Member Harriman moved the Ordinance “Do Pass”. Council Member Lawson made the second.

The vote:

Yes: Flores, Harriman, Fougrousse, Powell, Williams, Watson, Overton, Lawson

No: None

Council Member Flores moved the Emergency Clause be adopted. Council Member Lawson made the second.

The vote:

Yes: Harriman, Fougrousse, Powell, Williams, Watson, Overton, Lawson, Flores

No: None

The Ordinance was numbered 5620.

ORDINANCE NO. 5621 – RELEASING, VACATING AND ABANDONING A PORTION OF A DRAINAGE EASEMENT ON LOT 73, THORNBURY SUBDIVISION, PHASE V, BENTON COUNTY, SPRINGDALE, ARKANSAS

City Attorney Ernest Cate presented an Ordinance releasing, vacating and abandoning a portion of a drainage easement on Lot 73, Thornbury Subdivision, Phase V, Benton County, 3533 Sagely Lane, Springdale, Arkansas. The petitioners are Nick and Lashonda Campbell.

The public hearing was held earlier in the meeting.

After reading the title of the Ordinance, Council Member Harriman moved the Ordinance “Do Pass”. Council Member Flores made the second.

The vote:

Yes: Fougrousse, Powell, Williams, Watson, Overton, Lawson, Flores, Harriman

No: None

Council Member Harriman moved the Emergency Clause be adopted. Council Member Flores made the second.

The vote:

Yes: Powell, Williams, Watson, Overton, Lawson, Flores, Harriman, Fougrousse

No: None

The Ordinance was numbered 5621.

ORDINANCE NO. 5622 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS AT 704 GENEVA IN THE CITY OF SPRINGDALE, ARKANSAS AND DECLARING AN EMERGENCY

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 at 704 Geneva Street in the City of Springdale and declaring an emergency.

Miguel Ramirez is the owner of the property.

After reading the title of the Ordinance, Council Member Lawson moved the Ordinance “Do Pass”. Council Member Williams made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Flores, Harriman, Fougrousse, Powell

No: None

Council Member Harriman moved the Emergency Clause be adopted. Council Member Lawson made the second.

The vote:

Yes: Watson, Overton, Lawson, Flores, Harriman, Fougrousse, Powell, Williams

No: None

The Ordinance was numbered 5622.

FORMER POLICE CHIEF TRUMAN BREWER MEMORIAL

Council Member Overton announced the family of Former Police Chief Truman Brewer appreciated the support the Springdale Police Department showed during the memorial held in his honor.

ADJOURNMENT

Council Member Overton made the motion to adjourn. Council Member Lawson made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 6:52 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer