

- **The next City Council Committee Meeting will be held on Monday, May 6th 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, April 23rd, 2024**

5:55 p.m. Pre-Meeting Activities

Pledge of Allegiance

Invocation – Councilman Jeff Watson

1. Call to Order – Mayor Doug Sprouse
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, April 9th, 2024.**

6. 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) 10A- 10C (Motion must be approved by two-thirds (2/3) of the council members).*

7. **Springdale Chamber of Commerce Quarterly Update.** Presented by Jay Sego, VP of Economic Development.

8. **Downtown Springdale Alliance Update.** Presented by Jill Dabbs, Downtown Springdale Alliance.
9. **A Resolution** authorizing the temporary operation of a carnival [at Parsons Stadium Rodeo Arena]. **Pgs. 1-9**
10. Planning Commission Report and Recommendation by Patsy Christie, Director of Planning and Community Development
 - A. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning (R24-09) certain lands from Agricultural District (A-1) to Low Density Multi-Family Residential District (MF-4), and Declaring an Emergency. **Pgs. 10-12**
 - B. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning (R24-11) certain lands from Agricultural District (A-1) to Low Density Single Family Residential District (SF-1), and Declaring an Emergency. **Pgs. 13-15**
 - C. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning (R24-13) certain lands from General Commercial District (C-2) to Thoroughfare Commercial District (C-5), and Declaring an Emergency. **Pgs. 16-18**
 - D. **A Resolution** approving a waiver (W24-04) of street improvements, drainage, curbs, gutters, and sidewalks as set forth in Ordinance No. 3725 to 1600 S. Old Missouri Road in connection with N22-26, a non-large scale development. **Pgs. 19-20**
11. **An Appeal** of Planning Commission's denial of a Conditional Use for Use Unit 42 (Church/Synagogue) at 2250 W Sunset Avenue. **Pgs. 21-43**
12. Comments from Department Heads.
13. Comments from Council Members.
14. Comments from City Attorney.
15. Comments from Mayor.

16. Adjournment.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE TEMPORARY
OPERATION OF A CARNIVAL**

WHEREAS, Rick Culver, Executive Director from the Rodeo of the Ozarks has requested permission to conduct two Carnival entertainment events at the Parsons Stadium Rodeo Arena located at 1423 E. Emma Avenue, put on by Clint Payne DBA BIG C's Enterprises, LLC; and

WHEREAS, Pride Amusements carnival dates will be *Thursday, May 23rd, 2024 thru Sunday, June 2nd, 2024*; and *Thursday, October 3rd, 2024 thru Sunday, October 13th, 2024*; and

WHEREAS, the carnival's hours of operation will be *Thursday, May 23rd, 2024 thru Sunday, June 2nd, 2024* from 5:00 p.m. – 10:00 p.m. Monday thru Thursday, 5:00 p.m. – 11:00 p.m. on Fridays, and Saturday thru Sunday, from 12:00 p.m. to 11:00 p.m.; and *Thursday, October 3rd, 2024 thru Sunday, October 13th, 2024*, from 5:00 p.m. – 10:00 p.m. Monday thru Thursday, 5:00 p.m. – 11:00 p.m. on Fridays, and Saturday thru Sunday, from 12:00 p.m. to 11:00 p.m.; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Rick Culver, Executive Director with the Rodeo of the Ozarks and Clint Payne DBA BIG C's Enterprises, LLC is hereby authorized to conduct two carnival entertainment events in Parsons Stadium Rodeo Arena located at 1423 E. Emma Avenue, *Thursday, May 23rd, 2024 thru Sunday, June 2nd, 2024*, and *Thursday, October 3rd, 2024 thru Sunday, October 13th, 2024* with the carnival opening and closing times listed above. In case of a rain out, the mayor has the authority to reschedule this event.

PASSED AND APPROVED this 23rd day of April, 2024.

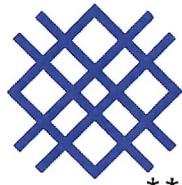
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



CITY OF SPRINGDALE

201 SPRING STREET
SPRINGDALE, AR 72764
479-750-8118

*** CUSTOMER RECEIPT ***

Batch ID: CITYCLERK 4/08/24 01 Receipt no: 4268

Type	SvcCd	Description	Amount
MP		MISC/ACCT # REQUIRED	\$100.00

RODEO OF THE OZARKS
LICENSES & PERMITS 10101013210000
MAY 23 - JUNE 2, 2024
CARNIVAL

CK Ref#: 1523 \$100.00
Total payment: \$100.00
Trans date: 4/08/24 Time: 9:43:44

THANK YOU FOR YOUR PAYMENT

COPY

CITY OF SPRINGDALE
APPLICATION FOR CIRCUS/EVENT

DATE OF APPLICATION: April 5, 2024

BUSINESS NAME: Rodeo of the Ozarks for Clint Payne DBA BIG C's Enterprises, LLC

OWNER: Clint Payne

BUSINESS ADDRESS: PO Box 86 Doniphan, MO 63935

BUSINESS PHONE: 479-756-0464

EMERGENCY PHONE: 479-790-7425 Rick Culver

DATE OF EVENT(7 day maximum): May 23rd-June 2nd, 2024

PHYSICAL LOCATION OF EVENT: 1423 E Emma Ave Springdale, AR 72765

HOURS OF OPERATION(Limited hrs. 10 a.m. to midnight): Weekdays 5PM-10PM, Fridays 5pm-11pm, Sat-Sun 12pm-11pm

ARKANSAS SALES & USE TAX NUMBER: 54387777-SLS

VERIFICATION OF ZONING (C-2, C-5):



(SIGNATURE OF APPLICANT)

OFFICE USE ONLY

1. APPLICATION FEE OF \$100.00 COLLECTED:

2. PROOF OF \$1 MIL PUBLIC LIABILITY INSURANCE:(Non-profits exempt)

3. COPY OF WRITTEN PERMISSION FROM PROPERTY OWNER:

*****Please complete the following inspections after Council Approval*****

DATE OF COUNCIL APPROVAL:

FIRE MARSHAL'S SIGNATURE:(Call 479-751-4510)

BUILDING OFFICIAL'S SIGNATURE:(Call 479-750-8557)



April 5, 2024

To whom it may concern:

The Rodeo of the Ozarks will be hosting Big C's Enterprises, LLC carnival here at Parsons Stadium on the dates of May 23rd-June 2nd, 2024 and October 3rd-13th, 2024. We give them permission to use the grounds.

Rodeo of the Ozarks

Rick Culver

Executive Director



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/04/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	Windham Insurance Agency, LLC P.O Box 131517 Houston TX 77219-	CONTACT NAME:	Madge Blurton		
		PHONE (A/C, No, Ext):	(832)771-4366	FAX (A/C, No):	(000)000-0000
		E-MAIL ADDRESS:	madge@windhaminsuranceagency.com		
		INSURER(S) AFFORDING COVERAGE		NAIC #	
		INSURER A : Everest National Insurance Co.		10120	
INSURED	Big C's Enterprises,, LLC dba Fun Time Shows P O Box 86 Doniphan MO 63935-	INSURER B :			
		INSURER C :			
		INSURER D :			
		INSURER E :			
		INSURER F :			

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY			SI8ML01723231	03/02/2023	05/01/2024	EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						MED EXP (Any one person) \$
	☐ POLICY ☐ PRO-JECT ☐ LOC						PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 5,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	ANY AUTO						BODILY INJURY (Per person) \$
	OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
	HIRED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
							\$
A	UMBRELLA LIAB ☒ EXCESS LIAB			SI8EX01825231	03/02/2023	05/01/2024	EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE						AGGREGATE \$ 1,000,000
	DED RETENTION \$						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The following is additional insured with respects to operations of the named insured:
Parson Stadium

CERTIFICATE HOLDER**CANCELLATION**

AI 000991

Parson Stadium Attn: Rick Culver 1423 East Emma Springdale AA 72765-1909	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

© 1988-2015 ACORD CORPORATION. All rights reserved.



CITY OF SPRINGDALE

201 SPRING STREET
SPRINGDALE, AR 72764
479-750-8118

*** CUSTOMER RECEIPT ***

Batch ID: CITYCLERK 4/08/24 01 Receipt no: 4269

Type	SvcCd	Description	Amount
MP		MISC/ACCT # REQUIRED	\$100.00

RODEO OF THE OZARKS
LICENSES & PERMITS 10101013210000
OCT 3-13, 2024
CARNIVAL

CK Ref#: 1522 \$100.00
Total payment: \$100.00
Trans date: 4/08/24 Time: 9:44:43

THANK YOU FOR YOUR PAYMENT

COPY

CITY OF SPRINGDALE
APPLICATION FOR CIRCUS/EVENT

DATE OF APPLICATION: April 5, 2024

BUSINESS NAME: Rodeo of the Ozarks for Clint Payne DBA BIG C's Enterprises, LLC

OWNER: Clint Payne

BUSINESS ADDRESS: PO Box 86 Doniphan, MO 63935

BUSINESS PHONE: 479-756-0464

EMERGENCY PHONE: 479-790-7425 Rick Culver

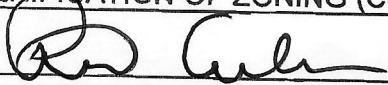
DATE OF EVENT(7 day maximum): Oct 3rd-13th, 2024

PHYSICAL LOCATION OF EVENT: 1423 E Emma Ave Springdale, AR 72765

HOURS OF OPERATION(Limited hrs. 10 a.m. to midnight): Weekdays 5PM-10PM, Fridays 5pm-11pm, Sat-Sun 12pm-11pm

ARKANSAS SALES & USE TAX NUMBER: 54387777-SLS

VERIFICATION OF ZONING (C-2, C-5):



(SIGNATURE OF APPLICANT)

OFFICE USE ONLY

1. APPLICATION FEE OF \$100.00 COLLECTED:

2. PROOF OF \$1 MIL PUBLIC LIABILITY INSURANCE:(Non-profits exempt)

3. COPY OF WRITTEN PERMISSION FROM PROPERTY OWNER:

*******Please complete the following inspections after Council Approval*******

DATE OF COUNCIL APPROVAL:

FIRE MARSHAL'S SIGNATURE:(Call 479-751-4510)

BUILDING OFFICIAL'S SIGNATURE:(Call 479-750-8557)



April 5, 2024

To whom it may concern:

The Rodeo of the Ozarks will be hosting Big C's Enterprises, LLC carnival here at Parsons Stadium on the dates of May 23rd-June 2nd, 2024 and October 3rd-13th, 2024. We give them permission to use the grounds.

Rodeo of the Ozarks

Rick Culver

Executive Director



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/04/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Windham Insurance Agency, LLC P.O Box 131517 Houston TX 77219-		CONTACT NAME: Madge Blurton PHONE (A/C, No, Ext): (832)771-4366 E-MAIL: madge@windhaminsuranceagency.com FAX (A/C, No): (000)000-0000	
INSURED Big C's Enterprises,, LLC dba Fun Time Shows P O Box 86 Doniphan MO 63935-		INSURER(S) AFFORDING COVERAGE INSURER A: Everest National Insurance Co. NAIC # 10120 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY ☐ PRO-JECT ☐ LOC OTHER:		SI8ML01723231	03/02/2023	05/01/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☒ UMBRELLA LIAB ☒ EXCESS LIAB DED ☐ RETENTION \$ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ N/A	SI8EX01825231	03/02/2023	05/01/2024	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$ PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The following is additional insured with respects to operations of the named insured:
Parson Stadium

CERTIFICATE HOLDER

CANCELLATION

AI 000991

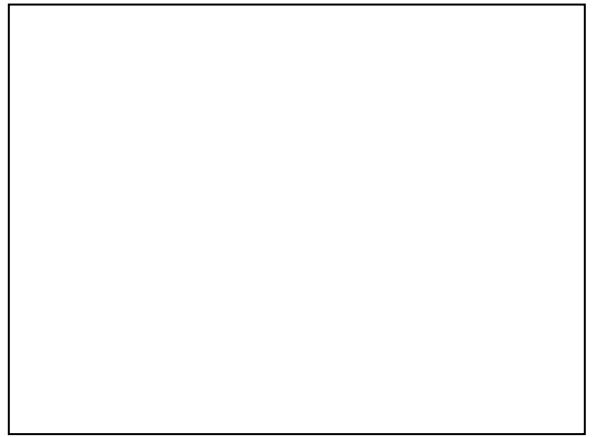
Parson Stadium
Attn: Rick Culver
1423 East Emma
Springdale

AA 72765-1909

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Shaine Blanton



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING (R24-09) CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-4), AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of April 2, 2024 for hearing the matter of a petition of Taldo Properties, LLC that the following described tract of real estate to be zoned from Agricultural District (A-1) to Low Density Multi-Family Residential District (MF-4).

Layman's Description: 2202 S. 40th Street

Legal Description:

ADJUSTED PARCEL 815-29105-030:

A PART OF NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE ALONG THE EAST LINE OF SAID FORTY ACRE, TRACT N02°16'46"E220.72 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE, N87°31'48"W 477.80 FEET TO A SET 5/8" REBAR CAPPED "AR 1808"; THENCE N02°24'00"E 140.03 FEET TO A SET 5/8" REBAR CAPPED "AR 1808"; THENCE S87°53'47"E 477.51 FEET TO THE EAST LINE OF SAID FORTYACRE TRACT, THENCE ALONG SAID EAST LINE, S02°16'46"W 143.08 FEETTO THE POINT OF BEGINNING. CONTAINING 1.552 ACRES, MORE OR LESS.SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned (R24-09) from Agricultural District (A-1) to Low Density Multi-Family Residential District (MF-4) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From Agricultural District (A-1) to Low Density Multi-Family Residential District (MF-4).

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

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

PUBLIC HEARING SIGN POSTED BY PLANNING STAFF PRIOR/ON: 02/23/23



PUBLIC HEARING SIGN LOCATION



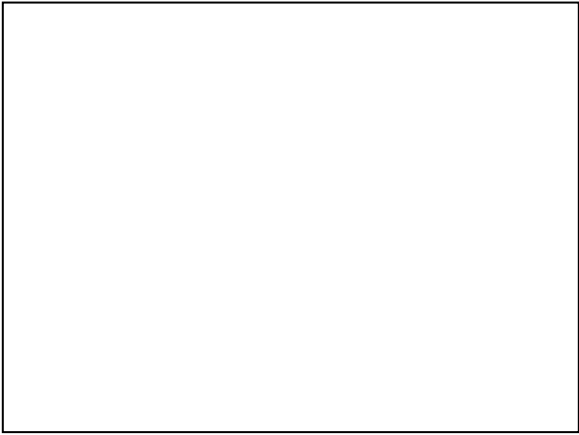
City Council Meeting
April 23, 2024



PROJECT: R24-09
APPLICANT: Taldo Properties
LOCATION: 2202 S 40th St
REQUEST: Rezoning from A-1 to MF-4



SPRINGDALE™
WE'RE MAKING IT HAPPEN



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING (R24-11) CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-1), AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of April 2, 2024 for hearing the matter of a petition of Lea Violantes and Walter A. Villatoro that the following described tract of real estate to be zoned from Agricultural District (A-1) to Low Density Single Family Residential District (SF-1).

Layman's Description: 1995 N. Monitor Road

Legal Description:

A PART OF THE W1/4 OF THE SE1/4 OF SECTION 29, TOWNSHIP 18 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCIING AT A MAG NAIL AT THE NORTHWEST CORNER OF SAID NW1/4 OF THE SE1/4; THENCE S02°34'03"W 510.42 FEET; THENCE S87°31'59"E 43.77 FEET TO A 5/8" FOR THE POINT OF BEGINNING; THENCE N02°1259"E 212.26 FEET TO A 5/8" REBAR; THENCE N03°18'53"E 103.01 FEET TO A 5/8" REBAR; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A RADIUS OF 149.16 FEET, AN ARC LENGTH OF 220.47 FEET, A CHORD BEARING OF N45°34'12"E A CHORD DISTANCE OF 200.94 FEET TO A 5/8" REBAR; THENCE N83°47'09"E 25.21 FEET TO A 5/8" REBAR; THEN S88°23'44"E 76.80 FEET TO A 5/8" REBAR; THENCE S85°48'37"E 47.46 FEET TO A 1/2" REBAR; THENCE S02°34'04"W 615.53 FEET TO A 1/2" REBAR; THENCE N87°31'10"W 150.35 FEET TO A 5/8" REBAR; THENCE N02°29'21"E 150.00 FEET TO A 5/8" RBAR; THENCE N87°31'59"W 135.67 FEET TO TE POINT OF BEGINNING; CONTAINING 3.46 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.

ALSO, A PART OF THE W1/4 OF THE SE1/4 OF SECTION 29, TOWNSHIP 18 NORTH, RANGE 29 WEST, WSHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARY DESCRIBED AS FOLLOWS: COMMENCING AT MAG NAIL AT THE NORTHWEST CORNER OF SAID NW1/4 OF THE SE1/4; THENCE S87°31'57"E 35.60

FEET TO A 5/8" REBAR FOR THE POINT OF BEGINNING; THENCE S87°31'57"E 90.02 FEET TO A 5/8" REBAR; THENCE WITH A CURVE TURNING TO THE LEFT WITH A RADIUS OF 190.16 FEET, AN ARC LENGTH OF 10454 FEET, A CHORD BEARING OF S59°26'05"W AND A CHORD DISTANCE OF 103.23 FEET TO A 5/8" REBAR; THENCE N01°04'09"W 56.38 FEET TO THE POINT OF BEGINNING. CONTAINING 0.05 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned (R24-11) from Agricultural District (A-1) to Low Density Single-Family Residential District (SF-1) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From Agricultural District (A-1) to Low Density Single Family Residential District (SF-1).

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

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

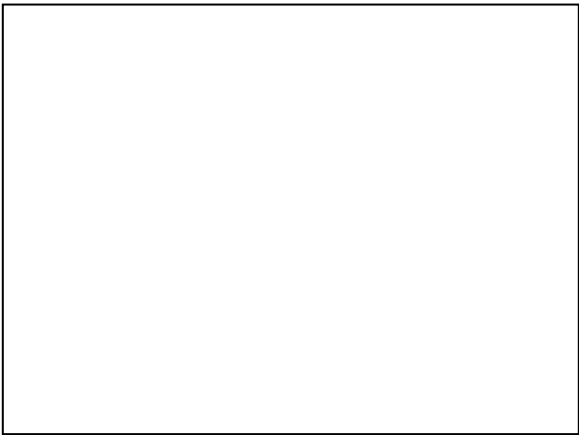
Ernest Cate, City Attorney

815-28653-040

REQUEST: Rezoning from A-1 to SF-1



SPRINGDALE™
WE'RE MAKING IT HAPPEN



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING (R24-13) CERTAIN LANDS FROM GENERAL COMMERCIAL DISTRICT (C-2) TO THOROUGHFARE COMMERCIAL DISTRICT (C-5), AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of April 2, 2024 for hearing the matter of a petition of Club Car Wash Springdale 48th Street, LLC that the following described tract of real estate to be zoned from General Commercial District (C-2) to Thoroughfare Commercial District (C-5).

Layman's Description: 3598 S. 48th Street

Legal Description:

SURVEY DESCRIPTION OF PARCEL #815-29107-260:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND RUNNING THENCE N02°21'51"E 197.86' TO THE NORTH RIGHT-OF-WAY OF WEST DON TYSON PARKWAY, THENCE ALONG SAID RIGHT-OF-WAY S74°45'14"E 111.83', THENCE CONTINUING ALONG SAID RIGHT-OF-WAY S85°12'45"E 1.94' TO THE TRUE POINT OF BEGINNING, AND RUNNING THENCE N01°15'09"E 256.14', THENCE S87°44'36"E 99.74', THENCE S14°04'44"E 191.53', THENCE S14°00'36"W 79.84' TO THE NORTH RIGHT-OF-WAY OF WEST DON TYSON PARKWAY, THENCE CONTINUING ALONG SAID RIGHT-OF-WAY N85°12'45"W 132.99', TO THE POINT OF BEGINNING, CONTAINING 0.77 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN SOUTH 48TH STREET MASTER STREET PLA RIGHT-OF-WAY ON THE EAST SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned (R24-13) from General Commercial District (C-2) to Thoroughfare Commercial District (C-5) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

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

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

SECTION 3: EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

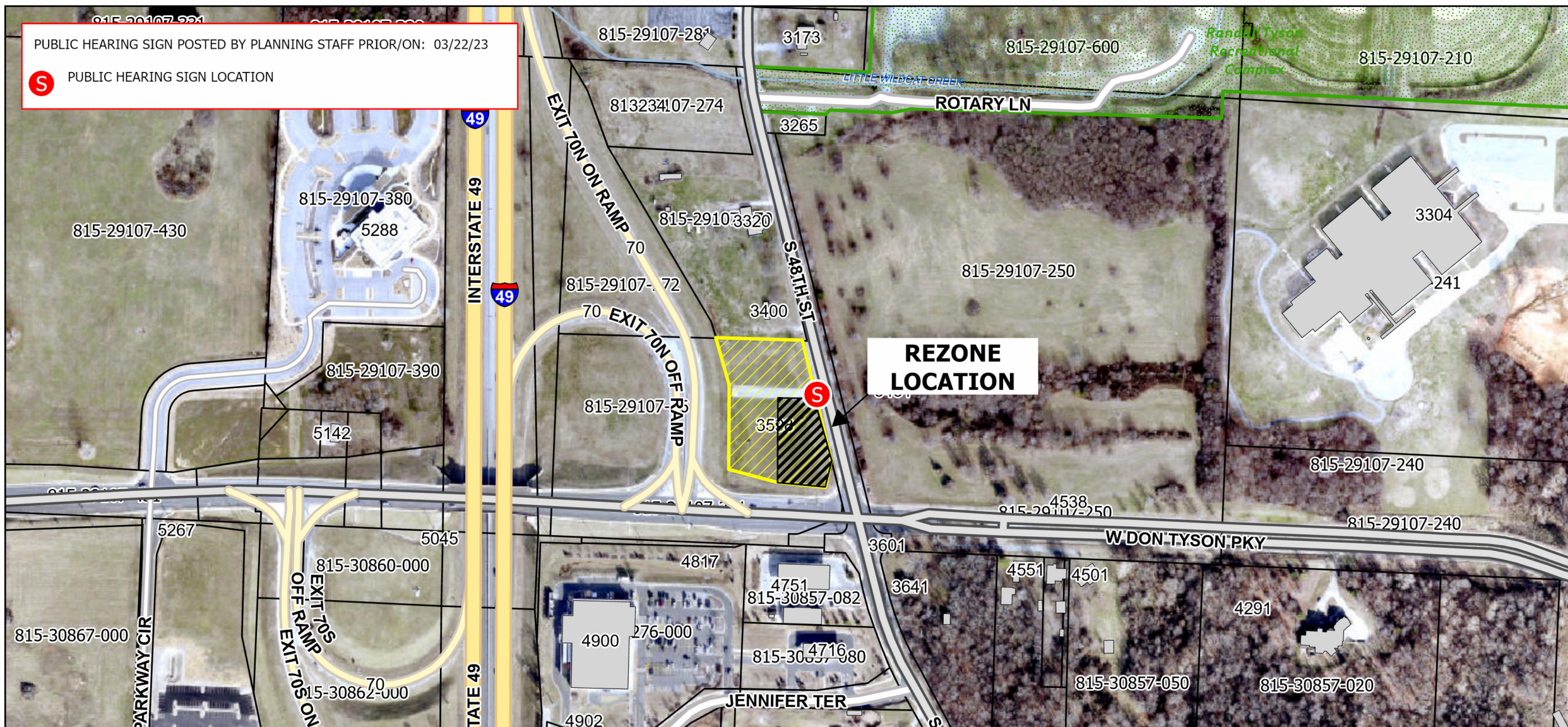
APPROVED AS TO FORM:

Ernest Cate, City Attorney

PUBLIC HEARING SIGN POSTED BY PLANNING STAFF PRIOR/ON: 03/22/23

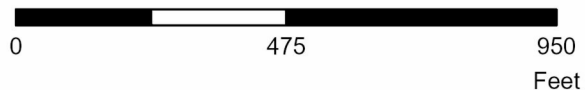


PUBLIC HEARING SIGN LOCATION



**REZONE
LOCATION**

City Council Meeting
April 23, 2024



PROJECT: R24-13
APPLICANT: Club Car Wash Springdale 48th St LLC
LOCATION: 3895 S 48th St
REQUEST: Rezoning from C-2 to C-5



SPRINGDALE™
WE'RE MAKING IT HAPPEN

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER (W24-04) OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO 1600 S. OLD MISSOURI ROAD IN CONNECTION WITH N22-26, A NON-LARGE SCALE DEVELOPMENT

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

WHEREAS, the Planning Commission reviewed a request for waiver (W24-04) of street improvements to 1600 S. Old Missouri Road including drainage improvements related thereto, sidewalks in connection with 1600 S. Old Missouri Road N22-26, a non large scale development and the Planning Commission recommends denial of the waiver request.

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

Option 1: Grants a waiver (W24-04) of street improvements to 1600 S. Old Missouri Road including drainage improvements related thereto, sidewalks in connection with N22-26, a non-large scale development.

Option 2: Denies a waiver (W24-04) of street improvements to 1600 S. Old Missouri Road including drainage improvements related thereto, sidewalks in connection with N22-26, a non-large scale development.

Option 3: Approves payment in lieu of improvements to 1600 S. Old Missouri Road in connection with N22-26, a non-large scale development with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver (W24-04) and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to 100 S. Old Missouri Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with N22-26, a non-large scale development.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



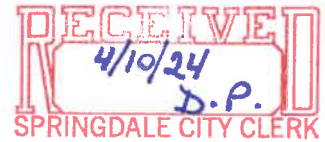
City Council Meeting
April 23, 2024



PROJECT: W24-04
APPLICANT: Moore Hangar
LOCATION: 1600 S Old Missouri Rd
REQUEST: Waiver of Street Improvements along 265



April 10, 2024



Springdale City Council
201 Spring Street
Springdale, AR 72764

RE: 2250 W. Sunset Avenue, Suite 4; Conditional Use Denial
Planning Commission Meeting April 2nd, 2024

Dear Councilmen and Councilwomen,

Please consider this my notice to appeal the Conditional Use Permit (unit 42) denial on 2250 W. Sunset Avenue, Suite 4 from the Planning Commission on April 2nd, 2024.

I am requesting the appeal of the denial of the Conditional Use (unit 42), church or synagogue, as I feel this decision was made in error due to the perception of previous faith-based institutions within this plaza. This conditional use would be a great asset to the area and people of Springdale.

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

Respectfully submitted,

Teresa Peralta
Pastor

Memo

To: PLANNING COMMISSION MEMBERS
From: Patsy Christie, Planning Director
Date: **March 5, 2024**
Re: **C24-05** Conditional Use

A request by for a Conditional Use Permitted on Appeal as a Use Unit 42 (Church/Synagogue) in a General Commercial District (C-2).

LOCATION

2250 W. Sunset

EXISTING CONDITIONS

Commercial Strip Center

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. |
| Meets
Minimum | 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.
Hours of operation proposed will need to be observed to avoid parking issues-
no parking on grass. |
| 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
N/A	5.	Screening and buffering with reference to type, dimension and character.
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 Not shown on site plan
N/A	7.	Yard requirements and other open space requirements.
Not 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. Building was not designed for assembly use and previous church tenants created numerous problems
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.
Unacceptable	10.	General compatibility with adjacent properties and other property in the general district. Building was not designed for this type of use. Parking issues in the past raised questions on general compatibility-proximity to apartments to the east creates noise problems



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.

C 24-05

Applicant (person making request)	Site/ Location: <u>2250 W. Sunset Suite 4</u>
Name: <u>Teresa Peralta</u>	Assessor's Parcel Number(s): <u>815-28931-000</u>
E-mail: <u>Taguilar123456@gmail.com</u>	Current Zoning: <u>C-2</u>
Address: <u>705 Brookhaven CT #202</u>	Use Unit Requested: <u>42</u>
<u>Springdale, AR 72764</u>	Total Acreage: _____
Phone: <u>479-381 1929</u>	
<u>479-233-9312</u>	

Procedure & Checklist

Before completing an application for conditional use, applicants are encouraged to meet with a member of the planning staff to discuss the application. Often, the staff can provide the applicant with some useful information concerning the conditional use request. The staff can also help the applicant assess the reasonableness of the request and assist those who have not been involved with the conditional use process previously.

Filing Deadline

An application must be filed with the Planning Office by the deadlines established and approved by the Planning Commission (please refer to Springdale Planning Commission Schedule of Meeting Dates and Submission Deadlines). The Planning Commission meets the first Tuesday of each month at 5:00 p.m. in the Council Chambers of the City Administration Building, 201 N. Spring Street, unless otherwise advertised.

Applicant's Responsibility

It is the responsibility of the applicant to ensure that all necessary procedures are followed in a satisfactory and timely manner and to verify the accuracy and completeness of all information. If significant omissions and/or errors are discovered during the review process, the application may be rejected or tabled until sufficient information is supplied.

Fee

A fee of \$75.00 (payable to the City of Springdale) and submitted to the City Clerk, is required to cover administrative costs.

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 ☐

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

THIS LOCATION IS IN THE CENTER OF THE CITY, AND
BEING A SMALL GROUP AND SERVICES BEING HELD AFTER
BUSINESS HOURS ~~ON THOSE DAYS~~ ^{WILL NOT AFFECT} NO ONE.

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

HOURS OF OPERATION FRIDAYS AT 6:00 PM, SUNDAYS
AT 1:00 PM. OUR SCHEDULE IS AFTER BUSINESS
HOURS FROM THE OTHER BUSINESS.

Record Property Owner(s): Sosa properties LLC

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted 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: Teresa Peralta

Signature: Teresa Peralta Date: 1/4/2024

Name of Representative (if applicable): _____

Signature: _____ Date: _____

STAFF USE ONLY

Date Application Submitted: February 13 2024 Project Number: C24-05

Date Accepted as Complete: February 26, 2024 Receipt Number: #916

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 permit 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)

Estrada Cortez
Estrada Cortez

Signature of Record Property Owner(s)

Estrada Cortez

Date: 01/18/2024

Printed Name of Applicant(s)

Teresa Peralta

Signature of Applicant(s)

Teresa Peralta

Date: 01-18-2024

State of Arkansas)

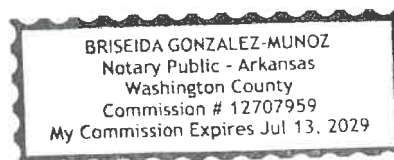
) ss.

County of Washington

SUBSCRIBED AND SWORN TO before me, a Notary Public, this the 18th day of January 2024.

Briseida Gonzalez Munoz
 Notary Public

My commission expires: July 13, 2029



PREAPPLICATION FOR CONDITIONAL USE (For any conditional use request other than a tandem lot)

PROPERTY LOCATION: <u>2250 W SUNSET AV. SUITE 4</u>	
(street address or layman's description) <u>SPRINGDALE AR 72762</u>	
PROPERTY OWNER: <u>SOSA PROPERTIES LLC SOSA</u>	
(Record Title Holder of the Property as shown on a deed of record in the County):	
Note: If property is in the ownership of someone other than individuals documentation must be included that indicates who is authorized to represent the property owner(s)	
Zoning District of Property:	
Description of the Conditional Use sought:	
Use Unit Designation:	
Is the Use Unit allowed as a Conditional Use on Appeal to the Planning Commission in the Zoning Ordinance: _____ yes, _____ no.	
(If the answer is no then the intended use can only be allowed if the property is rezoned.)	
Occupancy Classification of the structure as determined by the Building/Fire Code:	
Current Occupancy Classification <u>CLASS B BUSINESS</u>	
Chief Building Official <u>[Signature]</u>	Date: <u>8-10-24</u>
Fire Marshal <u>[Signature]</u>	Date: <u>11/10/24</u>
Occupancy Classification required for intended use <u>A-3 Assembly</u>	
Chief Building Official <u>[Signature]</u>	Date: <u>1-17-25</u>
Fire Marshal <u>[Signature]</u>	Date: <u>6/10/24</u>
Does the structure have an occupancy permit for the intended use? _____ yes _____ no	

If yes, proceed with an **Application for a Conditional Use on Appeal**.

If no, an **Application for a Conditional Use on Appeal** **cannot** be filed until:

1. A statement has been obtained from the chief building official and fire marshal indicating compliance of the structure to adopted building and fire codes for the proposed conditional use or required upgrades and/or improvements required for use of the structure for the proposed conditional use.
2. A notarized statement by the property owner and applicant recognizing all structural alterations requirements that must be completed inspected and approved prior to occupancy of the structure.

Note: If upgrades and/or improvements are required for the conditional use to be allowed in the structure a registered design professional would need to submit plans per the 2012 Arkansas Fire Prevention Code, Volume II: Building – Section 107.1, "....A registered design professional, an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering shall be required and shall affix his or her official seal to said drawings, specifications, and accompanying data.....".

STATEMENT OF RECOGNIZATION OF STRUCTURAL REQUIREMENTS IN CONJUNCTION WITH A CONDITIONAL USE ON APPEAL

I/We the undersigned do hereby recognize, by execution of this statement, that the structural alterations identified by the chief building official and fire marshal as stated below and attached and made a part of this statement are required in order for a Use Unit 42 in a C-2 zoning district to be considered as a Conditional Use on appeal for a structure located at _____.

Please attach statement obtained from the chief building official and fire marshal of required upgrades and/or improvements for compliance of the structure for the above cited conditional use.

I/We the undersigned do hereby recognize, by execution of this statement, that the structural alterations identified above must be completed, inspected and approved prior to occupancy of the structure as identified above.

Teresa Peralta
Applicant

[Signature]
Property Owner

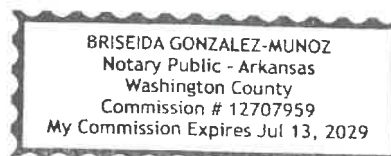
State of Arkansas)

County of Washington

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 18th day of January, 2024.

Briseida Gonzalez-Munoz
Notary Public

My commission expires: July 13, 2029





SPRINGDALE FIRE DEPARTMENT

■ www.SpringdaleAR.gov ■ 417 Holcomb St. ■ (479) 751-4510

February 13, 2024

Iglesia Palabra Viva

ATTN Ricardo Rivas

Ricardo.rivas@fnscold.com

Re: 2250 W. Sunset Ave. Suite 4, Iglesia Palabra Viva

This office has completed the inspection and determined occupancy load for the above referenced project. This project is a change in occupancy use for a 2,400 ft² church (Occupancy group A-3 <300 persons). The building is 14,960 ft², mixed construction (type VB) and is not sprinklered.

After my inspection, the occupancy load of 158 persons for the sanctuary and for the entire suite of 195 persons is acceptable.

This occupancy did have correct exit signs, emergency lighting, and panic hardware.

This suite was previously an A-3 occupancy in 2019.

Minor violations found during inspection included:

- Fire extinguishers must have current annual inspection tag. AFPC 906.2
- Replace missing electrical and light switch covers. AFPC 603.2

If you have any questions, please feel free to contact me at 479-751-4510.

Thank you,

Captain David Kissinger
Asst. Fire Marshal
Springdale Fire Department
479-751-4510
479-283-7297

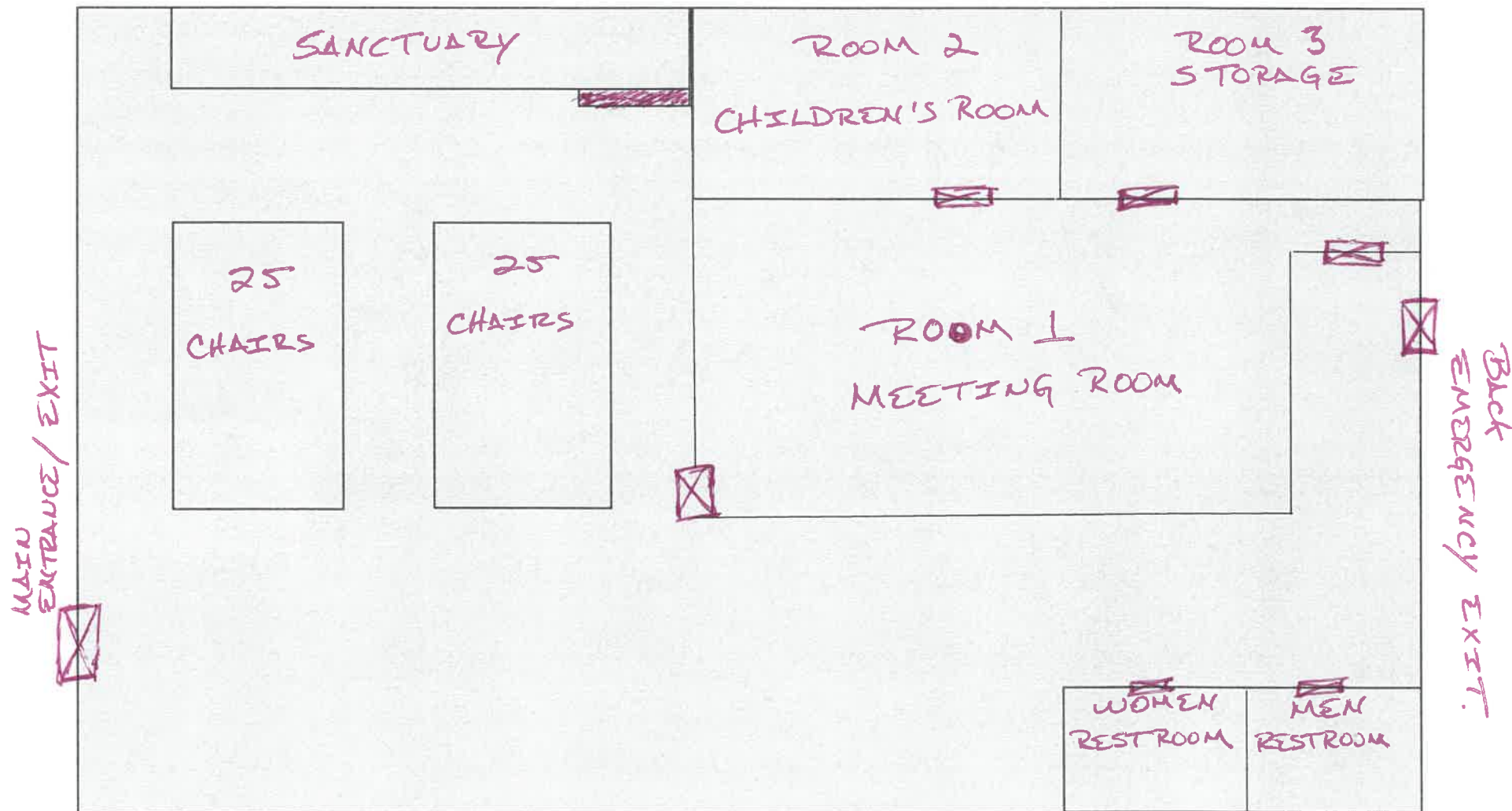
dkissinger@springdalear.gov



Suite 4 Front Entrance from the Parking Lot

- 2250 W SUNSET Av SUITE #4
SPRINGDALE AR 72762

C24-05
Interior Site Plan &
Hours of Operation



- BUILDING CAPACITY 195 PEOPLE.
- Sanctuary Capacity 158 People
- HOURS / DAYS OF OPERATION
FRIDAYS AT 6:00 PM - 9:00 PM SERVICES IS DONE.
SUNDAYS AT 1:00 PM - 6:00 PM SERVICES IS DONE.

☒ = DOOR WAY
▬ = STEP

MAXIMUM OCCUPANCY OF SANCTUARY
=158 PERSONS

REQUIRED PARKING SPACES
= 40 PARKING SPACES

C24-05

Parking Site Plan
pg 1 of 5

PARKING SPACES IN FRONT OF SUITE 4

5 Parking Spaces

OVERFLOW PARKING SPACES ON THE
NORTHERN SIDE OF STRIP CENTER, PARKING
AGREEMENT SIGNED BY SOSA PROPERTIES, LLC

17 Parking Spaces

SAMARITAN HOUSE REAR PARKING, PARKING
AGREEMENT SIGNED BY SAMARITAN HOUSE
COMMUNITY CENTER EXECUTIVE DIRECTOR

18 Parking Spaces



PARKING SPACES IN FRONT OF SUITE 4 (5)



Sosa Properties LLC

1301 E Robinson Ave, Suite C16
Springdale, AR 72764
O:(479)361-8100
C:(479)408-9444

C24-05

Parking Site Plan
pg 2 of 5

February 8, 2024

RE: Parking authorization

To whom it may concern:

This Letter issued by Sosa Properties LLC hereby gives Teresa Mendoza and her church the authorization to park on the northern side of USA Plaza located at 2250 W Sunset Ave, Springdale AR, 72762. With a total of 17 parking spots and hours of operation Monday to Friday 6:00 pm to 9:00 pm and Sunday 1:00 pm to 6:00 pm.

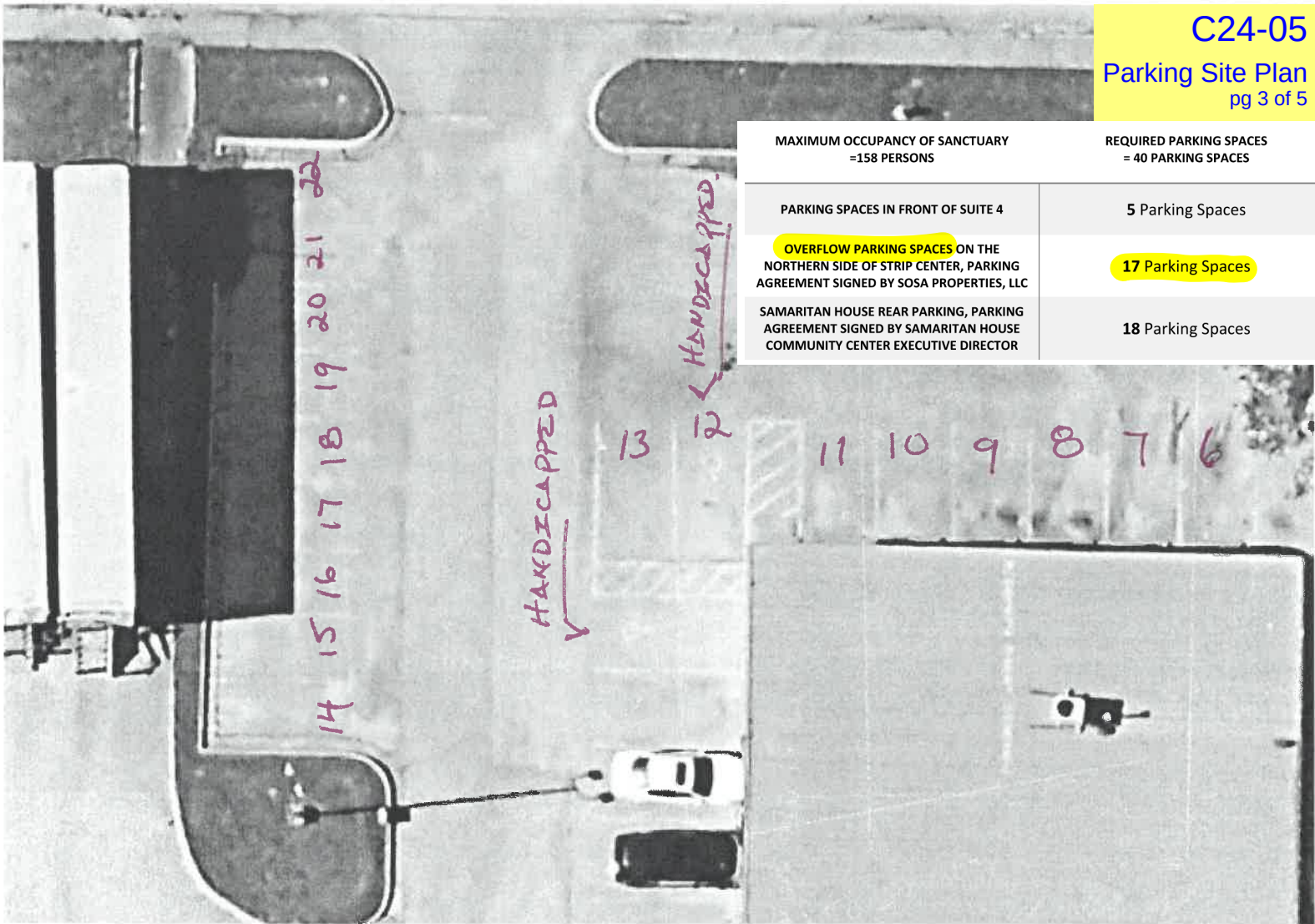
If you require additional information, please contact our office at (479)408-9444

Sincerely,

Estrella Cervantes,

Property Manager

MAXIMUM OCCUPANCY OF SANCTUARY =158 PERSONS	REQUIRED PARKING SPACES = 40 PARKING SPACES
PARKING SPACES IN FRONT OF SUITE 4	5 Parking Spaces
OVERFLOW PARKING SPACES ON THE NORTHERN SIDE OF STRIP CENTER, PARKING AGREEMENT SIGNED BY SOSA PROPERTIES, LLC	17 Parking Spaces
SAMARITAN HOUSE REAR PARKING, PARKING AGREEMENT SIGNED BY SAMARITAN HOUSE COMMUNITY CENTER EXECUTIVE DIRECTOR	18 Parking Spaces



* ADDITIONAL 17 PARKING SPACES ON THE
 NORTH SIDE OF THE PROPERTY.

**Shared Parking Agreement
Between
Samaritan House Community Center and Iglesia Palabra Viva
February 26, 2024**

C24-05
Parking Site Plan
pg 4 of 5

As owner of the property located at 2300 W Sunset, Springdale, Arkansas, Samaritan House Community Center (SHCC) hereby agrees to share 18 parking spaces on east side of parking lot (as shown on the attached site plan) during the following times and days:

Fridays 6:00 pm - 9:00 pm
Sundays 1:00 pm – 5:00 pm

The following restrictions apply:

- Parking can only be in the spaces as noted on the attached site plan and the above noted hours; No overflow parking or loitering allowed
- All trash must be picked up
- Parking lot will not be cleared by SHCC during icy/snowy weather conditions
- Church and/or property owner (Sosa Properties, LLC) must list Samaritan House Community Center as a named insured on a \$1,000,000 liability insurance policy and provide proof of such coverage to SHCC on an annual basis
- Any vehicles that remain outside of above noted hours are subject to being towed at the owner's expense

Failure to follow the above restrictions will result in revocation of this agreement.

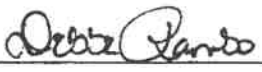
Required Parking:

Our property requires 57 parking spaces based upon the City's parking lot ordinance. The use of our property is a nonprofit thrift store and it contains 11,375 SF.

The applicant's property requires 40 parking spaces based upon the City's parking lot ordinance. The use of the applicant's property is a church and it contains 2,400 SF.

Site Plan: Attached. It should be noted that no other spaces within this lot are shared with other entities.

Owner Signature:



Debbie Rambo, Executive Director
Samaritan House Community Center
PO Box 939, Rogers, AR 72757
479.636.4198

2/26/2024
Date

Applicant Signature:



Ricardo Rivas
Iglesia Palabra Viva
PO Box 8016, Springdale, AR 72766
479.233.9312

2.26.24
Date

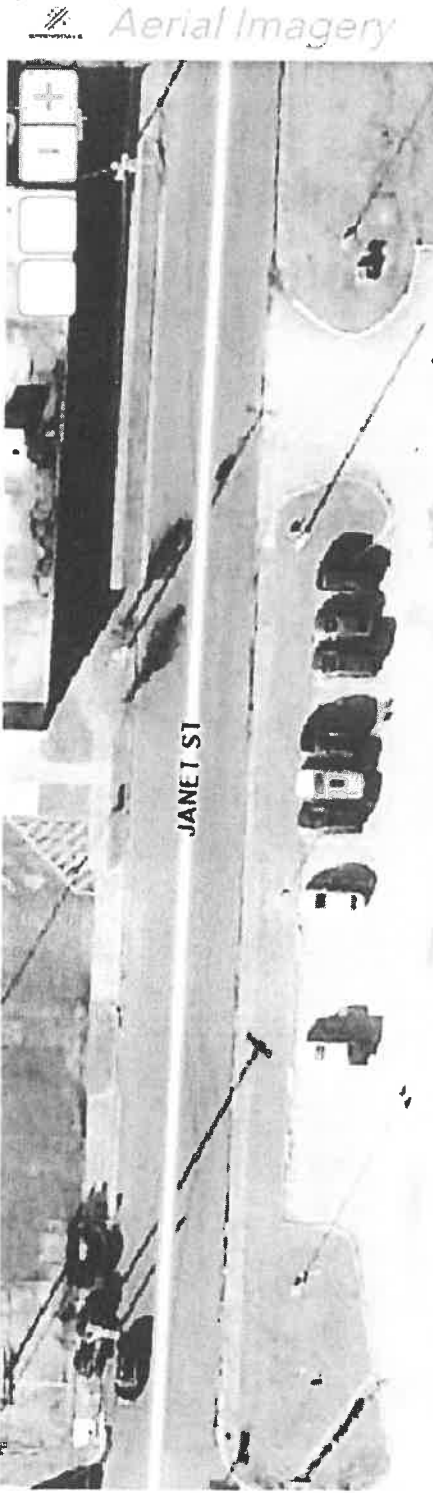
MAXIMUM OCCUPANCY OF SANCTUARY
=158 PERSONS

REQUIRED PARKING SPACES
= 40 PARKING SPACES

C24-05

Parking Site Plan
pg 5 of 5

PARKING SPACES IN FRONT OF SUITE 4	5 Parking Spaces
OVERFLOW PARKING SPACES ON THE NORTHERN SIDE OF STRIP CENTER, PARKING AGREEMENT SIGNED BY SOSA PROPERTIES, LLC	17 Parking Spaces
SAMARITAN HOUSE REAR PARKING, PARKING AGREEMENT SIGNED BY SAMARITAN HOUSE COMMUNITY CENTER EXECUTIVE DIRECTOR	18 Parking Spaces



2250 8

2250 7

2250 6

2250 5

2250 4

2250 3

2250 2

2250

2300 W. Sunset
Springdale, AR
59 spaces on
west & east sides



40ft



File #: 2401324-102

STATE OF Arkansas)
) SS.
COUNTY OF Washington)

For the use and benefit of: Ricardo Rivas

ATTN: Ricardo Rivas

WACO Title Company hereby certifies that we have made a due and diligent search of the Records in the Assessor's Office, and the Land Records, within and for Washington County, Arkansas, and find the adjacent owners and addresses as shown in Exhibit "A" attached hereto, IN SO FAR AS the same affects the following described property, to wit:

TAX PARCEL NUMBER: 815-28931-000

LEGAL DESCRIPTION: 2-17-30, PT SW NW, Cont. .14 ac, Washington County

TAX PARCEL NUMBER: 815-28934-000

LEGAL DESCRIPTION: 2-17-30, PT W2 SW NW, Cont. .42 ac, Washington County

TAX PARCEL NUMBER: 815-26569-000

LEGAL DESCRIPTION: WESTERN OAKS PLACE I, Block 400, Lot 2, Washington County

815-26561-000
Cleo & Beverly Lloyd
19717 Bennington Rd
Springdale, AR 72762

815-26560-000
Kurt C. & Hazel E. Strebel;
Robert Lee Lawson
720 Maria St
Springdale, AR 72764

815-26582-000
Bruce K. Fear
719 Maria St
Springdale, AR 72762

815-26570-000
Highland at Springdale LLC;
MCC Real Estate LLC
800 Henryetta St
Springdale, AR 72762-5161

815-26571-000
Think Big Realty LLC
2601 SW Azalea Ave
Bentonville, AR 72713

815-26572-000
Arkansas State Highway Commission
PO Box 2261
Little Rock, AR 72203

815-29009-000
Maloku Properties LLC
1603 Daly Dr
Harrison, AR 72601

815-29008-001
Martinez Properties LLC
1525 W Sunset Ave Ste E
Springdale, AR 72764

815-28935-000
Arkansas State Highway Commission
PO Box 2261
Little Rock, AR 72203

815-29008-000
Atherton & Murphy Enterprises LLC
1925 S Itoca Ste 1018
Tulsa, OK 74104

815-28934-001
Samaritan Community Center
PO Box 939
Rogers, AR 72757

815-29010-002
Atherton & Murphy Enterprises LLC
1925 S Itoca Ste 1018
Tulsa, OK 74104

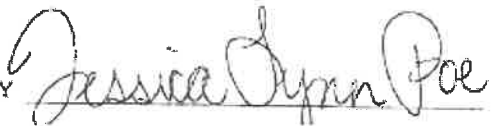
815-29010-001
Montavel Properties LLC
4276 St John Woods
Springdale, AR 72764

815-28931-001
Samaritan Community Center
PO Box 939
Rogers, AR 72757

815-26569-001
Samaritan Community Center
PO Box 939
Rogers, AR 72757
DATED: February 5, 2024.

Countersigned,
Waco Title Company

Countersigned

BY 

Jessica Poe, Authorized Signatory
Title Agent No.: 18618147
Title Agency No.: 100113373

***** DISCLAIMER *****

This certificate contains information obtained from the public records. WACO Title Company makes no certification, warranty, or representation concerning the accuracy or completeness of the public records. This report is not an abstract or opinion of title, commitment, guarantee, or title insurance policy. The above certificate is issued solely for the use and benefit of the party set forth above, who agrees that the liability for this certificate shall be expressly limited to the amount paid to Waco Title Company for this special certificate.

EXHIBIT "A"

A part of the Southwest Quarter (SW1/4) of the Fractional Northwest Quarter (Fr1NW1/4) of Section Two (2), Township Seventeen (17) North, Range Thirty (30) West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Southwest corner of said 40 acre tract; thence S 89°17'17"E 187.89 feet; thence North 35.22 feet to an existing iron on the North right of way line of U.S. Highway 412; thence S 45°31'26"E along said right of way line 17.97 feet to a point; thence S

Excerpt from April 2024 Planning Commission minutes for C24-05, a conditional use request for use unit 43 (Church/Synagogue) in a C-2.

B.C24-05 Iglesia Palabra Viva Teresa Peralta
2250 W. Sunset Avenue, Suite 4
Use Unit 43 (Church/Synagogue) in C-2
Presented by Teresa Peralta

The following will be verbatim of this request.

Mr. Compton: Next item on the agenda is C24-05. This is on Sunset. This is Iglesia Palabra Viva Teresa Peralta. Presented by Teresa Peralta. Teresa.

Teresa Peralta: Hello, my name is Teresa Peralta and my English is not very good but my son is going to translate for me.

Son: I am a pastor of a small group of people. And we are looking for a place to, we can move in and we can have services there. We find this place that is adequate for what we need. It will meet our particular necessities at this time. It is a commercial place. But the place that we have for our services will not affect the businesses in the shopping center. We are planning to have services on Fridays at 7:00 p.m. which everything is closed and on Sundays at 1:00 p.m. which all the businesses around that shopping center, they are all closed. There is enough parking spaces to accommodate what is provided and one of the purposes of the church is to provide for the community. We can provide a place for people to gather and worship. We find this place and we feel that it is proper and kind of like in the center and it is closer for everybody's convenience. And we just want to be in line with the requirements of the city. That's why we are here today. Thank you.

Mr. Compton: How many visitors do you think you would have on a Friday night and then visitors on a Sunday. Just approximately what do you think.

Son: On Friday, it is a really small group because everybody works. Maybe like ten people. That's what it would be on Friday ten to fifteen people. At this point on Sundays, we are small group there would be between twenty-five to thirty people tops and that's including kids. This is just a projection.

Mr. Compton: Thank you. Patsy.

Ms. Christie: The ingress and the egress to the site is acceptable. The off-site parking requirements can be met as long as the hours of operation that are proposed will need to be observed and to avoid parking issues there has to be no parking on the grass. We have had in lots of cases where there is overparking everywhere. Those would have to be adhered to. The refuse collection is acceptable. The utilities are acceptable. There would be no additional screening requirements. I don't know what kind of sign they are putting up; maybe just on the building itself. The building was not designed for assembly use and previous church tenants created numerous problems. We had noise complaints

from the property owners; the people who live in the apartments to the east. We had complaints about trash and stuff in the parking lot. Our experience in having a church in this building has not been good up to this point. So, I have to feel that building is really no designed for this type of use; the parking issues in the past have raised questions and the general compatibility and the proximity to the apartments to the east has created noise problems and I just don't see that this is an acceptable place for this church to go into.

Mr. Compton: Are there any comments from members of the audience tonight on this issue. Hearing none to the Commission; any questions or any comments? If not, this is a call for the vote.

Mr. Cloud: What is the time frame for a conditional use permit where we can hear a report on how things are going.

Ms. Christie: Well, we don't have a provision in the Ordinance that they can report on a conditional use. If we have complaints, we can set a hearing for it. We did that on a church that was at this location before and had to pull the conditional use because we had to pull the conditional use because we had so many problems with it. Now I know that they are starting out small but every church wants to grow and that's, you know, for the first few months it maybe o.k. but if the church grows any sometimes we have had some real problems. This building was not designed for an assembly use and that's the problem. It doesn't have the interior set-up for that kind stuff.

Son: So, the capacity of the previous church was triple of what they have now.

Ms. Christie: The occupancy was set at 158 by the fire department on this one. I don't know what the occupancy previously; I don't know that it was so much over occupancy, loud music and people not parking in the right places and staying with the times that they had provided. We had a similar one down the street at a location that we had the same kind of problems where they weren't compliant. It is hard to administer. It really is.

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

Mr. Couch: Call for the vote by Brent.

Mr. Compton: Yes sir.

Son: This is just a quick statement on the issue because of the previous church and I heard comments about the church, as a matter of fact, one of my co-workers was familiar with what happened and I would say about the disorder that happened at that particular time it has a lot to do with the culture. It is my understanding that it was a certain ethnicity that rented the building before and we are hopefully won't approach this situation. Even with the parking spaces we talked to the Samaritan store that is across from where this building is at. That was one of the, pretty the stain that they give us; the disorder, trash and stuff like that. We are committed to not to go to that same extent and that process. Again, we are a small group and if at any given point, my mom is the pastor. Consider, if

we are overflowing the place that would be a sign that we need to move in order to accommodate the church members.

Ms. Christie: Where are you holding church services now?

Son: We are renting, we are having like studies at this point. We are renting at the Rock, it's like further down in Tontitown. They just allow us to use like a little hole that they have there and that's where hold our services.

Mr. Cloud: How long is a conditional use.

Ms. Christie: It's given to that person at that location and there is no time limit on it. They can't relocate it to another location nor can another church come in and use it.

Mr. Cloud: So, can we set like a six-month conditional use so that they can come back and we can review it at that time?

Ms. Christie: That becomes a legal question because we have never set one with a condition with the amount of time that they can stay.

Mr. David Phillips: That is effectively the answer. It's not really designed to be a regulatory mechanism.

Mr. Cloud: 10-4.

Mr. Compton: Any other questions or comments from the commissioners. If not, this will be a call for the vote.

Mr. Couch: Call for the vote.

Ms. Pounders: Cardiel – no, Cloud – no, Compton – no, Couch – no, Hussein – no, Keith – no, Reynolds no, Tyler – no, Austin – no.

Ms. Christie: You have the right to appeal the Planning Commission's decision to the city council. You have to file your appeal within fifteen days in the city clerk's office and then you will have to notify the adjacent property owners when the hearing date is set with the city council.

HOLIN

PULTS AVE

CRESTWOOD ST

JANET ST

PULTS AVE

MARIA ST.

HENRVETTA ST

CABINGTON ST

Dyer St

PULTS AVE

W SUNSET AVE

HENRYETTA ST

VERST

0

270

540
Feet

REQUEST: Use Unit 42 (Church/Synagogue)



SPRINGDALE™
WE'RE MAKING IT HAPPEN

Page 43

12066

1009 A

1303

The City Council of the City of Springdale met in regular session on Tuesday, April 9, 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 (Absent)
Mike Lawson	Ward 1
Rex Bailey	Ward 2
Randall Harriman	Ward 1
Mark Fougerousse	Ward 4
Ernest Cate	City Attorney
Debbie Pounders	Planning Admin. Asst.

Department heads present:

Frank Gamble	Police Chief
Blake Holte	Fire Chief
Patsy Christie	Planning Director
Ben Peters	Engineering Director
Chad Wolf	Parks and Recreation Director
Mark Gutte	IT Director
Colby Fulfer	Chief of Staff
Ron Findley	Neighborhood Servs. Director
James Smith	Public Work Director
Anne Gresham	Library Director
Angie Albright	Museum Director
Mike Chamlee	Buildings Director

APPROVAL OF MINUTES

Council Member Taldo moved the minutes of the March 26, 2024 City Council meeting be approved as presented. Council Member Harriman made the second.

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

PUBLIC HEARING – PETITION BY BURL D. HOLLINGSWORTH REVOCABLE TRUST TO VACATE TWO DRAINAGE EASEMENTS ON 1003 STERWIN STREET

No comments were made at the Public Hearing.

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Harriman 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 Powell made the second.

Yes: Powell, Taldo, Watson, Lawson, Bailey, Harriman, Fougerousse

No: None

PROCLAMATION RECOGNIZING QUENTIN CLEVENGER

Mayor Sprouse presented a proclamation recognizing Quentin Clevenger who earned first place in a regional geography bee in Fort Smith and will now have the opportunity to travel to Vienna, Austria to compete in the International Competition in July. Quentin is a seventh grader at Don Tyson School of Innovation.

LUTHER GEORGE PARK UPDATE

Sam Hollis and Mike Davis, Milestone Construction, gave an update on Luther George Park. They presented pictures and talked about the one-of-a-kind Amphitheatre being built in the Netherlands that is being shipped here to be constructed in the Luther George Park.

RESOLUTION NO. 41-24 - MAKING REAPPOINTMENTS TO THE SHILOH MUSEUM BOARD OF TRUSTEES FOR THE CITY OF SPRINGDALE (ANNE GREENE AND NATHAN SHINN)

Mayor Doug Sprouse presented a Resolution making the reappointments of Anne Greene and Nathan Shinn to the Shiloh Museum Board of Trustees for the City of Springdale.

RESOLUTION NO. ____

A RESOLUTION MAKING REAPPOINTMENTS TO THE SHILOH MUSEUM BOARD OF TRUSTEES FOR THE CITY OF SPRINGDALE

WHEREAS, upon recommendation of the Shiloh Museum Board of Trustees for the City of Springdale, the Mayor has recommended that the reappointments listed below be made to the Shiloh Museum Board of Trustees with the terms and expirations dates noted;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the following individuals are hereby reappointed to the Shiloh Museum Board of Trustees with the terms indicated:

<u>Name</u>	<u>Term</u>
Anne Greene	3 rd Term, Year 1 (Term Expires December 2026)
Nathan Shinn	3 rd Term, Year 1 (Term Expires December 2026)

PASSED AND APPROVED this ____ day of April, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

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

The Resolution was numbered 41-24.

RESOLUTION NO. 42-24 - MAKING APPOINTMENTS TO THE SHILOH MUSEUM BOARD OF TRUSTEES FOR THE CITY OF SPRINGDALE (JENNY NEEL AND KIM SMITH)

Mayor Doug Sprouse presented a Resolution making the appointments of Jenny Neel and Kim Smith to the Shiloh Museum Board of Trustees for the City of Springdale.

RESOLUTION NO. ____

A RESOLUTION MAKING APPOINTMENTS TO THE SHILOH MUSEUM BOARD OF TRUSTEES FOR THE CITY OF SPRINGDALE

WHEREAS, upon recommendation of the Shiloh Museum Board of Trustees for the City of Springdale, the Mayor has recommended that the appointments listed below be made to the Shiloh Museum Board of Trustees with the terms and expirations dates noted;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the following individuals are hereby appointed to the Shiloh Museum Board of Trustees with the terms indicated:

<u>Name</u>	<u>Term</u>
Jenny Neel	1 st Term, Year 1 (Term Expires December 2024)
Kim Smith	1 st Term, Year 1 (Term Expires December 2024)

PASSED AND APPROVED this ____ day of April, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

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

The Resolution was numbered 42-24.

RESOLUTION NO. 43-24 - MAKING A REAPPOINTMENT TO THE SPRINGDALE CIIL SERVICE COMMISSION (DANNY MCGINLEY)

Council Member Brian Powell presented a Resolution making the reappointment of Danny McGinley to the Springdale Civil Service Commission.

RESOLUTION NO. ____

A RESOLUTION MAKING A REAPPOINTMENT TO THE SPRINGDALE CIVIL SERVICE COMMISSION

WHEREAS, Danny McGinley currently serves on the Springdale Civil Service Commission with a term that expired on April 1, 2024; and

WHEREAS, Danny McGinley would like to seek reappointment on the Civil Service Commission; and

WHEREAS, the City Council for the City of Springdale finds that Danny McGinley should be reappointed to the Springdale Civil Service Commission for a six-year term from April 1, 2024, to April 1, 2030;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Danny McGinley is hereby reappointed to the Springdale Civil Service Commission for a six-year term running from April 1, 2024, to April 1, 2030.

PASSED AND APPROVED this ____ day of April, 2024

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

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

The Resolution was numbered 43-24.

RESOLUTION NO 44-24 - MAKING AN APPOINTMENT TO THE SPRINGDALE CIVIL SERVICE COMMISSION (TERRY PAGE)

Council Member Brian Powell presented a Resolution making the appointment of Terry Page to the Springdale Civil Service Commission.

Charles Farmer served 20 years on the commission and decided not to seek reappointment.

Interviews were held for the open position.

RESOLUTION NO. ____

**A RESOLUTION MAKING AN APPOINTMENT TO THE
SPRINGDALE CIVIL SERVICE COMMISSION**

WHEREAS, Charles Farmer has served on the Springdale Civil Service Commission for many years and has decided to not seek reappointment, and

WHEREAS, Charles Farmer's term expired on April 1, 2024, and

WHEREAS, the City Council for the City of Springdale received and reviewed applications from individuals who expressed interest in serving on the Springdale Civil Service Commission, and

WHEREAS, after review of each applicant, the City Council has chosen to appoint Terry Page to the Springdale Civil Service Commission for a six-year term from April 1, 2024, to April 1, 2030 to fill the newly vacated seat;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Terry Page is hereby appointed to the Springdale Civil Service Commission for a six-year term running from April 1, 2024, to April 1, 2030.

PASSED AND APPROVED this ____ day of April, 2024

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

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

The Resolution was numbered 44-24.

RESOLUTION NO. 45-24 - APPROVING A REAPPOINTMENT OF DUSTY GRAHAM TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF SPRINGDALE

Council Member Brian Powell presented a Resolution making the reappointment of Dusty Graham to the Board of Commissioners of the Housing Authority of the City of Springdale.

RESOLUTION NO. ____

A RESOLUTION APPROVING A REAPPOINTMENT TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF SPRINGDALE

WHEREAS, Dusty Graham currently serves on the Housing Authority Commission with a term set to expire on April 30, 2024, and

WHEREAS, the Board members of the Housing Authority of the City of Springdale, Arkansas, serve a term of five years; and

WHEREAS, the Board of Commissioners has recommended the reappointment of Dusty Graham to the Springdale Housing Authority Commission, and

WHEREAS, the Board of Commissioners of the Housing Authority, under authority of Arkansas Code 14-169-208, passed and approved Resolution No. 797-24 on March 27, 2024, reappointing Dusty Graham, subject to the approval of the City Council, for a five-year term that will expire April 30, 2029.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the reappointment of Dusty Graham to the Board of Commissioners of the Housing Authority is hereby approved with a term set to expire on April 30, 2029.

PASSED AND APPROVED this ____ day of April, 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 unanimously by 7-0.

The Resolution was numbered 45-24.

ORDINANCE NO. 5950 - ACCEPTING THE REPLAT (RP24-04) OF LOTS 5R AND 7, INDUSTRIAL PARK PLAZA CREATING LOTS 7A AND 7B, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat (RP24-04) of Lots 5R and 7, Industrial Park Plaza creating Lots 7A and 7B, Springdale, Washington County, Arkansas, and declaring an emergency.

Planning Commission recommended approval.

After reading the title of the Ordinance, Council Member Harriman 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 Lawson made the second.

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

The Ordinance was numbered 5950.

ORDINANCE NO. 5951 – ACCEPTING THE REPLAT (RP24-05) OF LOTS 4 AND 5, PALMER-FREEMAN ADDITION, CREATING LOT 4A, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat (RP24-05) of Lots 4 and 5, Palmer-Freeman Addition, creating Lot 4A, Springdale, Washington County, Arkansas; and declaring an emergency.

Planning Commission recommended approval.

After reading the title of the Ordinance, Council Member Harriman 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 Harriman made the second.

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

The Ordinance was numbered 5951.

RESOLUTION NO. 46-24 - AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN THE R AND R LEE PROTECTION TRUST IS DEFENDANT (PROJECT NO. 23BPS2, TRACT 8)

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit for the total sum of \$79,800.00, with the additional \$32,000.00 to be paid from the 2023 Street Bond Fund wherein the R & R Lee Protection Trust is defendant (Project No. 23BPS2, Tract 8).

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN
THE R AND R LEE PROTECTION TRUST IS DEFENDANT
(PROJECT NO. 23BPS2, TRACT 8).**

WHEREAS, the City of Springdale has filed a lawsuit against the R and R Lee Protection Trust to condemn property for the Don Tyson Parkway (Hwy 112 to 56th Street) Road Improvement Project, (Project No. 23BPS2, formerly CP1518, Tract 8);

WHEREAS, the City of Springdale deposited the sum of \$47,800.00 into the Registry of the Court as estimated just compensation for the taking of the property needed for the project;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of \$79,800.00 to acquire the lands needed for the project, said amount being based on an appraisal conducted on behalf of the property owner;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$32,000.00 to acquire the property needed from the property owner, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the R and R Lee Protection Trust condemnation lawsuit for the total sum of \$79,800.00, with the additional \$32,000.00 to be paid from the 2023 Street Bond Fund.

PASSED AND APPROVED this ____ day of April, 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 Harriman made the second.

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

The Resolution was numbered 46-24.

RESOLUTION NO. 47-24 - AUTHORIZING THE MAYOR AND CITY CLERK TO APPROVE A CHANGE ORDER FOR ADDITIONAL SERVICES TO SPACKMAN, MOSSOP, MICHAELS FOR PLAYGROUND BID PACKAGE

City Engineer Ben Peters presented a Resolution authorizing the Mayor and City Clerk to approve a change order for additional services to Spackman, Mossop, Michaels for a playground bid package for a playground to be constructed at Luther George Park.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO APPROVE A CHANGE ORDER FOR ADDITIONAL SERVICES TO SPACKMAN, MOSSOP, MICHAELS FOR PLAYGROUND BID PACKAGE

WHEREAS, The City of Springdale has contracted with Spackman, Mossop, Michaels for construction administration services for improvements known as the Luther George Park PR2102.

WHEREAS, Spackman, Mossop, Michaels created a separate bid package for a playground to be constructed at Luther George Park.

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

Section 1. The Mayor and City Clerk are authorized to execute Change Order #2 to the Luther George Park Project for \$24,050 to be paid from donated funds.

PASSED AND APPROVED this ____ day of April, 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 Harriman made the second.

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

The Resolution was numbered 47-24.

RESOLUTION NO. 48-24 – AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT FOR A NEW PLAYGROUND AT LUTHER GEORGE PARK

City Engineer Ben Peters presented a Resolution authorizing the execution of a construction contract with Milestone Construction for a new playground at Luther George Park. The cost is \$1,397,000. The project will be funded with existing donated project funds for \$359,000 with the balance of \$1,039,080 to be funded from ARPA funds.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT FOR A NEW PLAYGROUND AT LUTHER GEORGE PARK

WHEREAS, the City of Springdale opened sealed bids for a new playground at Luther George Park;

WHEREAS, One bid was received from Milestone Construction with a bid amount of \$1,397,900.;

WHEREAS, the current donated project budget has \$359,000 available as a playground contingency.

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 construction contract with Milestone Construction Company LLC for a new playground at Luther George Park for \$1,397,900. The project will be funded with existing donated project funds for \$359,000 with the balance of \$1,039,080 to be funded from ARPA funds.

Section 2. The Mayor is authorized to approve change orders up to 10% of the original contract price.

PASSED AND APPROVED this ____ day of April, 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 Harriman made the second.

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

The Resolution was numbered 48-24.

RESOLUTION NO. 49-24 – AUTHORIZING THE EXECUTION OF A DESIGN CONTRACT FOR MURPHY PARK DOWNSTREAM DRAINAGE UPGRADE

City Engineer Ben Peters presented a Resolution authorizing the execution of a design contract with Halff Engineering to design the drainage project from Murphy Park pond to Wilkinson Street for \$191,900.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING EXECUTION OF A DESIGN CONTRACT FOR MURPHY PARK DOWNSTREAM DRAINAGE UPGRADE

WHEREAS, the collapsed drainage structure under 913 Wilkinson Ave has been mitigated;

WHEREAS, the existing storm sewer from Wilkinson Ave upstream to Murphy Park is both inadequate and failing;

WHEREAS, a proposal has been negotiated with Halff engineering for an hourly not to exceed contract for design of \$191,900:

WHEREAS, Halff engineering completed the earlier failed storm sewer evaluation;

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

- 1) The Mayor and City Clerk are hereby authorized to execute a design contract with Halff engineering for a drainage system from Murphy Park to Wilkinson Ave in the amount of \$191,900 to be paid for out of the Unrestricted General Fund.
- 2) The Mayor is authorized to approve change orders up to 10% of the original contract amount.

PASSED AND APPROVED this ____ day of April, 2024.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

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

The Resolution was numbered 49-24.

ORDINANCE NO. 5952 – VACATING AND ABANDONING TWO DRAINAGE EASEMENTS ON WASHINGTON COUNTY TAX PARCEL NO. 815-32871-000, PURSUANT TO ARK. CODE ANN. §14-301-301, ET SEQ; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

City Attorney Ernest Cate presented an Ordinance vacating and abandoning two drainage easements on Washington County Tax Parcel No. 815-32871-000, pursuant to Ark. Code Ann. §14-301-301, et seq; declaring an emergency and for other purposes. The Burl D. Hollingsworth Revocable Trust has petitioned for the abandonment of two drainage easements located at 1003 Sterwin Street. There were no comments made at the public hearing held earlier tonight.

After reading the title of the Ordinance, Council Member Harriman 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 Lawson made the second.

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

The Ordinance was numbered 5952.

ADJOURNMENT

Council Member Powell 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 6:35 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer