

- **The next City Council Committee Meeting will be held on Monday, July 15th, 2024.**
- **Agenda Packet will be available on the Friday before the meeting.**

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
CITY COUNCIL CHAMBERS
201 SPRING STREET (2ND FLOOR)
Tuesday, July 9th, 2024**

5:55 p.m. Pre-Meeting Activities

Pledge of Allegiance

Invocation – Mayor Doug Sprouse

1. Call to Order – Ernest Cate, City Attorney
2. Roll Call – Denise Pearce, City Clerk/Treasurer
3. 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. Approval of Minutes – **Tuesday, June 25th, 2024. Pgs. 96-108**

6. **A Public Hearing on an Ordinance to vacate a portion of Willella Place. Presented by Ernest Cate, City Attorney.**

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-9B, and 13** (*Motion must be approved by two-thirds (2/3) of the council members*).

8. Appointments and Reappointments

A. A Resolution making an appointment to the Public Facilities Board of the City of Springdale. Presented by Mayor Doug Sprouse. Pgs. 1-2

B. A Resolution approving the appointment of Derek Gibson to fill a vacancy on the Springdale Water & Sewer Commission. Presented by Heath Ward, Springdale Water Utilities. Pgs. 3-4

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

A. An Ordinance accepting the Final Plat (FP24-07) of Spring Creek Farms Phase II, to the City of Springdale, Arkansas, and Declaring an Emergency. Pgs. 5-12

B. An Ordinance accepting the Final Plat (FP24-08) of Nature Walk Phase. I, to the City of Springdale, Arkansas, and Declaring an Emergency. Pgs. 13-18

10. **An Appeal** of the Planning Commission's denial of a Conditional Use request (Use Unit 4 in an A-1 zone) on property located at 1830 Wagon Wheel Road. Presented by Ernest Cate, City Attorney. Pgs. 19-47

11. **An Appeal** of the Planning Commission's denial of a rezoning request (C-1 to C-2) on property located at 2944 N. 48th Street. Presented by Ernest Cate, City Attorney. Pgs. 48-72

12. Finance Committee by Chairwoman Amelia Taldo – **Item 9A forwarded from Committee with recommendation for approval.**

A. A Resolution authorizing the grant of an access easement across property owned by the City of Springdale, Washington County, Arkansas. Presented by Ben Peters, Engineering Director. Pgs. 73-78

B. A Resolution waiving competitive bidding and authorizing the purchase of a greenhouse. Presented by Mayor Doug Sprouse and Kaleb Lathrom, City Horticulturalist. Pgs. 79-91

13. **An Ordinance** vacating and abandoning a portion of a public street (Willella Place), pursuant to Ark. Code Ann. §14-301-301, et seq.,

declaring an emergency; and for other purposes. Presented by Ernest Cate, City Attorney. Pgs. 92-95

14. Comments from Department Heads.

15. Comments from Council Members.

16. Comments from City Attorney.

17. Comments from Mayor.

18. Adjournment.

RESOLUTION NO. _____

**A RESOLUTION MAKING AN APPOINTMENT TO
THE PUBLIC FACILITIES BOARD
OF THE CITY OF SPRINGDALE**

WHEREAS, Don Gibson, Seat #5, honorably served the Public Facilities Board with a term set to expire on January 31, 2027 until his untimely passing, and

WHEREAS, A.C.A. 14-137-108 provide that appointments for these positions will be nominated by a majority of the board and appointed by the Mayor subject to approval of the City Council, and

WHEREAS, the Public Facilities Board has recommended the appointment of Murry Cline to Seat #5, fulfilling the remaining term that is set to expire on January 31, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Murry Cline is hereby appointed as a board member to Seat #5 of the Public Facilities Board to fulfill the remaining term that is set to expire on January 31, 2027.

PASSED AND APPROVED this 9th day of July, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

July 3, 2024

Mayor Doug Sprouse
201 N. Spring Street
Springdale, AR 72764

Mayor Sprouse,

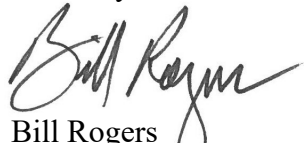
With the untimely passing of Mr. Don Gibson, vice chairman of the Springdale Public Facilities Board, the Board is required by state law to provide you with recommendations to fill the position vacated by Mr. Gibson's death.

On behalf of the Board, please find below a list of five community leaders its members at their July meeting unanimously approved for your consideration:

- **Murry Cline: APAC Central - General Manager**
- Mike Gilbert: Buffalo Builders – Partner/COO
- Diana McDaniel: Prosper Med - CEO/Consultant
- Russ Reynerson: Legacy National Bank – SVP Credit Risk Manager
- Mike Stevens: H&R Block – Franchisee; Quadrivium - Partner/Director of RMM and Automation

All five individuals are willing to serve and understand they will be completing Mr. Gibson's term that expires Jan. 31, 2027. I am happy to answer any questions you may have about these individuals, each of whom would be an excellent addition to the Board.

Sincerely,



Bill Rogers
President / CEO

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE
APPOINTMENT OF DEREK GIBSON TO FILL
A VACANCY ON THE SPRINGDALE WATER &
SEWER COMMISSION**

WHEREAS, the Springdale City Council adopted Ordinance No. 3592, thereby establishing a five-member board of Water and Sewer Commissioners;

WHEREAS, due to the resignation of Shane Acosta, the remaining Commissioners desire that Derek Gibson be appointed to fulfill the remainder of the term on the Springdale Water & Sewer Commission which will expire on July 13, 2028; and

WHEREAS, pursuant to Ark. Code Ann. §14-234-304(d), in the event of a vacancy on the Commission, the vacancy shall be filled by the remaining Commissioners appointing a member, subject to the approval of two-thirds ($\frac{2}{3}$) of the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the appointment of Derek Gibson to fulfill the remainder of the term on the Springdale Water & Sewer Commission, with a term expiration date of July 13, 2028, is hereby approved.

PASSED AND APPROVED this 9th day of July, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

RESOLUTION NO. 16-24

A RESOLUTION APPOINTING A MEMBER TO THE SPRINGDALE WATER AND SEWER COMMISSION TO FILL THE VACANCY OF SHANE ACOSTA.

WHEREAS, Shane Acosta tendered his resignation from the Springdale Water and Sewer Commission as of November 1, 2023; and

WHEREAS, Arkansas Code § 14-234-304 shall direct the filling of a member vacancy to the commission by the appointment of the remaining commissioners; and

WHEREAS, this vacancy appointment is subject to two thirds (2/3) approval of the City Council of the City of Springdale, Arkansas; and

WHEREAS, the remaining commissioners of the Water and Sewer Commission voted to recommend Derek Gibson to serve on the Water and Sewer Commission;

NOW THEREFORE BE IT RESOLVED by the Water and Sewer Commission of Springdale, Arkansas that Derek Gibson is hereby appointed to fill the vacancy of Shane Acosta as a member of the Springdale Water and Sewer Commission subject to the above mentioned provisions of Arkansas Code § 14-232-304;

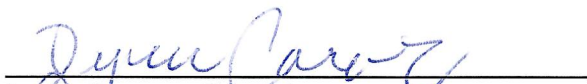
NOW THEREFORE BE IT FURTHER RESOLVED by the Water and Sewer Commission of Springdale, Arkansas that the term of said appointed member will expire July 13, 2028.

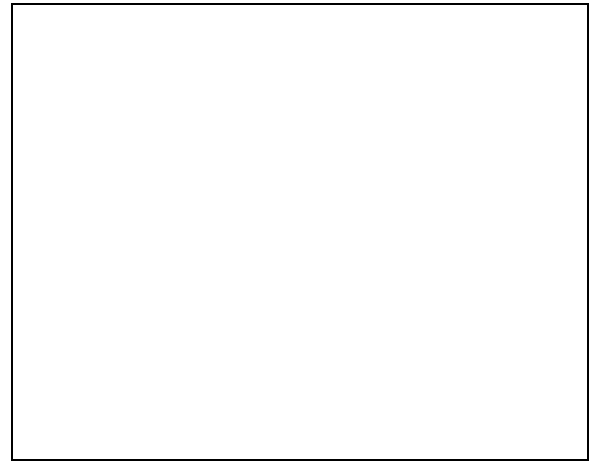
PASSED AND APPROVED THIS 19 DAY OF June, 2024.



Chris G. Weiser, Chair

ATTEST:


Lynn Carver, Secretary



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING THE FINAL PLAT (FP24-07)
OF SPRING CREEK FARMS PHASE II IN THE CITY OF
SPRINGDALE, ARKANSAS, AND DECLARING AN
EMERGENCY**

BE IT KNOWN BY THE CITY OF SPRINGDALE, ARKANSAS:

WHEREAS, there has been duly presented to the City Planning Commission of Springdale, Arkansas, a plat of certain lands in the City of Springdale, Benton County, Arkansas, being more particularly described as follows, to-wit:

LEGAL DESCRIPTION:

A part of the West half (W1/2) of the Southeast (SE1/4) of Section 18, Township 18 North, Range 30 West, also being portions of the parcels of land described at Deed Instrument #L201970338 in the public records of Benton County, Arkansas, being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch rebar found in the Southwest Corner of Lot 103 of Spring Creek Subdivision, Phase 1 per Plat Instrument #L202407532;

THENCE along the South Line of said Phase 1, the following six (6) courses:

1. South 82°41'18" East, 388.61 feet to a 5/8-inch rebar with cap LS1618;
2. South 07°18'42" West, 22.00 feet to a 5/8-inch rebar with cap LS1618;
3. South 82°41'18" East, 495.61 feet to a 5/8-inch rebar with cap LS1618;
4. South 85°54'05" East, 56.05 feet to a 5/8-inch rebar with cap LS1618;
5. North 89°54'24" East, 46.00 feet to a 5/8-inch rebar with cap LS1618;
6. North 89°47'36" East, 97.00 feet to a 5/8-inch rebar with cap LS1618;

THENCE departing said South Line, South 00°12'24" East, 120.00 feet to a 5/8-inch rebar with cap LS1618 set on the East Right-of-way of Scenic Valley Avenue; THENCE along said East Right-of-way, South 18°29'53" East, 48.45 feet to a 5/8-inch rebar with cap LS1618; THENCE departing said East Right-of-way, South 00°00'38" East, 187.00 feet to a 5/8-inch rebar with cap LS1618 set on the North Right-of-way of U.S. Highway 412 per ARDOT Job #001966;

THENCE along said North Right-of-way the following four (4) courses:

1. South 89°47'36" West, 488.99 feet to a 5/8-inch rebar with cap LS1618;
2. North 78°40'30" West, 161.97 feet to a 5/8-inch rebar with cap LS1618;
3. North 82°41'18" West, 167.89 feet to a 5/8-inch rebar with cap LS1618;
4. North 87°43'12" West, 227.78 feet to a 5/8-inch rebar with cap LS1618 set on the East Right-of-way of W. Miller Road per ARDOT Job #001966;

THENCE along said East Right-of-way, North 05°56'11" West, 388.99 feet to a 5/8-inch rebar with cap LS1618; THENCE continuing along said East Right-of-way, North 08°54'48" West, 44.03 feet to the **POINT OF BEGINNING** containing 408,107 square feet or 9.37 acres, more or less.

AND WHEREAS, said Planning Commission, after conducting a public hearing, has approved the final plat as presented by the petitioner and has approved the dedication of streets, rights-of-way, and utility easements as shown upon said final plat (FP24-07) and joined with the said petitioner in petitioning the City Council to accept the said plat of Spring Creek Farms Subdivision Phase II to the City of Springdale, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the final plat (FP24-07) of Spring Creek Farms Subdivision Phase II, to the City of Springdale, Arkansas, as shown on the final plat approved by the City Planning Commission, a copy of which is attached to this Ordinance and made a part hereof as though set out herein word for word, be and the same is hereby accepted by the City of Springdale, Benton County, Arkansas, and the City hereby accepts for use and benefit to the public the dedications contained therein.

EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety, and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Final Plat Spring Creek Farms, Phase II

West Miller Road
City of Springdale, Benton County, Arkansas

Certificates of Acceptance:

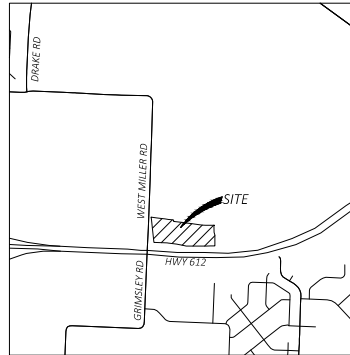
The undersigned hereby certify that this plat meets current regulations of the City of Springdale and regulations of the Arkansas State Board of Health as each pertains to this plat and to the offices of responsibility shown below.

	Date	Signature
Acceptance of Dedications	_____	City Clerk
		Mayor
Commission	_____	Secretary, Planning Commission
		Chairman, Planning Commission
Approval for Recording	_____	Director, Planning and Community Development Division
Water and Sewer	_____	Engineer, Springdale Water Utilities
Streets and Drainage	_____	Director of Engineering

GENERAL NOTES:

- Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate: Easements, other than those shown on this plat; building setback lines, restrictive covenants; subdivision restrictions; zoning or other land-use regulations, or any other facts which an accurate and current title search may disclose.
- This plat represents a Final Plat of the parcel recorded in Deed Records, Deed Instrument #L202407532 in the public records of Benton County, Arkansas.
- Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied to the surveyor.
- Declaration is made to the original purchaser of the survey and is not transferable to any additional institutions or subsequent owners.
- Basis of Bearings: All bearing and distances shown hereon are grid based on Arkansas State Plane Coordinate System, NAD83, North Zone, as established by a Static observation processed through OPUS.
- Site Benchmark: See Sheet 3 for benchmark information block.
- This survey is valid only if the drawing includes the seal and signature of the surveyor.
- This survey meets the current Arkansas Standards of Practice for Property Boundary Surveys and Plats.
- Underground utilities were located by visible above ground markings as marked by utility locators and shown hereon as located by CEI Engineering Associates, Inc. survey field crews. All utility locations shown hereon are approximate. All utilities may not have been marked/located by the appropriate locators. No excavation has taken place as of this date to determine the exact location of existing underground utilities shown on this survey.
- The contractor is advised to contract the 811 One-Call Center before any construction begins, depending on the state there is a possibility of a severe penalty for not making this call. Not all utility companies are members of the One-Call Systems. Therefore the contractor is advised to contract all non-members as well as the One-Call System.
- The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.
- By scaled map location and graphical plotting only. This property is located unshaded Zone "X" which are areas determined to be outside the 0.2% annual chance floodplain determined by the National Flood Insurance Program, Flood Insurance Rate Map for Benton County, Arkansas.
Map Number: 05007C0430
Map Revised: September 28, 2007
- No attempt was made to show the zoned building setback lines graphically on the survey. The assignment, vacation, or orientation of setbacks that impact the usage rights of the property are determined by the local governing jurisdictional agency. Setback dimensions will be based on the orientation of the building(s) to be constructed as approved.
- No current zoning report or letter regarding zoning classification was provided to the Surveyor, the following information was obtained from the City of Springdale GIS map. This property is zoned SF-2 (Low/Medium Density Single Family Residential). Building setbacks for zone SF-2 are as follows:

Single Family	
Front	30 Feet
Rear	20 Feet
Side (Interior)	8/8 Feet
Side (Corner/Interior)	8 Feet
Side (Exterior)	30 Feet
- At the time of Final Plat, the sanitary sewer lift station is incomplete. No dwelling shall receive a certificate of occupancy or water meter until all items of construction related to water and sewer improvements are 100% complete at the sole discretion and determination of Springdale Water Utilities.
- See Deed Instrument #L20225948 for complete list of building restrictions within 100' easement.



VICINITY MAP

NOT TO SCALE
Latitude: 36°13'48"N
Longitude: 94°12'58"W

Owner
Parcel Number #21-00167-340 And 21-02202-000 Paul Pinkley Construction Inc. 7746 West Redbud Street Rogers, Arkansas 72758

Engineer/Surveyor:
CEI Engineering Associates, Inc. 3108 SW Regency Parkway Bentonville, AR 72712 Phone: (478) 273-9472 Fax: (479) 271-0536 Engineer: Nate Bachelor Surveyor: Dustin Riley, Arkansas PLS #1618



Certificate of Transmittal, Ownership, and Ordinance:

We, _____, owners of the real estate shown and described herein, on this date, _____, do hereby dedicate the public streets and easements shown upon this plat. Said public streets and easements shall be for the benefit of the City of Springdale, Arkansas and its Franchise Utilities, a perpetual easement right, privilege, and authority to enter upon the lands of the undersigned grantor, and to place, construct, reconstruct, erect, excavate, add to, relocate, rebuild, modify, change operative voltage level, repair, replace, patrol, operate and maintain on, over, and under the described lands, and in and upon all streets, roads, highways, and other rights of way abutting said premises, underground pipelines, cables of one or more circuits to serve as service, distribution, or transmission lines, or combinations of all, to transmit gas, water, sewer, drainage (excluding detention ponds), electrical energy and communications, including but not limited to buried pipelines or buried or above ground pipeline appurtenances, cable, transformers, junction cabinets, vaults, and other appurtenances necessary thereto, together with the right of ingress and egress to and from the lines of the City and Franchise Utilities over the lands of the grantors for the purpose of installing, repairing, replacing, upgrading or otherwise accessing the utility systems to be installed in the easement, which said lands are described under the legal description on this plat.

Grantors do also hereby grant and convey to the City and Franchise Utilities the perpetual right to clear and keep clear by cutting, trimming, spraying, or removing by any other manner all brush, trees, timber, and vegetation within the defined easement. All parties agree that no structures shall be constructed within the said easement, or any shrubs, trees, or fences be planted or constructed that may interfere or endanger said utilities.

Grantors agree to make no use of, nor permit others to make any use of said easement that would reduce in clearance or in any other way interfere with the proper and safe operation and or maintenance of the utility facilities.

[PRINTED COMPANY NAME IF APPLICABLE]

Owner Signature Printed Name of Signee Date Owner Signature Printed Name of Signee Date

Certificate of Transmittal, Ownership, and Ordinance:

The undersigned hereby transmit this plat to the City of Springdale for approval and acceptance and certify to be the owner of the property described and hereby dedicate all streets, alleys, easements, parks, and other open spaces to public or private use as shown on the plat. The undersigned certify that the platting as filed on record cannot be changed unless vacated pursuant to applicable local or other law.

Certificate of Ownership & Dedication:

I hereby certify that I am the owner of the property described hereon and I do hereby dedicate all street, access, utility, & drainage easements to public or private use as indicated.

Date: _____ Owner: _____
Subscribed and sworn before me, this _____ day of _____, 2024.

Notary Public _____ My Commission Expires _____

REVISION		
NO.	DESCRIPTION	DATE
1	1st. Sub. Comm.	06/19/2024
2	2nd. Sub. Comm.	07/01/2024



Certificate of Surveying Accuracy

I, Dustin Riley, hereby declare that I have this day completed a survey of the herein described property. The property lines and corner monuments are, to the best of my knowledge and ability, correctly established, and there are no apparent encroachments except as shown on this plat, and this plat is a true representation of the topographic and physical features as found in the field.

Date of Execution: 7-3-2024
Signed: _____
Dustin Riley, Registered Land Surveyor
No. 1618
State of Arkansas

City of Springdale Project # FP24-07

Station Survey Code: 500-18N-30W-D-18-102-04-1618



CEI ENGINEERING ASSOCIATES, INC.
2600 NE 11TH ST, SUITE 300
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844
CORPORATE TBPLS FIRM #10031500

3030 LBJ FREEWAY, SUITE 920
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732

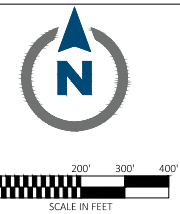
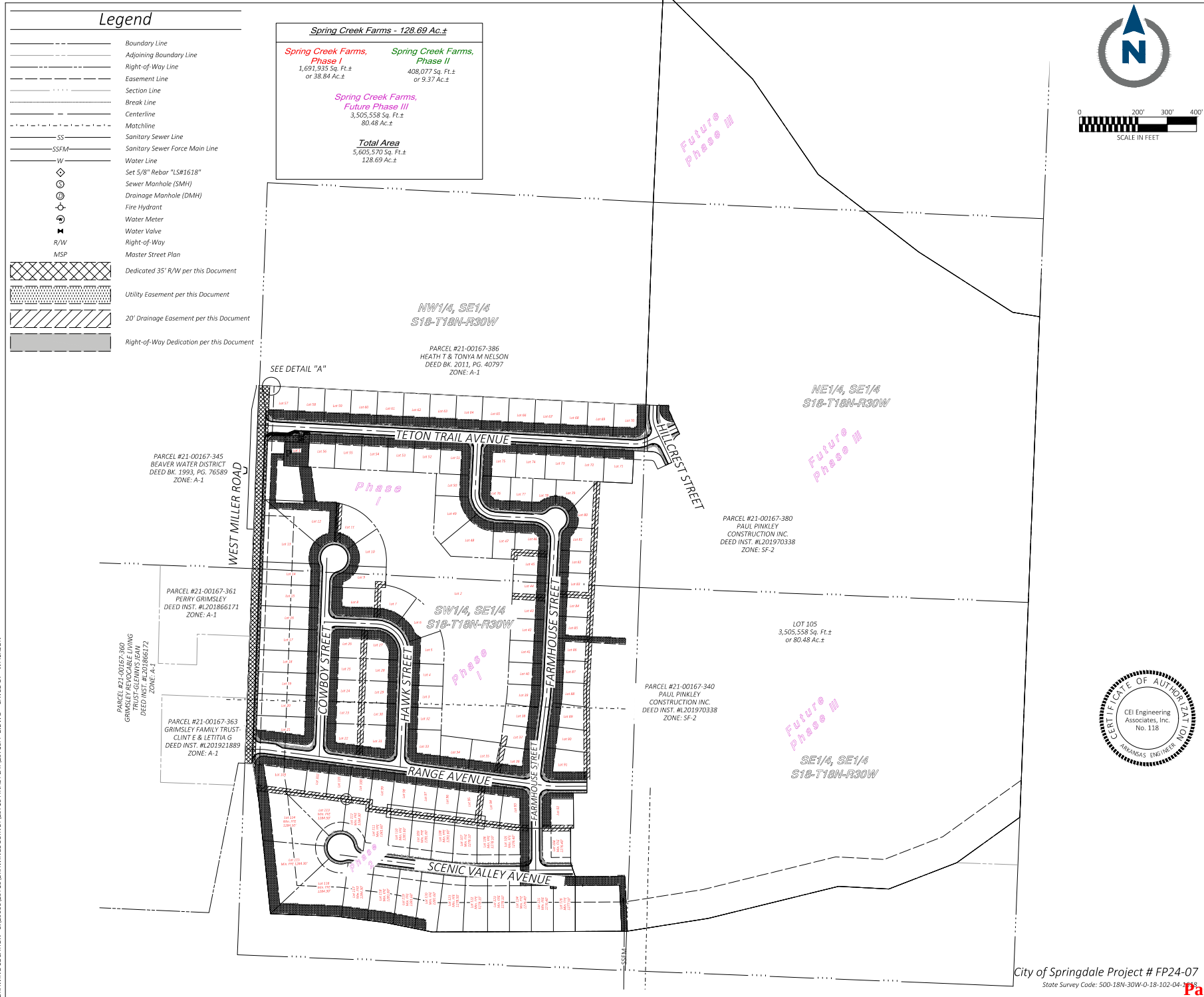
Final Plat
Spring Creek Farms, Phase II
West Miller Road
City of Springdale, Benton County, Arkansas



DESIGNER	WSG
FIELD WORK	KDM
CEI PROJECT NUMBER	29710
DATE	7/1/2024
REVISION	REV-2

COVER	
SHEET TITLE	
SHEET NUMBER	

DRAWING LOCATION - S:\2000\2910\DRAWINGS SURVEY\2910\FP2-07.DWG -- SAVED BY - WPIERSON



CEI ENGINEERING ASSOCIATES, INC.
2600 NE 11TH ST, SUITE 300
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844
CORPORATE TBPLS FIRM #10031500

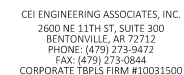
3030 LBJ FREEWAY, SUITE 920
DALLAS, TX 75224
PHONE: (972) 488-3737
FAX: (972) 488-6732

Final Plat
Spring Creek Farms, Phase II
West Miller Road
City of Springdale, Benton County, Arkansas



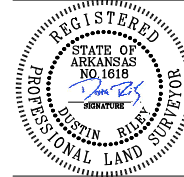
PROFESSIONAL OF RECORD	DGR
DESIGNER	WSG
FIELD WORK	KDM
CEI PROJECT NUMBER	29710
DATE	7/1/2024
REVISION	REV-2

OVERVIEW
SHEET TITLE
SHEET NUMBER



3030 LBJ FREEWAY, SUITE 920
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732

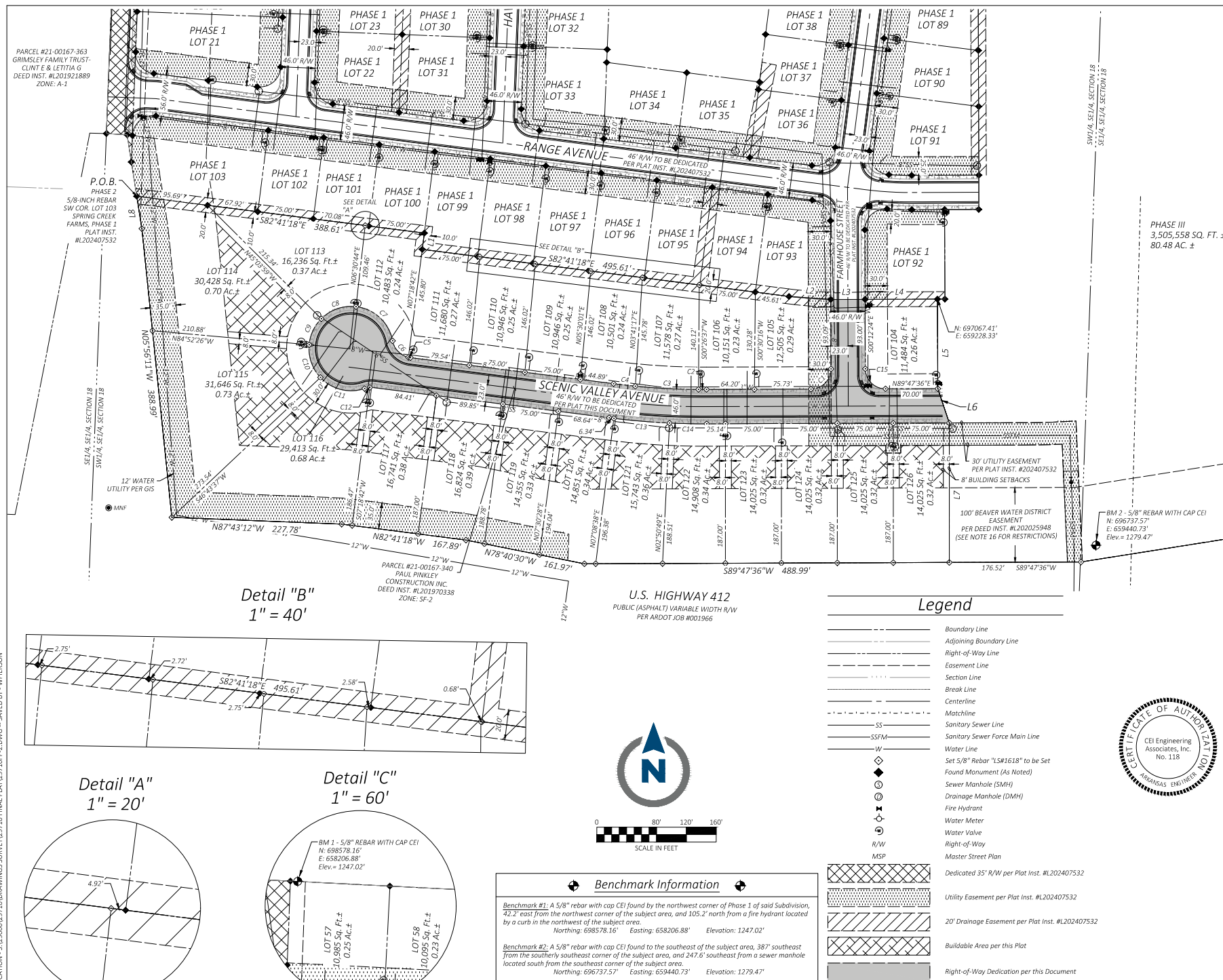
Final Plat
Spring Creek Farms, Phase II
West Miller Road
City of Springdale, Benton County, Arkansas



PROFESSIONAL OF RECORD	DGR
DESIGNER	WSG
FIELD WORK	KDM
CEI PROJECT NUMBER	29710
DATE	7/1/2024
REVISION	REV-2

SOUTH
SHEET TITLE
SHEET NUMBER

Page 3 OF 4



City of Springdale Project #FP24-07

State Survey Code: 500-18N-30W-0-18-102-04

DRAWING LOCATION - S:\20000\29710\DRAWINGS SURVEY\29710 FINAL PLAT\29710FP-2.DWG -- SAVED BY - WPIERSON

Area Lot Tables		
Lot #	Square Feet	Acres
Lot 104	11,484	0.26
Lot 105	12,505	0.29
Lot 106	10,151	0.23
Lot 107	11,578	0.27
Lot 108	10,501	0.24
Lot 109	10,946	0.25
Lot 110	10,946	0.25
Lot 111	11,680	0.27
Lot 112	10,483	0.24
Lot 113	16,236	0.37
Lot 114	30,428	0.70
Lot 115	31,646	0.73
Lot 116	29,413	0.68
Lot 117	16,741	0.38
Lot 118	16,824	0.39
Lot 119	14,355	0.33
Lot 120	14,851	0.34
Lot 121	15,743	0.36
Lot 122	14,908	0.34
Lot 123	14,025	0.32

Lot Curve Table					
Curve #	Radius	Length	Delta	Chord Bearing	Chord Distance
C1	27.00'	42.41'	90°00'00"	N44°47'36"E	38.18'
C2	952.00'	10.80'	0°39'00"	S89°52'53"E	10.80'
C3	952.00'	84.74'	5°06'00"	S87°00'24"E	84.71'
C4	952.00'	29.38'	1°46'06"	S83°34'21"E	29.38'
C5	28.00'	2.80'	5°43'33"	S79°49'31"E	2.80'
C6	28.00'	32.43'	66°21'14"	S43°47'08"E	30.64'
C7	56.50'	71.87'	72°52'46"	S47°02'53"E	67.12'
C8	56.50'	50.86'	51°34'42"	N70°43'22"E	49.16'
C9	56.50'	39.25'	39°48'27"	N25°01'48"E	38.47'
C10	56.50'	47.73'	48°23'57"	N19°04'25"W	46.32'
C11	56.50'	64.43'	65°20'05"	N75°56'26"W	60.99'
C12	27.41'	12.67'	26°29'23"	S84°21'07"W	12.56'
C13	998.00'	74.85'	4°17'50"	N85°12'04"W	74.83'
C14	998.00'	49.76'	2°51'25"	N88°46'41"W	49.76'
C15	27.00'	42.41'	90°00'00"	N45°12'24"W	38.18'

Area Lot Tables		
Lot #	Square Feet	Acres
Lot 124	14,025	0.32
Lot 125	14,025	0.32
Lot 126	14,025	0.32

Buildable Area		
Lot #	Square Feet	Acres
Lot 114	9,066	0.21
Lot 115	7,933	0.18
Lot 116	6,012	0.14
Lot 117	4,198	0.10
Lot 118	4,216	0.10
Lot 119	3,610	0.08
Lot 120	3,938	0.09
Lot 121	3,890	0.09
Lot 122	3,539	0.08
Lot 123	3,362	0.08
Lot 124	3,363	0.08
Lot 125	3,342	0.08
Lot 126	3,343	0.08

Property Line Table		
Line #	Direction	Length
L1	S07°18'42"W	22.00'
L2	S85°54'05"E	56.05'
L3	N89°54'24"E	46.00'
L4	N89°47'36"E	97.00'
L5	S00°12'24"E	120.00'
L6	S18°29'53"E	48.45'
L7	S00°00'38"E	187.00'
L8	N08°54'48"W	44.03'

Survey Description, Phase II
Parcel #21-00167-340 & #21-02202-000

A part of the West half (W1/2) of the Southeast (SE1/4) of Section 18, Township 18 North, Range 30 West, also being portions of the parcels of land described at Deed Instrument #L201970338 in the public records of Benton County, Arkansas, being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch rebar found in the Southwest Corner of Lot 103 of Spring Creek Subdivision, Phase 1 per Plat Instrument #L202407532;

THENCE along the South Line of said Phase 1, the following six (6) courses:

1. South 82°41'18" East, 388.61 feet to a 5/8-inch rebar with cap LS1618;
2. South 07°18'42" West, 22.00 feet to a 5/8-inch rebar with cap LS1618;
3. South 82°41'18" East, 495.61 feet to a 5/8-inch rebar with cap LS1618;
4. South 85°54'05" East, 56.05 feet to a 5/8-inch rebar with cap LS1618;
5. North 89°54'24" East, 46.00 feet to a 5/8-inch rebar with cap LS1618;
6. North 89°47'36" East, 97.00 feet to a 5/8-inch rebar with cap LS1618;

THENCE departing said South Line, South 00°12'24" East, 120.00 feet to a 5/8-inch rebar with cap LS1618 set on the East Right-of-way of Scenic Valley Avenue;

THENCE along said East Right-of-way, South 18°29'53" East, 48.45 feet to a 5/8-inch rebar with cap LS1618;

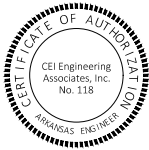
THENCE departing said East Right-of-way, South 00°00'38" East, 187.00 feet to a 5/8-inch rebar with cap LS1618 set on the North Right-of-way of U.S. Highway 412 per ARDOT Job #001966;

THENCE along said North Right-of-way the following four (4) courses:

1. South 89°47'36" West, 488.99 feet to a 5/8-inch rebar with cap LS1618;
2. North 78°40'30" West, 161.97 feet to a 5/8-inch rebar with cap LS1618;
3. North 82°41'18" West, 167.89 feet to a 5/8-inch rebar with cap LS1618;
4. North 87°43'12" West, 227.78 feet to a 5/8-inch rebar with cap LS1618 set on the East Right-of-way of W. Miller Road per ARDOT Job #001966;

THENCE along said East Right-of-way, North 05°56'11" West, 388.99 feet to a 5/8-inch rebar with cap LS1618;

THENCE continuing along said East Right-of-way, North 08°54'48" West, 44.03 feet to the POINT OF BEGINNING containing 408,107 square feet or 9.37 acres, more or less.



CEI ENGINEERING ASSOCIATES, INC.
2600 NE 11TH ST., SUITE 300
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-9844
CORPORATE TBPLS FIRM #10031500

3030 LBJ FREEWAY, SUITE 920
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732

Final Plat
Spring Creek Farms, Phase II
West Miller Road
City of Springdale, Benton County, Arkansas



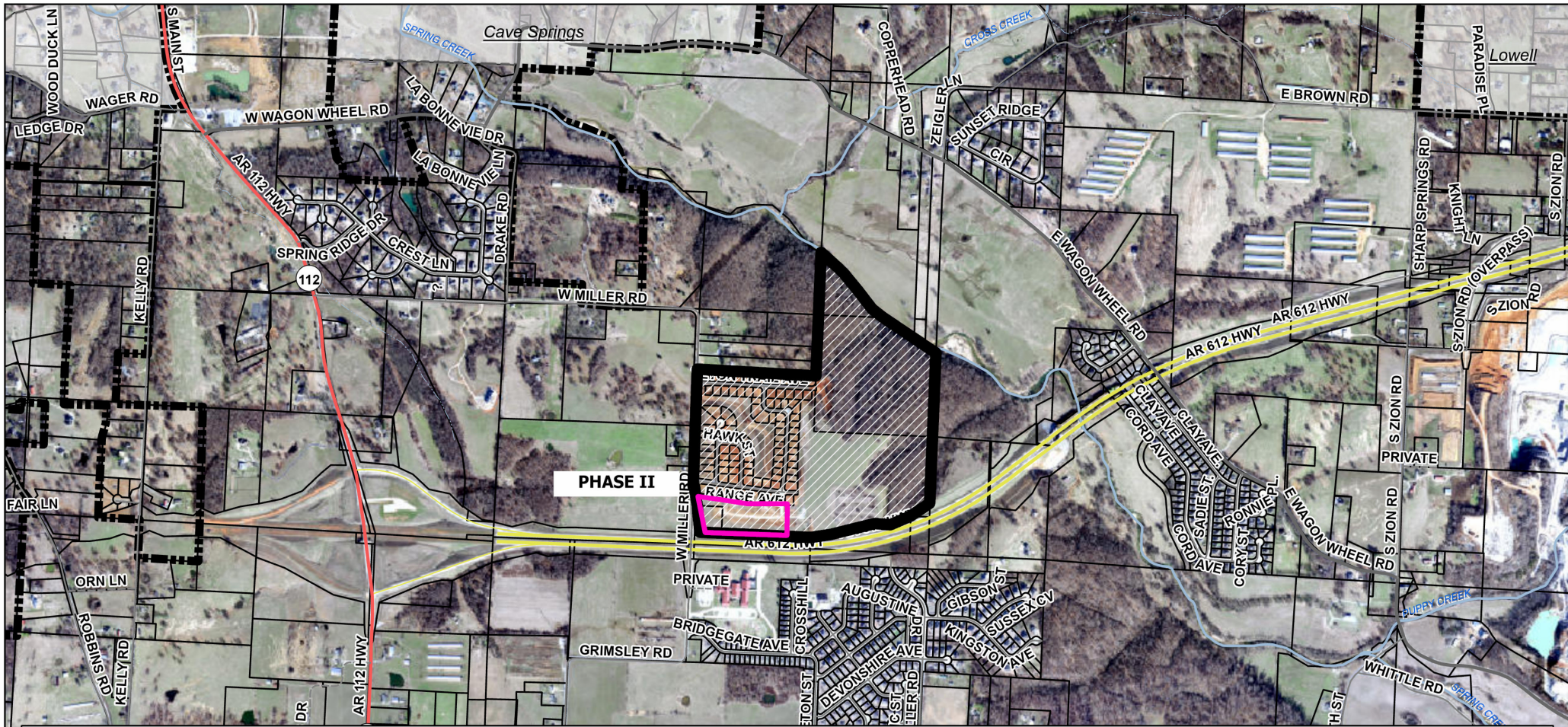
PROFESSIONAL OF RECORD	DGR
DESIGNER	WSG
FIELD WORK	KDM
CEI PROJECT NUMBER	29710
DATE	7/1/2024
REVISION	REV-2

DESCRIPTION

SHEET TITLE
SHEET NUMBER

City of Springdale Project #FP24-07

State Survey Code: 500-18N-30W-0-18-102-04-1445



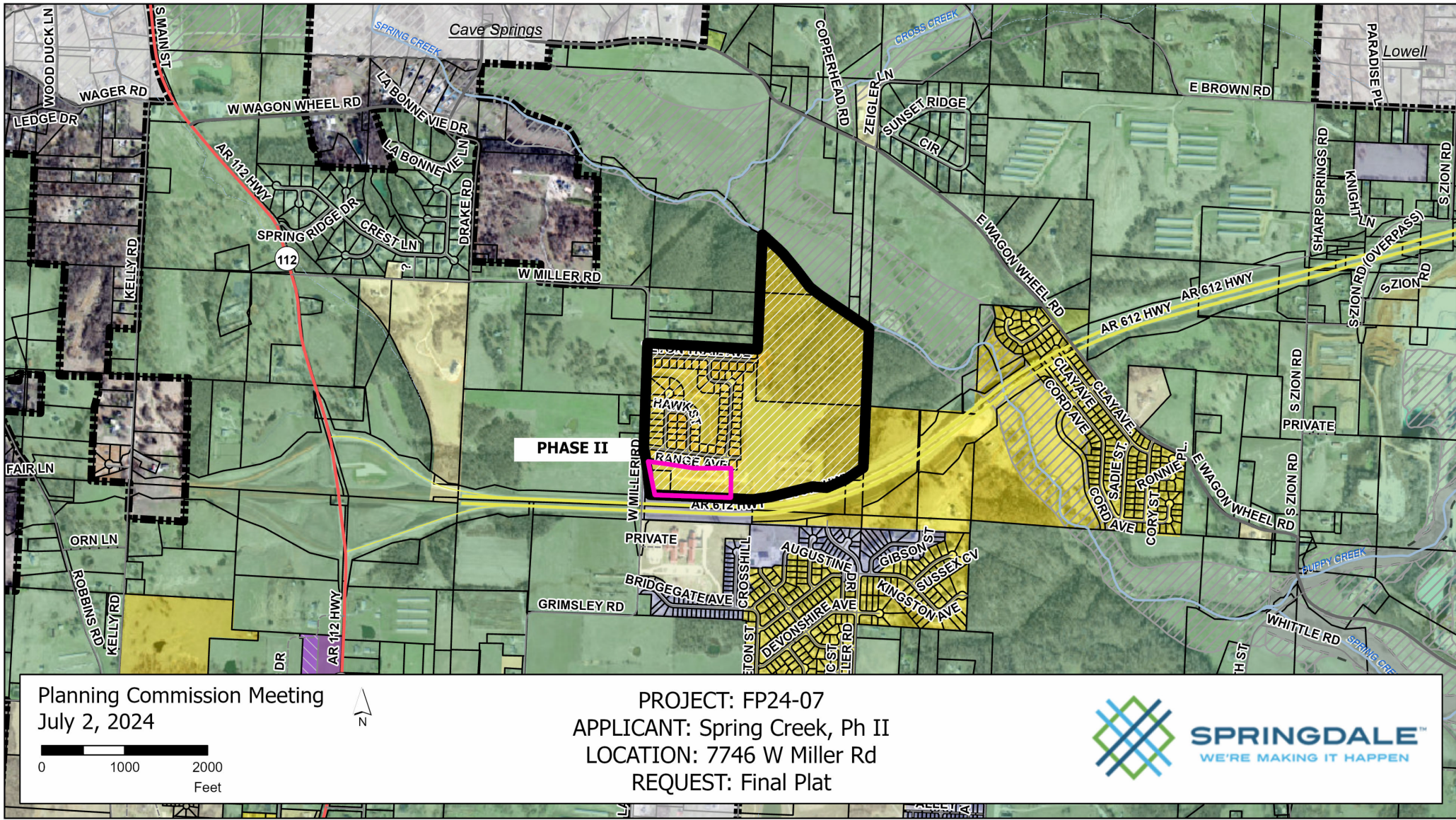
Planning Commission Meeting
July 2, 2024

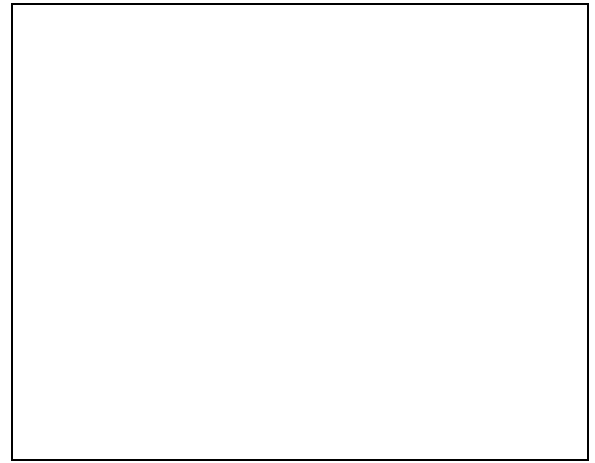
0 1000 2000
Feet



PROJECT: FP24-07
APPLICANT: Spring Creek, Ph II
LOCATION: 7746 W Miller Rd
REQUEST: Final Plat







ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING THE FINAL PLAT (FP24-08) OF
PHASE 1 OF NATURE WALK SUBDIVISION IN THE CITY OF
SPRINGDALE ARKANSAS, AND DECLARING AN
EMERGENCY.**

BE IT KNOWN BY THE CITY OF SPRINGDALE, ARKANSAS:

WHEREAS, there has been duly presented to the City Planning Commission of Springdale, Arkansas, a plat of certain lands in the City of Springdale, Washington County, Arkansas, being more particularly described as follows, to-wit:

LEGAL DESCRIPTION:

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) AND 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 NW 1/4 OF THE SE 1/4 OF SAID SECTION 26, SAID POINT BEING A FOUND IRON PIN WITH UNREADABLE CAP; THENCE ALONG THE NORTH LINE OF SAID NW 1/4 OF THE SE 1/4, N86°28'52"W A DISTANCE OF 163.66 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID NORTH LINE, S24°53'11"W A DISTANCE OF 8.53 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N86°51'22"W A DISTANCE OF 295.60 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S23°56'11"W A DISTANCE OF 128.94 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S36°04'47"W A DISTANCE OF 310.99 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S02°45'00"W A DISTANCE OF 269.57 FEET TO THE NORTH LINE OF MEADOW HAVEN SUBDIVISION (23A-175) AND A SET IRON PIN WITH CAP "PLS 1156"; THENCE ALONG SAID NORTH LINE, N86°36'00"W A DISTANCE OF 480.62 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID NORTH LINE, N03°21'07"E A DISTANCE OF 209.98 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N86°33'41"W A DISTANCE OF 166.04 FEET TO A SET IRON PIN WITH CAP "PLS 1156";

THENCE N87°17'41"W A DISTANCE OF 253.96 FEET TO A FOUND 5/8 INCH REBAR; THENCE S03°22'19"W A DISTANCE OF 34.99 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N87°17'41"W A DISTANCE OF 406.77 FEET TO A SET "MAG" NAIL WITH WASHER IN CHEYENNE TRAIL; THENCE ALONG SAID CHEYENNE TRAIL, N02°37'39"E A DISTANCE OF 490.66 FEET TO THE NORTH LINE OF SAID NE 1/4 OF THE SW 1/4 AND A SET IRON PIN WITH CAP "PLS 1156"; THENCE ALONG SAID NORTH LINE, S87°07'14"E A DISTANCE OF 662.95 FEET TO THE NORTHWEST CORNER OF SAID NW 1/4 OF THE SE 1/4 AND A FOUND 3 INCH PIPE; THENCE LEAVING SAID NORTH LINE AND ALONG THE NORTH LINE OF SAID NW 1/4 OF THE SE 1/4, S86°28'52"E A DISTANCE OF 1160.00 FEET TO THE **POINT OF BEGINNING**, CONTAINING 17.41 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF CHEYENNE TRAIL ON THE WEST SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.

AND WHEREAS, said Planning Commission, after conducting a public hearing, has approved the plat as presented by petitioner and has approved the dedication of streets, rights-of-way, and utility easements as shown upon said final plat (FP24-08) and joined with the said petitioner in petitioning the City Council to accept the said plat of Phase 1 of Nature Walk Subdivision to the City of Springdale, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the final plat (FP24-08) of Phase 1 of Nature Walk Subdivision, as shown on the plat approved by the City Planning Commission, a copy of which is attached to this Ordinance and made a part hereof as though set out herein word for word, be and the same is hereby accepted by the City of Springdale, Washington County, Arkansas, and the City hereby accepts for use and benefit to the public the dedications contained therein.

EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk/Treasurer

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

FINAL PLAT FOR
NATURE WALK SUBDIVISION PHASE 1

IN THE CITY OF
SPRINGDALE, ARKANSAS

FP24-08

INDEX OF SHEETS

SHEET No.	DESCRIPTION
1 of 2	COVER
2 of 2	FINAL PLAT

SURVEY DESCRIPTION PHASE 1:

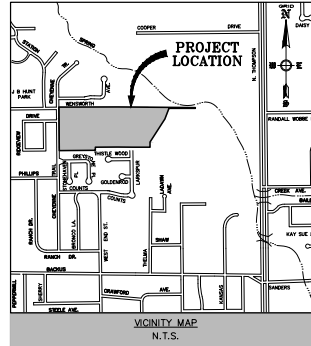
PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) AND PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS,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

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 26, SAID POINT BEING A FOUND IRON PIN WITH UNREMARKABLE CAP, THENCE ALONG THE NORTH LINE OF SAID NW 1/4 OF THE SE 1/4, N89°52'11"W A DISTANCE OF 183.86 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID NORTH LINE, S20°53'11"W A DISTANCE OF 8.53 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N89°52'11"W A DISTANCE OF 265.60 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S20°56'11"W A DISTANCE OF 128.84 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S30°04'47"W A DISTANCE OF 310.89 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S02°45'07"W A DISTANCE OF 386.97 FEET TO THE NORTH LINE OF MEADOW HAVEN SUBDIVISION (24-175) AND A SET IRON PIN WITH CAP "PLS 1156"; THENCE ALONG SAID NORTH LINE, N88°38'03"W A DISTANCE OF 480.82 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID NORTH LINE, N02°10'17"E A DISTANCE OF 236.80 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N88°35'11"W A DISTANCE OF 166.04 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N02°17'41"W A DISTANCE OF 203.98 FEET TO A FOUND 5/8 INCH REBAR, THENCE S03°22'19"W A DISTANCE OF 34.89 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N02°14'19"W A DISTANCE OF 400.17 FEET TO A SET "MAG" NAIL WITH WASHER IN CHEYENNE TRAIL, THENCE ALONG SAID CHEYENNE TRAIL, N02°37'39"E A DISTANCE OF 400.85 FEET TO THE NORTH LINE OF SAID NE 1/4 OF THE SW 1/4 AND A SET IRON PIN WITH CAP "PLS 1156"; THENCE ALONG SAID NORTH LINE, S07°07'14"E A DISTANCE OF 802.06 FEET TO THE NORTHWEST CORNER OF SAID NW 1/4 OF THE SE 1/4 AND A FOUND 1 INCH PIPE, THENCE LEAVING SAID NORTH LINE AND ALONG THE NORTH LINE OF SAID NW 1/4 OF THE SE 1/4, S86°29'52"E A DISTANCE OF 1180.00 FEET TO THE POINT OF BEGINNING, CONTAINING 17.41 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF CHEYENNE TRAIL ON THE WEST SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.

CERTIFICATE OF ACCURACY OF SURVEY:

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED ON THIS PLAT IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SPRINGDALE.

DATE: _____ SURVEYOR: _____
S. CHAPMAN, C.P.S., NO. 1156, AN
PROFESSIONAL LAND SURVEYOR



July 3, 2024

BY
ENGINEERING SERVICES INC.



CONSULTING ENGINEERS
SPRINGDALE, ARKANSAS
PHONE: 479-751-8733
FAX: 479-751-8746
WWW.ENGINEERINGSERVICES.COM

RECORDING INFORMATION

NOTES:

- 1) CONCRETE MONUMENTS SET AT ALL EXTERIOR PROPERTY CORNERS.
- 2) 12" REBAR WITH CAP "PLS 1156" SET AT ALL PROPERTY CORNERS.
- 3) NO FENCES SHALL BE CONSTRUCTED WITHIN ANY DRAINAGE EASEMENTS.
- 4) ALL SIDEWALKS ARE 5' UNLESS OTHERWISE NOTED AND SHALL BE PLACED BY THE INDIVIDUAL LOT OWNER AS REQUIRED BY SPRINGDALE CITY ORDINANCE. DEVELOPER SHALL PLACE SIDEWALK ON ALL PORTIONS OF THE STREETS THAT DO NOT HAVE LOT FRONTAGE.
- 5) ANY ABOVE GROUND OR VISIBLE UTILITY PLACED IN THE FRONT UTILITY EASEMENT MAY NOT BE MORE THAN 6" FROM THE SIDE PROPERTY LINE.
- 6) STREET LIGHTS IN SUBDIVISION TO BE A MINIMUM OF 40' SPACING. ALL STREET LIGHTS SHALL BE PUBLIC AND MAINTAINED BY THE CITY.
- 7) LOTS 1 - 108 SHALL NOT HAVE ACCESS TO CHEYENNE TRAIL.
- 8) LOTS 109 AND 110 SHALL BE DEDICATED AS DRAINAGE EASEMENTS.
- 9) SIDEWALKS ADJACENT TO ON-STREET PARKING SHALL BE 8' WIDE.

TRANSMITTAL, OWNERSHIP AND ORDINANCE:

THE UNDERSIGNED HEREBY TRANSMIT THIS PLAT TO THE CITY OF SPRINGDALE FOR APPROVAL AND ACCEPTANCE AND CERTIFY TO BE THE OWNER OF THE PROPERTY DESCRIBED AND HEREBY DEDICATE ALL STREETS, ALLEYS, EASEMENTS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS SHOWN ON THE PLAT. THE UNDERSIGNED CERTIFY THAT THE PLATTING AS FILED ON RECORD CANNOT BE CHANGED UNLESS VACATED PURSUANT TO APPLICABLE LOCAL OR OTHER LAW.

OWNER / DEVELOPER:
D.R. HORTON - ARKANSAS, LLC
6002 W. 108TH LN
ROGERS, AR 72768

SIGNATURE _____ DATE _____

RESOLUTION: RESOLVED THAT D.R. HORTON - ARKANSAS, LLC, HEREBY AUTHORIZES TO EXECUTE THE CERTIFICATE OF OWNERSHIP AND DEDICATION AS SHOWN ON THIS FINAL PLAT.

CERTIFICATE: WE, D.R. HORTON - ARKANSAS, LLC, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE RESOLUTION.

DATE: _____ SIGNATURE: _____

CERTIFICATE OF ACCEPTANCE:

THE UNDERSIGNED HEREBY CERTIFY THAT THIS PLAT MEETS CURRENT REGULATIONS OF THE CITY OF SPRINGDALE AND REGULATIONS OF THE ARKANSAS STATE BOARD OF HEALTH AS EACH PERTAINING TO THIS PLAT AND TO THE OFFICES OF RESPONSIBILITY SHOWN BELOW.

DATE _____ SIGNATURE _____

ACCEPTANCE OF DEDICATIONS _____ CITY CLERK _____

COMMISSION _____ MAYOR _____

SECRETARY, PLANNING _____

CHAIRMAN, PLANNING COMMISSION _____

APPROVAL FOR RECORDING _____ DIRECTOR, COMMUNITY DEVELOPMENT DIVISION _____

WATER AND SEWER _____ ENGINEER, SPRINGDALE WATER UTILITIES _____

STREETS AND DRAINAGE _____ DIRECTOR, ENGINEERING _____

SHEET 1 of 2

PLAT CODE: 500-18N-30W-0-26-203-72-1156

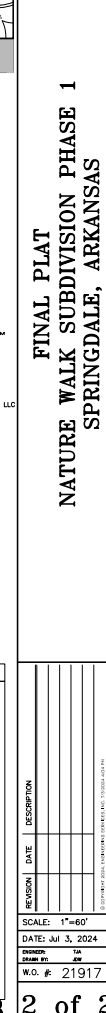
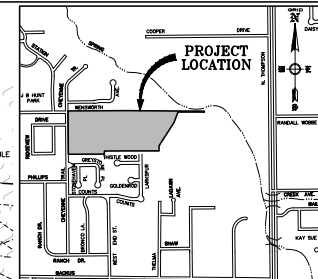
LOT # LOT SIZE TABLE			
LOT #	LOT SQ. FT.	LOT ACRES	
1	15847.98	0.36	
2	14886.07	0.34	
3	16079.56	0.37	
4	17293.83	0.40	
5	18507.70	0.42	
6	19554.75	0.45	
7	19681.15	0.45	
8	18783.76	0.43	
9	17885.64	0.41	
10	16540.65	0.38	
11	15379.16	0.35	
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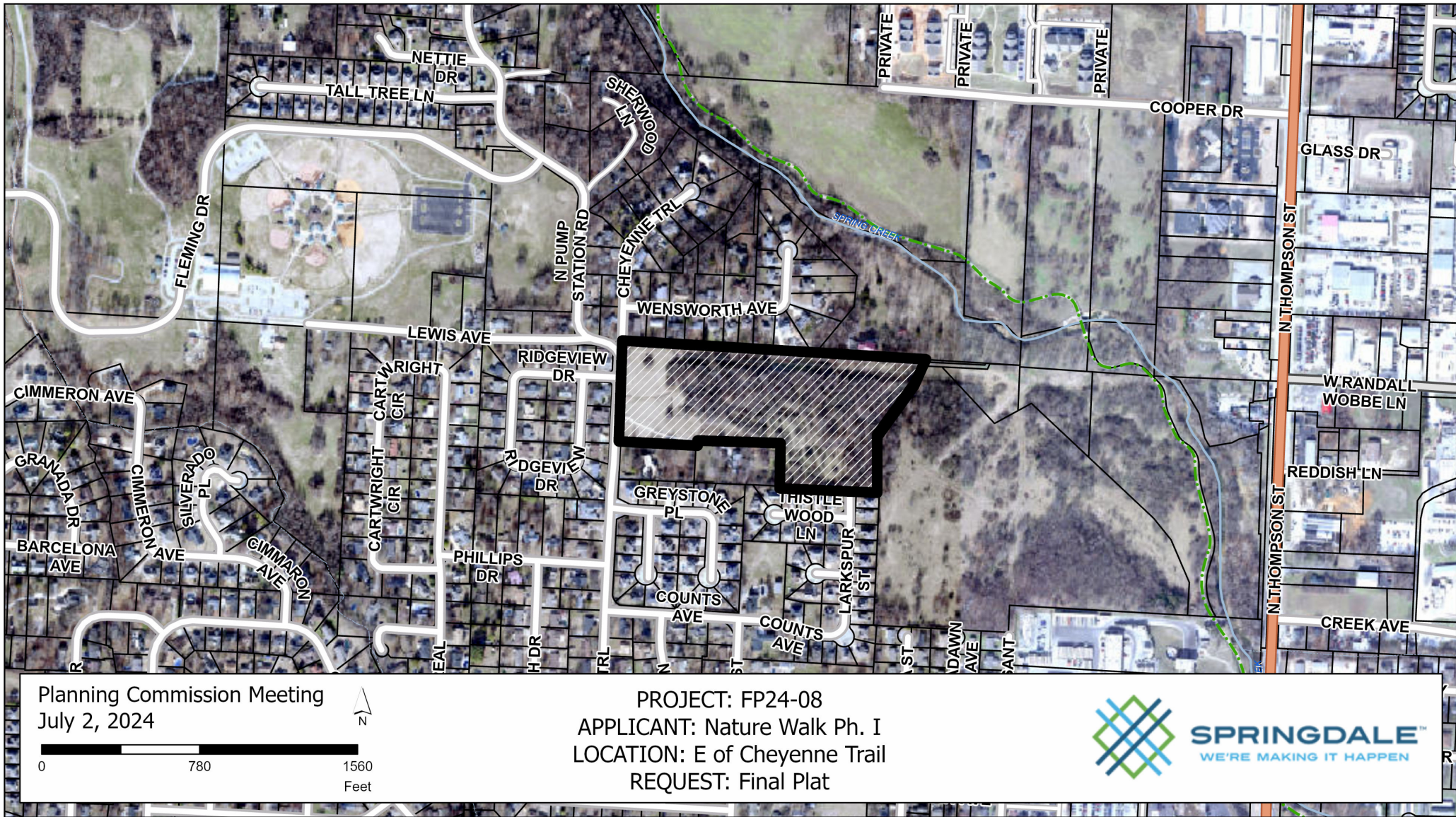
LOT # LOT SIZE TABLE			
LOT #	LOT SQ. FT.	LOT ACRES	
17	14445.53	0.33	
18	14506.64	0.33	
19	13891.36	0.31	
20	15086.02	0.34	
21	8575.00	0.17	
22	8575.00	0.20	
23	8794.00	0.20	
24	9335.79	0.22	
25	8646.50	0.20	
26	9634.31	0.22	
27	8407.02	0.19	
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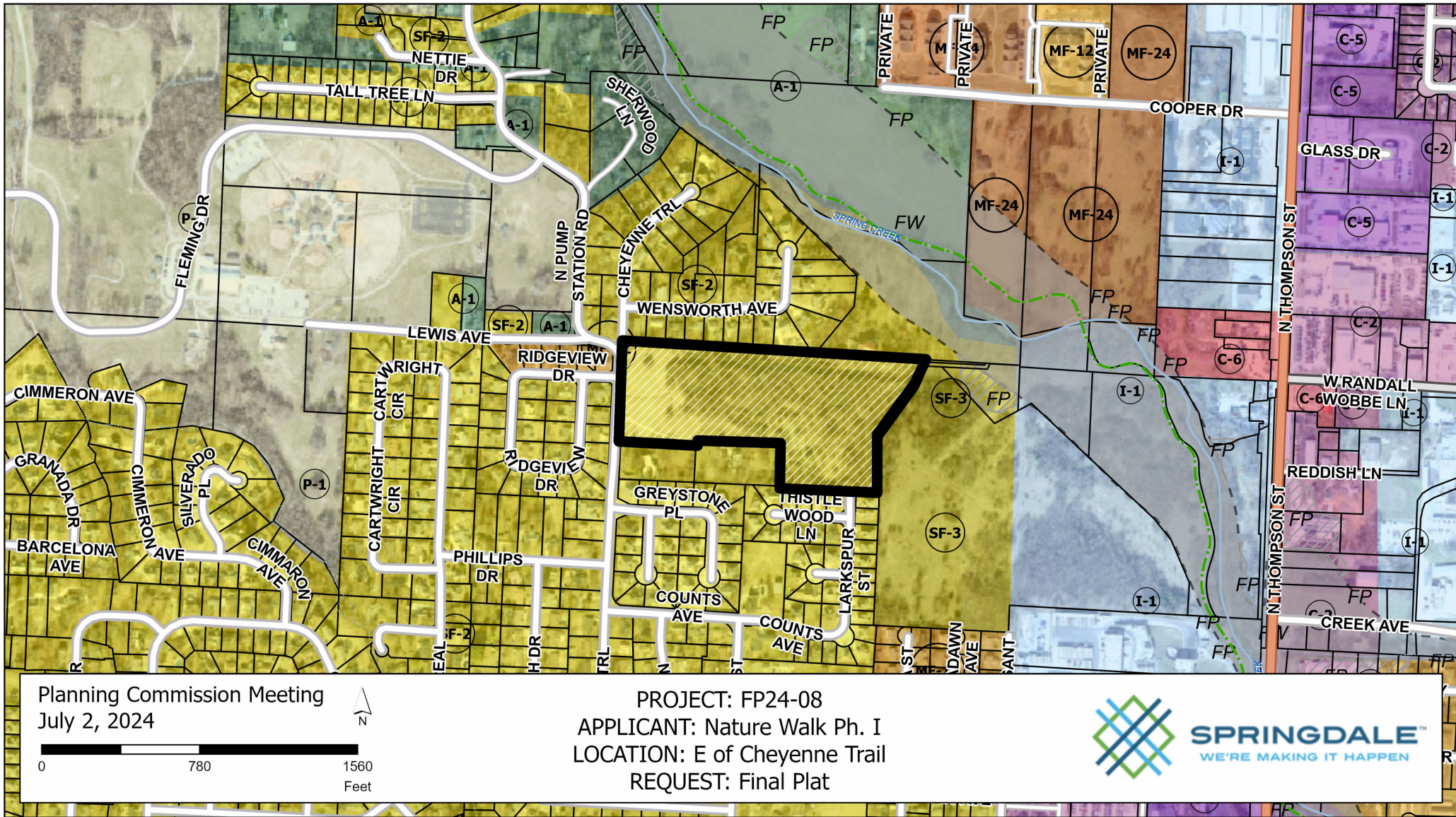
Partial view of a technical drawing showing a matchline and a rounded corner with dimensions.

P.O.C.
PHASE I
NE COR. NW 1/4 - SE 1/4,
SEC. 26, T-8-N, R-30-W
IPF w/CAP UNREADABLE

HURST PARK
BRINE
PHILLIPS
MARTIN DR.







June 14, 2024



Springdale City Council
201 Spring Street
Springdale, AR 72764

RE: Time Wellness Conditional Use Denial
June 4th, 2024 Planning Commission Meeting

Dear Councilmen and Councilwomen,

Please consider this my notice to appeal the denial of the conditional use request from the Planning Commission meeting held on June 4th, 2024.

I am requesting the appeal of the denial of the Time Wellness conditional use request for cultural, recreational, and health facilities (unit #4) to be permitted on a property zoned Agricultural District (A-1).

At the planning meeting on June 4th, 2024, the vote was a tie with one person abstaining. This is my main reason for requesting an appeal against the decision. I am still completely on board meeting the requirements of the commission regarding the 6ft fence around the property as well. This property is used to give people an opportunity to get integrated back into society in a safe living environment, while providing therapy at our clinical building in Fayetteville. I am also open to any other requirements that city council may have as well.

I believe this decision was made in error due to the misinformation about our health facility supporting the community in our area. This facility would be a great asset to Springdale and the region.

I appeal to you to revisit this conditional use permit and all that it has to offer to the City of Springdale.

Respectfully,

A handwritten signature in dark ink that reads "Philip Rapant".

Philip Rapant

Time Wellness AR

NOTICE TO APPEAL BEFORE THE
SPRINGDALE CITY COUNCIL

To All Owners of land lying adjacent to the property at 1830 Wagon Wheel Road in Springdale, Arkansas:

Notice is hereby given that an appeal of the denial of the Conditional Use request for cultural, recreational, and health facilities (unit #4) to be permitted on a property zoned Agricultural District (A-1) from the Planning Commission on June 4th, 2024.

A Public Hearing on said appeal will be held by the Springdale City Council in the Council Chambers of the City Administration Building at 201 Spring Street, Springdale, AR 72764 on July 9th, 2024 at 6:00 P.M.

Memo

To: PLANNING COMMISSION MEMBERS
From: Patsy Christie, Planning Director
Date: June 4, 2024
Re: Conditional Use C24-08

A request by Time Wellness AR, LLC for a Conditional Use Permitted on Appeal as a Use Unit 4 (Cultural, recreational and health facilities) in an Agricultural District (A-1).

LOCATION

The proposed location for this Conditional Use is 1830 Wagon Wheel Road, west of N. Thompson Street.

EXISTING CONDITIONS

The existing condition is a single-family residence and one accessory structure on approximately 1.03 acres.

SITE PLAN REVIEW REQUIRED: X Yes No

DEVELOPMENT STANDARDS AND REVIEW GUIDELINES

The following development standards and design specifications shall be applicable to the conditional use review and approval. The appropriateness of these standards shall be determined at the discretion of the planning commission and for each specific conditional use location.

- Acceptable 1.** Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
- Acceptable 2.** Off-street parking and loading areas where required, with particular attention to the items mentioned above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties general in the district.
- Acceptable 3.** Refuse and service areas, with particular reference to the item in 1 and 2 above
- Acceptable 4.** Utilities, with reference to locations, availability and compatibility
- Acceptable 5.** Screening and buffering with reference to type, dimension and character.
- 6' Privacy Fence on sides and rear**

- | | | |
|-------------------|------------|--|
| Unknown | 6. | Sign, if any, and proposed exterior lighting with reference to glare, traffic, safety economic effect, and compatibility and harmony with properties in the district |
| N/A | 7. | Yard requirements and other open space requirements. |
| Acceptable | 8. | The size and shape of the site, including the size, shape and arrangement of proposed structures in keeping with the intent of this chapter. |
| N/A | 9. | Proposed landscaping meeting the requirements of this ordinance. Landscaping may be increased in accordance with the judgement of the planning commission to accomplish the desired protective and aesthetic effect. |
| Acceptable | 10. | General compatibility with adjacent properties and other property in the general District with the following conditions: |

CONDITIONS:

The property must be monitored 24/7 by facility staff.

There shall be no registered sex offenders permitted in the property.

There shall be staff parking only with one twelve (12) passenger van for transport.

No resident vehicles will be permitted.



Conditional Use Application

This document is to be submitted to the Springdale Planning & Community Development Division via iWorQ, planningapplications@springdalear.gov, or in person at 201 Spring Street, Springdale, AR.

Applicant / Representative (person making request)	Property Owner (if other than Applicant)
Name: <u>Philip Rapant</u>	Name: _____
E-mail: <u>phil.r@twelchem.com</u>	E-mail: _____
Address: <u>4220 N Crossover RD</u> <u>Fayetteville AR 72703</u>	Address: _____
Phone: <u>570-573-6973</u>	Phone: _____
Site/ Location: <u>1830 Wagon Wheel Rd.</u>	Current Zoning: <u>A-1</u>
Assessor's Parcel Number(s): _____	Use Unit Requested: <u># 4</u>
_____	Total Acreage: <u>N/A</u>

All submissions must meet the requirements as displayed in the City of Springdale Code of Ordinances.

Application Requirements

- ☐ A copy of the warranty deed indicating ownership of the property.
- ☐ The zoning classification of the intended location.
- ☐ A site plan in accordance with Chapter 130, Article 2, Section 13.
- ☐ A brief statement explaining the reason for the conditional use request, the intended use of the property, and the effect of property changes upon surrounding land uses.
- ☐ A layman's description of the property (physical address if possible).
- ☐ A list of all adjacent property owners certified by a licensed abstractor or surveyor in the past sixty (60) days.
- ☐ An accurate legal description if the conditional use applies only to a portion of the land.
- ☐ Once application has been accepted and date of public hearing is confirmed, a notification should be sent to all adjacent property owners.
- ☐ Provide the required affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) to the Planning Office no later than seven (7) days prior to the meeting date.
- ☐ Submit an authorization of representation to staff if the record property owner will not be present at the Planning Commission meeting.

Fee:

- ☐ \$75.00

STAFF USE ONLY

Date Application Submitted: 05/15/2024 Project Number: C24-08
Date Accepted as Complete: 05/21/2024 Receipt Number: 5315

Conditional Use Application

This document is to be submitted to the Springdale Planning & Community Development Division via iWorQ, planningapplications@springdalear.gov, or in person at 201 Spring Street, Springdale, AR.

Indicate person of contact for this request: Applicant ☐ Representative ☐

Describe the conditional use sought and the reasons why it should be approved:

~~Temporary Shelter~~ - Residential Care Facility
Use Unit # in an A-1

Describe the effects the proposed conditional use would have on the character of the neighborhood and residents:

We are providing individuals w/ MH & SA issues looking to get back into society. We 24 hour staff monitored & supervised so this will have no effect on neighborhood. This is a complete sober environment

X Record Property Owner(s): _____

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approvals. I understand that the City of Springdale may not approve what I am applying for, or may place conditions for approval.

Name of Applicant: Phil Rapant

Signature: [Signature] Date: 5/15/2021

Name of Representative (if applicable): _____

Signature: _____ Date: _____

Verification

This document is to be submitted to the Springdale Planning & Community Development Division via iWorQ, planningapplications@springdalear.gov, or in person at 201 Spring Street, Springdale, AR.

I/We, the undersigned, herewith state on solemn oath that we have read the attached application for Conditional Use request and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief that complete disclosure of all of all material facts have been made.

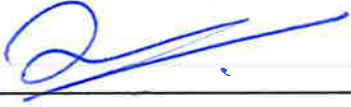
Printed Name of Record Property Owner(s)

SURYAH DEVELOPMENTS INC

SANTHOSH THIRUMALAI

Printed Name of Applicant(s)

Signature of Record Property Owner(s)



Signature of Applicant(s)

Date: 05/14/2024

Date: _____

Georgia
State of Arkansas)

) ss.
County of Forsyth

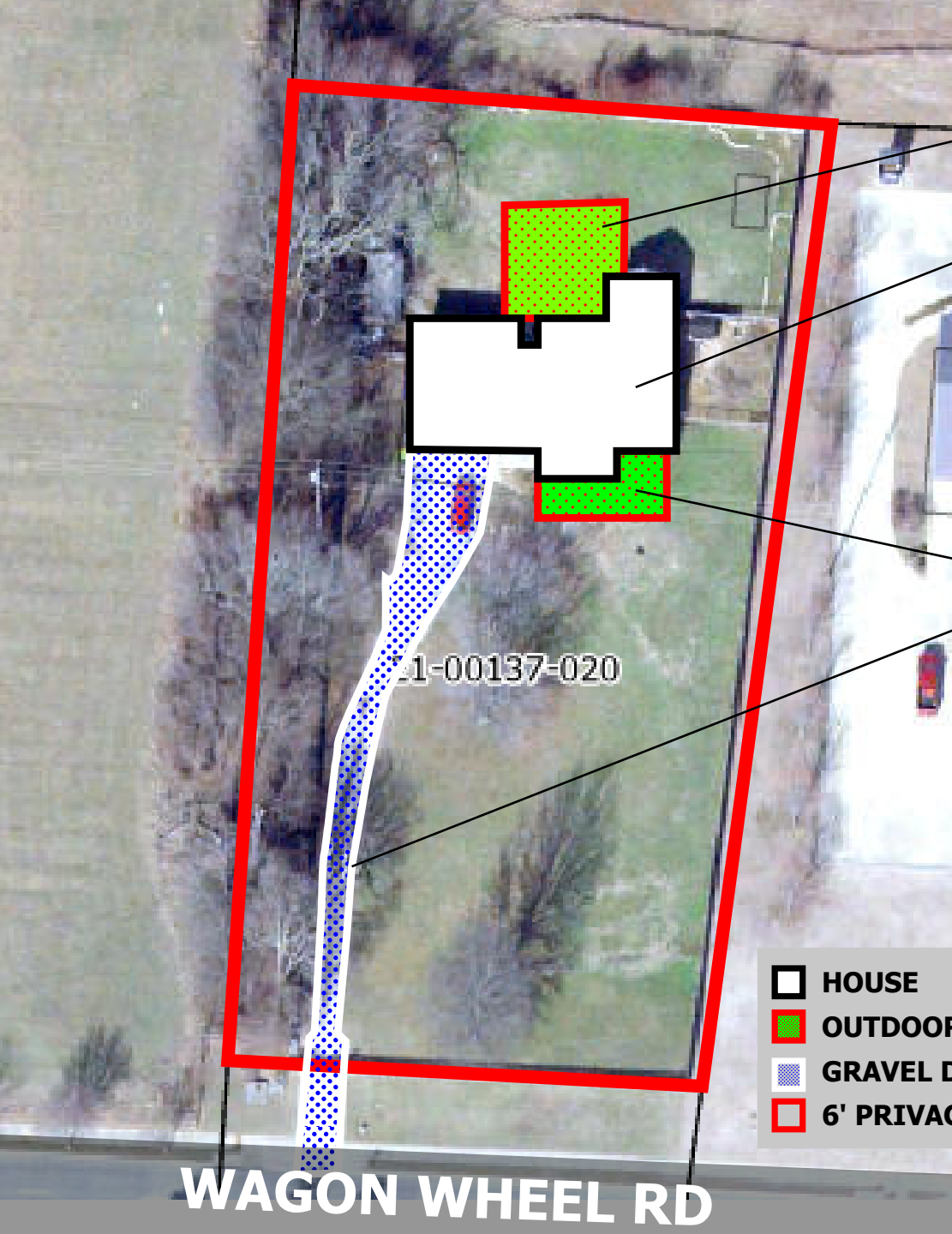
SUBSCRIBED AND SWORN TO before me, a Notary Public, this the 14 day of May, 20 24.



Notary Public

My commission expires: 08/04/2025





PATIO AREA

EXISTING HOUSE (TO REMAIN)

HOURS:

10 p.m. Curfew

8:30 - 4:30 Residents are Shuttled to Clinical

RESIDENTS:

18 and Older

Monitored 24/7 by Staff

Registered Sex Offenders are Not Eligible

FRONT PORCH AREA

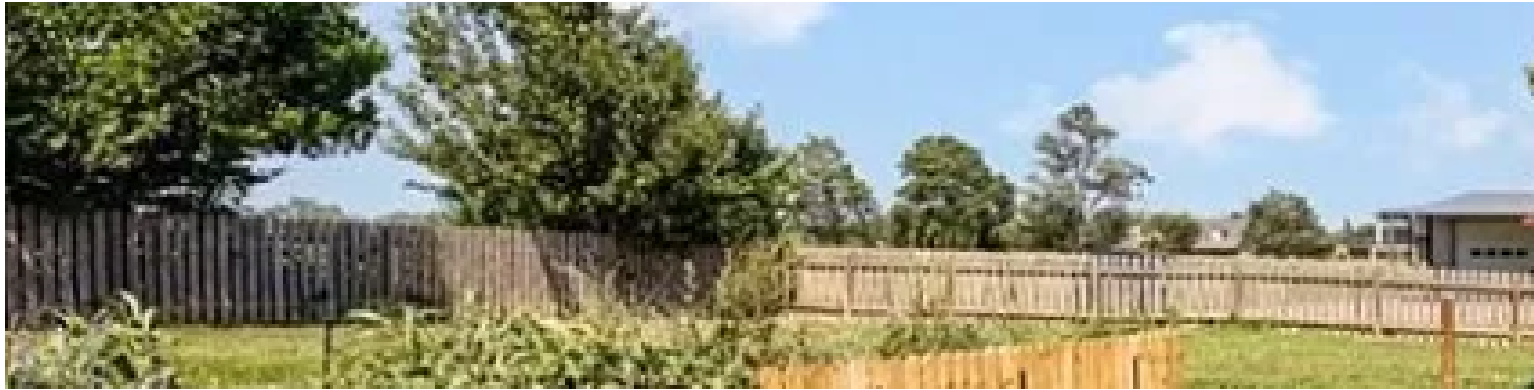
GRAVEL DRIVE

- One Twelve Passenger Van (Shuttled to and from Clinical)
- One Point of Entry: Existing Gravel Drive
- Parking Provided for Staff

-  **HOUSE**
-  **OUTDOOR AREAS**
-  **GRAVEL DRIVE**
-  **6' PRIVACY FENCE**

WAGON WHEEL RD

6' PRIVACY FENCE BORDERS PROPERTY



OUTDOOR SPACE





3866 W. Sunset
Springdale, AR 72762
479-582-9383
www.realtytitleinc.com

File No.: 24-84382W

Adjacent Property Owners

Subject Property:

Current Owner: Suryah Developments, Inc.

Parcel Number: 21-00137-020

Property Address: 1830 Wagon Wheel Road, Springdale, AR

Mailing Address: 2920 Bowline Dr., Cumming, GA 30041

Adjoining Property Owners:

Current Owner: Cesar Terrazas and Angela Terrazas

Parcel Number: 21-00137-030

Property Address: 1800 Wagon Wheel Road, Springdale, AR

Mailing Address: 1800 Wagon Wheel Road, Suite B, Springdale, AR 72762

Current Owner: Arkansas Boat and RV Storage, LLC

Parcel Number: 21-00137-010

Property Address: 1752 Wagon Wheel Road, Springdale, AR

Mailing Address: 590 W. Poplar St., Fayetteville, AR 72703

Current Owner: Michael Barkley

Parcel Number: 21-00137-000

Property Address: 4661 Carriage Lane, Springdale, AR

Mailing Address: 4661 Carriage Lane, Springdale, AR 72762

Current Owner: Kevin M. McCormick and Shirley E. McCormick

Parcel Number: 21-00685-000

Property Address: 1868 Lancaster Dr., Springdale, AR

Mailing Address: 1868 Lancaster Dr., Springdale, AR 72762

Current Owner: Robert D. Perez, Jr. and Sheri L. Perez

Parcel Number: 21-00686-000

Property Address: 1850 Lancaster Dr., Springdale, AR

Mailing Address: 1850 Lancaster Dr., Springdale, AR 72762

Current Owner: Eric Brewer

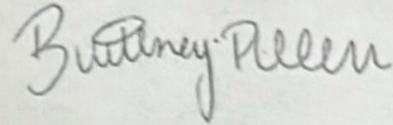
Parcel Number: 21-00687-000

Property Address: 1832 Lancaster Dr., Springdale, AR

Mailing Address: 1832 Lancaster Dr., Springdale, AR 72762

This list is compiled mainly from the Benton County Assessor's Office and is further certified through May 15, 2024.

Issued Through the Office of
Realty Title & Closing Services, LLC
Arkansas Title Agency License No.: 100102353
3866 W. Sunset
Springdale, AR 72762
479-582-9383 fax 479-582-2925



By: _____

Authorized Signatory

Brittney Pullen

- d) No sound device that produces a loud and raucous noise in violation of City Ordinance, or violate any other City Ordinances in connection with the vending operation.
- e) Keep vending sites clean and free of paper or refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty (20) feet of any vending stand collect and deposit into a trash container.

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

There were none.

Mr. Cloud called for the vote stated conditions.

VOTE:

YES: Cardiel, Cloud, Compton, Couch, Hussein, Keith, Reynolds, Tyler, Austin

NO: None

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

The following minutes will be verbatim.

B. C24-08 Time Wellness AR, LLC
 1830 Wagon Wheel Road
 Use Unit 4 in an A-1
 Presented by Philip Rapant

Mr. Compton: The next conditional use is C24-08, Time Wellness AR, LLC, out on Wagon Wheel Road presented by Philip Rapant.

Mr. Rapant: Hey, how y'all doing? Thank you for this opportunity. My name is Phil Rapant and I'm will Time Wellness AR, LLC and if you guys have any questions I'm glad to answer them.

Ms. Christie: Would you go over the operation that you are proposing at this location, please.

Mr. Rapant: Sure, so we run a PHPILP which is a partial hospitalization program. Our main facility is in Fayetteville. Right now this is to support of housing piece. What this does is house clients with substance abuse and mental health issues; where they are monitored by our Staff 24/7. They come back and forth to the treatment center in Fayetteville which we bus them.

We have one van. Basically, they are under our care 24/7. They have a ten o'clock curfew. There are no sex offenders or any major crimes that my clients have. What else am I missing? We also have a curfew, I mentioned that and also our goal is to have my clients get back into the community. So basically it is a sixty day program. We offer the support of housing. Obviously they are coming off of a rough start or anything like that. We give them a chance to get back on their feet and hopefully like we have two clients who are working at a local gas station and things like that; getting back in school, getting back to their home life or their careers and that's our main goal. I think that's everything.

Ms. Christie: How many clients do you have? What is the maximum that you have at that location?

Mr. Rapant: Eight.

Ms. Christie: Eight? And then you have a staff person who is there 24/7.

Mr. Rapant: That's correct.

Ms. Christie: And they live there or they shift out.

Mr. Rapant: We have three shifts; first, second and third shift.

Ms. Christie: Does that staff person prepare meals for them there?

Mr. Rapant: No they cook for themselves, they have all their own food; it is self-sustaining. We just monitor them just to see how they are doing and progressing or regressing. Obviously all those things can be directed them back at our clinical building where there is a full time practitioner that evaluates them. We have a licensed person that oversees all their therapy and things like that so if they are having problems in everyday life we can address that when they get back to the clinic.

Ms. Christie: Are they allowed to leave on their own or are they required to be there?

Mr. Rapant: Can they leave on their own? Yes, they can. We don't have a court order to keep them; they are all voluntary.

Mr. Hussein: Will that number grow? You mentioned you had eight.

Mr. Rapant: No, we want to stay within whatever the variance. I think it only allows eight.

Ms. Christie: The size of the structure will not allow more than eight people.

Mr. Cloud: Why this location? Just curious.

Mr. Rapant: Why this location? I'll be honest with you. It felt like home when I walked in there. It felt relaxed; it didn't have, in my opinion, any like neighborhood or any HOA or anything like that and we just thought it would be a peaceful place. We would obviously give our clients a chance to relax when they go back; they have a nice sitting area on the back front porch, things like that. We have a big yard and things to keep them occupied a little bit. We figured if we are away, you know, I wouldn't want to go right into an apartment complex or something of that nature. I'd rather have it away. It was, you know the only closest neighbor that I can see is the business next door. I think that they are the only people that I have actually spoken to.

Ms. Christie: What kind of fencing is around the facility?

Mr. Rapant: There's a wooden fence as in the picture.

Ms. Christie: How tall is it?

Mr. Rapant: I'm six foot so I would say maybe here. (Indicates with his hand).

Ms. Christie: so maybe four feet?

Mr. Rapant: Yes I would say about four foot. I'm not the current owner of the building. We rent from the owner.

Mr. Couch: Based on the specifications that you said when you started that you know there wouldn't be anybody in this facility that did certain things. Who monitors that?

Mr. Rapant: They have an admissions process which comes through. So when they come through, we ask all these vital questions obviously and if there is anyone on like probation or anything like that, that would have to be recorded.

Mr. Compton: You mentioned in your filing that these clients, they are eight of them that are there currently?

Mr. Rapant: Yes

Mr. Compton: And you used MH as an acronym, I assume that means mental health.

Mr. Rapant: Yes; I'm sorry it is mental health.

Mr. Compton: And you also used SA, which I assume means substance abuse.

Mr. Rapant: Yes.

Mr. Compton: When you say that are we talking multiple substances. What are we talking about; alcohol abuse, fentanyl?

Mr. Rapant: They can come in with any type of drug use. Obviously if I'm in, we do random drug testing at our facility. Obviously, we have random tests that our staff can pull at any time. Obviously, they are always in our sight other than when we have somebody that goes to work, then they would come back and get drug tested to make sure we keep everybody safe at the house.

Mr. Compton: You also mentioned in your filing, that there were no sex offenders.

Mr. Rapant: That's right.

Mr. Compton: Are there any sex offenders?

Mr. Rapant: Not to my knowledge.

Mr. Compton: Misdemeanor violations?

Mr. Rapant: There could be. There possibly could be.

Mr. Compton: You don't know that?

Mr. Rapant: Currently I don't believe we do.

Mr. Compton: Is this a halfway house or is it a medical rehab facility? What do you call this house?

Mr. Rapant: So basically it is an out-patient level of care. We call it supportive housing. It's almost like a typical oxford house that you would have; obviously there are some in the community here. The only difference with us is that we monitor them 24/7. We are not a self-governing house; we are actually staffed employees.

Mr. Compton: So these clients that you have they are taken back to the clinic in Fayetteville everyday or where are they taken to?

Mr. Rapant: Correct, we take them from Wagon Wheel to Fayetteville to Crossover Road. Everyday from 8:30 a.m. to 4:30 p.m.

Mr. Compton: And then at 4:30 they come back.

Mr. Rapant: Correct.

Mr. Compton: O.K. and you mentioned earlier that they were free to leave. Can they leave that facility?

Mr. Rapant: Well, I can't, I mean we can't hold them there if somebody says hey I don't want to go to treatment any more; what we try to do is do it at the clinical building. Say they want to leave against medical advice; right? We would have a meeting at our facility and try to set up some kind of discharge plan prior.

Mr. Compton: Do you have any medical staff that are at the facility on Wagon Wheel Road?

Mr. Rapant; Yeah, we have a licensed nurse practitioner and we have a licensed clinical therapist.

Mr. Compton: That are there on rotating schedule?

Mr. Rapant: No they are at the actual treatment center.

Mr. Compton: In Fayetteville?

Mr. Rapant: Yeah, so what we have

Mr. Compton: At you facility on Wagon Wheel do you have any hired medical staff there.

Mr. Rapant: No we just have behavioral health people.

Mr. Compton: Do you have any psychological support staff there.

Mr. Rapant: Not there on site. We have behavioral health technicians.

Mr. Compton: Do you have any professional security that is there?

Mr. Rapant: We just have, obviously, cameras throughout the house and throughout the outside of the home.

Mr. Compton: Thank you.

Mr. Couch: Since this is like a conditional use, is there any sort of thing that can be set up that if certain things happen it could be removed if this does pass?

Ms. Christie: If the conditional use is granted, and there are violations of the conditional use it can be brought back for appeal and the planning commission and the council can determine that it needs to be continued or rescinded. That is always the case with the conditional use. I understand that there is maybe a septic system problem. Have you all had the septic system checked since you moved in to see if it is functioning correctly.

Mr. Rapant: I have had one plumber out since I have been there and that was just for a clogged toilet.

Mr. Christie: Have you noticed water standing in the front yard or in the area around the septic tank.

Mr. Rapant: No, I haven't.

Ms. Christie: O.K. An adjacent property owner has indicated that there are some septic system problems so we may have to have that checked. Do you want me to go through the rest of the comments?

Mr. Compton: Sure, go ahead.

Ms. Christie: The egress and ingress is acceptable, the off-street parking is acceptable, refuse and service areas are acceptable. You will use standard residential pick-up for trash services, correct?

Mr. Rapant: We currently do.

Ms. Christie: O.K., utilities, you have public water and a septic system which needs to be checked to see if it functions correctly.

Mr. Rapant: O.K.

Ms. Christie: And the screening and buffering, I...you may need to put up a six-foot fence on the sides and rear to create the proper amount of screening if it is only four feet.

Mr. Rapant: O.K.

Ms. Christie: No signage on the property. The size of the facility is or the lot is acceptable. It would be acceptable with these general conditions:

Maximum number of eight clients at any time.

Property must be monitored 24/7 by facility staff

There should be no registered sex offenders permitted on the property

There shall be staff parking only with one 12 passenger van for transport

No resident vehicles will be permitted

The septic issues, if there are any, have to be resolved

Mr. Compton: Last comments from me. I came out yesterday, about 11 o'clock and I couldn't any response. There was a black SUV in the front of the yard, but there was no answer at the door. In your paperwork that you submitted, you indicated that there was a six-foot fence around the property. There is not. There is a six-foot fence at the neighborhood directly across the street but the fencing on your property is good fencing but it is only four feet. Just so you are aware of that. I tried to learn a little bit more about the operation and what I could so I went on line; that might be something that you would want to do. There are a lot of comments; so, you might want to review that. I have no further comments.

Mr. Hussein: What is your average age?

Mr. Rapant: They are all eighteen or above. Average age, right now, would probably be late thirties early forties.

Mr. Compton: Men and women?

Mr. Rapant: Yes.

Mr. Couch: Were there any comments from the audience? Did we open it up for that?

Mr. Cloud: How long have you been there operating.

Mr. Rapant: We opened April 8.

Ms. Christie: You currently don't have a business license to operate there.

Mr. Rapant: No. I didn't know if it was connected or how we

Ms. Christie: You can't a business license until the conditional use is approved.

Mr. Rapant: I think that we discussed that last time.

Mr. Compton: I can come back to the commission in a second. Are there any comments from the audience? Can you come to the microphone please? Tell us who you are. We are happy to listen.

Ms. Anderson: Yes, my name is Angie Anderson and I live in that area. I live in Stonecrest and my only question is how will we know if there's a problem. We will be your neighbors. How do plan on letting us know. I mean I didn't know, like if you have fences and stuff but if there is a problem we need to know.

Ms. Christie: O.K. You are really addressing your questions to the commission. We will give answers that way. We don't have conversations back and forth.

Ms. Anderson: I'm sorry.

Ms. Christie: Because everybody needs to hear that. What do you mean by notification?

Ms. Anderson: Well, like if you have or if there is an issue at that home and we have children out and stuff, maybe, we need to be aware. I mean, I'm just saying just for the protection. If there is a problem. Because there is a neighborhood with small children.

Ms. Christie: Oh, I understand. But you know that they may have someone leave; do you consider that to be an incident?

Ms. Anderson: Well, I would if that person left and they felt like they were a danger to themselves or others.

Ms. Christie: O.K. are you required to any governing body if something happens at that location? Besides the police department, I'm sure that the police department would know if there is an incident. Can you answer that question to us?

Mr. Rapant: So, we have on call and there is a practitioner and say if there was an issue like that where they were a danger to themselves or others, they would be evaluated and

obviously that would be committed if our Staff felt they would hurt themselves or others. We couldn't let them go.

Ms. Christie: Is there any recording mechanism for an incident?

Mr. Rapant: We do entirely just an incident report, obviously and then it would go to the psychiatric unit or holding facility. If I have to report it I will; anything I need to do to make people feel comfortable.

Ms. Christie: O.K., I don't know that we have a mechanism for them to report to the city if something like that happens. David, am I missing anything that we could set up?

Mr. Phillips: Only if I am talking. I was reflecting on that. No ma'am I don't think so and the rubric of reporting, if somebody were about to have to go into the fourth floor, the behavioral health unit, I think the police would be involved so I think that there would be some spillover notification. But something reliable, in terms of some type of notification scheme, you would like to set up I'm not aware of something that can easily be put into place under the existing scheme that would fit in to satisfy your concern; at least nothing obvious. I think that something could be crafted if you so desire.

Ms. Anderson: And then my other question to y'all, how does this organization improve our neighborhood and our city? That's my last question.

Mr. Compton: Thank you. Are there any other comments at all from the audience? Yes, sir.

Mr. Parsley: I think that most of you guys know me. I'm Kevin Parsley, 4774 Stonecrest. A couple of comments. This is a conditional use which means that Patsy read through as far as what are the requirements as far as this conditional use. But you can put additional requirements to my knowledge on this. Some other comments I would have is that, well, actually, first of all you have somebody that came into this location. I'm assuming that they were already there. Right? O.K. They are occupying that without a business license. So, what precedence does that set? What's the next location that we do set these up to conditional use but who's to say that that doesn't go four more houses down on Wagon Wheel? Piney Ridge, is this Piney Ridge on this? Similar circumstances in that whole piece different in that regard but similar circumstances, in that whole piece and I would continue to challenge you guys as far as conditional uses. You have an opportunity to put additional requirements to that whole piece. I would ask the question as well, Patsy, maybe you guys can define this a bit more is what are the ramifications if they fail to meet those conditional use pieces? Is that pulled immediately and is it open as far as for them to come back in a year for an additional conditional use or once they have violated that is it done at that property.

Ms. Christie: Once there is an issue brought up and the conditional use is in question and it comes back to the planning commission to set a hearing. If they determine it is denied then they can't apply for a year at that location.

Mr. Parsley: So again, I would ask you guys to look at this particular area. This is a hot market as far as within the Wagon Wheel pieces. I think that are better uses within that area and yes there is a tremendous amount of residential within that. We weren't notified because I'm not an adjacent property. I was actually coming in to help support another thing. This one I would not be in favor of. Just ask you guys to really think about as far as this conditional use. And if you feel like it is something that benefits that area that I strongly recommend to put the appropriate conditional use requirements to that beyond what is the minimum. Thank you.

Mr. Compton: Thank you Kevin. Are there any other comments from members of the audience on this issue? Yes ma'am.

Ms. Willis: I'm Erica Willis. I live at 4662 Stonecrest also and I definitely think that with the evening we as Stonecrest POA wasn't even able to notify everybody quick enough to give them understanding of what is going on. I've lived there since '03 have been through the widening of Wagon Wheel when we all said that we couldn't have a median because we were hauling our cows and our horses across the road and all of that. I feel as a subdivision we have adjusted to the commercial that has come up all around us and we understand and a lot of that has been built nicely and others not so much. I guess my plug would be kind of like Kevin was saying. Really evaluate. What all are we going to just keep putting in amongst some of the subdivisions that are nice and the schools in the areas around here if just every plot of land gets rezoned into whatever it needs to be? It would be what we are all looking at and had someone not noticed the sign at the home and told someone I think that you would have more feedback from different subdivisions and people but with such late notice, I don't think that we were all able to get all the information out enough to other members of the community to just say hey what is your take on it?

Ms. Christie: I can tell you that they notified the property owners that they were supposed to.

Ms. Willis: Oh, I don't doubt but I'm saying, I don't look at my area as isolated as Stonecrest. I look at it all over as a community we can't just protect the ballpark area or we can't just protect one area or another so I just, as we were developing all of it and we have adjusted and said this is going to stay agricultural and then it's not then commercial. I mean we just keep adjusting and I understand that for the city but I don't know if this entity is any different than when we had the Pine Wagon Wheel Café and it was going to be a half-way house at one point and that had to come up and that is a whole different subject. It's just, it seems like there

are kind of side doors that opening that seem different than the vision of I guess I thought we were all kind of adjusting to it.

Ms. Christie: This property is not being rezoned. This is a conditional use by this applicant for this location only. We are not changing it from A-1. We are not changing anything with a conditional use.

Mr. Compton: Thank you. Any other comments at all from the audience? Any more comments at all from the Commissioners?

Mr. Cloud: Sir, is there a third-party certification process that you adhere to? Is there anybody out there looks at your program and looks at how your facilities run and things of that nature?

Mr. Rapant: We have JACO. We are a JACO accredited facility. That's the governing body that all like substance abuse or the health industry has a year to become accredited. Joint Commission is what it is called. So that's the main one and we obviously have the state of Arkansas whose rules we have to abide by.

Mr. Cloud: So does that JACO commission review you annually, do they give you scores, is there any accountability there, or what does that look like?

Mr. Rapant: They can come in at any time; they can come in unannounced, they can say hey we're coming in three weeks. It's all up to them pretty much.

Mr. Couch: What is the average lifespan that can participate in this program.

Mr. Rapant: We try to run it like a sixty day program.

Mr. Couch: Do most of them go through that process fairly well and successfully?

Mr. Rapant: Yes. We actually just had two people discharged just last week. One went to an Oxford (?) house and was holding a job in the community here before he left and the other woman went back to her family. She had grandkids and stuff like that.

Mr. Couch: How long have you been a part of this program?

Mr. Rapant: This program? I moved here in January and I have been in the treatment center industry for the last ten years. I am recovery myself. I went through a similar program myself. I'm just a testament that addiction, mental health, it affects everybody. You know what I mean? If somebody hadn't given me this opportunity I don't know if could have this opportunity

to stand in front of you. I just appreciate everybody's time and effort. I understand the community as well, but, sorry I get a little emotional, because I should probably be dead or in jail myself; you know what I mean? I got a second chance at life. That's all I'm trying to do here is to provide that here and obviously, if anything I can do for the community, I can give you my personal phone number if anything cleans up or if anything you can personally call me. I don't know if I can say that or not but that's how far that I... Obviously, I get it. People want to feel comfortable in their neighborhood. It's a shame that I just couldn't say we are going to go to this corner of the city and do this. I wish I could but I do my best. I'm available 24/7. This is basically my life, not only personally but as a career that I chose. I'm always available if there is anything I can do to make the community feel better. I would be more than willing to talk to anybody. They can stop by the treatment on Crossover. I'm there every day. Anything I can do to make the community feel better. I just appreciate your

Ms. Keith: The drop in you mentioned apply to this facility as well as the drop in you mentioned. They could stop by here any time.

Mr. Rapant: Right.

Ms. Keith: It's just not for the one in Fayetteville.

Mr. Rapant: Right.

Mr. Hussein: I have a question. The folks that you guy provide services to; would those be the same individuals that would utilize Crestview Psychological Testing/Counseling which is about a half a block from these neighborhoods that people are worried about.

Mr. Rapant: We are not affiliated with them at all.

Mr. Hussein: I know you are not affiliated for those services that they would utilize is what I'm asking.

Mr. Rapant: I don't know if I understand the question. We provide all the treatment at our treatment center.

Mr. Compton: Thanks Chris. If there are no further comments from the commissioners, this would be a call for the vote.

Mr. Cloud: I have one clarification. Are we requiring them to put a six-foot fence around this property as part of the conditional use?

Mr. Compton: I believe Patsy asked that and I believe that he said that he would.

Mr. Cloud: Do you have the means to do that? I mean that is a lot of fence.

Mr. Rapant: I am not the direct owner of the property.

Mr. Cloud: Sure.

Mr. Rapant: So that would have to be through team. Obviously if he wants to keep us as a tenant, he will have to abide by the rules.

Ms. Christie: So do you want to make that a condition?

Mr. Cloud: Sure.

Ms. Christie: If this is approved by the commission, it then has to go to Council at the end of the month, the 25th, so I think that you would need to be well along the way of having it at least underway.

Mr. Compton: This will be a call for the vote.

Mr. Hritz: Real quick, Patsy, on the fence; part of that is in the front so if we could, or if I could get with them or Sarah and I could get with them so that we can make sure we're not having to come in for a variance in regards to the fence.

Ms. Christie: Yeah, we would put it in the location that is...I was thinking that we were only fencing the back and leaving the four-foot fence in the front. Were you all thinking about six all the way around?

Mr. Cloud: I think I would rather have six feet all the way around. I'm fine with it being; the house sits so far back off the road. I mean there is plenty of room to do six feet around just have it completely off the road

Ms. Christie: This is zoned A-1 so it would have to be 30 feet in the front.

Mr. Rapant: I think so

Ms. Christie: We will get with that and make sure. If you get the approval, we will work that part out.

Mr. Compton: This would be a call for the vote.

Mr. Couch: Call for the vote.

Mr. Compton: Thanks, Brent, we have a call for the vote.

Voting is done electronically.

VOTE:

YES: Cardiel, Hussein, Keith, Tyler

NO: Compton, Couch, Reynolds, Austin

ABSTAIN: Cloud,

Mr. Compton: It looks like it's a four, four, with an abstention, so that does not pass at this time. You have a right to appeal that I believe that to City Council.

Ms. Christie: You have a right to appeal the planning commission's decision. It has to be filed in fifteen day with the city clerk's office indicating why you think that the planning commission's decision is in error and you have to notify the adjacent property owners again. It will be heard probably not at the second meeting in after the submission deadline. I will remind you that you are not authorized to operate at that location at this time.

Mr. Rapant: O.K., thank you.

Mr. Compton: Thanks for your cooperation.

Preliminary plats, Replats and Final Plats

- | | | |
|----|---------|--|
| A. | PP24-08 | <u>Carley Hills</u> |
| | | 3349 Carley Road |
| | W24-10 | Waiver of street improvements on Carley Road |
| | | Presented by Crafton Tull |

Mr. Blake Murray with Crafton Tull was present on behalf of his client to answer and questions or comments. He said that they are proposing 118 single family lot subdivision with two unbuildable lots, lift station and a detention pond. He further stated that it has a couple of different phases. He said that water and sewer is being extended throughout the property. He further stated that they are asking for a waiver of street improvements to Carley due to a massive overhead electrical line.



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June 5, 2024

Philip Rapant
4220 North Crossover Road
Fayetteville, AR 72703

RE: C24-08 Conditional Use

1830 Wagon Wheel Road

At the June 4th meeting of the Springdale Planning Commission, the Conditional Use request for Use Unit 4 Cultural, Recreational, and Health Facilities in an Agricultural District (A-1) at the above location was denied.

You may appeal the Planning Commission's decision in writing to the City Clerk's office. The appeal must be filed within fifteen (15) days. In your letter, you must explain why you think that the Planning Commission erred in its decision and you must re-notify the adjacent property owners of your appeal.

Respectfully,

Patsy Christie, Director
Planning and Community Development Division

/jn

Cc: File

Patsy Christie Director

Planning and Community Development Division

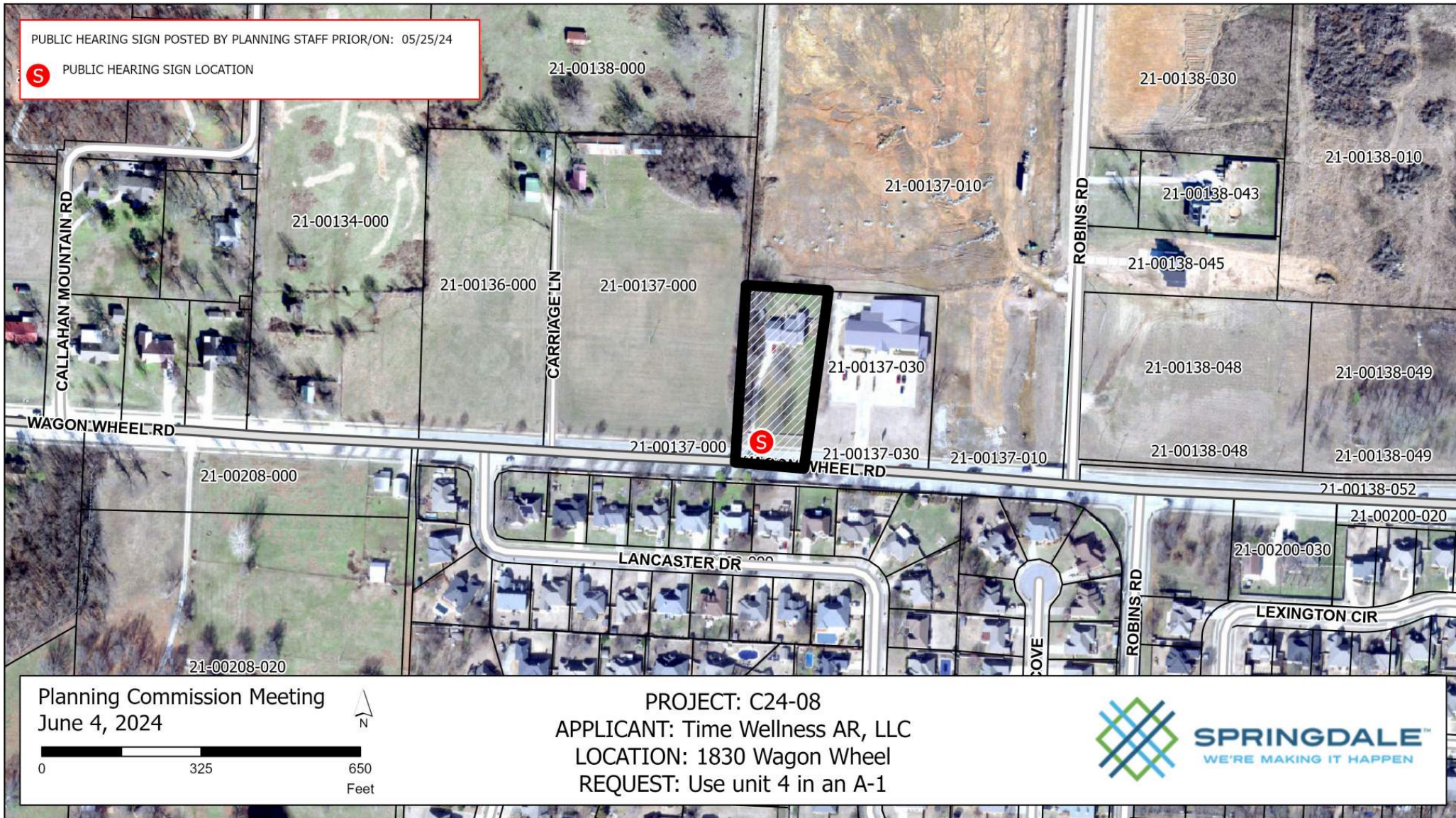
(479) 750.8550 phone | (479) 750.8539 fax | 201 Spring Street | Springdale, Arkansas 72764

Page 45

PUBLIC HEARING SIGN POSTED BY PLANNING STAFF PRIOR/ON: 05/25/24



PUBLIC HEARING SIGN LOCATION



Planning Commission Meeting
June 4, 2024



0 325 650
Feet

PROJECT: C24-08
APPLICANT: Time Wellness AR, LLC
LOCATION: 1830 Wagon Wheel
REQUEST: Use unit 4 in an A-1

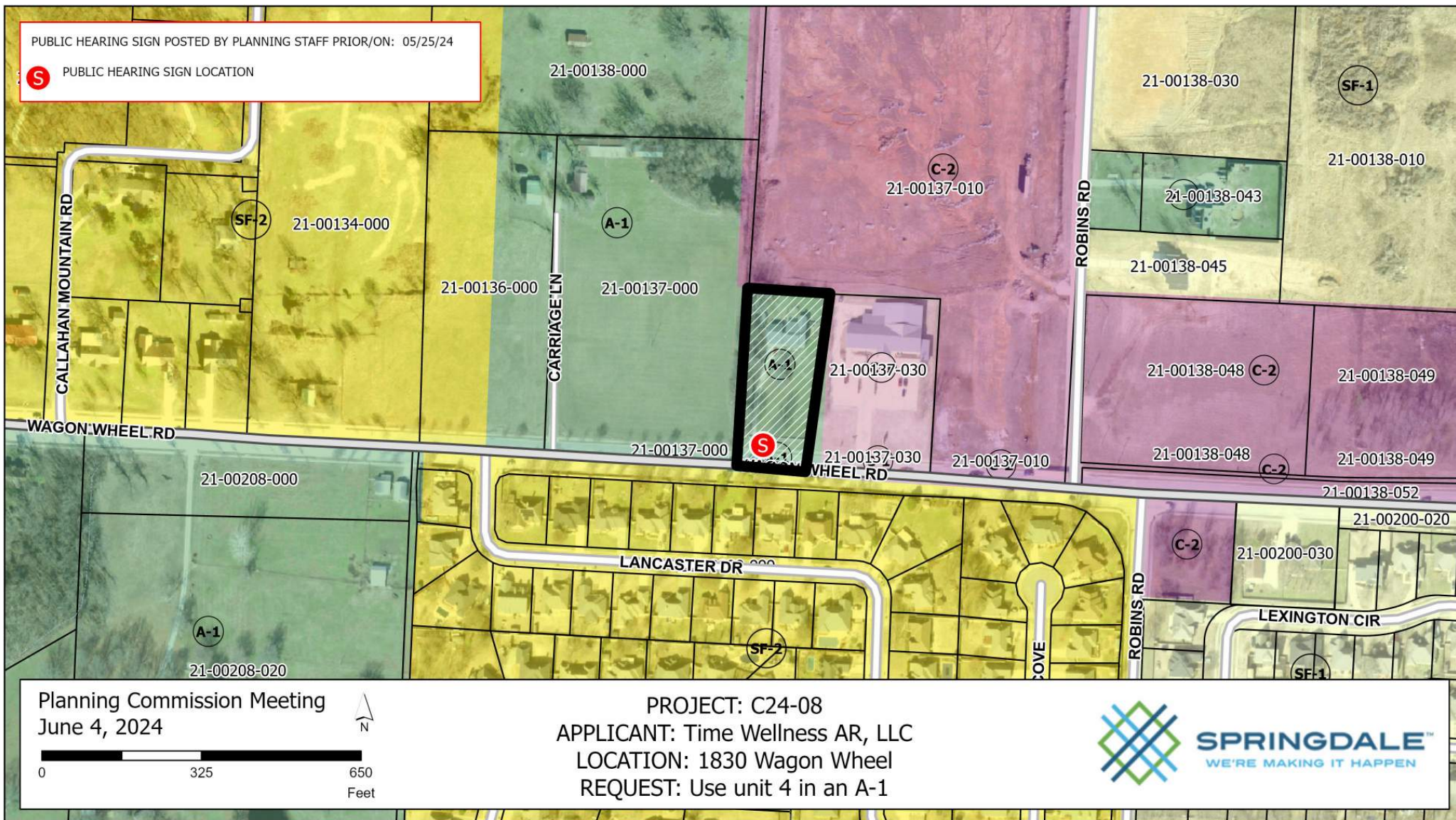


SPRINGDALE
WE'RE MAKING IT HAPPEN

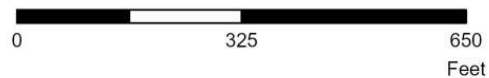
PUBLIC HEARING SIGN POSTED BY PLANNING STAFF PRIOR/ON: 05/25/24



PUBLIC HEARING SIGN LOCATION



Planning Commission Meeting
June 4, 2024



PROJECT: C24-08
APPLICANT: Time Wellness AR, LLC
LOCATION: 1830 Wagon Wheel
REQUEST: Use unit 4 in an A-1



MGW LAW PARTNERS

Darren Gibbs, Attorney

Phone: (479) 521-7050
Fax: (479) 521-7052
Email: darren@mgwlaw.com

FILED
DATE 6/19/24
Denise Pearce
CITY CLERK SPRINGDALE, AR
3729 N. Crossover Rd, Suite 111
Fayetteville, AR 72703

June 19, 2024

City of Springdale
Att: City Clerk, Denise Pearce
201 Spring Street
Springdale, AR 72762

RE: Appeal of Decision by Planning Commission

Rezoning request from C-1 to C-2

2944 N. 48th Street
Springdale, AR 72762

Dear Ms. Pearce,

I represent 1329, LLC. My client recently submitted a rezoning request to the Planning Commission at a meeting on June 4, 2024. The request was denied, and this letter represents the basis of appeal.

1329, LLC is currently the home of Pinnacle Roofing and Solar, LLC (together, "Pinnacle"). Pinnacle purchased the parcels at issue (Benton County parcel #s 21-00167-842 and 21-00167-844) in 2019, and operates a roofing business. The Southern parcel is home to Pinnacle's newly renovated business office, used for administrative purposes. The second parcel, to the North, contains two warehouse structures that have been present and operating as warehouses or repair shops for similar trade companies (a car service and a Tree company) for at least a decade prior to Pinnacle's use. Pinnacle uses these warehouses for storage. No roofing work or assembly occurs at this site.

The Planning Commission suggested that no similar businesses exist in this area and that the location is inappropriate for C-2 zoning. However, there are a number of similar businesses on N. 48th street, including a plumber (1749 N. 48th Street— recently zoned C-2), a sod company, "Elegant Electric LLC", a boring company, and several construction companies. Each of these businesses would be considered "trades and services" and permitted under C-2 zoning.

Further, there are nearby C-2 zoning districts located at neighboring 3435 N. 48th, 3563 N. 48th, and 3721 N. 48th Street, as well as the aforementioned 1749 N. 48th Street. The City's current C-1 zoning is very much inconsistent with neighboring businesses. In fact, there is no other C-1 zoning in this area. Again, prior to 2018, the only use on these parcels included trade and warehouse uses. The city's 2018 decision to zone what are now Pinnacle's parcels appears to be a mistake, given the prior uses and neighboring C-2 zoning districts.

Pinnacle would also point out that the 2023 Springdale Master Street Plan directs that an arterial road intersects with I-49 near Pinnacle's parcels at issue. The Planning Commission did not apparently consider the future planned improvements a factor at the June 4 meeting, or made its decision in spite of the City's future plans, but certainly C-2 zoning is intended to be concentrated at the intersection of arterial streets. Extending C-2 zoning to the parcels at issue here would be appropriate both now and in the future.

Finally, there appears to be disparate treatment applied to Pinnacle's application versus the rezoning application approved in May 2023 at 1749 N. 48th Street. There are no other adjacent C-2 parcels near 1749, where Pinnacle's application is closer to other concentrated C-2 parcels and a future arterial intersection. The 1749 parcel is not located at an arterial intersection, current or planned. It's a dead-end across from a local road. The existing business (a plumber) is a trade and service. There was no appropriate reason given at Planning as to why 1749 was approved, but Pinnacle's 2944 parcels should be denied. This raises an Equal Protection issue given the city's recent decision at 1749.

1329, LLC and Pinnacle are good neighbors and have tremendously improved the site at issue. There were no voiced objections from the public at the Planning Commission. In light of the City's current and future plans, it has a good basis rezoning the parcels at issue. I appreciate the City Counsel's consideration of 1329, LLC's appeal.

Sincerely,



Darren Gibbs
Attorney for 1329, LLC

Encl(s).

Cc. John Tidwell, 1329, LLC



AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared Darren A. Gibbs, who, upon first being duly sworn, deposes and states as follows:

1. I, Darren Gibbs, am of sound mind, over 18 years of age, and have personal knowledge as to statements made below.
2. I represent 1329, LLC, an Arkansas limited liability company.
3. On June 19, 2024, I caused to be mailed 1329, LLC's notice of appeal to the Springdale City Counsel of the Planning Commission's June 4, 2024 rezoning denial to the following adjacent property owners:

See attached.

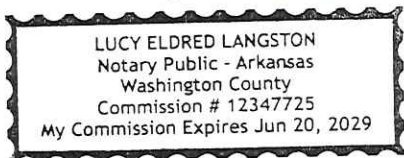
FURTHER, the AFFIANT SAYETH NOT.



Darren A. Gibbs, #2002955
MGW Law Partners
3729 N. Crossover Rd, Suite 111
Fayetteville, AR 72703
(479) 521-7050, (479) 521-7052-fax
dgibbs@arklaw.net

Subscribed and sworn to me, this 19th day of June, 2024.

My commission expires: 6/20/2029



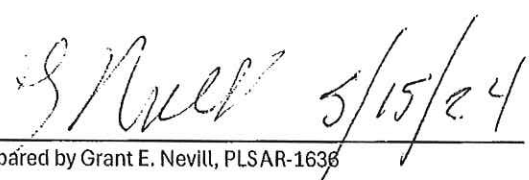


Notary Public

Adjacent Property Owners list

For Property 2944 N 48th St. Springdale, AR

ObjectID	Owner	Parcel Id	Address	Owner Address	Acres	S-T-R
1	JEAN MARIE NELSON	21-00167-846	3068 N 48TH ST	3068 N 48TH ST SPRINGDALE AR 72762-0107	6.45	21-18-30
2	JUSTIN KERRY E SHOCKLEY	21-00167-835	3060 N 48TH ST	3060 N 48TH ST SPRINGDALE AR 72762	5.06	21-18-30
3	RITA G & MICHAEL D SMITH	21-00167-840	3050 N 48TH ST	3050 N 48TH ST SPRINGDALE AR 72762	10.03	21-18-30
4	ACACIA JONES, LINDSY JONES & WADE JONES	21-00167-852	N 48TH ST	259 FORZA LN SPRINGDALE AR 72762	1.2	21-18-30
5	DEERE CREEK DEVELOPMENT LLC	815-29789-216	N 48TH ST	PO BOX 1120 TONTITOWN, AR 72770	2.1	28-18-30
6	ADRIAN BRAVO RAMIREZ & CARMEN PEREZ MARTINEZ	815-29789-155	2329 N 48TH ST	2329 N 48th St. Springdale, AR 72762	2.95	28-18-30


Prepared by Grant E. Nevill, PLSAR-1636

+++++

**PLANNING & COMMUNITY
DEVELOPMENT DIVISION**

Memo

To: PLANNING COMMISSION MEMBERS

From: Patsy Christie, Planning Director

Date: 06/04/2024

Re: R24-25 Rezone

A request by 1329, LLC for Planning Commission approval of a zone change from Neighborhood Commercial District (C-1) to General Commercial District (C-2) for a tract of land containing 5 acres.

LOT LOCATION AND SIZE

The 5 acre tract is located at 2944 North 48th Street, west side of North 48th, North of Bob Mills Road.

A vicinity map is attached.

EXISTING ZONING

The existing zoning of this tract is a C-1 Neighborhood Commercial district. The District is designed to accommodate limited retail developments within or adjacent to neighborhood areas for the purpose of supplying daily household needs of the residents for food, drugs, and personal services. Commercial uses within this district should not depend on market areas larger than the neighborhood served. The district may also be used in conjunction with existing commercial developments as an extension of such established commercial district. The C-1 district shall generally be located at arterial or collector street intersections and within walking distance of residential areas.

Uses permitted: - 1, 4, 16, 17, 19, 27

Conditional Uses Permitted on Appeal: - 2, 3, 8, 28, 29

DEVELOPMENT CRITERIA

1. Developments shall be designed to accommodate between one (1) to fifteen (15) stores on a site not more than five (5) acres in size.
2. Maximum gross leasable area of five thousand (5,000) square feet per establishment, except that one (1) establishment may have not more than ten thousand (10,000) square feet.

ACCESSORY USES

See Article 6 Section 3.1 of this chapter.

SITE PLAN REVIEW

When a conditional use is proposed in a C-1 district, except for home occupation a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS

There shall be no maximum height limits in C-1 district; provided, however, that any building which exceeds the height of twenty (20) feet shall be set back from any boundary line of any residential district a distance of one (1) foot for each foot of height in excess of twenty (20) feet.

AREA REGULATIONS

SETBACKS:

Front setback	30'
Front setback if parking is allowed between R-O-W and the building	50'
Side setback (subject to applicable fire and building codes)	0
Side setback when contiguous to a residential district	20'
Rear setback	20'

GREENSPACE

Each developed lot shall provide and maintain:

1. A landscaped buffer, not less than ten (10) feet wide, along the front property line. When adjacent to the property line of a residential use a 5' landscaped area and a six (6) foot opaque screen shall be required.
2. Landscaping, including grass, shrubs and trees, and without structure or pavement, of a minimum of ten percent of the total surface area of the lot or development.

OFF-STREET PARKING

See Article 7 of this chapter.

REQUESTED ZONING

The requested zoning of this tract is a C-2 General Commercial District. The District is established in order to be a broader range of retail uses, which comprise the commercial function of the city including groupings of freestanding commercial structures. Permitted uses include most types of retail activity except those involving open displays of merchandise and those which generate large volumes of vehicular traffic or are otherwise incompatible with the purpose and intent of the C-2 general commercial district. Retail areas zoned C-2 shall be generally concentrated as to geographical configuration. It is anticipated, however, that in some situations, change to another commercial or office classification may be appropriate to permit the transition of strip retail areas to other productive forms of land use. It is the intent of these regulations that the C-2 district be concentrated at the intersections of arterial streets. Extension of the district along major arterial streets in linear fashion shall be discouraged.

Uses permitted: - 1, 4, 16, 17, 19, 20, 21, 22, 27, 32, 35

Conditional Uses Permitted on Appeal: - 2, 3, 12, 33

ACCESSORY USES

See Article 6 Section 3.1 of this chapter.

SITE PLAN REVIEW

When a conditional use is proposed in a C-2 district, except for home occupation a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS

There shall be no maximum height limits in C-2 district; provided, however, that any building which exceeds the height of twenty (20) feet shall be set back from any boundary line of any residential district a distance of one (1) foot for each foot of height in excess of twenty (20) feet.

AREA REGULATIONS

SETBACKS:

Front setback	30'
Front setback if parking is allowed between R-O-W 50' and the building	
Side setback (subject to applicable fire and building codes)	0
Side setback when contiguous to a residential district	20'
Rear setback	20'

GREENSPACE

Each developed lot shall provide and maintain:

1. A landscaped buffer, not less than ten (10) feet wide, along the front property line. When adjacent to the property line of a residential use a 5' landscaped area and a six (6) foot opaque screen shall be required.
2. Landscaping, including grass, shrubs and trees, and without structure or pavement, of a minimum of ten percent of the total surface area of the lot or development.

OFF-STREET PARKING

See Article 7 of this chapter.

SURROUNDING ZONING AND LAND USE

The tract contains commercial uses. The area to the north, and west contains residential uses in an A-1 zoning. The area to the south is being developed for single-family uses in an SF-2 zoning.

LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates Low Density Residential

The Master Street Plan indicates as collector

STAFF COMMENTS AND RECOMMENDATIONS

The rezoning request is not in keeping with the comprehensive Land Use Plan and is not recommended for approval.

Current C-1 zoning was approved in 2018 and conditions in the area have not changed to warrant a change in zoning.



Rezoning Petition

This document is to be submitted to the Springdale Planning & Community Development Division via iWorQ, planningapplications@springdalear.gov, or in person at 201 Spring Street, Springdale, AR.

Petitioner (Property Owner) Name: <u>1329 LLC</u> E-mail: <u>kristyn@mypinnacleroofing.com</u> Address: <u>2944 N 48th St. Springdale, AR 72762</u> Phone: <u>479-250-1470</u>	Site/ Location: <u>2944 N 48th St. Springdale,</u> Assessor's Parcel Number(s): <u>21-00167-844 & 21-00167-842</u> Current Zoning: <u>C-1</u> Proposed Zoning: <u>C-2</u> Total Acreage: <u>4.97</u>
---	--

All submissions must meet the requirements as displayed in the City of Springdale Code of Ordinances.

Petition Requirements:

- ☐ A copy of the warranty deed indicating ownership of the property.
- ☐ A site plan in conformance with Chapter 130, Article 2, Section 13.
- ☐ A brief statement explaining the reason for the rezoning request, the intended use of the property, and the effect of property changes upon surrounding land uses.
- ☐ A layman's description of the property (physical address if possible).
- ☐ A list of all adjacent property owners certified by a licensed abstractor or surveyor in the past sixty (60) days.
- ☐ An accurate legal description if the property to be rezoned is only a portion of the land.
- ☐ A scaled drawing of the property to be rezoned showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow.
- ☐ Once the petition has been accepted and date of public hearing is confirmed, a notification must be sent to all adjacent property owners.
- ☐ Provide the required affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) to the Planning Office no later than seven (7) days prior to the meeting date.
- ☐ Submit an authorization of representation to staff if the record property owner will not be present at the Planning Commission meeting.

Review Fee:

- ☐ \$175.00

STAFF USE ONLY

Date Application Submitted: <u>05.15.2024</u>	Project Number: <u>R24-25</u>
Date Accepted as Complete: <u>05.29.2024</u>	Receipt Number: <u>5572</u>

Petition for Rezoning

This document is to be submitted to the Springdale Planning & Community Development Division via iWorQ, planningapplications@springdalear.gov, or in person at 201 Spring Street, Springdale, AR.

Petition is hereby made to the City Council of the City of Springdale, through the Springdale Planning Commission, pursuant to the provisions of Act 186 of 1957, as amended, and Chapter 130 of the City of Springdale Code of Ordinances, as amended, by

Indicate person of contact for this petition: Petitioner ☐ Representative ☐

Record Property Owner(s): 1329 LLC

The record property owner(s), petitioning to rezone the following described area:

Legal Description:

Deed Instrument: L201968315

Tract 1:

A part of the SE 1/4 of the SW 1/4 of Section 21, Township 18 North, Range 30 West, Benton County, Arkansas, and being more particularly described as follows: Commence at the SE corner of said SE 1/4 of the SW 1/4 for the point of beginning, thence N 00°00'00" E 235.70 feet, thence N 90°00'00" W 457.29 feet, thence S 00°00'00" W 240.50 feet, thence N 89°23'56" E 457.30 feet to the point of beginning, containing 2.50 acres, more or less and being subject to 48th Street on the East.

Tract 2:

A part of the SE 1/4 of the SW 1/4 of Section 21, Township 18 North, Range 30 West, Benton County, Arkansas, and being more particularly described as follows: Commence at the SE corner of said SE 1/4 of the SW 1/4, thence N 00°00'00" E 235.70 feet for the point of beginning, thence N 00°00'00" E 231.70 feet, thence N 87°58'34" W 457.59 feet, thence S 00°00'00" E 247.86 feet, thence S 90°00'00" E 457.29 feet to the point of beginning, containing 2.50 acres, more or less and being subject to the 48th Street on the East and Gravel Drive on the North.

Both properties subject to covenants, easements and rights of way, if any.
Subject to easements, rights-of-way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.

Layman's Description: 2944 N 48th St. Springdale, AR

The **petitioner** hereby states by oath that:

1. The petitioner is the record title holder of the above-described property evidenced by the attached copy of a **warranty deed** as Exhibit A.
2. A **scaled drawing** showing accurate dimensions, lot lines, surrounding zoning, adjacent owners, north arrow and graphic scale is attached as Exhibit B.
3. The names and address of all adjacent owners of the above-described property **certified by a licensed abstractor or licensed land surveyor** within the past sixty (60) days are attached as evidenced by Exhibit C.

The **petitioner** requests the following zoning classification:

FROM (current zoning): C-1

TO (proposed zoning): C-2

The **petitioner's** immediate intentions are to:

1. **Sell** the property **YES** / **NO** and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title **YES** / **NO**.

2. **Develop** the property **YES** / **NO**, and if so, the proposed use is _____.

3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows:

No effect on the adjacent properties is anticipated; the properties' existing usage will remain the same.

The City of Springdale required the owners to rezone the properties from C-1 to C-2 to meet business use compatibility.

The **petitioner** understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this petition and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the petitioner.

Authorized Representative: William PEREIRA

Mailing Address: 811 SW RDINTREE LN. STE 30, BENTONVILLE, AR 72712

Phone Number: 479-464-9282 Email: WPEREIRA@SANDCREEK.US

Verification

This document is to be submitted to the Springdale Planning & Community Development Division via iWorQ, planningapplications@springdalear.gov, or in person at 201 Spring Street, Springdale, AR.

I/We, the undersigned, herewith state on solemn oath that we have read the attached application for Board of Adjustment request and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief that complete disclosure of all material facts have been made.

Printed Name of Record Property Owner(s)

JOHN TIDWELL

Printed Name of Applicant(s)

JOHN TIDWELL

Signature of Record Property Owner(s)



Signature of Applicant(s)



Date: May 15, 2024

Date: May 15, 2024

State of Arkansas)

) ss.

County of)

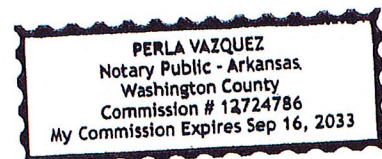
Washington

SUBSCRIBED AND SWORN TO before me, a Notary Public, this the 15 day of May, 2024



Notary Public

My commission expires: Sep 16, 2033



Pinnacle Roofing 2944 N. 48th Street

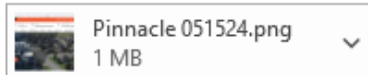


Ernest Cate <ecate@springdalear.gov>

To dgibbs.arklaw@gmail.com

Cc Ernest Cate; 'Ron Hritz'; Ron Findley; Sharon Tromburg; Sarah Curry; Patsy Christie

Wed 5/15/2024 3:43 PM



Darren:

Hope all is well. If you recall, we had a meeting in the Springdale Planning Office on 3/08/24 regarding Pinnacle Roofing (2944 N. 48th Street) in Springdale. If you will recall, the discussion pertained to Pinnacle not having a business license at this location. The City had determined this particular use to be a Use Unit 21 (Trades and Services), which is consistent with Pinnacle's prior location on Wagon Wheel Road. However, since the property at 2944 N. 48th is currently zoned C-1 (Neighborhood Commercial District), and Use Unit 21 is neither a permitted use nor a conditional use in a C-1 zoning district, it was determined that the property would need to be rezoned to C-2 (General Commercial District) before the City could issue a business license for Pinnacle Roofing at this location (as a Use Unit 21 is a permitted use in a C-2 zone, as it was on Wagon Wheel Road).

It is my understanding that a business license has yet to be issued for Pinnacle Roofing at 2944 N. 48th Street, nor has an application been made with the City to rezone this property. As of today, the Pinnacle Roofing website lists 2944 N. 48th Street as its location. As such, I wanted to reach out to you to see what path Pinnacle Roofing was seeking in order to obtain a business license from the City of Springdale.

I look forward to hearing from you, and please let me know if you have any questions.



SPRINGDALE™
WE'RE MAKING IT HAPPEN

ERNEST B. CATE

City Attorney/City Prosecutor

City of Springdale, Arkansas

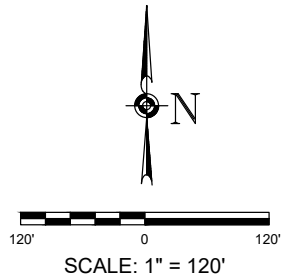
201 Spring St.

Springdale, AR 72764

(479) 750-8173

ecate@springdalear.gov

He who prays as he ought will endeavor to live as he prays - John Owen



SHEET: REZONING EXHIBIT MAP	PROJECT: 1329 LLC 2944 N 48TH STREET SPRINGDALE, AR	
	 SAND CREEK Engineering and Landscape Architecture, Inc. 1610 NW 12th Street Bentonville, Arkansas 72712 Ph: (479) 464-9262 Fax: (479) 464-9264	
SCE PROJECT #: 24032		
DATE: 5/8/2024		
SHEET: 1 OF 1		

Ms. Christie stated for the record that Staff would prepare the Ordinance that will go to Council on Tuesday, June 25, 2024, at 6:00 p.m.

D. R24-24 Valentin Delpilar
 1205 Crutcher
 From MF-12 to I-1
 Presented by Kellye Hamblen

Ms. Hamblen was present on behalf of her client to answer any questions or comments.

Mr. Compton asked for Staff comments.

Ms. Christie read the Staff comments.

The adopted Comprehensive Land Use Plan indicates Light Industrial/Warehouse

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

Assure adequate land allocation for industrial growth protected from encroachment by non-industrial use.

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

There were none.

Mr. Couch called for the vote.

VOTE:

YES: Austin, Cardiel, Cloud, Compton, Couch, Hussein, Keith, Reynolds,
Tyler

NO: None

The rezoning was approved by a unanimous vote.

Ms. Christie stated for the record that Staff would prepare the Ordinance that will go to Council on Tuesday, June 25, 2024, at 6:00 p.m.

The following rezoning will be verbatim

E. R24-25 1329, LLC
 2944 N. 48th Street
 From C-1 to C-2
 Presented by William Pereira

Mr. Compton: The next item on the agenda is R24-25, 1329, LLC. This is on 2944 N. 48th Street. It is presented by William Pereira. Any Staff comments here, Patsy?

Ms. Christie: The land use plan indicates low density residential use for the area and the rezone is not in keeping with the Comprehensive Land Use Plan and is not recommended for approval. The current C-1 zoning was approved in 2018 and the conditions in the area have not warranted a change in zoning.

Mr. Compton: Do you have any questions or comments for that? No? This is a project is not recommended for approval. This is on 48th Street. Any questions from members of the audience on this project at all. Can you state your name please?

Mr. Tidwell: John Tidwell. So I have got some pictures to put up here but in 2019 I did an inspection of the property and found it had been recently rezoned to C-1 within/less than twelve months of the inspection and then I relied upon that and then did the purchase. So existing on the property were two warehouses and a tree service and pinnacle limousine. And you can see these are pictures from fall of 2019. And these are the things that, you know you have fuel tanks, you had workshops that were actively doing automotive repair on heavy equipment and tree equipment. Here we go inside, it was active, there is all the equipment which was inside the warehouse. It was told to me by, a meeting I had with Planning that only offices, not warehouses, this property is only warehouses no office. The only thing that could even be considered an office is coming up here in a second. That is our office currently. We have done extensive renovations on that. That was when I bought. So, Patsy explained to me that C-1 is office only and no warehouses. This is obviously warehouses only and no office so when I made the purchase, my realtor and I just had the assumption, well, we are no different than a tree company. We're a roofing company, we go out. We do no business on site; you the warehouse is just for our stuff. So, you know, we made I think a reasonable assumption of C-1 would satisfy our situation, especially by doing the office so then we go through a renovation of the office and that's with the City of Springdale, that's with inspectors and all that. We go through the full process. We go through fire, they checked our warehouses; they checked everything. Then we operated for two years then, we've be in this situation for two years. The City wouldn't tell me what was wrong, or why I was violating anything. I finally had to hire an attorney; the City wouldn't tell him anything so we finally had to have a meeting and in that meeting it was finally told to us how we were violating C-1, C-2, and so forth but in the meantime, last fall, planning approved one of my neighbors C-2. He's a plumber down the street. Far worse, I mean you can see, right now if you look from the road, I mean you don't see anything but two warehouses. You don't see the stuff, equipment, the plumber, the boring company. There's a wrecker company, there's a sod company, they can't even fit 18 wheelers in the drive; they have to unload in the street, which, if y'all know north 48th Street, it is basically one lane so when the sod company unloads there's an eighteen-wheeler that sits there; no traffic can go by. Now there is an approved subdivision next to me that is bringing more and more traffic in that road is terrible but for some reason, I'm being singled out where I have a boring company, I've got a plumbing company, I've got a sod company and we're just asking for a C-2, we're, you know. This is what a bought, it is beautiful now. We have been really good neighbors. I'm not quite sure why the city is

recommending against approving a C-2 since just last fall you all approved a C-2 for a plumber down the road from me. That kind of seems a little unfair.

Ms. Christie: O.K., let me start by saying the tree service never had a business license at that location. They never had city approval to move there. Did you come to get a business license when you moved in there when you first bought it?

Mr. Tidwell: I'm not sure.

Ms. Christie: Well, I don't think that you have a business license. Had you come and ask for a business license when you first moved in, we would have had that discussion back then. The things that are on the other side of 48th Street were in existence when that annexed into the city and those are considered to be non-conforming uses. I'll agree with you, they really need to be cleaned up but they are non-conforming uses but that is another situation. The C-2 that has been recently approved for the plumber is down at the other end closer to Bob Mills. You are up in the middle of this area where there is residential all around. C-1 was probably, it is more neighborhood commercial but it is not designed for this type and that is the reason why I'm recommending against it.

Mr. Tidwell: So all the traffic in the neighborhood that just got approved heads to Walmart which heads toward the plumber. None of it heads toward me. That side of the road is not a traffic road. Now we see the neighborhood putting up these huge privacy fences. They are obviously going to block off everything around it. I don't see how, you know, not to mention the fact the people, I mean this is a little further down the road. All my neighbors around me have told me that Springdale is planning a big road that will go right through the county line, which is my fence line. So, you know, that's another thing is this is exactly C-2 if you all put a road right on my fence; a major road, and that's been told to me by all my neighbors.

Ms. Christie: It is on the Master Street Plan. Let me remind the Planning Commission, we are rezoning it to anything that is allowed in a C-2 zone; not just for what they want to do. Once it is rezoned to a C-2 anything that is allowed in it can be put there. Let me go over that list again so you will know what that is:

- Cultural, recreational, and health facilities
- Office, studios, and related services
- Eating places
- Neighborhood shopping goods,
- Shopping goods
- Trades and Services
- Automotive services
- Park lot
- Transportation services
- Health care clinic
- Flea market, indoor

That is all that is allowed in a C-2 and once it's rezoned to C-2, anything that is allowed in that zone can be built at that location. Keep that in mind.

Mr. Compton: Are there any questions or comments at all from the audience? Any questions or comments from the commissioners?

Mr. Cloud: I got a couple. Is it currently non-conforming in a C-1? Is that what we're talking about today?

Ms. Christie: It would be because, we don't have a business license at that location that indicates a warehouse so it is not a non-conforming as it is today. But it wasn't non-conforming when it was zoned to C-1.

Mr. Cloud: Is there a method, by which this person, this gentleman can continue his operation as is or you know what I'm trying to say?

Ms. Christie: Well, that becomes a legal question, whether or not, because it is a change in use from what it was when it was rezoned to C-1 whether that is considered to be a new non-conforming use because it is a different kind of business. We never had that business established as roofing I mean as a tree service as a matter of fact it's the same tree service that we were talking about on Graham Road. They had this listed as their address but they didn't have a business license for either one.

Mr. Couch (?): I would feel more comfortable pursuing something like that; I mean switching this to C-2 in this area where it is all A-1 and single family 2 with those uses seems like it would be out of character.

Mr. Christie: David I have a question for you; can we consider this to be a non-conforming use which would allow him to get a business license at this location but he can't make any changes to it?

Mr. Phillips: O.K. I think I missed some of the discussion but he owned this before the current scheme went in place. Is that correct?

Mr. Christie: No, he bought it; when did you buy it?

Mr. Phillips was not close to the mic and couldn't be understood.

Ms. Christie: It was rezoned in 2018.

Mr. Phillips: I mean he can re-submit his petition under that guise and it would be up to whether or not you wanted put this in front of the commission or not. But as it stands right now, it would not be a non-conforming use because, you know, he is a new owner to the property since the current scheme went into effect. But certainly, if he wanted to re-submit that differently then that would be up to your department as to whether or not that was an appropriate use for that.

Ms. Christie: O.K. so you are saying he would need to submit a request for it to be recognized as a non-conforming use.

Mr. Phillips: Well, he would at least have to go through that process before you can consider it. You know as the gatekeepers it would be up to you.

Ms. Christie: I understand, I understand that and only the items that are allowed in a C-1 zone as we zoned it previously would be allowed to stay there which includes cultural, recreational, and health facilities; offices, studios, eating places, neighborhood shopping goods and a parking lot and a health care clinic. The difference between the two is we add in trades and services, which is what he has. Shopping goods, automotive services more activities are in a C-2 zone than a C-1.

Mr. Cloud: Will this be a non-conforming in an A-1; as it currently is?

Ms. Christie: Well, you would have to go back to rezone to A-1 and we don't go back to A-1.

Mr. Cloud: Sure.

Ms. Christie: So he has to be considered a non-conforming in a C-1.

Mr. Cloud: I guess my point is, I'm trying to figure out what he can do with this business so he can get a business license; as is without causing him any due harm and I'm not in favor to rezone this to C-2 for sure.

Ms. Christie: So he would have to apply for a recognition of a non-conforming use and then you all would have to determine whether you want to give him that recognition. Is that acceptable to you or do you want them to vote on the C-2?

Mr. ? (This person didn't identify himself) I don't have a lot of background on this property but basically our requests was because the city wanted it to C-2. That's why our office put this package together.

Ms. Christie: If he operates this business at this location; it takes a C-2 zone to operate there. The question is whether or not the planning commission is willing to rezone the property to C-2. If you want them to vote on the C-2 request; we can do that. O.K.

Mr. Phillips: My only question before the vote is somebody that is 200 yards from me just got a C-2, so how is that fair?

Ms. Christie: O.K. I explained to you the location is different down the street.

Mr. Phillips: 200 yards where all the traffic of the new neighborhood.

Ms. Christie: That decision has already been made. We are not going to go back and justify that decision. I can tell you the reason is because it is located at that intersection. If you want them to vote on this, we will vote on it and then we will go from there. Is that what you want?

Mr. Phillips: I want you to vote on this.

Ms. Christie: O.K.

Mr. Compton: Any more questions from the commission? If not, this would be a call for the vote.

Mr. Hussein: Call for the vote.

Mr. Compton: Call for the vote from Chris Hussein. Ready, vote.

The vote was done electronically and showed the following:

Ray Cardiel – no, Mark Cloud – no, Gary Compton – no, Chris Hussein – no, Brent Couch – no, Jennifer Keith – no, Tresa Reynolds – no, Dale Tyler – No, Austin – abstain.

Mr. Compton: We have one abstention and looks like it failed 8 to 0 with one abstention.

Ms. Christie: You have the right to appeal the planning commission's decision to the city council. Your appeal has to be filed in fifteen days in the City Clerk's office. You have to notify the adjacent property owners of the hearing before the city council and you have to explain why you think the planning commission erred in its decision.

Mr. Compton: Thank you.

F.	R24-26	<u>Glur Revocable Trust & Weiss Trust</u> 5065 & 5087 Bob Mills Road From A-1 to SF-1
	B24-50	Variance for front, side, and rear setback reduction for non-conforming structures to remain. Presented by Alan Reid and Associates

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

Mr. Compton asked for Staff comments.

Ms. Christie read the Staff comments.

The adopted Comprehensive Land Use Plan indicates Low Density Residential



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www.SpringdaleAR.gov

June 5, 2024

William Pereira
811 SW Raintree Ln, Ste 30
Bentonville, AR 72712

RE: R24-25

Rezone

2944 N. 48th Street

At the June 4th, 2024 meeting of the Springdale Planning Commission, the rezoning from Neighborhood Commercial District (C-1) to General Commercial District (C-2) at the above location was denied.

The Planning Commission's decision may be appealed in writing to the City Clerk's office within fifteen (15) days provided that the petitioner explains why it's felt that the Planning Commission erred in its decision. It is required that adjacent property owners are notified of the appeal to the City Council.

Respectfully,

Patsy Christie, Director
Planning and Community Development Division

/jn

Cc: File

Patsy Christie Director

Planning and Community Development Division

(479) 750.8550 phone | (479) 750.8539 fax | 201 Spring Street | Springdale, Arkansas 72764

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PUBLIC HEARING SIGN POSTED BY PLANNING STAFF PRIOR/ON: 05/25/24



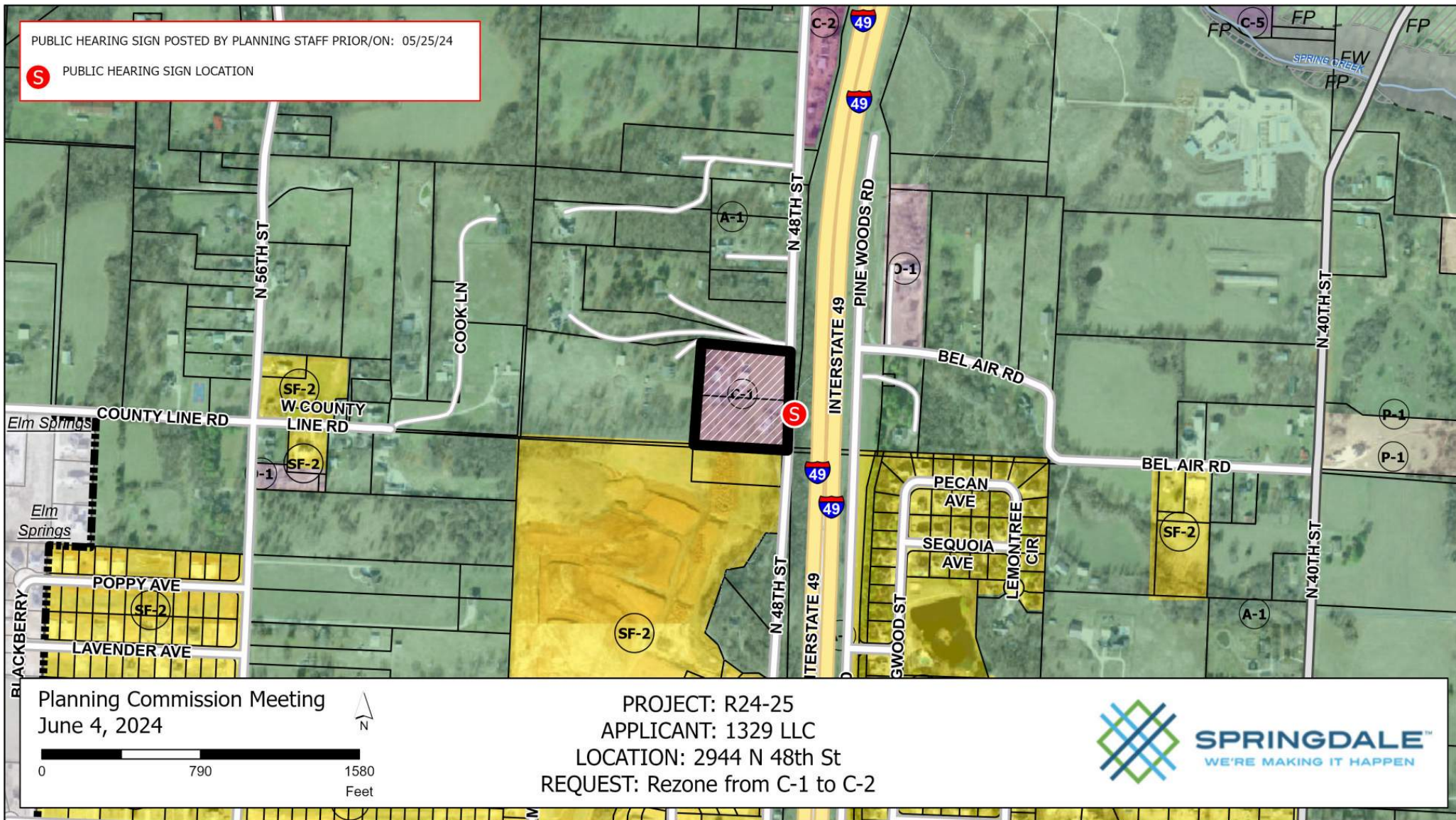
PUBLIC HEARING SIGN LOCATION



PUBLIC HEARING SIGN POSTED BY PLANNING STAFF PRIOR/ON: 05/25/24



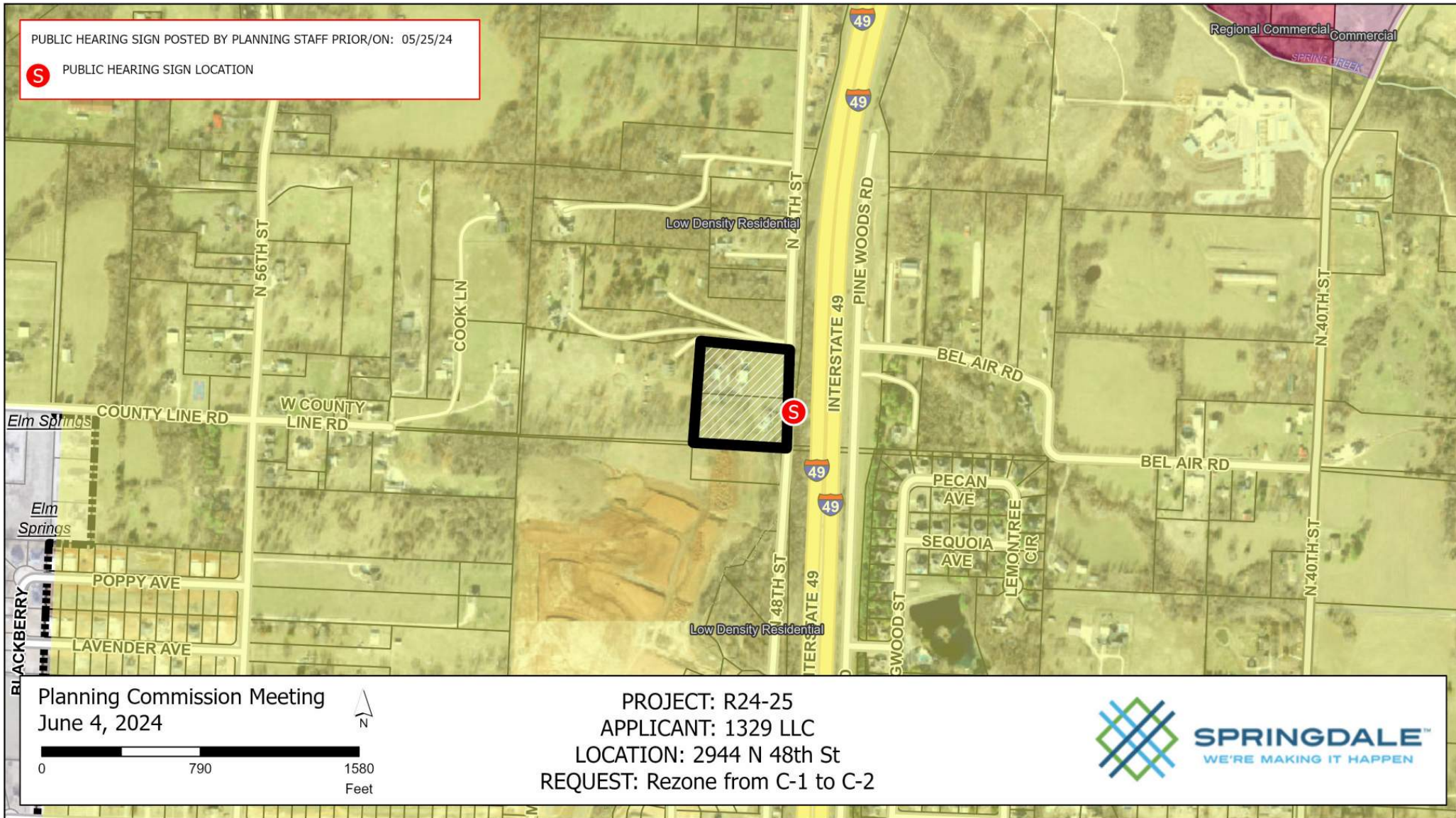
PUBLIC HEARING SIGN LOCATION



PUBLIC HEARING SIGN POSTED BY PLANNING STAFF PRIOR/ON: 05/25/24



PUBLIC HEARING SIGN LOCATION



Planning Commission Meeting
June 4, 2024

0 790 1580
Feet

PROJECT: R24-25
APPLICANT: 1329 LLC
LOCATION: 2944 N 48th St
REQUEST: Rezone from C-1 to C-2



RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE GRANT OF AN
ACCESS EASEMENT ACROSS PROPERTY OWNED BY
THE CITY OF SPRINGDALE, WASHINGTON COUNTY,
ARKANSAS.**

WHEREAS, the City of Springdale, Arkansas, owns property located at 3377 West Huntsville Avenue, known as Tax Parcel No. 815-29875-030, Washington County, Arkansas ("the Property");

WHEREAS, the City of Springdale has undertaken the construction of Fire Station #4 on the Property;

WHEREAS, as part of the Fire Station #4 Project, it is necessary that a shared drive be constructed between the Property and the property adjacent to the east of the Property, and as shown on the attached Exhibit;

WHEREAS, the aforementioned shared drive requires that the City grant an access easement across the Property for the benefit of the adjacent property owner, said Access Easement being attached hereto as an Exhibit;

WHEREAS, Ark. Code Ann. §14-54-302 provides that the Mayor and City Clerk may execute the attached Access Easement document when authorized to do so by Resolution approved by the City Council.

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 execute the attached Access Easement document granting an access easement across the Property for the benefit of the adjacent property.

PASSED AND APPROVED this 9th day of July, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

ACCESS EASEMENT

**STATE OF ARKANSAS
COUNTY OF WASHINGTON**

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the City of Springdale, Arkansas, is the record owner of the following described tract of land situate in Washington County, Arkansas, and which is hereafter referred to as Tract A, to-wit:

TRACT A LEGAL DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS S89°50'18"W 396.00 FEET FROM THE NORTHEAST CORNER OF SAID 40 ACRE TRACT, AND RUNNING THENCE S00°10'43"W 449.11 FEET, THENCE S89°50'18"W 429.16 FEET, THENCE N00°09'42"W 199.11 FEET, THENCE N00°31'19"W 250.00 FEET, THENCE N89°50'18"E 433.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.43 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN STREET RIGHT-OF-WAY ON THE NORTH SIDE OF HEREIN DESCRIBED TRACT, AND SUBJECT TO A 25 FOOT WIDE ACCESS EASEMENT ON THE EAST AND WEST SIDE OF HEREIN DESCRIBED TRACT, AND SUBJECT TO THAT PORTION IN UTILITY EASEMENTS OF RECORD. BEING THE SAME LANDS DESIGNATED AS TRACT A-1 ON LOT SPLIT FILED FOR RECORD AS FILE 2000-00085370, RECORDS OF WASHINGTON COUNTY, ARKANSAS. Also known as Washington County Tax Parcel No. 815-29875-030.

AND WHEREAS, PAS Properties, LLC, owns the following tract of land situate in Washington County, Arkansas, and hereafter referred to as Tract B, to-wit:

TRACT B LEGAL DESCRIPTION

TRACT A: A PART OF THE NE1/4 OF THE SW1/4 OF SECTION 34, T-18-N, R-30-W, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS S 00°12'14" W, 25.00 FEET; THENCE S 89°52'36" W, 219.43 FEET FROM THE NE CORNER OF SAID 40 ACRE TRACT AND RUNNING THENCE S 00°10'43" W, 415.32 FEET; THENCE S 89°47'46" W, 173.48 FEET; THENCE N 00°18'39" W, 415.56 FEET; THENCE N 89°52'36" E, 177.02 FEET TO THE POINT OF BEGINNING, CONTAINING 1.67 ACRES MORE OR LESS.

TRACT B: A PART OF THE NE1/4 OF THE SW1/4 OF SECTION 34, T-18-N, R-30-W, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT

A POINT WHICH IS SOUTH 440.79 FEET; THENCE WEST 220.64 FEET FROM THE NE CORNER OF SAID 40 ACRE TRACT AND RUNNING THENCE S 00°10'43" W, 328.90 FEET; THENCE N 88°57'09" W, 105.51 FEET; THENCE N 72°52'26" W, 75.89 FEET; THENCE N 00°18'39" W, 268.05 FEET; THENCE N 89°47'46" E, 173.48 FEET TO THE POINT OF BEGINNING, CONTAINING 1.17 ACRES, MORE OR LESS.

SUBJECT TO A DRAINAGE EASEMENT DESCRIBED AS FOLLOWS BEGINNING AT POINT WHICH IS S 00°10'43" W, 271.45 FROM THE POINT OF BEGINNING OF SAID TRACT AND RUNNING THENCE S 00°10'43" W, 57.54 FEET; THENCE N 68°57'09" W, 105.51 FEET; THENCE N 72°52'26" W, 75.89 FEET; THENCE N 00°18'39" W, 62.49 FEET; THENCE S 69°11'20" E, 183.49 FEET TO THE POINT OF BEGINNING, CONTAINING 0.23 ACRES, MORE OR LESS. Also known as Washington County Tax Parcel No. 815-29875-010.

AND, WHEREAS, the City of Springdale, Arkansas, wishes to convey an access easement over and across Tract A for the use and benefit of Tract B, being knowledgeable that at some time in the future said Tract B may be conveyed to a third party.

NOW, THEREFORE, the City of Springdale, Arkansas, hereinafter called GRANTOR, for in consideration of the sum of \$1.00 and other good and valuable consideration, the receipt of which is herein acknowledged, does hereby grant, bargain and convey unto said PAS Properties, LLC, hereinafter called GRANTEE, and unto its successors and assigns forever, an easement for ingress, egress, and passage over and across the following described lands located in Washington County, Arkansas, to-wit:

ACCESS EASEMENT LEGAL DESCRIPTION

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION THIRTY-FOUR (34), IN 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 SW 1/4 OF SAID SECTION 34, SAID POINT BEING A FOUND RAILROAD SPIKE; THENCE ALONG THE NORTH LINE OF SAID NE 1/4 OF THE SW 1/4, N87°18'04"W A DISTANCE OF 396.00 FEET; THENCE LEAVING SAID NORTH LINE, S02°58'28"W A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE SOUTHEAST CORNER OF A RIGHT OF WAY AND EASEMENT AS SHOWN ON BOOK 97 AT PAGE 83118 OF THE WASHINGTON COUNTY RECORDS; THENCE CONTINUING S02°58'28"W A DISTANCE OF 247.50 FEET; THENCE N42°21'11"W A DISTANCE OF 35.15 FEET; THENCE N87°21'11"W A DISTANCE OF 112.45 FEET; THENCE N02°38'49"E A DISTANCE OF 25.00 FEET; THENCE S87°21'11"E A DISTANCE OF 87.33 FEET; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 27.86 FEET, AN ARC LENGTH OF 32.96 FEET AND A CHORD BEARING AND DISTANCE OF N57°22'20"E – 31.07 FEET; THENCE N02°58'28"E A DISTANCE OF 179.71 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID RIGHT OF WAY AND EASEMENT; THENCE ALONG SAID SOUTHERLY LINE, S87°18'04"E A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.20 ACRES (8,817 SQUARE FEET), MORE OR LESS. And as shown on the attached Exhibit.

This easement is declared to and does inure to the benefit of the GRANTEE and unto its successors and assigns forever.

Said easement shall be unobstructed and non-exclusive, with the GRANTOR herein reserving the right unto itself and unto its successors and assigns to concurrent use of said easement. Further, it is the expressed intent that the document of merger of title shall not apply to this instrument.

Instrument Prepared By:

Ernest B. Cate
Springdale City Attorney
201 Spring St.
Springdale, AR 72764

WITNESS my hand and seal on this _____ day of _____, 2024.

City of Springdale, Arkansas, a Municipal Corporation

By: _____
Doug Sprouse, Mayor

By: _____
Denise Pearce, City Clerk

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

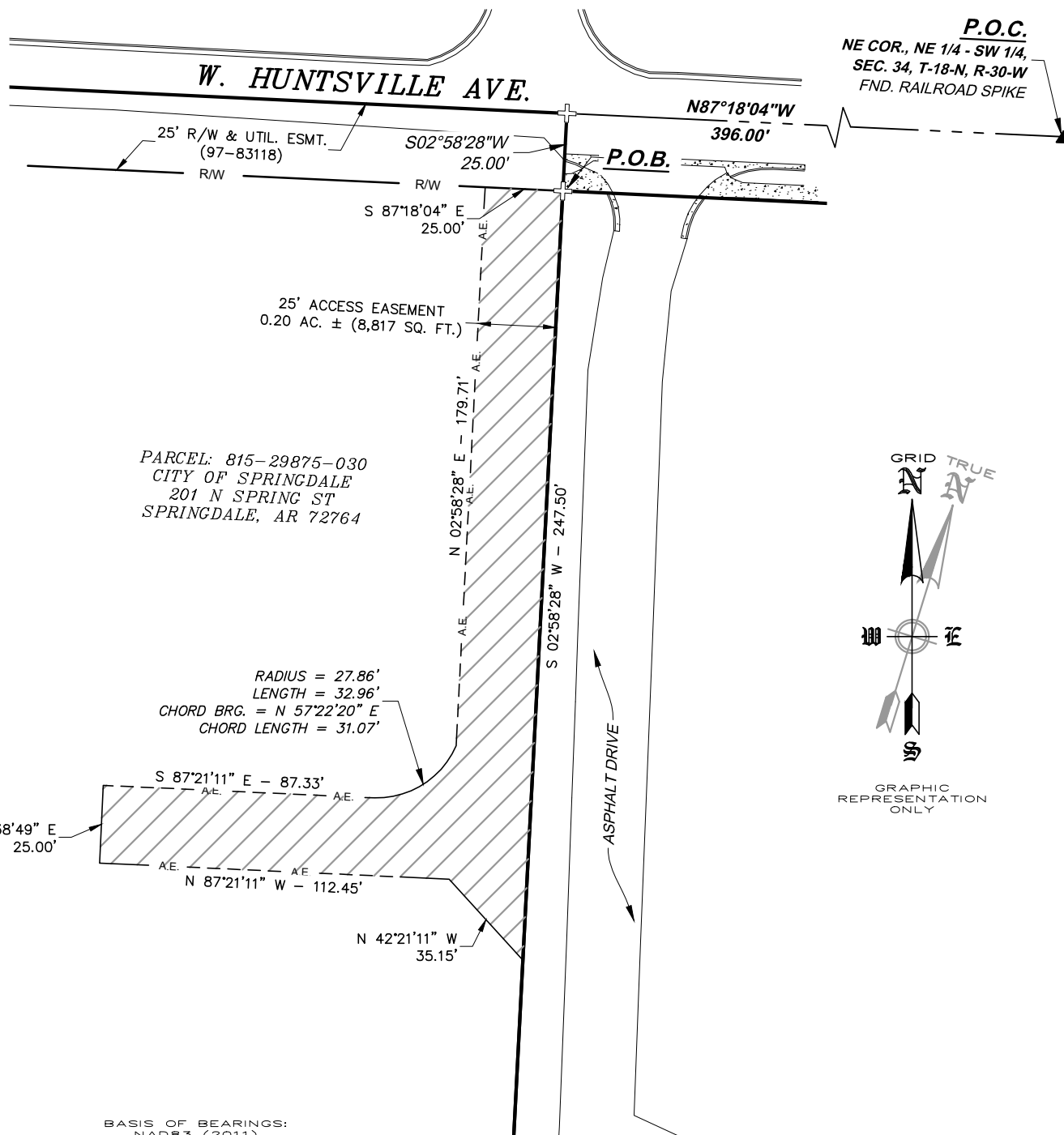
ACKNOWLEDGMENT

BE IT REMEMBERED, that on this day, came before the undersigned, a Notary Public, within and for the County aforesaid, duly commissioned and acting Doug Sprouse and Denise Pearce, to me well known as the Mayor and City Clerk for the City of Springdale, the Grantor in the foregoing Access Easement, and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

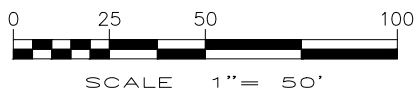
Witness my hand and seal as such Notary Public this _____ day of _____, 2024.

My Commission Expires

Notary Public



BASIS OF BEARINGS:
NAD83 (2011)
ARKANSAS STATE PLANE COORDINATE SYSTEM
NORTH ZONE 0301
ALL DISTANCES ARE GRID



EXHIBIT

ACCESS EASEMENT

SPRINGDALE, WASHINGTON COUNTY, ARKANSAS

SCALE: 1"=50'

DATE: June 18, 2024

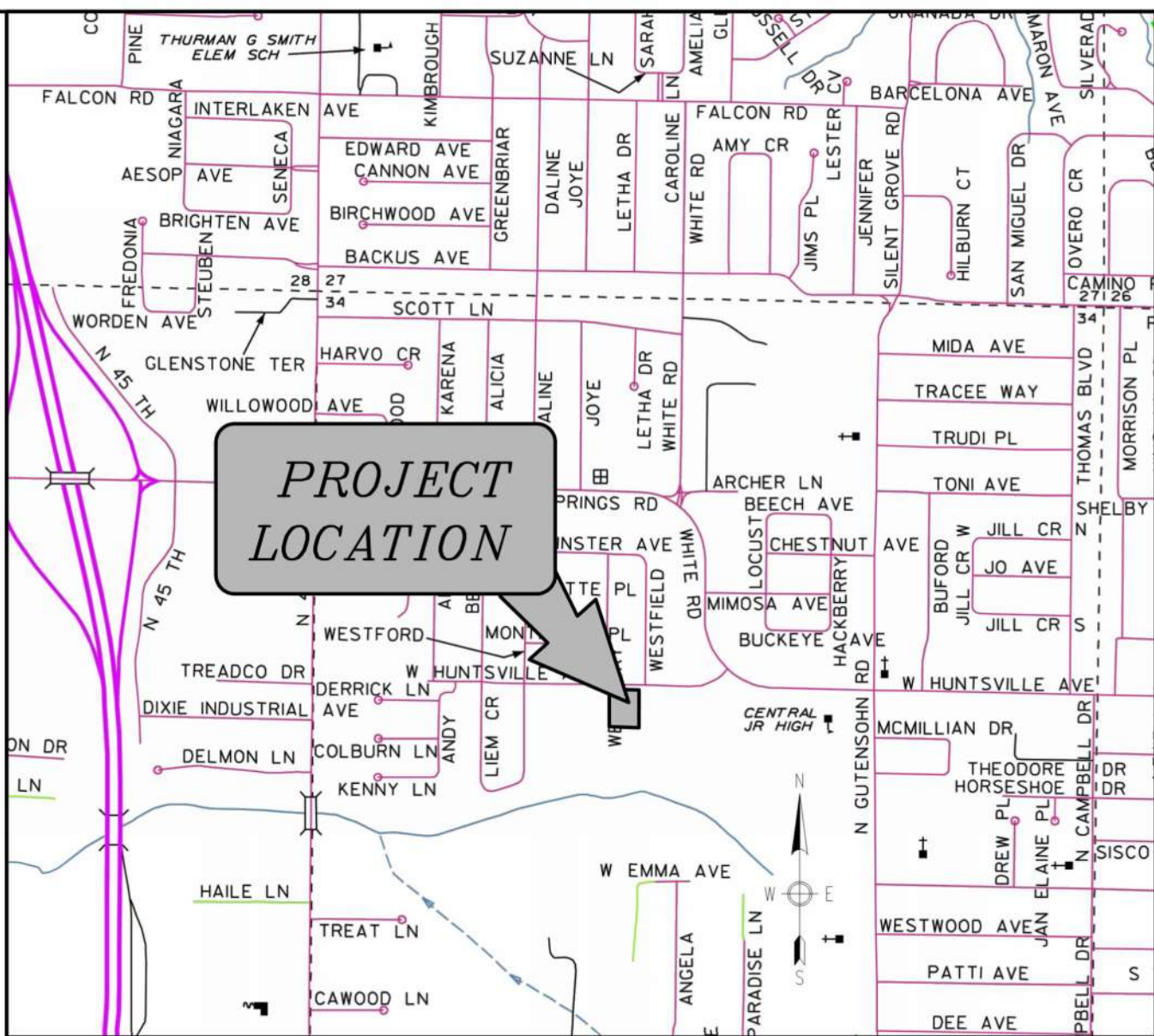
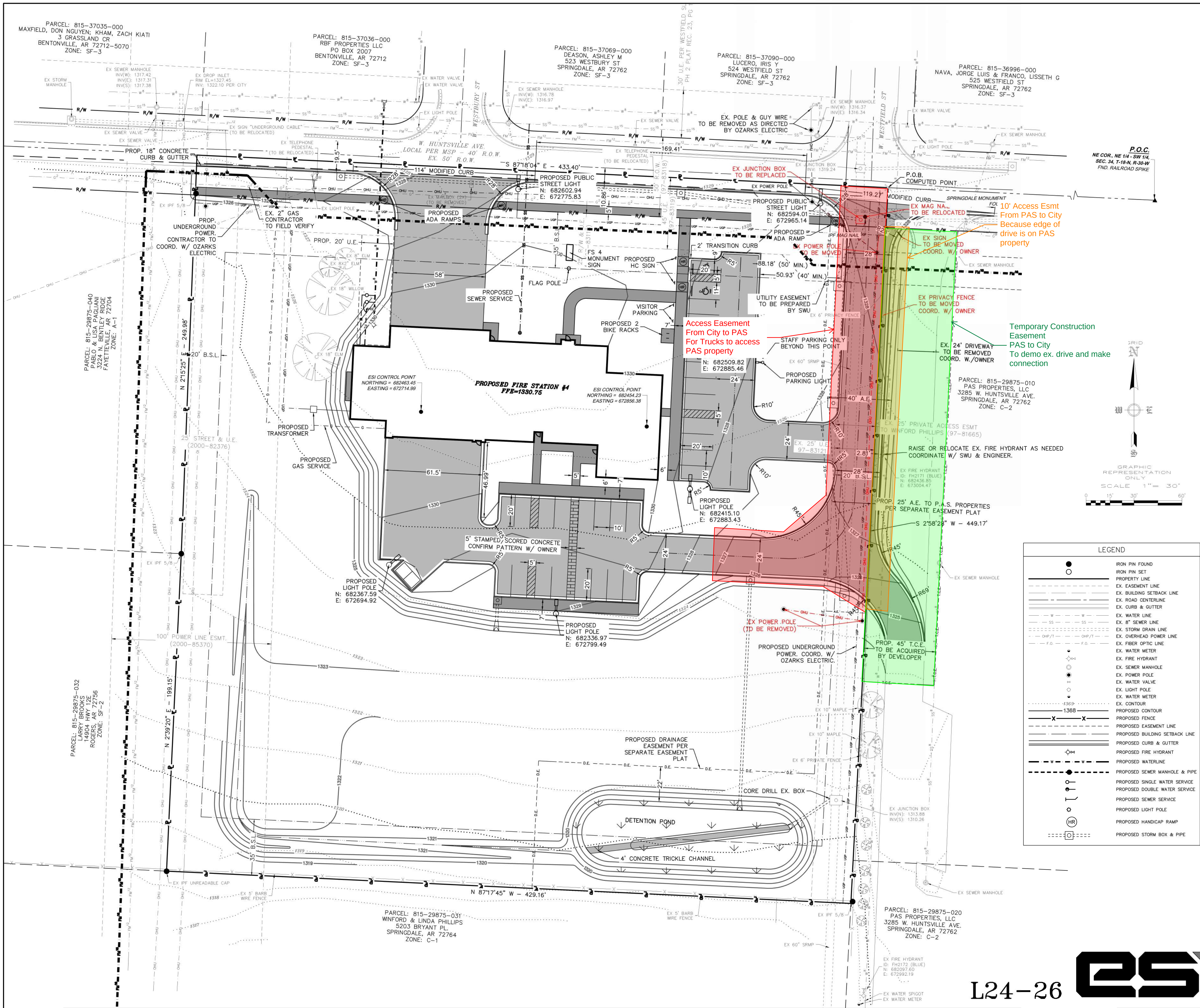
DRAWN BY: KND

ENGINEERING SERVICES, INCORPORATED
SPRINGDALE, ARKANSAS

© COPYRIGHT 2024, ENGINEERING SERVICES, INC. 6/18/2024 10:54 AM
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W.O.# 23951

SHEET 1 / 1



VICINITY MAP

OWNER/DEVELOPER:	THE CITY OF SPRINGDALE 201 SPRING STREET SPRINGDALE, AR 72764
ENGINEER:	ENGINEERING SERVICES, INC. 1207 S. OLD MISSOURI ROAD P.O. BOX 282 SPRINGDALE, AR 72762
CITY ZONING:	A-1 (PROP. P-1, R24-21)
GROSS/NET AREA:	+/- 4.44 ACRES
SETBACK:	FRONT: 35' SIDE: 20' REAR: 35'
PROPOSED USE:	FIRE DEPARTMENT FACILITIES
PARKING REQUIRED:	25 SPACES (12,410 SQ FT/500) (INCLUDING 2 A.D.A. SPACES)
PARKING PROVIDED:	28 SPACES (INCLUDING 2 A.D.A. SPACES)
FEMA FLOOD PLAIN ZONE:	

- NOTES:**
- ALL PARKING LOT DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED (EXAMPLE: 15'BC) AS TO BACK OF CURB.
 - A.D.A. ACCESSIBLE RAMPS TO HAVE A MAXIMUM INCLINATION RATIO OF 12:1.
 - ANY COST OF ADJUSTMENTS, RELOCATION OR DAMAGE OF EXISTING UTILITIES WILL BE THE RESPONSIBILITY OF THE OWNERS/DEVELOPERS.
 - MODIFIED CURB REQUIRED AT ALL DRIVES.
 - OUTDOOR STORAGE, TRASH COLLECTION, AND LOADING AREAS MUST BE LANDSCAPED, SO THAT THEIR FUNCTIONS ARE FULLY CONTAINED AND OUT OF VIEW OF THE ADJACENT PROPERTY AND THE PUBLIC RIGHT-OF-WAY.
 - THE GLOBAL POSITIONING SYSTEM (GPS) AND CONVENTIONAL TERRESTRIAL SURVEYING EQUIPMENT PROVIDED THE RELATIVE POSITIONING FOR THE TOPOGRAPHIC, PLANIMETRIC AND BOUNDARY LOCATIONS SHOWN HEREON.
 - THE MAP PROJECTION IS REFERENCED TO THE HORIZONTAL CONTROL DATUM OF NAD83 (NORTH AMERICAN DATUM OF 1983), STATE PLANE COORDINATE SYSTEM, ARKANSAS NORTH ZONE (0301). THE BASIS OF BEARINGS FOR THIS PLAT ARE STATE PLANE GRID BEARING. THE VERTICAL DATUM IS REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). TWO TEMPORARY BENCHMARKS UTILIZING THIS DATUM ARE SHOWN HEREON.
 - ALL DEVELOPMENTS AFTER AUGUST 20, 2007 MUST HAVE UTILITY WIRES, LINES, AND/OR CABLES IN SAID DEVELOPMENTS MUST BE PLACED UNDERGROUND, EXCLUDING 12KV AND ABOVE.
 - STOCKPILING OF CONSTRUCTION SPOIL MATERIAL AT PARTICULAR LOCATIONS SHALL ONLY BE ALLOWED FOR A LIMITED TIME PERIOD, NOT TO EXCEED (6) MONTHS. PRIOR TO A FINAL INSPECTION OF THE GRADING PERMIT, THE FOLLOWING STANDARDS SHALL BE ACHIEVED FOR COMPLETION OF CONSTRUCTION:
A) DEVELOPMENT AND GRADING WITH THE DISTURBED AREA IS COMPLETE AND MATCHES PLANS AS APPROVED BY THE PLANNING COMMISSION, AND
B) THE DISTURBED SOIL AREA IS OBSERVED TO HAVE 80% GRASS COVERAGE AND 100% STABILITY, AND
C) NO SLOPES STEEPER THAN A 3:1 PITCH UNLESS OTHERWISE APPROVED IN WRITING BY THE DIRECTOR OF ENGINEERING.
D) NOTICE OF VIOLATIONS ISSUED HAVE ALL CORRECTIVE ACTIONS APPROVED WITH AN INSPECTION REPORT SIGNED BY A REPRESENTATIVE OF THE DIRECTOR OF ENGINEERING, AND
E) ALL HEAVY EQUIPMENT, STOCKPILES, AND CONSTRUCTION SITE MATERIALS HAVE BEEN REMOVED FROM THE CONSTRUCTION SITE.
F) A CITY OF SPRINGDALE DETENTION/RETENTION CERTIFICATION FORM MUST BE COMPLETED, STAMPED, AND SIGNED BY A CERTIFIED PROFESSIONAL ENGINEER, POST-DEVELOPMENT AND SUBMITTED TO THE CITY OF SPRINGDALE ENGINEERING DEPARTMENT.
 - ALL CROSSINGS UNDER ROADWAYS BY OPEN CUT MUST BE BACKFILLED WITH FLOWABLE FILL.
 - STREET LIGHTS ARE REQUIRED AT EACH INTERSECTION AND ALONG THE STREET AT INTERVALS OF 300 TO 350 FEET AS MEASURED ALONG THE CENTERLINE OF THE STREET. THE MINIMUM INITIAL RATING FOR THE STREETLIGHT SHALL BE 6,800 LUMENS FOR A LOCAL STREET, 11,000 LUMENS FOR A COLLECTOR STREET, OR 20,000 LUMENS FOR AN ARTERIAL STREET.
 - A CITY OF SPRINGDALE DETENTION/RETENTION CERTIFICATION FORM MUST BE COMPLETED, STAMPED, AND SIGNED BY A CERTIFIED PROFESSIONAL ENGINEER, POST-DEVELOPMENT AND SUBMITTED TO THE CITY OF SPRINGDALE ENGINEERING DEPARTMENT.

REVISION	DATE	DESCRIPTION

LARGE SCALE DEVELOPMENT NEW FIRE STATION #4 SPRINGDALE, ARKANSAS

SCALE: 1"=30' DATE: May 31, 2024 DRAWN BY: JGA

ENGINEERING SERVICES, INCORPORATED
SPRINGDALE, ARKANSAS

@ COPYRIGHT 2024, ENGINEERING SERVICES, INC. 5/31/2024 1:04 PM
2:\LSD\23951 - FIRE STATION #4\23951 - LSD.dwg W.O.# 23951 SHEET 2

L24-26



RESOLUTION NO. _____

**A RESOLUTION WAIVING COMPETITIVE BIDDING
AND AUTHORIZING THE PURCHASE OF A
GREENHOUSE**

WHEREAS, the City of Springdale desires to nursery its own landscaping plants to reduce annual costs, provide commercially unavailable plants, and further the quality of landscaping in and around the city;

WHEREAS, The Parks & Recreation Department and the Public Works Department have partnered to conceptualize a plant, tree and wetland plant nursery on property near Rabbit’s Foot Lodge;

WHEREAS, the price and installation of the greenhouse building is \$224,530.45 and is available on an Arkansas approved buy board;

**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 waive bidding and appropriate funds for a greenhouse facility at Rabbit’s Foot Lodge of an amount not to exceed \$225,000.00 to be funded by the Unrestricted General Fund.

PASSED AND APPROVED this _____ day of May, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED:

Ernest B. Cate, CITY ATTORNEY



Corporate Offices
Distribution Center

1395 John Fitch Blvd., South Windsor, CT 06074
1440 Field of Dreams Way, Dyersville, IA 52040

Phone: 1.800.476.9715 • Int'l Phone 860.528.9550
Fax: 1.800.457.8887 • Int'l Fax: 860.289.4711
Website: www.growspan.com

Customer ID: 9114495
Quote Number: 1102100

QUOTE

Page: 1 of 4

Quote To:

CITY OF SPRINGDALE, ARKANSAS
201 SPRING ST
SPRINGDALE AR 72764-4554
UNITED STATES

Phone:

Sales Person: TREVOR KLOCK
Office Phone: 800-327-6835 X1714
TKLOCK@GROWSPAN.COM

Ship To:

CITY OF SPRINGDALE, ARKANSAS
201 SPRING ST

SPRINGDALE, AR 72764-4554

Date: 4/4/2024 Valid for 10 Days

Quote Total **224,530.45**

USD

Line	Part	Description	Expected Qty	Unit Price	Ext. Price
1	200106	GROWSPAN SERIES 1000 ARCH-TOPPED TWO-SPAN COMMERCIAL GREENHOUSE 60'W X 60'L X 12'H, ENGINEERED	1.00	79,470.00	79,470.00
<i>Project Size: (2) 30' X 60' GrowSpan Series 1000 Arch-Topped Greenhouse</i> <i>Total Square Footage: 3600 sqft</i> <i>Central partition dividing structure into two individually controlled 30'x60' bays</i> <i>Side Height: 12'</i> <i>12' column/truss spacing with heavy duty 4x4 inch square 8 gauge triple galvanized steel columns</i> <i>101mph windspeed, 10psf snowload</i> --PLEASE CONFIRM ESTIMATE W/ LOCAL BUILDING ORDINANCE-- <i>Primary structural members (posts, trusses, purlins) are triple galvanized and fully enclosed (tubular). No partially enclosed members - C-channel, roll forming or press braking - allowed.</i> <i>Heavy duty base plate anchoring system with concrete anchors included. This system eliminates labor & error associated with anchor posts that must be wet set into concrete + allows concrete to be poured & cured prior to greenhouse delivery. Can be engineered to meet any snow/wind loads. Can be mounted to cylindrical pier footings (economical choice), grade beams or slabs.</i> <i>Clear 8mm twinwall polycarbonate to cover sidewalls and endwalls</i> <i>Double layer (IRAC inner layer) of inflated 6mil polyethylene film to cover roof</i>					
2	700012	CUSTOM GRNHS DESIGN AND ENGINEERING	1.00	6,000.00	6,000.00
<i>-Includes all engineered drawings necessary for your building ordinance's requirements.</i> <i>-Full structural review and stamp provided by licensed structural engineer in your state. Foundation engineering is a separate stamp fee.</i> <i>-Drawings to be provided to owner.</i> -Current Lead Time: ~6-8 weeks from customer's approval of design documents/contracts.					
3	102466P	HOT DAWG 60M BTU LO PROF HTR PROPANE	4.00	1,249.00	4,996.00



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QUOTE

Page: 2 of 4

4	113104	HEATER HANGER PKG (S750/S1000/S2000)	4.00	399.95	1,599.80
5	111939	FAN 20" HORIZONTAL AIRFLOW 1/10HP 115V	8.00	169.95	1,359.60
6	115831	ALUMINUM DOUBLE HUNG DOOR 4'X8'	2.00	1,879.00	3,758.00
7	110565	ALUMINUM SNGL HUNG DOOR 3'X7'	3.00	1,009.00	3,027.00
8	116191	36" 1SP 115/208-230V DD 1/2HP SLANT WALL FAN	4.00	1,175.00	4,700.00
9	113906MK	54" 3100 SERIES MOTORIZED DAMPER KIT	4.00	1,139.00	4,556.00

Sales Kit

----- Kit Components -----

Kit Seq.	Part Number	Description	Qty Per
9.001	113906	54" 3100 SERIES	1.00
9.002	115224	MOTOR OPERATOR FOR	2.00

12	GSVEN025L03	GH END VNT PKG NO CLD 25'L 3'W	2.00	3,679.00	7,358.00
13	108999	EVAPORATIVE COOLING SYSTEM 25'LX3'HX6"	2.00	2,445.00	4,890.00
16	CR2095	THERMOSTAT SINGLE STAGE DUROSTAT	16.00	55.95	895.20
17	108999F	EVAP COOLING SYS FRAME 25'L X 3'L	2.00	1,005.00	2,010.00
18	CR2041	THERMOSTAT CURTAIN CONTROL	2.00	115.95	231.90
19	CF1770	EXH FAN 24" W/ALUM SHUTR VARISPEED - PEAK VENTILATION	2.00	615.00	1,230.00
20	113903MK	30" 3100 SERIES MOTORIZED DAMPER KIT - PEAK VENTILATION	2.00	439.00	878.00

Sales Kit

----- Kit Components -----

Kit Seq.	Part Number	Description	Qty Per
16.001	113903	30" 3100 SERIES	1.00
16.002	115224	MOTOR OPERATOR FOR	1.00

23	700005	GREENHOUSE INSTALLATION ESTIMATE	1.00	100,830.00	100,830.00
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QUOTE

Page: 3 of 4

Includes: 1 year labor warranty, travel expenses, equipment rentals, installation of quoted structure + equipment, portable restroom and dumpster rental, and trash cleanup

Excludes: Permits, inspections, grade work, site prep, foundation, finish flooring, utilities to the site, breaker panel, utilities to the equipment, drains, downspouts, connection/finish flashing to a pre-existing structure, installation of any item not mentioned in this proposal & build out inside of any quoted metal building[s]. Does not include installation of quoted irrigation components.

FIGURES DO NOT ACCOUNT FOR PREVAILING/DAVIS&BACON WAGE RATES. PLEASE CONFIRM IF SPECIAL WAGE RATES ARE REQUIRED FOR YOUR PROJECT

24	116456	VIBRONET GREEN SPRINKLER	280.00	4.29	1,201.20
25	116469	HANGING ASSEMBLY FOR SPRINKLERS 48"	280.00	3.09	865.20
26	113886	HOSE BIB ASSEMBLY FOR AQUA COOL	4.00	66.95	267.80

Sales Kit

----- Kit Components -----

Kit Seq.	Part Number	Description	Qty Per
20.001	WF1013	3/4" Y-FILTR W/SS	1.00
20.002	WF1330	TEE PVC FXFXF 3/4"	2.00
20.003	WF2350	BUSH PVC MXF 3/4X1/4	2.00
20.004	WF2730	3/4 WASHER ONLY	1.00
20.005	WG3840	PVC SCH 80 NIPPLE	2.00
20.006	WR1095	THREAD SEALING TAPE	1.00
20.007	WR4060	GAUGE 2" SG 0-15 PSI	1.00
20.008	WR4067	GAUGE 2-1/2" SG 0-100	1.00
20.009	109687	SENNINGER PRESSURE	1.00
20.010	112063	FGHXFPT SWIVL 3/4X3/4	1.00
20.011	112066	3/4" IN-LINE SHUT-OFF	1.00
20.012	112674	ADPTR PVC IXM 3/4X3/4	1.00
20.013	INSTRUCTIONS	INSTRUCTIONS	1.00

40	AC2804	3/4" IN-LINE VALVE (20MM)	25.00	5.15	128.75
41	110741A	.820"X.940" 3/4" PE TUBING 100'L	15.00	47.95	719.25



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QUOTE

Page: 4 of 4

42	110403	ANGLE ARROW DRIPPER (3-3/4")	250.00	0.25	62.50
43	111046A	1/4" X 100' SUPERFLEX UV WHT POLY TUBING	9.00	15.39	138.51
44	110730	TEE 21MM .820"X.940" PE TUBING	50.00	0.98	49.00
45	110729	ELBOW 21MM .820"X.940" PE TUBING	50.00	0.81	40.50
46	110728	JOINER 21MM .820"X.940" PE TUBING	50.00	0.50	25.00
47	110731	END PLUG 21MM .820"X.940" PE TUBING	50.00	0.46	23.00
48	110762	GOOF PLUG 3/7MM(BAG OF 10)	2.00	2.59	5.18
49	110743	3MM PUNCH(FOR DRIPPERS AND SPRINKLERS)	1.00	41.95	41.95
50	111698	#23 RATCHET CLAMP	250.00	0.55	137.50
51	112769	MIXRITE 45GPM HORT INJECTOR	4.00	1,065.00	4,260.00

QUOTE - Miscellaneous Charge -

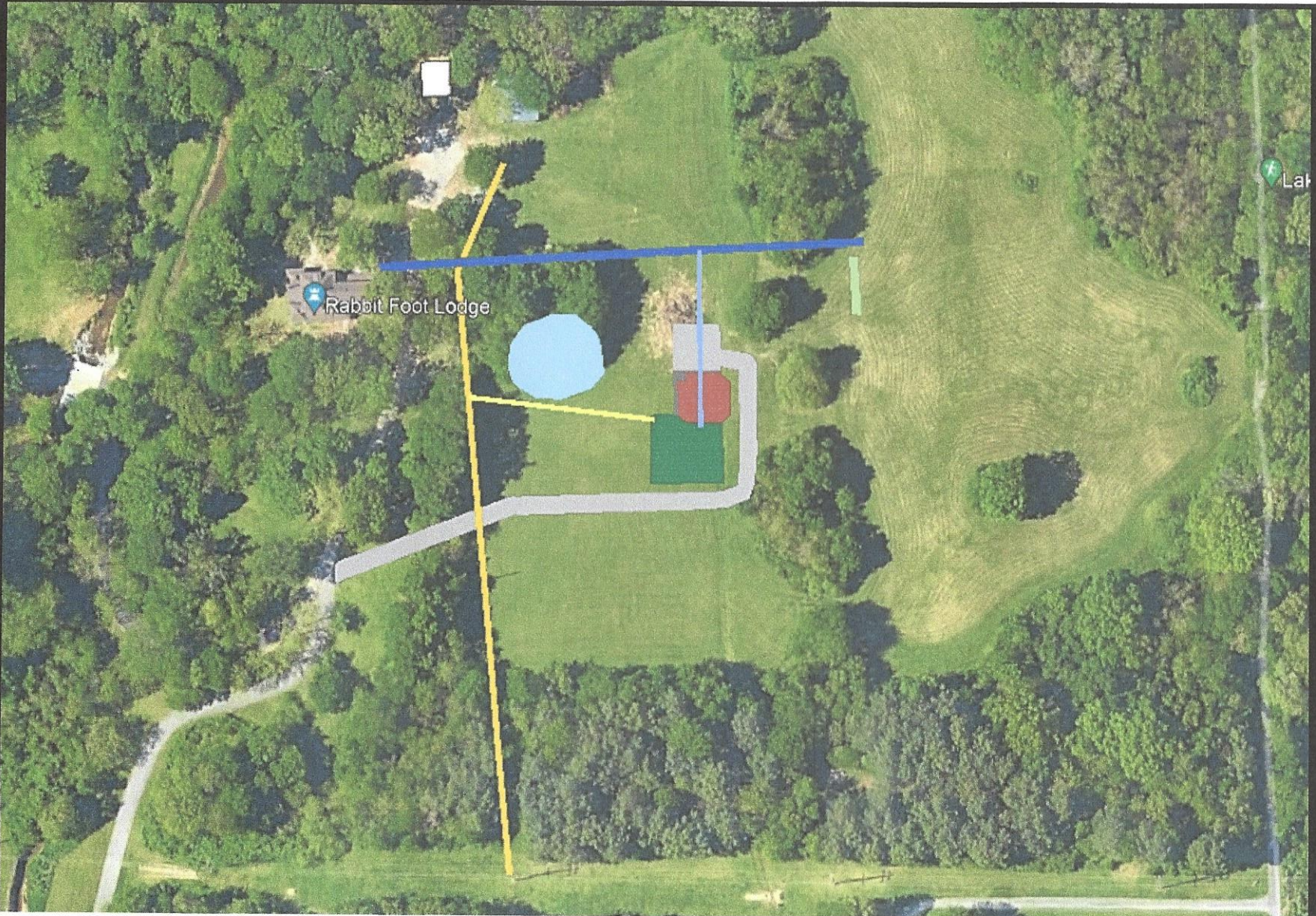
Description	Ext. Price
1.) Freight	4,191.86
2.) -15% VALID THRU 4/30	-35,363.23

**Freight Rate shown is estimated. Buyer is responsible for final freight charges that are calculated at time of shipment*

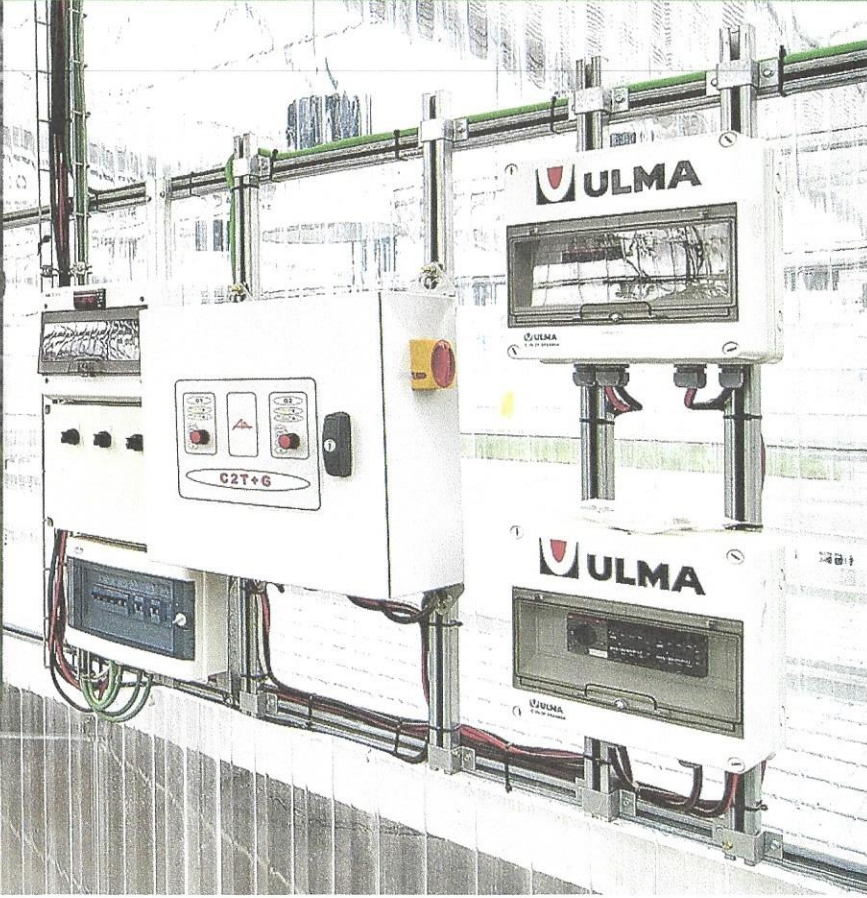
Lines Total	235,754.84
Total Taxes	19,946.98
Line Miscellaneous Charges	0.00
Quote Miscellaneous Charges	-31,171.37
Discount	0.00
Quote Total	224,530.45

Quote Accepted By: _____ Date: _____

Signature



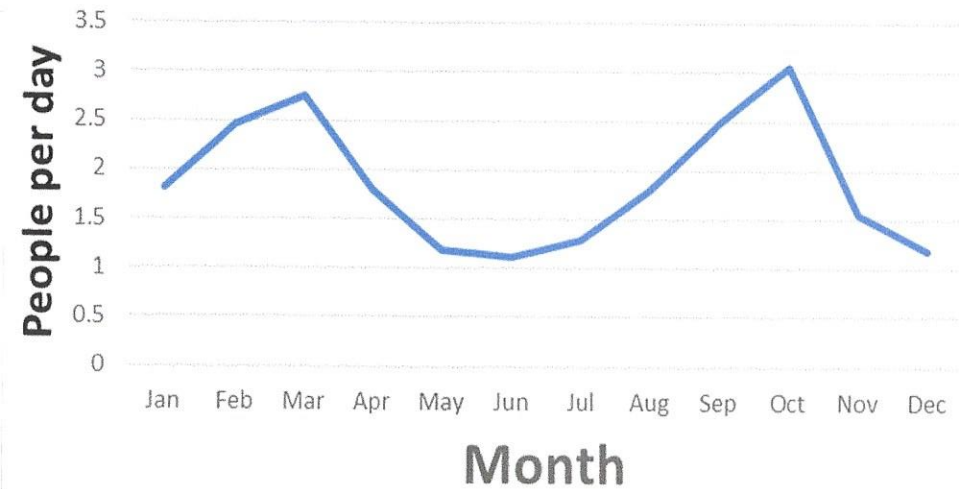








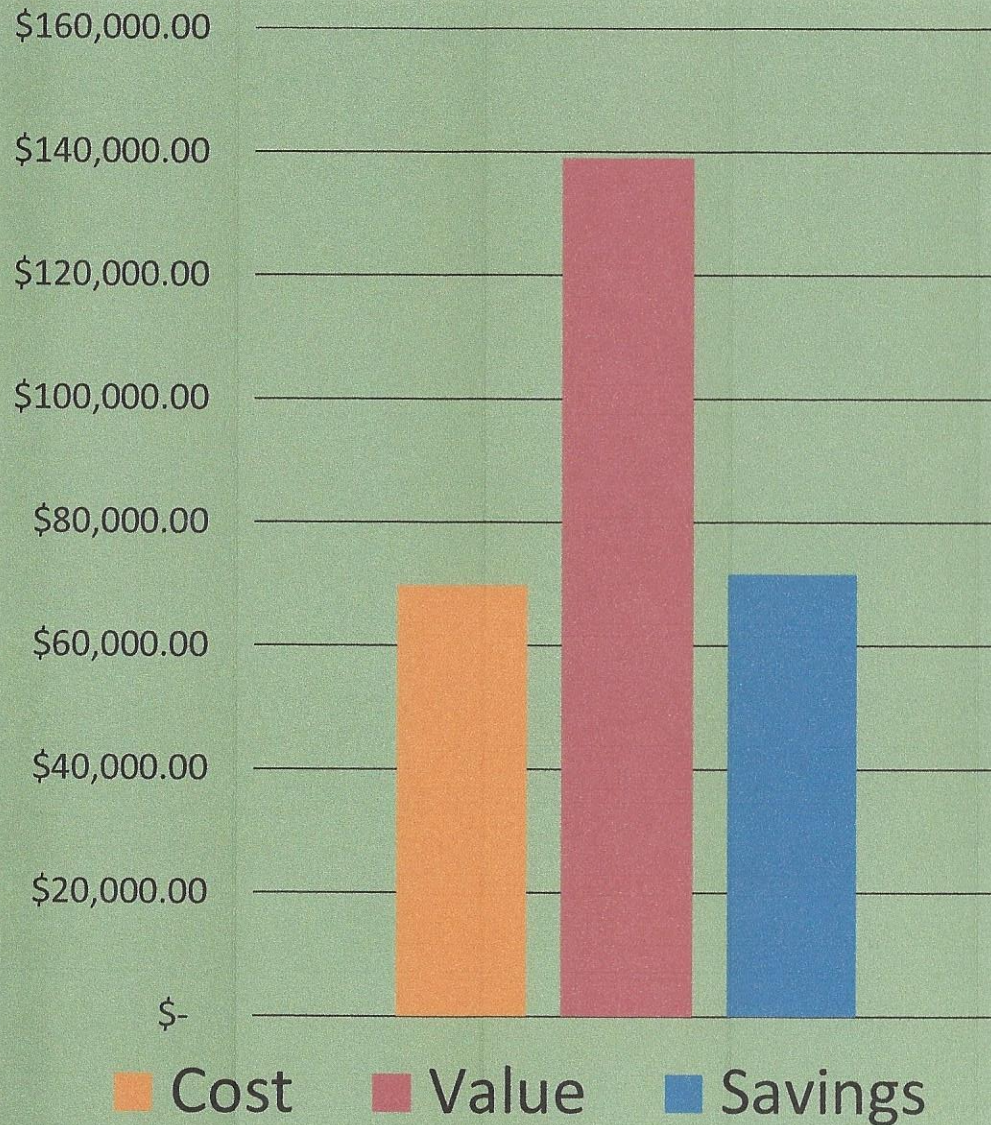
Production Labor



Maximum numbers of laborers per day peak in spring and fall seasons due to planting times and mild and manageable weather patterns.

Some year round production will allow for slow growing and season specific landscaping such as fall blooms, hanging baskets, events, and projects.





Cost includes raw materials, seed plants, labor and other general supplies.

Value is the cost to buy based on our city past spending.

In the 30 year building life this translates to \$2.15 million in savings.

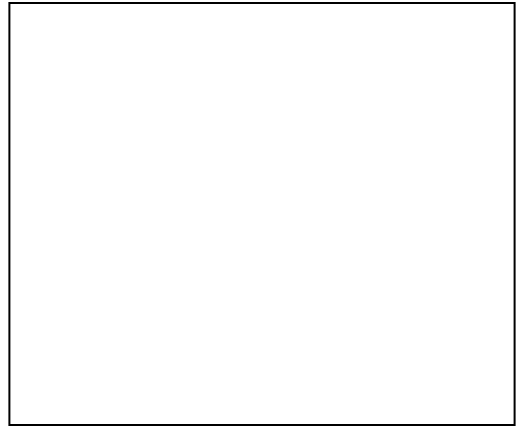
Hidden values!

- Educational opportunities,
 - school trips,
 - volunteer opportunities,
 - demonstration gardens,
 - workshops
- unique planting opportunities
 - Native plants
 - Events and projects



ORDINANCE NO. _____

**AN ORDINANCE VACATING AND ABANDONING
A PORTION OF A PUBLIC STREET (WILLELLA
PLACE), PURSUANT TO ARK. CODE ANN.
§14-301-301, *et seq.*, DECLARING AN
EMERGENCY; AND FOR OTHER PURPOSES.**



WHEREAS, on September 14, 1955, the plat of Sisson Subdivision, City of Springdale, Arkansas was filed with the land records of Washington County, Arkansas, in Plat Book 1, Page 00000124, and therein dedicated right-of-way for a public street, known as Willella Place, said street extending north from East Emma Avenue;

WHEREAS, the Harvey & Bernice Jones Center for Families, Inc., and the Jones Trust, Inc., have petitioned to abandon a portion of the aforementioned public street (Willella Place), being more particularly described as follows:

PART OF WILLELLA PLACE, A STREET RIGHT-OF-WAY AS DEDICATED ON THE FINAL PLAT OF SISSON SUBDIVISION, AS PER PLAT RECORD 479-132 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTH OF 45 FEET OF LOT 4 OF SAID SISSON SUBDIVISION, SAID POINT BEING ON THE WEST RIGHT-OF-WAY OF WILLELLA PLACE; THENCE ALONG SAID RIGHT-OF-WAY N02°16'20"E 109.93 FEET; THENCE ALONG SAID RIGHT-OF-WAY N12°01'00"W 107.78 FEET TO THE NORTH RIGHT-OF-WAY OF WILLELLA PLACE; THENCE ALONG SAID RIGHT-OF-WAY S87°22'45"E 100.00 FEET TO THE EAST RIGHT-OF-WAY OF WILLELLA PLACE; THENCE ALONG SAID RIGHT-OF-WAY S14°58'13"W 106.44 FEET; THENCE ALONG SAID RIGHT-OF-WAY S02°16'20"W 109.93 FEET; THENCE LEAVING SAID RIGHT-OF-WAY N87°43'40"W 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.31 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

And as shown on the attached Exhibit.

WHEREAS, after due notice as required by law, the City Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the portion of the street herein described has heretofore been dedicated to the public use for a street;

WHEREAS, all owners of property abutting the portion of street herein described have filed their written consent to the abandonment and vacating of the portion of the street herein described; and

WHEREAS, public interest and welfare will not be adversely affected by the abandonment of the portion of the street herein described.

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

Section 1: That the City of Springdale, Arkansas, hereby releases, vacates and abandons all its right-of-way interests, with the rights of the public generally, in and to a portion of a dedicated public street described hereinabove.

Section 2: A copy of this Ordinance, duly certified by the City Clerk, shall be filed in the office of the Recorder of Washington County, Arkansas, and recorded in the Deed records of the County.

Section 3: The Council further finds that pursuant to Arkansas law, upon abandonment of this right-of-way, the ownership of the property where the right-of-way is located as shown on the plat, shall vest in the owners of the real estate abutting thereon, with each such abutting owner taking title to the center line of the right-of-way so abandoned, and the ownership shall be free from the easement of the City for public use as a street. Provided, however, that the City of Springdale will retain the rights of any utility/drainage easements which may exist across this property.

Section 4: 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 9th day of July, 2024.

Doug Sprouse, Mayor

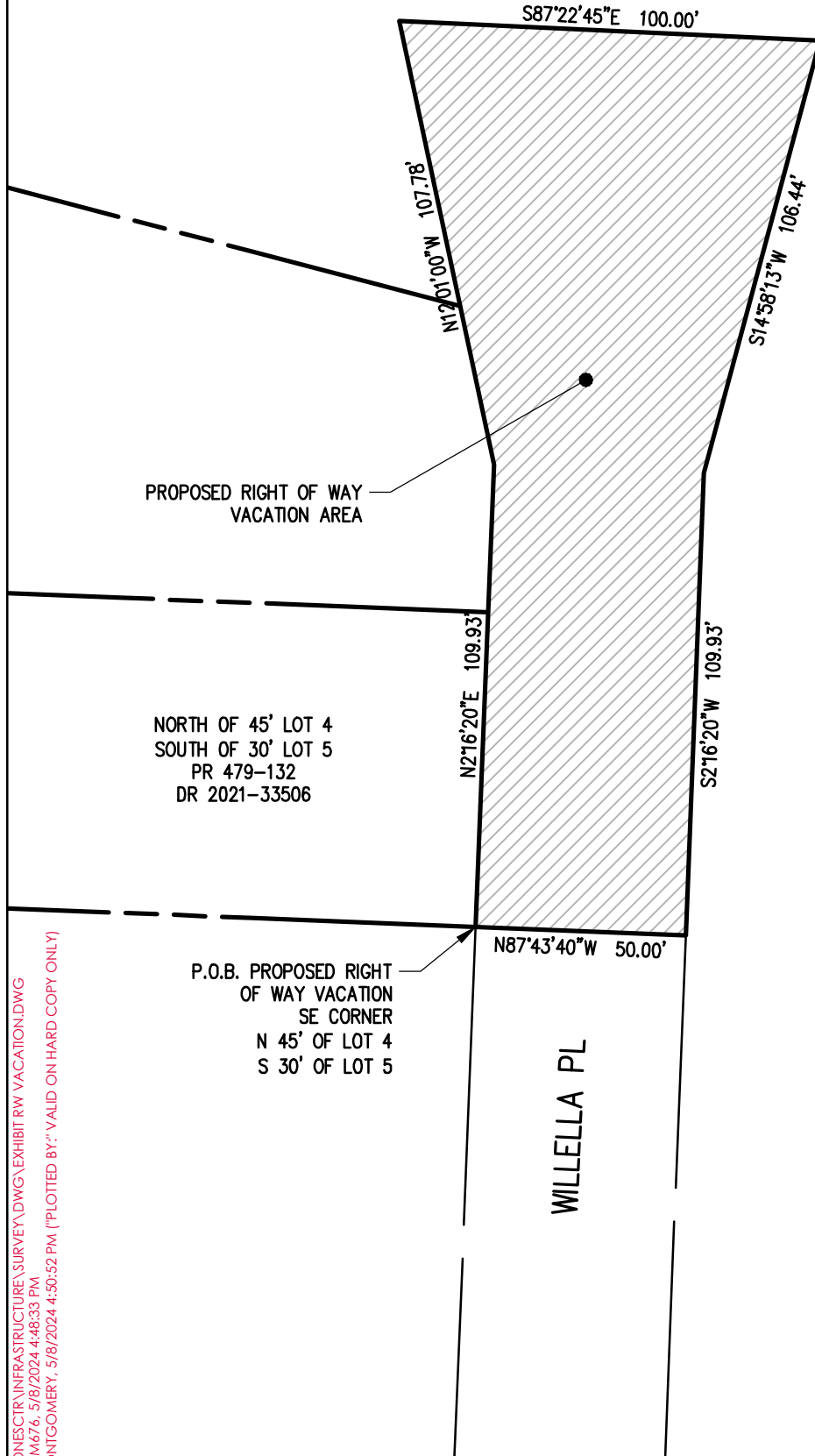
ATTEST:

Denise Pearce, CITY CLERK

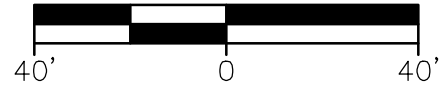
APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

EXHIBIT



GRAPHIC SCALE IN FEET



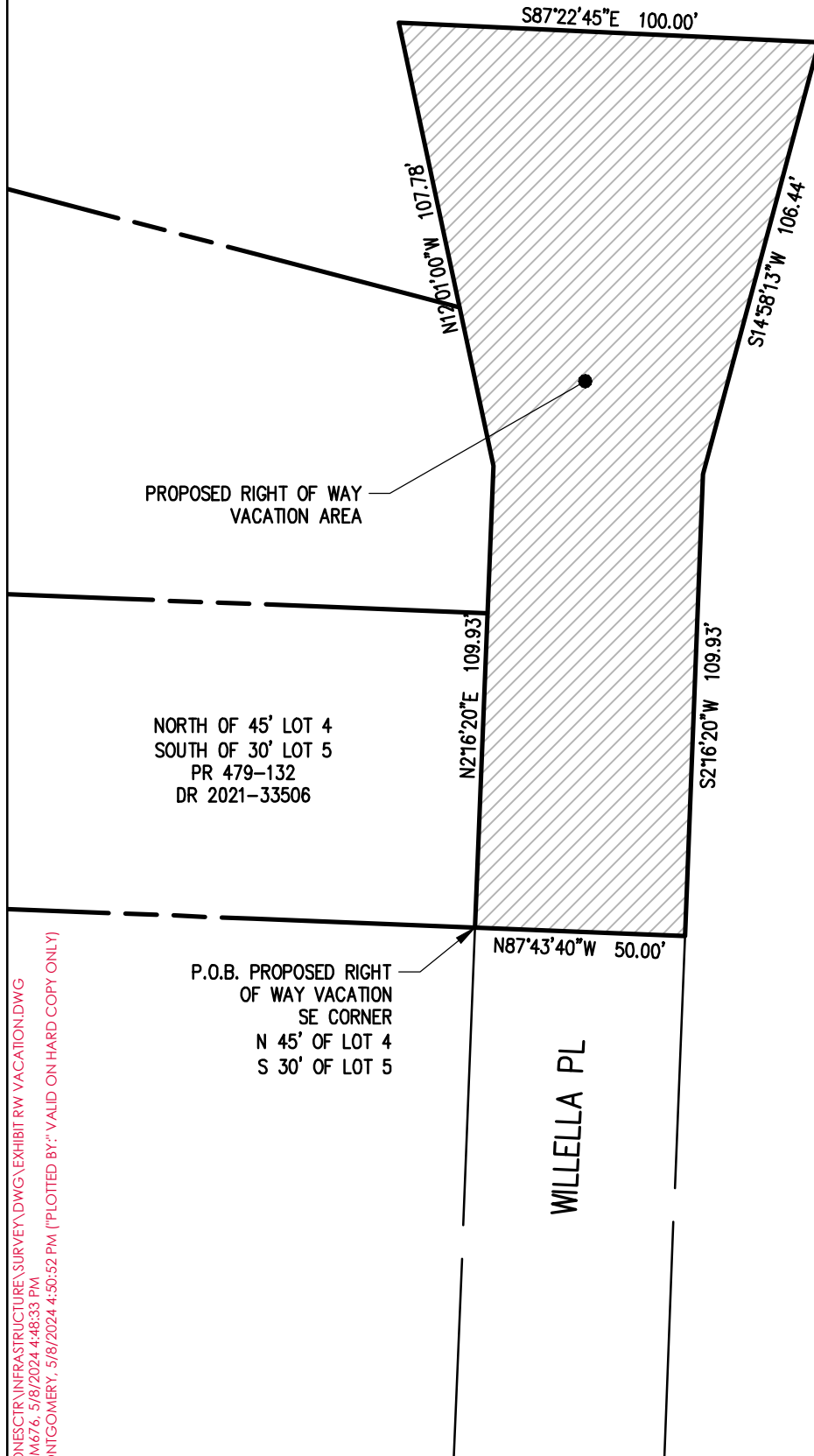
DRAWING: G:\21100600_JONESCTR\INFRASTRUCTURE\SURVEY\DWG\EXHIBIT RW VACATION.DWG
LAYOUT: ---, LAST SAVED: KM676, 5/8/2024 4:48:33 PM
LAST PLOTTED BY: KEVIN MONTGOMERY, 5/8/2024 4:50:52 PM ("PLOTTED BY:" VALID ON HARD COPY ONLY)

NOTE:
THIS EASEMENT EXHIBIT IS A GRAPHICAL REPRESENTATION OF THE EASEMENT DESCRIPTION, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.

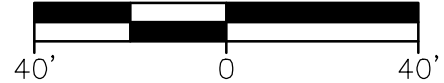
PROJECT NO.: 21100600		901 N. 47th St, Suite 400 Rogers, Arkansas 72756	
DRAWN BY:	DATE: 05/08/2024	 Crafton Tull Page 94 479.636.4838 t www.craftontull.com	
SHEET: 1 OF 1	CHECKED:		

© 2024 Crafton, Tull & Associates, Inc.

EXHIBIT



GRAPHIC SCALE IN FEET



DRAWING: G:\21100600\JONESCTR\INFRASTRUCTURE\SURVEY\DWG\EXHIBIT RW VACATION.DWG
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PROJECT NO.: 21100600		 Crafton Tull 901 N. 47th St, Suite 400 Rogers, Arkansas 72756 Page 95 479.636.4838 † www.craftontull.com
DRAWN BY:	DATE: 05/08/2024	
SHEET: 1 OF 1	CHECKED:	

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The City Council of the City of Springdale met in regular session on Tuesday, June 25, 2024 in the 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 3
Amelia Taldo	Ward 4
Jeff Watson	Ward 3
Mike Overton	Ward 2
Mike Lawson	Ward 1
Rex Bailey	Ward 2
Randall Harriman	Ward 1 (Absent)
Mark Fougerousse	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Frank Gamble	Police Chief
Blake Holte	Fire Chief
Sharon Tromburg	Assistant Planning Director
Ben Peters	Engineering Director
Chad Wolf	Parks and Recreation Director
Mark Gutte	IT Director
Colby Fulfer	Chief of Staff
Mike Chamlee	Buildings Director
John Oliver	Neighborhood Services
James Smith	Public Works Director

APPROVAL OF MINUTES

Council Member Taldo moved the minutes of the June 11, 2024 City Council meeting be approved as presented. Council Member Fougerousse made the second.

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

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Powell 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 Taldo made the second.

After the vote was taken, motion carried unanimously by 7-0.

RESOLUTION NO. 75-24 – MAKING THE APPOINTMENT OF MIKE GAWF TO THE SPRINGDALE AIRPORT COMMISSION OF THE CITY OF SPRINGDALE, ARKANSAS

Mayor Doug Sprouse presented a Resolution making the appointment of Mike Gawf to the Springdale Airport Commission of the City of Springdale, Arkansas.

RESOLUTION NO. ____

A RESOLUTION MAKING AN APPOINTMENT TO THE SPRINGDALE AIRPORT COMMISSION OF THE CITY OF SPRINGDALE, ARKANSAS

WHEREAS, Jason McMullan has stepped down from the Springdale Airport Commission with a term set to expire on July 1, 2024; and

WHEREAS, according to Section 18-26 of the Springdale Code of Ordinances, commissioners shall be appointed by the Mayor and confirmed by three-fourths of the elected City Council, and

WHEREAS, after consideration, the Springdale Airport Commission and the Mayor recommend the appointment of Mike Gawf to the Springdale Airport Commission, with a term beginning July 1, 2024; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Mike Gawf is hereby appointed to the Springdale Airport Commission with a term set to expire on July 1, 2029 is approved.

PASSED AND APPROVED this ____ day of June, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Bailey moved the Resolution be adopted. Council Member Taldo made the second.

After the vote was taken, motion carried unanimously by 6-0-1 (Fougerousse Abstaining).

The Resolution was numbered 75-24.

RESOLUTION NO. 76-24 – ADOPTING THE 2023 WASHINGTON COUNTY HAZARD MITIGATION PLAN UPDATE

Mayor Doug Sprouse presented a Resolution adopting the 2023 Washington County Hazard Mitigation Plan update. This plan is updated every five years

RESOLUTION NO. ____

A RESOLUTION ADOPTING THE 2023 WASHINGTON COUNTY HAZARD MITIGATION PLAN UPDATE

WHEREAS, the City Council of the City of Springdale recognizes the threat that natural hazards pose to people and property within its jurisdiction; and

WHEREAS, the City of Springdale has prepared a multi-hazard mitigation plan, hereby known as 2023 Washington County Hazard Mitigation Plan update in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS, 2023 Washington County Hazard Mitigation Plan update identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in its jurisdiction from the impacts of future hazards and disasters; and

WHEREAS, adoption by the City of Springdale demonstrates its commitment to hazard mitigation and achieving the goals outlined in the 2023 Washington County Hazard Mitigation Plan update

NOW THEREFORE, BE IT RESOLVED BY THE City of Springdale, Arkansas, THAT:

The City of Springdale adopts the 2023 Washington County Hazard Mitigation Plan update. While content related to the City of Springdale may require revisions to meet the plan approval requirements, changes occurring after adoption will not require the City of Springdale to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions.

PASSED AND APPROVED this ____ day of June, 2024.

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 Fougrousse made the second.

After the vote was taken, motion carried unanimously by 7-0.

The Resolution was numbered 76-24.

ORDINANCE NO. 5968 – (R24-19) REZONING 10.39 ACRES OWNED BY ELDER-JONES CONSTRUCTION LLC, LOCATED SOUTH OF E. EMMA AVENUE AND WEST OF HAYFIELD AVENUE, FROM MF-3 TO MF-16

Assistant Planning Director Sharon Trromburg presented an Ordinance (R24-19) rezoning 10.39 acres owned by Elder-Jones Construction LLC, located south of E. Emma Avenue and West of Hayfield Avenue, from MF-3 to MF-16; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

After the vote was taken, motion carried unanimously by 7-0.

Council Member Powell moved the Emergency Clause be adopted. Council Member Taldo made the second.

After the vote was taken, the emergency clause failed by a 5-2 vote (Watson and Bailey voting no).

The Ordinance was numbered 5968.

ORDINANCE NO. 5969 – (R24-21) REZONING 4.43 ACRES OWNED BY THE CITY OF SPRINGDALE, LOCATED AT 3377 W. HUNTSVILLE AVENUE, FROM A-1 TO P-1; AND DECLARING AN EMERGENCY

Assistant Planning Director Sharon Tromburg presented an Ordinance (R24-21) rezoning 4.43 acres owned by the City of Springdale, located at 3377 W. Huntsville Avenue, from A-1 to P-1; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

After the vote was taken, motion carried unanimously by 7-0.

Council Member Powell moved the Emergency Clause be adopted. Council Member Bailey made the second.

After the vote was taken, motion carried unanimously by 7-0.

The Ordinance was numbered 5969.

ORDINANCE NO. 5970 – (R24-22) REZONING TWO ACRES OWNED BY TALEBI PROPERTIES, LLC, LOCATED AT 2377 S. 48TH STREET AND 2417 S. 48TH STREET, FROM A-1 TO MF-4; AND DECLARING AN EMERGENCY

Assistant Planning Director Sharon Tromburg presented an Ordinance (R24-22) rezoning two acres owned by Talebi Properties, LLC, located at 2377 S. 48th Street and 2417 S. 48th Street, from A-1 to MF-4; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

After the vote was taken, motion carried unanimously by 7-0.

Council Member Powell moved the Emergency Clause be adopted. Council Member Taldo made the second.

After the vote was taken, motion carried unanimously by 7-0.

The Ordinance was numbered 5970.

ORDINANCE NO. 5971 – (R24-23) REZONING 1.08 ACRES OWNED BY SAM’S REAL ESTATE BUSINESS TRUST, LOCATED NORTHEAST OF MEMBERS LANE, FROM C-5 TO C-2; AND DECLARING AN EMERGENCY

Assistant Planning Director Sharon Tromburg presented an Ordinance (R24-23) rezoning 1.08 acres owned by Sam’s Real Estate Business Trust, located northeast of Members Lane, from C-5 to C-2; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

After the vote was taken, motion carried unanimously by 7-0.

Council Member Powell moved the Emergency Clause be adopted. Council Member Taldo made the second.

After the vote was taken, motion carried unanimously by 7-0.

The Ordinance was numbered 5971.

ORDINANCE NO. 5972 – (R24-24) REZONING .25 ACRES OWNED BY VALENTIN DELPILAR, LOCATED AT 1205 CRUTCHER STREET, FROM MF-12 TO I-1; AND DECLARING AN EMERGENCY

Assistant Planning Director Sharon Tromburg presented an Ordinance (R24-24) rezoning .25 acres owned by Valentin Delpilar, located at 1205 Crutcher Street, from MF-12 to I-1; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

After the vote was taken, motion carried unanimously by 7-0.

Council Member Powell moved the Emergency Clause be adopted. Council Member Taldo made the second.

After the vote was taken, motion carried 6-1 (Watson voting no).

The Ordinance was numbered 5972.

ORDINANCE NO. 5973 – (R24-26) REZONING 1.35 ACRES OWNED BY MARENA GLUR REVOCABLE TRUST AND THE TIMOTHY AND ROBERTA WEISS TRUST, LOCATED AT 5065 AND 5087 BOB MILLS ROAD, FROM A-1 TO SF-1; AND DECLARING AN EMERGENCY

Assistant Planning Director Sharon Tromburg presented an Ordinance (R24-26) rezoning 1.35 acres owned by Marena Glur Revocable Trust and the Timothy and Roberta Weiss Trust, located at 5065 and 5087 Bob Mills Road, from A-1 to SF-1; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

After the vote was taken, motion carried unanimously by 7-0.

Council Member Powell moved the Emergency Clause be adopted. Council Member Bailey made the second.

After the vote was taken, motion carried 6-1 (Watson voting no).

The Ordinance was numbered 5973.

RESOLUTION NO. 77-24 – APPROVING A CONDITIONAL USE (C24-07) FOR ACABRON FOOD TRUCK AT 3054 W. SUNSET AVENUE AS SET FORTH IN ORDINANCE NO. 4030

Assistant Planning Director Sharon Tromburg presented a Resolution approving a conditional use appeal by Acabron Food Truck (Owner - Valente Reyes) for a Use Unit 44 (Mobile Vending) in a C-2 zone at 3054 W. Sunset Avenue.

RESOLUTION NO. ____

**A RESOLUTION APPROVING A CONDITIONAL USE
(C24-07) FOR ACABRON FOOD TRUCK AT 3054 W.
SUNSET AVENUE AS SET FORTH IN ORDINANCE NO.
4030**

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

WHEREAS, the Planning Commission held a public hearing on June 4th, 2024, on a request by Valente Reyes for a Use Unit 44 (Mobile Vending) in a General Commercial District (C-2).

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yeses and zero (0) no’s recommends that a Conditional Use be granted to Acabron Food Truck with the following conditions:

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to with the following conditions:

- a) Operate between the hours of 10:00 p.m. and 7:00 a.m.
- b) No obstruction of parking spaces required for the operation of any other use on the site.
- c) Maintain on the site a minimum of three parking spaces designated for their use.
- d) If a health certificate is required, display the health certificate in a manner visible to customers
- e) No obstruction of pedestrian or motor vehicle traffic flow.
- f) No obstruction of traffic signals or regulatory signs.
- g) No vending upon a public way.
- h) No sound device that produces a loud and raucous noise in violation of City Ordinance, or violates any other City Ordinances in connection with the vending operation.
- i) Keep vending sites clean and free of paper or refuse of any kind generated from the operation of their business. All trash or debris accumulating within twenty (20) feet of any vending stand is collected and deposited into a trash container.

PASSED AND APPROVED THIS ____ DAY OF JUNE, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Watson moved the Resolution be adopted. Council Member Taldo made the second.

After the vote was taken, motion carried 6-1 (Overton voted no).

The Resolution was numbered 77-24.

APPEAL OF PLANNING COMMISSION'S DENIAL OF A VARIANCE REQUEST (B24-29) FOR A REDUCTION OF THE REAR SETBACK FROM 20' TO 6' AND SIDE SETBACKS FROM 8' TO 6' IN A SF-2 DISTRICT LOCATED AT 3545 JULIO ROAD

An appeal was presented by Manuel Palencia Coria on the denial by Planning Commission for a variance request (B24-29) for a reduction of the rear setback from 20' to 6' and side setbacks from 8' to 6' in a SF-2 District located at 3545 Julio Road.

Mr. Coria said he was not aware of the zoning regulations. His intent was to build a structure to create a workshop for his tools. The building is already built.

This building was built without a permit by the city.

Fire Chief Blake Holte said the main challenge is it does not meet fire code with the setbacks. These setbacks create a challenge with structure-to-structure fires. The only way to overcome that situation would be that the exterior be a clad non-combustible material. Short of that, the Fire Department can not support this building where it is located.

After discussion, Council Member Taldo made the motion to overturn Planning Commission's decision to deny and approve the variance with the condition that the exterior and soffit be made of a non-combustible material. Council Member Fougousse made the second.

Chief Building Inspector Mike Chamlee said if they are required to tear the building down, the owner will be required to get a building permit. If it is passed with this stipulation, the Inspection Department will make sure they adhere to that.

After the vote was taken, the motion was denied by a 4-3 vote (Watson, Overton and Lawson voting no).

The applicant has the option to appeal to Circuit Court; otherwise remove the structure or scale it back to the appropriate setback requirement.

RESOLUTION NO. 78-24 – ACCEPTING THE GUARANTEED MAXIMUM PRICE FOR THE CONSTRUCTION OF PARKING ADDITIONS AT CL “CHARLIE” & WILLIE GEORGE PARK (2023 BOND PROJECT NO. 23BPP4)

Chief of Staff Colby Fulfer presented a Resolution accepting the guaranteed maximum price for the construction of parking additions at CL “Charlie” and Willie George Park (2023 Bond Project No. 23BPP4).

RESOLUTION NO. ____

A RESOLUTION ACCEPTING THE GUARANTEED MAXIMUM PRICE FOR THE CONSTRUCTION OF PARKING ADDITIONS AT CL “CHARLIE” & WILLIE GEORGE PARK (2023 BOND PROJECT NO. 23BPP4)

WHEREAS, Springdale Parks and Recreation would like to expand parking at CL & Willie George Park, and

WHEREAS, Arkansas Statute 19-11-801 provides for the employment of a construction manager for public improvement projects, and

WHEREAS, the additional parking has been designed and bids taken from sub-contractors, and

WHEREAS, Milestone Construction has proposed a guaranteed maximum price of \$930,400.00, and

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

1. The City Council accepts the guaranteed maximum price of \$930,400.00 submitted by Milestone Construction for the construction of additional parking at CL & Willie George Park.
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 guaranteed maximum price.

PASSED AND APPROVED this ____ day of June, 2024

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Watson moved the Resolution be adopted. Council Member Bailey made the second.

After the vote was taken, motion carried unanimously 7-0.

The Resolution was numbered 78-24.

RESOLUTION NO. 79-24 - AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONVEYANCE AGREEMENT FOR THE ACQUISITION OF LAND FROM ARKANSAS FOOD SYSTEMS, LLC, FOR THE SENIOR CENTER PROJECT, BOND PROJECT NO. 23BSC1

City Attorney Ernest Cate presented a Resolution authorizing the Mayor and City Clerk to execute a conveyance agreement for the acquisition of land from Arkansas Food Systems, LLC, for the Senior Center Project, Bond Project No. 23BSC1.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONVEYANCE AGREEMENT FOR THE ACQUISITION OF LAND FROM ARKANSAS FOOD SYSTEMS, LLC, FOR THE SENIOR CENTER PROJECT, PROJECT NO. 23BSC1.

WHEREAS, the City of Springdale has undertaken the Springdale Senior Center Project, Project No. 23BSC1;

WHEREAS, Arkansas Food Systems, LLC, has undertaken a Large Scale Development project immediately adjacent to and south of the Senior Center site;

WHEREAS, the City and Arkansas Food Systems, LLC, wish to ensure that public trail access and emergency vehicle access are established and maintained between the Senior Center and the Arkansas Food Systems project;

WHEREAS, the City and Arkansas Food Systems, LLC, wish to enter into a conveyance agreement whereby the City will obtain, and Arkansas Food Systems will convey, property to effect the aforementioned public trail and emergency access; and,

WHEREAS, the costs associated with the conveyance of the property (.36 acres or 15,222 sq. ft., more or less) to the City from Arkansas Food Systems is \$5,975.00.

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 execute a conveyance agreement with Arkansas Food Systems, LLC, for the acquisition of property to ensure that public trail access and emergency vehicle access are established and maintained between the Senior Center and the Arkansas Food Systems project, for the total sum of \$5,975.00 to be paid from the 2023 Senior Center Bond.

PASSED AND APPROVED this ____ day of June, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

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

After the vote was taken, motion carried unanimously 7-0.

The Resolution was numbered 79-24.

RESOLUTION NO. 80-24 - AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH GRUBBS, HOSKYN, BARTON & WYATT, INC. DBS UES FOR TESTING SERVICES ON W. EMMA AVENUE EXTENSION FROM 40TH TO 48TH STREET TO BE PAID OUT OF THE 2023 BOND FUND

Engineering Director Ben Peters presented a Resolution authorizing the execution of a professional services agreement with Grubbs, Hoskyn, Barton & Wyatt, Inc. dba. UES for testing services on W. Emma Avenue extension from 40th to 48th Street to be paid from the 2023 Street Bond Fund.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR TESTING SERVICES ON W EMMA AVENUE EXTENSION FROM 40TH TO 48TH STREET

WHEREAS, the City of Springdale is in need of testing services for phase 2 of the W Emma Avenue Extension project;

WHEREAS, Grubbs, Hoskyn, Barton & Wyatt, Inc. dba. UES performed the geotechnical engineering work for this project;

WHEREAS, the price not to exceed amount for professional testing services shall be \$157,381.00.

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 enter into a professional services agreement with Grubbs, Hoskyn, Barton & Wyatt, Inc. dba. UES for testing services to be paid from the 2023 Street Bond Fund.

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

PASSED AND APPROVED this ____ day of June, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

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

After the vote was taken, motion carried 6-0-1 (Powell Abstained).

The Resolution was numbered 80-24.

ORDINANCE NO. 5974 – AMENDING CHAPTER 107 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS

Council Member Mike Overton presented an Ordinance amending Chapter 107 of the Code of Ordinances of the City of Springdale. This will be an updated version of the code.

Section 107-1 of the Code of Ordinances contains the Stormwater, Pollution Prevention, Grading and Erosion Control Manual for the City of Springdale.

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

After the vote was taken, motion carried 6-1 (Fougerousse voting no).

The Ordinance was numbered 5974.

ORDINANCE NO. 5975 – AMENDING SECTION 42-76 OF THE CODE OF ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS

Council Member Mike Overton presented an Ordinance amending section 42-76 of the Code of Ordinances of the City of Springdale. Section 42-76 of the Code of Ordinances contains definitions associated with unsightly and unsanitary conditions on private property in the City of Springdale.

The aforementioned definitions are in need of revision so as to clarify and assist in the identification, interpretation, and enforcement of the removal of unsightly and unsanitary conditions on private property.

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

After the vote was taken, motion carried unanimously by 7-0.

The Ordinance was numbered 5975.

RESOLUTION NO. 81-24 – AUTHORIZING THE PURCHASE OF NEW PITCHING MATS AT J.B. HUNT PARK (2023 BOND PROJECT NO. 23BPP6)

Parks and Recreation Director Chad Wolf presented a Resolution authorizing the purchase of new pitching mats at J.B. Hunt Park (2023 Bond Project No. 23BPP).

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE PURCHASE OF NEW PITCHING MATS AT J.B. HUNT PARK (2023 BOND PROJECT NO. 23BPP6)

WHEREAS, Springdale Parks and Recreation would like to purchase new pitching mats for the softball fields at J.B. Hunt Park, and

WHEREAS, the softball fields have recently been upgraded to a high-grade, artificial turf as one of the 2023 Park Bond Projects, and

WHEREAS, the new pitching mats will prevent damage and wear to that area of the field, and

WHEREAS, Springdale Parks and Recreation received three (3) quotes from local companies, and

WHEREAS, upon review, they have selected The Perfect Mound for the purchase of Defender Series Softball Mats, in the amount of \$11,650.00 to be paid for out of the 2023 Parks Bond (2023 Parks Bond Project No. 23BPP6).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Council authorizes Springdale Parks and Recreation to purchase new pitching mats from The Perfect Mound for fields at J.B. Hunt Park, in the amount of \$11,650.00, to be paid for out of the 2023 Parks Bond (2023 Parks Bond Project No. 23BPP6).

PASSED AND APPROVED this ____ day of June, 2024

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

After the vote was taken, motion carried unanimously 7-0.

The Resolution was numbered 81-24.

RESOLUTION NO. 82-24 – SETTING A HEARING DATE ON A PETITION BY TALDO RENTALS, LLC, TO VACATE A PORTION OF PURSELL STREET

City Attorney Ernest Cate presented a Resolution setting a hearing date for July 23, 2024 to hear a petition by Taldo Rentals, LLC, to vacate a portion of Pursell Street.

RESOLUTION NO. ____

A RESOLUTION SETTING A HEARING DATE ON A PETITION TO VACATE A PORTION OF PURSELL STREET.

WHEREAS, Taldo Rentals, LLC, has petitioned for the abandonment of a portion of a dedicated public street, more commonly known as a portion of Pursell Street, described as follows:

Beginning at the Northwest corner of Parcel No. 815-25083-000, which is Lot 2, Block 1, Putman’s Addition to the City of Springdale, Arkansas; thence South to the Southwest corner of Parcel No. 815-25083-000; thence West 30.00 feet, more or less, to the east property line of Parcel No. 815-25087-100; thence North along said east property line, and continuing North along the east property line of Parcel No. 815-25087-000, to the South right-of-way line of West Huntsville Avenue; thence East along said right-of-way line a distance of 30.00 feet, more or less, to the point of beginning. And as shown on the attached Exhibit "A".

WHEREAS, the City Council for the City of Springdale, Arkansas, finds that a hearing date should be set on the petition pursuant to Ark. Code Ann. §14-301-301, *et seq.*;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that July 23, 2024, at 6:00 p.m. be set as the date and time for the City Council to hear the petition; that the City Clerk shall give notice of the date and time, as required by law.

PASSED AND APPROVED this ____ day of June, 2024.

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 Taldo made the second.

After the vote was taken, motion carried unanimously 7-0.

The Resolution was numbered 82-24.

RESOLUTION NO. 83-24 - AUTHORIZING THE EXECUTION OF A COMMERCIAL LEASE AGREEMENT WITH ATCO RUBBER PRODUCTS, INC., ON PROPERTY OWNED BY THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS

City Attorney Ernest Cate presented a Resolution authorizing the execution of a commercial lease agreement with ATCO Rubber Products Inc. on property owned by the City of Springdale, Washington County, Arkansas.

Attorney Cate explained on May 14, 2024, the City Council passed Resolution No. 59-24 authorizing the City of Springdale to purchase property located at 1403 S. Powell Street. The City is anticipated to formally acquire the property on October 1, 2024, once all contingencies in the purchase agreement have been met, and after the City has completed its due diligence regarding the acquisition of the property. ATCO Rubber Products, Inc., as a condition of the City's purchase of the Property, wishes to enter into a Commercial Lease Agreement with the City of Springdale, thereby allowing ATCO Rubber Products, Inc., to lease the Property from the City of Springdale for a period not to exceed two (2) years.

Council Member Overton reminded citizens this property will be purchased for \$3.2 million, which is \$500,000 over appraisal with a lease for zero dollars rent. They will be reimbursing the city for property tax and insurance. Also, the building is a 60 years old metal building which is approaching the end of its useful life and will require substantial maintenance in the future.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF A COMMERCIAL LEASE AGREEMENT WITH ATCO RUBBER PRODUCTS, INC., ON PROPERTY OWNED BY THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS.

WHEREAS, on May 14, 2024, the City Council for the City of Springdale, Arkansas, passed Resolution No. 59-24 (attached as an Exhibit hereto), authorizing the City of Springdale to purchase property located at 1403 S. Powell, Springdale, Washington County, Arkansas ("the Property"), and being more particularly described as follows:

Part of the Northeast Quarter of the Southeast Quarter of Section 1, Township 17 North of Range 30 West, described as: Beginning at a point 30 feet South of Northwest corner of said forty-acre tract, thence South 611.6 feet, thence South 89°49' East 542.72 feet, thence North 611.6 feet thence North 89°49' West 542.72 feet to the point of beginning, containing 7.62 acres, more or less. LESS AND EXCEPT: Part of the Northeast Quarter of the Southeast Quarter of Section 1, Township 17 North, Range 30 West described as: Beginning at a point 616.6 feet South of the Northwest corner of said forty-acre tract, thence South 25 feet, thence South 89°49' East 542.72 feet, thence North 25 feet, thence North 89°49' West 542.72 feet to the point of beginning, containing .31 acres, more or less, in the City of Springdale, Arkansas. LESS AND EXCEPT: A part of the Northeast Quarter of the Southeast Quarter of Section 1, Township 17 North, Range 30 West, and being more particularly described as follows, to-wit: From the Northwest corner of said forty-acre tract, run South 441.60 feet to the POINT OF BEGINNING; thence South 175.0 feet; thence South 89°49' East 542.72 feet; thence North 175.00 feet, thence North 89°49' West 542.72 feet to the POINT OF BEGINNING, and containing 2.18 acres, more or less and subject to rights-of-way and easements, if any. Also known as Washington County Tax Parcel No. 815-28751-000, consisting of approximately 5.13 acres of land, and including a 59,400 square foot industrial building located thereon.

WHEREAS, the City is anticipated to formally acquire the Property on October 1, 2024, once all contingencies in the purchase agreement have been met, and after the City has completed its due diligence regarding the acquisition of the Property;

WHEREAS, ATCO Rubber Products, Inc., as a condition of the City's purchase of the Property, wishes to enter into a Commercial Lease Agreement with the City of Springdale, thereby allowing ATCO Rubber Products, Inc., to lease the Property from the City of Springdale for a period not to exceed two (2) years, once the City has formally acquired the Property, beginning on October 1, 2024, once all contingencies in the purchase agreement have been met, and after the City has completed its due diligence regarding the acquisition of the Property; and,

WHEREAS, Ark. Code Ann. §14-54-302 empowers and authorizes municipalities to sell, convey, lease, rent, let, or dispose of any real property it owns, subject to approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor is hereby authorized to enter into a Commercial Lease Agreement with ATCO Rubber Products, Inc., for the above-referenced property, once the City has acquired the Property, subject to the terms and provisions contained in such Commercial Lease Agreement as agreed to by the parties.

PASSED AND APPROVED this ____ day of June, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

After the vote was taken, motion carried 5-2 (Overton and Lawson voting no).

The Resolution was numbered 83-24.

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 6:58 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer