- **The next Committee Meeting will be held on Monday, June 6th, 2022 in the Tiered Training Room.**
- **Committee agendas will be available on the Friday before the meeting.**

SPRINGDALE CITY COUNCIL
REGULAR MEETING
TIERED TRAINING ROOM
2ND FLOOR OF NEW CRIMINAL JUSTICE BUILDING
Tuesday, May 24th, 2022

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – Mike Lawson

6:00 p.m. **OFFICIAL AGENDA**

1. *Large Print* agendas are available.

2. Call to Order – Mayor Doug Sprouse

3. Roll Call – Denise Pearce, City Clerk/Treasurer

4. Recognition of a Quorum.

5. 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.

6. ***A Public Hearing*** on the issuance of Water and Sewer Revenue Bonds. Presented by Ernest Cate, City Attorney.

7. Approval of Minutes – May 10th, 2022**: Minutes located at the back of Agenda.** Pgs. 323-333

8. 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)* ***12A-12E, 14, 15, and 16.*** *Motion must be approved by two-thirds (2/3) of the council members).*

9. ***City of Springdale Employee Recognition.*** Presented by Mayor Doug Sprouse.

10. Appointments

    A Resolution making a reappointment to the Advertising and Promotion Commission of the City of Springdale. Pgs. 1-2

11. ***A Resolution*** authorizing the sale of property to Kasim Ventures, LLC. Pgs. 3-5

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

A. ***An Ordinance*** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 5469 Watkins Avenue from Agricultural District (A-1) to Thoroughfare Commercial District (C-5) and declaring an emergency. Pgs. 6-8

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 certain lands located at 1201 S. Old Missouri Road from General Commercial District (C-2) to Light Industrial District (I-1) and declaring an emergency. Pgs. 9-11

C. ***An Ordinance*** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 916 Parker Avenue from General Commercial District (C-2) to Medium Density Multi-Family Residential District (MF-12) and declaring an emergency. Pgs. 12-14

D. ***An Ordinance*** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at S. Butterfield Coach Road, South of Neighborhood Walmart, from High Density Multi-Family Residential District (MF-24) to Thoroughfare Commercial District (C-5) and declaring an emergency. Pgs. 15-17

E. ***An Ordinance*** amending Ordinance No. 3307, which rezoned certain lands from General Commercial District (C-2) to Medium/High Density Multi-Family Residential District (MF-16); and declaring an emergency. Pgs. 18-19

F. ***A Resolution*** approving a Conditional Use for Brian Richardson (The Cheesy Goat) at 2403 South Thompson as set forth in Ordinance No. 4030. Pgs. 20-22

G. ***A Resolution*** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Frito Lay Warehouse in connection with L22-28 a large scale development. Pg. 23

13. Finance Committee by Chairman Jeff Watson

A. ***A Resolution*** authorizing payment of an invoice, Project No. 18BPP1. Forwarded from Committee with recommendation for approval. Presented by Colby Fulfer, Chief of Staff. Pg. 24

B. ***A Resolution*** authorizing the purchase of property located at 108 Willella Place, Springdale, Washington County, Arkansas. Forwarded from Committee with recommendation for approval. Presented by Mayor Doug Sprouse. Pgs. 25-26

C. ***A Resolution*** to appropriate funds for improvements to the Police Department firing range to be paid from Drug Seizure Funds. Forwarded from Committee with recommendation for approval. Presented by Frank Gamble, Chief of Police. Pgs. 27-34

14. Health, Sanitation, and Maintenance by Chairwoman Amelia Williams

An Ordinance ordering the razing (demolition) and removal of a certain residential structure within the City of Springdale, Arkansas, located at 302 Caudle; to declare an emergency and for other purposes. Forwarded from Committee with recommendation for approval. Presented by Tom Evers, Chief Building Inspector. Pgs. 35-38

15. Ordinance Committee by Chairman Mike Overton

An Ordinance amending Chapter 82 of the Code of Ordinances of the City of Springdale, Arkansas, pertaining to door-to-door solicitation; and declaring an emergency. Forwarded from Committee with recommendation for approval. Presented by Ernest Cate, City Attorney. Pgs. 39-40

16. ***An Ordinance*** authorizing the issuance and sale of Water and Sewer Revenue Bonds, Series 2022B and Series 2022C to finance a sewer project; providing for the payment of the principal of and interest on the bonds; prescribing other matters relating thereto; and declaring an emergency. Presented by J. Shepherd Russell, III, Attorney at Friday Firm. Pgs. 41-58

17. ***An Appeal*** of the Planning Commission's denial of a rezoning request for a PUD located at Hawkview. Pgs. 59-318

18. ***A Resolution*** endorsing participation in the Sales and Use Tax Refund Program authorized by the Consolidated Incentive Act of 2003 and Ark. Code Ann. §15-4-2706(d). Presented by Ernest Cate, City Attorney. Pg. 319

19. ***A Resolution*** setting a hearing date on a petition to vacate a portion of Blair Street. Presented by Ernest Cate, City Attorney. Pgs. 320-322

20. ***A Discussion*** on the 1st Committee meeting of the month of June.

21. Comments from Council Members.

22. Comments from City Attorney.

23. Comments from Mayor

24. Adjournment.

RESOLUTION NO._____

A RESOLUTION MAKING A REAPPOINTMENT TO THE ADVERTISING AND PROMOTION COMMISSION OF THE CITY OF SPRINGDALE

WHEREAS, the term for Rick Culver who serves on Seat #4 will expire on May 31, 2022; and

WHEREAS, A.C.A. 26-75-605 and Ordinance No. 3293 provide that appointments for these positions will be made by the remaining members of the Commission subject to approval of the City Council, and

WHEREAS, Bill Rogers, President and CEO of the Springdale Chamber of Commerce, has recommended the reappointment of Rick Culver to the Advertising and Promotion Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Rick Culver is hereby reappointed as a commissioner to fill Seat #4, with a term set to expire on May 31, 2026.

PASSED AND APPROVED this 24th day of May, 2022.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney

Anna McKinney

From: Bill Rogers <bill@chamber.springdale.com>
Sent: Monday, May 2, 2022 10:02 AM
To: Anna McKinney
Subject: Rick Culver

Anna

On behalf of the Springdale A&P Commission, please consider this an official request that Rick Culver be reappointed.

Mr. Culver, as executive director of the Rodeo of the Ozarks, brings a unique voice to this Commission's efforts to promote our city and to increase tourism tax dollars.

SPRINGDALE
Chamber of Commerce

BILL ROGERS, IOM
President / CEO

Springdale Chamber of Commerce
PO Box 166 Springdale, AR 72765
479.872.2222 | springdale.com

Page 2 of 333

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SALE OF PROPERTY TO KASIM VENTURES, LLC.

WHEREAS, the City of Springdale owns the following real property located in the City of Springdale, Arkansas, said land being more particularly described as follows ("the Property"):

> Washington County Tax Parcel No. 815-28444-000, Washington County Tax Parcel No. 815-28445-000, Washington County Tax Parcel No. 815-28446-000, and Washington County Tax Parcel No. 815-28445-001 (collectively "the Property"), containing 1.47 acres, more or less, as shown on the attached map which is attached hereto and incorporated herein by reference.

WHEREAS, Ark. Code Ann. §14-54-302 empowers and authorizes municipalities to sell real property it owns, subject to approval by the City Council;

WHEREAS, Kasim Ventures, LLC, has made an offer to purchase the Property from the City for the sum of $465,000.00, which is the appraised value of the Property as appraised in March of 2022, and has agreed to dedicate right-of-way along the east boundary of Parcel No. 815-28444-000 to the City of Springdale as shown on Large Scale Development Plan L22-10;

WHEREAS, the amount offered by Kasim Ventures, LLC, for the Property is reasonable;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk of the City of Springdale, Arkansas, are hereby authorized to execute all documents necessary to effect the sale of the Property to Kasim Ventures, LLC, for the total sum of $465,000.00.

PASSED AND APPROVED this _____ day of _____, 2022.

_____
Doug Sprouse, Mayor

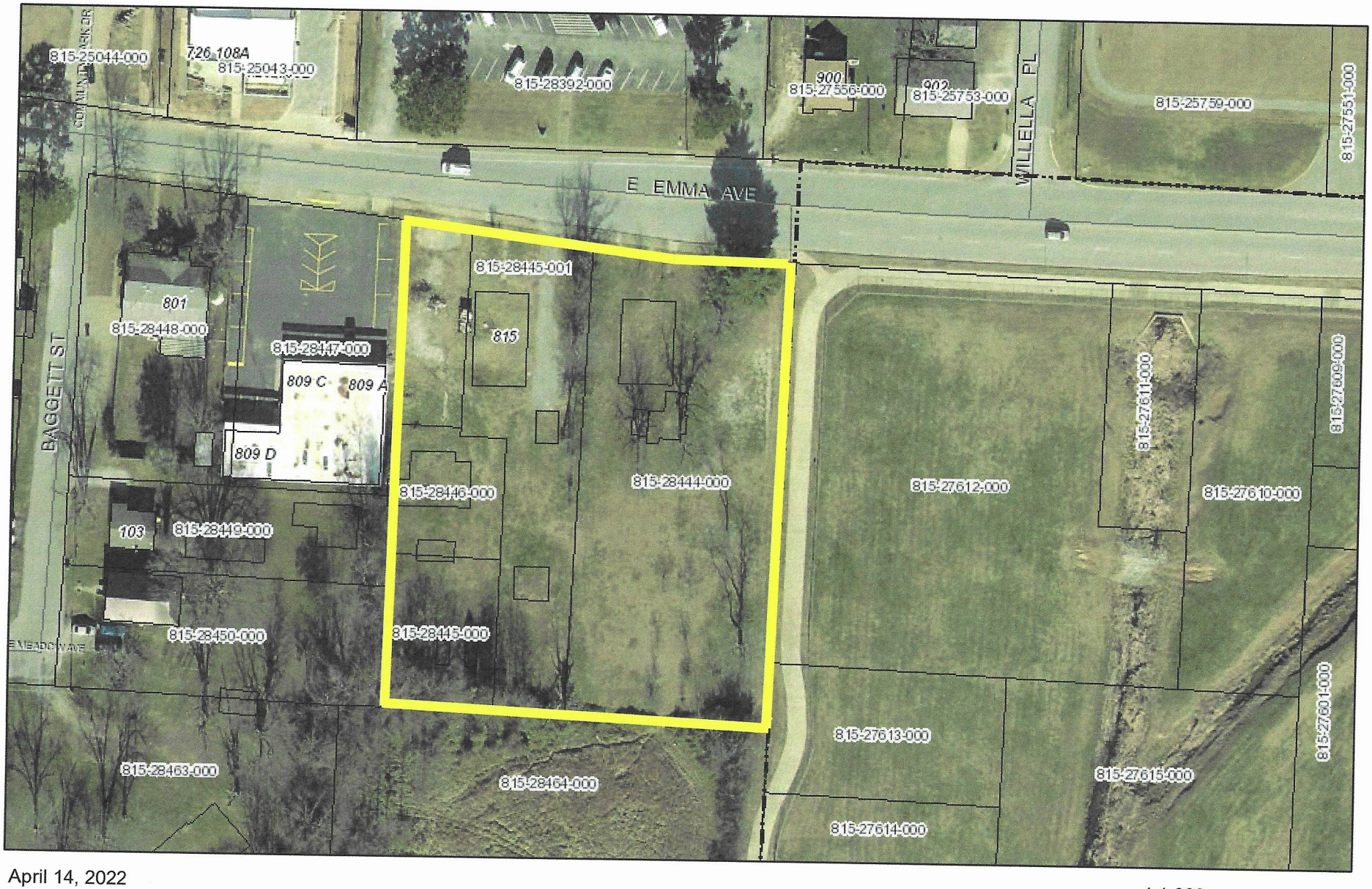
ATTEST:

_____
Denise Pearce, City Clerk

APPROVED:

_____
Ernest B. Cate, City Attorney

City of Springdale Zoning Map



April 14, 2022

- Form-Based Code District Overlay
- S.E.E.D. Overlay District - Outline
- Washington Co. Parcels
- Benton Co. Parcels
- SCHOOLS

STREAMS
- MAIN CHANNEL
- TRIBUTARY
- LAKES
- Buildings
- RAILROAD

STREETS - ALL
- INTERSTATE
- RAMP

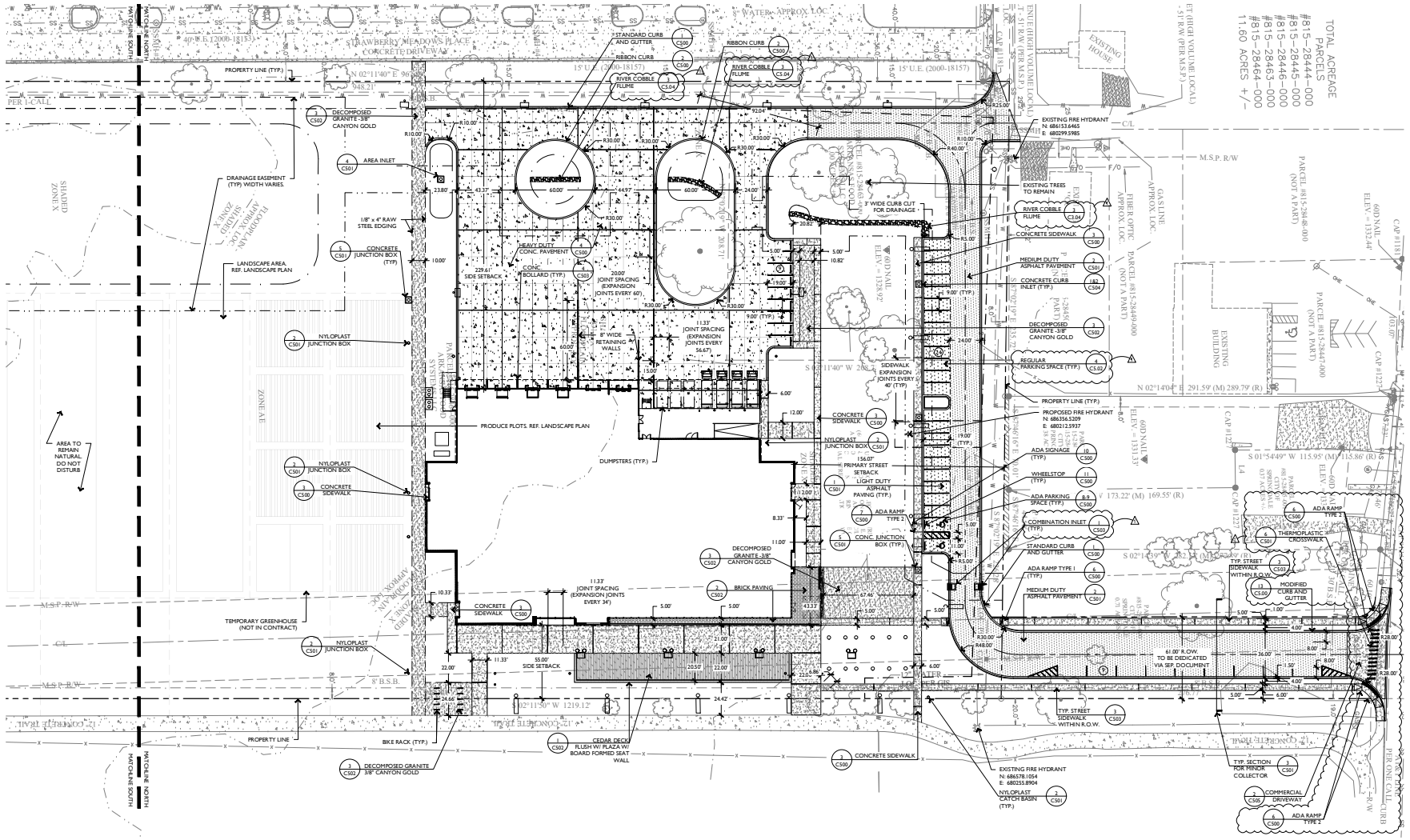
1:1,000

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

City of Springdale, Clayton Sedberry

Page 4 of 333



1 SITE PLAN

SCALE: 1" = 30'-0"

NORTH

0' 30' 60' 120'

NOTE: MODIFIED CURB IS REQUIRED AT THE DRIVES

NORTHWEST ARKANSAS FOOD SYSTEMS
713 s meadow avenue springdale arkansas 72764

ARCHITECT:
patternh ives llc
7701 cantonment avenue
clayton tower suite 535
st louis missouri 63105
3 1 4 . 5 3 1 . 5 2 0 3
www.patternh-ives.com
Arkansas Firm License Number: LL201

FOOD SERVICE & KITCHEN:
RICCA DESIGN STUDIOS
5613 dtc parkway, suite 165
greenwood village colorado 80111
3 0 3 . 2 2 1 . 0 5 3 0
w w w . r i c c a . c o m

CIVIL & LANDSCAPE:
ECOLOGICAL DESIGN GROUP
720 south izard street
little rock arkansas 72201
5 0 1 . 3 7 6 . 1 0 0 1
w w w . e c o d e s i g n . u s
Arkansas Firm License Number: 209

MEPFT:
HSA ENGINEERING
1130 sub courtney drive
suite 203
fayetteville arkansas 72703
4 7 9 . 5 2 1 . 0 0 0 0
www.hsaengineering.com
Arkansas Firm License Number: 209

STRUCTURAL:
MARTIN / MARTIN ENGINEERS
106 south main street
bentonville arkansas 72712
4 7 9 . 2 7 3 . 4 3 4 3
www.martinmartin.com
Arkansas Firm License Number: 3162

LIGHTING:
H2LTG LIGHTING DESIGN
1015 grapp road #31452
saint louis missouri 63131
3 1 4 . 8 3 1 . 5 2 0 3
w w w . h 2 l t g . c o m

PROJECT NUMBER: 2017-000

PROFESSIONAL SEALS:

NOT FOR CONSTRUCTION

ERIC R HOFFMAN - ARCHITECT ARSP8534

REVISION HISTORY:

no.	description	date
1	City Revisions	02-15-2022

SHEET TITLE: SITE PLAN

SHEET NUMBER: C101

LSD1.22-10
LARGE SCALE DEVELOPMENT APPLICATION

DRAWN BY: EDG

ISSUE DATE: 17 FEBRUARY 2022

Page 5 of 333

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO 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 May 3, 2022 for hearing the matter of a petition of Trayan Miklanova & Tsvetomira Milanova, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Thoroughfare Commercial District (C-5).

Layman's Description: 5469 Watkins Avenue

Legal Description: A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULALY DESCRIBED AS FOLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02º06'19"E 2650.85', THENCE S87º24'29"E 392.92' FROM THE SOUTHWEST CORNER OF SAID SECTION 9 AND RUNNING THENCE S87º24'31"E 95.00', THENCE S02º35'16"W 196.31'TO AN EXISTING REBAR, THENCE N87º25'48"W 95.01' TO AN EXISTING REBAR, THENCE N02º35'29"E 196.35' TO THE POINT OF BEGINNINGM CONTAINING 0.43 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN WATKINS AVENUE MASTER STREET PLAN RIGHT—OF-WAY ON THE NORTH SIDE OF HEREIN DESCRIBED RACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to 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 Agricultural District (A-1) to Thoroughfare Commercial District (C-5).

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney



N

0 30 60 120 180 240 Feet

For Location Reference Only

FILE NO. R22-27
APPLICANT: Trayan Milanov & Tsvetomira Milanova
REQUEST: Rezoning from A-1 to C-5

PLANNING COMMISSION MEETING
May 3, 2022

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM GENERAL COMMERCIAL DISTRICT (C2) TO LIGHT INDUSTRIAL DISTRICT (I-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 May 3, 2022 for hearing the matter of a petition of Albarran Family Farmers, LLC (Octavio Albaran), requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) to Light Industrial District (I-1.

Layman's Description: 1201 S Old Missouri Road

Legal Description: Parcel No. 815-28592-000
A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 17 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT WHICH IS THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, SAID POINT BEING A SET IRON PIN AND RUNNING THENCE N 87°36'49" W, 89.46 FEET TO A SET IRON PIN AND RUNNING THENCE N 04°21'14" E, 43.37 FEET TO A SET IRON PIN; THENCE N 12°09'11" E, 89.96 FEET TO A SET IRON PIN; THENCE S 87°36'49" E, 297.00 FEET TO A SET IRON PIN; THENCE S 02°23'11" W, 132.00 FEET TO A SET IRON PIN; THENCE N 87°36'49" W, 297.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.15 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 from General Commercial District (C-2) to Light Industrial District (I-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 General Commercial District (C-2) to Light Industrial District (I-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 _____, 2022.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney



FILE NO. R22-29
APPLICANT: Albarran Family Farmers, LLC
REQUEST: Rezoning from C-2 to I-1

PLANNING COMMISSION MEETING
May 3, 2022

ORDINANCE NO. _____

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

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of May 3, 2022 for hearing the matter of a petition of Ruby Martinez, requesting that the following described tract of real estate to be zoned from General Commercial (C-2) to Medium Density Multi-family Residential District (MF-12).

Layman's Description: 916 Parker Avenue

Legal Description: PART OF LOT 11 IN THE C.F. NOEL ADDITION TO THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 11 AND RUNNING N00º50'28"E 150 FEET; THENCE S88º22'28"E 115.00 FEET; THENCE S00º50'28"W 150 FEET; THENCE S88º22'28" 115.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.40 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN PARKER AVENUE ON THE SOUTH SIDE HEREIN DESCRIBED TRACT AND SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY.

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

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

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

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

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney



N

0 30 60 120 180 240 Feet

For Location Reference Only

FILE NO. R22-30
APPLICANT: Ruby Martinez
REQUEST: Rezone from C-2 to MF-12

PLANNING COMMISSION MEETING
May 3, 2022

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-24) 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 May 3, 2022 for hearing the matter of a petition of JEM Holdings, LLC, requesting that the following described tract of real estate to be zoned from High Density Multi-family Residential District (MF-24) to Thoroughfare Commercial District (C-5).

Layman's Description: Washington County Parcels 815-38997-000 & 815-38998-000

Legal Description: Outparcels Numbered 5 and 6 of Butterfield Coach Retail Park, a Commercial Subdivision, Springdale, Washington County, Arkansas, as shown on Plat filed for record as Plat File #23A at Page 355.
LESS AND EXCEPT all that portion of the above described tract which lies within the boundaries of Annie Street & Cass Drive and their right of ways, and LESS AND EXCEPT that portion of the above described tract which lies within the boundary of private drive, shared access easement which lies between Outparcels 6 and 7, as shown on plat recorded in Plat Book 23a at Page 355, Washington County, Arkansas.
Subject to covenants, easements, rights-of-way, and other restrictions of record, if any. Subject to all prior mineral reservations and oil and gas leases.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from High Density Multi-family Residential District (MF-24) 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 High Density Multi-family Residential District (MF-24) 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 _____, 2022.

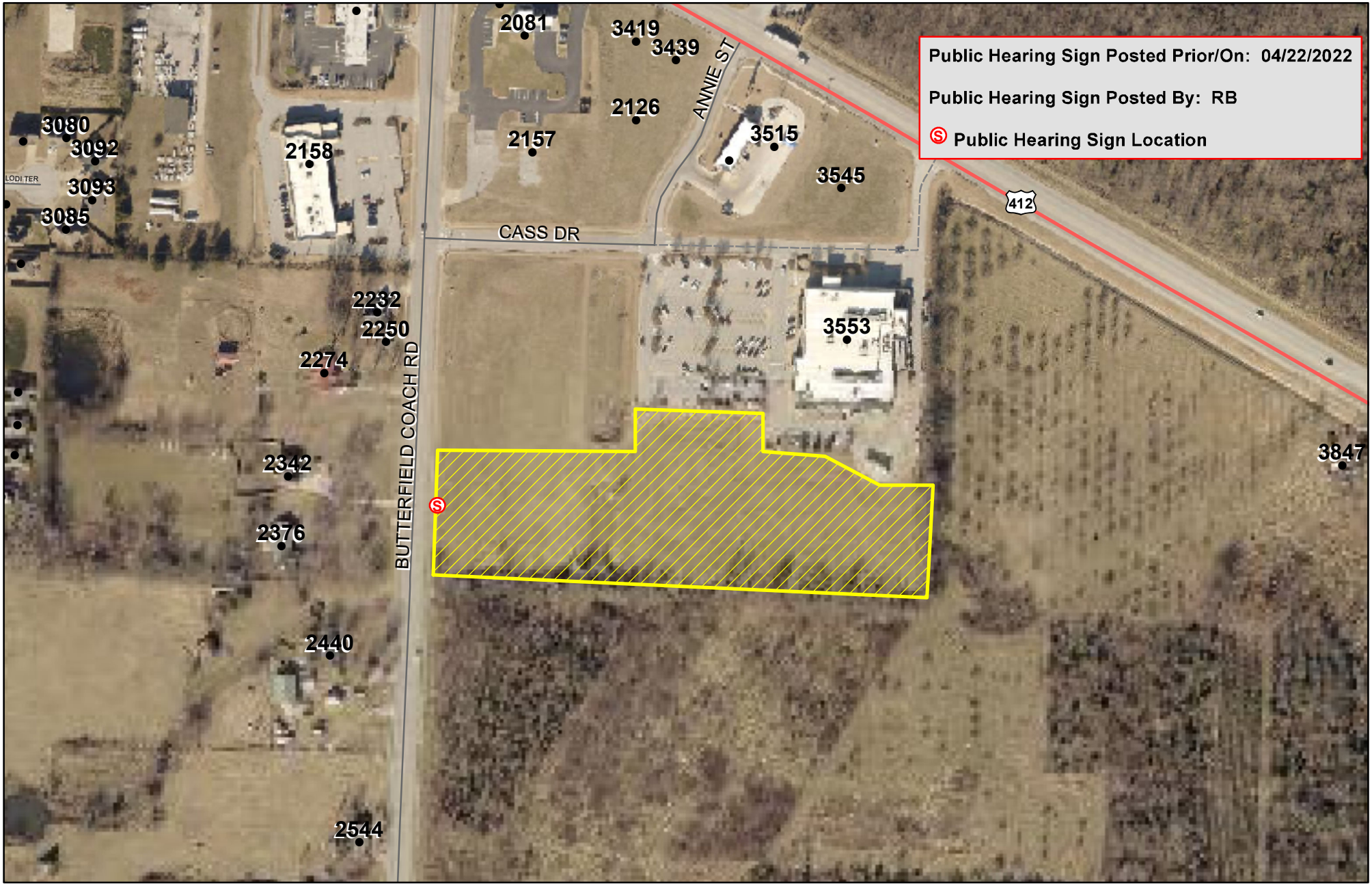
_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney



FILE NO. R22-31
APPLICANT: JEM Holdings, LLC
REQUEST: Rezoning from MF-24 to C-5

PLANNING COMMISSION MEETING
May 3, 2022

Page 17 of 333

ORDINANCE NO. 5666

AN ORDINANCE AMENDING ORDINANCE NO. 3307, WHICH REZONED CERTAIN LANDS FROM GENERAL COMMERCIAL DISTRICT (C-2) TO MEDIUM/HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-16); AND DECLARING AN EMERGENCY

WHEREAS, The City Council for the City of Springdale, Arkansas, passed Ordinance No. 5666 on December 14, 2021, which amended the zoning ordinance for the City of Springdale by rezoning certain lands from General Commercial District (C-2) to Medium/High Density Multi-family Residential District (MF-16).

WHEREAS, Ordinance No. 5666 contained a scrivener's error by including in the legal description property not intended to be included in the rezoning ordinance;

WHEREAS, Ordinance No 5666 should be amended to clarify which property was subject to the rezoning, contains 1.42 acres, more or less to read as follows:

Layman's Description: East of Lowell Road, north of Randall Wobbe Lane behind existing commercial buildings.

Legal Description: A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 18 NORTH, RANGE 30 WEST,BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID 40-ACRE TRACT,THENCE S 02 27'47" W 329.79' AND S 02 27'47" W 351.63' AND S 87 08'34" E 1006.36' TO THE POINT OF BEGINNING. RUNNING THENCE THE FOLLOWING COURSES AND DISTANCES; THENCE S 87 08'34" E 332.75'; THENCE S 15 36'56" W 86.50'; THENCE S 15 45'42" W 118.62'; THENCE N 87 10'24" W 99.84'; THENCE N 87 10'24" W 187.30'; THENCEN 02 51'08" E 200.14 TO SAID POINT OF BEGINNING, CONTAINING IN ALL 1.42 ACRES, MORE OR LESS.

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

SECTION 1: That Ordinance No. 5666 is hereby amended as provided herein:

From General Commercial District (C-2) to Medium/High Density Multi-family Residential District (MF-16).

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 _____, 2022.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE FOR BRIAN RICHARDSON (THE CHEESY GOAT) AT 2403 SOUTH THOMPSON 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 May 3, 2022, on a request by Brian Richardson (The Cheese Goat) 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 six (6) yes and zero (0) no recommends that a Conditional Use be granted to Brian Richardson (The Cheesy Goat) with the following conditions:

- **May not operate between the hours of 10:00 p.m. and 7:00 a.m.**
- **If a health certificate is required, display the health certificate in a manner visible to customers**
- **No obstruction of traffic signals or regulatory signs**
- **No vending upon a public way**
- **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**
- **Sites to remain clean and free of paper or refuse of any kind generated from the operation of the business with all trash or debris accumulating with twenty (20) feet of any vending stand to be collected and deposited into a trash container.**
- **Subject to hours of operation submitt4eed with application**
- **Subject to water & waste water plan submitted with application**

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Brian Richardson (The Cheesy Goat) with the following conditions:

- **May not operate between the hours of 10:00 p.m. and 7:00 a.m.**
- **If a health certificate is required, display the health certificate in a manner visible to customers**
- **No obstruction of traffic signals or regulatory signs**
- **No vending upon a public way**
- **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**
- **Sites to remain clean and free of paper or refuse of any kind generated from the operation of the business with all trash or debris accumulating with twenty (20) feet of any vending stand to be collected and deposited into a trash container.**
- **Subject to hours of operation submitt4eed with application**

- **Subject to water & waste water plan submitted with application**

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

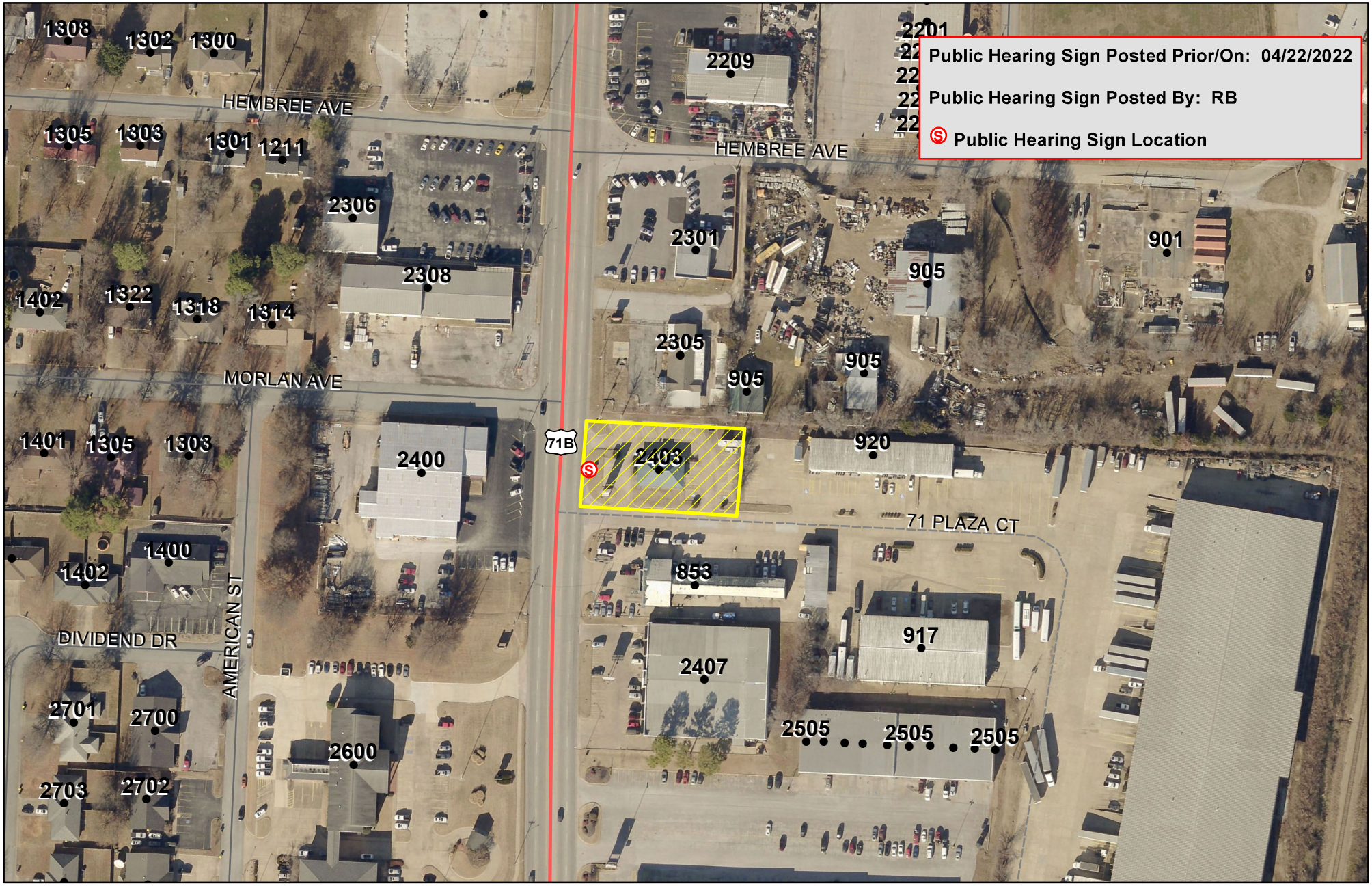
_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney



N

0 30 60 120 180 240 Feet

For Location Reference Only

FILE NO. C22-07
APPLICANT: Brian Richardson
REQUEST: Conditional use for a Use Unit 44 in a C-2 zone

PLANNING COMMISSION MEETING
May 3, 2022

Page 22 of 333

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO FRITO LAY WAREHOUSE IN CONNECTION WITH L22-28 A 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 of street improvements to Kendrick Avenue including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-28 a Large Scale Development for Frito Lay Warehouse and the Planning Commission recommends approval of the waiver request.

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

Option 1: Grants a waiver of street improvements to Kendrick Avenue including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-28 a Large Scale Development for Frito Lay Warehouse.

Option 2: Denies a waiver of street improvements to Kendrick Avenue including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L22-28 a Large Scale Development for Frito Lay Warehouse.

Option 3: Approves payment in lieu of improvements to Kendrick Avenue in connection L22-28 a Large Scale Development for Frito Lay Warehouse with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to Kendrick Avenue including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with L22-28 a Large Scale Development for Frito Lay Warehouse.

PASSED AND APPROVED THIS _____DAY OF _____, 2022.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PAYMENT OF AN INVOICE
PROJECT NO. 18BPP1

WHEREAS, the City of Springdale contracted with Carroll Electric Cooperative Corporation for the relocation of utilities at Shaw Family Park**,** and

WHEREAS, The City has received an invoice for $402,619.55 for the relocation of utilities for Shaw Family Park.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to pay Carroll Electric Cooperative Corporation $402,619.55 with funds from the Park Lands Contingency Fund.

PASSED AND APPROVED this 24th day of May, 2022.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest B. Cate, City Attorney

Page 24 of 333

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 108 WILLELLA PLACE, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS.

WHEREAS, Vick Enterprises, LLC, currently owns property located at 108 Willella Place, Springdale, Washington County, Arkansas, ("the Property"), and being more particularly described as follows:

> The North 55 feet of Lot 3 and the South 20 feet of Lot 4, in the Sisson Subdivision to the City of Springdale, as per plat of said Subdivision on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas. More commonly known as Washington County Tax Parcel No. 815-25755-000.

WHEREAS, the owner has agreed to sell the Property to the City of Springdale for the total sum of $170,000.00;

WHEREAS, the City believes the proposed purchase price is reasonable and is based upon an appraisal performed on the Property on behalf of the City; and

WHEREAS, the City plans to use the Property, along with other adjacent properties, for the relocation and construction of a Springdale Senior Center.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor is hereby authorized to execute all documents necessary for the acquisition of the Property in the amount of $170,000.00, plus associated costs, to be paid from the City's general fund unreserved, to be reimbursed out of the proceeds of the sale of the current Senior Center, or from the proceeds any future Bond funds.

PASSED AND APPROVED this _____ day of _____, 2022.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest B. Cate, City Attorney

City of Springdale Zoning Map



May 11, 2022

- Form-Based Code District Overlay
- S.E.E.D. Overlay District - Outline
- Washington Co. Parcels
- Benton Co. Parcels
- SCHOOLS

STREAMS
- MAIN CHANNEL
- TRIBUTARY

- LAKES
- Buildings
- RAILROAD

STREETS - ALL
- INTERSTATE
- RAMP
- U.S. HWY
- AR HWY
- LOCAL
- PRIVATE
- U.S. 412 NORTHERN BYPASS - PROPOSED
- RAZORBACK GREENWAY
- RABBIT'S FOOT WILDLIFE OBSERVATION TRAIL
- Addresses

1:1,000

0 0.01 0.02 0.04 mi

0 0.02 0.04 0.07 km

City of Springdale, Clayton Sedberry

Clayton Sedberry | City of Springdale |

Page 26 of 333

RESOLUTION NO. _____

A RESOLUTION TO APPROPRIATE FUNDS FOR IMPROVEMENTS TO THE POLICE DEPARTMENT FIRING RANGE TO BE PAID FROM DRUG SEIZURE FUNDS.

WHEREAS, in December, 2020, the City of Springdale purchased property at 511 Old Wire Road, said property to be used by the Springdale Police Department for an indoor firing range and firearms training ("the Property");

WHEREAS, the Police Department is wishing to make certain improvements to the Property, including cleaning the facility, install an access control system, and the wiring/installation of a camera system;

WHEREAS, the Police Department has received quotes for the requested improvements to the Property which total $14,248.81; and

WHEREAS, the Police Department has sufficient funds in the Drug Seizure Fund to pay for the improvements to the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that there is hereby appropriated $14,248.81 from the Drug Seizure funds for the improvements to the Springdale Police Department's indoor firing range facility at 511 Old Wire Road.

PASSED AND APPROVED this _____ day of _____, 2022.

_____
Doug Sprouse, MAYOR

ATTEST:

_____
Denise Pearce, CITY CLERK

APPROVED:

_____
Ernest B. Cate, CITY ATTORNEY

CITY of SPRINGDALE

POLICE DEPARTMENT
OFFICE OF THE CHIEF OF POLICE

MEMORANDUM

FROM: Chief Frank Gamble

TO: Colby Fulfer and Mayor Doug Sprouse

DATE: 05/17/22

RE: (Amended) Range improvements

The City of Springdale purchased an old indoor firing range so the Police Department would have a facility for firearms training. There is a long-term plan to remodel the building to allow long-gun training as the current facility will only allow for the use of handguns.

The Police Department is requesting authorization to spend federal drug seizure funds for three items to help clean and secure the range:

1) We request $5959.55 to pay a cleaning company to clean and remove hazardous materials from the facility. There is accumulated led and other material left-over from the previous owner.

2) We request $4234.00 for an access control system on the front door at the range. This is necessary to allow us to secure the range while it is in use. The police department currently has to leave the door unlocked while the range is in use which is a security issue. We will be able to reuse this system when the range is remodeled.

3) We request $4055.26 for the wiring and installation of a camera system. Our IT department already has the cameras that will be utilized in the facility. All of the wiring and camera equipment would be reused after the remodel.

The total cost for the immediate needs at the range will total $14,248.81.

Respectfully,



Chief of Police Frank Gamble
Springdale Police Department

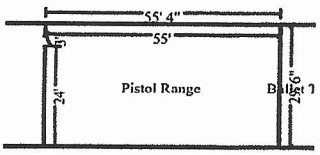
Servpro of Fayetteville, Springdale South,
North Washington County
MTBR Enterprises, LLC
228 E Robinson Ave
Springdale, AR 72764
479-419-5544
Tax ID: 873418066

SPRINGDALE_PD

Job

Job

CAT	SEL / CALC	QTY	ACT DESCRIPTION / REMOVE	REPLACE	TAX	TOTAL
1. WTR	ESRVD		+ Emergency service call - during business hours			
	1	1.00 EA	0.00+	155.41 =	15.15	170.56
2. HMR	PPEGHD		+ Personal protective gloves - Heavy duty (per pair)			
	2	2.00 EA	0.00+	6.99 =	1.36	15.34
3. HMR	PPE		+ Add for personal protective equipment (hazardous cleanup)			
	3*2*2	12.00 EA	0.00+	12.86 =	15.05	169.37
3 technicians, 2 suits per day.						
4. HMR	PPERF		+ Respirator - Full face - multi-purpose resp. (per day)			
	3	3.00 DA	0.00+	7.61 =	2.23	25.06
5. HMR	PPERC		+ Respirator cartridge - HEPA only (per pair)			
	3	3.00 EA	0.00+	16.04 =	4.69	52.81
6. HMR	EQDH		+ Equipment decontamination charge - HVY, per piece of equip			
	2	2.00 EA	0.00+	54.47 =	10.62	119.56
Total: Job					**49.10**	**552.70**



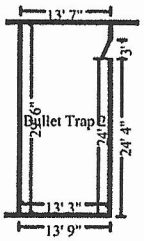
Pistol Range **Height: 10'**

1670.00 SF Walls	1622.50 SF Ceiling
3292.50 SF Walls & Ceiling	1622.50 SF Floor
180.28 SY Flooring	166.00 LF Floor Perimeter
169.00 LF Ceil. Perimeter	

Door **3' X 6' 8"** **Opens into CLASSROOMS**

CAT	SEL / CALC	QTY	ACT DESCRIPTION / REMOVE	REPLACE	TAX	TOTAL
7. CLN	HEPAVAS		+ HEPA Vacuuming - Detailed - (PER SF)			
	W+F	3292.50 SF	0.00+	0.55 =	176.56	1,987.44
8. CLN	AV+		+ Clean more than the walls - Heavy			
	W+F	3292.50 SF	0.00+	0.48 =	154.09	1,734.49
Totals: Pistol Range					**330.65**	**3,721.93**

Servpro of Fayetteville, Springdale South,
North Washington County
MTBR Enterprises, LLC
228 E Robinson Ave
Springdale, AR 72764
479-419-5544
Tax ID: 873418066



Bullet Trap 2 **Height: 10'**

835.00	SF Walls	390.88	SF Ceiling
1225.88	SF Walls & Ceiling	390.88	SF Floor
43.43	SY Flooring	82.50	LF Floor Perimeter
85.50	LF Ceil. Perimeter		

Door **3' X 6' 8"** **Opens into Exterior**

CAT	SEL CALC	ACT QTY	DESCRIPTION	REMOVE	REPLACE	TAX	TOTAL
9. CLN	HEPAVAS		+ HEPA Vacuuming - Detailed - (PER SF)				
	W+F	1225.88 SF		0.00+	0.55 =	65.74	739.97
10. CLN	AV+		+ Clean more than the walls - Heavy				
	W+F	1225.88 SF		0.00+	0.48 =	57.37	645.79
11. HMR	NAFAN		+ Negative air fan/Air scrubber (24 hr period) - No monit.				
	1	1.00 DA		0.00+	77.00 =	7.51	84.51
12. HMR	FHEPA		+ Add for HEPA filter (for negative air exhaust fan)				
	1	1.00 EA		0.00+	195.58 =	19.07	214.65
Totals: Bullet Trap 2						**149.69**	**1,684.92**
Total: Job						**529.44**	**5,959.55**
Line Item Totals: SPRINGDALE_PD						**529.44**	**5,959.55**

Grand Total Areas:

8,168.33	SF Walls	7,995.54	SF Ceiling	16,163.88	SF Walls and Ceiling
7,995.54	SF Floor	888.39	SY Flooring	811.83	LF Floor Perimeter
0.00	SF Long Wall	0.00	SF Short Wall	826.83	LF Ceil. Perimeter
7,995.54	Floor Area	8,207.85	Total Area	8,168.33	Interior Wall Area
4,827.67	Exterior Wall Area	444.33	Exterior Perimeter of Walls		
0.00	Surface Area	0.00	Number of Squares	0.00	Total Perimeter Length
0.00	Total Ridge Length	0.00	Total Hip Length		

Servpro of Fayetteville, Springdale South,
North Washington County
MTBR Enterprises, LLC
228 E Robinson Ave
Springdale, AR 72764
479-419-5544
Tax ID: 873418066

Summary for Dwelling

Line Item Total	5,430.11
Total Sales Tax	529.44
Replacement Cost Value	**$5,959.55**
Net Claim	**$5,959.55**

Ashbaugh, Parker
Estimator

Servpro of Fayetteville, Springdale South,
North Washington County
MTBR Enterprises, LLC
228 E Robinson Ave
Springdale, AR 72764
479-419-5544
Tax ID: 873418066

Client:	Springdale Police Department	Home:	(479) 750-8139
Property:	511 Old Wire Rd. Springdale, AR 72764		
Operator:	PARKER		
Estimator:	Ashbaugh, Parker	Business:	(918) 404-7263
Position:	Estimator	E-mail:	parker@servprosouthtulsa.com
Company:	SERVPRO of South Tulsa County		
Business:	14690 E. Pine St. Tulsa, OK 74116		

Type of Estimate:	Other		
Date Entered:	2/21/2022	Date Assigned:	2/10/2022
Date Est. Completed:	2/21/2022	Date Job Completed:	

Price List:	ARFA8X_FEB22
Labor Efficiency:	Restoration/Service/Remodel
Estimate:	SPRINGDALE_PD

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DFS
DUNK FIRE & SECURITY
PROTECTING LIFE AND PROPERTY

3446 Wagon Wheel Road
Springdale, AR 72762
Phone: (479) 750-1833
Web: www.dunksecurity.com
Contractors License # 0163100522

FIRE
Fire Sprinkler Systems
Clean Agent Systems
Backflow Preventers
Fire Alarm Systems
Fire Extinguishers
Fire Hydrants

SECURITY
Access Control Systems
Home Security Systems
Intrusion & Detection
IP-Based Cameras
Remote Support

COMMUNICATIONS
Mass Notification
Wireless Systems
Intercom Systems
Nurse Call Systems
Data & Fiber Optic Cabling

ADDITIONAL SERVICES
Fire Alarm & Elevator Monitoring
System Sales Agreements
Exit & Emergency Lights
Consulting

KERI SYSTEMS

Altronix

Regulated By Arkansas Board of Private Investigators
And Private Security Agency
#1 State Police Plaza Drive
Little Rock, Arkansas 72209
(501) 618-8600
AR License # E05-046

May 3, 2022
Attention:Captain Coger
Springdale Police
Springdale AR 72762

SPD Gun Range Access System Proposal

SUMMARY-

This proposal is to add 1 door of access control to the SPD gun range. SPD will need to have internet installed so this can tie into the main SPD access control system. Also a qualified door repair company will need to adjust the door for proper operation before the install. DFS offers a 1 year warranty on all parts and 1 year warranty on labor.

Access system

(1) KERI 2 door control panel	**(x1)**
(2) KERI PRX reader.	**(X1)**
(3) PWR Supply	**(x1)**
(4) Steel Hawk Power Latch	**(x1)**
(5) Paddle latch	**(x1)**
(6) Cable Armour	**(x1)**
(7) Dead Latch Paddle	**(x1)**
(8) Wire & Connectors, Installation	

PRICE- **$4234.00 ***

Okay to proceed: _____ _____/___/_____
Approval Signature Today's Date

If you have any questions, comments, or concerns, please feel free to contact me.

Mike Leuchtenberg
Mike Leuchtenberg | Security Project Manager
479-750-1833 ext. 221

*all equipment warranty excludes acts of God and customer abuse | proposal amount is good for 30 days price includes any applicable taxes | 3% convenience fee if paying by credit card

COMMERCIAL COMMUNICATIONS

Incorporated

"Providing Solutions Through Technology"

Sales Agreement

2099 South Powell, Suite A

Springdale, AR 72764

NWA: 479-756-1141 Fort Smith 479-452-0404

Fax: 479-756-1571

bvickers@commcomm.com www.commcomm.com

DATE May 16, 2022

Regulated by: Arkansas Board of Private Investigators and Private Security Agencies
#1 State Police Plaza Drive
Little Rock, Arkansas 72209
501-618-8600
AR Security License # E 2007 0090

TO

City of Springdale
Gun Range
Luis Garcia
lgarcia@springdalear.gov

SALESPERSON		Balance + Tax Due Upon Installation	Parts Warranty	Labor Warranty
Brent Vickers			NA	NA

ITEM #	QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	1	Remove Old Data Cables and Camera Cables	$625.00	$ 625.00
		Leave old cameras in place		$ -
2	3	Run new CAT6 cable and mount customer provided	$325.00	$ 975.00
		cameras - Outside		$ -
3	7	Run new CAT6 cable and mount customer provided	$250.00	$ 1,750.00
		cameras - Inside		$ -
4	1	Miscellanous Parts - Keystone Patch Panel - Above	$345.00	$ 345.00
		Ceiling J-Hooks - Silocon - Etc...		$ -
				$ -
				$ -
				$ -
				$ -
				$ -
				$ -
				$ -
				$ -
				$ -
			SUBTOTAL	$ 3,695.00
			SALES TAX	
			TOTAL	$ 3,695.00

Quotation prepared by: Brent Vickers

Authorized CCI signature is required to validate this agreement. Unless otherwise specified above, purchase price does not include appropriate sales tax. If this is a lease purchase, the lease is subject to approval by the leasing company. This agreement is subject to the attached terms and conditions. Pricing is subject to change without notice after 30 days from the date of the proposal. Buyer grants and Seller retains a security interest in the equipment purchased under this agreement until such time as the full purchase price has been paid to the Seller. Unless otherwise listed. Written warranty information available upon request.

To accept this quotation, sign here and return: _____ Date: _____

$4055.26 with tax

THANK YOU FOR YOUR BUSINESS!

ORDINANCE NO. _____

AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN RESIDENTIAL STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 302 CAUDLE; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, Pedro & Dolores Palos, are the owners of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

The south half (S 1/2)of lots numbered one (1) and two (2) in block "A" in A.B. Coger and A.C. Dewese addition to the City of Springdale, Arkansas. Subject to easements for utilities and bills of assurance, if any exist. (Also commonly known as 302 Caudle, Springdale, Arkansas and known as Tract II on Fiduciary's deed recorded as Lan Document No. 99097037.)

Commonly known as 302 Caudle, Springdale, Washington County, Arkansas
Tax Parcel No. 815-20908-000

WHEREAS, the structure on the property is unfit for human habitation, constitutes a fire hazard, otherwise is dangerous to human life, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly, and is considered an unsafe and unsightly structure in violation of Springdale City Ordinances (§22-32 and §91-37, *et seq.*);

WHEREAS, the owner has been notified by the City of Springdale prior to the consideration of this ordinance, that the structure on the property is in violation of various ordinances of the City of Springdale, as well as the Property Maintenance Code of the City of Springdale;

WHEREAS, pursuant to Chapter 22-32 of the Ordinances of the City of Springdale, the owner was given thirty (30) days to purchase a building permit and to commence repairs on the property, or to demolish and remove the building from the property;

WHEREAS, the owner has failed, neglected, or refused to comply with the notice to repair, rehabilitate or to demolish and remove the building, and as such, the matter of removing the building may be referred to the City Council pursuant to Chapter 22 and Chapter 91 of the Ordinances of the City of Springdale;

WHEREAS, under Ark. Code Ann. § 14-56-203 and pursuant to Chapter 22 and Chapter 91 of the Springdale Code of Ordinances, if repair or removal is not done within the required time, the structure is to be razed (demolished) and/or removed;

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

Page 35 of 333

consistent with the Property Maintenance Code, and all other state laws and regulations pertaining to the demolition or removal of residential structures.

Section 3. If the aforesaid work is not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed and the unsafe, unsanitary and unsightly conditions abated; and, the City of Springdale shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council.

Section 4. EMERGENCY CLAUSE: The City Council hereby determines that the aforesaid unsafe structure constitutes a continuing detriment to the public safety and welfare and is therefore a nuisance, and determines that unless the provisions of this ordinance are put into effect immediately, the public health, safety and welfare of the citizens of Springdale will be adversely affected. Therefore, an emergency is hereby declared to exist and this ordinance begin necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2022.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Page 36 of 333

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy City Attorney
tsamples@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov

Ryan Renauro
Deputy City Attorney
rrenauro@springdalear.gov

SPRINGDALE™
WE'RE MAKING IT HAPPEN

OFFICE OF CITY ATTORNEY
201 Spring Street • Springdale, Arkansas 72764
Phone (479) 750-8173 • Fax (479) 750-4732
www.SpringdaleAR.gov

Giselle Gonzalez
Case Coordinator/Victim Advocate
ggonzalez@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Lynda Belvedersi
Administrative Legal Assistant
lbelvedresi@springdalear.gov

Jacque Roth
File/Discovery Clerk
jroth@springdalear.gov

February 15, 2022

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL

Pedro & Dolores Palos 5981
204 Caudle Ave.
Springdale, AR 72764

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Arvest Bank
ATTN: Katie Davidson Registered Agent
Hilburn, Calhoun, & Harper 5998
One Riverfront Plaza, Suite 800
North Little Rock, AR 72114

RE: Property located at 302 Caudle, Springdale, Washington County, Arkansas, Tax Parcel No. 815-20908-000

Dear Property Owner/Mortgage Holder:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice at 302 Caudle and has mailed notice in writing to you, via certified mail that a structure located on property owned by you at 302 Caudle Springdale, Arkansas, was unsafe and could not be occupied until the property had been repaired. Furthermore, the owner was instructed to obtain a demolition or repair permit within thirty (30) days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on this property. As such, please be advised that the City Council for the City of Springdale will be reviewing the enclosed ordinance at a Committee Meeting that will take place at 5:30 p.m. on Monday, April 4, 2022, in the Tiered Training room located on the second floor of the City Administration

Building at 201 N. Spring Street, Springdale, Arkansas. Also, the enclosed ordinance will be placed on the Council Agenda to be considered on Tuesday, April 12, 2022. This meeting will take place in the Tiered Training room of the City Administration Building. I strongly encourage you to attend these meetings.

Should the City adopt the enclosed ordinance, you will be given a final opportunity to repair or remove the structure. Should you not take advantage of this opportunity; the City of Springdale will have the right to raze and remove the structure, and then charge the costs of such as a lien against the property. The amount of any such lien would be determined by the City Council, and you would have the opportunity to be notified and be heard at this meeting. If you should have any questions, please let me know. I am also sending this letter to you via regular mail as well.

Sincerely,

Ernest Cate
City Attorney

Enclosure
EC: lb

cc: Mike Chamlee, Chief Building Inspector
Tom Evers, Chief Building Official

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That which is underlined is added and that which is stricken through is deleted.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS, PERTAINING TO DOOR TO DOOR SOLICITATION; AND DECLARING AN EMERGENCY.

WHEREAS, on April 24, 2012, the City Council for the City of Springdale, Arkansas, passed Ordinance No. 4585, now codified as Section 82-1 of the Code of Ordinances of the City of Springdale, Arkansas, setting forth regulations pertaining to door to door peddling and solicitation on residential properties in the City;

WHEREAS, on August 28, 2012, the City Council for the City of Springdale, Arkansas, passed Ordinance No. 4619, now codified as Section 82-4 of the Code of Ordinances of the City of Springdale, Arkansas, setting forth regulations pertaining to door to door peddling and solicitation on commercial and industrial properties in the City;

WHEREAS, the City has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its citizens, which include the ability to protect citizens from fraud or from unwanted intrusions upon residential, commercial, and industrial property; and

WHEREAS, in order to more effectively carry out the purposes and enforcement of the aforementioned Ordinances, the City Council for the City of Springdale finds that Section 82-1 and Section 82-4 of the Code of Ordinances of the City of Springdale, Arkansas, need to be amended to clearly set forth the penalties for a violation of these Ordinances.

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

Section 1: Section 82-1(f) of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

(f) *Penalty.* ~~Any violation of this section shall be deemed a nuisance and punishable by a fine as provided by section 1-9~~ A person convicted of a violation of this subchapter shall be punished by a fine not exceeding $1,000.00, or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed $500.00 for each day that the violation is unlawfully continued. The imposition of a penalty does not prevent the revocation of a permit pursuant to subsection (h) herein. Violations of this subchapter that are continuous with respect to time, are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

Section 2: Section 82-4(d) of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

(d) *Penalty.* ~~Any violation of this section shall be deemed a nuisance and punishable by a fine as provided by section 1-9~~ A person convicted of a violation of this subchapter shall be punished by a fine not exceeding $1,000.00, or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed $500.00 for each day that the violation is unlawfully continued. Violations of this subchapter that are continuous with respect to time, are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

Section 3: All other provisions of Chapter 82 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended herein shall remain in full force and effect.

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 24th day of May, 2022.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED:

_____
Ernest B. Cate, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF WATER AND SEWER REVENUE BONDS, SERIES 2022B AND SERIES 2022C TO FINANCE A SEWER PROJECT; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Springdale, Arkansas (the "City") owns a water and sewer system (the "System") that is operated by the Springdale Water and Sewer Commission (the "Commission"); and

WHEREAS, the Commission proposes to undertake the decommission and remediation of the wastewater treatment facilities in the territory formerly known as Bethel Heights and the acquisition and construction of approximately 6,000 linear feet of sanitary gravity sewer main to alter existing flows from the former Bethel Heights area to the System's wastewater collection system (the "Project"); and

WHEREAS, in order to finance a portion of the costs of the Project, including bond issuance costs, the City is making arrangements for the sale of a $2,054,083 principal amount bond (the "Series 2022B Bond") to the Arkansas Development Finance Authority, as purchaser (the "Bondholder"), at a price of par for a bond bearing interest at the rate of 0% per annum pursuant to a Series 2022B Bond Purchase Agreement (the "2022B Agreement") among the City, the Bondholder and the Arkansas Natural Resources Commission ("ANRC"), which has been presented to and is before this meeting; and

WHEREAS, in order to finance a portion of the costs of the Project, including bond issuance costs, the City is making arrangements for the sale of a $1,000,000 principal amount bond (the "Series 2022C Bond") to the Bondholder, at a price of par for a bond bearing interest at the rate of 0% per annum pursuant to a Series 2022C Bond Purchase Agreement (the "2022C Agreement") among the City, the Bondholder and ANRC, which has been presented to and is before this meeting; and

WHEREAS, the City has outstanding its Water and Sewer Revenue Bond, Series 2006 (the "Series 2006 Bond"), authorized by Ordinance No. 3912, adopted on June 27, 2006 (the "Series 2006 Bond Ordinance"); and

WHEREAS, the City has authorized its Water and Sewer Revenue Bonds, Series 2022A (the "Series 2022A Bonds"), pursuant to Ordinance No. 5071, adopted on April 12, 2022 (the "Series 2022A Bond Ordinance"); and

WHEREAS, the parity provisions of the Series 2006 Bond Ordinance and the Series 2022A Bond Ordinance (collectively, the "Parity Bond Ordinances") have been or will be

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met so that the bonds can be issued on a parity of security with the Series 2006 Bond and the Series 2022A Bonds (collectively, the "Parity Bonds"); and

WHEREAS, the City is authorized, under the provisions of Amendment No. 65 of the Arkansas Constitution, Title 14, Chapter 234, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Code"), Title 14, Chapter 164, Subchapter 4 of the Code and Title 14, Chapter 235, Subchapter 2 of the Code (collectively, the "Authorizing Legislation"), to issue and sell the Series 2022B Bond and the Series 2022C Bond (collectively, the "bonds"); and

WHEREAS, the Bondholder proposes to pledge the Series 2022B Bond as collateral for the payment of its revolving loan fund revenue bonds (the "ADFA Bonds") pursuant to its general bond resolution, as amended or supplemented from time to time, to the bank or trust company to be named as trustee thereunder (the "ADFA Trustee"); and

WHEREAS, the City is required to pay to the Arkansas Development Finance Authority, as servicer (the "Authority"), a servicing fee equal to 1% per annum of the outstanding principal amount of the bonds (the "Servicing Fee");

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Springdale, Arkansas:

Section 1. The Project is hereby authorized and shall be accomplished. The Project properties shall be a part of the System. The accomplishment of the Project shall be under the control and supervision of, and all details in connection therewith shall be handled by, the Commission, and the Commission shall make all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers. The Commission shall let all construction contracts pursuant to and in accordance with existing laws and shall require such performance bonds and insurance from the contractors as, in the judgment of the Commission, will fully insure the completion of the Project in accordance with the plans and specifications therefor.

Section 2. The sale to the Bondholder of up to $3,054,083 in aggregate principal amount of bonds, consisting of a $2,054,083 Series 2022B Bond and a $1,000,000 Series 2022C Bond, from the City at a price of par for bonds bearing interest at the rate of 0% per annum and otherwise subject to the terms and provisions hereafter in this Ordinance set forth in detail is hereby approved and the bonds are hereby sold to the Bondholder. The Mayor is hereby authorized and directed to execute and deliver the 2022B Agreement and the 2022C Agreement (collectively, the "Agreement") on behalf of the City and to take all action required on the part of the City to fulfill its obligations under the Agreement. The Agreement is hereby approved in substantially the form submitted to this meeting with such changes as maybe approved by the Mayor, his execution to constitute complete evidence of such approval.

Section 3. The City Council hereby finds and declares that the period of usefulness of the System will be more than fifteen (15) years, which is longer than the term of the bonds.

Section 4. It is understood and agreed that the Commission, acting for and on behalf of the City, has custody of and control over the System, operates, maintains and repairs the System and collects and handles revenues of the System. Therefore, it is understood and agreed that even though there are some express references to the Commission, all references herein to the City shall, when appropriate in view of the authority and responsibility of the Commission, be construed to mean and include the Commission.

Section 5. Under the authority of the Constitution and laws of the State of Arkansas (the "State"), including particularly the Authorizing Legislation and applicable decisions of the Supreme Court of the State, including particularly City of Harrison v. Braswell, 209 Ark. 1094, 194 S.W.2d 12 (1946), City of Springdale, Arkansas Water and Sewer Revenue Bond, Series 2022B in the principal amount of $2,054,083 and City of Springdale, Arkansas Water and Sewer Revenue Bond, Series 2022C in the principal amount of $1,000,000 are hereby authorized and ordered issued, the proceeds of the sale of which will be used to finance all or a portion of the costs of the Project and pay expenses of issuing the bonds.

The bonds shall bear interest at the rate of 0% per annum based upon a 360-day year of twelve consecutive 30-day months. The Bonds shall be dated the date of delivery to the Bondholder. Interest shall be payable on each April 15 and October 15 after the bonds are issued. Principal shall be payable in installments on October 15, 2024 and each April 15 and October 15 thereafter until the unpaid principal is paid in full as follows:

SERIES 2022B BOND

Date	Amount	Date	Amount
10/15/2024	$97,911	10/15/2029	$102,918
04/15/2025	98,400	04/15/2030	103,432
10/15/2025	98,892	10/15/2030	103,949
04/15/2026	99,387	04/15/2031	104,469
10/15/2026	99,884	10/15/2031	104,992
04/15/2027	100,383	04/15/2032	105,517
10/15/2027	100,885	10/15/2032	106,044
04/15/2028	101,389	04/15/2033	106,574
10/15/2028	101,896	10/15/2033	107,107
04/15/2029	102,406	04/15/2034	107,648

Date	Amount	Date	Amount
10/15/2024	$47,666	10/15/2029	$50,104
04/15/2025	47,904	04/15/2030	50,354
10/15/2025	48,144	10/15/2030	50,606
04/15/2026	48,385	04/15/2031	50,859
10/15/2026	48,626	10/15/2031	51,113
04/15/2027	48,870	04/15/2032	51,369
10/15/2027	49,114	10/15/2032	51,626
04/15/2028	49,360	04/15/2033	51,884
10/15/2028	49,606	10/15/2033	52,143
04/15/2029	49,854	04/15/2034	52,413

The bonds will be registered as to both principal and interest, payable to the Bondholder, or registered assigns, as set forth hereinafter in the bond form, and shall be numbered RB-1 and RC-1, as appropriate.

Payment of principal and interest shall be by check or draft mailed to the Bondholder at its address shown on the bond registration books of the City which shall be maintained by the City Clerk as Bond Registrar, without presentation or surrender of the bond (except upon final payment) and such payments shall discharge the obligation of the City to the extent thereof. The City Clerk shall keep a payment record and make proper notations thereon of all payments of principal and interest.

Payment of principal and interest shall be in any coin or currency of the United States of America which, as at the time of payment, shall be legal tender for the payment of debts due the United States of America. When the principal of and interest on a bond have been fully paid, it shall be canceled and delivered to the City Clerk.

Section 6. The bonds shall be executed on behalf of the City by the Mayor and City Clerk and shall have impressed or imprinted thereon the seal of the City. The bonds, together with interest thereon, are secured by and are payable solely from revenues derived from the System ("Revenues"), which are hereby pledged and mortgaged for the equal and ratable payment of the bonds. The pledge of Revenues is on a parity with the pledge in favor of the Parity Bonds. The term "Revenues" includes all receipts and revenues of the System, including all receipts from rates and charges, all investment earnings from revenues of the System, and all other receipts, revenues and moneys derived by, or on behalf of, the City, in any manner, from any source, from or arising in connection with the ownership or operation of the System. The bonds and interest thereon shall not constitute an indebtedness of the City within any constitutional or statutory limitation.

Section 7. The bonds shall be in substantially the following form and the Mayor and City Clerk are hereby expressly authorized and directed to make all recitals contained therein:

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(Form of Bond)

UNITED STATES OF AMERICA
STATE OF ARKANSAS
COUNTY OF WASHINGTON
CITY OF SPRINGDALE
0% WATER AND SEWER REVENUE BOND,
SERIES 2022_

No. R ___-1 [$2,054,083][$1,000,000]

KNOW ALL MEN BY THESE PRESENTS:

That the City of Springdale, Washington County, Arkansas (the "City"), for value received, hereby acknowledges itself to owe and promises to pay to the Arkansas Development Finance Authority, or registered assigns, solely from the special fund provided as hereinafter set forth, the principal sum of

[TWO MILLION FIFTY-FOUR THOUSAND EIGHTY-THREE DOLLARS]
[ONE MILLION DOLLARS]
(or the total principal amount outstanding as reflected
by the Record of Payment of Advances attached hereto)

with interest on the unpaid balance of the total principal amount at the rate of 0% per annum from the date of each advance. The principal and interest shall be payable in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of debts due the United States of America.

Interest on the unpaid balance of the total principal amount shall be payable on October 15, 2022 and on each April 15 and October 15 thereafter. Principal shall be payable in installments on October 15, 2024 and on each April 15 and October 15 thereafter until the unpaid principal is paid as follows:

Date Amount

(There will be inserted the applicable schedule
set forth in Section 5 of this Ordinance.)

Payments of the principal and interest installments due hereon shall be made, except for final payment, without presentation and surrender of this bond, directly to the registered owner at his address shown on the bond registration book of the City maintained by the City Clerk as Bond Registrar, and such payments shall fully discharge the obligation of the City to the extent of the payments so made.

This bond is issued for the purpose of providing financing of a portion of the costs of a sewer project and costs of authorizing and issuing this bond, and is issued pursuant to and in

full compliance with the Constitution and laws of the State of Arkansas (the "State"), including particularly Title 14, Chapter 234, Subchapter 2, Title 14, Chapter 164, Subchapter 4 and Title 14, Chapter 235, Subchapter 2 of the Arkansas Code of 1987 Annotated and applicable decisions of the Supreme Court of Arkansas, including particularly City of Harrison v. Braswell, 209 Ark. 1094, 194 S.W.2d 12 (1946), and pursuant to Ordinance No. _____ of the City, duly adopted and approved on the _____ day of _____, 2022 (the "Authorizing Ordinance"). Reference is hereby made to the Authorizing Ordinance for the details of the nature and extent of the security and of the rights and obligations of the City and the registered owner of this bond.

[Series 2022B - This bond may be assigned with the written approval of the Arkansas Natural Resources Commission ("ANRC"), and in order to effect such assignment the assignor shall promptly notify the City Clerk by registered mail, and the assignee shall surrender this bond along with a written approval of ANRC to the City Clerk for transfer on the registration records. Every assignee shall take this bond subject to all payments and prepayments of principal and interest (as reflected by the Payment Record maintained by the City Clerk), prior to such surrender for transfer.] [Series 2022C- This bond may be assigned to the Arkansas Natural Resources Commission ("ANRC"), and in order to effect such assignment the assignor shall promptly notify the City Clerk by registered mail, and ANRC shall surrender this bond to the City Clerk for transfer on the registration records. ANRC shall take this bond subject to all payments and prepayments of principal and interest (as reflected by the Payment Record maintained by the City Clerk), prior to such surrender for transfer.]

This bond may be prepaid at the option of the City from funds from any source, in whole but not in part, at any time on and after October 15, 2032, at a prepayment price equal to the principal amount outstanding, plus accrued interest and servicing fees to the prepayment date. Notice shall be given of such prepayment to the owner of this bond or registered assigns at least 90 days prior to the prepayment date. Such notice shall be in writing mailed to the address of the owner of this bond or registered assigns at the address as reflected on the bond registration books of the City Clerk.

This bond does not constitute an indebtedness of the City within any constitutional or statutory limitation or provision. This bond is a special obligation payable solely from the revenues derived from the operation of the City's water and sewer system (the "System"). In this regard, the pledge of System revenues in favor of this bond is on a parity with the pledge of System revenues in favor of the City's Water and Sewer Revenue Bonds, Series 2006, Series 2022A and Series 2022___, so long as any of such obligations are outstanding. A sufficient amount of System revenues to pay principal and interest has been duly set aside and pledged as a special fund for that purpose, identified as the "ADFA Bond Fund," in the Authorizing Ordinance. The City has fixed and has covenanted and agreed to maintain rates for use of the System which shall be sufficient at all times to at least provide for the payment of the reasonable expenses of operation and maintenance of the System, to provide for the payment of the principal of and interest on all the outstanding obligations to which System revenues are pledged as the same become due and to provide a depreciation fund, all as set forth in the Authorizing Ordinance.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all acts, conditions and things required by the Constitution and statutes of the State to exist, happen and be performed precedent to and in the issuance of this bond do exist, have happened and have been performed in regular and due time, form and manner as required by law; that this bond does not exceed any constitutional or statutory limitation of indebtedness; and that provision has been made for the payment of the principal of and interest on this bond, as provided in the Authorizing Ordinance.

IN WITNESS WHEREOF, the City of Springdale, Arkansas has caused this bond to be executed by its Mayor and City Clerk and its corporate seal to be impressed or imprinted on this bond, all as of the ____ day of _____, 2022.

CITY OF SPRINGDALE, ARKANSAS

ATTEST:

By _____
Mayor

_____
City Clerk

(SEAL)

[A Registration Certificate and Record of Payment
of Advances shall be attached to each bond.]

Section 8. (a) The City has heretofore fixed water and sewer rates by Ordinances of the City. Reference is hereby made to such Ordinances fixing the rates for the details thereof and other provisions pertaining thereto, which water and sewer rates are hereby confirmed and continued.

(b) The City covenants and agrees that the rates established will produce gross Revenues at least sufficient to pay monthly operation, maintenance and funded depreciation expenses of the System, pay the principal of and interest on all outstanding obligations to which Revenues are pledged ("System Obligations"), as the same become due, pay the Servicing Fee as the same become due, and create and maintain any required debt service reserves ("Required Payments"). The City covenants always to maintain rates (including increases as necessary) which will provide for the Required Payments. The rates currently in effect for sewer service shall not be reduced without the prior written consent of ANRC and the Bondholder.

Section 9. The City covenants that it will continuously operate the System as a revenue-producing undertaking in compliance with all federal, state and local laws. The City further covenants that it will not sell or lease the same, or any substantial portion thereof, provided, however, that nothing herein shall be construed to prohibit the City from making such dispositions of properties of the System and such replacements and substitutions for properties of the System as shall be necessary or incidental to the efficient operation of the System as a revenue-producing undertaking.

Section 10. The Treasurer of the City shall be statutory custodian of the Revenues. However, the Revenues shall be collected, held and disbursed by the Executive Director of the System (the "Executive Director"). Each employee of the City or the Commission handling Revenues shall give bond for the faithful discharge of his or her duties. The bonds required by the preceding sentence shall be approved by the City Council or the Commission, as appropriate. All Revenues shall be accounted for at all times separately and distinctly from other moneys of the City. All Revenues shall be used and applied only as provided herein. Except as hereinafter provided, all Revenues shall be deposited in such depository or depositories for the City as may have been heretofore designated or as may be lawfully designated from time to time by this Ordinance or by resolution of the Commission; subject, however, to the giving of security as now or as hereafter may be required by law and provided that such depository or depositories shall hold membership in the Federal Deposit Insurance Corporation ("FDIC"). Unless otherwise expressly provided herein, all payments from the funds hereinafter created shall be made by check signed by the person or persons designated by Commission.

Section 11. All Revenues shall be paid into a special fund heretofore created and designated "Water and Sewer Revenue Fund" (the "Revenue Fund"). Moneys in the Revenue Fund are hereby pledged and shall be applied to the payment of the reasonable and necessary expenses of operation and maintenance of the System, to the payment of the principal of and interest on the bonds and other System Obligations, to the maintenance of any debt service reserves at the required levels, and to the providing of an adequate depreciation fund and otherwise as described herein and in the Parity Bond Ordinances, in the order of priority hereinafter set forth.

Section 12. There shall be paid from the Revenue Fund into a fund heretofore created and designated "Water and Sewer Operation and Maintenance Fund" (the "Operation and Maintenance Fund"), on the first business day of each month, an amount sufficient to pay the reasonable and necessary monthly expenses of operation, repair and maintenance of the System for such month and from which disbursements shall be made only for those purposes. Fixed annual charges such as insurance premiums and the cost of major repair and maintenance expenses may be computed and set up on an annual basis, and one-twelfth (1/12) of the amount thereof may be paid into the Operation and Maintenance Fund each month.

If in any month for any reason there shall be a failure to transfer and pay the required amount into the Operation and Maintenance Fund, the amount of any deficiency shall be added to the amount otherwise required to be transferred and paid therein during the next succeeding month. If in any fiscal year a surplus shall be accumulated in the Operation and Maintenance Fund over and above the amount which shall be necessary to meet the requirements thereof during the next twelve (12) months, such surplus may be transferred to the Revenue Fund.

Section 13. (a) After making the required monthly deposits into the Operation and Maintenance Fund, there shall next be transferred and paid from the Revenue Fund, pro rata, into the bond funds (and any debt service reserves therein) being maintained in connection with

the Parity Bonds and any additional parity bonds (the "Parity Bond Funds") and into an account of the City in a special fund to be created by the Bondholder and designated "Series 2022B & C" (the "ADFA Bond Fund") for the purpose of paying the principal of and interest on the bonds the amounts specified in (b) below.

(b) In order to pay interest on the bonds, there shall be deposited from moneys in the Revenue Fund into the ADFA Bond Fund on each April 15 and October 15 after the bonds are issued and delivered until April 15, 2024, the interest due on the bonds on such dates. Commencing on the first business day of each month thereafter, there shall be deposited from moneys in the Revenue Fund into the ADFA Bond Fund an amount equal to 1/6 of the amount of principal of and interest on the bonds next due (or due in case of the months of April and October).

(c) If Revenues are insufficient to make the required payment on or before the first business day of the following month into the ADFA Bond Fund, then the amount of any such deficiency in the payment made shall be added to the amount otherwise required to be paid into the ADFA Bond Fund on the first business day of the next month.

(d) When the moneys held in the ADFA Bond Fund which represent payments of the City and interest earnings thereon or proceeds of investments therefrom (collectively, "City Funds") shall be and remain sufficient to pay in full the principal of and interest on the bonds, the City shall not be obligated to make any further payments into the ADFA Bond fund.

(e) All moneys in the ADFA Bond Fund representing City Funds shall be used solely for the purpose of paying the principal of and interest on the bonds and the City shall automatically receive a credit for the amount of such City Funds on hand in the ADFA Bond Fund and available for payment of any principal and interest currently due on an interest or principal payment date irrespective of whether the Bondholder has applied or caused to be applied such funds on that date for such purpose. The City shall receive a credit for all earnings and income derived from the investment of City Funds each April 15 and October 15 and such earnings and income shall be credited against the next six monthly payments.

(f) The bonds shall be specifically secured by a pledge of all Revenues required to be placed into the ADFA Bond Fund. This pledge in favor of the bonds is hereby irrevocably made according to the terms of this Ordinance, and the City and its officers and employees shall execute, perform and carry out the terms thereof in strict conformity with the provisions of this Ordinance.

(g) There shall be paid into the Parity Bond Funds the required monthly deposits pursuant to the Parity Bond Ordinances and each ordinance securing additional parity bonds. The obligation to make the required monthly deposits into the ADFA Bond Fund and the Parity Bond Funds shall rank on a parity of security.

Section 14. After making the deposit into the Operation and Maintenance Fund and after making the payment into the ADFA Bond Fund and the Parity Bond Funds as set forth

above, there shall be paid from the Revenue Fund the Servicing Fee to the Authority. The Servicing Fee shall be payable on each date interest on the bonds is due and shall be calculated on the same basis as interest on the bonds. The payment of the Servicing Fee is expressly made subordinate to the payment of the principal of and interest on the bonds.

Section 15. After making the required deposits into the Operation and Maintenance Fund, the Bond Fund and the Parity Bond Funds and after paying the Servicing Fee to the Authority, there shall next be paid from the Revenue Fund into a fund heretofore created and designated "Water and Sewer Depreciation Fund" (the "Depreciation Fund"), on the first business day of each month an amount equal to 6% of the gross Revenues for the preceding month. Once the Depreciation Fund reaches an amount equal to $305,408.30 (the "Required Level"), the City shall not be required to make further deposits into the Depreciation Fund; provided, however, that monthly deposits must resume, if the Depreciation Fund drops below the Required Level, until such time as the Required Level is again reached. The moneys in the Depreciation Fund shall be used solely for the purpose of paying the cost of repairs or replacements made necessary by the depreciation of the System.

If in any month for any reason there shall be a failure to transfer and pay the required amount into the Depreciation Fund, the amount of the deficiency shall be added to the amount otherwise required to be paid therein during the next succeeding month.

Section 16. Any moneys remaining in the Revenue Fund after making all payments required by Sections 12, 13, 14 and 15 of this Ordinance may be used for payment of debt service on bonds secured by a pledge of Revenues subordinate to the pledge in favor of the bonds or for any lawful purpose in connection with the System.

Section 17. As long as the bonds are outstanding, the City shall not issue or attempt to issue any bonds having or claimed to be entitled to a priority of lien on Revenues over the lien securing the bonds.

The City may issue additional bonds on a parity with the lien on Revenues in favor of the bonds to finance or pay the cost of constructing extensions, betterments and improvements to the System or to refund other outstanding System Obligations if there shall have been procured and filed with the City Clerk and the Bondholder a statement by a certified public accountant not in the regular employ of the City ("Accountant") reciting that (i) the Net Revenues (Net Revenues being gross Revenues less operation and maintenance expenses, but not including interest and depreciation) for the fiscal year preceding the year in which such additional bonds are to be issued were not less than 110% of the maximum annual debt service requirements (including principal, interest and servicing and administrative fees) on all outstanding System Obligations and the bonds then proposed to be issued or (ii) the Net Revenues for the fiscal year succeeding the year in which such additional bonds are to be issued are projected to be sufficient in amount, taking in consideration any enacted increase in Revenues, to be not less than 110% of the maximum annual debt service requirements (including principal, interest and servicing and administrative fees) on all outstanding System Obligations and the bonds then proposed to be issued.

The additional bonds, the issuance of which is restricted and conditioned by this Section, shall not be deemed to mean bonds the security and source of payment of which are subordinate and subject to the priority of the bonds and such additional bonds may be issued without complying with the terms and conditions of this Section.

Section 18. The principal and interest installments shall be prepayable prior to maturity as provided in the bond form in Section 7 hereof.

Section 19. The City agrees that it will keep proper records, books and accounts relating to the operation of the System, which shall be kept separate from all other records and accounts of the City, in which complete and correct entries shall be made of all transactions relating to the operation of the System in accordance with generally accepted government accounting standards. Such books shall be available for inspection by the Bondholder and ANRC, or the agent or the representative of either, at reasonable times and under reasonable circumstances. The City agrees to have these records audited by an Accountant at least once each year and a copy of the audit report shall be furnished to ANRC and the Bondholder on or before 120 days after the close of each fiscal year. In the event the City fails or refuses to furnish or cause such reports to be furnished, the Bondholder may have the reports made, and the cost thereof shall be charged against the Operation and Maintenance Fund.

Section 20. The City covenants and agrees that it will maintain the System in good condition and operate it in an efficient manner and at reasonable cost. The City agrees that, to the extent comparable protection is not otherwise provided to the satisfaction of the Bondholder and ANRC, it will insure, and at all times keep insured in a responsible insurance company or companies selected by the City and authorized and qualified under the laws of the State to assume the risk thereof, all above-ground structures of the System against loss or damage thereto in amounts and against such risks as are customarily insured against in connection with similar facilities and undertakings as the System. In the event of loss, the proceeds of such insurance shall be applied solely toward the reconstruction, replacement or repair of the System, and in such event the City will, with reasonable promptness, cause to be commenced and completed the reconstruction, replacement and repair work.

Section 21. It is covenanted and agreed by the City with the Bondholder and ANRC that it will faithfully and punctually perform all duties with reference to the System required by the Constitution and laws of the State and by this Ordinance, including, without limitation, the making and collecting of reasonable and sufficient rates lawfully established for services rendered by the System, segregating Revenues and applying them to the respective funds maintained pursuant to the Parity Bond Ordinances.

The City covenants and agrees that the Bondholder shall have the protection of all the provisions of the Authorizing Legislation, and that the City will diligently proceed to enforce those provisions to the end of the Bondholder realizing fully upon its security. And, if the City shall fail to proceed within 30 days after written request shall have been filed by the Bondholder, the Bondholder may proceed to enforce all such provisions.

If there be any default in the payment of the principal of or interest on the bonds, or if the City defaults in any ADFA Bond Fund requirement or in the performance of any of the other covenants contained in this Ordinance, the Bondholder may, by proper suit, compel the performance of the duties of the officials of the City under the laws of the State. In the case of a default in the payment of the principal of and interest on the bonds, the Bondholder may apply in a proper action to a court of competent jurisdiction for the appointment of a receiver to administer the System on behalf of the City and the Bondholder with power to charge and collect (or by mandatory injunction or otherwise to cause to be charged and collected) rates sufficient to provide for the payment of the expenses of operation, repair and maintenance and to pay the bonds and interest outstanding and to apply Revenues inconformity with this Ordinance. When all defaults in principal and interest payments have been cured, the custody and operation of the System shall revert to the City. No remedy herein conferred upon or reserved to the Bondholder is intended to be exclusive of any other remedy or remedies herein provided or provided by law, and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or given by law. No delay or omission of the Bondholder to exercise any right or power accrued upon any default shall impair any such right or power or shall be construed to be a waiver of any default or an acquiescence therein; and every power and remedy given by this Ordinance to the Bondholder may be exercised from time to time and as often as may be deemed expedient.

No waiver of any default shall extend to or affect any other existing or any subsequent default or defaults or impair any rights or remedies consequent thereon. Any costs of enforcement of the bonds or of any provision of this Ordinance, including reasonable attorney's fees, shall be paid by the City. The Authority may enforce all rights and exercise all remedies available to the Bondholder in the event the Servicing Fee is not paid when due.

Section 22. The terms of this Ordinance shall constitute a contract among the City, the Bondholder and ANRC and no variation or change in the undertaking herein set forth shall be made while the bonds are outstanding unless consented to in writing by the Bondholder and ANRC.

Section 23. When the bonds have been executed and sealed as herein provided, they shall be delivered to the Bondholder upon payment of all or a portion of the purchase price in accordance with the Agreement. The sale proceeds shall be deposited, as and when received, in a special account of the City hereby created in a bank selected by the City that is a member of the FDIC and designated the "2022B & C Sewer Construction Fund" (the "Construction Fund"). The moneys in the Construction Fund shall be used for directly paying, or reimbursing the City for, the costs of accomplishing the Project, expenses incidental thereto and the expenses of issuing the bonds approved in accordance with the Agreement. Payments from the Construction Fund shall be by check or voucher signed the Executive Director or by another person designated by the Commission for such purposes, and drawn on the depository. Each such check or voucher shall briefly specify the purpose of the expenditure.

When the Project has been completed and all required expenses paid and expenditures made from the Construction Fund for and in connection with the accomplishment of the Project and the financing thereof, this fact shall be evidenced by a certificate signed by the

Page 53 of 333

Mayor and by the consulting engineer, which certificate shall state, among other things, the date of the completion and that all obligations payable from the Construction Fund have been discharged. A copy of the certificate shall be filed with the depository bank, the Bondholder and ANRC.

Section 24. The City shall assure that (i) not in excess of 10% of the proceeds of the bonds is used for Private Business Use if, in addition, the payment of more than 10% of the principal or 10% of the interest due on the bonds during the term thereof is, under the terms of the bonds or any underlying arrangement, directly or indirectly secured by any interest in property used or to be used for a Private Business Use or in payments in respect of property used or to be used for a Private Business Use or is to be derived from payments, whether or not to the City, in respect of property or borrowed moneys used or to be used for a Private Business Use; and (ii) that, in the event that both (A) in excess of 5% of the proceeds of the bonds are used for a Private Business Use, and (B) an amount in excess of 5% of the principal or 5% of the interest due on the bonds during the term thereof is, under the terms of the bonds or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for said Private Business Use or in payments in respect of property used or to be used for said Private Business Use or is to be derived from payments, whether or not to the City, in respect of property or borrowed money used or to be used for said Private Business Use, then said excess over said 5% of proceeds of the bonds for a Private Business Use shall be used for a Private Business Use related to the governmental use of the Project properties.

The City shall assure that not in excess of 5% of the proceeds of the bonds are used, directly or indirectly, to make or finance a loan to persons other than state or local governmental units.

As used in this Section, "Private Business Use" means use directly or indirectly in a trade or business carried on by a natural person or in any activity carried on by a person other than a natural person, excluding, however, use by a state or local government unit and use as a member of the general public.

Section 25. (a) Moneys held for the credit of all funds created hereby shall be continuously invested and reinvested in direct obligations of, or obligations the principal of and interest on which are fully guaranteed by, the United States Government ("Government Obligations"), or other investments as may be from time to time authorized by law, which mature or which shall be subject to redemption by the holder, at the option of such holder, not later than the date or dates when the moneys will be needed for the purposes intended.

(b) Obligations so purchased as an investment of moneys in any such fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund, and any loss resulting from such investment shall be charged to such fund.

(c) Moneys so invested in Government Obligations need not be secured by the depository bank.

Section 26. In the event the office of Mayor, City Clerk, City Council or Commission shall be abolished, or any two or more of such offices shall be merged or consolidated, or in the event the duties of a particular office shall be transferred to another office or officer, or in the event of a vacancy in any such office by reason of death, resignation, removal from office or otherwise, or in the event any such officer shall become incapable of performing the duties of his office by reason of sickness, absence from the City or otherwise, all powers conferred and all obligations and duties imposed upon such office or officer shall be performed by the office or officer succeeding to the principal functions thereof, or by the office or officer upon whom such powers, obligations and duties shall be imposed by law.

Section 27. The City agrees that the Bondholder may pledge the Series 2022B Bond as security for the ADFA Bonds, and the ADFA Trustee and/or the municipal bond insurer for the ADFA Bonds may exercise any rights and remedies available to the Bondholder under this Ordinance or the Agreement while the Series 2022B Bond is pledged and/or the ADFA Bonds are insured. In addition, the City agrees that while the Series 2022B Bond is pledged and/or the ADFA Bonds are insured, copies of all financial information shall be furnished to the ADFA Trustee and/or the municipal bond insurer.

Section 28. The Mayor, and other officers of the City in accordance with their offices, are authorized to execute such writings and take such action as may be appropriate to cause the bonds to be issued and to carry out the purposes of this Ordinance.

Section 29. The City is hereby authorized to accept the forgiveness of the principal of the Series 2022C Bond under the terms of the 2022C Agreement. Other than as set forth in the Agreement, all rights of the Bondholder and ANRC under this Ordinance with respect to the Series 2022C Bond shall cease when all advances have been made against the purchase price of the Series 2022C Bond under the 2022C Agreement and the principal amount has been forgiven in accordance with the 2022C Agreement.

Section 30. Notice of the adoption of this Ordinance shall be posted at Springdale City Hall, Springdale Public Library, Springdale Senior Center, Springdale Chamber of Commerce and Springdale Animal Services, being five of the most public places in the City.

Section 31. The provisions of this Ordinance are hereby declared to be separable, and if any provision shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of this Ordinance.

Section 32. References in this Ordinance to "Bondholder" shall include the original Bondholder or any registered assign thereof.

Section 33. All ordinances and resolutions or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 34. It is hereby ascertained and declared that the Project must be accomplished as soon as possible in order to make the System adequate for the needs of the City and its inhabitants, without which the life, health, safety and welfare thereof are jeopardized.

The Project cannot be accomplished without the issuance of the bonds. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in force from and after its passage.

PASSED: _____, 2022.

APPROVED:

ATTEST:

_____
Mayor

_____
City Clerk

(SEAL)

CERTIFICATE

The undersigned, City Clerk of the City of Springdale, Arkansas (the "City"), hereby certifies that the foregoing pages are a true and correct copy of Ordinance No. _____, adopted at a regular session of the City Council of the City, held at the regular meeting place of the City Council in the City at 6:00 p.m., on the ____ day of _____, 2022, and that said Ordinance is of record in the City's Ordinance Record Book, now in my possession.

GIVEN under my hand and seal this _____ day of _____, 2022.

_____
City Clerk

(SEAL)

RECEIVED
5/4/2022
3:43 pm Lulu
SPRINGDALE CITY CLERK

RMP LLP
ATTORNEYS AT LAW
LICENSED IN AR, AL, MO, OK, TN, TX
Established 2005
www.rmp.law

LARRY McCREDY | Attorney
lmccredy@rmp.law

PO Box 1788 | Fayetteville AR 72702
5519 Hackett St. Suite 300 | Springdale AR 72762
T 479 443 2705 | F 479 443 2718

May 4, 2022

Hon. Doug Sprouse
Mayor, City of Springdale
201 Spring Street
Springdale, AR 72764

Mr. Mike Overton
Springdale City Council
Ward 2, Position 1
3511 Normandy St.
Springdale, AR 72764

Mr. Jeff Watson
Springdale City Council
Ward 3, Position 2
201 Spring Street
Springdale, AR 72764

Mr. Brian Powell
Springdale City Council
Ward 1, Position 1
6163 Allie Francis Trail
Springdale, AR 72762

Mr. Kevin Flores
Springdale City Council
Ward 2, Position 2
201 Spring Street
Springdale, AR 72764

Mr. Mike Lawson
Springdale City Council
Ward 4, Position 1
2700-B McMillian Drive
Springdale, AR 72762

Mr. Randall Harriman
Springdale City Council
Ward 1, Position 2
3262 Sagely Lane
Springdale, AR 72764

Ms. Amelia Williams
Springdale City Council
Ward 3, Position 1
201 Spring Street
Springdale, AR 72764

Mr. Mark Fougerousse
Springdale City Council
Ward 4, Position 2
159 Woodcliff Way
Springdale, AR 727

Re: Hawksview Subdivision

Dear Mr. Mayor and Council Members:

I represent Scout Enterprises, LLC ("Scout") in its effort to develop property that it owns in the City of Springdale. Scout owns a roughly 10-acre tract of property located at 8915 East Brown Road (the "Property"). Scout's intent is to create a small development of eight lots of varying sizes for single family homes. The lot sizes range from approximately one acre to 0.5 acre. The development would also contain common area of approximately two acres, or about 21 percent of the total development. The goal is to create reasonably priced, environmentally friendly housing for the residents of Springdale. A copy of Scout's preliminary development plan that fully sets forth Scout's intent is attached hereto as **Exhibit 1**.

On April 5, 2022, the Springdale Planning Commission considered the rezoning request and development plan submitted by Scout. Despite a recommendation of approval by the Planning Department staff, the Planning Commission did not approve the rezoning request to change the

zoning classification from A-1 to PUD – Planned Unit Development. The Planning Commission did not provide any reasons for its denial, so it is difficult to address any of its specific concerns. However, two residents who live in the vicinity of the Property spoke at the Planning Commission meeting in opposition of the project. The first was Todd Stephens. Mr. Stephens lives north of East Brown Road (which is actually in the City of Lowell). He broke his concerns into three separate categories: (1) the nature of the housing that was planned; (2) the impact of the development on the Karst recharge zone; and (3) the potential drainage problems caused by the development. While all these issues are addressed in the preliminary development plan, a few general comments are warranted.

1. Style of Proposed Homes

In terms of the housing that was planned, Mr. Stephens indicated that single family homes, which he described as "older homes," that sit on 0.5 to 1 acre lots were not appropriate for that area. His reference to older homes was in response to the fact Scout plans to move existing wood-framed or steel-framed structures that cannot remain on their current sites into the development. Scout would them bring them into conformance with all applicable state and local residential building codes. Each will comply with the same building codes as a new house. The interiors and exteriors of the homes would then be remodeled and brought up to date. This is a development strategy that Scout has used with success on several other projects. Pictures of houses that Scout has moved and remodeled and are representative of what Scout intends with this project, are attached hereto as **Exhibit 2**.

This strategy offers a cost-effective and environmentally friendly way to provide needed housing to the City of Springdale. Concerns about the "appropriateness" of this style of home in that area, which has a wide variety of housing (from trailer homes and chicken houses to estate sized homes) is simply misplaced. These houses, once completed, are modern, unique, and in compliance with all relevant safety standards and codes. They are a cost-effective alternative to new construction, which is even more desirable in the current building environment.

2. Impact on Karst Zone

The second general objection that was raised was the fact that a portion of the Property is in the Karst Recharge Zone. Contrary to what was stated at the Planning Commission meeting, only the northern portion of the Property is located in a Karst vulnerability zone. The southern portion of the Property is not in the Recharge Zone. The portion that is located in the zone is classified as Zone 2, not Zone 1, which is the highest classification. A map showing the Property and the vulnerability zones is attached hereto as **Exhibit 3**.

Nevertheless, because of the existence of the Karst zone in the area, Scout made several modifications to limit the potential impact of the development on the Karst region. For example, the street in the development will be constructed without curbs or gutters but will have 4-foot gravel shoulders as allowed under Springdale Code of Ordinances. Gravel driveways and off-site parking are also proposed, along with the exclusion of concrete sidewalks which are typically required, all to reduce impervious area and concentration of runoff within the recharge zone. Modifications like this, which are more fully addressed in the preliminary development plan, were done in compliance with the Northwest Arkansas Best Management Practices, as developed cooperatively by area municipal governments in light of Karst features in the area. Scout is committed to ensuring its development will not negatively impact the Karst region.

Associated with this concern is how Scout's proposed development will use septic systems. To address this concern, Scout designed and submitted to the Arkansas Department of Health a layout of septic systems on all eight lots in the development. On May 4, 2021, the Department of Health stated that the project "is granted local approval…" In other words, getting septic systems on the proposed lots that meet all safety and health requirements was feasible. No special accommodations were necessary or recommended. Any suggestions to the contrary are simply false. A copy of the proposed septic designs and the letter from the Arkansas Department of Health is attached hereto as **Exhibit 4**.[1]

There has also been reference by some that the U.S. Fish and Wildlife Service opposes the development because of the use septic systems. This is simply untrue. The Fish and Wildlife Service simply pointed out that sanitary sewer systems are preferable as part of new developments in the vicinity of Karst regions, but referred to local authority and best practices when sewer is not available, as is the case for the Property. Scout has followed all local and state requirements and implemented as many best-practices as it could. The bottom line is that septic systems are allowed on the Property as long as they meet local and state standards, which in this case they do.

3. Drainage

The third objection that was raised was the concern that the development would exacerbate existing drainage problems in the area. This was the same concern that the second resident, Jeffrey Wolf, raised at the Planning Commission meeting. While these concerns are understandable, they simply do not reflect the reality of the drainage impact that the development, if approved, would have on the area.

[1] The letter from the Arkansas Department of Health references Rosewood Estates. This was the name that Scout had designated before changing to a PUD. The layout of the Property and the plat with the septic designs did not change and remain accurate.

As part of the preliminary development plan, Scout had a drainage report prepared by a licensed engineering firm, Plymouth Engineering, PLLC. This drainage report was submitted to the Planning Department and reviewed by the City's engineer staff. It is also included with this appeal as part of Exhibit 1. As part of the review process, there were no issues raised with its accuracy or the results it produced. The drainage report concludes:

> Following construction, the site will continue to drain in this pattern, with an increase in impervious area from streets and rooftops. This will cause an increase in the runoff from the site as noted in Tables 1 and 2. The runoff will continue to drain by sheet flow and shallow concentrated flow onto adjoining properties, with a wide drainage path. While an increase of nearly 6 cfs in the 1% event[2] may seem substantial, it should be considered that the flow path is approximately 640 feet wide. At this width, an increase of 5.86 cfs is calculated to raise the water level by approximately 1/8th of one inch. **This very small increase should not pose any risk to properties downstream**... (emphasis added).

Traditional detention was considered but was not proposed because of the topography of the Property and environmental concerns posed by the Karst region. As set forth in the drainage report:

> Detention is problematic due to the lack of on-site drainage channels and the desire to maintain existing drainage patterns, and therefore avoid concentration of runoff. In order to meet these challenges, it is proposed to maintain sheet flow and shallow concentrated flow. The proposed roadway has been designed to fit the contour of the existing ground. Water will tend to sheet-flow over the east-west section rather than collecting in roadside ditches. The north-south portion maintains a broad flow area, free of ditches, to encourage the flow to spread as much as possible. The intent is to maintain the natural flow of runoff across the land. Detention is not proposed.

In addition to the general design considerations outlined above, Scout is also implementing other design criteria that will help ensure that drainage is not a problem. These are recommendations from the City Drainage Manual, Springdale's Low Impact Development Guidelines, the Community Best Practices, the Northwest Arkansas Council's Guide to Storm Water Prevention, the Environmental Protection Agency and the Arkansas Department of Environmental Quality. Scout intends to install rain barrels on each house to capture rainwater, which should have the effect of slightly reducing runoff. Scout also intends to surround the foundation of each home with water-loving plant materials in a gravel bed to increase the uptake of runoff and decrease its volume. The gravel also acts as a filter to help remove both debris and

[2] The 1% event is based on one-hundred year flood data.

neutralize the pH of water. Additional plantings along the downstream edge of each lot may also be considered to increase uptake and reduce runoff. These methods are more consistent with the NWA BMP recommendations and USFWS requirements than conventional detention or other LID devices, as they eliminate concentration of runoff.

In sum, while it is certainly reasonable to have concerns about the impact this development will have on drainage, Scout has taken numerous steps to avoid drainage-related issues. More importantly, Scout has had an engineering firm study the actual impact of the development on the drainage patterns of the Property. The engineering study confirms that the development "should not pose any risk to downstream properties." There is no engineering evidence that this conclusion is incorrect.

Conclusion

In conclusion, Scout's small development is exactly the type of housing development that should be encouraged, not opposed. It is a cost-effective way to provide affordable, unique housing to the City at a time when such development is desperately needed. Scout has thoroughly designed this project in conjunction the City's planning staff and attempted to address all of its concerns. The project was recommended for approval by the Planning Department staff. Scout respectfully requests that the City Council agree with the Planning Department staff and approve its rezone request and PUD design.

Respectfully submitted,

SCOUT ENTERPRISES, LLC

By: _____
Larry McCredy
Attorney for Scout Enterprises, LLC

Plymouth Engineering, PLLC
5714 Walden Street · Lowell, AR 72745
(479) 595-5934 · www.plymoutheng.com

EXHIBIT 1

March 25, 2022

Rick Barry
City of Springdale
206 Blair Avenue
Springdale, AR 72764

Re: Preliminary Plat for Hawksview Subdivision
PP22-03

Dear Mr. Barry:

Please accept this resubmittal for the Hawksview Subdivision preliminary plat and PUD. Since last submitted, the plat has been revised to incorporate common space as requested.

The Development Plan has been extensively revised to incorporate comments received in our meetings with Patsy Christie and some members of the Planning Commission over the last couple of weeks. Language on "staging" has been added, to reflect the Owner's plan to move homes in over time, with potential timeframes also added. Clarification has been added regarding the type of structures that may be moved in. Common space has been added and described. Several troublesome use units have been removed, with the result that this set of allowable uses is now more restrictive than those found in an SF-1 district. Area limits for accessory structures have been added, along with restrictions on placement and the requirement that finishes match those allowed for the primary residence. The area limits vary depending on the size of lots. Similarly, at Mrs. Christie's request, swimming pools are only allowed on certain lots. Regulations have been added for hobby chickens, hobby rabbits, and bee keeping. Zero-lot line has been removed as an allowable setback. Clarification has been added as to the potential for sale, resale, and rental of lots. The residences have been limited to a maximum of three bedrooms and two bathrooms. Clarification has been added regarding whether carports or garages are mandatory (they are not.) Quotes from the covenants have been added directly as text of the Development Plan without referencing the covenants.

It should be noted that, as a result of the Owner's participation in these meetings, she has decided to change the width of Hawksview Lane to 24 feet and to propose that Hawksview Lane be accepted as a public street by the City of Springdale. As a result, a section describing how private road improvements would be funded by the POA do not apply and have not been added.

The preliminary drainage report has been updated to account for the additional width of the proposed street and also to show the effects which would be realized if every lot were built out to its maximum allowable coverage with homes and accessory buildings.
The covenants and bylaws have been revised by the Owner's attorney to reflect concerns

expressed to him by Mrs. Christie and to better coordinate with the Development Plan.

We have attempted to address all concerns that were expressed to us over the last few weeks, and hope you will find the attached materials acceptable. Should you find anything out of order, please feel free to call me. With this submittal, we look forward to being heard by the full Planning Commission on April 5, 2022.

We appreciate your assistance with this project, and hope you will feel free to call at any time should you have any questions, comments, or concerns.

Sincerely,

David A. Gilbert, P.E.
Plymouth Engineering, PLLC

c: File

PARCEL 21-00167-100 DESCRIPTION:
A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 466.26 FEET TO A COMPUTED POINT; THENCE SOUTH 03°37'28" WEST A DISTANCE OF 443.54 FEET TO A COMPUTED POINT FOR THE POINT OF BEGINNING; THENCE SOUTH 87°14'48" EAST A DISTANCE OF 598.49 FEET TO A FOUND 5/8" IRON PIN; THENCE SOUTH 87°22'23" EAST A DISTANCE OF 45.86 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 87°04'33" EAST A DISTANCE OF 245.12 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 1°38'56" WEST A DISTANCE OF 452.64 FEET TO A FOUND 1/2" DISTURBED IRON PIN; THENCE NORTH 87°13'01" WEST A DISTANCE OF 648.83 FEET TO A FOUND 5/8" IRON PIN P.L.S. 1181; THENCE NORTH 03°37'28" EAST A DISTANCE OF 451.86 FEET TO THE POINT OF BEGINNING, CONTAINING 8.17 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

PARCEL 21-00167-078 DESCRIPTION:
A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 1044.90 FEET; THENCE SOUTH 03°37'57" WEST A DISTANCE OF 13.54 FEET TO A FOUND 5/8" IRON PIN WITH CAP FOR THE POINT OF BEGINNING; THENCE SOUTH 86°48'54" EAST A DISTANCE OF 50.27 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'14" WEST A DISTANCE OF 419.93 FEET TO A FOUND 1/2" IRON PIN; THENCE NORTH 87°22'23" WEST A DISTANCE OF 49.86 FEET TO A FOUND 5/8" IRON PIN; THENCE NORTH 02°33'32" EAST A DISTANCE OF 420.11 FEET TO THE POINT OF BEGINNING, CONTAINING 0.48 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

Curve Table

Curve #	Length	Radius	Chord Length	Chord Bearin
C1	4.00'	9.00'	3.97'	S10°0'14"E
C2	45.70'	41.00'	44.22'	S09°43'54"W
C3	54.14'	41.00'	50.29'	S80°11'27"W
C4	4.00'	9.00'	3.97'	N74°42'42"W
C5	9.95'	9.00'	9.45'	S60°53'01"W
C6	109.80'	59.00'	94.51'	S82°25'36"W
C8	96.58'	58.93'	86.13'	S70°58'04"E
C9	9.95'	9.00'	9.45'	S55°45'57"E
C10	44.77'	28.50'	40.31'	N47°33'32"E
C11	78.54'	50.00'	70.71'	N47°33'32"E

1 21-00167-060 MYERS, LINDA M & MYERS, STANLEY ANTON JR TRUSTEES PO BOX 2130 LOWELL AR 72745 Z A-1

2 21-00167-063 SCOUT ENTERPRISES #3 LLC 12960 S ZION RD LOWELL AR 72745 Z A-1

3 21-00167-098 JOHNSON, CRYSTAL L 12988 KNIGHT LN LOWELL AR 72745-9028 Z A-1

4 21-00167-085 SHRUM, KENNETH R 12993 KNIGHT LN LOWELL AR 72745-9028 Z A-1

5 21-00167-094 BOWEN, TIM & BARBARA 425 MADISON 5244 HUNTSVILLE AR 72740-6382 Z A-1

6 & 7 21-00167-094 & 21-00167-091 BOWEN, TIM & BARBARA 425 MADISON 5244 HUNTSVILLE AR 72740-6382 Z A-1

8 21-00167-087 CARTER, MICHAEL DALE & LINDA SUE 12850 SHARP SPRINGS RD LOWELL AR 72745-9333 Z A-1

9 21-00167-084 POWELL, DIANE 8853 E BROWN RD LOWELL AR 72745-8484 Z A-1

10 21-00167-082 FLORES, RAMON & FIALLOS, JESSICA 5202 S 62ND ST ROGERS AR 72756-8141 Z A-1

11 21-00167-080 WOLFE, JEFFREY L & MAUREEN L 8899 E BROWN RD LOWELL AR 72745-8484 Z A-1

12 21-00167-079 BEAVER, SCOT & SAMMIE PO BOX 1425 LOWELL AR 72745-1425 Z A-1

13 12-02561-100 ADAMS, AMY M 821 PARADISE PL LOWELL AR 72745-9312 Z A-1

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 PERTAINS TO THIS PLAT AND TO THE OFFICES OF RESPONSIBILITY SHOWN BELOW.
SIGNATURES

ACCEPTANCE OF DEDICATION — DATE — CITY CLERK, CITY OF SPRINGDALE
DATE — MAYOR, CITY OF SPRINGDALE
APPROVAL FOR RECORDING — DATE — SECRETARY, PLANNING CITY OF SPRINGDALE
DATE — DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT, CITY OF SPRINGDALE
COMMISSION — DATE — CHAIRPERSON, PLANNING COMMISSION, CITY OF SPRINGDALE
WATER & SEWER — DATE — ENGINEER, SPRINGDALE WATER UTILITIES CITY OF SPRINGDALE
STREETS & DRAINAGE — DATE — DIRECTOR OF PUBLIC WORKS, CITY OF SPRINGDALE

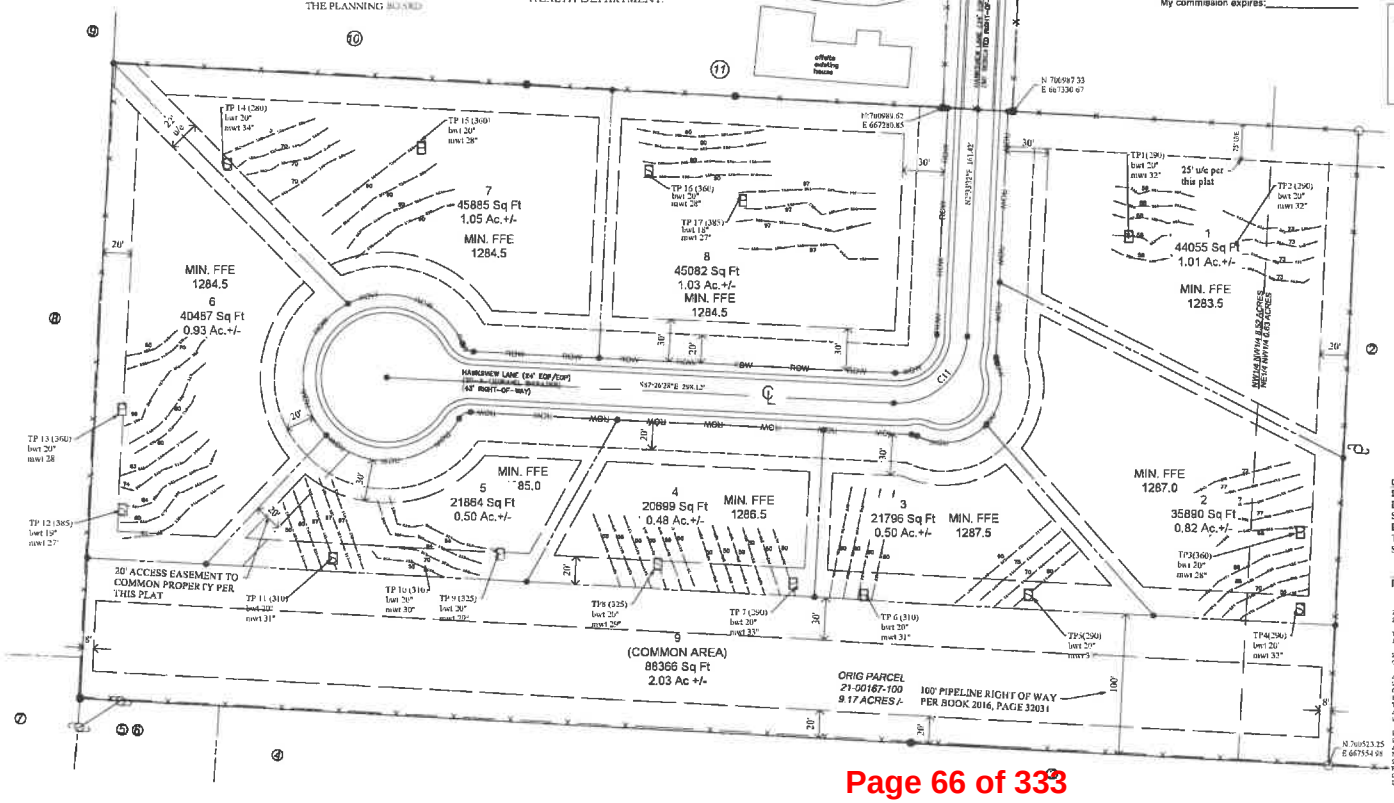
PR ZONING SETBACKS
SF-1
FRONT 30'
SIDE CORNER EXTERIOR-30'
SIDE CORNER INTERNAL -8'
REAR -20'

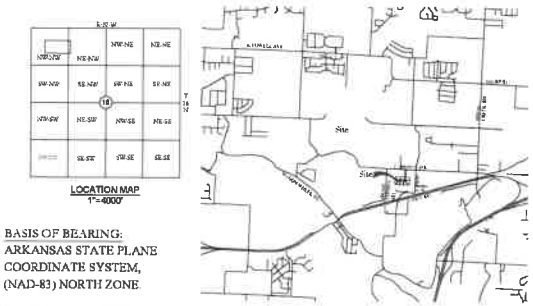
LOT MINIMUMS
MINIMUM LOT WIDTH -80'
MINIMUM LOT SQ FT -10,000'

SEPTIC NOTES
IN A LETTER DATED 05-04-2021, ADAM PARKER WITH THE ADH GAVE CONDITIONAL LETTER OF OF THE PLAT SHOWN HERE-ON

STATEMENT OF NON-BUILDABILITY
APPROVAL OF THIS PLAN DOES NOT IN ANY WAY INDICATE THAT ANY OF THE LOTS ON THIS PLAN ARE BUILDABLE ACCORDING TO THE PLANNING REGULATIONS OF THE CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, NOR AN ENDORSEMENT BY THE PLANNING BOARD.

STATEMENT OF NON-ASSURANCE
THE APPROVAL OF THIS PLAT DOES NOT CARRY ANY ASSURANCE THAT THE TRACT OR TRACTS WILL QUALIFY FOR A SEPTIC SYSTEM PERMIT FROM THE ARKANSAS HEALTH DEPARTMENT.





BASIS OF BEARING:
ARKANSAS STATE PLANE COORDINATE SYSTEM, (NAD-83) NORTH ZONE

GRAPHIC SCALE
0 60' 120'
1 inch = 60 feet

Owners Certification and Dedication
We, the undersigned owners of the real estate shown and described herein, do hereby acknowledge that we have the legal right and authority to make the property interest grants contained on and within this document. We, the undersigned owners of the real estate shown and described herein, do hereby establish, grant, and dedicate to the City of Springdale, Arkansas the rights-of-way, easements, streets, and alleys as shown on this plat for public use, benefit, and access. The City of Springdale is further granted the rights of ingress and egress to and from said rights-of-way, easements, streets, and alleys. The City of Springdale is also granted the right and authority to maintain, service, and improve said rights-of-way, easements, streets, and alleys and the improvements contained therein. Any right or authority granted above specifically regarding maintenance, service, or improvement shall be exercised in a manner chosen at the discretion of the City of Springdale. Said rights-of-way, easements, streets, and alleys shall be for the benefit of the City of Springdale and all of its franchised utility providers. The City of Springdale and its franchised utility providers shall have the right and authority to cut, trim, or remove trees, shrubs, and other vegetation within said rights-of-way, easements, streets, and alleys. The City of Springdale and all of its franchised utility providers shall also have the right and authority to prohibit the erection of building, structures, or fences within said rights-of-way, easements, streets, and alleys.

Owner:_____ Date:____

State of Arkansas
County of Benton
Subscribed and sworn before me this the ___ day of _____, 2021.

Notary Public: _____

My commission expires:_____

ASSOCIATED PROJECT NUMBERS

PRELIMINARY PLAT	PP22-03
REZONING TO PUD	R22-07
VARIANCE FOR GRAVEL DRIVEWAYS	B22-25
WAIVER FROM STREET IMPROVEMENTS	W22-05
WAIVER FROM DETENTION	W22-06

OWNER/DEVELOPER
21-00167-100
SCOUT ENTERPRISES LLC
2816 N THOMPSON ST
SPRINGDALE AR 72764
DEED: INST #L201956978
ZONING: SF-1

REFERENCE DOCUMENTS:
INSTRUMENT L202019068
LOT SPLIT BK 2012 PG 402
BOUNDARY SURVEY BK 2017 PG 459
SURVEY BK 2016 PG 943

GENERAL WATER MAIN NOTES
UPON APPROVAL OF PRELIMINARY PLAT CONCEPT PLANS AN 8" PUBLIC WATERMAN EXTENSION TO BE SUBMITTED TO THE CITY OF SPRINGDALE WATER & UTILITIES.

FLOOD CERTIFICATION:
NO PART OF THE HERE-ON DESCRIBED TRACTS ARE LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BENTON COUNTY. ARKANSAS. (FIRM PANEL #05007C0430J & #05007C0435J DATED 09/28/2007.

CERTIFICATE OF SURVEY AND ACCURACY:
I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON AS REQUIRED BY THE SUBDIVISION REGULATIONS OF CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS.

DATE PROFESSIONAL LAND SURVEYOR

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR PRESENT

THIS SURVEY MEETS CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS IN THE STATE OF ARKANSAS

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE ALL THE UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, THE SURVEYOR DOES NOT WARRANT THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN VISIBLE EASEMENTS NOTED ABOVE; VISIBLE AT THE TIME OF MAKING OF THIS SURVEY, BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

STATE PLAT CODING 500-18N-30W-0-16-400-04-1519

STATE OF ARKANSAS No. 1519 LICENSED PROFESSIONAL LAND SURVEYOR
A MILLION MIRACLES SURVEYING P.L.L.C. CERTIFICATE OF AUTHORIZATION ARKANSAS

A MILLION MIRACLES SURVEYING P.L.L.C.

Eric Heller, Project Manager
129 W Boles St., Ste. A
Fayetteville, Arkansas
eric@amms-plle.com
Phone: (479) 587-4561

Mike Million, Project Manager
129 W Boles St., Ste. A
Fayetteville, Arkansas
mike@amms-plle.com

HAWKSVIEW ESTATES
PRELIMINARY PLAT
FOR: SCOUT ENTERPRISES, LLC

DATE: 3/24/2022
SCALE: 1"=60'
DRWN BY: ETH
JOB: CS-01
FC: ETH
REV BY: MDM
SHEET: 1 OF 1
SP # LS21-XX

X:\Projects\76 - Springdale, Hawksview subdivision\Survey\CS-02 PR Rosewood-SOUTH 8 LOT 2022-0318.dwg Plotted On 2022-03-24 Plotted By Heller

Page 66 of 333

NOTICE OF PUBLIC HEARING BEFORE THE SPRINGDALE PLANNING COMMISSION ON AN APPLICATION TO REZONE PROPERTY

To All Owners of land lying adjacent to the property at:

Location: 8915 East Brown Road, Springdale, Benton County, Arkansas

Owned by: Scout Enterprises, LLC

NOTICE IS HEREBY GIVEN THAT an application has been filed for zoning of the above property requesting a change of zone classification from: A-1 _____ which permits use of the property as: Agricultural

to: PUD - Planned unit development district which permits use of the property as: Eight single-family homes on one-acre lots, with protective covenants, a property owners' association, and an architectural control committee.

If approved, the rezoning will occur only upon the property described above. ***It will not change the zoning or permitted uses on neighboring properties.***

The Purpose of this request is to : (1) Build, (2) Develop; (3) Sell after rezoning.
Explanation: Develop eight single-family home sites; construct, rebuild, and/or erect single-family homes with a minimum floor area of 1,000 square feet and meeting the architectural requirements of the covenants on the eight lots to be created; maintain homes as rental properties after construction, with the option to sell individual homes and lots should the Owner so desire.

A public hearing on said petition to rezone will be held by the Springdale Planning Commission in the Council Chambers at the City Administration Building, 201 N. Spring Street, on March 1, 2022 at 6:00 p.m.

All parties interested in this matter may appear and be heard at said time and place or may notify the Planning Commission of their views on this matter by letter. All persons interested in this request are invited to call or visit the Planning Office, Room 214, City Administration Building, 201 North Spring Street, 750-8588, and to review the application and discuss the same with the Planning Staff.

NOTICE OF A PUBLIC HEARING
FOR A
PRELIMINARY PLAT

The Springdale Planning Commission has been asked to review a Preliminary Plat adjacent to your property:

The development is described as follows:

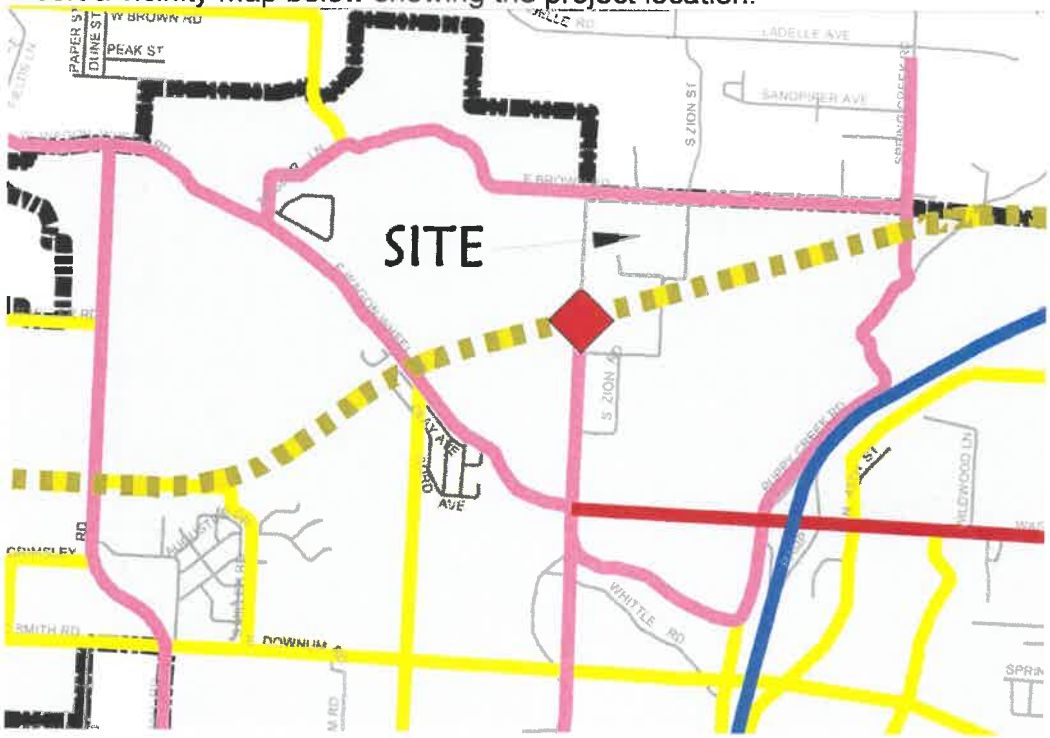
Hawksview Subdivision
(Project Name)

8915 East Brown Road – 9.6 acres more or less
(Layman's Description)

Residential subdivision – single family homes on 1 acre lots
(Type of Development; Commercial or Residential)

The review will be held on March 1, 2022 at 5:00 p.m. in the Wayne Hyden Training Room, A205, Criminal Justice Building at 201 Spring Street. You are invited to attend the meeting for your information.

Insert a vicinity map below showing the project location.



Page 68 of 333

NOTICE OF PUBLIC HEARING BEFORE THE SPRINGDALE PLANNING COMMISSION ON A BOARD OF ADJUSTMENT APPLICATION

To All Owners of land lying adjacent to the property at:

Location: 8915 East Brown Road, Springdale, Benton County, Arkansas

Owned by: Scout Enterprises, LLC

NOTICE IS HEREBY GIVEN THAT an application has been filed to the Board of Adjustment (Variance) for above property.

If approved, the variance will occur only upon the property described above. It will not change anything pertaining to your property.

The purpose of this request is to:

VARIANCE: 8.3.a, to allow for the use of gravel driveways to reduce runoff

WAIVER: 112.11(2)d, from street improvements for 50' of frontage on East Brown Road

WAIVER: 106.1 (part 5.1), from requirement for detention, to preserve existing drainage patterns

A public hearing on said Board of Adjustment request will be held by the Springdale Planning Commission in room A205, in the new Criminal Justice building, 201 Spring Street, on March 1, 2022 at 5:00 p.m.

All parties interested in this matter may appear and be heard at said time and place or may notify the Planning Commission of their views on this matter by letter. All persons interested in this request are invited to call or visit the Planning Office, 206 S. Blair Street, 479-750-8550, and to review the application and discuss the same with the Planning staff.

Page 69 of 333

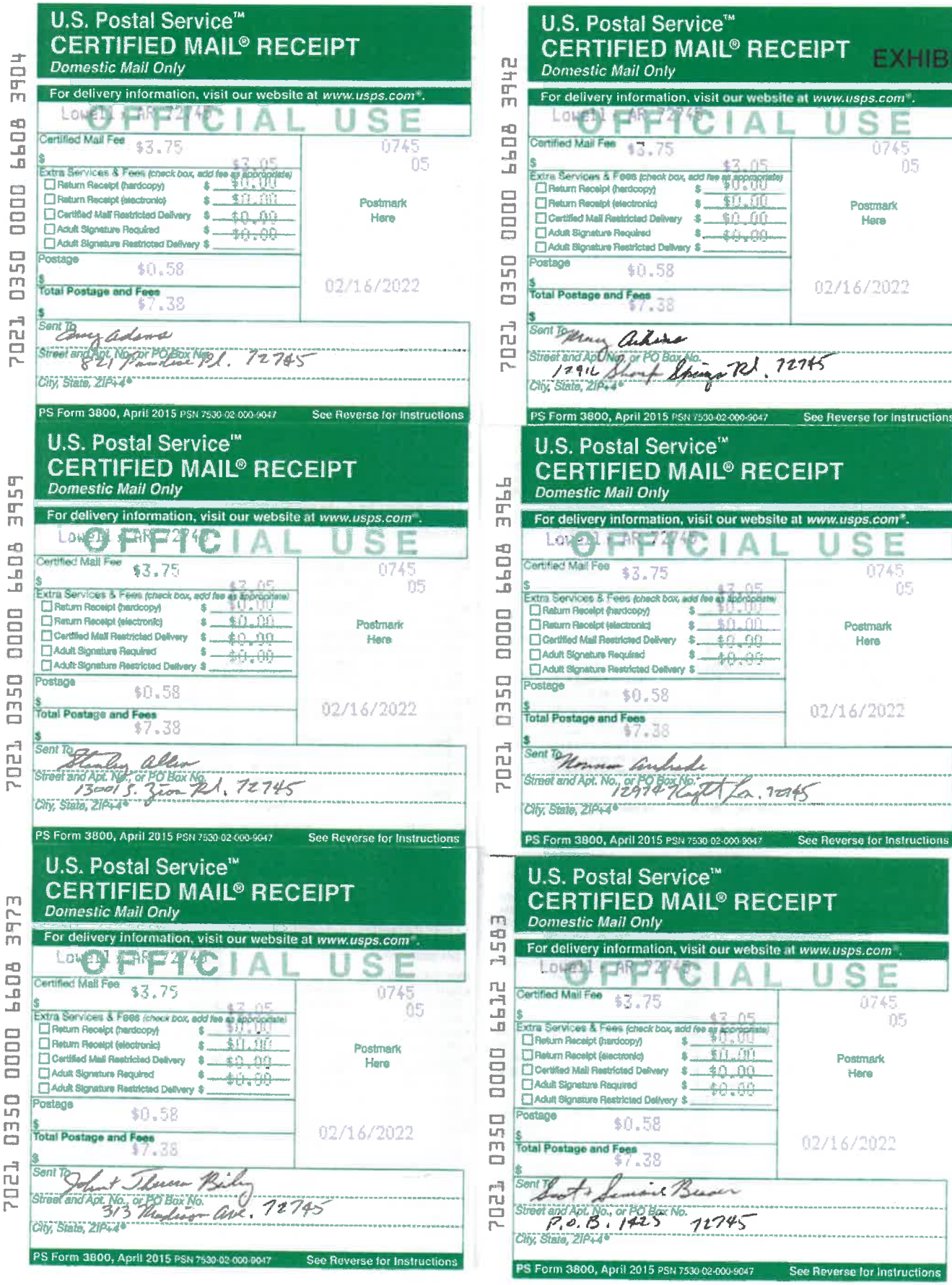
AFFIDAVIT

I hereby certify that I David A. Gilbert, P.E. - Plymouth Engineering, PLLC
Print or type name

acting as agent/~~owner~~, have provided notice to affected parties in accordance with the requirements set forth in the instruction given with the rezoning application and that the notice information provided is to the best of my knowledge true and factual. I am hereby enclosing the following supporting documents: copies of the notice, mailing receipts, return cards and any notices that were undeliverable.

Name: _____

Date: 2/16/2022



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Sent To: Mary Adkins
Street and Apt. No., or PO Box No.: 1291C Short Springs Rd. 72745
City, State, ZIP+4®:

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Sent To: Stanley Allen
Street and Apt. No., or PO Box No.: 13001 S. Zion Rd. 72745
City, State, ZIP+4®:

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Sent To: Norman Ambrose
Street and Apt. No., or PO Box No.: 12914 Knight Ln. 72745
City, State, ZIP+4®:

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Street and Apt. No., or PO Box No.: P.O. B. 1425 72745
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Street and Apt. No., or PO Box No.: 726 Madison 5244 72740
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Sent To: Clayton + Mary Faulkner
Street and Apt. No., or PO Box No.: 814 Jean St. 72745
City, State, ZIP+4®:

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Street and Apt. No., or PO Box No.: 5202 S. 62nd. 72758
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Sent To: Nancy Holloway
Street and Apt. No., or PO Box No.: 12994 Knight Ln. 72745
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Sent To: Jennifer Horton
Street and Apt. No., or PO Box No.: 12989 Knight Ln. 72745
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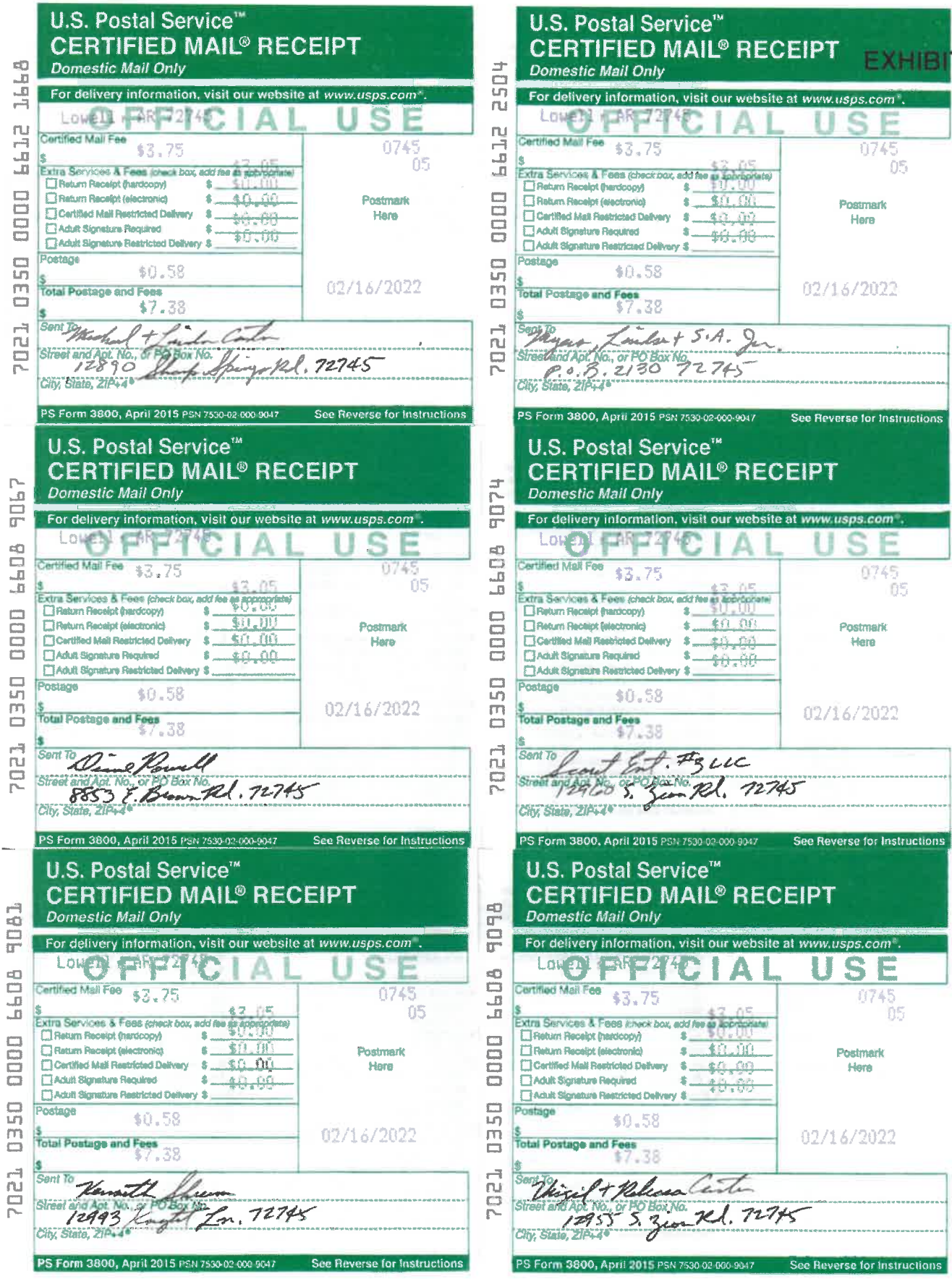
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7021 0350 0000 6612 1668
Sent To: Michael + Linda Carter
Street and Apt. No., or PO Box No.: 12890 Shafer Spring Rd. 72745
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- Adult Signature Restricted Delivery $

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7021 0350 0000 6608 9067
Sent To: Dina Powell
Street and Apt. No., or PO Box No.: 8853 E. Brown Rd. 72745
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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.58
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7021 0350 0000 6608 9074
Sent To: Lewis Ent. #3 LLC
Street and Apt. No., or PO Box No.: 12950 S. Zion Rd. 72745
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7021 0350 0000 6608 9098
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7021 0350 0000 6608 9104

Development Plan for
Hawksview Subdivision
Planned Unit Development
March 24, 2022

This Development Plan for Hawksview Subdivision is hereby submitted per City of Springdale requirements. Portions of this document have been copied from the covenants for Hawksview Subdivision, prepared by others.

The approved Final Development Plan shall be binding on all subsequent owners of the land until revised or repealed as set forth in Springdale's Code of Ordinances, Chapter 130.

General Eligibility and Staging Requirements

1. Location: The PUD district covered in this application shall apply to 9.65 acres of land in extreme northwest Springdale identified by Benton County parcel numbers 21-00167-078 and 21-00167-100; located at 8915 East Brown Road. This property lies within the "Karst recharge area" as designated by the United States Fish and Wildlife Service (USFWS). This area is subject to stringent USFWS requirements and other environmental requirements. The area is designated as low-density residential on the City's master land use plan.

2. Ownership: The property is owned by Scout Enterprises, LLC, who is also the rezoning applicant and the developer of the property. A copy of the warranty deed has been submitted with the rezoning application.

3. Project Size: The property in question is approximately 9.65 acres in size. The entire tract is proposed to be developed as part of this project.

4. Staging: All subdivision improvements, including but not limited to streets, water lines, lot pins, and common space, shall be constructed at one time as a single stage. No future stages of the subdivision are proposed. Homes shall be constructed on the eight lots at various times. It is the developer's intent to construct homes on all eight lots within five years of the commencement of construction, but no definite timeframe can be established at this time. In the initial construction, the only grading to be performed will be that needed to install the roadway and required utilities. Homesites will be graded as needed. In order to minimize impact on the environment, no mass grading is proposed.

   Existing homes represent a significant source of scarce and expensive building materials. Conventional demolition of existing homes not only wastes this resource, but uses up increasingly rare landfill space. A more environmentally-friendly solution is to re-use these resources wisely by moving existing homes onto new homesites,

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where the homes may be remodeled and updated to meet current styles and building codes. It is the developer's intent to locate existing wood-framed or steel-framed structures which cannot remain on their current sites, move these structures to this subdivision, and remodel them in accordance with all applicable state and local residential building codes. The interiors and exteriors of the homes will be remodeled to bring them up to date, and the homes will then be offered for sale or rent, at the discretion of the developer.

As the supply of suitable existing structures varies, no definite timeline can be given for completion of construction of all eight homes. Furthermore, supply chain difficulties and delays caused by weather must be taken into account. As prospective structures are located and identified, permits must be obtained to move them to the site and to begin construction. Homes will be placed on new foundations and structural components will be brought up to the current codes; then plumbing, mechanical, and electrical systems will be brought up to the current codes and remodeling will begin. During the process, the exterior finishes of the homes will be remodeled or replaced as needed. From the time of its arrival on the site, each home should be completely remodeled, inside and out, in approximately twelve months, barring circumstances beyond the developer's control.

The developer reserves the right to construct new homes in a conventional manner. The developer reserves the right to retain possession of all lots or to sell any or all of the lots prior to or after construction of a home on said lots, upon completion of the final plat, in accordance with applicable laws.

The Owner intends to begin construction as soon as all required approvals can be obtained.

APPLICATION REVIEW PROCEDURES

5. Three phases:
    a. A preapplication conference with planning and community development staff – The Owner and Staff have met several times over the past 2 and a half years to discuss this project. The Engineer and Staff met together on October 4, 2021 to discuss this project and another, unrelated, large-scale development. Another meeting was held on December 14, 2021 and involved the Owner, the Owner's engineer, the Owner's attorney, the City attorney, and members of the Planning staff. Other formal and informal meetings have been held between the Engineer and Planning Staff. On March 15, 2022, the Owner and her attorney, along with the Engineer, met with several members of the Planning Staff and four members of the Planning Commission to discuss this project.
    b. A preliminary development plan has been submitted to the City in the form of a preliminary plat for the development. A number of other supporting documents, including restrictive covenants, construction drawings, and a preliminary drainage report have also been submitted. This PUD is scheduled

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to be heard by the Planning Commission on April 5, 2022, with consideration by the City Council to follow.

c. The final development plan has yet to be developed, as the PUD has just been submitted and has not yet been considered by the Planning Commission or the City Council.

d. The final development plan shall be approved prior to the issuance of any building permits within the PUD. The final development shall be recorded prior to the issuance of any building permits.

6. Civil Engineer: Plymouth Engineering, PLLC; 5714 Walden Street; Lowell, AR 72745; (479) 595-5934; david@plymoutheng.com

   Surveyor: A Million Miracles Surveying, PLLC; 129 W. Boles Street, Suite A; Fayetteville, AR 72701; (479) 387-4361; eric@amms-pllc.com

7. Size: The PUD will cover approximately 9.65 acres.

PARCEL 21-00167-100 DESCRIPTION:
A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 496.06 FEET TO A COMPUTED POINT; THENCE SOUTH 02°37'29" WEST A DISTANCE OF 443.54 FEET TO A COMPUTED POINT FOR THE POINT OF BEGINNING; THENCE SOUTH 87°14'46" EAST A DISTANCE OF 588.49 FEET TO A FOUND 5/8" IRON PIN; THENCE SOUTH 87°22'03" EAST A DISTANCE OF 49.86 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 87°04'33" EAST A DISTANCE OF 245.10 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'38" WEST A DISTANCE OF 452.04 FEET TO A FOUND 1/2" DISTURBED IRON PIN; THENCE NORTH 87°12'01" WEST A DISTANCE OF 883.68 FEET TO A FOUND 5/8" IRON PIN PLS 1181; THENCE NORTH 02°37'29" EAST A DISTANCE OF 451.96 FEET TO THE POINT OF BEGINNING, CONTAINING 9.17 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

PARCEL 21-00167-078 DESCRIPTION:
A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 1084.90 FEET; THENCE SOUTH 03°22'57" WEST A DISTANCE OF 19.54 FEET TO A FOUND 5/8" IRON PIN WITH CAP FOR THE POINT OF BEGINNING; THENCE SOUTH 86°48'54" EAST A DISTANCE OF

50.07 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'14" WEST A DISTANCE OF 419.63 FEET TO A FOUND 1/2" IRON PIN; THENCE NORTH 87°22'03" WEST A DISTANCE OF 49.86 FEET TO A FOUND 5/8" IRON PIN; THENCE NORTH 02°33'32" EAST A DISTANCE OF 420.11 FEET TO THE POINT OF BEGINNING, CONTAINING 0.48 ACRES. MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

8. Project Name: Hawksview Subdivision PUD

9. Site Plan: A copy of the proposed preliminary plat is attached. As shown on the plat and detailed below, all lots will have minimum setbacks of 30 feet in the front, 8 feet on the sides, and 20 feet in the rear. No maximum setbacks are established. These setbacks are identical to that which would be found in an SF-1 zone. A single residential street will connect to East Brown Road through a 50-foot corridor and will pass through the middle of the site, ending in a cul-de-sac. All lots will have access from this street and only from this street. The street will have a paved surface 24 feet in width, with gravel shoulders 4 feet in width on each side, as allowed under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions. In a further effort to minimize runoff, gravel driveways and off-street parking will be used on each home. Exact placement of the homes on individual lots cannot be determined at this time, in part due to the fact that existing homes are proposed for up-cycling as they become available; and neither their dimensions nor their exact floor area is known at this time.

   A common area consisting of approximately two acres of open pasture with some shade trees is proposed along the southern boundary of the site, and is 100 feet in width. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities. This preliminary plat has not yet been considered by the Planning Commission.

10. Development Strategy: The Owner's intent is to create eight lots of varying sizes for single family homes. Lots 1, 7, and 8 will be approximately one acre in size. Lot 2 will contain approximately 0.8 acres. Lots 3 through 5 will contain approximately 0.5 acre. Lot 6 will contain approximately 0.9 acres. Lot 9 will contain common area approximately two acres, or about 21 percent of the total development, and will be adjacent to lots 2 through 6, allowing direct access to the smaller lots. Lots will front on a two-lane public street. The street will be constructed without curbs or gutters, but have 4-foot gravel shoulders as allowed under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions. Gravel driveways and off-site parking are also proposed, along with the exclusion of concrete sidewalks which are typically required, all to reduce impervious area and concentration of runoff within the recharge zone of

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the Cave Springs cave. This will help comply with the Northwest Arkansas Best Management Practices, as developed cooperatively by area municipal governments in light of Karst features in the area which may provide pathways for surface water to pass underground quickly. Of particular interest in this area is the "Karst recharge zone" for the Cave Springs cave which was largely determined by the US Fish and Wildlife Service. It is thought that runoff in this area may pass quickly underground, without the benefit of normal infiltration, through losing streams and other Karst features and might thereby enter the Cave Springs cave. This cave is protected habitat for the Ozark Blind Cave Fish, which is listed as an endangered species, and it is thought that the cave environment is particularly susceptible to contamination. NWA's BMPs call for preservation of existing drainage modes and avoidance of concentration of runoff wherever possible. This makes any conventional detention approach (even the LID devices, which collect runoff in a few locations and require an underdrain to daylight by Springdale's rules) contrary to the BMPs. It becomes necessary to compare the benefits to be obtained by detention with the impact to the environment in light of USFWS policy and the NWA BMPs.

11. District Requirements:
Hawksview Subdivision - Planned Unit Development #R22-07

PURPOSE.

Hawksview Subdivision Planned Unit Development #R22-07 is established to accommodate single-family residential and complementary land uses on larger lots. This zone specifically applies to a specific parcel on the fringe area of the city, lying within the Karst recharge zone of the Cave Springs cave.

USES PERMITTED.
Unit 1, city-wide public uses by right.
Unit 8, single-family dwellings.
Unit 28, home occupation.
Unit 29, home office.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.
Unit 2, city-wide uses by conditional use permit.
Unit 3, utility facilities.

ACCESSORY USES.
The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:

a. Accessory buildings, including private garages, storage facilities, gazeboes, pergolas, and children's playhouses as set forth in article 6, subsection 2.7 of Chapter 130 – Zoning Ordinance.
b. Private greenhouses and horticultural collections.
c. Porches, awnings, screen rooms, sun rooms, and pool enclosures.

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d. Flower and vegetable gardens.
e. Swimming pools, tennis courts and similar recreation facilities shall be permitted on lots with an area exceeding 0.7 acre (1, 2, 6, 7, 8, and 9); but not on smaller lots (3, 4, or 5) due to site limitations.

With the exception of flower and vegetable gardens, none of the above accessory uses shall encroach on building setbacks, utility easements, or septic systems (including primary and alternate drainage field areas as shown on the plat or as determined by the Designated Representative for each individual lot, whichever restriction is greater.

Exterior finishes for accessory buildings shall conform to the requirements listed in the Development Plan for Dwellings.

On lots 3 through 5, the total area for all accessory buildings shall not exceed 4,000 square feet. On lots 1, 2, 6, 7, and 8 the total area for all accessory buildings, greenhouses, swimming pools, and similar recreational facilities shall not exceed 4,000 square feet; except that the lot owner may petition the Architectural Review Committee (ARC)for an additional area of up to 4,000 square feet (8,000 square feet total) which may be approved or denied at the sole discretion of the ARC.

HOBBY CHICKENS.
Hobby chickens shall be permitted within Hawksview PUD #R22-07, and shall meet the following regulations:

1. *Number permitted*. No more than six (6) hens shall be allowed for each lot. Chickens shall be for use by the resident only, and shall not be allowed for commercial purposes.
2. *Roosters prohibited*. Male chickens shall be allowed.
3. *Slaughter*. Outside slaughtering of birds shall be limited to rear yards, behind the rear wall of the primary residence. There shall be no outside slaughter within front yards. The intent of this regulation is that outside slaughter of birds not be visible from the street.
4. *Placement of enclosures*. All hen enclosures shall be placed at least 25 feet from neighboring dwellings and located in a rear or side yard, but not located within a building setback.
5. *Condition of enclosures*. Hens shall be provided with adequate shelter to protect them from the elements. Hens must be kept in an enclosure two feet (2') off the ground that keeps them from leaving the property of their owners, and protects them from predators. All roofed areas of hen enclosures shall count against the total area of accessory buildings permitted on each lot. All enclosures must be kept in a neat and sanitary condition at all times and must be cleaned on a regular basis so as to prevent offensive odor.
6. *Food containers*. All food used for chickens shall be kept in a suitable container with a tight-fitting cover so as to be inaccessible to rodents.
7. *Maintenance of animals*. All chickens shall be adequately fed and watered, and receive any applicable vaccinations, medicines, or medical care so that the birds

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remain in healthy condition.

8. *Applicability*. These regulations are not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets. For the purposes of this article, Guineafowl shall be counted as chickens. Other barnyard fowl, such as geese, swans, peacocks, etc., shall not be permitted.
9. *ARC Approval*. Prior to construction of an enclosure and prior to purchase of chickens, a drawing indicating where the enclosure will be located on the property shall be submitted to the Architectural Review Committee for their approval. No chickens shall be kept without an enclosure, and no enclosure shall be constructed without ARC approval.

HOBBY RABBITS.

Hobby rabbits shall be permitted within Hawksview PUD #R22-07, and shall meet the following regulations:

1. *Number permitted*. No more than six (6) rabbits shall be allowed for each lot.
2. *All genders allowed*. Both male and female rabbits are permitted.
3. *Slaughter*. Outside slaughtering of rabbits shall be limited to rear yards, behind the rear wall of the primary residence. There shall be no outside slaughter within front yards. The intent of this regulation is that outside slaughter of rabbits not be visible from the street.
4. *Placement of enclosures*. All rabbit enclosures shall be placed at least 25 feet from neighboring dwellings and located in a rear or side yard, but not located within a building setback.
5. *Condition of enclosures*. Rabbits shall be provided with adequate shelter to protect them from the elements. Rabbits must be kept in an enclosure two feet (2') off the ground that keeps them from leaving the property of their owners, and protects them from predators. All roofed areas of rabbit enclosures shall count against the total area of accessory buildings permitted on each lot. All enclosures must be kept in a neat and sanitary condition at all times and must be cleaned on a regular basis so as to prevent offensive odor.
6. *Food containers*. All food used for rabbits shall be kept in a suitable container with a tight-fitting cover so as to be inaccessible to rodents.
7. *Maintenance of animals*. All rabbits shall be adequately fed and watered, and receive any applicable vaccinations, medicines, or medical care so that the animals remain in healthy condition.
8. *Applicability*. These regulations apply to rabbits only. No other livestock (including, but not limited to goats, pigs, cattle, sheep, alpacas, llamas, etc., but excluding common household pets) are permitted.
9. *ARC Approval*. Prior to construction of an enclosure and prior to purchase of rabbits, a drawing indicating where the enclosure will be located on the property shall be submitted to the Architectural Review Committee for their approval. No rabbits shall be kept without an enclosure, and no enclosure shall be constructed without ARC approval.

APICULTURE (BEE KEEPING)

Beekeeping shall be permitted within Hawksview PUD #R22-07, and shall meet the following regulations:

1. *Number permitted*. It shall be unlawful to keep more than the following number of colonies on any tract withing Hawksview PUD, based upon the size or configuration of the lot upon which the apiary is situated.
    a. Four-tenths of an acre but less than one acre: 3 colonies.
    b. Once acre or larger: 4 colonies.
2. *Registration required*. All honeybee colonies shall be registered with the Arkansas State plant Board and maintain an active certificate of inspection from such Board.
3. *Africanized honeybees prohibited*. Africanized honeybees shall not be permitted.
4. *Placement of enclosures*. Hives shall be placed at least 25 feet from neighboring dwellings and located in a rear or side yard, but not located within a building setback.
5. *Fencing of flyways*. In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above the ground level over the property lines in the vicinity of the apiary. Fences shall conform to the fence standards outlined within this Development Plan.
6. *Water*. Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird, or domestic pet contact.
7. *ARC Approval*. Prior to construction of an enclosure and prior to procurement of bees, a drawing indicating where the enclosure will be located on the property shall be submitted to the Architectural Review Committee for their approval. No bees shall be kept without an enclosure, and no enclosure shall be constructed without ARC approval.

SITE PLAN REVIEW.

When a conditional use is proposed in Hawksview Subdivision PUD, a site plan review shall be required. See article 2, section 13 of Chapter 130 – Zoning Ordinance for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS.

No building hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet.

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AREA REGULATIONS.
Lot area. There shall be a lot area of not less 0.47 acre. In addition, there shall be a minimum lot width of not less than eighty (80) feet on a public street at the front setback line.

Density. A maximum of two units per acre, but not more than one unit per platted lot.

Front setback. There shall be a front setback having a depth of not less than thirty (30) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty (30) feet.

Side setback. There shall be a side setback on each side of the lot having a width of not less than eight (8) feet.

Rear setback. There shall be a rear setback having a depth of not less than twenty (20) feet.

OFF STREET PARKING.
Off-street parking shall be provided in accordance with Article 7 of Chapter 130 – Zoning Ordinance, except that neither residential driveways nor provided parking spaces shall be covered with an impervious surface. Driveways and off-street parking spaces shall be surfaced with crushed stone aggregate base and shall be regularly maintained by the occupant and/or landlord so that the surface is firm, stable, and usable. If otherwise surfaced, driveways and off-street parking spaces shall be covered with pervious material as approved by the Architectural Review Committee. Nothing in this article shall supersede the applicable requirements of the Americans with Disabilities Act or the Fair Housing Act.

STREET CONSTRUCTION STANDARDS.
Consistent with the Northwest Arkansas Best Management Practices, and with special consideration of the Karst recharge zone, no concentration of runoff is proposed. Street sections shall not include curb and gutter, as is allowable under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions. To reduce the amount of impervious area in the Karst recharge zone, sidewalks are not proposed for internal streets; and internal streets shall be twenty-four (24) feet in width unless noted otherwise as needed to provide access for fire suppression apparati. A four (4) foot gravel shoulder shall be provided adjacent to internal streets. Roadside ditches shall not be provided, as sheet flow is to be maintained wherever possible.

12. Narrative: Scout Enterprises, LLC, the Owner and developer of the proposed Hawksview Subdivision, proposes to create a planned unit district within the City of Springdale in order to develop eight single-family homesites. The property is located at 8915 East Brown Road in extreme northwest Springdale, approximately 1,700 feet northwest of Sharp's Quarry. This property lies within the Karst recharge area as designated by the US Fish and Wildlife Service to protect endangered species living

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within the Cave Springs cave. The recharge area is designated in order to place a special emphasis on surface water quality as it impacts losing streams and similar features which are thought to be tied to the cave's ecosystem. As such, it is subject to special considerations which are not applicable to typical sites within the city.

The site consists of approximately 9.65 acres of open pasture which is currently zoned A-1, as is typical for properties annexed into Springdale. The city's master land use plan currently shows this site as intended for low-density residential use, which is consistent with this application.

The intent of the development is to provide a neighborhood of single-family homes on lots varying in size from 0.48 to 1.05 acres. The smaller lots, particularly those containing less than one acre in area, will be adjacent to the proposed common space.

Existing homes represent a significant source of scarce and expensive building materials. Conventional demolition of existing homes not only wastes this resource, but uses up increasingly rare landfill space. A more environmentally-friendly solution is to use these resources wisely by moving existing homes onto new homesites, where the homes may be remodeled and updated to meet current styles and building codes. It is the developer's intent to locate existing wood-framed and steel-framed structures which cannot remain on their current sites, move these structures to this subdivision, and remodel them in accordance with all applicable state and local residential building codes. The interiors and exteriors of the homes will be remodeled to bring them up to date, and the homes will then be offered for sale or rent, at the discretion of the developer.

As the supply of suitable existing structures varies, no definite timeline can be given for completion of construction of all eight homes. Furthermore, supply chain difficulties and delays caused by weather must be taken into account. As prospective structures are located and identified, permits must be obtained to move them to the site and to begin construction. Homes will be placed on new foundations and structural components will be brought up to the current codes; then plumbing, mechanical, and electrical systems will be brought up to the current codes and remodeling will begin. During the process, the exterior finishes of the homes will be remodeled or replaced as needed. From the time of its arrival on the site, each home should be completely remodeled, inside and out, in approximately twelve months, barring circumstances beyond the developer's control.

The developer reserves the right to construct new homes in a conventional manner. The developer reserves the right to retain possession of all lots or to sell any or all of the lots prior to or after construction of a home on said lots, upon completion of the final plat, in accordance with applicable laws.

The Owner intends to begin construction as soon as all required approvals can be obtained.

Setbacks will be consistent with those allowed in an SF-1 district, and will include 30-foot minimum front, 8-foot side, and 20-foot rear setbacks. No maximum setback is proposed. A number of site constraints exist which will not accommodate larger setbacks. These include a large area taken up by a water transmission line easement in favor of Beaver Water District, and a significant area required to provide septic system drainage fields as required by the Arkansas Department of Health. When approached about R-E zoning with possible setback variances, Planning staff did not appear supportive, but instead suggested development of a planned unit development so that surrounding property owners would have the comfort of seeing what will be required in the subdivision. Staff also indicated that they would not be able to support rezoning this property to SF-1, as the allowable lot size and housing density might be resisted by the neighbors.

Every effort has been made to utilize features already listed in various district regulations contained within the Code of Ordinances and to avoid specialized features. Proposed use units were taken from R-E district regulations, with the list of conditional uses limited even further. At the urging of Planning staff, conditional uses 9 (zero lot line), 36 (horses kept in residential areas), 40 (temporary classrooms), and temporary conditional use 34 (model home/temporary marketing office), all found in R-E, have been eliminated from this PUD. Thus the allowable uses for this PUD are more restrictive than for an R-E district.

Minimum heated floor area for homes within this subdivision is 1,000 square feet. The maximum allowable heated floor area is 4,000 square feet per home. Homes are limited to a maximum of three bedrooms and two bathrooms due to the constraints of the proposed septic systems. Due to the inclusion of common area, the lots vary in size. Lots 1, 7, and 8 are just over one acre. Lot 2 is approximately 0.8 acre. Lots 3 through 5 are approximately one-half acre. Lot 6 is approximately 0.9 acre. Lots 2 through 6, the smaller lots, are immediately adjacent to the proposed common space.

Lot 9 comprises the common space of 2.0 acres, or approximately 21% of the gross land area of this development. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities.

As listed above, accessory buildings, private garages, storage facilities, gazeboes, pergolas, and children's playhouses as set forth in article 6, subsection 2.7 of Chapter 130 – Zoning Ordinance would be allowed; along with private greenhouses and horticultural collections, porches, awnings, screen rooms, sun rooms, pool enclosures, and flower and vegetable gardens. Swimming pools, tennis courts and similar

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recreation facilities shall be permitted on lots with an area exceeding 0.7 acre (1, 2, 6, 7, 8, and 9); but not on smaller lots (3, 4, or 5) due to site limitations.

With the exception of flower and vegetable gardens, none of the above accessory uses shall encroach on building setbacks, utility easements, or septic systems (including primary and alternate drainage field areas as shown on the plat or as determined by the Designated Representative for each individual lot, whichever restriction is greater.

Exterior finishes for accessory buildings shall conform to the requirements listed in the Development Plan for Dwellings.

On lots 3 through 5, the total area for all accessory buildings and greenhouses shall not exceed 4,000 square feet. On lots 1, 2, 6, 7, and 8 the total area for all accessory buildings, greenhouses, swimming pools, and similar recreational facilities shall not exceed 4,000 square feet; except that the lot owner may petition the Architectural Review Committee for an additional area of up to 4,000 square feet (up to 8,000 square feet total) which may be approved or denied at the sole discretion of the Architectural Review Committee.

Garages and carports conforming to the requirements listed above are optional, and are not mandatory. Off-street parking shall be provided in accordance with Article 7 of Chapter 130 – Zoning Ordinance, except that neither residential driveways nor provided parking spaces shall be covered with an impervious surface. Driveways and off-street parking spaces shall be surfaced with crushed stone aggregate base and shall be regularly maintained by the occupant and/or landlord so that the surface is firm, stable, and usable. If otherwise surfaced, driveways and off-street parking spaces shall be covered with pervious material as approved by the Architectural Review Committee. Nothing in this article shall supersede the applicable requirements of the Americans with Disabilities Act or the Fair Housing Act.

The primary use of the development is single-family residential. The following specific use units would be allowed within the development:

USES PERMITTED.
Unit 1, city-wide public uses by right.
Unit 8, single-family dwellings.
Unit 28, home occupation.
Unit 29, home office.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.
Unit 2, city-wide uses by conditional use permit.
Unit 3, utility facilities.

All exterior walls of all Dwellings erected on the Lots shall be finished with brick, stone, faux stone veneer construction, or concrete composition siding (such as Hardie® siding), vinyl or metal siding. Dormers or gables may be covered with any of

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the materials or vinyl siding. Soffits and fascia may be covered with steel, aluminum, PVC, or concrete composition materials. Roofs shall be covered with shingles using architectural composition or better. All street facing (front elevations for corner lots) windows may be true light or divided light. All replacement windows must be approved by the ARC. Any colored or decorative glass on street facing elevations must be approved by the ARC.

All Lots shall be maintained, mowed, and kept free of noxious weeds whether they be improved or unimproved. Further, upon construction of a dwelling, the Owner shall seed the entire Lot, provided, however, that this section shall not apply to Developer during construction and development of the Development. If Owner allows grass to grow such that it is more than eight (8") inches high, Developer or Association, shall have the right, but not the obligation, to have it mowed without giving notice to the Owner and shall charge a seventy-five dollars ($75.00) service charge for arranging the mowing in addition to the amount it costs Developer or Association to have it mowed. All lots must include design criteria sufficient to reduce runoff and adhere to Best Management Practices (BMPs) of the Karst Recharge Zone. Plans must be included in final submission review to the ARC.

This development is planned as a small residential subdivision, with single-family homes placed on lots varying in size from approximately one-half acre to approximately one acre. A common area consisting of approximately two acres of open pasture with some shade trees is proposed along the southern boundary of the site, and is 100 feet in width. Those lots that contain less than one acre in area will be adjacent to the common area. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities. No community swimming pool, clubhouse, or other common facility is proposed beyond that which is described. The lots vary in size from just under one-half acre to just over one acre, providing sufficient outdoor space and opportunities for private improvements. The development is intended to blend in with surrounding residential uses which, until recently, have been fairly rural in nature, while providing an opportunity to enjoy the setting for those who cannot afford to purchase and/or maintain large tracts of land.

The primary street is proposed to be constructed within a 43-foot right-of-way (the entrance street will be partially located within a 50-foot right-of-way), and will consist of a 24-foot wide asphalt section with 4-foot gravel shoulders as allowed under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions. The roadway will be constructed without curb and gutter to minimize concentration of runoff and maintain a sheet-mode of flow per NWA BMP guidelines, and in consideration of the Karst recharge area. The elimination of sidewalk within the development and the use of gravel residential driveways for the homes, is intended to reduce the amount of

impervious area within the development for environmental purposes. The proposed street is proposed to be dedicated to the City as a public street within the aforementioned dedicated street right-of-way.

Access to the subdivision will be from East Brown Road as shown on the attached preliminary plat. This preliminary plat has not yet been considered by the Planning Commission or City Council.

No vehicles may be parked overnight in the streets of the Development. Owners shall provide sufficient off-street parking to accommodate the vehicles used by their families and guests. Furthermore, no semi-trailer trucks or commercial vehicles shall be allowed to park in the Development, either on the streets or on the Lots, provided, however, that this restriction shall not apply to Developer during construction and development of the Development. No vehicles may be parked in front yard at any time.

The proposed density of the revised development is 8 residential lots plus one, two-acre common area lot on 9.65 acres, or an average residential density of one residential lot per 1.21 acres.

This project has not yet been considered by the Planning Commission or City Council. Construction has not yet started, and cannot begin until all required permits are received.

The proposed development is in harmony with the surrounding uses and the master land use plan. It is not anticipated to cause adverse impact to the existing infrastructure in the area. By developing this property as a planned unit development, the neighbors may rest assured when it comes to what will be built on this property, and the manner in which it will be built.

END OF DOCUMENT

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REVISED PRELIMINARY DRAINAGE REPORT

Hawksview Subdivision
PP22-03

Springdale, Arkansas

March 25, 2022

Owner
Scout Enterprises, LLC
2816 N. Thompson Street
Springdale, AR 72764



Prepared by:
Plymouth Engineering, PLLC
5714 Walden Street · Lowell, AR 72745
(479) 595-5934 · david@plymoutheng.com

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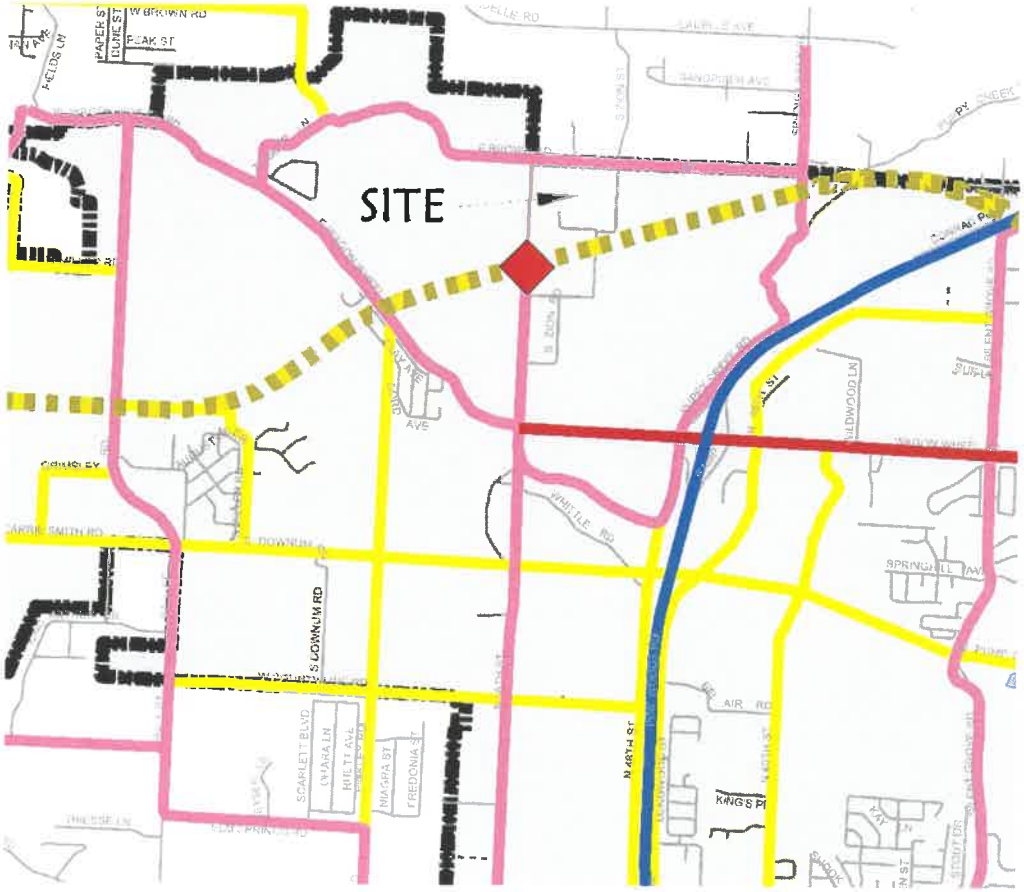
REVISED PRELIMINARY DRAINAGE REPORT

PROJECT TITLE & DATE

Hawksview Subdivision
March 25, 2022

PROJECT LOCATION

The project is located near the southwest corner of East Brown Road and South Zion Road in extreme northwest Springdale, very near the city limits of both Lowell and Cave Springs (hence *South* Zion Road and *East* Brown Road,) just north of Arkansas Highway 612 and just northwest of Sharp's Quarry. The address is 8915 East Brown Road.



PROJECT DESCRIPTION

The existing site consists of approximately 9.65 acres of open field, which appears to be regularly mowed for hay. Surrounding areas consist primarily of agricultural uses and low-density residential, and the number of surrounding homes has slowly increased over time. The proposed project consists of a residential subdivision consisting of single-family

homes on lots just over one acre in size, along with one associated street and associated utilities.

This site presents several unique challenges as it lies within the Karst Recharge Area designated by the US Fish and Wildlife Service (USFWS)for the large cave for which Cave Springs is named, with a protected stream just to the north. This cave is listed as a protected habitat for an endangered species known blind cave fish. As a result, USFWS has imposed several stringent conditions on development in this area, and often necessary to approach development in non-traditional ways to meet these conditions. As a result of these conditions and detailed study of the Northwest Arkansas "best management practices" (BMPs) for development in the recharge area, every attempt has been made to maintain sheet flow and shallow concentrated flows throughout the site. NWA's BMPs call for preservation of existing drainage modes and avoidance of concentration of runoff wherever possible. This makes any conventional detention approach (even the LID devices, which collect runoff in a few locations and require an underdrain to daylight by Springdale's rules) contrary to the BMPs. It becomes necessary to compare the benefits to be obtained by detention with the impact to the environment in light of USFWS policy and the NWA BMPs.

PROJECT OWNER, ADDRESS, AND TELEPHONE NUMBER

Scout Enterprises, LLC
2816 N. Thompson Street
Springdale, AR 72764
(479) 957-7344
Cammie Scott

A copy of the warranty deed has been submitted with the application.

SITE AREA TOPOGRAPHIC MAP

The topographic map (grading plan) is included in the plan set. A site benchmark is being determined and will be indicated on future versions of the Grading Plan.

DRAINAGE AREA MAP

Drainage area maps, showing the pre-developed and post-developed conditions, are included in the Appendix.

LAND USE MAP

The existing site consists of approximately 9.65 acres of open field, which appears to be regularly mowed for hay. Review of historical aerial photographs shows no change in use since approximately 1994, although one of the photos could show cattle grazing. Hay bales and wheel tracks consistent with baling are consistently seen in the photos. Surrounding areas consist primarily of agricultural uses and low-density residential, with the number of surrounding homes slowly increasing over time. The site is currently

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zoned A-1 (Agricultural), which is typical of properties annexed into the City of Springdale. The Master Land Use Plan shows the area as being planned for low-density residential use.

SOILS AND VEGETATION MAP

The Appendix contains copies of current USCS soils maps for the area. On-site soils are described as Nixa very gravelly silt loam, 3 to 8 percent slopes (41%) and Tonti gravelly silt loam, 3 to 8 percent slopes (59%). The Nixa series is listed by the USDA as "Moderately well drained. The surface runoff index is high to very high. Permeability is very slow. The saturated hydraulic conductivity is low." The Tonti series is listed as "Moderately well drained. Runoff is medium to very high. Permeability is moderate above the fragipan and slow within the fragipan. The saturated hydraulic conductivity is moderately high above the fragipan and very slow in the fragipan. These soils have a seasonally high perched water table that is within 18 to 30 inches of the soil surface from December through April." These soils present challenges when utilizing Low Impact Development (LID) devices as listed in Springdale's LID Design Guide, as bioretention cells and infiltration trenches require fairly permeable soils or large underdrains to function properly. Furthermore, the presence of a high perched water table works against infiltration.

UPSTREAM AND DOWNSTREAM DRAINAGE

No appreciable offsite drainage appears to drain onto the site, although it appears that a sizable area drains to the roadside ditch along East Brown Road. A shallow ridge lies east-to-west near and roughly parallel to the south boundary, with the site draining to the north and south from the ridge. Runoff from the property to the west flows northwest, away from the site. Runoff from the property to the east appears to flow almost directly north, and very little appears to enter the site.

The property currently drains to the north and south onto adjacent low-density residential properties by shallow concentrated flow. Nearby homes do not appear to be jeopardized by the existing or proposed patterns of runoff.

Runoff leaving the site to the south flows overland into a tributary of Spring Creek, which enters Spring Creek just south of Wagon Wheel Road, near Highway 612. Runoff leaving the site to the north flows overland into a tributary of Cross Creek, entering Cross Creek near the intersection of Wagon Wheel Road and Ziegler Lane. Cross Creek flows into Spring Creek approximately 1/2 mile downstream. Spring Creek flows into Osage Creek just west of Arkansas Highway 112. Osage Creek flows westward, entering the Illinois River near Highway 412 between Tontitown and Siloam Springs. The Illinois River enters the Arkansas River in Oklahoma. For ADEQ purposes, the ultimate receiving waterway is the Arkansas River.

Runoff primarily leaves the site by overland flow, and is conveyed in part by roadside ditches to the aforementioned tributaries. Surrounding land uses consist of agricultural

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uses and low-density residential, none of which appear to or would be expected to have detention facilities. Reductions in paved area have been proposed to reduce the amount of impervious area caused by the increase in paved area, in order to mitigate its impact on surrounding properties.

AREA DRAINAGE PROBLEMS

We are currently not aware of any drainage problems in the area. The site is not subject to a Special Flood Hazard Area. A copy of the FEMA "FIRMette" is included in the Appendix.

SITE DRAINAGE

The property currently drains to the north and south onto adjacent low-density residential properties by shallow concentrated flow. Nearby homes do not appear to be jeopardized by the existing or proposed patterns of runoff. No appreciable off-site drainage enters the site, and there are no discernable streams, ravines, or drainage ditches noted other than roadside ditches along East Brown Road and South Zion Road.

Following construction, the site will continue to drain in this pattern, with an increase in impervious area from streets and rooftops. This will cause an increase in the runoff from the site as noted in Tables 1 and 2. The runoff will continue to drain by sheet flow and shallow concentrated flow onto adjoining properties, with a wide drainage path. While an increase of nearly 6 cfs in the 1% event may seem substantial, it should be considered that the flow path is approximately 640 feet wide. At this width, an increase of 5.86 cfs is calculated to raise the water level by approximately 1/8th of one inch. This very small increase should not pose any risk to properties downstream, and the benefits of detention may well be outweighed by the environmental concerns.

Detention is problematic due to the lack of on-site drainage channels and the desire to maintain existing drainage patterns, and therefore avoid concentration of runoff. In order to meet these challenges, it is proposed to maintain sheet flow and shallow concentrated flow. The proposed roadway has been designed to fit the contour of the existing ground. Water will tend to sheet-flow over the east-west section rather than collecting in roadside ditches. The north-south portion maintains a broad flow area, free of ditches, to encourage the flow to spread as much as possible. The intent is to maintain the natural flow of runoff across the land. Detention is not proposed.

Exhibits showing the pre-developed and post-developed conditions may be found in the appendix.

SUMMARY OF RUNOFF

Runoff calculations for this project were performed using the Rational Method and precipitation data as prescribed in the City's Drainage Criteria Manual. Calculations were performed using the Hydraflow model of AutoCAD Civil 3D. As the site is not very

large, and using the City's preferred method of limiting sheet flow to a distance of 100 feet, times of concentration were at or just below five minutes. Historically, five minutes has been considered to be the minimum time used in calculations, so five minutes was used for the generation of all hydrographs.

Table 1 – North sub-basin – assumed average development

Probability Event (Frequency)	Predeveloped Peak Flow (CFS)	Post-developed Peak Flow (CFS)	Increase (CFS)
50% (2-year)	15.88	19.86	3.98
20% (5-year)	18.86	23.58	4.42
10% (10-year)	21.05	26.31	5.26
4% (25-year)	24.25	30.31	6.06
2% (50-year)	26.81	33.51	6.70
1% (100-year)	29.30	36.62	7.32

(Hydrographs 1 and 4 for this table are presented in the appendix)

Table 2 – South sub-basin – assumed average development

Probability Event (Frequency)	Predeveloped Peak Flow (CFS)	Post-developed Peak Flow (CFS)	Increase (CFS)
50% (2-year)	5.52	5.79	0.27
20% (5-year)	6.55	6.88	0.33
10% (10-year)	7.31	7.67	0.36
4% (25-year)	8.42	8.84	0.42
2% (50-year)	9.31	9.78	0.47
1% (100-year)	10.17	10.68	0.51

(Hydrographs 2 and 5 for this table are presented in the appendix)

These calculations used a floor area of 1,719 square feet per lot, which is the average size of home expected to be built. While an increase of nearly 6 cfs in the 1% event may seem substantial, it should be considered that the flow path is approximately 640 feet wide. At this width, an increase of 5.86 cfs is calculated to raise the water level by approximately 1/8th of one inch. This very small increase should not pose any risk to properties downstream, and the benefits of detention may well be outweighed by the environmental concerns.

It should be noted that the Development Plan for Hawksview Subdivision allows homes up to 4,000 square feet in floor area. The Development Plan further allows for accessory structures up to an additional 4,000 square feet in area on lots 3, 4, and 5; and up to an additional 8,000 square feet in area on lots 1, 2, 6, 7, and 8. Lot 9 is covered by a water transmission main easement in favor of Beaver Water District and no structures are allowed on that easement or planned for that lot. Post-developed flows calculated using the maximum allowable buildout for all lots are shown in Tables 3 and 4.

Table 3 – North sub-basin – maximum coverage

Probability Event (Frequency)	Predeveloped Peak Flow (CFS)	Post-developed Peak Flow (CFS)	Increase (CFS)
50% (2-year)	15.88	22.64	6.76
20% (5-year)	18.86	26.88	8.02
10% (10-year)	21.05	29.99	8.94
4% (25-year)	24.25	34.55	10.30
2% (50-year)	26.81	38.20	11.39
1% (100-year)	29.30	41.75	15.45

(Hydrographs 1 and 7 for this table are presented in the appendix)

Table 4 – South sub-basin – maximum coverage

Probability Event (Frequency)	Predeveloped Peak Flow (CFS)	Post-developed Peak Flow (CFS)	Increase (CFS)
50% (2-year)	5.52	6.76	1.24
20% (5-year)	6.55	8.03	1.48
10% (10-year)	7.31	8.95	1.64
4% (25-year)	8.42	10.32	1.90
2% (50-year)	9.31	11.40	2.09
1% (100-year)	10.17	12.46	2.29

(Hydrographs 2 and 8 for this table are presented in the appendix)

It is the Owner's intent to install rain barrels on each house to capture rainwater, which should have the effect of reducing runoff slightly. It is also their intent to surround the foundation of each home with water-loving plant materials in a gravel bed to increase the uptake of runoff and decrease its volume. Additional plantings along the downstream edge of each lot may also be considered to increase uptake and reduce runoff. These methods would be more in line with the NWA BMP recommendations and USFWS requirements than would conventional detention or the aforementioned LID devices, by eliminating concentration of runoff and decreasing the amount of runoff entering the water table by utilizing evapotranspiration.

It is highly unlikely that the maximum lot coverage will ever be reached, and runoff volumes are anticipated to fall somewhere between those in the first two tables and the second two tables. Assuming maximum allowable lot coverage yields an increase in peak runoff to the north of 15.45 cfs in the 1% event. While this increase may seem substantial, it should be considered that the flow path is approximately 640 feet wide. At this width, and increase of 15.45 cfs is calculated to raise the water level by approximately 1/8th of one inch. Increases to the south are likewise wide spread and should be inconsequential. (Calculations are included in the appendix.) This very small increase should not pose any risk to properties downstream, and the benefits of detention may well be outweighed by the environmental concerns.

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DESIGN STORM DESIGNATED

Site elements were designed for the following conditions:

Table 5 –Design Storm for Site Elements

Element	10% (10-year) flow (cfs)	1% (100-year) flow (cfs)	Design Storm
Culvert – intersection of East Brown Road and Hawksview Lane	Not yet determined – see text	Not yet determined – see text	10% (10-year)

(Inlet and pipe calculations for this table are presented in the appendix.)

A number of issues surround the proposed culvert. Please refer to the "Culvert Design" section below for more details. We feel it would be beneficial to discuss these issues with the Engineering Department prior to final design of the culvert. Calculations have not yet been performed for this item, but will be included in the Appendix of subsequent revisions.

OPEN CHANNEL FLOW DESIGN

Because this property lies within the officially designated "Karst recharge area," and in accordance with the North West Arkansas Best Management Practices, every effort has been made to avoid concentration of runoff and maintain sheet or shallow concentrated flow. No open channels are proposed.

PAVEMENT DRAINAGE DESIGN

Because this property lies within the officially designated "Karst recharge area," and in accordance with the North West Arkansas Best Management Practices, every effort has been made to avoid concentration of runoff and maintain sheet or shallow concentrated flow. As such, there are no curbs, inlets, or flumes proposed on the project. As nearly as possible, the pavement is designed to conform to the existing ground surface, avoiding concentration of runoff. Pervious pavements were considered; however, it was assumed that the City will not want to assume weekly, monthly, and semi-annual maintenance needed for these pavements to function as intended and avoid becoming a nuisance. The street section has been minimized to reduce the amount of impervious area. Likewise, concrete sidewalks are proposed NOT to be constructed, as they offer little benefit in this setting and add to impervious area.

CULVERT DESIGN

One culvert is called for at the intersection of East Brown Road and the proposed Hawksview Lane. The roadside ditch leading to and from the proposed culvert appears to be fairly shallow and narrow, with some erosion indicated. The area contributing to

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this culvert appears to be fairly large, but the culverts in the intersection of East Brown Road and South Zion Road are small and appear to be partially filled with sediment, and do not appear to have sufficient cover. It is difficult to determine the quantity of runoff which reaches these culverts, the quantity of runoff that passes through them and the quantity that overtops, and the City's expectations given the conditions of the surrounding ditch and culverts and the limited frontage. A 24-inch RCP is shown at this stage. We feel it would be beneficial to discuss these issues with the Engineering Department prior to final design of the culvert. Calculations have not yet been performed for this item, but will be included in the Appendix of subsequent revisions.

RUNOFF COMPUTATIONS

Runoff computations are included in the Appendix. For a summary of pre-developed and post-developed runoff, see Tables 1 and 2, above.

STORM SEWER INLET DESIGN

Because this property lies within the officially designated "Karst recharge area," and in accordance with the North West Arkansas Best Management Practices, every effort has been made to avoid concentration of runoff and maintain sheet or shallow concentrated flow. As such, no storm sewer inlets are proposed on the site.

STORM SEWER DESIGN

Likewise, no storm sewer is proposed, other than the culverts listed above.

100-YR WATER SURFACE ELEVATION (WSE) COMPUTATION

No inlets, curbs, open channels, or conventional detention basins are proposed. No significant runoff crosses the proposed subdivision site. Homes should be constructed slightly above existing elevations to avoid localized instances of water running toward the building. The site is located within an "Area of Minimal Flood Hazard" per FEMA Flood Insurance Rate Map Panels 05007C1430J and 05007C0435J, revised September 28, 2007. Water surface elevations are summarized in Table 4, below.

Table 6 –Ponding Depths and Elevations

Element	1% (100-year) flow (cfs)	Ponding Depth (ft)	Water Surface Elevation
Culvert – intersection of East Brown Road and Hawksview Lane	Not yet determined – see text	Not yet determined – see text	Not yet determined – see text

(Calculations for this table will be presented in the appendix in subsequent revisions.)

STORMWATER DETENTION DESIGN

Detention is problematic due to the lack of on-site drainage channels and directives to maintain existing drainage patterns. In order to meet these challenges, it is proposed to maintain sheet flow and shallow concentrated flow. The proposed roadway has been designed to fit the contour of the existing ground. Water will tend to sheet-flow over the east-west section rather than collecting in roadside ditches. The north-south portion maintains a broad flow area, free of ditches, to encourage the flow to spread as much as possible. The intent is to maintain the natural flow of runoff across the land. Detention is not proposed.

The Nixa and Tonti series soils present challenges when utilizing Low Impact Development (LID) devices as listed in Springdale's LID Design Guide, as bioretention cells and infiltration trenches require fairly permeable soils or large underdrains to function properly, and filter strips don't provide sufficient detention on their own. Furthermore, the presence of a high perched water table works against infiltration. The use of these devices is not proposed.

It is the Owner's intent to install rain barrels on each house to capture rainwater, which should have the effect of reducing runoff slightly. It is also their intent to surround the foundation of each home with water-loving plant materials in a gravel bed to increase the uptake of runoff and decrease its volume. Additional plantings along the downstream edge of each lot may also be considered to increase uptake and reduce runoff. These methods would be more in line with the USFWS and NWA BMP requirements than would conventional detention or the aforementioned LID devices, by eliminating concentration of runoff and decreasing the amount of runoff entering the water table by utilizing evapotranspiration.

SUMMARY OF RUNOFF

Runoff calculations for this project were performed using the Modified Rational Method and precipitation data as prescribed in the City's Drainage Criteria Manual. Calculations were performed using the Hydraflow model of AutoCAD Civil 3D.

Table 1 – North sub-basin – assumed average development

Probability Event (Frequency)	Predeveloped Peak Flow (CFS)	Post-developed Peak Flow (CFS)	Increase (CFS)
50% (2-year)	15.88	19.06	3.18
20% (5-year)	18.86	22.64	3.78
10% (10-year)	21.05	25.25	4.20
4% (25-year)	24.25	29.10	4.85
2% (50-year)	26.81	32.17	5.36
1% (100-year)	29.30	35.16	5.86

(Hydrographs 1 and 4 for this table are presented in the appendix)

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Table 2 – South sub-basin – assumed average development

Probability Event (Frequency)	Predeveloped Peak Flow (CFS)	Post-developed Peak Flow (CFS)	Increase (CFS)
50% (2-year)	5.52	5.79	0.27
20% (5-year)	6.55	6.88	0.33
10% (10-year)	7.31	7.67	0.36
4% (25-year)	8.42	8.84	0.42
2% (50-year)	9.31	9.78	0.47
1% (100-year)	10.17	10.68	0.51

(Hydrographs 2 and 5 for this table are presented in the appendix)

Table 3 – North sub-basin – maximum coverage

Probability Event (Frequency)	Predeveloped Peak Flow (CFS)	Post-developed Peak Flow (CFS)	Increase (CFS)
50% (2-year)	15.88	22.64	6.76
20% (5-year)	18.86	26.88	8.02
10% (10-year)	21.05	29.99	8.94
4% (25-year)	24.25	34.55	10.30
2% (50-year)	26.81	38.20	11.39
1% (100-year)	29.30	41.75	15.45

(Hydrographs 1 and 7 for this table are presented in the appendix)

Table 4 – South sub-basin – maximum coverage

Probability Event (Frequency)	Predeveloped Peak Flow (CFS)	Post-developed Peak Flow (CFS)	Increase (CFS)
50% (2-year)	5.52	6.76	1.24
20% (5-year)	6.55	8.03	1.48
10% (10-year)	7.31	8.95	1.64
4% (25-year)	8.42	10.32	1.90
2% (50-year)	9.31	11.40	2.09
1% (100-year)	10.17	12.46	2.29

(Hydrographs 2 and 8 for this table are presented in the appendix)

RECOMMENDATIONS/SUMMARY

All site improvements, including pavement, grading, culverts, and other features should be constructed according to the Drawings. Because this property lies within the officially designated "Karst recharge area," and because NWA BMPs suggest that existing drainage patterns be maintained, concentration of runoff should be avoided in favor of the existing sheet flow and shallow concentrated flow. Neither conventional detention nor low-impact development features such as infiltration trenches and rain gardens appear to be suitable for this site. Rain barrels and water-loving landscaping should be provided to minimize negative impacts of increasing the impervious area on the property and to avoid unfavorable situations immediately downstream. As much as possible, large areas

of the site should remain undisturbed to reduce runoff velocities and promote natural surface infiltration. Runoff coefficients and computations are included in the Appendix.

CIVIL ENGINEER'S CONTACT INFORMATION

David A. Gilbert, P.E.
Plymouth Engineering, PLLC
5714 Walden Street
Lowell, AR 72745
(479) 595-5934
david@plymoutheng.com

CERTIFICATION

Certification that drainage improvements are constructed to the City of Springdale Standards and Ordinances will be provided upon completion of construction and our final inspection.

WRITTEN SUMMARY OF THE IMPROVEMENTS

Improvements include construction of subdivision infrastructure to include a street, water mains, septic systems, single-family homes, and driveways. The project will continue to discharge runoff to the north and to the south in the existing pattern, with slight increases in impervious area. The street is designed to maintain the historical drainage path and pattern. Every effort has been made to avoid concentration of runoff in accordance with North West Arkansas Best Management Practices. Downstream receiving areas appear to be in good condition.

It is the Owner's intent to install rain barrels on each house to capture rainwater, which should have the effect of reducing runoff slightly. It is also their intent to surround the foundation of each home with water-loving plant materials in a gravel bed to increase the uptake of runoff and decrease its volume. Additional plantings along the downstream edge of each lot may also be considered to increase uptake and reduce runoff. These methods would be more in line with the USFWS requirements and NWA BMPs than would conventional detention or the aforementioned LID devices, by eliminating concentration of runoff and decreasing the amount of runoff entering the water table by utilizing evapotranspiration.

It is highly unlikely that the maximum lot coverage will ever be reached, and runoff volumes are anticipated to fall somewhere between those in the first two tables and the second two tables. Assuming maximum allowable lot coverage yields an increase in peak runoff to the north of 15.45 cfs in the 1% event. While this increase may seem substantial, it should be considered that the flow path is approximately 640 feet wide. At this width, and increase of 15.45 cfs is calculated to raise the water level by approximately 1/8th of one inch. (Calculations are included in the appendix.) This very small increase should not pose any risk to properties downstream, and the benefits of detention may well be

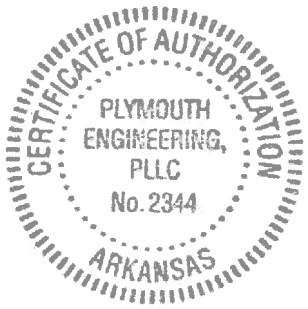
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outweighed by the environmental concerns. As a result, neither conventional detention, infiltration trenches, nor bioremediation features are recommended for this particular site.

We are not currently aware of any existing drainage problems in the area. To our knowledge, no other facility within sight of this development has provided detention, as the surrounding area is either undeveloped or single homes on large tracts of land.

CITY-REQUIRED PARAGRAPH:

"I, David A. Gilbert, Registered Professional Engineer No. 8525 in the State of Arkansas, hereby certify that the drainage studies, reports, calculations, designs, and specifications contained in this report have been prepared in accordance with the requirements of the City of Springdale. Further, I hereby acknowledge that the review of the drainage studies, reports, calculations, designs, and specifications by the City of Springdale or its representatives cannot and does not relieve me from any professional responsibility or liability."





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DRAINAGE REPORT CHECKLIST
THE CITY OF Springdale, ARKANSAS
REVISION NO. _____
DATE _____

_____ 1. PROJECT TITLE & DATE

_____ 2. PROJECT LOCATION - Include street address and Vicinity Map.

_____ 3. PROJECT DESCRIPTION - Brief description of the proposed project.

_____ 4. PROJECT OWNER, ADDRESS, AND TELEPHONE NUMBER of the owner and developer, and proof of ownership for the property to be permitted.

_____ 5. SITE AREA TOPOGRAPHIC MAP - To the nearest 0.1 acre, showing the location and elevation of benchmarks, including at least one benchmark for each control structure.

_____ 6. DRAINAGE AREA MAP of the project vicinity, covering the project area and the total lands that contributes runoff. An aerial photograph, if available, is preferred.

_____ 7. LAND USE MAP showing both current and proposed conditions for the drainage area that contributes runoff.

_____ 8. SOILS AND VEGETATION MAP displaying the most recent U.S. Soil Conversation Service information and encompassing both the project area and the drainage area that contributes runoff.

_____ 9. UPSTREAM AND DOWNSTREAM DRAINAGE – Brief description of the drainage path from the proposed site shown on a 1" = 200' minimum scale, 2-foot contour topographic map.

_____ 10. AREA DRAINAGE PROBLEMS - Description of any known onsite or downstream drainage/flooding problems

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_____ 11. SITE DRAINAGE - Description of site drainage for proposed project - include exhibit depicting different drainage areas and flow patterns (existing and proposed)

_____ 12. SUMMARY OF RUNOFF - A table with the design storm, 50-year, and 100-year storm flow comparisons for existing and proposed conditions and detention volumes required if applicable - also describe method used for determining stormwater runoff flows. The summary must include (a) the flows entering the site, (b) the pre-development flows on the site, (c) the post-development flows generated on the site, and (d) the total flows leaving the site.

_____ 13. DESIGN STORM DESIGNATED BY Q 2-, 10-, 50-, and/or 100-year and design flow rate for each culvert, inlet design, open channel, or other drainage structures. Design storm designations shall be summarized by tables.

_____ 14. OPEN CHANNEL FLOW DESIGN - Include computations for normal depth and velocity (Use Figure 9.2 or equal).

_____ 15. PAVEMENT DRAINAGE DESIGN - Include width of spread for design flow (Use Figures 6.2 through 6.6, and Figure 7.12 or equal).

_____ 16. CULVERT DESIGN - Include all computations and check for inlet/outlet control (Use Table 4.3 or equal).

_____ 17. RUNOFF COMPUTATION (use AHTD Table 5-6).

_____ 18. STORM SEWER INLET DESIGN - Include all computations (Use Figure 7.12 or equal).

_____ 19. STORM SEWER DESIGN - Include all computations (Use Table 8.1 and 8.2 or equal).

_____ 20. 100-YR WATER SURFACE ELEVATION (WSE) COMPUTATION. The water surface elevation (WSE) resulting from the 100-yr storm for all overland flow, including flow in the streets, parking lots, swales and between lots shall be calculated and shown on the construction drawings and the final plat. Minimum

floor elevation shall be shown a minimum of 2 ft. above the 100-year floor elevation on each lot when located in a designated floodplain and in areas where flooding is known to occur. Minimum floor elevations for other areas shall be a minimum of 1 foot above the calculated 100-year WSE of open channels, swales or overland flow.

_____ 21. STORMWATER DETENTION DESIGN - Include the following computations and backup/support data:

SUMMARY OF RUNOFF - A table with 2-, 10-, 50-, and 100-year storm flow comparisons for existing and proposed conditions and detention volumes required if applicable – also describe method used for determining stormwater runoff flows. The summary must include (a) the flows entering the site, (b) the pre-development flows on the site, (c) the post-development flows generated on the site, and (d) the total flows leaving the site.

_____ 22. RECOMMENDATIONS/SUMMARY - Description of any drainage improvements to be made to the site - also, the following backup/support data:

_____ a. Runoff coefficient/CN computations (existing and proposed conditions)
_____ b. Complete runoff computations for the design storm, 50-year, and 100-year storms (existing and proposed conditions)
_____ c. Detention required based on runoff Computations

_____ 1. Detention basin size requirement computations (using an approved method)

_____ 2. Release structure design computations (include release rate computations for the 2-, 10-, 25-, 50-, and 100-year storms)

_____ 3. Stage-Storage and Stage-Discharge curves for the detention facility

_____ 23. ARKANSAS REGISTERED ENGINEER SEAL – Name, address, and telephone number on letter certifying drainage improvements are constructed to the City of Springdale Standards and Ordinances.

_____ 24. WRITTEN SUMMARY OF THE IMPROVEMENTS including a summary of the off-site areas, onsite areas, condition of the downstream receiving areas, existing problems, increase flows, proposed improvements, detention or lack of detention and final conclusions.

_____ 25. ADD THE FOLLOWING PARAGRAPH TO THE DRAINAGE LETTER:

"I, _____, Registered Professional Engineer No. _____ in the State of Arkansas, hereby certify that the drainage studies, reports, calculations, designs, and specifications contained in this report have been prepared in accordance with the requirements of the City of Springdale. Further, I hereby acknowledge that the review of the drainage studies, reports, calculations, designs, and specifications by the City of Springdale or its representatives cannot and does not relieve me from any professional responsibility or liability."

_____

Signed & Sealed by Professional Engineer

National Flood Hazard Layer FIRMette



Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN — Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 — Cross Sections with 1% Annual Chance / Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/21/2022 at 10:47 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

EXHIBIT 1.43

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Soil Map—Benton County, Arkansas
(Summerlin Subdivision)



Map Scale: 1:2,290 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 30 60 120 180

Feet: 0 100 200 400 600

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84

USDA **Natural Resources Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

1/21/2022
Page 1 of 2

EXHIBIT 1.44

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Benton County, Arkansas
Survey Area Data: Version 19, Sep 13, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 13, 2019—Sep 14, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

EXHIBIT 1.45

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
NfC	Nixa very gravelly silt loam, 3 to 8 percent slopes	4.1	41.1%
TsC	Tonti gravelly silt loam, 3 to 8 percent slopes	5.9	58.9%
Totals for Area of Interest		**9.9**	**100.0%**

EXHIBIT 1.47

EXISTING TOPOGRAPHY AND DRAINAGE
1"=200'

Curve Table

Curve #	Length	Radius	Chord
C1	4.00'	9.00'	3.97'
C2	46.70'	41.00'	44.22
C3	54.14'	41.00'	50.29
C4	4.00'	9.00'	3.97'
C5	9.05'	9.00'	9.15'

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EXHIBIT 1.48

Curve Table

Curve #	Length	Radius	Chord
C1	4.00'	9.00'	3.97'
C2	46.70'	41.00'	44.22
C3	54.14'	41.00'	50.29
[illegible]	[illegible]	9.00'	3.97'
[illegible]	[illegible]	[illegible]	[illegible]

PROPOSED TOPOGRAPHY AND DRAINAGE
1"=200'

Hydrograph Return Period Recap

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Hyd. No.	Hydrograph type (origin)	Inflow hyd(s)	Peak Outflow (cfs)								Hydrograph Description
			1-yr	2-yr	3-yr	5-yr	10-yr	25-yr	50-yr	100-yr	
1	Rational	------	------	15.88	------	18.86	21.05	24.25	26.81	29.30	PRE - NORTH
2	Rational	------	------	5.516	------	6.551	7.309	8.421	9.310	10.17	PRE - SOUTH
4	Rational	------	------	19.86	------	23.58	26.31	30.31	33.51	36.62	POST - NORTH - AVG
5	Rational	------	------	5.792	------	6.879	7.674	8.842	9.775	10.68	POST - SOUTH - AVG
7	Rational	------	------	22.64	------	26.88	29.99	34.55	38.20	41.75	POST - NORTH - MAX
8	Rational	------	------	6.758	------	8.025	8.953	10.32	11.40	12.46	POST - SOUTH - MAX

Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

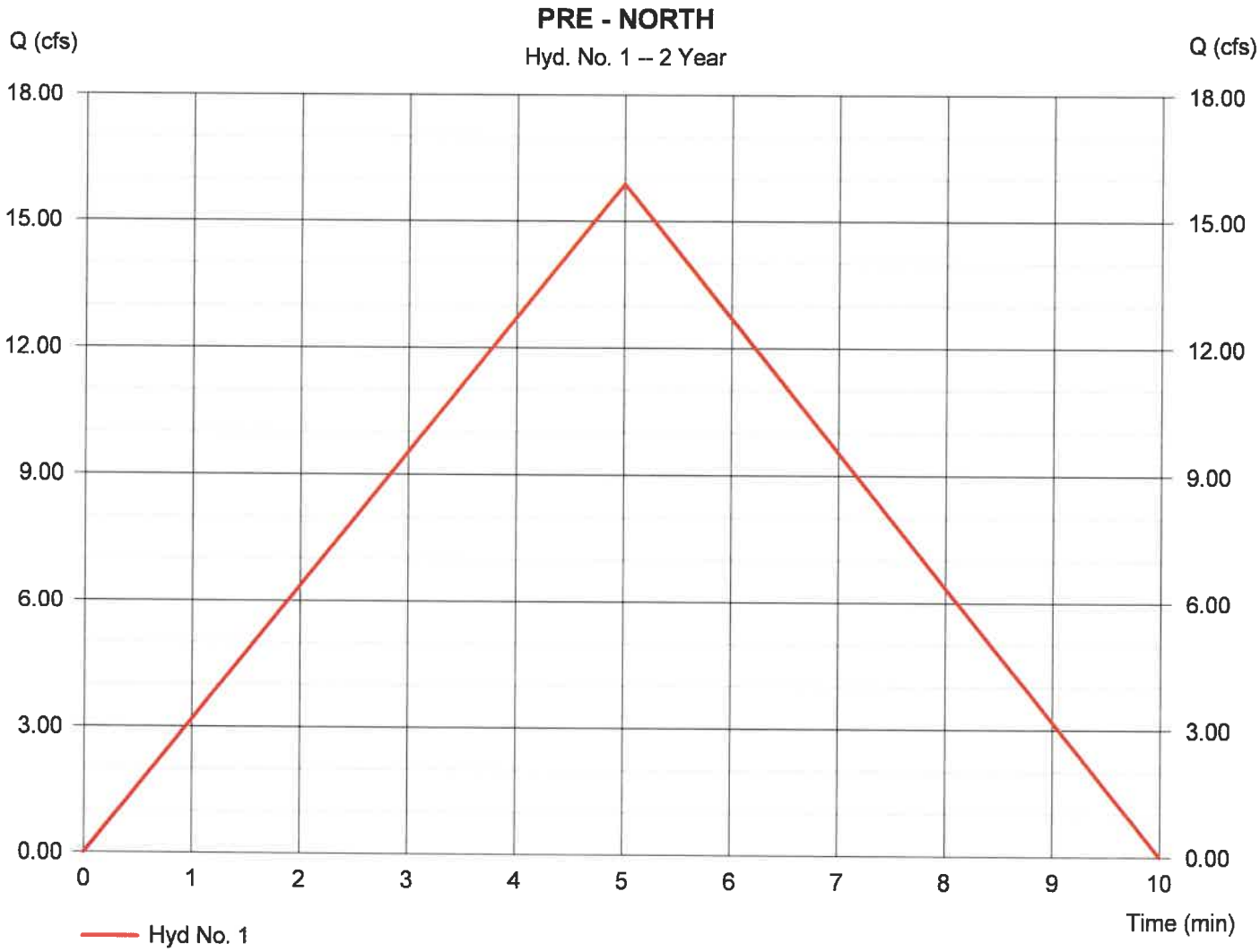
Friday, 03 / 25 / 2022

Hyd. No. 1

PRE - NORTH

Hydrograph type	= Rational	Peak discharge	= 15.88 cfs
Storm frequency	= 2 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 4,765 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.4*
Intensity	= 5.539 in/hr	Tc by User	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(7.170 x 0.40)] / 7.170



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Hydrograph Report

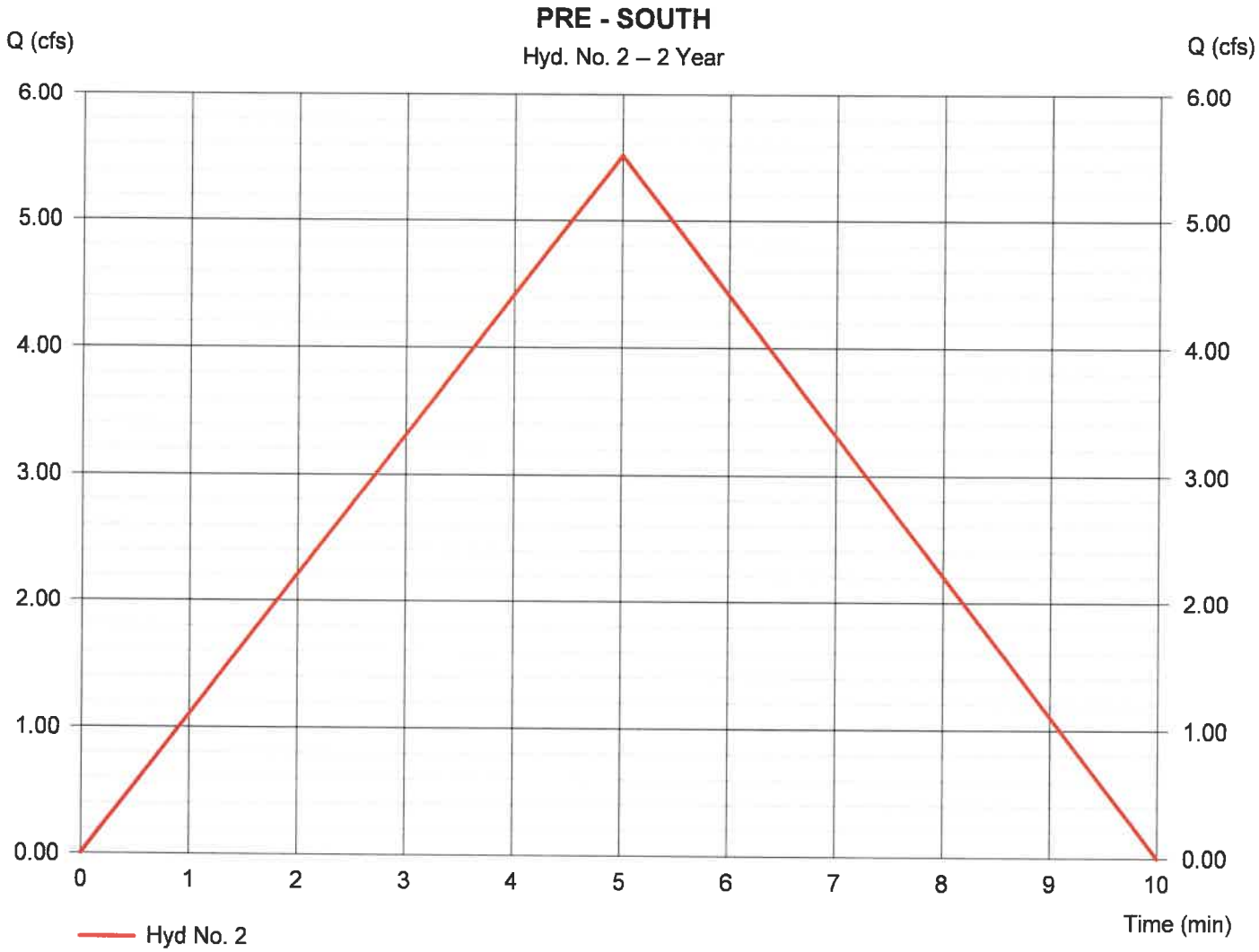
Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020 Friday, 03 / 25 / 2022

Hyd. No. 2

PRE - SOUTH

Hydrograph type	= Rational	Peak discharge	= 5.516 cfs
Storm frequency	= 2 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 1,655 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.4*
Intensity	= 5.539 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(2.490 x 0.40)] / 2.490



Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Hyd. No. 2

PRE - SOUTH

Description	A		B		C		Totals
Sheet Flow							
Manning's n-value	= 0.030		0.011		0.011		
Flow length (ft)	= 100.0		0.0		0.0		
Two-year 24-hr precip. (in)	= 3.12		0.00		0.00		
Land slope (%)	= 1.00		0.00		0.00		
Travel Time (min)	**= 3.61**	**+**	**0.00**	**+**	**0.00**	**=**	**3.61**
Shallow Concentrated Flow							
Flow length (ft)	= 163.00		0.00		0.00		
Watercourse slope (%)	= 1.50		0.00		0.00		
Surface description	= Unpaved		Paved		Paved		
Average velocity (ft/s)	=1.98		0.00		0.00		
Travel Time (min)	**= 1.37**	**+**	**0.00**	**+**	**0.00**	**=**	**1.37**
Channel Flow							
X sectional flow area (sqft)	= 0.00		0.00		0.00		
Wetted perimeter (ft)	= 0.00		0.00		0.00		
Channel slope (%)	= 0.00		0.00		0.00		
Manning's n-value	= 0.015		0.015		0.015		
Velocity (ft/s)	=0.00						
			0.00				
					0.00		
Flow length (ft)	({0})0.0		0.0		0.0		
Travel Time (min)	**= 0.00**	**+**	**0.00**	**+**	**0.00**	**=**	**0.00**

Total Travel Time, Tc ..... 5.00 min

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Hydrograph Report

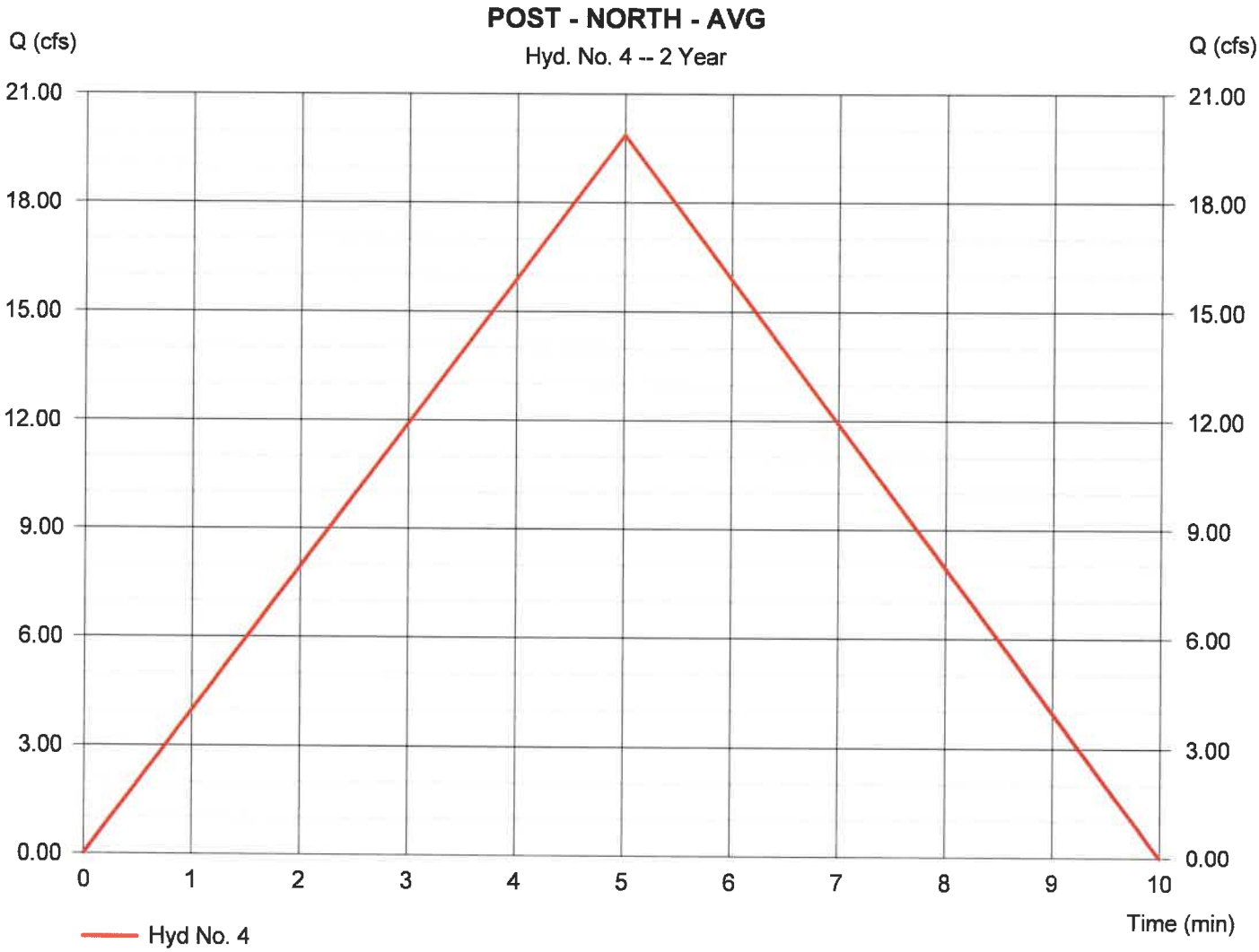
Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020 — Friday, 03 / 25 / 2022

Hyd. No. 4

POST - NORTH - AVG

Hydrograph type	= Rational	Peak discharge	= 19.86 cfs
Storm frequency	= 2 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 5,957 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.5*
Intensity	= 5.539 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(5.810 x 0.40) + (0.210 x 0.70) + (0.750 x 0.90) + (0.170 x 0.70) + (0.230 x 0.90)] / 7.170



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Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Hyd. No. 4

POST - NORTH - AVG

Description	A		B		C		Totals
Sheet Flow							
Manning's n-value	= 0.030		0.011		0.011		
Flow length (ft)	= 100.0		0.0		0.0		
Two-year 24-hr precip. (in)	= 3.12		0.00		0.00		
Land slope (%)	= 1.70		0.00		0.00		
Travel Time (min)	**= 2.92**	**+**	**0.00**	**+**	**0.00**	**=**	**2.92**
Shallow Concentrated Flow							
Flow length (ft)	= 271.00		0.00		0.00		
Watercourse slope (%)	= 4.00		0.00		0.00		
Surface description	= Unpaved		Paved		Paved		
Average velocity (ft/s)	=3.23		0.00		0.00		
Travel Time (min)	**= 1.40**	**+**	**0.00**	**+**	**0.00**	**=**	**1.40**
Channel Flow							
X sectional flow area (sqft)	= 0.00		0.00		0.00		
Wetted perimeter (ft)	= 0.00		0.00		0.00		
Channel slope (%)	= 0.00		0.00		0.00		
Manning's n-value	= 0.015		0.015		0.015		
Velocity (ft/s)	=0.00		0.00		0.00		
Flow length (ft)	({0})0.0		0.0		0.0		
Travel Time (min)	**= 0.00**	**+**	**0.00**	**+**	**0.00**	**=**	**0.00**

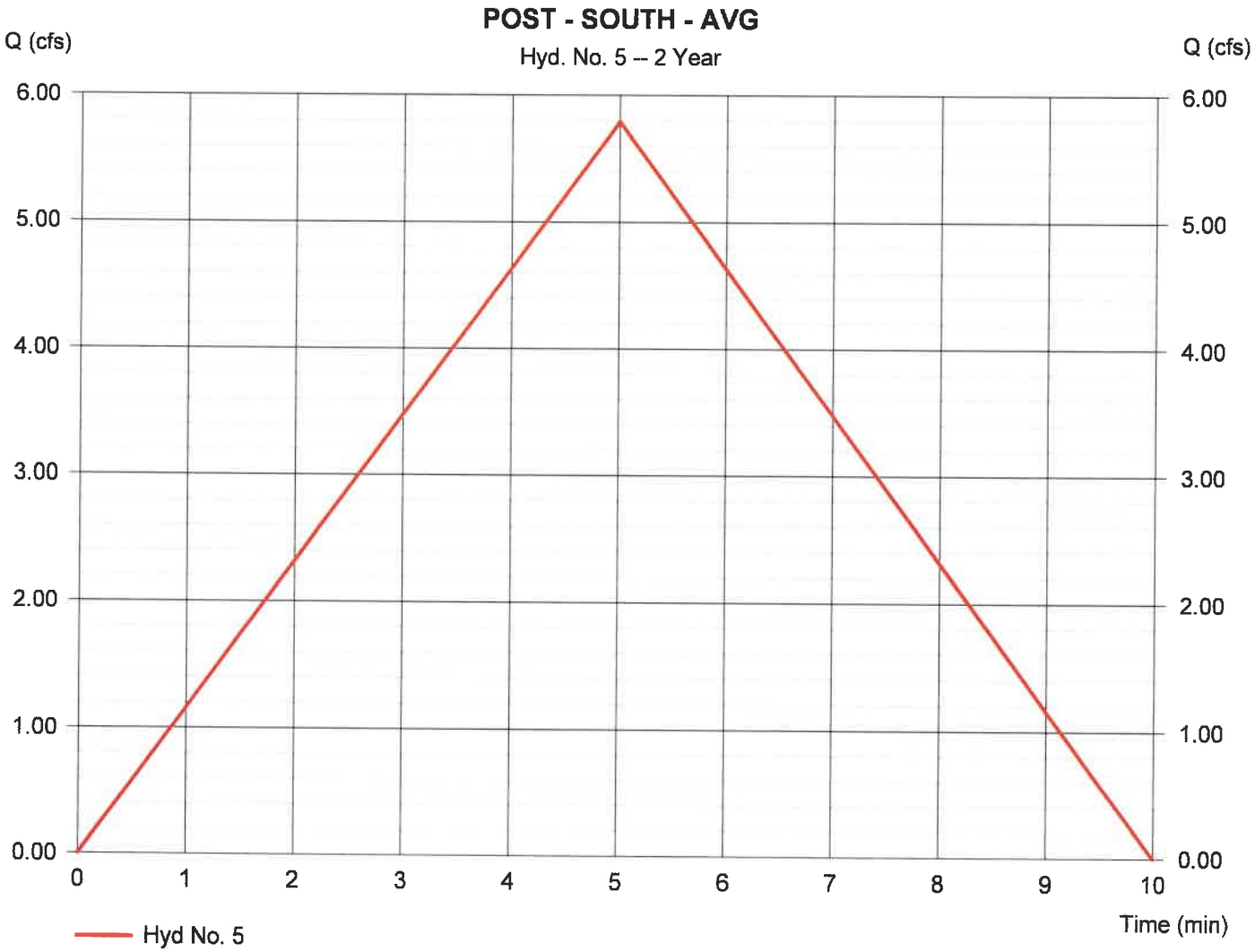
Total Travel Time, Tc ..... 5.00 min

Hyd. No. 5

POST - SOUTH - AVG

Hydrograph type	= Rational	Peak discharge	= 5.792 cfs
Storm frequency	= 2 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 1,738 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.42*
Intensity	= 5.539 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(2.380 x 0.40) + (0.030 x 0.70) + (0.080 x 0.90)] / 2.490



TR55 Tc Worksheet

EXHIBIT 1.56 [8]

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Hyd. No. 5

POST - SOUTH - AVG

Description	A		B		C		Totals
Sheet Flow							
Manning's n-value	= 0.030		0.011		0.011		
Flow length (ft)	= 100.0		0.0		0.0		
Two-year 24-hr precip. (in)	= 3.12		0.00		0.00		
Land slope (%)	= 1.00		0.00		0.00		
Travel Time (min)	**= 3.61**	**+**	**0.00**	**+**	**0.00**	**=**	**3.61**
Shallow Concentrated Flow							
Flow length (ft)	= 163.00		0.00		0.00		
Watercourse slope (%)	= 1.50		0.00		0.00		
Surface description	= Unpaved		Paved		Paved		
Average velocity (ft/s)	=1.98		0.00		0.00		
Travel Time (min)	**= 1.37**	**+**	**0.00**	**+**	**0.00**	**=**	**1.37**
Channel Flow							
X sectional flow area (sqft)	= 0.00		0.00		0.00		
Wetted perimeter (ft)	= 0.00		0.00		0.00		
Channel slope (%)	= 0.00		0.00		0.00		
Manning's n-value	= 0.015		0.015		0.015		
Velocity (ft/s)	=0.00						
			0.00				
					0.00		
Flow length (ft)	({0})0.0		0.0		0.0		
Travel Time (min)	**= 0.00**	**+**	**0.00**	**+**	**0.00**	**=**	**0.00**

Total Travel Time, Tc ..... 5.00 min

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Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

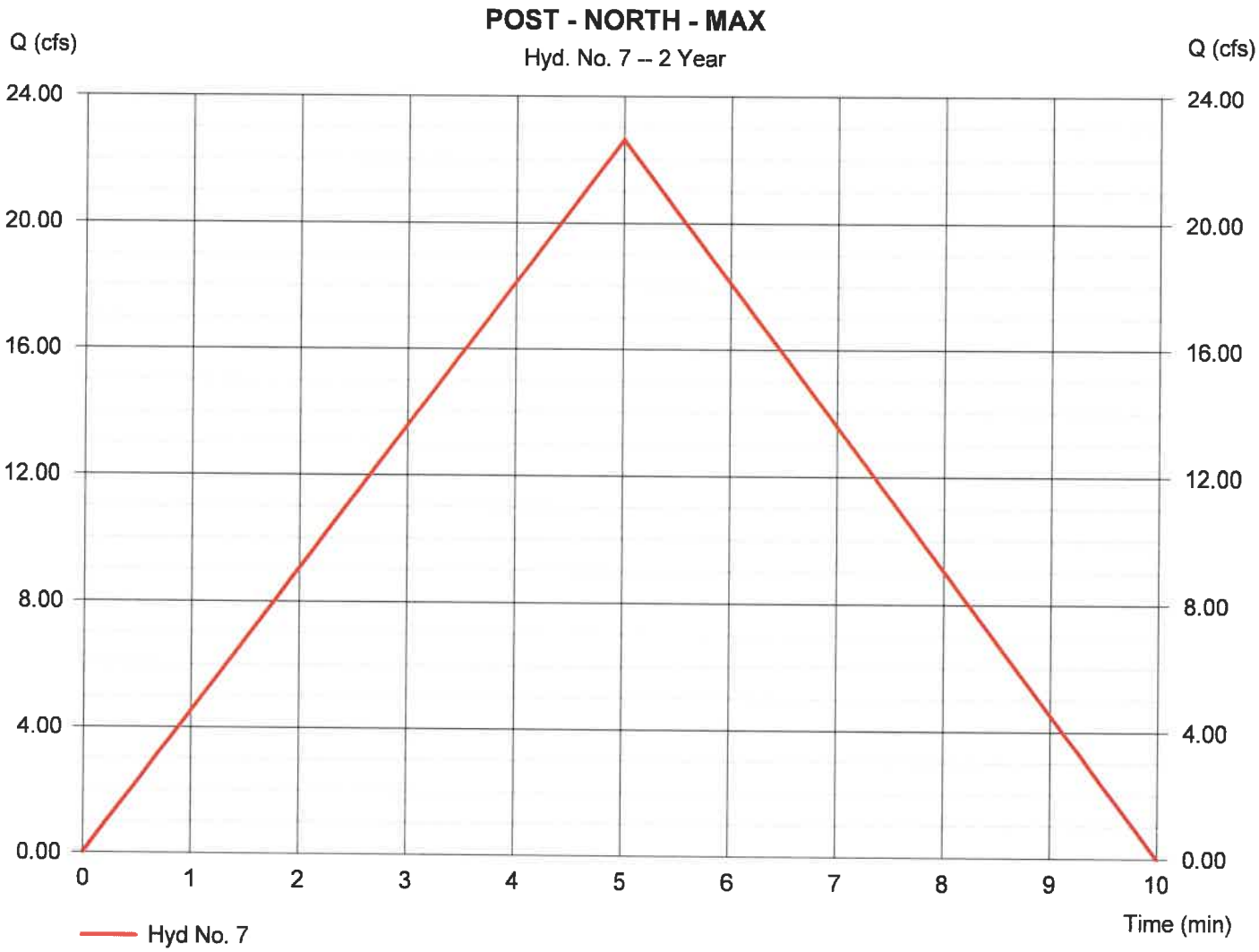
Friday, 03 / 25 / 2022

Hyd. No. 7

POST - NORTH - MAX

Hydrograph type	= Rational	Peak discharge	= 22.64 cfs
Storm frequency	= 2 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 6,791 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.57*
Intensity	= 5.539 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(4.630 x 0.40) + (0.210 x 0.70) + (0.750 x 0.90) + (0.170 x 0.70) + (1.410 x 0.90)] / 7.170



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TR55 Tc Worksheet

EXHIBIT 1.58[10]

Hyd. No. 7

POST - NORTH - MAX

Description	A		B		C		Totals
Sheet Flow							
Manning's n-value	= 0.030		0.011		0.011		
Flow length (ft)	= 100.0		0.0		0.0		
Two-year 24-hr precip. (in)	= 3.12		0.00		0.00		
Land slope (%)	= 1.70		0.00		0.00		
Travel Time (min)	**= 2.92**	**+**	**0.00**	**+**	**0.00**	**=**	**2.92**
Shallow Concentrated Flow							
Flow length (ft)	= 271.00		0.00		0.00		
Watercourse slope (%)	= 4.00		0.00		0.00		
Surface description	= Unpaved		Paved		Paved		
Average velocity (ft/s)	=3.23		0.00		0.00		
Travel Time (min)	**= 1.40**	**+**	**0.00**	**+**	**0.00**	**=**	**1.40**
Channel Flow							
X sectional flow area (sqft)	= 0.00		0.00		0.00		
Wetted perimeter (ft)	= 0.00		0.00		0.00		
Channel slope (%)	= 0.00		0.00		0.00		
Manning's n-value	= 0.015		0.015		0.015		
Velocity (ft/s)	=0.00						
			0.00				
					0.00		
Flow length (ft)	({0})0.0		0.0		0.0		
Travel Time (min)	**= 0.00**	**+**	**0.00**	**+**	**0.00**	**=**	**0.00**

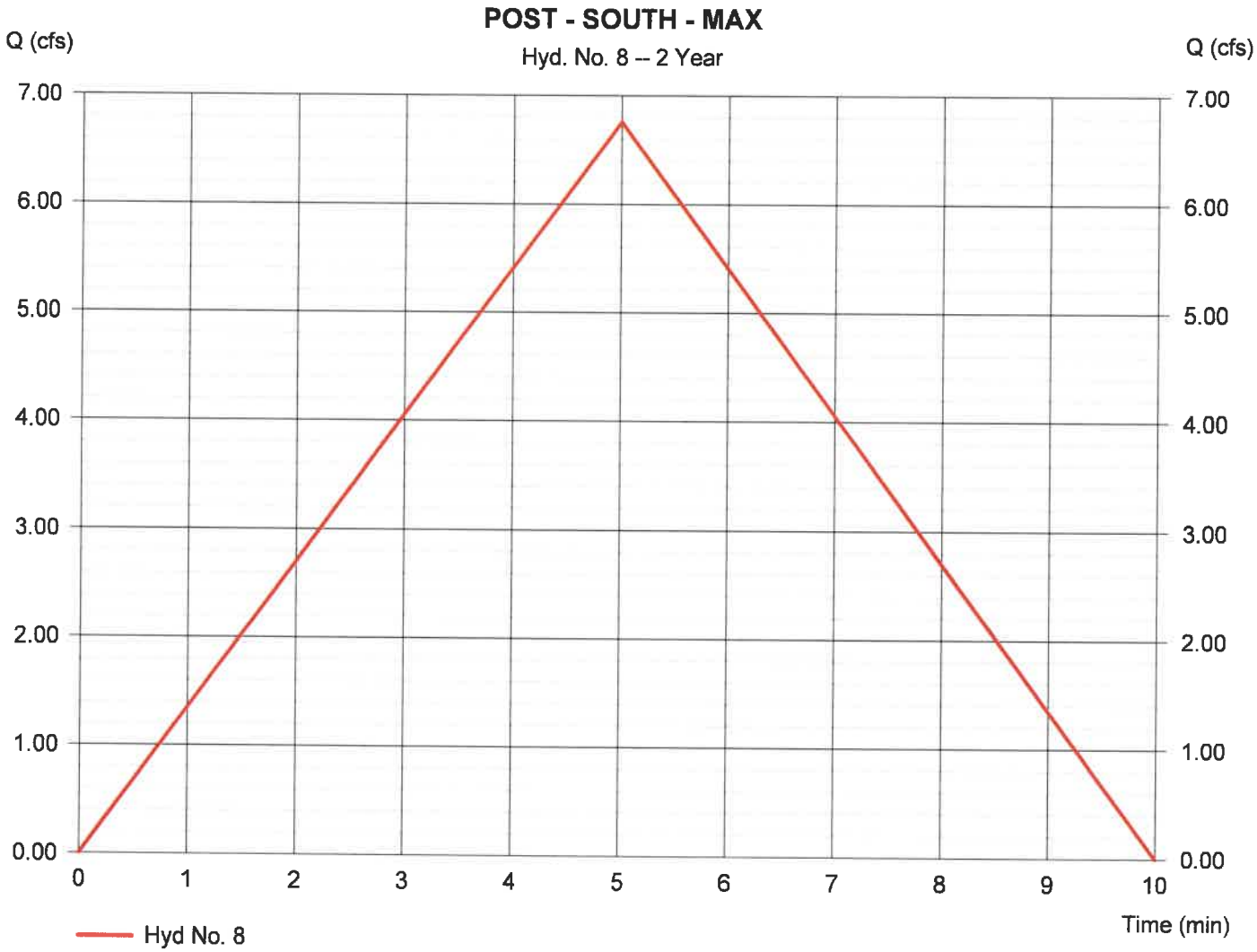
Total Travel Time, Tc ..... 5.00 min

Hyd. No. 8

POST - SOUTH - MAX

Hydrograph type	= Rational	Peak discharge	= 6.758 cfs
Storm frequency	= 2 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 2,027 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.49*
Intensity	= 5.539 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(1.940 x 0.40) + (0.030 x 0.70) + (0.520 x 0.90)] / 2.490



Hyd. No. 8

POST - SOUTH - MAX

Description	A		B		C		Totals
Sheet Flow							
Manning's n-value	= 0.030		0.011		0.011		
Flow length (ft)	= 100.0		0.0		0.0		
Two-year 24-hr precip. (in)	= 3.12		0.00		0.00		
Land slope (%)	= 1.00		0.00		0.00		
Travel Time (min)	**= 3.61**	**+**	**0.00**	**+**	**0.00**	**=**	**3.61**
Shallow Concentrated Flow							
Flow length (ft)	= 163.00		0.00		0.00		
Watercourse slope (%)	= 1.50		0.00		0.00		
Surface description	= Unpaved		Paved		Paved		
Average velocity (ft/s)	=1.98		0.00		0.00		
Travel Time (min)	**= 1.37**	**+**	**0.00**	**+**	**0.00**	**=**	**1.37**
Channel Flow							
X sectional flow area (sqft)	= 0.00		0.00		0.00		
Wetted perimeter (ft)	= 0.00		0.00		0.00		
Channel slope (%)	= 0.00		0.00		0.00		
Manning's n-value	= 0.015		0.015		0.015		
Velocity (ft/s)	=0.00						
			0.00				
					0.00		
Flow length (ft)	({0})0.0		0.0		0.0		
Travel Time (min)	**= 0.00**	**+**	**0.00**	**+**	**0.00**	**=**	**0.00**

Total Travel Time, Tc ..... **5.00 min**

Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

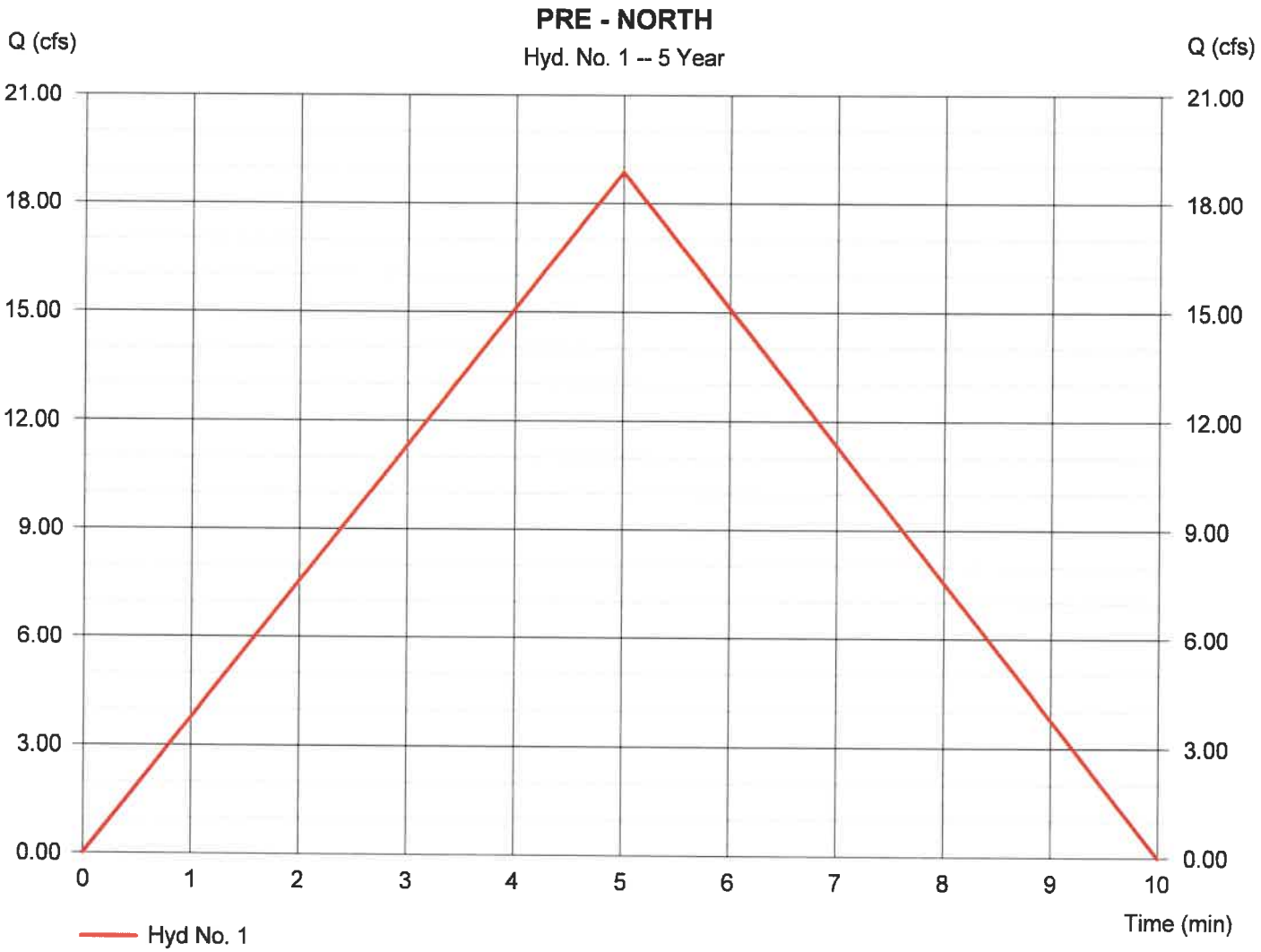
Friday, 03 / 25 / 2022

Hyd. No. 1

PRE - NORTH

Hydrograph type	= Rational	Peak discharge	= 18.86 cfs
Storm frequency	= 5 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 5,659 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.4*
Intensity	= 6.577 in/hr	Tc by User	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(7.170 x 0.40)] / 7.170



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

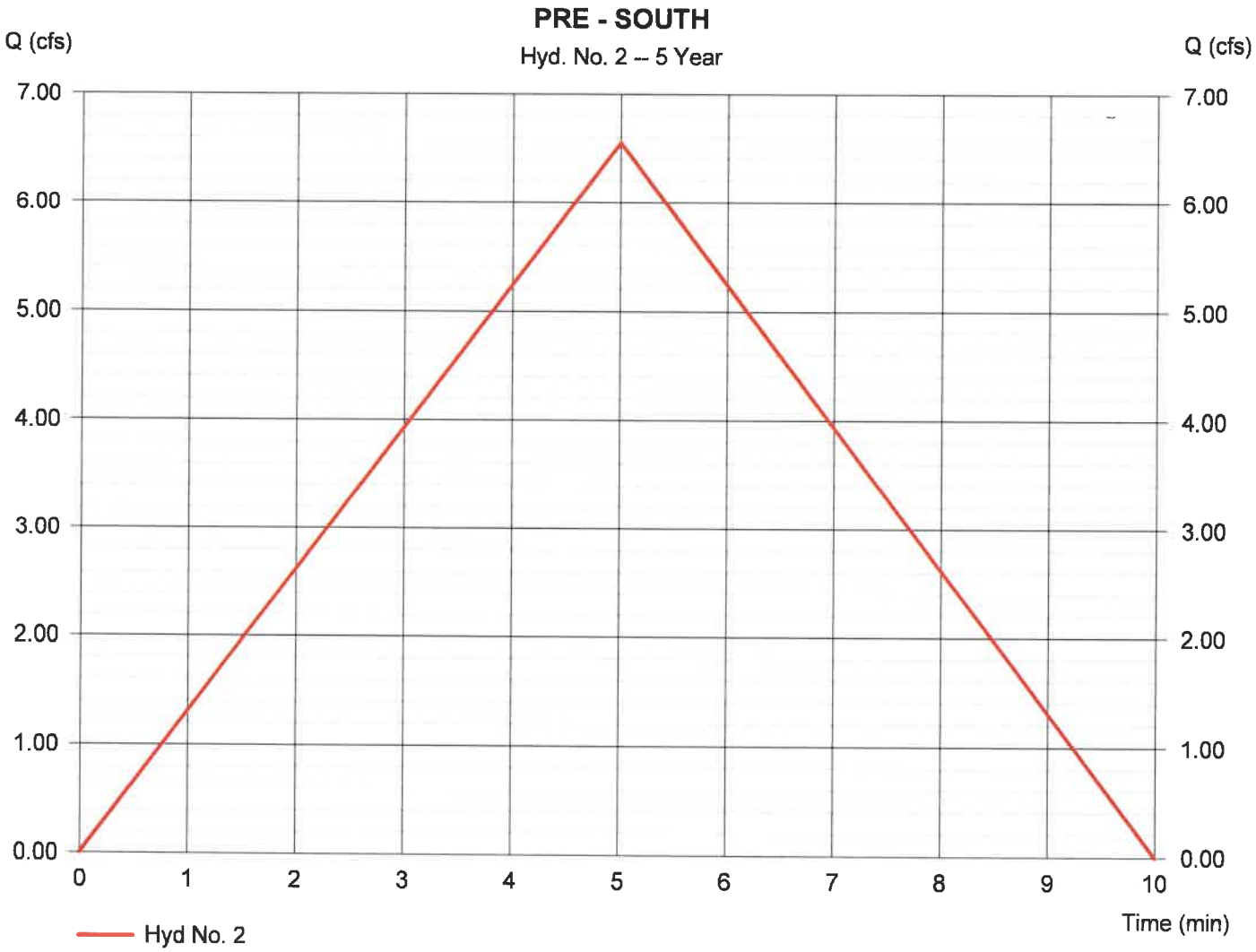
Friday, 03 / 25 / 2022

Hyd. No. 2

PRE - SOUTH

Hydrograph type	= Rational	Peak discharge	= 6.551 cfs
Storm frequency	= 5 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 1,965 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.4*
Intensity	= 6.577 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(2.490 x 0.40)] / 2.490



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Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

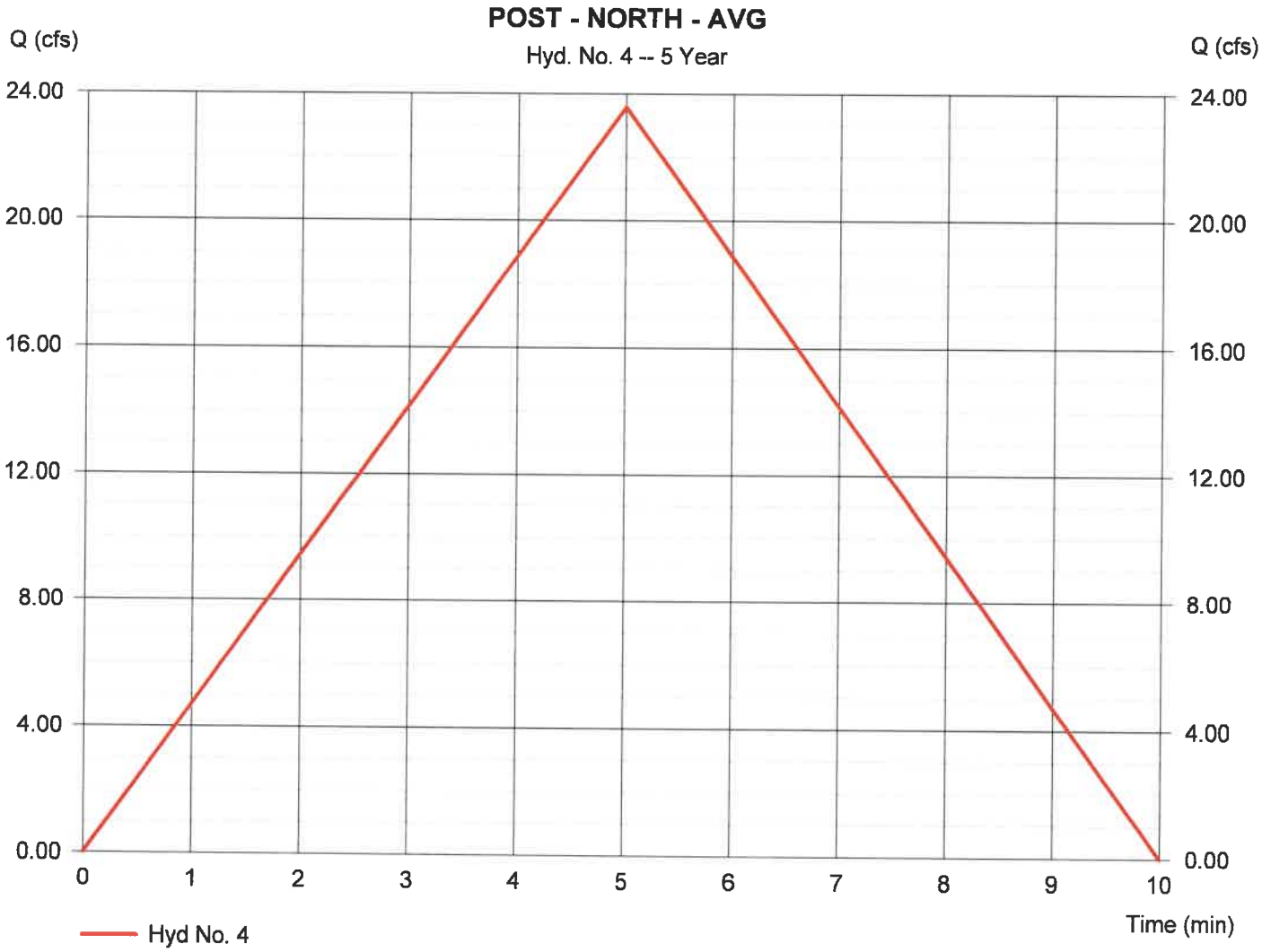
Friday, 03 / 25 / 2022

Hyd. No. 4

POST - NORTH - AVG

Hydrograph type	= Rational	Peak discharge	= 23.58 cfs
Storm frequency	= 5 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 7,074 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.5*
Intensity	= 6.577 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(5.810 x 0.40) + (0.210 x 0.70) + (0.750 x 0.90) + (0.170 x 0.70) + (0.230 x 0.90)] / 7.170



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Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

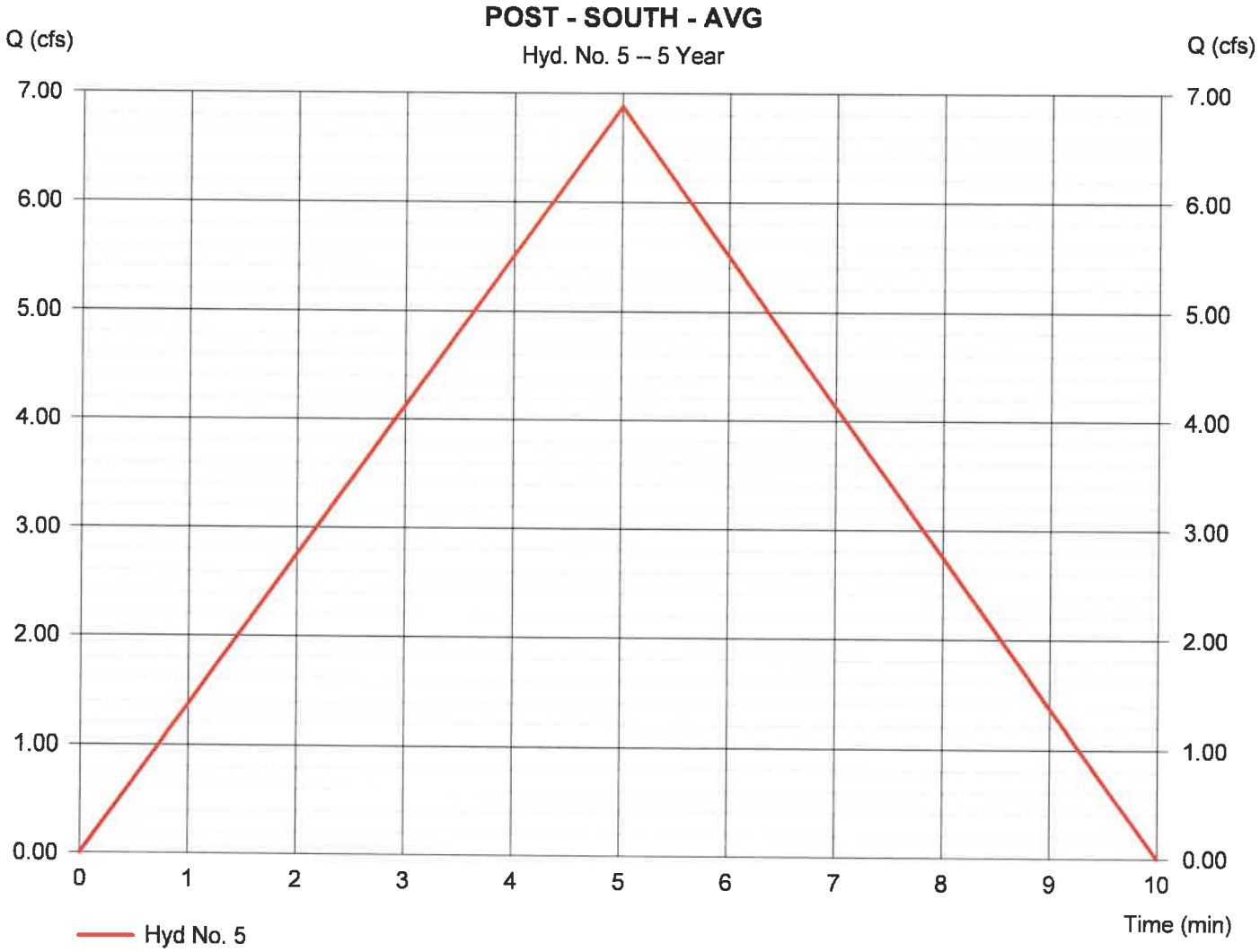
Friday, 03 / 25 / 2022

Hyd. No. 5

POST - SOUTH - AVG

Hydrograph type	= Rational	Peak discharge	= 6.879 cfs
Storm frequency	= 5 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 2,064 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.42*
Intensity	= 6.577 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(2.380 x 0.40) + (0.030 x 0.70) + (0.080 x 0.90)] / 2.490



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

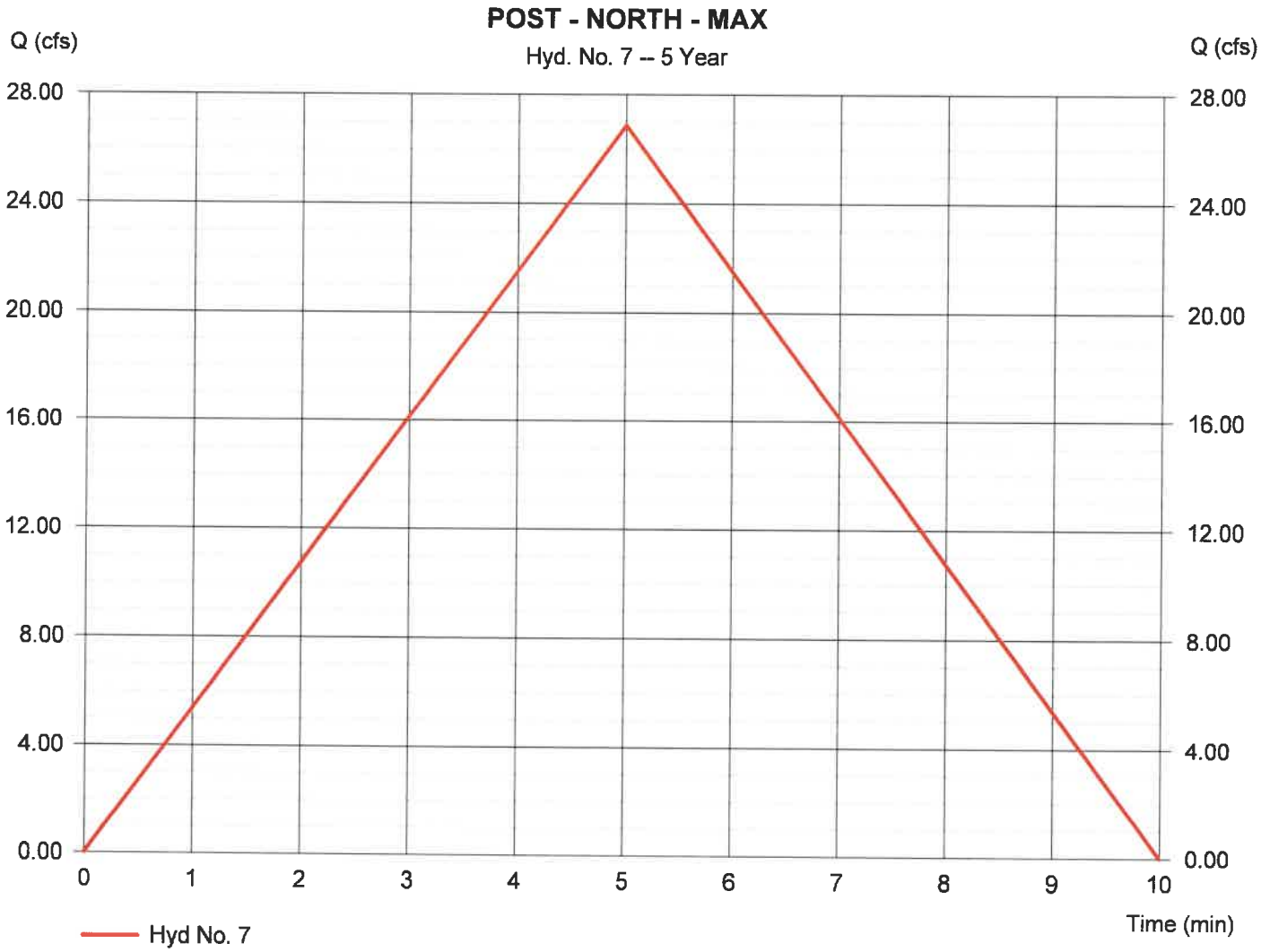
Friday, 03 / 25 / 2022

Hyd. No. 7

POST - NORTH - MAX

Hydrograph type	= Rational	Peak discharge	= 26.88 cfs
Storm frequency	= 5 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 8,064 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.57*
Intensity	= 6.577 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(4.630 x 0.40) + (0.210 x 0.70) + (0.750 x 0.90) + (0.170 x 0.70) + (1.410 x 0.90)] / 7.170



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Hydrograph Report

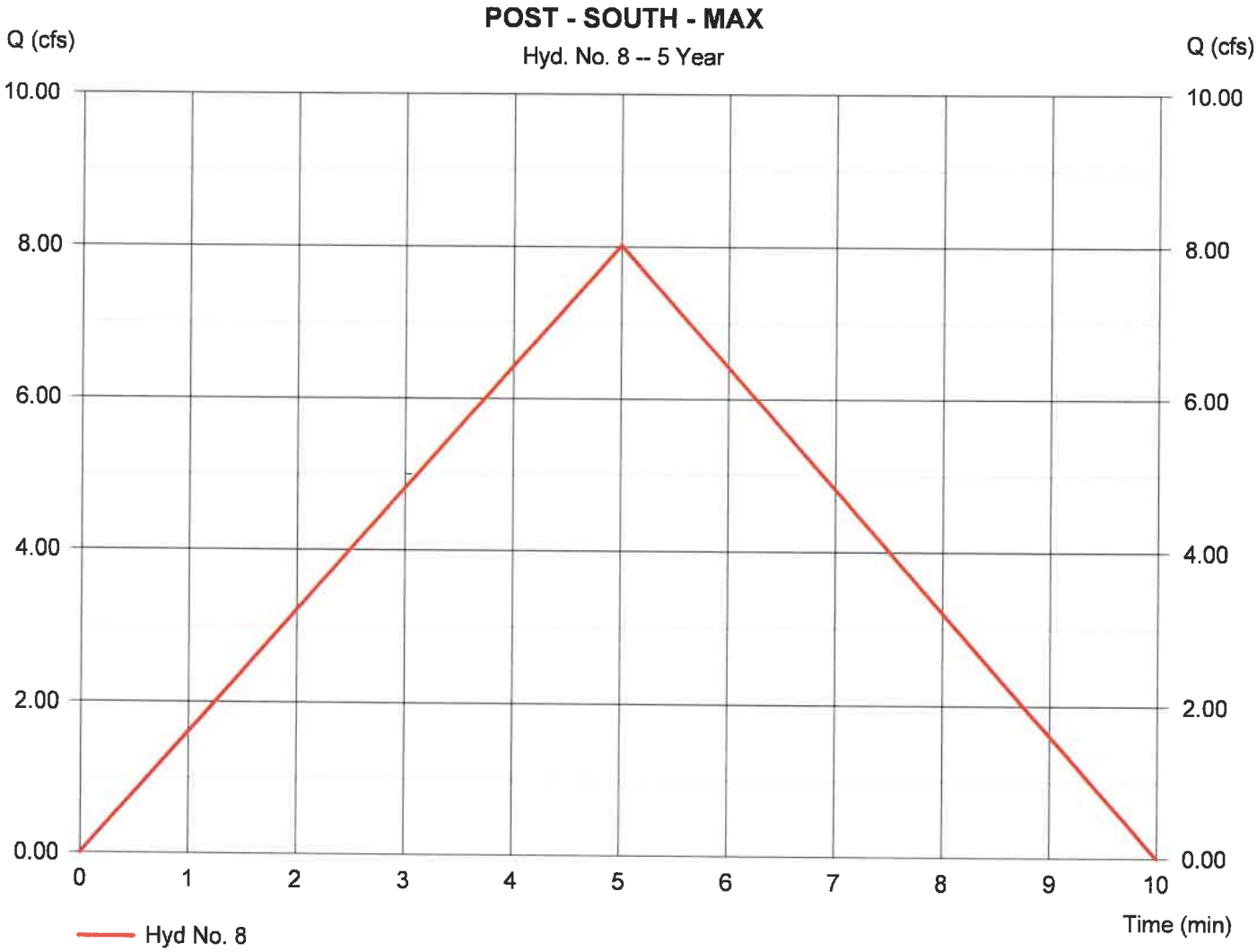
Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

Hyd. No. 8

POST - SOUTH - MAX

Hydrograph type	= Rational	Peak discharge	= 8.025 cfs
Storm frequency	= 5 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 2,408 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.49*
Intensity	= 6.577 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(1.940 x 0.40) + (0.030 x 0.70) + (0.520 x 0.90)] / 2.490



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Hydrograph Report

EXHIBIT 1.67[19]

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

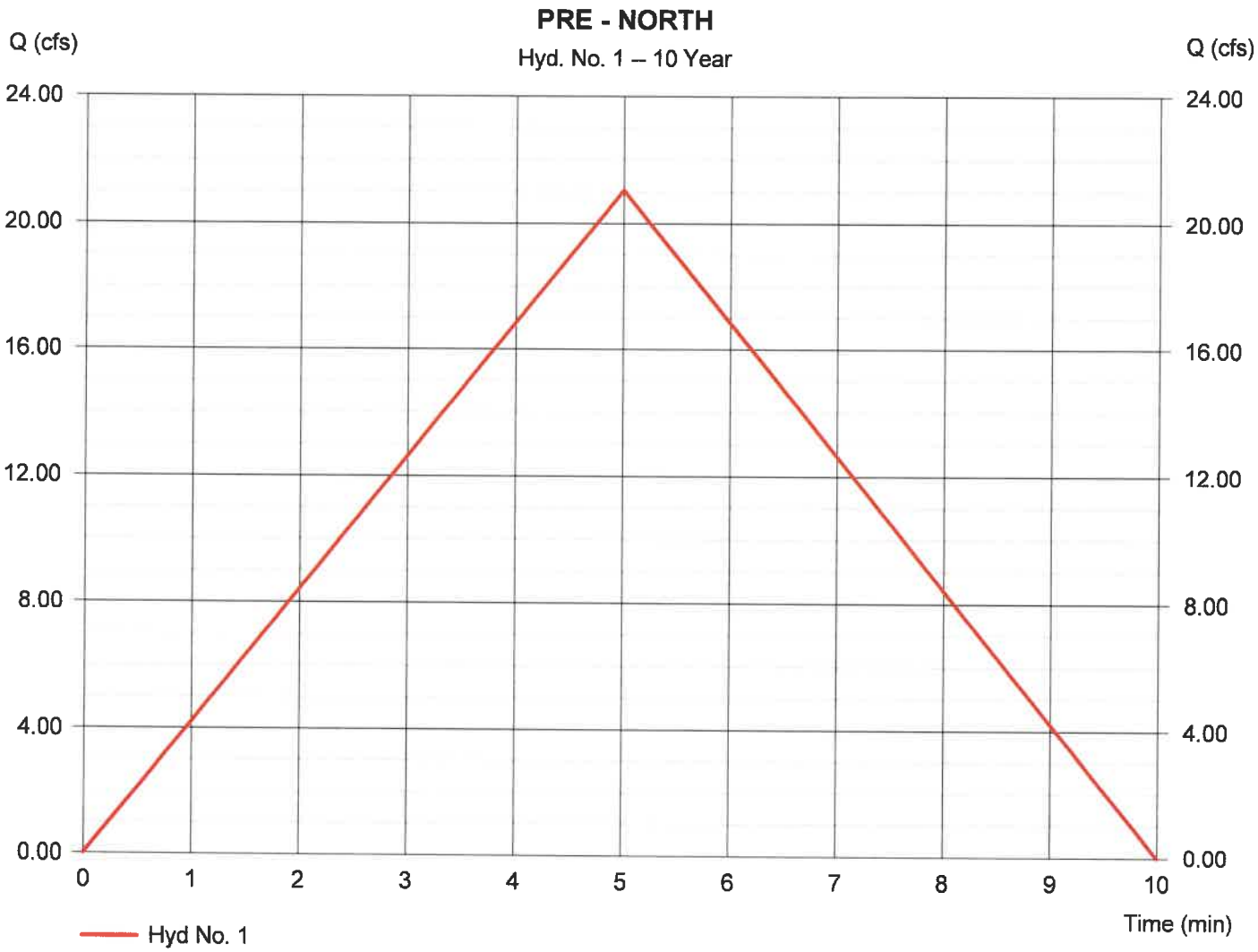
Friday, 03 / 25 / 2022

Hyd. No. 1

PRE - NORTH

Hydrograph type	= Rational	Peak discharge	= 21.05 cfs
Storm frequency	= 10 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 6,314 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.4*
Intensity	= 7.338 in/hr	Tc by User	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(7.170 x 0.40)] / 7.170



Hydrograph Report

EXHIBIT 1.68[20]

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

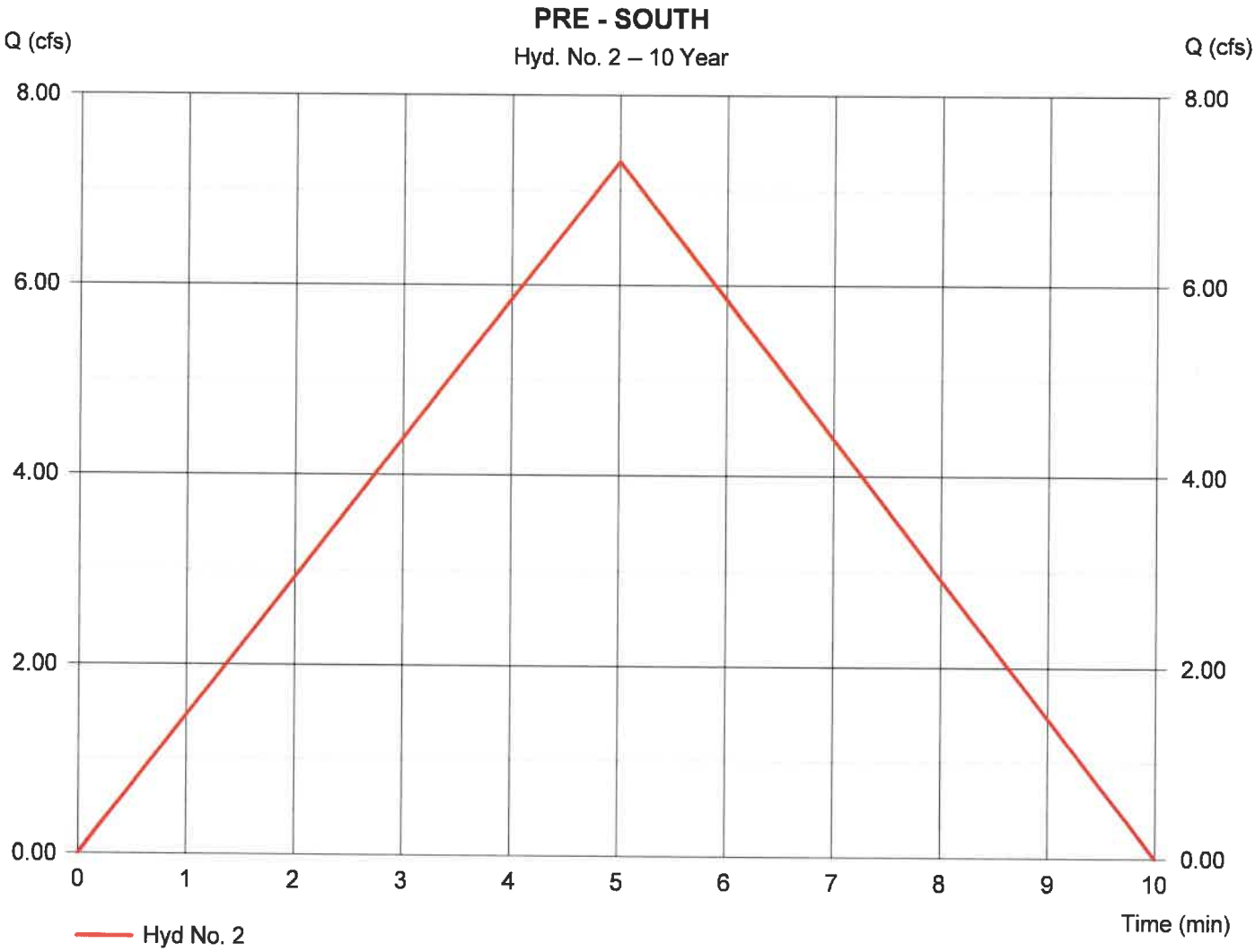
Friday, 03 / 25 / 2022

Hyd. No. 2

PRE - SOUTH

Hydrograph type	= Rational	Peak discharge	= 7.309 cfs
Storm frequency	= 10 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 2,193 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.4*
Intensity	= 7.338 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(2.490 x 0.40)] / 2.490



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

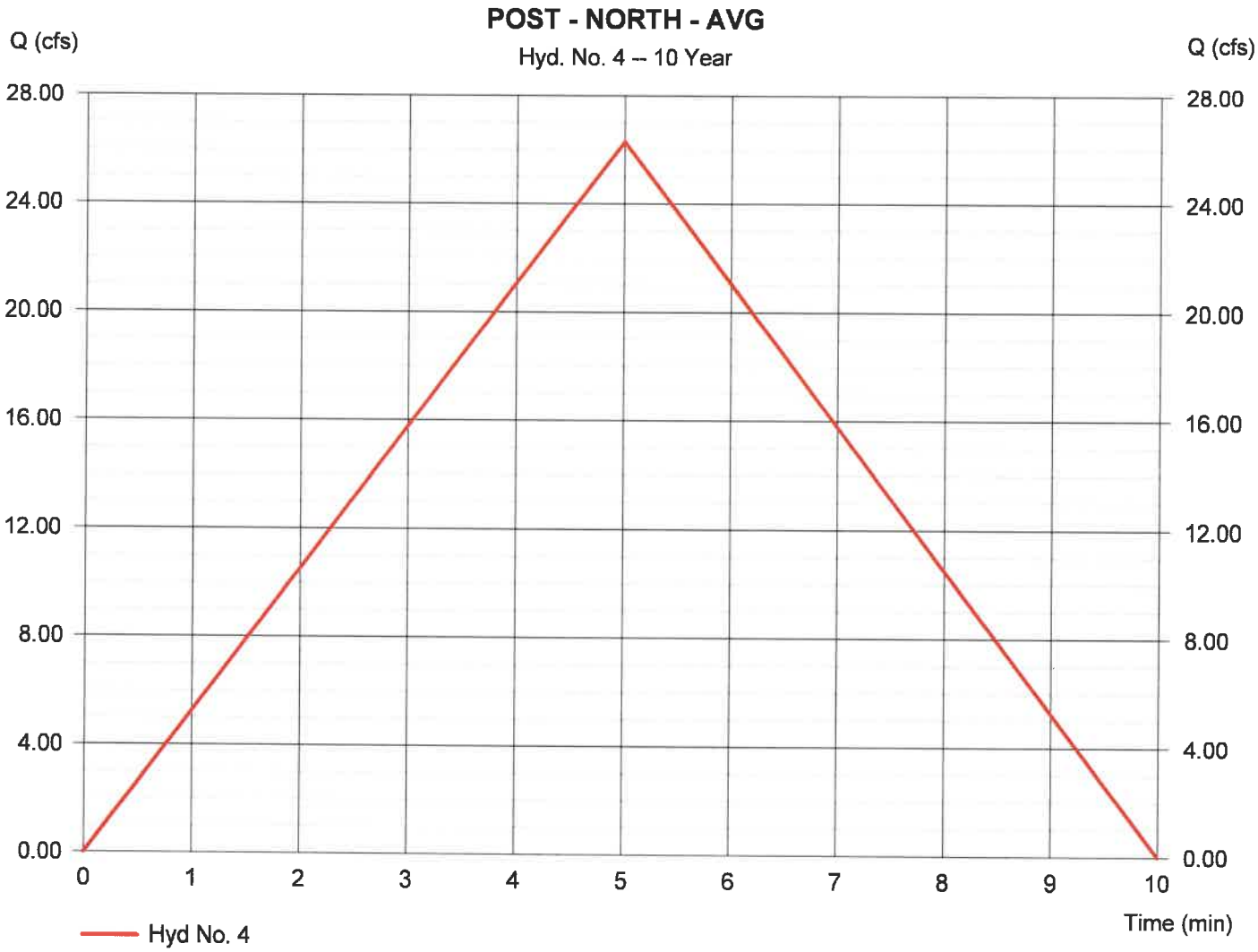
Friday, 03 / 25 / 2022

Hyd. No. 4

POST - NORTH - AVG

Hydrograph type	= Rational	Peak discharge	= 26.31 cfs
Storm frequency	= 10 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 7,892 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.5*
Intensity	= 7.338 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(5.810 x 0.40) + (0.210 x 0.70) + (0.750 x 0.90) + (0.170 x 0.70) + (0.230 x 0.90)] / 7.170



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Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

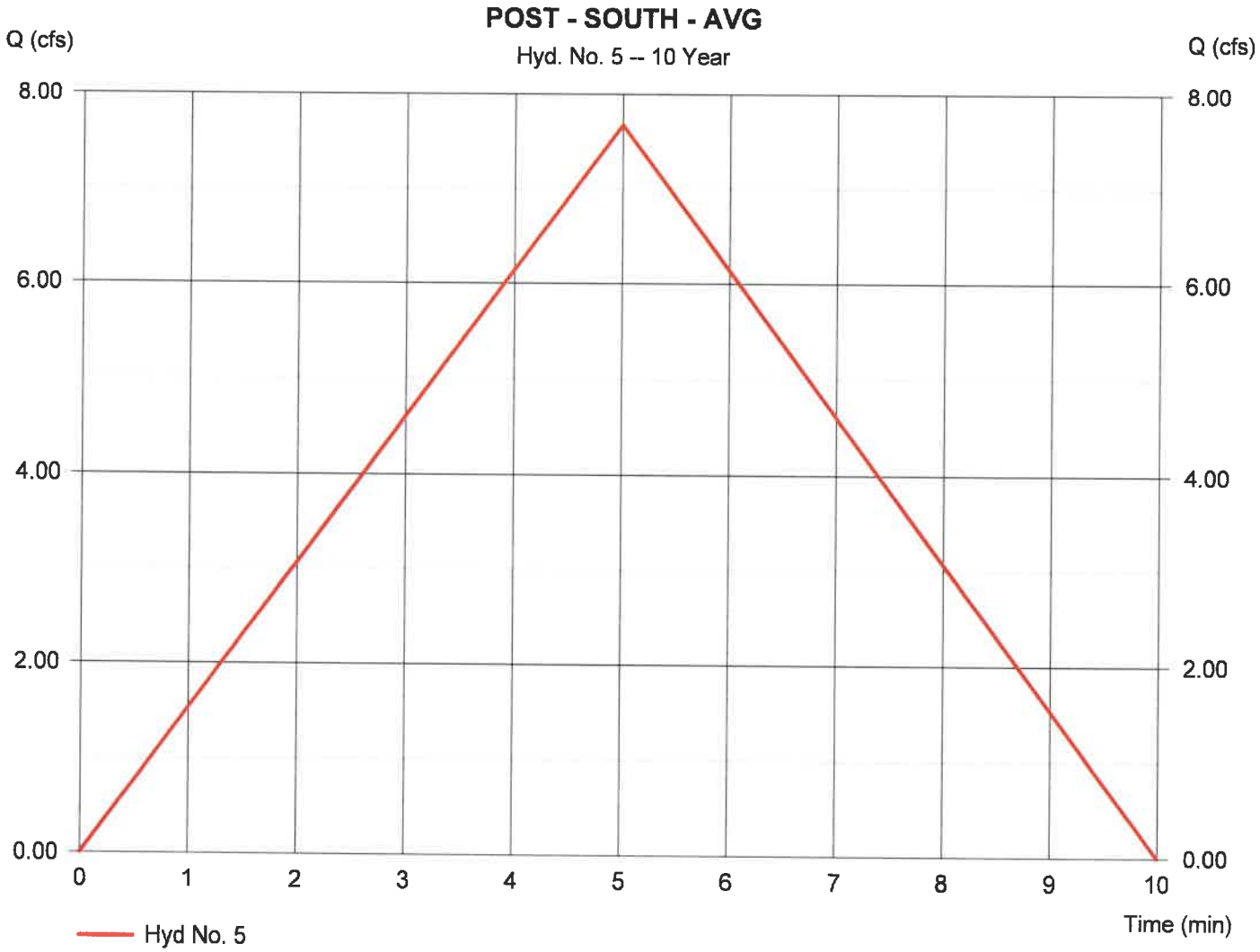
Friday, 03 / 25 / 2022

Hyd. No. 5

POST - SOUTH - AVG

Hydrograph type	= Rational	Peak discharge	= 7.674 cfs
Storm frequency	= 10 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 2,302 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.42*
Intensity	= 7.338 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(2.380 x 0.40) + (0.030 x 0.70) + (0.080 x 0.90)] / 2.490



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Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

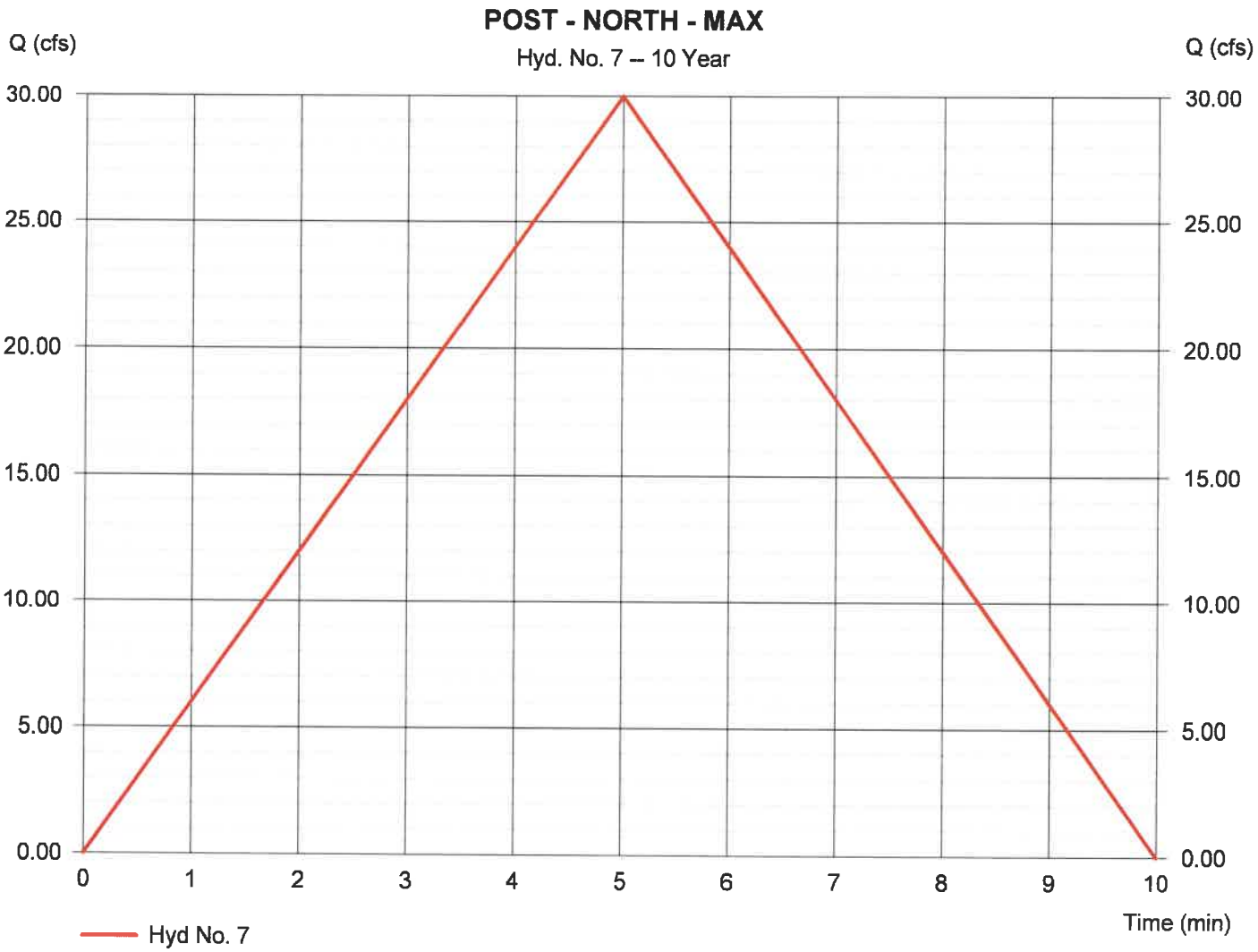
Friday, 03 / 25 / 2022

Hyd. No. 7

POST - NORTH - MAX

Hydrograph type	= Rational	Peak discharge	= 29.99 cfs
Storm frequency	= 10 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 8,997 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.57*
Intensity	= 7.338 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(4.630 x 0.40) + (0.210 x 0.70) + (0.750 x 0.90) + (0.170 x 0.70) + (1.410 x 0.90)] / 7.170



Hydrograph Report

EXHIBIT 1.72[24]

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

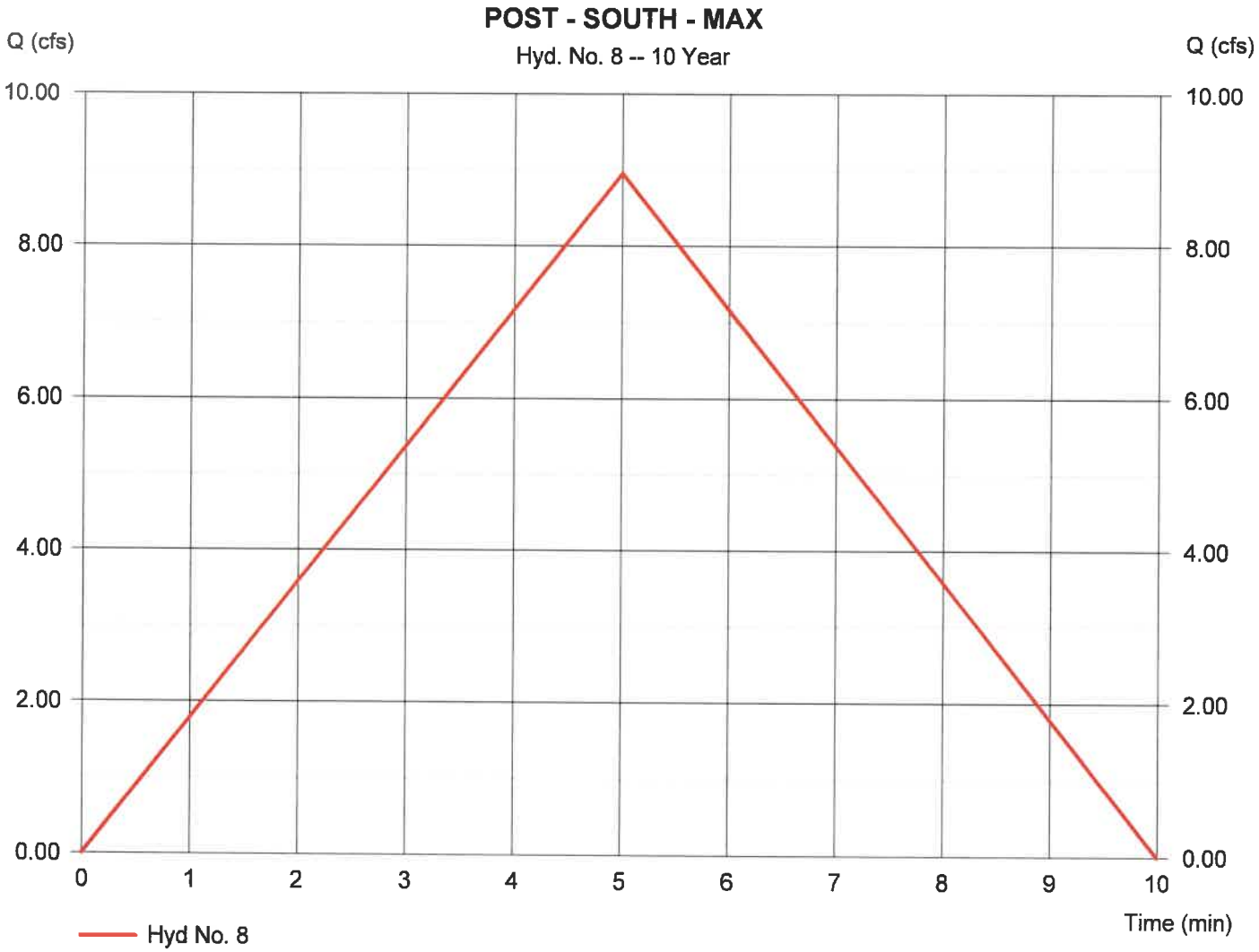
Friday, 03 / 25 / 2022

Hyd. No. 8

POST - SOUTH - MAX

Hydrograph type	= Rational	Peak discharge	= 8.953 cfs
Storm frequency	= 10 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 2,686 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.49*
Intensity	= 7.338 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(1.940 x 0.40) + (0.030 x 0.70) + (0.520 x 0.90)] / 2.490



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Hydrograph Report

EXHIBIT 1.73[25]

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

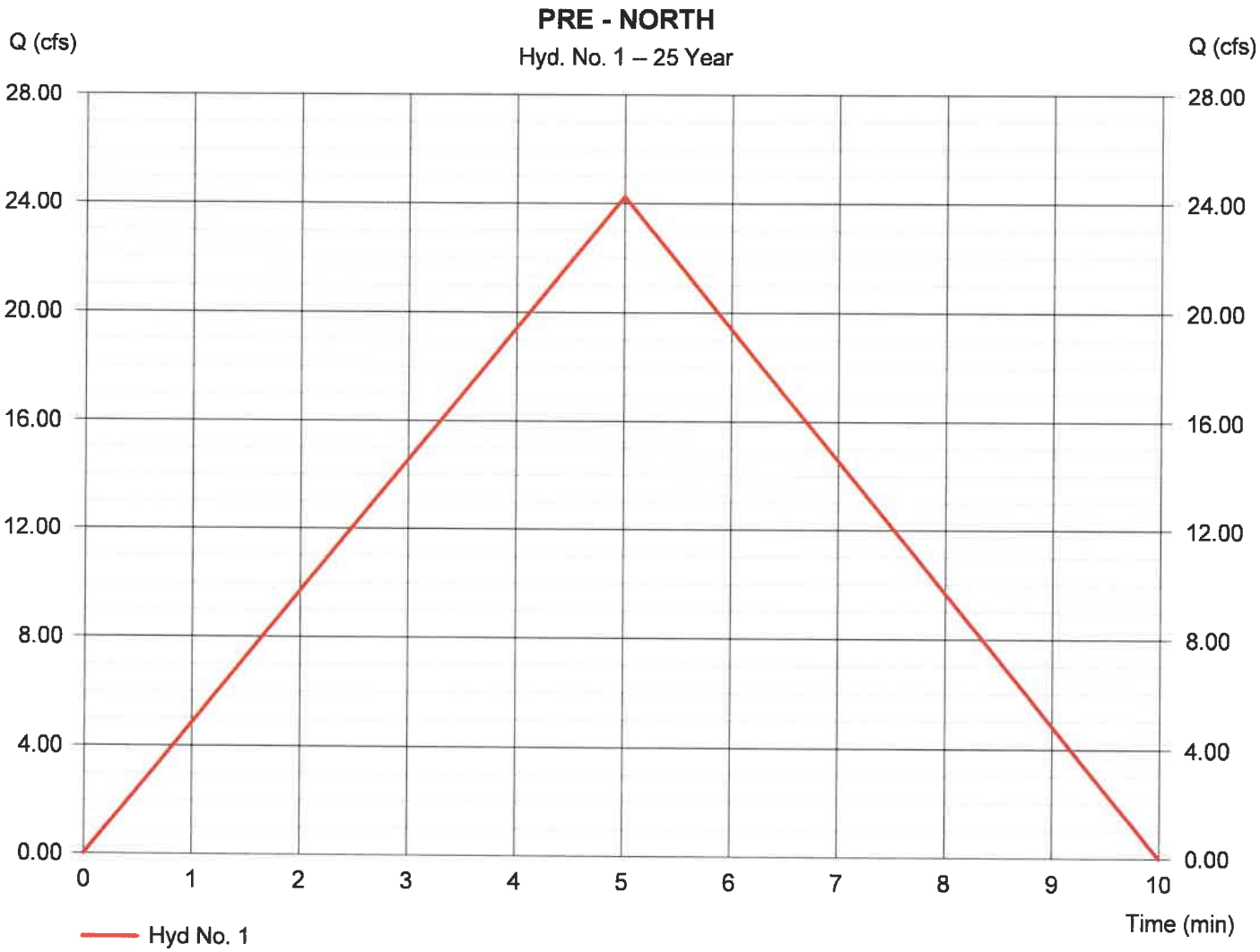
Friday, 03 / 25 / 2022

Hyd. No. 1

PRE - NORTH

Hydrograph type	= Rational	Peak discharge	= 24.25 cfs
Storm frequency	= 25 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 7,275 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.4*
Intensity	= 8.455 in/hr	Tc by User	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(7.170 x 0.40)] / 7.170



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Hydrograph Report

EXHIBIT 1.74[26]

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

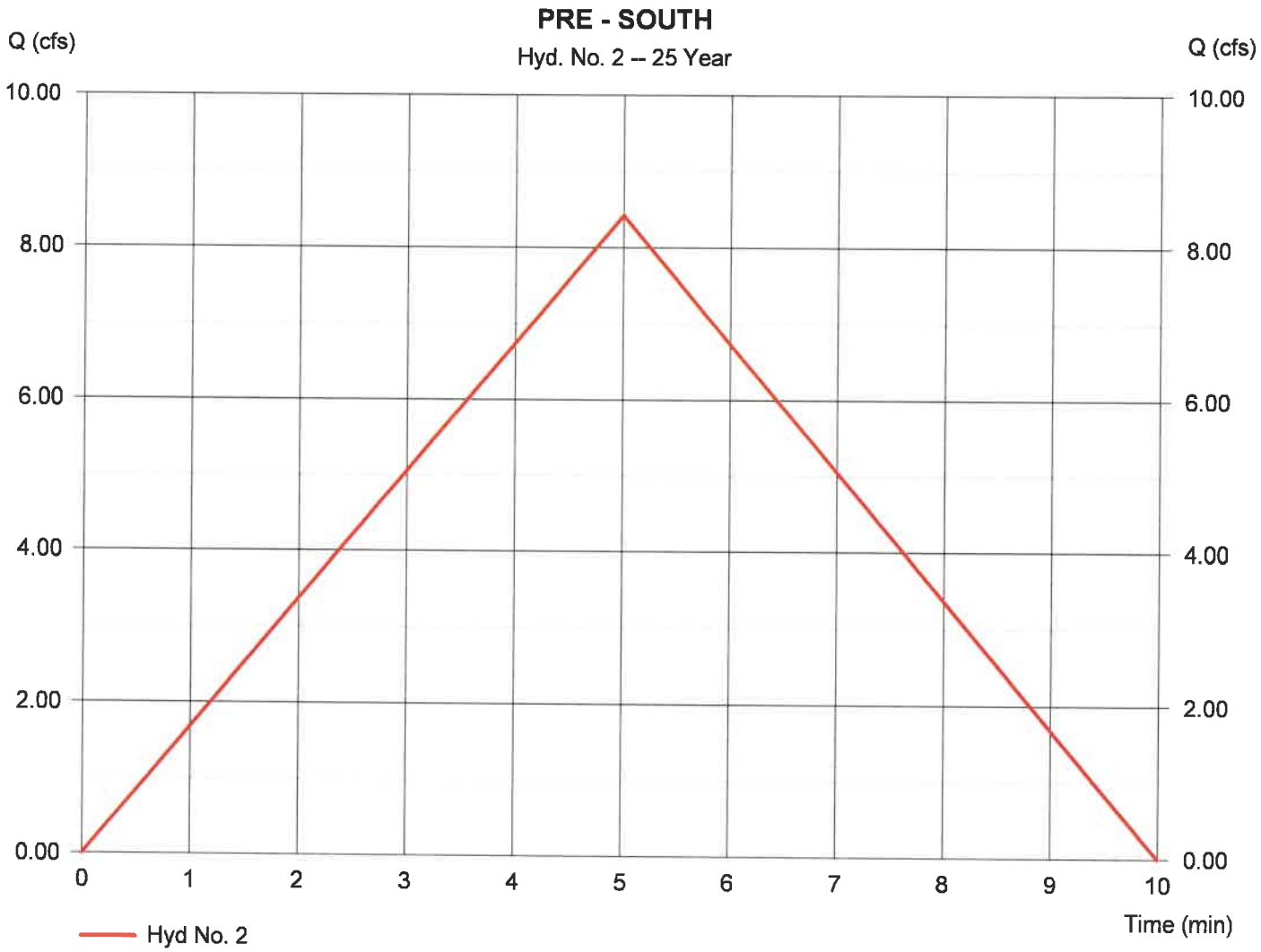
Friday, 03 / 25 / 2022

Hyd. No. 2

PRE - SOUTH

Hydrograph type	= Rational	Peak discharge	= 8.421 cfs
Storm frequency	= 25 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 2,526 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.4*
Intensity	= 8.455 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(2.490 x 0.40)] / 2.490



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

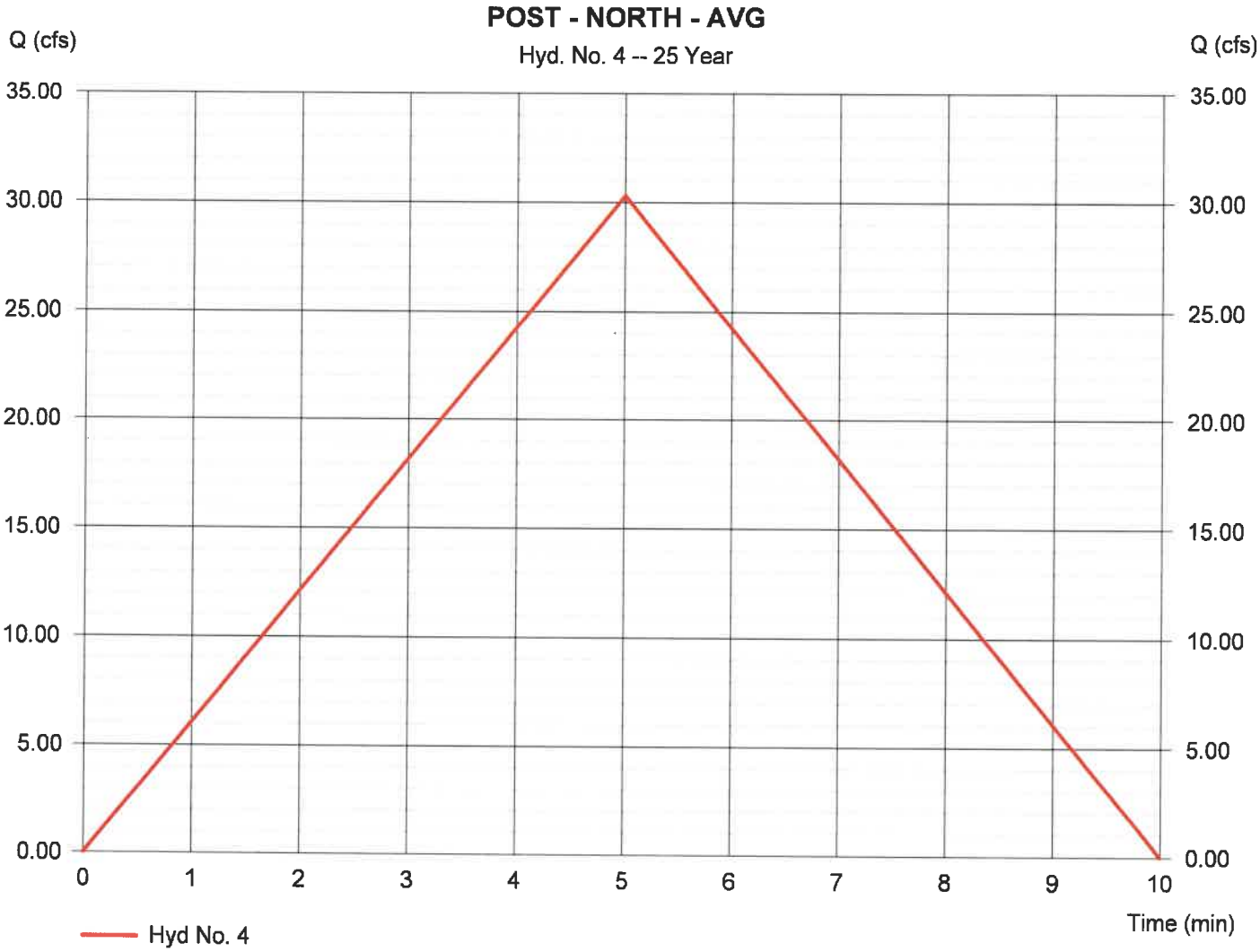
Friday, 03 / 25 / 2022

Hyd. No. 4

POST - NORTH - AVG

Hydrograph type	= Rational	Peak discharge	= 30.31 cfs
Storm frequency	= 25 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 9,093 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.5*
Intensity	= 8.455 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(5.810 x 0.40) + (0.210 x 0.70) + (0.750 x 0.90) + (0.170 x 0.70) + (0.230 x 0.90)] / 7.170



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Hydrograph Report

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Hyd. No. 5

POST - SOUTH - AVG

Hydrograph type	= Rational	Peak discharge	= 8.842 cfs
Storm frequency	= 25 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 2,653 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.42*
Intensity	= 8.455 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(2.380 x 0.40) + (0.030 x 0.70) + (0.080 x 0.90)] / 2.490



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Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

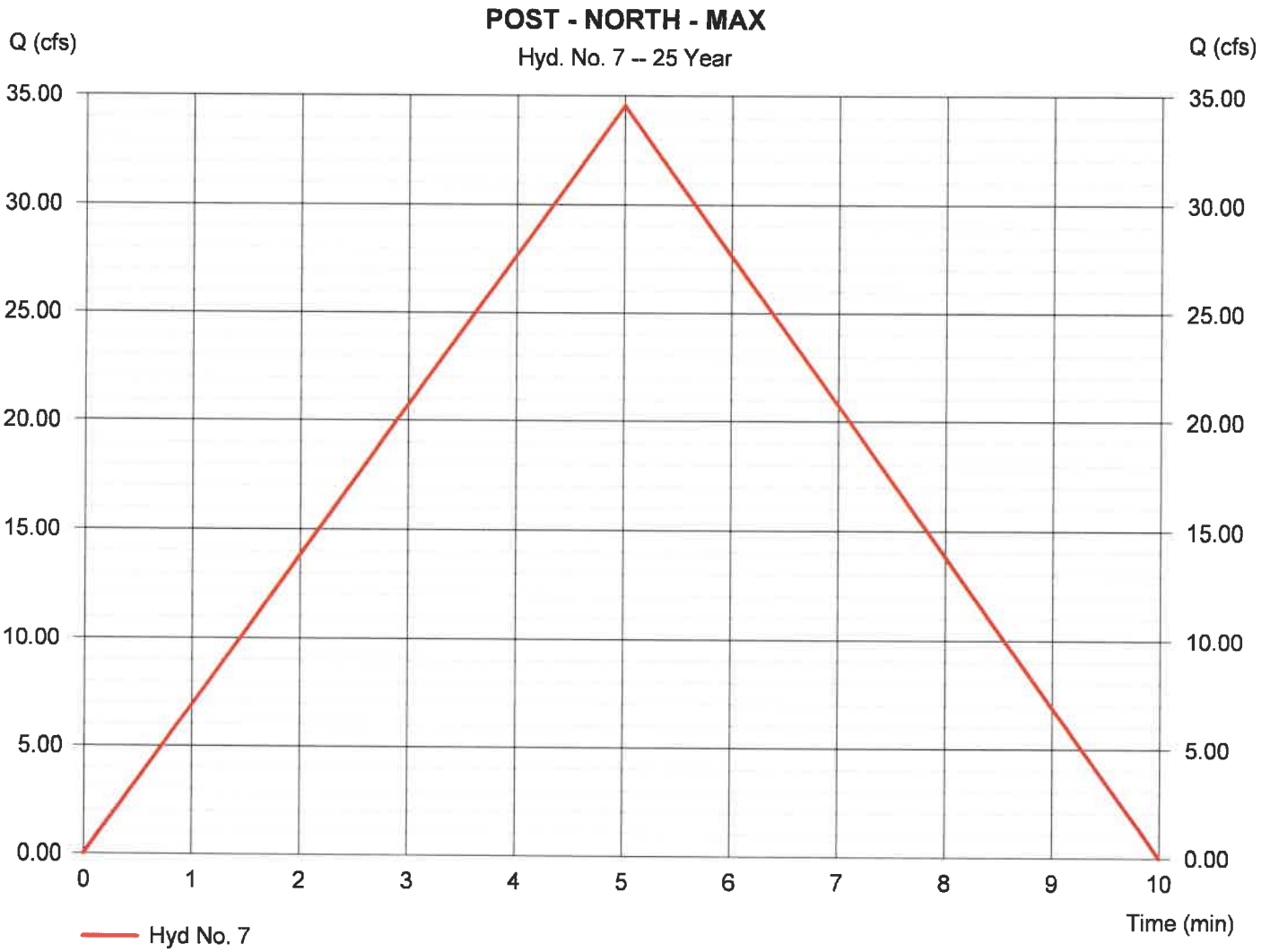
Friday, 03 / 25 / 2022

Hyd. No. 7

POST - NORTH - MAX

Hydrograph type	= Rational	Peak discharge	= 34.55 cfs
Storm frequency	= 25 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 10,366 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.57*
Intensity	= 8.455 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(4.630 x 0.40) + (0.210 x 0.70) + (0.750 x 0.90) + (0.170 x 0.70) + (1.410 x 0.90)] / 7.170



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Hydrograph Report

EXHIBIT 1.78[30]

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

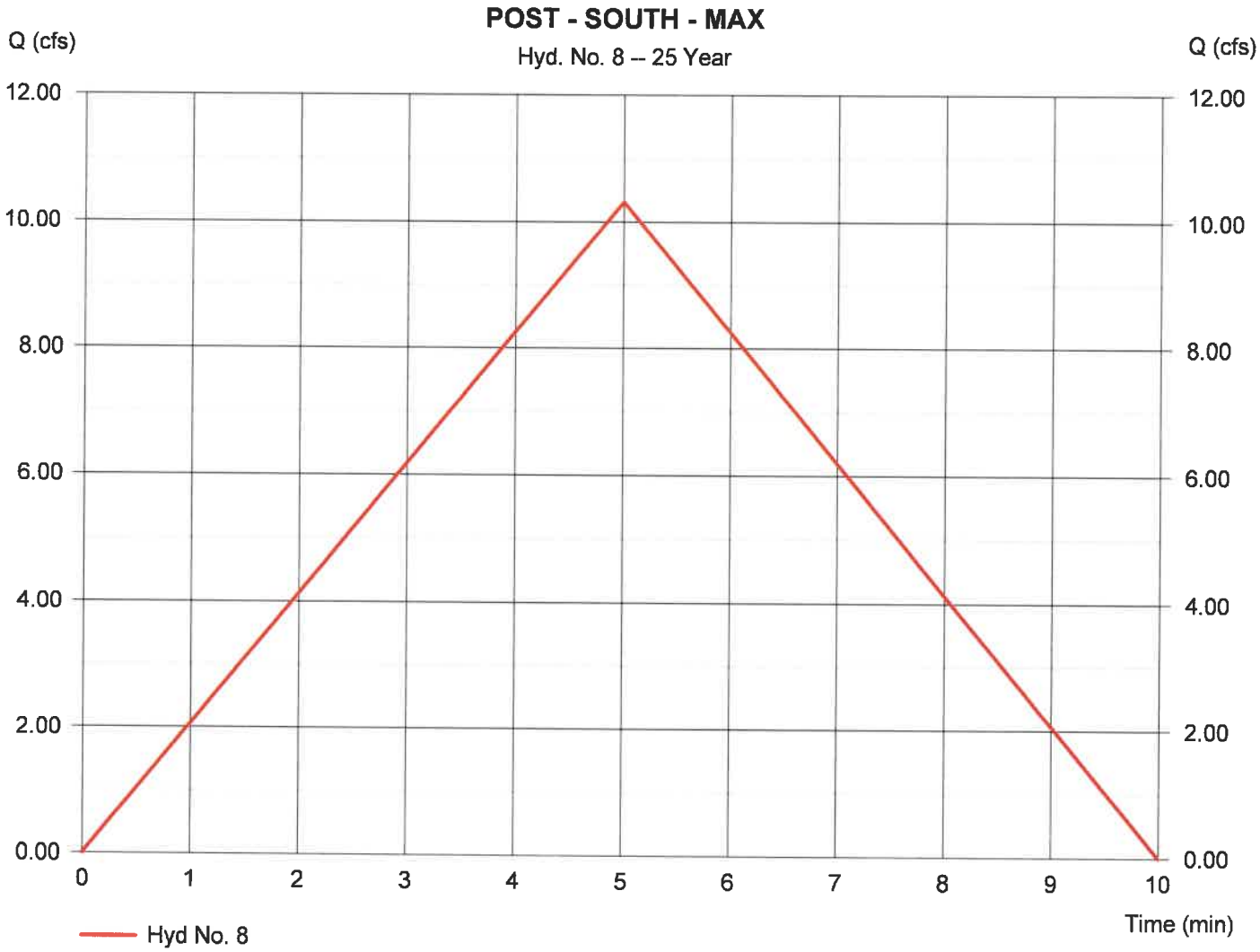
Friday, 03 / 25 / 2022

Hyd. No. 8

POST - SOUTH - MAX

Hydrograph type	= Rational	Peak discharge	= 10.32 cfs
Storm frequency	= 25 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 3,095 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.49*
Intensity	= 8.455 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(1.940 x 0.40) + (0.030 x 0.70) + (0.520 x 0.90)] / 2.490



Hydrograph Report

EXHIBIT 1.79[31]

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

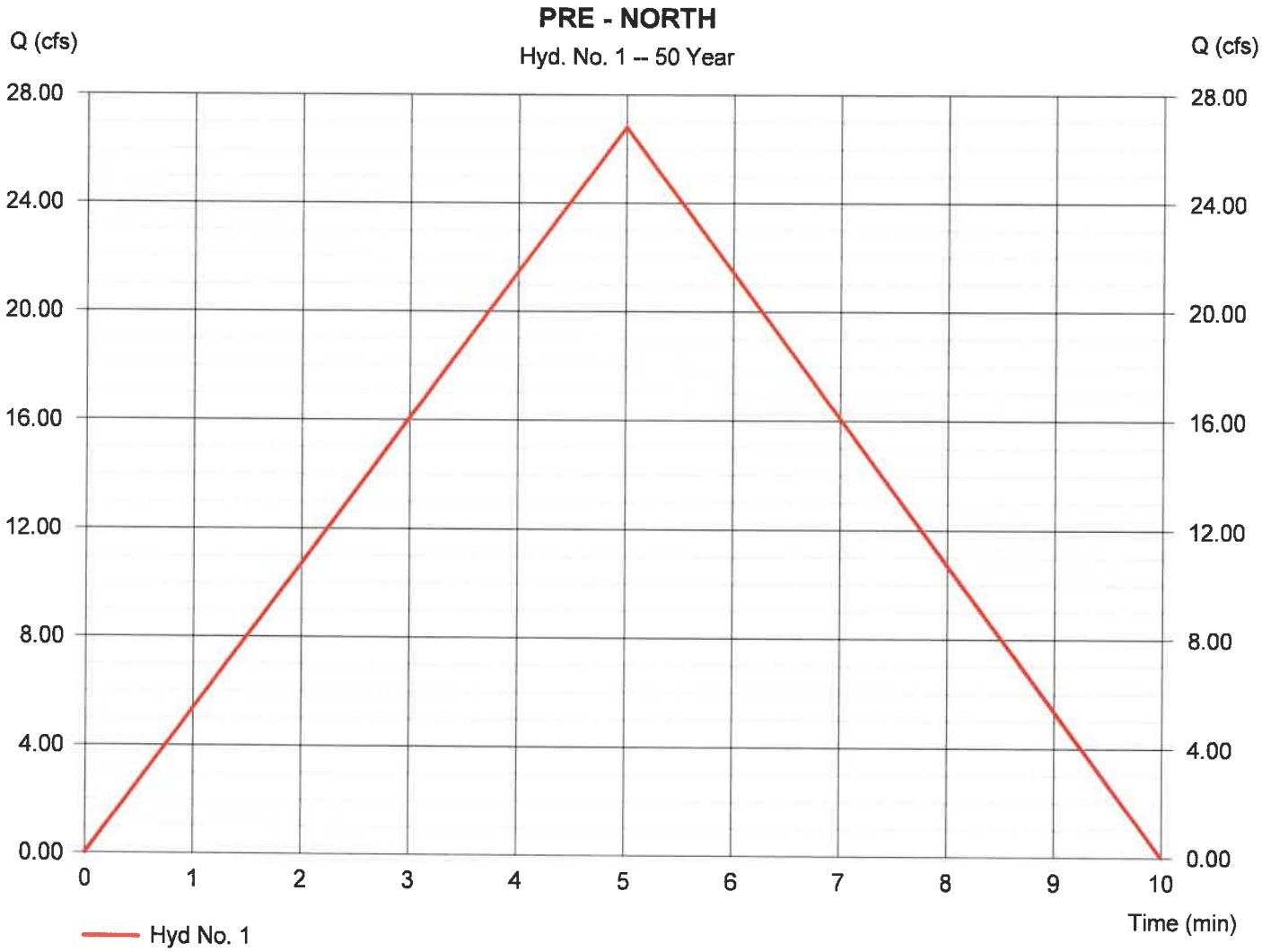
Friday, 03 / 25 / 2022

Hyd. No. 1

PRE - NORTH

Hydrograph type	= Rational	Peak discharge	= 26.81 cfs
Storm frequency	= 50 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 8,042 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.4*
Intensity	= 9.347 in/hr	Tc by User	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(7.170 x 0.40)] / 7.170



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

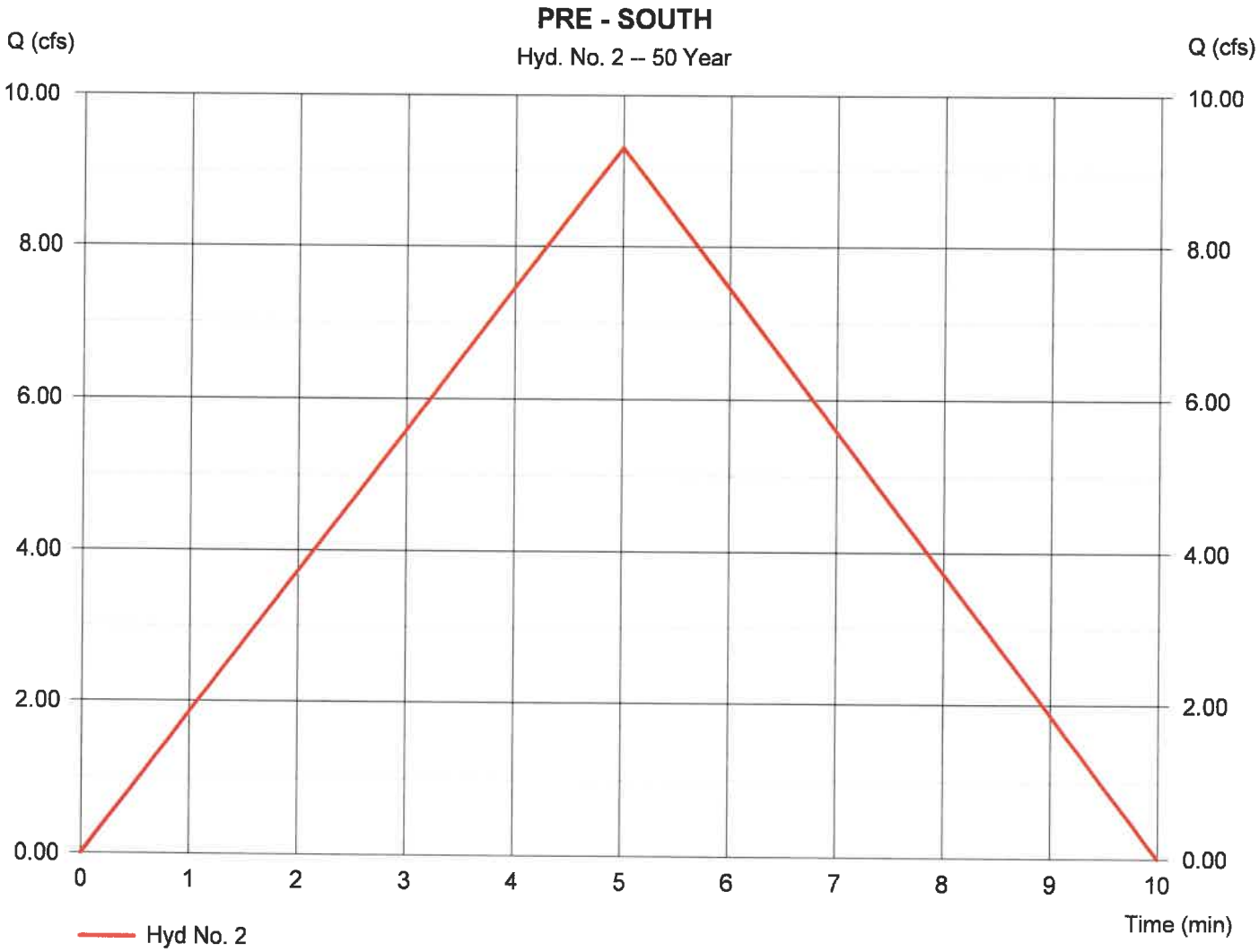
Friday, 03 / 25 / 2022

Hyd. No. 2

PRE - SOUTH

Hydrograph type	= Rational	Peak discharge	= 9.310 cfs
Storm frequency	= 50 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 2,793 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.4*
Intensity	= 9.347 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(2.490 x 0.40)] / 2.490



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Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

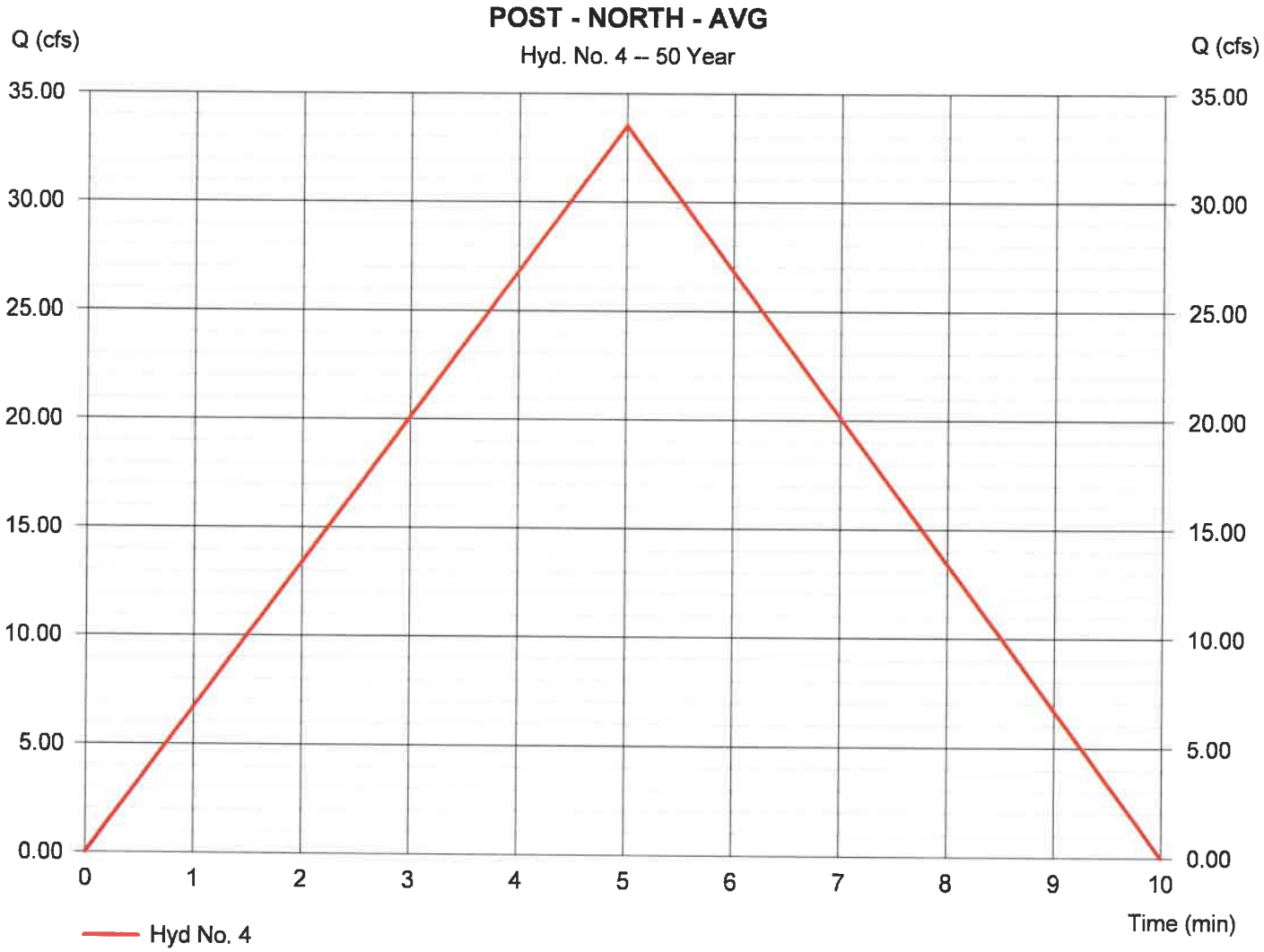
Friday, 03 / 25 / 2022

Hyd. No. 4

POST - NORTH - AVG

Hydrograph type	= Rational	Peak discharge	= 33.51 cfs
Storm frequency	= 50 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 10,053 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.5*
Intensity	= 9.347 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(5.810 x 0.40) + (0.210 x 0.70) + (0.750 x 0.90) + (0.170 x 0.70) + (0.230 x 0.90)] / 7.170



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Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

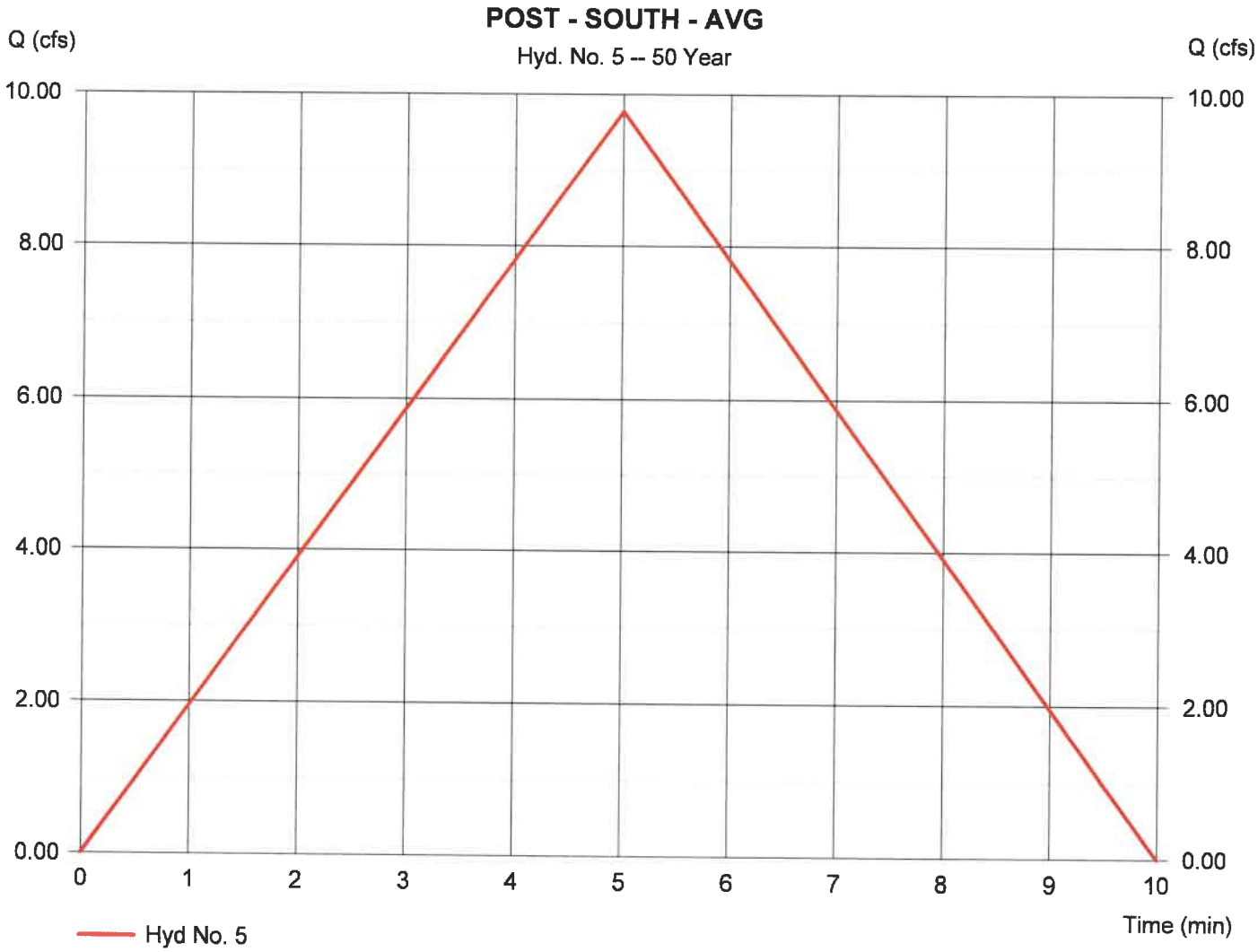
Friday, 03 / 25 / 2022

Hyd. No. 5

POST - SOUTH - AVG

Hydrograph type	= Rational	Peak discharge	= 9.775 cfs
Storm frequency	= 50 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 2,933 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.42*
Intensity	= 9.347 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(2.380 x 0.40) + (0.030 x 0.70) + (0.080 x 0.90)] / 2.490



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Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

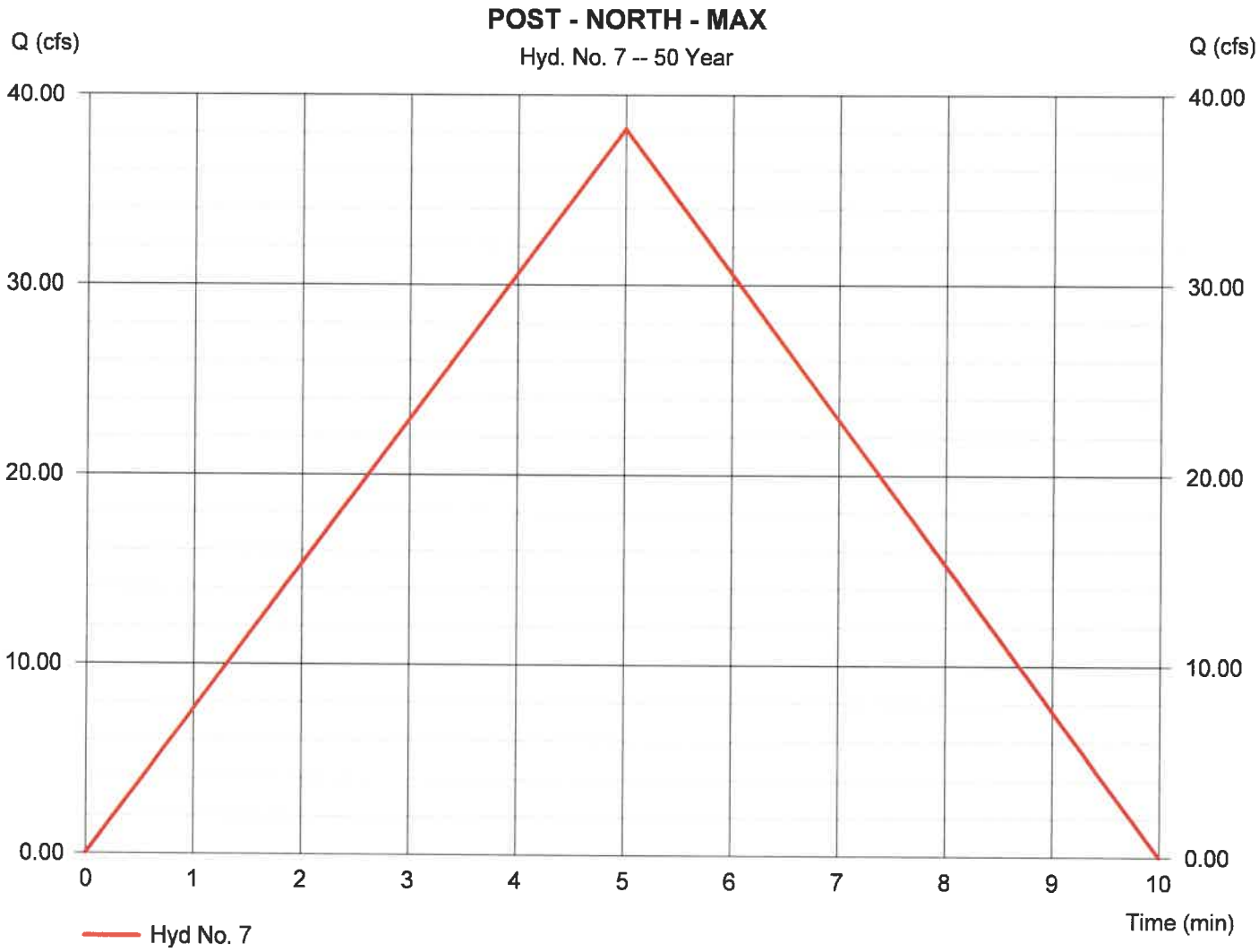
Friday, 03 / 25 / 2022

Hyd. No. 7

POST - NORTH - MAX

Hydrograph type	= Rational	Peak discharge	= 38.20 cfs
Storm frequency	= 50 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 11,460 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.57*
Intensity	= 9.347 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(4.630 x 0.40) + (0.210 x 0.70) + (0.750 x 0.90) + (0.170 x 0.70) + (1.410 x 0.90)] / 7.170



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Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

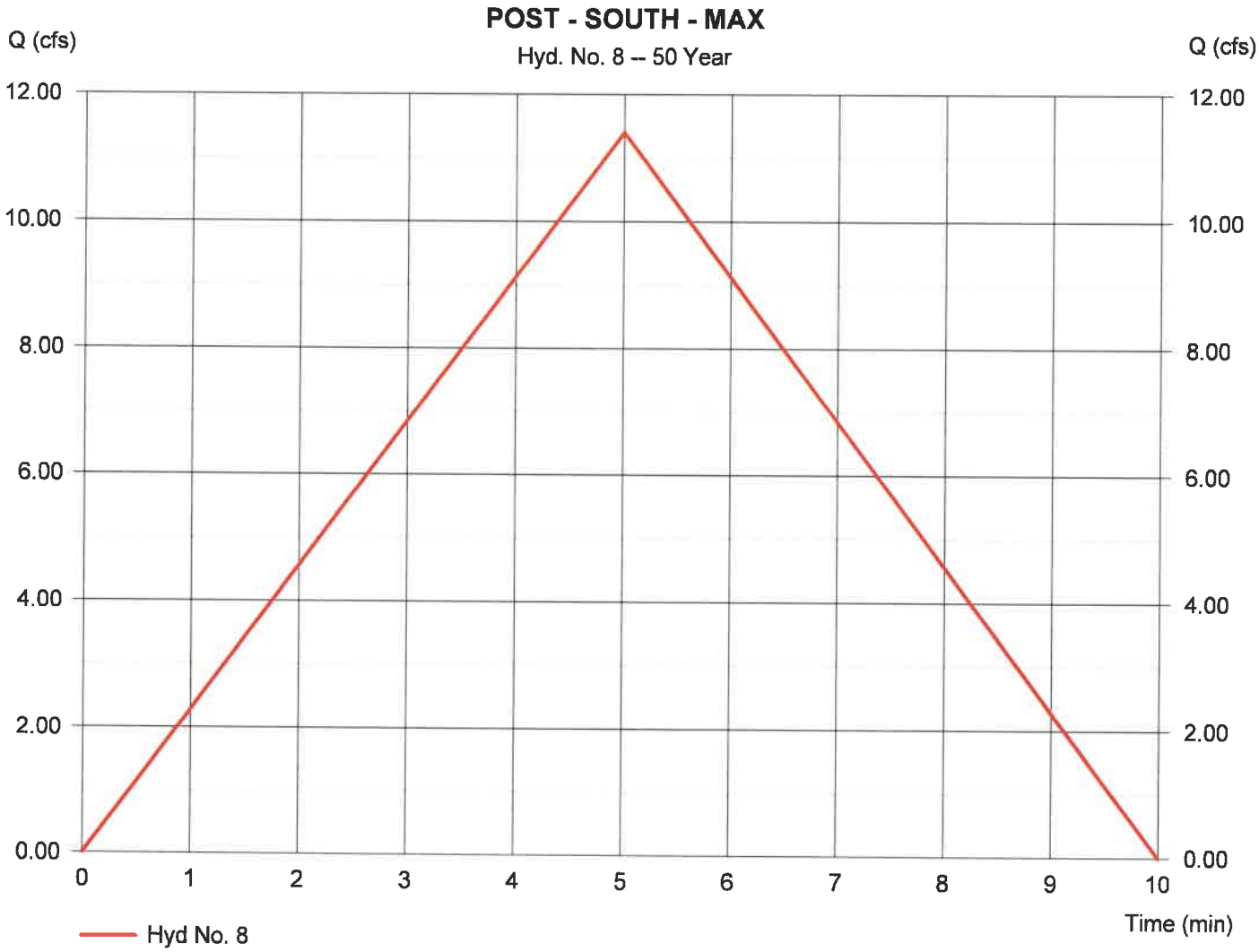
Friday, 03 / 25 / 2022

Hyd. No. 8

POST - SOUTH - MAX

Hydrograph type	= Rational	Peak discharge	= 11.40 cfs
Storm frequency	= 50 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 3,421 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.49*
Intensity	= 9.347 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(1.940 x 0.40) + (0.030 x 0.70) + (0.520 x 0.90)] / 2.490



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

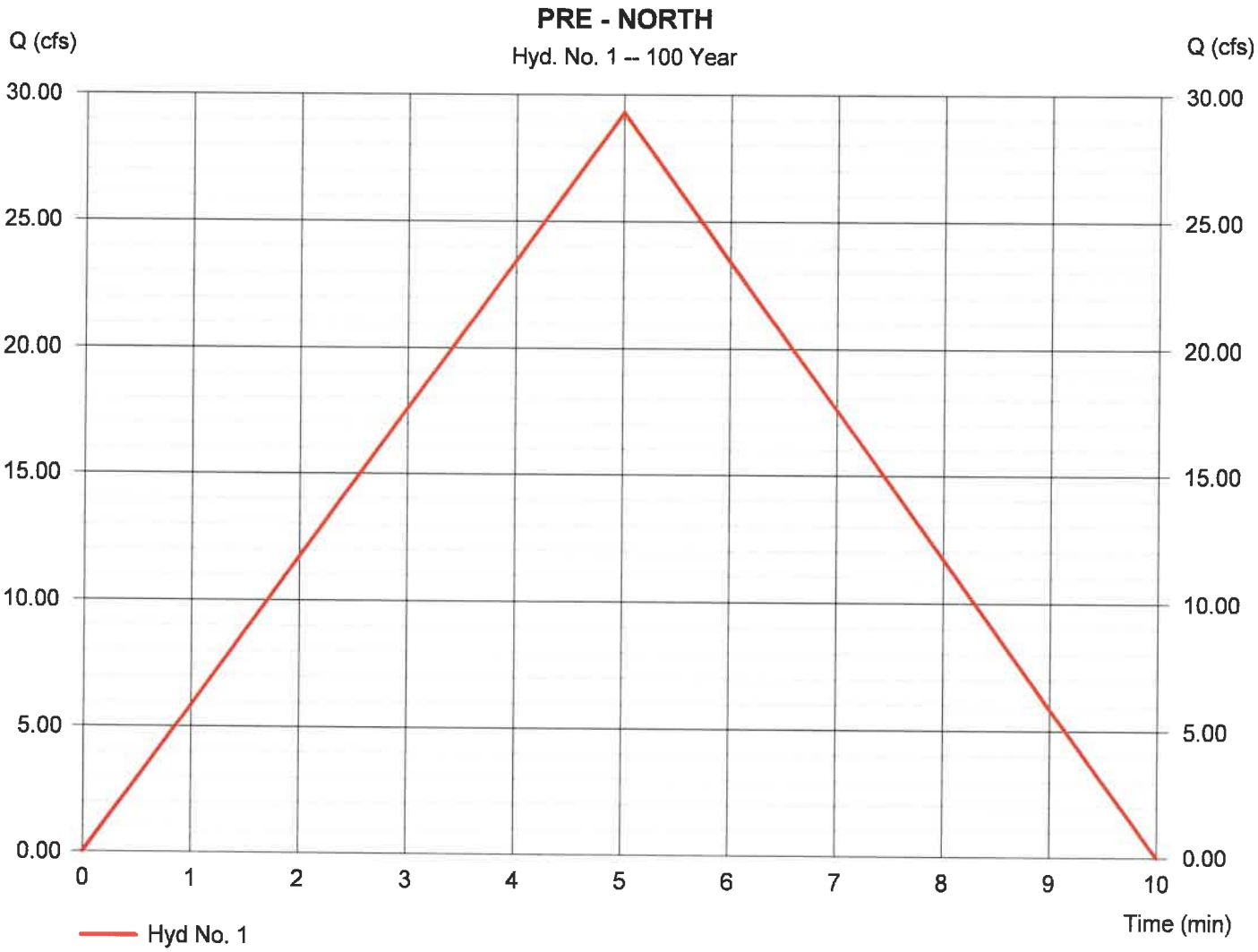
Friday, 03 / 25 / 2022

Hyd. No. 1

PRE - NORTH

Hydrograph type	= Rational	Peak discharge	= 29.30 cfs
Storm frequency	= 100 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 8,789 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.4*
Intensity	= 10.215 in/hr	Tc by User	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(7.170 x 0.40)] / 7.170



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Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

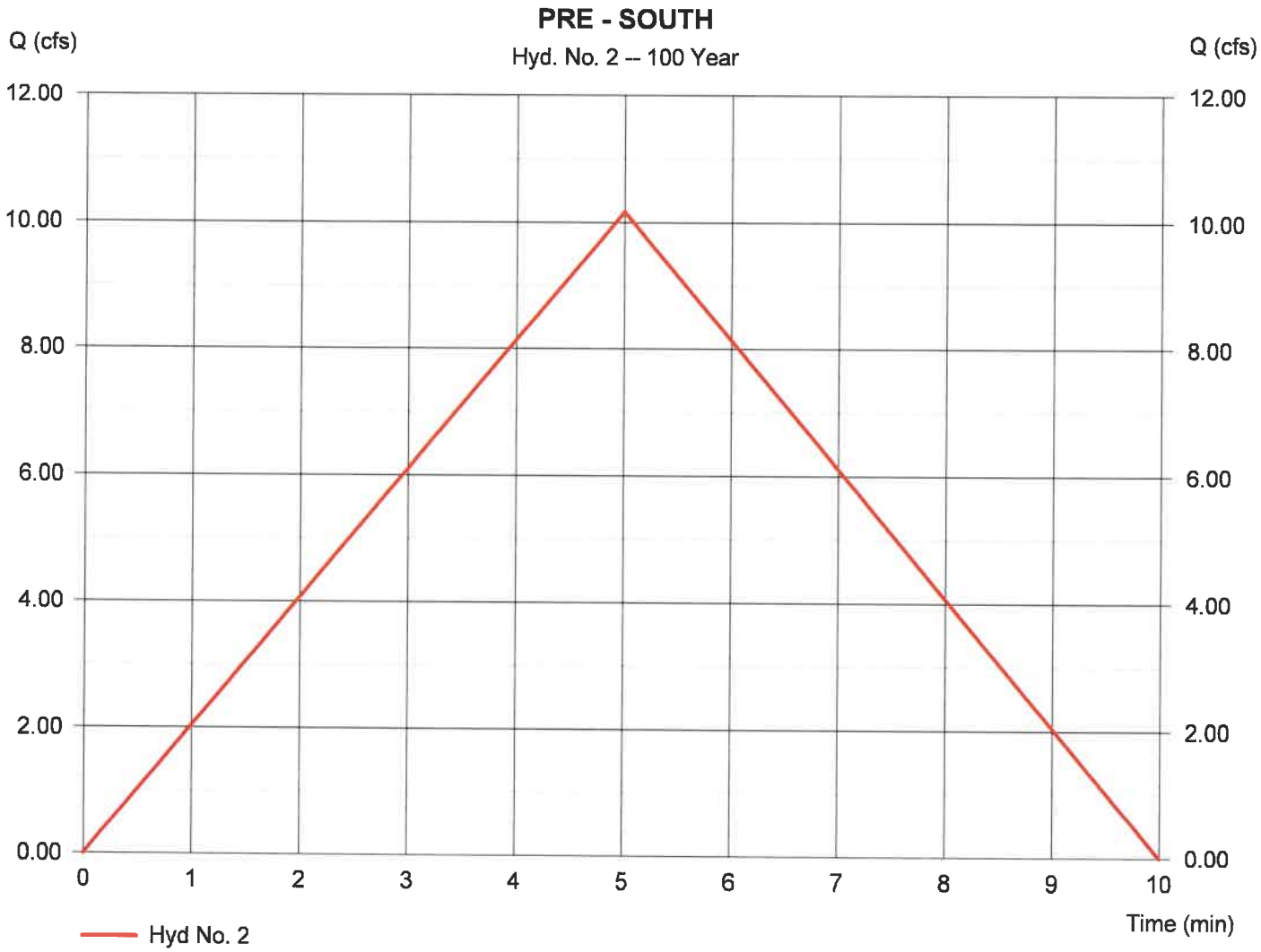
Friday, 03 / 25 / 2022

Hyd. No. 2

PRE - SOUTH

Hydrograph type	= Rational	Peak discharge	= 10.17 cfs
Storm frequency	= 100 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 3,052 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.4*
Intensity	= 10.215 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(2.490 x 0.40)] / 2.490



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Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

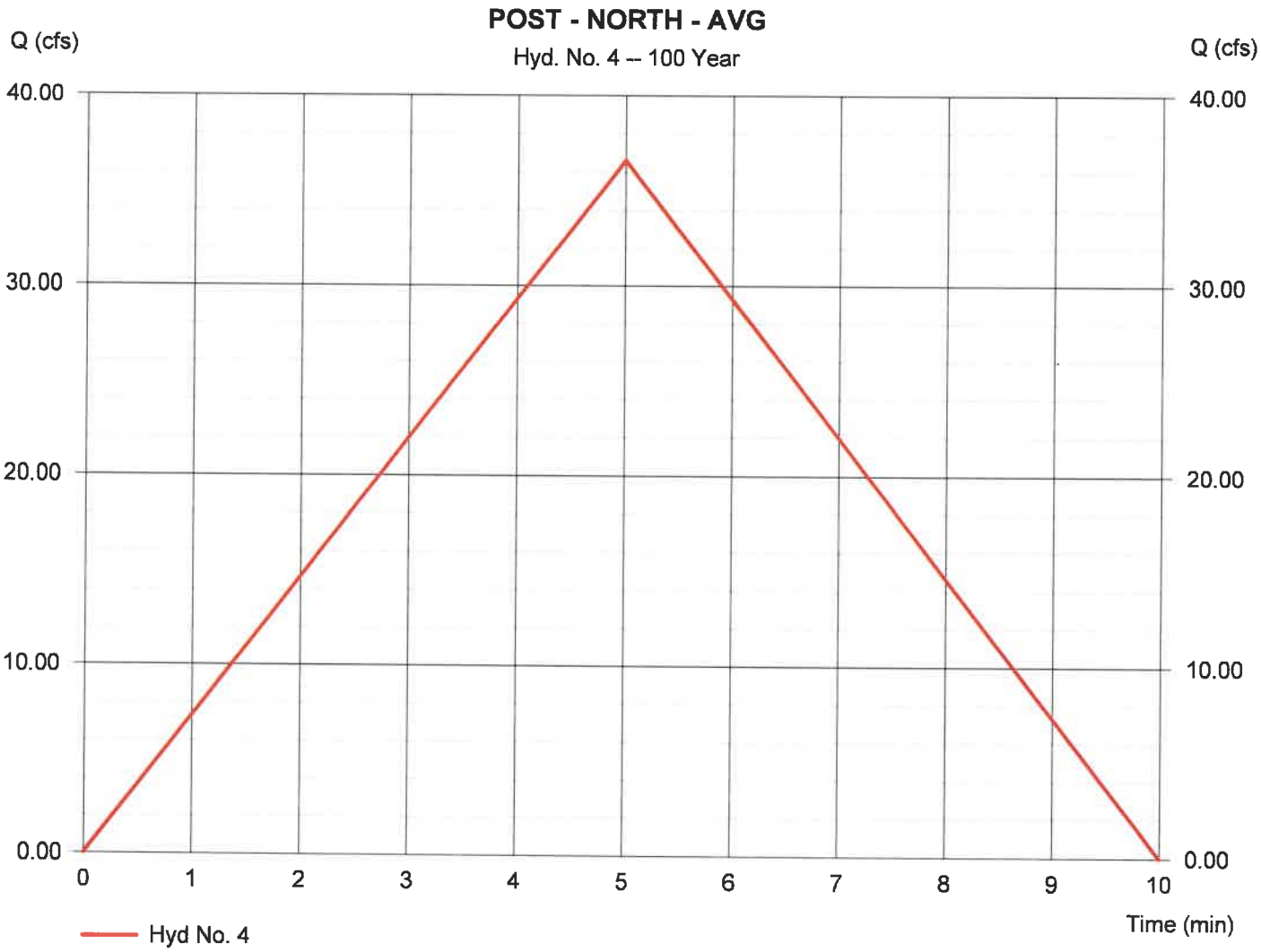
Friday, 03 / 25 / 2022

Hyd. No. 4

POST - NORTH - AVG

Hydrograph type	= Rational	Peak discharge	= 36.62 cfs
Storm frequency	= 100 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 10,986 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.5*
Intensity	= 10.215 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(5.810 x 0.40) + (0.210 x 0.70) + (0.750 x 0.90) + (0.170 x 0.70) + (0.230 x 0.90)] / 7.170



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Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

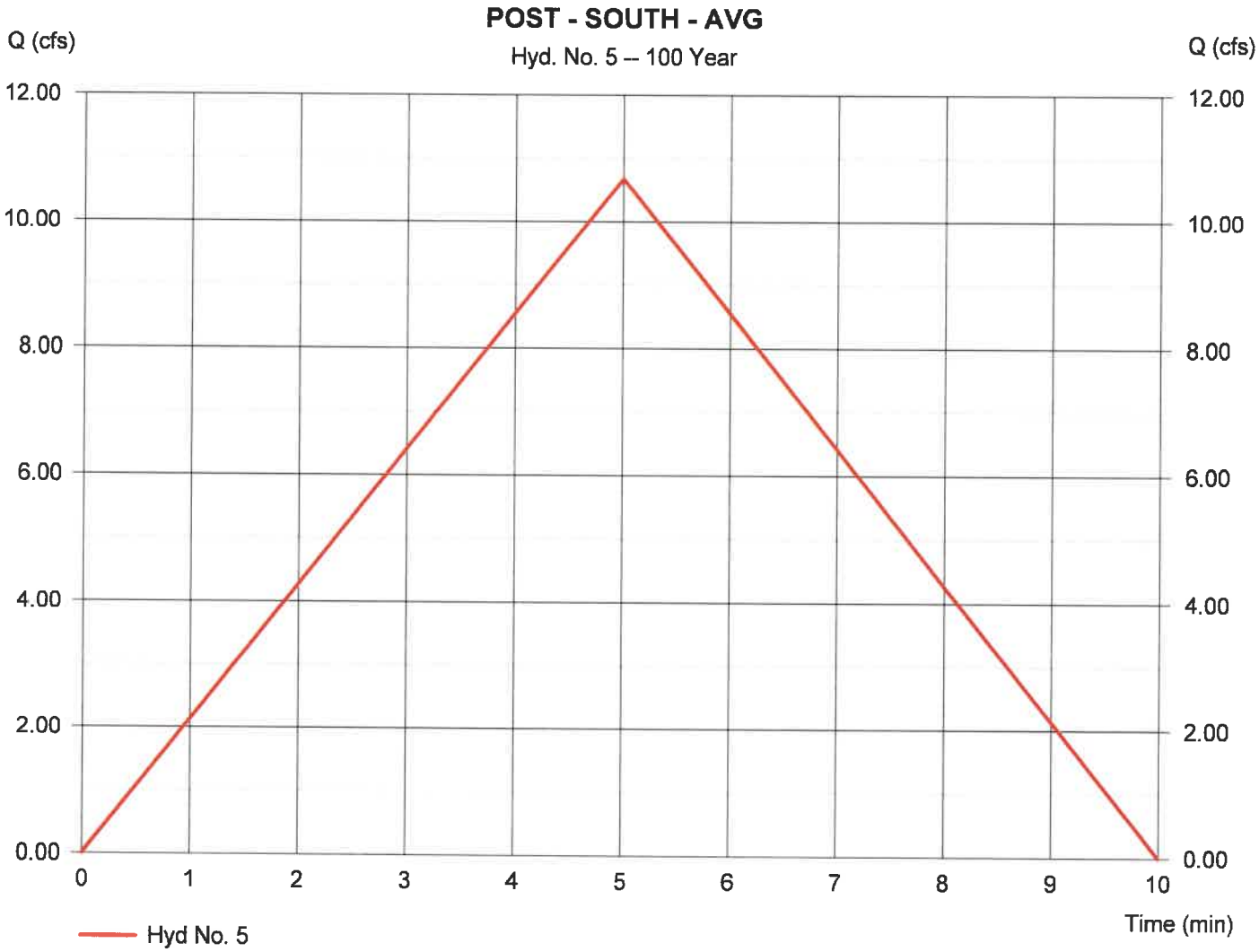
Friday, 03 / 25 / 2022

Hyd. No. 5

POST - SOUTH - AVG

Hydrograph type	= Rational	Peak discharge	= 10.68 cfs
Storm frequency	= 100 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 3,205 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.42*
Intensity	= 10.215 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(2.380 x 0.40) + (0.030 x 0.70) + (0.080 x 0.90)] / 2.490



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Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

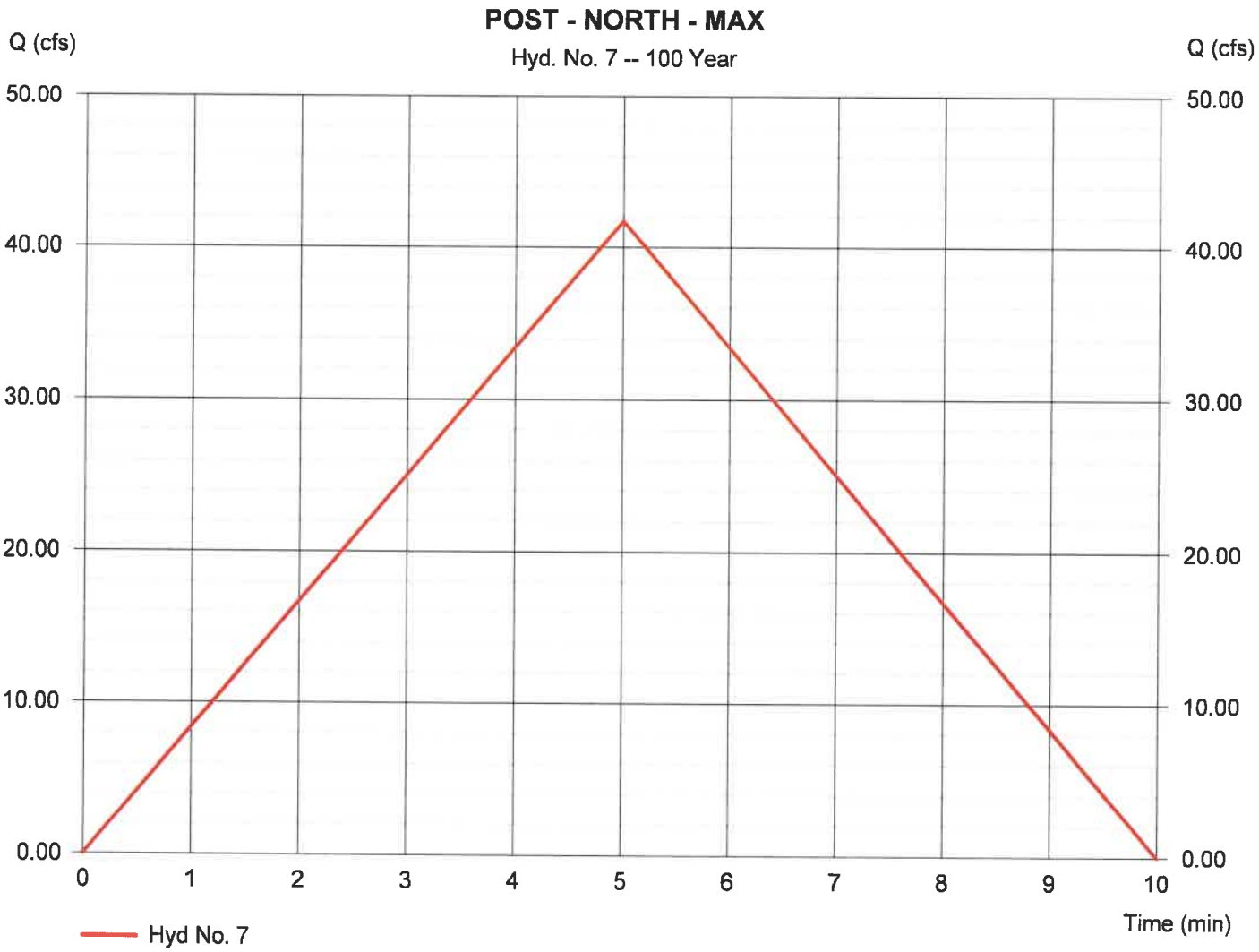
Friday, 03 / 25 / 2022

Hyd. No. 7

POST - NORTH - MAX

Hydrograph type	= Rational	Peak discharge	= 41.75 cfs
Storm frequency	= 100 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 12,524 cuft
Drainage area	= 7.170 ac	Runoff coeff.	= 0.57*
Intensity	= 10.215 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(4.630 x 0.40) + (0.210 x 0.70) + (0.750 x 0.90) + (0.170 x 0.70) + (1.410 x 0.90)] / 7.170



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Hydrograph Report

EXHIBIT 1.90[42]

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® 2019 by Autodesk, Inc. v2020

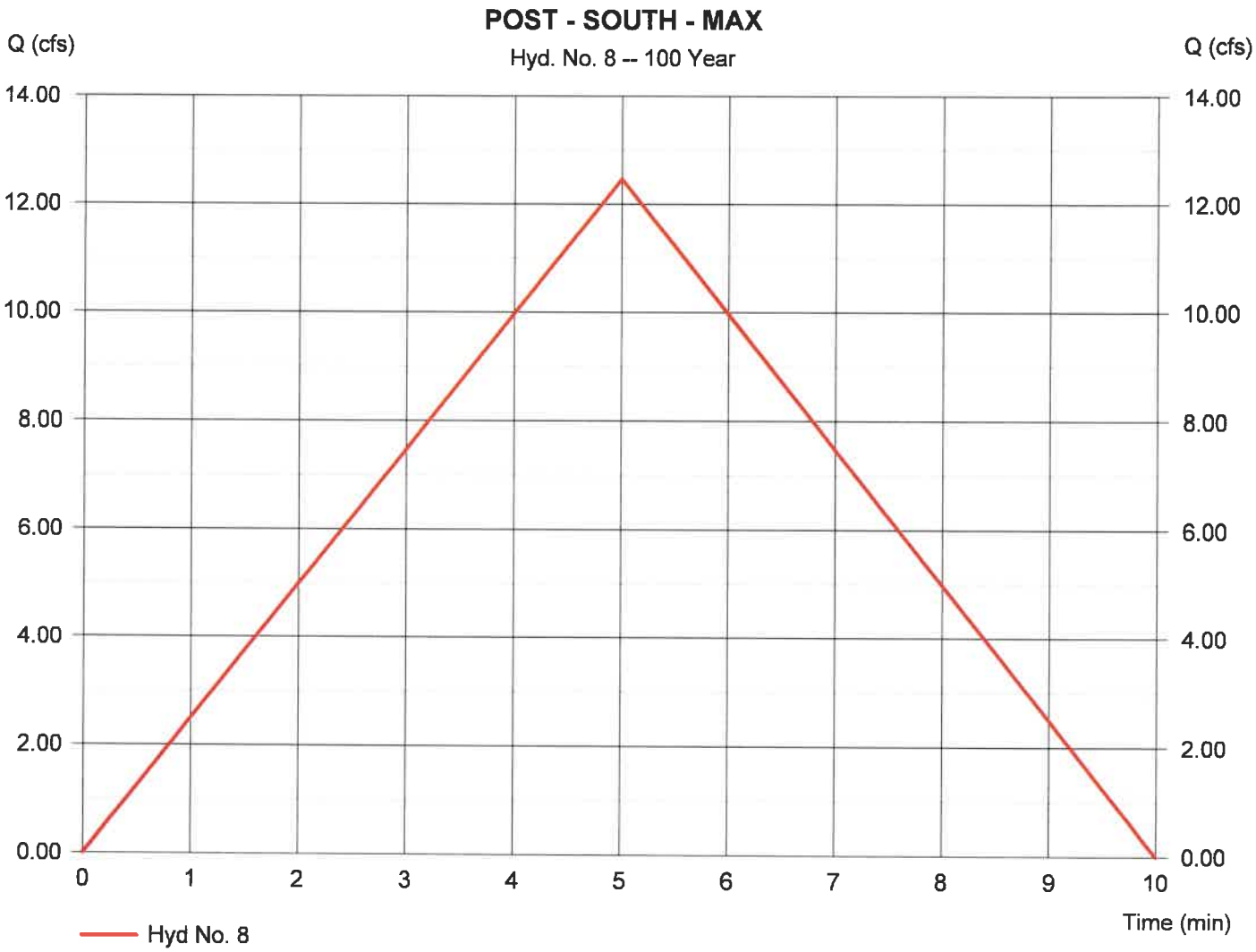
Friday, 03 / 25 / 2022

Hyd. No. 8

POST - SOUTH - MAX

Hydrograph type	= Rational	Peak discharge	= 12.46 cfs
Storm frequency	= 100 yrs	Time to peak	= 5 min
Time interval	= 1 min	Hyd. volume	= 3,739 cuft
Drainage area	= 2.490 ac	Runoff coeff.	= 0.49*
Intensity	= 10.215 in/hr	Tc by TR55	= 5.00 min
IDF Curve	= springdale.idf	Asc/Rec limb fact	= 1/1

* Composite (Area/C) = [(1.940 x 0.40) + (0.030 x 0.70) + (0.520 x 0.90)] / 2.490



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Return Period (Yrs)	Intensity-Duration-Frequency Equation Coefficients (FHA)			
	B	D	E	(N/A)
1	0.0000	0.0000	0.0000	--------
2	63.3915	13.3000	0.8386	--------
3	0.0000	0.0000	0.0000	--------
5	64.9066	13.0000	0.7920	--------
10	79.4587	14.3000	0.8048	--------
25	104.1785	15.8000	0.8275	--------
50	102.8257	15.1000	0.7991	--------
100	95.5744	13.9000	0.7608	--------

File name: springdale.idf

Intensity = B / (Tc + D)^E

Return Period (Yrs)	Intensity Values (in/hr)											
	5 min	10	15	20	25	30	35	40	45	50	55	60
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	5.54	4.52	3.84	3.35	2.98	2.69	2.45	2.26	2.10	1.96	1.84	1.73
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	6.58	5.42	4.64	4.07	3.64	3.30	3.02	2.80	2.60	2.44	2.30	2.17
10	7.34	6.10	5.24	4.62	4.14	3.76	3.45	3.19	2.97	2.79	2.62	2.48
25	8.45	7.07	6.11	5.39	4.84	4.40	4.04	3.74	3.48	3.26	3.07	2.90
50	9.35	7.83	6.77	5.99	5.38	4.90	4.51	4.18	3.90	3.65	3.44	3.26
100	10.21	8.54	7.39	6.55	5.90	5.38	4.96	4.60	4.30	4.04	3.82	3.62

Tc = time in minutes. Values may exceed 60.

Precip. file name: X:\City Info\Springdale\Springdale.pcp

Storm Distribution	Rainfall Precipitation Table (in)							
	1-yr	2-yr	3-yr	5-yr	10-yr	25-yr	50-yr	100-yr
SCS 24-hour	0.00	3.12	0.00	4.56	5.76	7.44	9.12	10.80
SCS 6-Hr	0.00	1.80	0.00	0.00	2.60	0.00	0.00	4.00
Huff-1st	0.00	1.55	0.00	2.75	4.00	5.38	6.50	8.00
Huff-2nd	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Huff-3rd	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Huff-4th	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Huff-Indy	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Custom	0.00	1.75	0.00	2.80	3.90	5.25	6.00	7.10

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Hydrograph No. 5, Rational, POST - SOUTH - AVG 7
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Hydrograph No. 7, Rational, POST - NORTH - MAX 9
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Channel Report

EXHIBIT 1.94

Hydraflow Express Extension for Autodesk® AutoCAD® Civil 3D® by Autodesk, Inc. Thursday, Jan 27 2022

Sheet flow from Hawksview - PRE

Rectangular

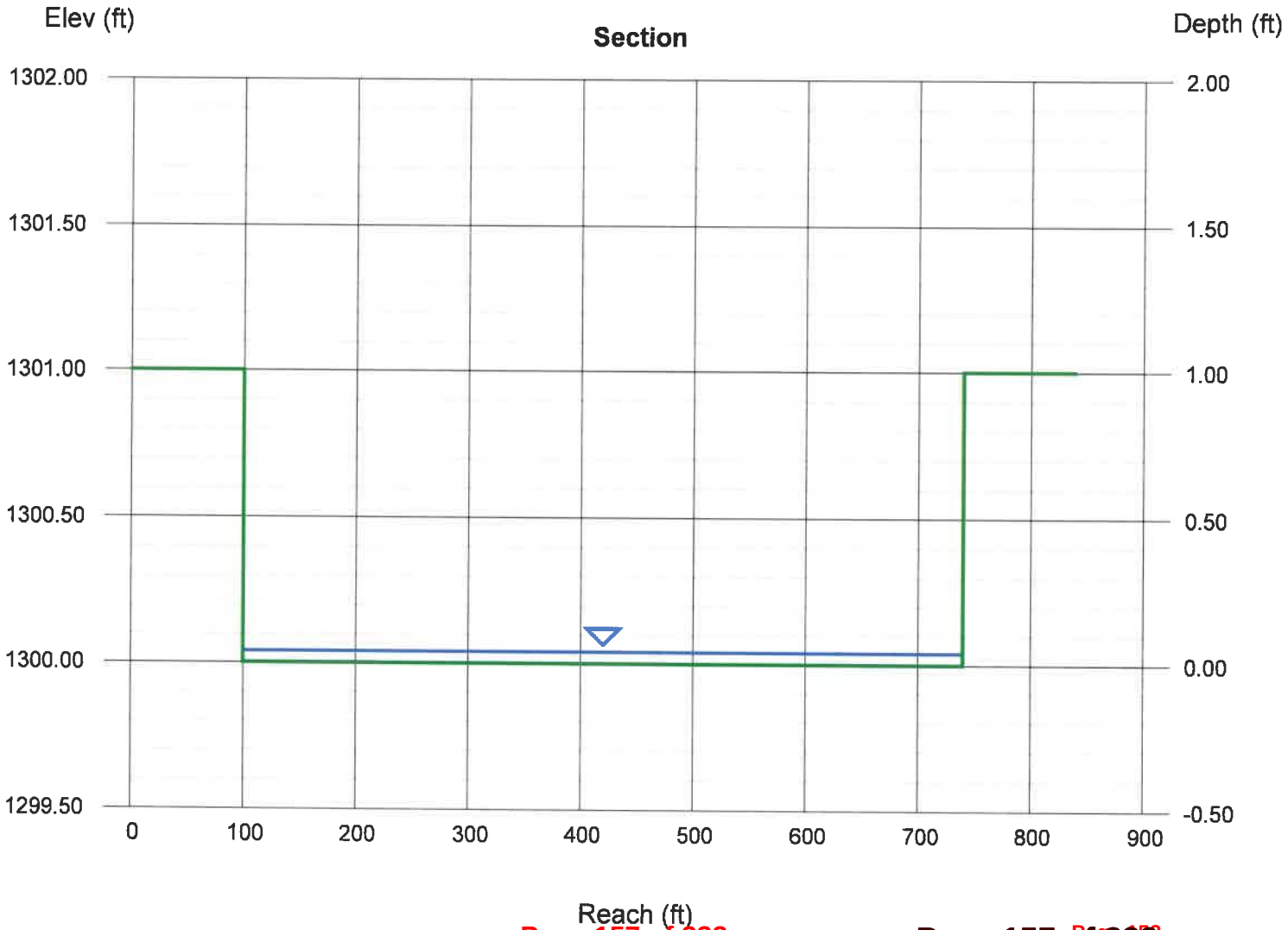
Bottom Width (ft)	= 640.00
Total Depth (ft)	= 1.00
Invert Elev (ft)	= 1300.00
Slope (%)	= 4.00
N-Value	= 0.030

Calculations

Compute by:	Known Q
Known Q (cfs)	= 29.30

Highlighted

Depth (ft)	= 0.04
Q (cfs)	= 29.30
Area (sqft)	= 25.60
Velocity (ft/s)	= 1.14
Wetted Perim (ft)	= 640.08
Crit Depth, Yc (ft)	= 0.05
Top Width (ft)	= 640.00
EGL (ft)	= 0.06



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Channel Report

EXHIBIT 1.95

Hydraflow Express Extension for Autodesk® AutoCAD® Civil 3D® by Autodesk, Inc. Friday, Mar 25 2022

Sheet flow from Hawksview - POST - MAX

Rectangular

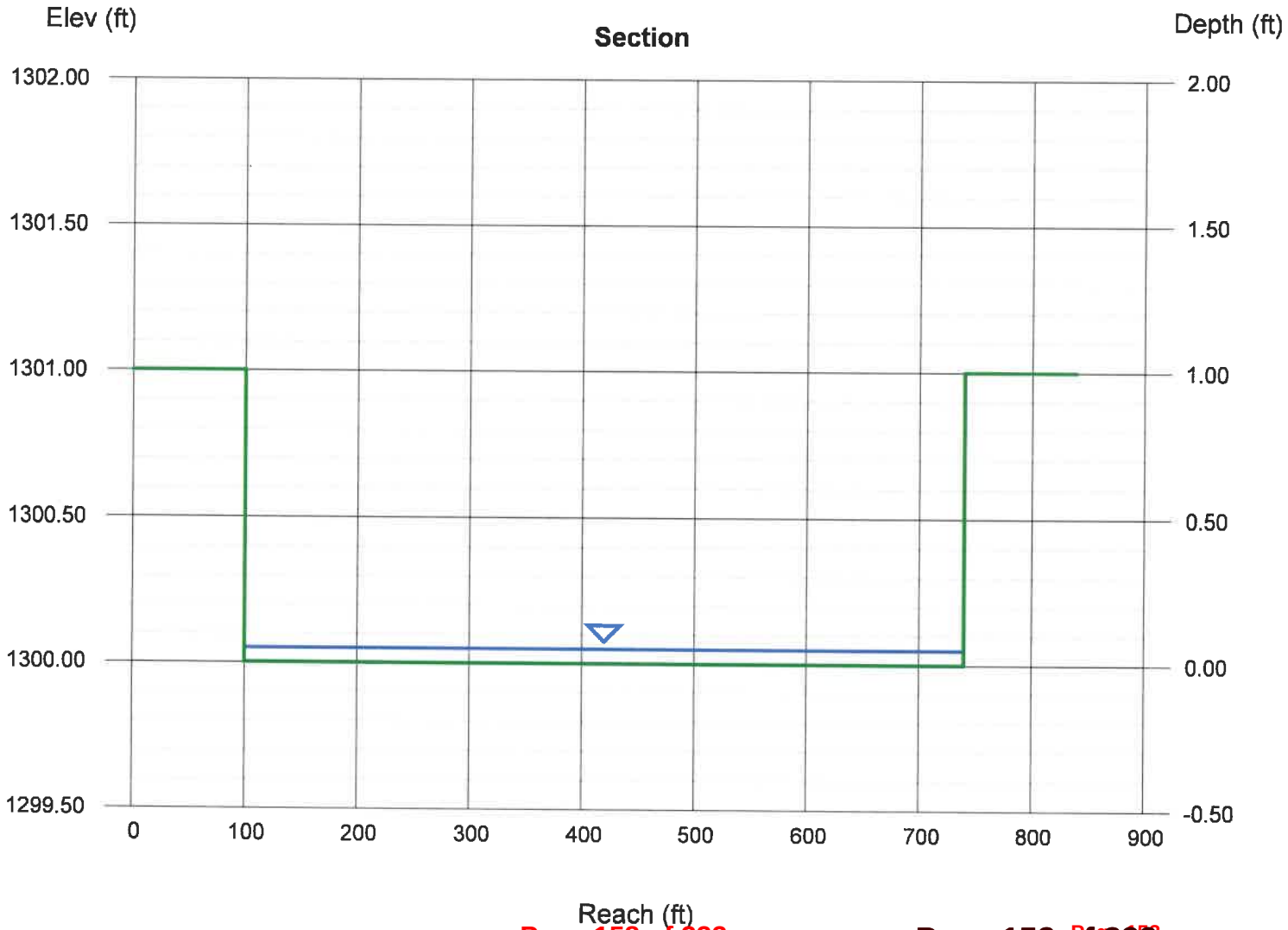
Bottom Width (ft)	= 640.00
Total Depth (ft)	= 1.00
Invert Elev (ft)	= 1300.00
Slope (%)	= 4.00
N-Value	= 0.030

Calculations

Compute by:	Known Q
Known Q (cfs)	= 41.75

Highlighted

Depth (ft)	= 0.05
Q (cfs)	= 41.75
Area (sqft)	= 32.00
Velocity (ft/s)	= 1.30
Wetted Perim (ft)	= 640.10
Crit Depth, Yc (ft)	= 0.06
Top Width (ft)	= 640.00
EGL (ft)	= 0.08



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DECLARATION OF COVENANTS OF ASSURANCE AND RESTRICTIONS OF HAWKSVIEW PLANNED DEVELOPMENT TO THE CITY OF SPRINGDALE, ARKANSAS

KNOW ALL BY THESE PRESENTS:

That SCOUT ENTERPRISES, LLC, an Arkansas limited liability company, being the owner and developer ("Developer") of the property referenced in Exhibit A, said property having been duly platted as Hawksview Planned Development (the "Development"), an Addition to the City of Springdale (the "City'), Benton County, Arkansas, said plat being recorded in the office of the Clerk and Ex-Officio recorder of Benton County, Arkansas, on [date], in Plat Book _____, Page _____, for the purpose of keeping said Development desirable, uniform and suitable in architectural design and use as herein specified, and to provide for the orderly development of the Development, does hereby make this Declaration of Covenants of Assurance and Restrictions (this "Declaration") setting forth the following limitations, restrictions and uses of the property in the Development.

Developer does hereby state that this Declaration shall establish covenants running with the land for the period of hereinafter set forth, as provided by law and shall be binding upon all purchasers and owners of the lots of the Development and upon such owners' heirs, personal representatives, successors and assigns, and upon all persons claiming under them.

It shall be lawful for the Hawksview PD Property Owners' Association (hereinafter referred to as the "Association" and more particularly defined herein) or for any other person or persons owning real property situated in the Development to initiate any proceedings at law or in equity against parties or persons violating or attempting to violate any of this Declaration. The invalidation of any one provision of this Declaration by a court order shall not invalidate any of the other provisions which shall remain in full force and effect.

ARTICLE I
Property Subject to this Declaration

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

SEE **EXHIBIT A** ATTACHED HERETO AND MADE A PART HEREOF.

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ARTICLE II
Definitions

2.1 Definitions. The following words, when used in this Declaration or any amendments or supplements thereto (unless the context shall otherwise clearly indicate or prohibit), shall have the respective concepts and meanings set forth below:

a. "Addition" or "Development" shall mean and refer to the property described in Exhibit A and as reflected on the plat set out on Exhibit B and any additions thereto.

b. "ARC" shall mean and refer to the Architectural Review Committee as established herein.

c. "Association" shall mean and refer to Hawksview PD Property Owners Association, an Arkansas unincorporated association, its successors, and assigns.

d. "Board" or "Board of Directors" shall mean and refer to the Board of Directors of the Association elected in accordance with the provisions of the Association's governing documents.

e. "Builder" shall mean a residential builder licensed under Arkansas law.

f. "Common Property" shall mean and refer to any and all areas of land together with all improvements located thereon within the Development which are known, described or designated as such on any recorded development plat of the Development or intended for or devoted to the common use and enjoyment of the members of the Association including but not limited to all sidewalks, easements, and private drives. The Association shall hold such title to the Common Property as shall be consistent with the objectives envisioned herein and subject to the easement rights herein of the members to use and enjoy the Common Property. The Developer reserves the right to affect minor redesigns or reconfiguration of the Common Property.

g. "Declaration" means this Declaration of Covenants of Assurance and Restrictions of Hawksview Planned Development to the City of Springdale, Arkansas.

h. "Developer" shall mean and refer to Scout Enterprises, LLC, and its successors and assigns.

i. "Dwelling(s)" shall mean and refer to a single-family residence constructed on a Lot in the Development that has been issued a certificate of occupancy by the City of Springdale.

j. "Improvement" shall mean and include all Dwellings, buildings and roofed structures, parking areas, fences, walls, hedges, mass plantings, poles, towers, antennas, driveways, swimming pools, signs, changes in any exterior color or shape, glazing or re-

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glazing of exterior windows with mirrored or reflective glass, and any other new exterior construction or exterior improvement which materially alters the appearance of any Lot and which may not be included in any of the foregoing.

k. "Lot" or "Lots" shall mean and refer to any plot or tract of land which is designated as a lot on the Plat which is attached hereto and labeled Exhibit B. No lot as set forth on Exhibit B may be further subdivided or split; provided however minor adjustments to lot lines or boundaries may be made from time to time to cure title problems or to resolve procedures created by encroachments so long as such adjustments are first approved by the Board and Developer if any lots are unsold and closed.

l. "Member(s)" or "member(s)" shall mean and refer to each owner of a Lot.

m. "Owner(s)" or "owner(s)" shall mean and refer to each and every person or business entity who or which is a record owner or subsequently becomes a record owner of a fee or undivided fee interest in any Lot subject to these covenants.

n. "Plat" shall refer to the Hawksview Planned Development Final Plat set out in Exhibit B attached hereto, as well as any amended plats or additional recorded plats of future approved phases of the Development.

o. "Property" means Hawksview Planned Development to the City of Springdale, Arkansas, as the same may be shown on the plat referenced hereinabove and recorded in Benton County, Arkansas.

ARTICLE III
Rights Reserved for Developer

3.1 Easement. Developer expressly reserves a perpetual easement over all driveways, parking areas, sidewalks and utility easements comprising a portion of the Common Property to connect them with other driveways, parking areas, sidewalks and utility easements within the Development, the location of which shall be selected by the Developer.

3.2 Association board membership. Until all Lots are sold by Developer to third parties, the Board shall consist solely of members appointed and determined by Developer and Developer reserves the right, in its sole discretion, to appoint and remove members of the Board for any reason. Once all Lots are sold, new members of the Board will be selected in accordance with the governing documents of the Association.

3.3 Amendments.

a. Developer reserves the right to amend or supplement this Declaration in any manner necessary to establish the validity and enforceability of this Declaration or to bring this Declaration into compliance with federal law, the laws of the State of Arkansas or any common law principle or judicial decision that may affect the validity and enforceability of this Declaration.

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b. Developer reserves the right to amend or supplement this Declaration in any manner necessary to satisfy the requirements of any title insurance company that may be called upon by the Developer to issue title insurance policies to Owners, provided such amendment is reasonably required to support the validity and enforceability of this Declaration.

c. Except as otherwise may be provided in this Declaration so long as Developer owns any Lot, Developer reserves the right at any time and from time to time to unilaterally amend this Declaration as it deems appropriate, in its sole discretion, to carry out the purposes of the Development established in this Declaration, or to correct an error or omission, or to address and/or correct any matter required by any lending institution, public body or title insurance company, or to facilitate the operation and management of the Development and the Association, or the sale of Lots. Such an amendment by the Developer may be made unilaterally, without the approval of any other party, and shall become effective upon the recording of an instrument executed by the Developer in the real estate records of Benton County, Arkansas, setting forth the amendment; provided, however, that no such amendment to this Declaration may change to any material extent the configuration or size of any Lot or change the proportion or percentage by which an Owner shares the expenses of the Association, unless such amendment is also approved by at least a majority vote of the Owners.

ARTICLE IV
Restrictions on Residential Lots

4.1 Fences. Fences shall be constructed of wood, metal, PVC, or other similarly approved materials. All privacy fences shall be constructed so that the framing shall be toward the inside of the Owner's Lot and shall be constructed at a height of six (6) feet to maintain uniformity. Any fence, once constructed, must be maintained by the property owner who had it constructed or their successor-in-interest. There shall be an access gate upon each of said approved fences for the purpose of allowing utility personnel and other public employee's access to the Lots in the performance of their respective public duties.

4.2 Nuisances. No noxious or offensive activities or nuisances shall be permitted on any Lot.

4.3 Animals. No animals shall be kept or maintained on any Lot except the usual household pets, other than chickens, rabbits, and bees, which shall be kept in accordance with the district regulations in the Development Plan for Hawksview Subdivision as approved by the City of Springdale. Any breeding that is done shall not be for commercial purposes. No dog kennel breeding is allowed. All Owners shall comply with applicable laws, ordinances and regulations concerning animals.

4.4 Garbage and Refuse Disposal. No Owner shall accumulate on his or her Lot litter, refuse or garbage, except in approved receptacles. All Owners shall be required to have a mandatory trash pick-up as provided or required by the City of Springdale, Arkansas.

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

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

4.7 Parking on the Streets. No vehicles may be parked overnight in the streets of the Development. Owners shall provide sufficient off-street parking to accommodate the vehicles used by their families and guests. Furthermore, no semi-trailer trucks or commercial vehicles shall be allowed to park in the Development, either on the streets or on the Lots, provided, however, that this restriction will not apply to commercial trucks that enter the Development in the normal course of business for deliveries, repairs, etc. This restriction shall not apply to Developer during construction and development of the Development. No vehicles may be parked in front yard at any time.

4.8 Structures other than Dwellings. No trailer, mobile home, tent, shack, or other unsightly building or structure, temporary or permanent, shall be erected or used on said lots. However, it is permissible to have a storage building in the rear yard of a Dwelling provided that the plans are submitted to the Association's ARC for its approval. The restrictions contained in this section shall not apply to the Developer during construction and development of the Development.

4.9 Recreational Vehicles and Boats. Recreational and camping vehicles, trailers and boats may not be stored and parked on the Lots except behind the Dwelling and inside a fence. On lots with two front yards, recreational vehicles and boats shall be kept behind the dwelling as viewed from the front of the dwelling and inside a fence or other enclosure approved by the ARC.

4.10 Minimum and Maximum Square Footage. All Dwellings in the Development shall have a minimum of one thousand six hundred (1,000) square feet of heated area on the first floor, regardless of whether the dwelling is single story or two story. The minimum square footage requirement is exclusive of garages, porches, patios, and decks. Irrespective of other provisions regarding amendments of these covenants, the minimum square footage requirements cannot be amended except with the express approval of the Developer. No dwelling shall be larger than four thousand (4,000) square feet, exclusive of garages, porches. Each dwelling shall be a 3 bedroom and 2 bath design.

4.11 Restriction of Type of Dwelling. There shall be no Dwellings erected on any Lot other than a detached single-family dwelling.

4.12 Garages. Garages are not required. Developer reserves the right to review and approve garages that are both attached and unattached. Corner lots must also be approved by the Declarant for a garage facing the side or primary street. No garage door opening shall be taller than twenty feet (20'). Nonattached garages must be reviewed and approved by the ARC.

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

4.14 Exterior of Dwellings. All exterior walls of all Dwellings constructed or moved on the Lots shall be finished with brick, stone, faux stone veneer construction, or concrete composition siding (such as Hardie® siding), vinyl or metal siding. Dormers or gables may be covered with any of the materials or vinyl siding. Soffits and fascia may be covered with steel, aluminum, PVC, or concrete composition materials. Roofs shall be covered with shingles using architectural composition or better. All street facing (front elevations for corner lots) windows may be true light or divided light. All replacement windows must be approved by the ARC. Any colored or decorative glass on street facing elevations must be approved by the ARC.

4.15 Lot Maintenance. All Lots shall be maintained, mowed, and kept free of noxious weeds whether they be improved or unimproved. Further, upon construction of a dwelling, the Owner shall seed the entire Lot, provided, however, that this section shall not apply to Developer during construction and development of the Development. If Owner allows grass to grow such that it is more than eight (8") inches high, Developer or Association, shall have the right, but not the obligation, to have it mowed without giving notice to the Owner and shall charge a seventy-five dollars ($75.00) service charge for arranging the mowing in addition to the amount it costs Developer or Association to have it mowed. All lots must include design criteria sufficient to reduce runoff and adhere to Best Management Practices (BMPs) of the Karst Recharge Zone. Plans must be included in final submission review to the ARC.

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

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

Provided, further, that after the expiration of the thirty (30) year period set forth above and any time within six (6) months from said expiration, a majority of the Lots, through their record owners, may express their intention, in writing, so drafted and executed as to be recorded with the registrar of deeds in Benton County, Arkansas, that they no longer care for the covenants, and the same shall then be terminated. In the event that no action is taken within the prescribed time, this Declaration shall continue for additional periods of ten years, and for any such ten-year period, said covenants may be terminated in accordance with the terms for the original termination

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

4.19 Driveways. Access driveways and other paved areas for vehicular use on a Lot shall have a base of compacted gravel, crushed stone, or other approved base material.

4.20 Building Height. No Dwelling shall be erected, altered, or placed on a Lot which shall contain more than two (2) stories.

4.21 Conflicts. If any covenant or restriction in this Declaration conflicts with a provision of any planned unit development ordinance (the "PUD Ordinance"), the terms of the PUD Ordinance shall control.

ARTICLE V
Property Owners' Association

5.1 Association. The Association has been or will be formed as an unincorporated association. All Lot Owners must be members of the Association, and each shall automatically become a member of the Association upon the conveyance of a Lot to him or her. The Association shall be governed by By-Laws accepted and approved by the Association. All association memberships will pass with Lot ownership in the Development. All Lots will carry one (1) vote in the Association, except that the Developer shall have four (4) votes per Lot which Developer owns.

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

5.3 Purpose of Assessments. The assessments levied pursuant hereto by the Association shall be used for the purposes of acquisition, improvement and maintenance of the Common Properties, services and facilities devoted to this purpose and related to the use and enjoyment of the common properties, insurance thereon, and repair, replacement, and modifications thereto, and for the cost of labor, equipment, materials, management and supervision thereof. In addition, assessments may also be used for expenses related to the necessary and reasonable operation of the Association, including, but not limited to, collection of assessments and related costs and enforcement of the covenants and restrictions of the Development.

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5.4 Basis and Maximum of Annual Assessments: The annual assessment for each lot shall be $200.00. An Owner's first such assessment shall be prorated and paid to the Association at closing according to time of conveyance of a Lot to the Owner. The annual assessment may be increased, as hereinafter provided, by a majority vote of the votes entitled to be cast by the members of the Association for the next succeeding "assessment year" (beginning January l) and at the end of each such period of one year for each succeeding period of one year. At no time shall the annual assessment per lot be increased more than twenty-five percent (25%) above the prior year's annual assessment. Said annual assessment shall be payable in advance on the 1st day of January each year. The Board of Directors may, after consideration of current maintenance costs and future needs of the Association, fix the actual assessment for any year at a lesser amount.

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

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

5.7 Late Payment of Assessments. As hereinabove provided, each annual assessment shall be due and payable on the 1st day of January of each year. In the event of default as to any payment (annual or special), and if the default is not remedied within ninety (90) days, the Association shall have the option of taking such action as permitted by law or equity and by this Declaration and the By-laws of the Association. An additional late charge of ten percent (10%) shall be assessed on any payment which is more than ninety (90) days delinquent. Costs of collection of the assessment, including reasonable attorneys' fees therefor, shall also be assessed.

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

5.9 Effect of Non-Payment of Assessment and the Lien Remedies of the Association. If the assessments (annual or special) are not paid on the date when due, then such assessment shall be come delinquent as provided in this Article and shall, together with such interest, late

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

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

5.11 Suspension of Rights of Membership: Prior to the foreclosure of any lien upon any lot subject to this Declaration, the Board of Directors of the Association may elect to suspend all membership rights of any member or members of the Association who are delinquent in any payment due to the Association for more than thirty (30) days, with such suspension to continue for so long as any such delinquency exists. Further, the Board of Directors may suspend membership rights for a period not to exceed thirty (30) days for the infraction of any rules or regulations by the member, family of the member or guest of the member, relating to the use of any of the common properties. Suspension of membership rights shall be effective from the date that notice of suspension is mailed to the member via U.S. Certified mail, return receipt requested, postage prepaid, to the last known address of the said member.

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

5.13 Powers and Duties. The affairs of the Association shall be conducted by its Board of Directors (sometimes referred to as the "Board"). The Board, for the benefit of the Association, the Development, and the Owners, may provide and may pay for, out of the assessment fund(s) provided above, any or all of the following:

a. Care, preservation and maintenance of the Common Property and the furnishing and upkeep of any personal property and fixtures, for use in or on the Common Property;

b. Taxes, insurance, and (including, without limitation, electricity, gas, water, and sewer charges), if any, which pertain to the Common Property only;

c. The services of any person or firm (including the Developer and any affiliates of the Developer) to manage the Association or any separate portion thereof, to the extent deemed advisable by the Board, and the services of such other personnel as the Board shall determine to be necessary or proper for the operation of the Association, whether such personnel are employed directly by the Board or by a manager hired by the Board;

d. Legal and accounting services; and

e. Any other materials, supplies, equipment, labor, services, maintenance, repairs, structural alterations, taxes, or assessments which the Board is required to obtain or pay for pursuant to the terms of Declaration or which in its opinion shall be necessary or proper for the operation or protection of the Association and the Development or for the enforcement of this Declaration.

5.14 Other Powers. The Board shall have the following additional rights, powers, and duties:

a. To enter into contacts, maintain one or more bank accounts and, generally, to have all the powers necessary or incidental to the operation and management of the Association;

b. To make reasonable rules and regulations for the operation of the Common Property and, subject to the limitations herein, to amend this Declaration from time to time; and

c. To contract with any Owner (including, without limitation, the Developer) for performance, on behalf of the Association, of services which the Association is otherwise required to perform pursuant to the terms hereof, such contracts to be upon such terms and conditions and for such consideration as the Board may deem proper, advisable, and in the best interests of the Association.

5.15 Liability Limitations. Neither any member or Owner nor the directors and officers of the Association shall be personally liable for debts contracted for or otherwise incurred by the Association or for any torts committed by or on behalf of the Association or otherwise. The Developer and the Association and their respective directors, officers, agents, and employees, shall not be held liable for any incidental or consequential damages for failure to inspect any premises, improvements or portion thereof, or for failure to repair or maintain the same.

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5.16 Reserve Funds. The Board may establish reserve funds which may be maintained and accounted for separately from other funds maintained for annual operating expenses.

ARTICLE VI
Architectural Review Committee

6.1 Designation of ARC. The ARC shall be comprised of at least two (2) and not more than five (5) members who shall be natural persons. Initially, the ARC shall consist of Cammie Scott, Tim Scott, Toni Fitzpatrick, or their assigns, who shall serve until their resignation. Should any of the initial ARC members resign, the non-resigning members shall appoint the successor. Upon the resignation of all the initial ARC members or after all Lots are sold by the Developer to third-parties, the Association may change the number and composition of the ARC in accordance with the Association's governing documents.

6.2 Function of the ARC. No dwelling, building, structure or other improvement shall be constructed or maintained upon any Lot and no alteration or repainting to the exterior of a dwelling, building, structure or other improvement shall be made and no landscaping performed unless complete plans, specifications, and site plans showing the exterior design, height, building material and color scheme, the location of the structure plotted horizontally and vertically, the location and size of driveways, the general plan of landscaping, fencing walls and windbreaks, sewage systems and the grading plan shall have been submitted in writing to and approved in writing by the ARC prior to the commencement of construction. Once the ARC has approved the plans and specifications, the ARC shall issue a permit to the Owner authorizing to commence the construction ("Permit"). A copy of the plans, specifications, and Lot plans as finally approved shall be deposited with the ARC. The ARC shall have the power to employ professional consultants to assist it in discharging its duties. The decisions of the ARC shall be final, conclusive, and binding upon the applicant.

6.3 Content of Plans and Specifications. The plans and specifications to be submitted and approved shall include the following:

a. A statement by the Owner and his architect, designer or other qualified person undertaking the design of the proposed improvements that such parties have visited the site and have reviewed and are familiar with the applicable provisions of this Declaration, including the following design guidelines.

b. Floor plans for all floors indicating interior room dimensions and use, the location and size of exterior windows, doors and other openings, the location of mechanical and electrical systems, or any other conceptual plans for which a review is requested by the ARC.

c. Exterior elevations providing the exterior views of all structures, fences, signs, and similar improvements. The elevations shall include a brief description of all exterior materials, colors, and finishes, including without limitation those of the walls,

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roofs, trim, chimneys, doors, and windows. Building elevations shall be provided for all sides of the dwelling.

d. A site plan drawn to scale indicating (i) Property lines, including streets, rights-of-way, easements, set back lines and all dimensions; (ii) Existing grade and location of proposed cut and/or fill, indicating approximate slope and height or depth of each (2' minimum interval); (iii) Proposed sewer system footprint; (iv) Drainage plans indicating drainage patterns away from building to swales, culverts and other drainage facilities; (v) location of contractor's temporary facility, outhouses and other temporary structures and items, to be used during construction; and (vi) Any temporary access to the site.

e. Specifications or color boards as necessary to describe the (i) exterior wall materials and colors; (ii) roof materials and colors; (iii) door materials and colors; (iv) chimney materials; (v) stained or colored pavement materials; (vi) fencing and screening material; and (vii) any other exterior site improvements. Color and material descriptions shall be keyed to the exterior elevations, differentiating between general wall colors, fascia, railing, structural elements, door, trim and accent colors, and other elements of the structure.

f. A fee in the amount of $200.00 (checks are to be made payable to the Association) for costs or expenses the ARC may incur in reviewing, or having professionals review, the plans and specifications as submitted. Such fee shall be non-refundable. The ARC reserves the right to waive all of or a portion of this fee. The Developer is exempt from this fee requirement.

ARTICLE VII
Rights Involving Common Properties

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

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

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

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b. The right of the Association to take such steps as are reasonably necessary to protect the above-described properties against foreclosure;

c. The right of the Association to suspend or permanently cancel the rights of any member and membership in the Association;

d. The right of the Association to charge reasonable service or use charges, admission and other fees for the use, service and enjoyment of the common properties;

e. The right of the Association to limit the number of members per lot who may be entitled to the benefit of the easement of enjoyment as to the common properties by reason of ownership of a lot;

f. The right of individual members to have exclusive use of any of the common properties as from time to time as may be granted by the Board or its designate; and

g. The right of the Association to pass and enforce rules and regulations related to use, control and maintenance of the common properties and the areas situate thereon.

ARTICLE VIII
Miscellaneous

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

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

8.3 Additional Phases. The Developer reserves, unto itself, the right, without joinder, vote or consent of any Owner, Builder or Mortgagee, to file additional plats in the office of the Circuit Clerk and Ex-Officio Recorder of Benton County, Arkansas to add additional phases which shall be subject to this Declaration. With regard to such additional phases, Developer further reserves, unto itself, in its sole discretion, the right, without joinder, vote or consent of any Owner, Builder or Mortgagee, to change the minimum square footage as stated herein.

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8.4 Severance. If any provision of this Declaration or any section, clause, phrase, word or the application thereof in any circumstances is held to be invalid, the validity of the remainder of this Declaration and of the application of the remaining provision shall not be affected thereby.

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

IN WITNESS WHEREOF, Scout Enterprises, LLC, has caused this Declaration for Hawksview Planned Development, an Addition to the City of Springdale, Arkansas, to be duly executed by the undersigned in accordance with its governing documents.

IN WITNESS WHEREOF, the undersigned have set their hand and seal this ____ day of _____, 2022.

DEVELOPER:

SCOUT ENTERPRISES, LLC

By: _____
Cammie Scott, Manager

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BY-LAWS OF
HAWKSVIEW PD PROPERTY OWNERS ASSOCIATION

ARTICLE I
Registered Office

Hawksview PD Property Owners Association (the "Association"), an unincorporated association in the state of Arkansas, may have other offices within the State of Arkansas as may be determined from time to time by its Board of Directors (the "Board").

ARTICLE II
Adoption of Declaration of Covenants and Restrictions as a Part of By-Laws

2.1. Adoption by Reference. The Declaration of Covenants of Assurance and Restrictions for the Hawksview Planned Development (the "Declaration") for the property therein as shown in File Numbers _____ of the Real Estate Records of Benton County, Arkansas, and amendments thereto or hereafter made, if any, are hereby adopted and incorporated as a part of these By-Laws by reference as fully as though same were set out herein word for word. Said Declaration was signed by all record owners of property in the Hawksview Planned Development. The definitions contained in the Declaration are incorporated herein by reference.

2.2. Declaration to Control. In the event any provisions contained in these By-Laws or any rule or regulation of the Association or any other action of the Association shall be in conflict with the Declaration, then the Declaration shall control.

ARTICLE III
Association Membership and Meetings

3.1. Membership Eligibility. Membership in the Association shall be as set forth in Article 5 of the Declaration and voting rights shall be in accordance with said Declaration.

3.2. Succession. The membership of each Lot Owner shall automatically terminate when said lot owner ceases to be a Lot Owner and upon the conveyance, transfer or other disposition of a lot, said Lot Owner's membership in the Association shall automatically be transferred to the new lot owner.

3.3. Regular Meetings. The members shall annually hold a regular meeting, one of the purposes of which shall be to elect directors. The first regular annual meeting of members may be held, subject to the terms hereof, on any date, at the option of the Board, within one (1) year after the formation of the Association. Subsequent to the first meeting, there shall be a regular annual meeting of members held each year within thirty (30) days of the anniversary of the first regular annual meeting. All such meetings of members shall be held at such place in Benton County or Benton County, Arkansas, and at such time as is specified in the written notice of such meeting.

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Subject to the terms of the Declaration, such notice shall be mailed to or otherwise delivered to all members at least ten (10) days and not more than sixty (60) days prior to the date of such meeting. Such notice shall also state the purpose of such meeting.

3.4. Special Meetings. Special meetings of the members may be called by the President or by a majority of the directors, or by fifty percent (50%) or more of the members. Special meetings shall be called by delivering written notice to all members not less than ten (10) days nor more than thirty (30) days prior to the date of said meeting, stating the date, time, place and purposes of the special meeting.

3.5. Delivery of Notice of Meetings. Notices of meetings shall be delivered by or at the direction of the Secretary of the Association and may be delivered either personally or by mail to a member at the address given to the Board by said member for such purpose, or to the member's lot, if no address for such purpose has been given to the Board. Upon request, any holder of the first mortgage shall be entitled to written notice of all meetings and shall be permitted to designate a representative to attend and observe any such meeting.

3.6. Waiver of Notice. Waiver of notice of meetings of the members shall be deemed the equivalent of proper notice. Any member may, in writing, waive notice of any meeting of the members, either before or after such meeting. Attendance at a meeting by a member, whether in person or by proxy, shall be deemed a waiver by such member of notice of the time, date and place thereof unless such member specifically objects to lack of proper notice at the time the meeting is called to order. Attendance at a special meeting shall also be deemed a waiver of notice of all business transacted thereat unless objection to lack of notice is raised before the business, of which proper notice was not given, is put to a vote.

3.7. Voting. Voting rights shall be as set forth in the Declaration unless membership rights of a member have been suspended or canceled as permitted by the provisions of said Declaration.

3.8. Voting List. A list of names and addresses of members entitled to vote shall be available to any member from the Secretary upon written request at any time within ten (10) days of any regular or special meeting.

3.9. Quorum. Subject to the terms of the Declaration, a quorum of members for any meeting shall be deemed present throughout such meeting if members represented in person or by proxy and holding more than one-half of the votes entitled to be cast at such meeting are present at the beginning of such meeting.

3.10. Adjournment. Any meeting of the members may be adjourned from time to time for periods not exceeding forty-eight (48) hours by vote of the members holding the majority of the votes represented at such meeting, regardless of whether a quorum is present. Any business which could be transacted properly at the original session of the meeting may be transacted at an adjourned session, and no additional notice of such adjourned session shall be required.

3.11. Proxy. Any member entitled to vote may do so by written proxy duly executed by the member setting forth the meeting at which the proxy is valid. To be valid, a proxy must be filed with the Secretary prior to the opening of the meeting for which it is to be used. Proxies

must be dated and may be revoked only by written notice delivered to the Association. Presence in person at the meeting for which a proxy is given or transfer of ownership of a lot shall automatically revoke the proxy.

3.12. Consents. Any action which may be taken by a vote of the members may also be taken by written consent signed by all members.

3.13. Rules of the Meeting. The Board may prescribe reasonable rules for the conduct of all meetings of the Board and members.

ARTICLE IV
Board of Directors

4.1. Composition. The affairs of the Association shall be governed by the Board. The initial Board shall be comprised of Cammie Scott, Tim Scott, Toni Fitzpatrick, who shall serve until their resignation or until all of the lots owned by the Developer are sold to third-parties. If only any one of them resigns, the other two who are still serving may appoint another Director to serve. After all initial members are no longer on the Board, the Board shall be composed of at least three (3) but no more than five (5) persons and future directors shall be owners of lots in the Development, including an agent of the Developer should the Developer still own a lot or lots at the time of the election. The precise number of directors may be amended from time to time by resolution of the Board. Provided that should the Board elect to change the number of directors, such change shall be included in the notice of the annual meeting sent to the members of the Association.

4.2. Term of Office. All directors elected at any subsequent annual or special meeting shall serve for three (3) year terms and until their successors are qualified and elected; provided, however, upon expiration of the term of the initial Board of Directors the term of the directors shall be as follows:

One director for one (1) year
Two directors for two (2) years
Two directors for three (3) years

Upon election of the board they shall draw for their term. Thereafter, each director shall serve for three (3) years or until their successor is qualified and elected.

4.3. Removal of Directors. At any regular or special meeting of the Association duly called, any one or more of the directors may be removed with or without cause by a majority of votes entitled to be cast of the members of the Association and a successor may then and there be elected to fill the vacancy thus created. Any director whose removal has been proposed by the members shall be given at least ten (10) days' notice of the calling of the meeting and the purpose thereof and shall be given an opportunity to be heard at the meeting.

4.4. Vacancies. Vacancies in the Board caused by any reason, including the addition of a new director or directors shall, be filled by a vote of the majority of the remaining directors, even though less than a quorum, at any meeting of the board and the new directors shall serve for the remainder of the term of the director being replaced. Said director shall serve until a successor

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shall be elected at the next annual meeting of the Association to fill the unexpired portion of the term.

4.5. Compensation. No director shall receive compensation for any service rendered to the Association. Any director may, however, be reimbursed for actual expenses incurred in the performance of duties as a director.

4.6. Nomination. Nomination for election to the Board shall be made by a nominating committee which shall consist of two (2) members appointed by the President to serve from the close of one annual meeting to the close of the succeeding annual meeting. Such appointment shall be announced at the annual meeting. The nominating committee may nominate, by position number, any number of qualified individuals, but no less than the number of directors to be elected. The nominations shall be made at least ten (10) days prior to the annual meeting. Any member of the Association in good standing may nominate, by position number, any qualified individual or individuals for the position of director by filing a written nomination with any duly elected officer of the Association at least ten (10) days prior to the annual meeting. A list of the nominees, by position number, shall be included in the notice of annual meeting. No nominations shall be allowed from the floor at the meeting. Failure to comply with the provisions hereof shall in no way invalidate the election of directors so nominated and elected at any annual meeting.

4.7. Elections. ' Directors to be elected by the members shall be elected, by position number, from among those nominated, by a majority of the votes entitled to be cast at the annual meeting, a quorum being present.

4.8. Regular Meetings. Regular meetings of the Board may be held at such time and place as shall be determined from time to time by the Board, but such meetings shall be held at least annually. The Board shall meet within ten (10) days after each annual meeting of the members.

4.9. Special Meetings. Special meetings of the Board may be called by the President on three days' notice to each director given by mail, in person or by telephone or other electronic means, which notice shall state the time, place and purpose of the meeting. Special meetings of the Board shall be called by the President, Secretary or Treasurer in like manner and on like notice on the written request of at least two (2) directors.

4.10. Quorum. A quorum of directors shall be deemed present throughout any Board meeting at which fifty percent (50%) or more of the directors are present at the beginning of such meeting.

4.11. Conduct of Meetings. The President shall preside over all meetings of the Board and the Secretary shall keep a minute book recording therein all resolutions adopted by the Board and a record of all transactions and proceedings occurring at such meetings.

4.12. Action Without a Meeting. Any action by the Board required or permitted to be taken at any meeting may be taken without a meeting if all of the directors consent in writing to such action. Such written consent or consents shall be filed with the minutes of the Board.

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ARTICLE V
Powers and Duties of Directors

The Board shall exercise for the Association all powers, duties and authority vested therein by the Declaration or these By-Laws, except for such powers, duties and authority reserved thereby to the members of the Association. The Board shall have the following powers and duties

(a) to elect and remove the officers of the Association as hereinafter provided;

(b) to administer the affairs of the Association in accordance with any provisions in the Declaration;

(c) to engage the service of an agent (hereinafter sometimes referred to as the "Managing Agent") to maintain, repair, replace, administer and operate the Common Areas and all other property and obligations of the Association as referred to in the Declaration or any part thereof for the members, upon such terms and for such compensation as the Board may approve, including a Managing Agent which is affiliated with one or more directors, or the Developer, or both; provided, that such managing agent shall not be engaged for periods of more than one (1) year without board approval;

(d) to administer, manage and operate the Common Areas as long as owned by Developer or the Association and to formulate policies therefor;

(e) to adopt rules and regulations, with written notice thereof to all members, governing the details of the administration, management, operation and use of the Common Areas, and to amend such rules and regulations from time to time;

(f) to provide for the operation, care, upkeep, maintenance, repair, replacement and improvement of the Common Areas and payments therefor, as well as any other obligations or rights of the Association pursuant to the Declaration, and to approve payment vouchers or to delegate such approval to the officers of the Association or the Managing Agent;

(g) to have access to each lot from time to time as may be necessary for the maintenance, repair or replacement of the Common Areas therein or accessible therefrom, or for making emergency repairs therein necessary to prevent damage to the Common Areas;

(h) to obtain adequate and appropriate kinds of insurance;

(i) to engage or contract for the services of others, and to make purchases for the maintenance, repair, replacement administration, management and operation of the Common Areas as well as to discharge any obligation or right of the Association pursuant to the Declaration, and to delegate any such powers to a Managing Agent (and any employees or agents of a Managing Agent);

(j) to appoint committees and to delegate to such committees the Board's authority to carry out certain duties of the Board;

(k) to determine the fiscal year of the Association and to change said fiscal year from time to time as the Board deems advisable;

(l) to estimate the amount of, prepare, adopt and distribute the budget for the Association not less frequently than annually, to provide the manner of assessing, levying on and collecting from the members their respective shares of the common expenses, and to levy fines and special assessments against one or more occupants in accordance with the Declaration;

(m) to keep detailed, accurate records of the receipts and expenditures of the Association in discharging its obligations and rights;

(n) to bid and purchase, for and on behalf of the Association, any lot, or interest therein, at a sale pursuant to a mortgage foreclosure, a foreclosure of the lien for assessments, special assessments or both, or an order or direction of a court, or at any other involuntary sale, upon the consent or approval of members owning not less than seventy five percent (75%) of the lots, provided that such consent shall set forth a maximum price that the Board or its duly authorized agent may bid and pay for such lot or interest therein;

(o) to make such mortgage arrangements and special assessments proportionately among the respective lot owners, and other such financing arrangements, as the Board may deem desirable, in order to close and consummate the purchase or lease of a lot, or interest therein, by the Association; provided, however, that no such financing arrangement shall be secured by an encumbrance on any interest in the Property other than the lot, or interest therein, to be purchased or leased;

(p) to act in a representative capacity in relation to matters involving the Common Areas or more than one lot, on behalf of the lot owners, as their interests may appear;

(q) to enforce by legal means the provisions of the Declaration and these By-Laws with respect to the Property;

(r) to renew, extend or compromise indebtedness owed to or by the Association;

(s) unless otherwise provided herein or in the Declaration, to comply with the instructions of a majority of the votes entitled to be cast of the members as expressed in a resolution duly adopted at any annual or special meeting of the Association; and,

(t) in addition to, and in furtherance of, the powers referred to in these By-Laws, the Association shall (i) have and exercise all powers necessary or convenient to effect any or all of the purposes for which the Association is organized, and to do every other act not inconsistent with law which may be appropriate to promote and attain the purposes set forth in the Declaration and these By-Laws.

5.1. Nondelegation. Nothing in this Article or elsewhere in these By-Laws shall be considered to grant to the Board, the Association or to the officers of the Association any powers or duties which, by law, have been delegated to the members.

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ARTICLE VI
Officers and Their Duties

6.1. Designation. At each regular meeting of the Board immediately following the election of the Board by the members, the directors present at said meeting shall elect the following officers of the Association by a majority vote:

(a) A President, who must be a director and who shall preside over the meetings of the Board and of the members, and who shall be the chief executive officer of the Association.

(b) A Secretary, who shall keep the minutes of all meetings of the Board and of the members, and shall be designated as the officer to mail and receive all notices served by or upon the Board or the Association and execute amendments to the Declaration and these By-Laws, and shall, in general, perform all the duties incident to the office of Secretary, and may be a representative of the Managing Agent;

(c) A Treasurer, who shall be responsible for financial records and books of account and the manner in which such records and books are kept and reported; provided, however, that the duties of the Treasurer may be performed by an employee or independent contractor retained by the Board; and

(d) such additional officers as the Board shall see fit to elect.

Any two (2) or more offices may be held by the same person, except offices of President and Secretary.

6.2. Powers. The respective officers shall have the general powers usually vested in such officers; provided that the Board may delegate any specific powers to any other officer or impose such limitations or restrictions upon the powers of any officer as the Board may see fit.

6.3. Term of Office. Each officer shall hold office for the term of one (1) year or until his successor shall have been appointed or elected and qualified. Officers may serve for more than one (1) term.

6.4. Vacancies. Vacancies in any office shall be filled by the Board by a majority vote at a special meeting of said Board. Any officer so elected by the Board to fill a vacancy shall hold office for a term equal to the unexpired term of the officer he succeeds.

6.5. Compensation. No officer shall receive compensation for any service rendered to the Association. Any officer may, however, be reimbursed for actual expenses incurred in the performance of duties as an officer.

6.6. Removal. Any officer elected by the Board may be removed from office, either with or without cause, by a majority vote of the Board.

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ARTICLE VII
Contractual Powers

No contract or other transaction between the Association and one or more of its directors or between the Association and any corporation, firm or association in which one or more of the directors are also directors, or are financially interested, is void or voidable because such director or directors are present at the meeting of the Board or a committee thereof which authorizes or approves the contract or transaction or because the vote or votes of such director or directors are counted toward such authorization or approval, if the circumstances specified in either of the following subparagraphs exist:

(a) the fact of the common directorship or financial interest is disclosed or known to the Board or committee and noted in the minutes thereof, and the Board or committee authorizes, approves or ratifies the contract or transaction in good faith by a vote sufficient for the purpose, without counting the vote or votes of such director or directors; or

(b) the contract or transaction is just and reasonable as to the Association at the time it is authorized or approved.

Such common or interested directors may be counted in determining the presence of a quorum at a meeting of the Board or a committee thereof which authorizes, approves or ratifies such a contract or transaction.

ARTICLE VIII
Indemnification

8.1. General. The Association shall indemnify and hold harmless each of its directors and officers, each member of any committee appointed pursuant to the By-Laws of the Association, the Board and the Developer against all contractual and other liabilities to others arising out of contracts made by, or other acts of, such directors, Board, officers, committee members or Developer, on behalf of the members, or arising out of their status as directors, Board, officers, committee members or Developer, unless any such contract or act shall have been made fraudulently or with gross negligence or criminal intent. It is intended that the foregoing indemnification shall include indemnification against all costs and expenses (including but not limited to counsel fees, amounts of judgments paid and amounts paid in settlement) reasonably incurred in connection with the defense or any claim, action, suit or proceeding, whether civil, criminal, administrative or other, in which any such director, officer, Board, committee member or Developer may be involved by virtue of such persons being or have been such director, officer, Board, committee member or Developer; provided, however, that such indemnity shall not be operative with respect to (a) any matter as to which such person shall have been finally adjudged in such action, suit or proceeding to be liable for gross negligence or fraud in the performance of his duties as such director, officer, Board, committee member or Developer, or (b) any matter settled or compromised, unless in the opinion of independent counsel selected by or in a manner determined by the Board, there is not reasonable ground for such persons being adjudged liable for gross negligence or fraud in the performance of his duties as such director, officer, Board, committee member or Developer.

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8.2. Success on Merits. To the extent that the Board, Developer, a director, officer of the Association or member of any committee appointed pursuant to these By-Laws has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in Paragraph 8.1 above, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith.

8.3. Expenses in Advance of Disposition. Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the Association in advance of the final disposition of such action, suit or proceeding as authorized in the specific case upon receipt of an undertaking by or on behalf of the director, officer, Board, committee member or Developer to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the Association as authorized in this Article.

8.4. Non-Exclusive Remedy. The indemnification provided by this Article VIII shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any statute, agreement, vote of members of the Association or disinterested directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office. Such right to indemnification shall continue as to a person or entity who has ceased to be Developer, a director, an officer of the Association or a member of such committee, and shall inure to the benefit of the heirs, executors, administrators, personal representatives, successors and assigns of such person or entity.

ARTICLE IX
Use Restrictions and Rule Making

9.1. Authority and Enforcement. The Property shall be used only for those uses and purposes set out in the Declaration. The Board shall have the authority to make and to enforce reasonable rules and regulations governing the conduct, use and enjoyment of lots and the Common Areas, provided that copies of such rules and regulations be furnished to all members. The Board shall have the power to impose reasonable fines which shall constitute a lien upon the lot and to suspend a member's right to vote or to use any of the Common Areas for violation of any duty imposed under the Declaration, these by-Laws or any rules and regulations duly adopted hereunder.

(a) Procedure. The Board shall not impose a fine, suspend a member's right to vote or infringe upon any other rights of a member or other occupant for violation of rules unless and until the procedures reflected in the Declaration and the following supplemental procedures have been followed.

(b) Demand. Written demand to cease and desist from an alleged violation shall be served upon the alleged violator specifying: (i) the alleged violation; (ii) the action required to abate the violation; and (iii) a time period, not less than ten (10) days, during which the violation may be abated without further sanction, if such violation is a continuing one or a statement that any further violation of the same rule may result in the imposition of sanction after notice and hearing, if the violation is not continuing.

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(c) Notice. Within twelve (12) months of such demand, if the violation continues past the period allowed in the demand for abatement without penalty, or if the same rule is subsequently violated, the Board shall serve the violator with written notice of a hearing to be held by the Board in session. The notice shall contain: (i) the nature of the alleged violation; (ii) the time and place of the hearing, which time shall be at least thirty (30) days in advance of the hearings; (iii) an invitation to attend the hearing and provide any statement, evidence and witnesses on his or her behalf; and (iv) the proposed sanction to be imposed.

(d) Hearing. The hearing shall be held in executive session pursuant to this notice affording the member a reasonable opportunity to be heard. Prior to the effectiveness of any sanction hereunder, proof of notice and the invitation to be heard shall be placed in the minutes of the meeting. Such proof shall be deemed adequate if a copy of the notice together with a statement of the date and manner of delivery is entered by the officer or director who delivered such notice. The notice requirement shall be deemed satisfied if a violator appears at the meeting. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed.

ARTICLE X
Membership Dues

10.1. Dues. The dues and assessments shall be the amount as set forth in the Declaration or as changed from time to time as set forth in the Declaration.

ARTICLE XI
Amendments

11.1. Proviso. No amendment may be adopted which would eliminate, modify, prejudice, abridge or otherwise adversely affect any rights, benefits, privileges or priorities granted to any mortgagee without the prior written consent of said mortgagee(s). These by-laws may be amended by a vote of seventy five percent (75%) of all of the available votes voting for such amendment, with the members to have the votes as set forth in the Declaration.

ARTICLE XII
Miscellaneous

12.1. Notices. Unless otherwise provided in these By-Laws, all notices, demands, bills, statements or other communications under these By-Laws shall be in writing and shall be deemed to have been duly given if delivered personally or if sent by registered or certified mail, return receipt requested, first class postage prepaid:

(a) If to a member, at the address which the member has designated in writing and filed with the Secretary, or if no such address has been designated, at the address of the lot of such member; or

(b) If to the Association, the Board of the Managing Agent, at the principal office of the Association or the Managing Agent, if any, or at such other address as shall be designated by the notice in writing to the members pursuant to this paragraph.

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12.2. Severability. The invalidity of any part of these By-Laws shall not impair or affect in any manner the validity, enforceability or effect of the balance of these By-Laws.

12.3. Captions. The captions herein are inserted only as a matter of convenience and for reference and if no way define, limit or describe the scope of these By-Laws or the intent of any provision thereof.

12.4. Gender and Grammar. The use of the masculine gender in these By-Laws shall be deemed to include the feminine gender, and the use of the singular shall be deemed to include the plural, whenever the context so requires.

12.5. Fiscal Year. The fiscal year shall be set by resolution of the Board.

12.6. Audit. An audit of the accounts of the Association shall be made annually as a common expense by a public accountant, and a copy of the report shall be furnished to each member who requests a copy in writing.

12.7. Mortgagees' Notice. A first mortgagee, upon written request, will be entitled to written notification from the Association of any default by an individual lot owner, who is the mortgagee's mortgagor, of any obligation arising from the Declaration not cured within thirty (30) days.

The foregoing By-Laws adopted by the President of Hawksview PD Property Owners Association on the _____ day of March, 2022 and approved by the Developer on the _____ day of March, 2022.

DEVELOPER:

SCOUT ENTERPRISES, LLC

By: _____
Cammie Scott, Manager

ASSOCIATION:

HAWKSVIEW PD PROPERTY OWNERS ASSOCIATION

By: _____
Cammie Scott, President

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EXHIBIT
2

Before



After – 9553 E. Brown Road, Lowell, AR









Before



After – 9459 E. Brown Road, Lowell, AR



Before



After – 8743 Ladelle Road, Lowell, AR 72745



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Before



After – 8780 E. Brown Road, Lowell, AR 72745



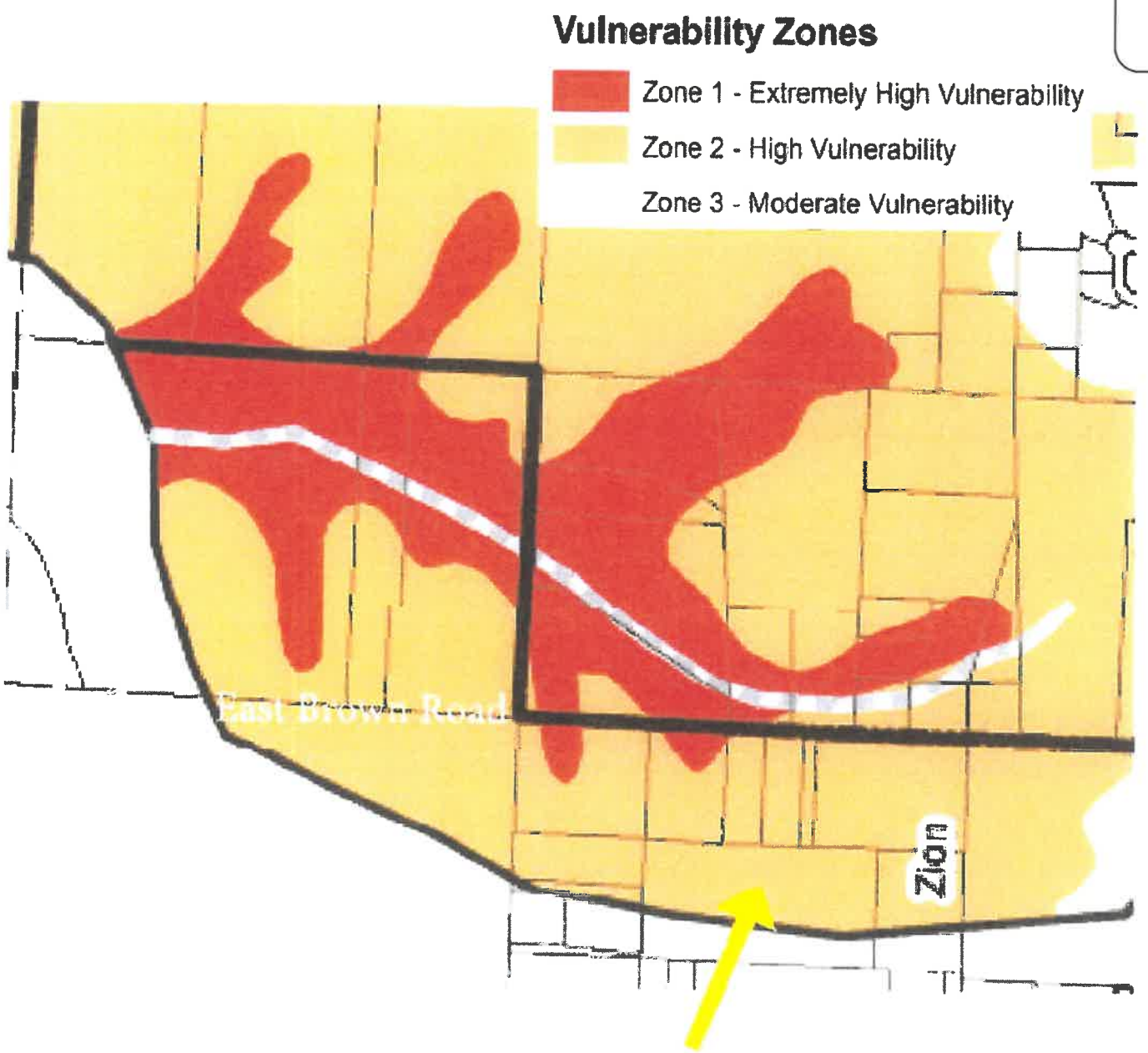






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EXHIBIT
3



8915 E Brown Road

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EXHIBIT
4

Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000
Governor Asa Hutchinson
José R. Romero, MD, Secretary of Health

May 4, 2021

Adam Parker
Engineering Division
AR Dept. of Health

Re: Septic System Feasibility for Cammie Scott Proposed Subdivision
Rosewood Estates
Location East Brown Rd., Benton Co., AR Parcel # 21-00167-100
Designated Representative: Will Jones

The proposed subdivision will have eight (8) residential lots and will be serviced Public Water. Lots will be developed for 3 BR homes. Soil pits were observed on these lots, and were found to be suitable for standard subsurface sewage disposal systems. Based on the information provided and evaluation of the proposed site, this project is granted local approval based on the following provisions:

1. We relied on statements and representations made in the submitted soil information, plans and specifications. In the case that any of these statements or representations are found to be incorrect, this approval may be revoked.
2. Lots 2, 3, 4, 5, and 6 have a 100' pipeline right of way on them. Both the primary, and the alternate disposal fields must remain out of it.
3. The lots will be served by public water.
4. There shall be no deviation from the plans and specifications unless revised plans and specifications have been submitted for review and written consent given.
5. The absorption fields as listed on the plat are for subdivision review purposes only. The actual size and shape of the fields will be determined by individual home plans and site conditions at the time of construction.
6. The individual onsite wastewater system for each lot must be located in the area specified on the submitted plat of the proposed subdivision as indicated by the soil pit location. Changes made to the location of the wastewater system will require further review and approval by the Arkansas Dept. of Health.
7. The areas of the proposed primary and secondary disposal fields must be protected during the construction of all structures, roads and the placement of service lines so as not to disturb the natural properties of the soils.
8. The final acceptance of each lot depends upon submission of an APPLICATION FOR INDIVIDUAL SEWAGE DISPOSAL PERMIT to the Benton Co Health Unit. Home

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construction should not be started on any lot until a permit for construction has been issued for an INDIVIDUAL SEWAGE DISPOSAL SYSTEM by the local Environmental Health Specialist.

9. Further subdivision or re-platting of any lot or lots will require the submission of soil information, plans and specifications for those lots before approval will be given for development.
10. ***Approval of the subdivision does not guarantee that an Individual Sewage Disposal Permit will be issued for any individual lot.***
11. **Final step for Subdivision State approval:**

DR or Developer submits three (3) copies of all plans for Engineering, the Senior EHS approval letter, detailed plans for water lines (if using PWS) and a check for the plan review fee to the following for final approval:

Arkansas Department of Health
Engineering Section
4815 West Markham Street
Slot 37
Little Rock, AR 72205

If you have any questions or would like more information, feel free to contact me at 479-571-0730. For questions regarding final plan review and/or water line information, contact Adam Parker at (501) 661-2623.

Sincerely,

Kyle Krievans #166

Kyle Krievans
Senior NW Region Environmental Program Specialist
Washington County Health Unit
3270 Wimberly Lane
Fayetteville, AR 72703

Cc: Richard Murphree, NW Region Environmental Manager
Will Jones, DR
Benton County EHS Staff

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EXHIBIT 4.3

PARCEL 21-00167-100 DESCRIPTION:
A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 18; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 455.06 FEET TO A COMPUTED POINT; THENCE SOUTH 03°37'29" WEST A DISTANCE OF 443.54 FEET TO A COMPUTED POINT FOR THE POINT OF BEGINNING; THENCE SOUTH 87°14'48" EAST A DISTANCE OF 588.49 FEET TO A FOUND 5/8" IRON PIN; THENCE SOUTH 87°22'07" EAST A DISTANCE OF 49.58 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 87°04'33" EAST A DISTANCE OF 249.10 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°50'38" WEST A DISTANCE OF 482.04 FEET TO A FOUND 1/2" DISTURBED IRON PIN; THENCE NORTH 87°12'01" WEST A DISTANCE OF 883.68 FEET TO A FOUND 5/8" IRON PIN PLS 1181; THENCE NORTH 03°37'29" EAST A DISTANCE OF 491.96 FEET TO THE POINT OF BEGINNING, CONTAINING 9.17 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

PARCEL 21-00167-078 DESCRIPTION:
A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 18; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 1084.90 FEET; THENCE SOUTH 03°22'57" WEST A DISTANCE OF 18.54 FEET TO A FOUND 5/8" IRON PIN WITH CAP FOR THE POINT OF BEGINNING; THENCE SOUTH 86°48'54" EAST A DISTANCE OF 50.07 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'18" WEST A DISTANCE OF 418.63 FEET TO A FOUND 1/2" IRON PIN; THENCE NORTH 87°22'03" WEST A DISTANCE OF 49.98 FEET TO A FOUND 5/8" IRON PIN; THENCE NORTH 02°33'32" EAST A DISTANCE OF 420.11 FEET TO THIS POINT OF BEGINNING, CONTAINING 0.48 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY

Curve Table

Curve #	Length	Radius	Chord	Chord Length	Chord Bearing
C1	4.00'	9.00'	3.97'		S10°10'14"E
C2	46.70'	41.00'	44.22'		S09°43'54"W
C3	54.14'	41.00'	50.29'		S80°11'27"W
C4	4.00'	9.00'	3.97'		N74°42'42"W
C5	9.95'	9.00'	9.45'		S60°53'01"W
C6	109.50'	59.00'	94.51'		S82°25'36"W
C8	96.58'	58.93'	86.13'		S70°58'04"E
C9	9.95'	9.00'	9.45'		S55°45'57"E
C10	44.77'	28.50'	40.31'		N47°33'32"E
C11	78.54'	50.00'	70.71'		N47°33'32"E

1 21-00167-090 MYERS, LINDA M & MYERS, STANLEY ANTON JR TRUSTEES PO BOX 2130 LOWELL AR 72745 Z: A-1

2 21-00167-063 SCOUT ENTERPRISES #3 LLC 12960 S ZION RD LOWELL AR 72745 Z: A-1

3 21-00167-096 JOHNSON, CRYSTAL L 12898 KNIGHT LN LOWELL AR 72745-9028 Z: A-1

4 21-00167-095 SHRUM, KENNETH R 12893 KNIGHT LN LOWELL AR 72745-9028 Z: A-1

5 21-00167-094 BOWEN, TIM & BARBARA 426 MADISON 5244 HUNTSVILLE AR 72740-8382 Z: A-1

6 & 7 21-00167-084 & 21-00167-081 BOWEN, TIM & BARBARA 426 MADISON 5244 HUNTSVILLE AR 72740-8382 Z: A-1

8 21-00167-087 CARTER, MICHAEL DALE & LINDA SUE 12890 SHARP SPRINGS RD LOWELL AR 72745-9033 Z: A-1

9 21-00167-084 POWELL, DIANE 8853 E BROWN RD LOWELL AR 72745-9484 Z: A-1

10 21-00167-082 FLORES, RAMON & RALLOS, JESSICA 5202 S 82ND ST ROGERS AR 72758-8141 Z: A-1

11 21-00167-080 WOLFE, JEFFREY L & MAUREEN L 8889 E BROWN RD LOWELL AR 72745-9464 Z: A-1

12 21-00167-079 BEAVER, SCOT & SAMMIE PO BOX 1425 LOWELL AR 72745-1425 Z: A-1

13 12-02591-100 ADAMS, AMY M 821 PARADISE PL LOWELL AR 72745-9312 Z: A-1

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 PERTAINS TO THIS PLAT AND TO THE OFFICES OF RESPONSIBILITY SHOWN BELOW.

SIGNATURES

ACCEPTANCE OF DEDICATION _____ DATE _____ CITY CLERK CITY OF SPRINGDALE

_____ DATE _____ MAYOR, CITY OF SPRINGDALE

APPROVAL FOR RECORDING _____ DATE _____ SECRETARY, PLANNING CITY OF SPRINGDALE

_____ DATE _____ DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT, CITY OF SPRINGDALE

COMMISSION _____ DATE _____ CHAIRPERSON, PLANNING COMMISSION, CITY OF SPRINGDALE

WATER & SEWER _____ DATE _____ ENGINEER, SPRINGDALE WATER UTILITIES CITY OF SPRINGDALE

STREETS & DRAINAGE _____ DATE _____ DIRECTOR OF PUBLIC WORKS, CITY OF SPRINGDALE

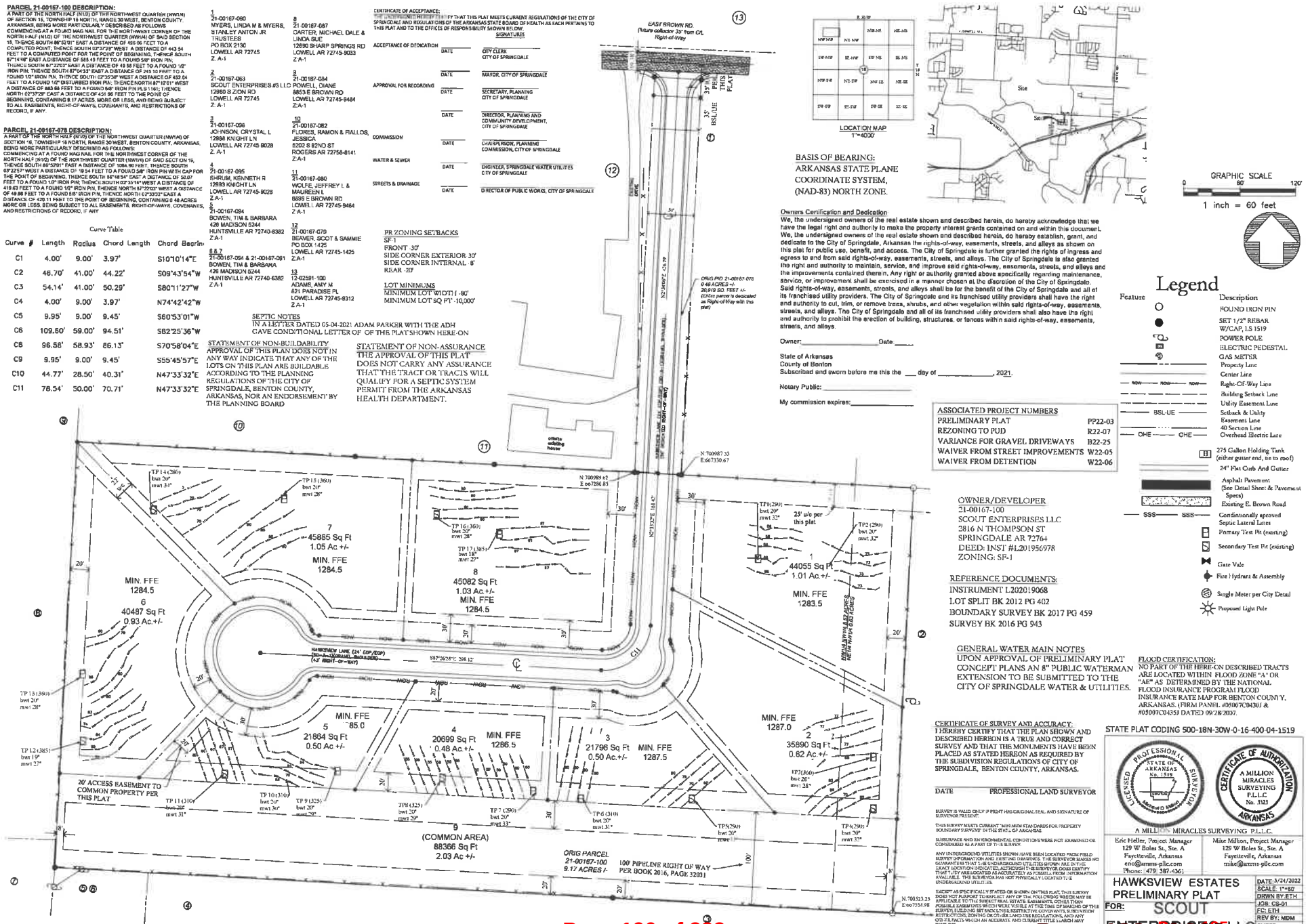
PR ZONING SETBACKS
SF-1
FRONT 30'
SIDE CORNER EXTERIOR 30'
SIDE CORNER INTERNAL 8'
REAR 20'

LOT MINIMUMS
MINIMUM LOT WIDTH 90'
MINIMUM LOT SQ FT 10,000'

SEPTIC NOTES
IN A LETTER DATED 05-04-2021 ADAM PARKER WITH THE ADH GAVE CONDITIONAL LETTER OF OF THE PLAT SHOWN HERE-ON

STATEMENT OF NON-BUILDABILITY
APPROVAL OF THIS PLAN DOES NOT IN ANY WAY INDICATE THAT ANY OF THE LOTS ON THIS PLAN ARE BUILDABLE ACCORDING TO THE PLANNING REGULATIONS OF THE CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS, NOR AN ENDORSEMENT BY THE PLANNING BOARD

STATEMENT OF NON-ASSURANCE
THE APPROVAL OF THIS PLAT DOES NOT CARRY ANY ASSURANCE THAT THE TRACT OR TRACTS WILL QUALIFY FOR A SEPTIC SYSTEM PERMIT FROM THE ARKANSAS HEALTH DEPARTMENT.



BASIS OF BEARING:
ARKANSAS STATE PLANE COORDINATE SYSTEM, (NAD-83) NORTH ZONE.

GRAPHIC SCALE
0 60' 120'
1 inch = 60 feet

Owners Certification and Dedication
We, the undersigned owners of the real estate shown and described herein, do hereby acknowledge that we have the legal right and authority to make the property interest grants contained on and within this document. We, the undersigned owners of the real estate shown and described herein, do hereby establish, grant, and dedicate to the City of Springdale, Arkansas the rights-of-way, easements, streets, and alleys as shown on this plat for public use, benefit, and access. The City of Springdale is further granted the rights of ingress and egress to and from said rights-of-way, easements, streets, and alleys. The City of Springdale is also granted the right and authority to maintain, service, and improve said rights-of-way, easements, streets, and alleys and the improvements contained therein. Any right or authority granted above specifically regarding maintenance, service, or improvement shall be exercised in a manner chosen at the discretion of the City of Springdale. Said rights-of-way, easements, streets, and alleys shall be for the benefit of the City of Springdale and all of its franchised utility providers. The City of Springdale and its franchised utility providers shall have the right and authority to cut, trim, or remove trees, shrubs, and other vegetation within said rights-of-way, easements, streets, and alleys. The City of Springdale and all of its franchised utility providers shall also have the right and authority to prohibit the erection of building, structures, or fences within said rights-of-way, easements, streets, and alleys.

Owner:_____ Date:____

State of Arkansas
County of Benton
Subscribed and sworn before me this the ___ day of _____, 2021.

Notary Public: _____

My commission expires:_____

ASSOCIATED PROJECT NUMBERS	
PRELIMINARY PLAT	PP22-03
REZONING TO PUD	R22-07
VARIANCE FOR GRAVEL DRIVEWAYS	B22-25
WAIVER FROM STREET IMPROVEMENTS	W22-05
WAIVER FROM DETENTION	W22-06

OWNER/DEVELOPER
21-00167-100
SCOUT ENTERPRISES LLC
2816 N THOMPSON ST
SPRINGDALE AR 72764
DEED: INST #L201956978
ZONING: SF-1

REFERENCE DOCUMENTS:
INSTRUMENT L202019068
LOT SPLIT BK 2012 PG 402
BOUNDARY SURVEY BK 2017 PG 459
SURVEY BK 2016 PG 943

GENERAL WATER MAIN NOTES
UPON APPROVAL OF PRELIMINARY PLAT CONCEPT PLANS AN 8" PUBLIC WATERMAN EXTENSION TO BE SUBMITTED TO THE CITY OF SPRINGDALE WATER & UTILITIES.

Legend

Feature	Description
○	FOUND IRON PIN
●	SET 1/2" REBAR W/CAP, LS 1519
PP	POWER POLE
ED	ELECTRIC PEDESTAL
GM	GAS METER
	Property Line
	Center Line
ROW ROW ROW	Right-Of-Way Line
	Building Setback Line
	Utility Easement Line
BSL-UE	Setback & Utility Easement Line
	40 Section Line
OHE OHE	Overhead Electric Line
H	275 Gallon Holding Tank (either gutter end, tie to roof)
	24" Flat Curb And Gutter
	Asphalt Pavement (See Detail Sheet & Pavement Specs)
	Existing E. Brown Road
SSS SSS	Conditionally aproved Septic Lateral Lines
	Primary Test Pit (existing)
	Secondary Test Pit (existing)
	Gate Vale
	Fire Hydrant & Assembly
	Single Meter per City Detail
	Proposed Light Pole

FLOOD CERTIFICATION:
NO PART OF THE HERE-ON DESCRIBED TRACTS ARE LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS. (FIRM PANEL #05007C0430J & #05007C0435J DATED 09/28/2007.

CERTIFICATE OF SURVEY AND ACCURACY:
I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON AS REQUIRED BY THE SUBDIVISION REGULATIONS OF CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS.

DATE PROFESSIONAL LAND SURVEYOR

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR PRESENT.

THIS SURVEY MEETS CURRENT "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" IN THE STATE OF ARKANSAS.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

STATE PLAT CODING 500-18N-30W-0-16-400-04-1519

LICENSED PROFESSIONAL LAND SURVEYOR STATE OF ARKANSAS No. 1519 Michael D. Miller

CERTIFICATE OF AUTHORIZATION A MILLION MIRACLES SURVEYING P.L.L.C. No. 3323 ARKANSAS

A MILLION MIRACLES SURVEYING P.L.L.C.

Eric Heller, Project Manager	Mike Million, Project Manager
129 W Boles St., Ste. A	129 W Boles St., Ste. A
Fayetteville, Arkansas	Fayetteville, Arkansas
eric@amms-pllc.com	mike@amms-pllc.com
Phone: 479-387-9361	

HAWKSVIEW ESTATES PRELIMINARY PLAT
FOR: SCOUT ENTERPRISES #3 LLC

DATE: 3/24/2022
SCALE 1"=80'
DRWN BY: ETH
JOB: CS-01
FC: ETH
REV BY: MDM
SHEET: 1 OF 1
SP # LS21-XX

X:\Projects\76 - Springdale, Hawksview subdivision\Survey\CS-02 PR Rosewood-SOUTH 8 LOTS 2022-0318.dwg Plotted On: 2022-03-24 Plotted By: Heller

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Protect the positive aspects of neighborhood character throughout the City.

Assure adequate land allocation for residential purposes by providing lots of adequate size.

Encourage the development of a variety of housing types appropriate to the size and income of all households living and working in Springdale.

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

There were none.

Mr. Covert called for the vote.

VOTE:
YES: Austin, Cloud, Compton, Covert, Mueller, Parker, Peters, 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, April 26, 2022 at 6:00 p.m.

The following rezoning will be verbatim; however, the Development Plan and Covenants have been inserted for full review.

C.	R22-07	Hawksview Subdivision
	PP22-03	8915 E. Brown Road
		From A-1 to PUD
	W22-05	Waiver of street improvements – Brown Road
	W22-06	Waiver of detention requirements
		Presented by David Gilbert, P.E.

Mr. Tyler: R22-07 Hawksview Subdivision, 8915 E. Brown Road from A-1 to PUD. Also have a preliminary plat PP22-03 Waiver of 2205 and Waiver of 22-06. Presented by David Gilbert.

Mr. Gilbert: Good evening, what we are proposing to do is to build eight (8) single family lots on roughly ten (10) acres. This is in the extreme northwestern part of Springdale. We are so far northwest, the street addresses are based off Cave Springs grid; that gives you an idea of where we are. This is being presented as a PUD with common spaces. A lot of paperwork that I won't bore you with. I'm sure Mrs. Christie will cover the details here in just a couple of minutes. There's not really much to say. The detention we looked at and if the maximum build out is done per the development plan and the runoff will increase in depth by about an eighth of an inch and the Northwest Arkansas' BMP were prepared by the regional planning commission in conjunction with all of the cities in the area say that the objective is to not create any artificial drainage systems and to keep things a natural as possible. What we have here is a very shallow

ridge that drains naturally by sheet flow in both directions. We are trying to keep it that way. With that we will be glad to take any questions you might have.
Mr. Tyler: Staff comments.

Ms. Christie: The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval with development plan and covenants as revised.

Protect the positive aspects of neighborhood character throughout the City.

Appropriate locations for single-family and multi-family residential development should be provided based on accessibility, site suitability, utility availability, neighborhood compatibility and environmental factors.

Assure adequate land allocation for residential purposes by providing lots of adequate size.

This being a PUD there is a lot of conditions that goes with this and we are going to spend a little bit of time going through all these conditions.

It is a proposal for a 9.65 acre subdivision and I will say up front that I recommended that we go this route rather than a standard rezoning because of the uniqueness of the area which is being developed and the type of development that is being proposed. That's the reason you are not seeing this as a standard SF-1 subdivision or an SF-2 or something like that.

DECLARATION OF COVENANTS OF ASSURANCE AND RESTRICTIONS OF HAWKSVIEW PLANNED DEVELOPMENT TO THE CITY OF SPRINGDALE, ARKANSAS

KNOW ALL BY THESE PRESENTS:

That SCOUT ENTERPRISES, LLC, an Arkansas limited liability company, being the owner and developer ("Developer") of the property referenced in Exhibit A, said property having been duly platted as Hawksview Planned Development (the "Development"), an Addition to the City of Springdale (the "City'), Benton County, Arkansas, said plat being recorded in the office of the Clerk and Ex-Officio recorder of Benton County, Arkansas, on [date], in Plat Book _____, Page _____, for the purpose of keeping said Development desirable, uniform and suitable in architectural design and use as herein specified, and to provide for the orderly development of the Development, does hereby make this Declaration of Covenants of Assurance and Restrictions (this "Declaration") setting forth the following limitations, restrictions and uses of the property in the Development.

Developer does hereby state that this Declaration shall establish covenants running with the land for the period of hereinafter set forth, as provided by law and shall be binding upon all purchasers and owners of the lots of the Development and upon such owners' heirs, personal representatives, successors and assigns, and upon all persons claiming under them.

It shall be lawful for the Hawksview PD Property Owners' Association (hereinafter referred to as the "Association" and more particularly defined herein) or for any other person or persons owning real property situated in the Development to initiate any proceedings at law or in equity against parties or persons violating or attempting to violate any of this Declaration. The invalidation of any one provision of this Declaration by a court order shall not invalidate any of the other provisions which shall remain in full force and effect.

ARTICLE I
Property Subject to this Declaration

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

SEE **EXHIBIT A** ATTACHED HERETO AND MADE A PART HEREOF.

ARTICLE II
Definitions

2.1 Definitions. The following words, when used in this Declaration or any amendments or supplements thereto (unless the context shall otherwise clearly indicate or prohibit), shall have the respective concepts and meanings set forth below:

a. "Addition" or "Development" shall mean and refer to the property described in Exhibit A and as reflected on the plat set out on Exhibit B and any additions thereto.

b. "ARC" shall mean and refer to the Architectural Review Committee as established herein.

c. "Association" shall mean and refer to Hawksview PD Property Owners Association, an Arkansas unincorporated association, its successors, and assigns.

d. "Board" or "Board of Directors" shall mean and refer to the Board of Directors of the Association elected in accordance with the provisions of the Association's governing documents.

e. "Builder" shall mean a residential builder licensed under Arkansas law.

f. "Common Property" shall mean and refer to any and all areas of land together with all improvements located thereon within the Development which are known, described or designated as such on any recorded development plat of the Development or intended for or devoted to the common use and enjoyment of the members of the Association including but not limited to all sidewalks, easements, and private drives. The Association shall hold such title to the Common Property as shall be consistent with the objectives envisioned herein and subject to the easement rights herein of the members to use and enjoy the Common Property. The Developer reserves the right to affect minor redesigns or reconfiguration of the Common Property.

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g. "Declaration" means this Declaration of Covenants of Assurance and Restrictions of Hawksview Planned Development to the City of Springdale, Arkansas.

h. "Developer" shall mean and refer to Scout Enterprises, LLC, and its successors and assigns.

i. "Dwelling(s)" shall mean and refer to a single-family residence constructed on a Lot in the Development that has been issued a certificate of occupancy by the City of Springdale.

j. "Improvement" shall mean and include all Dwellings, buildings and roofed structures, parking areas, fences, walls, hedges, mass plantings, poles, towers, antennas, driveways, swimming pools, signs, changes in any exterior color or shape, glazing or re-glazing of exterior windows with mirrored or reflective glass, and any other new exterior construction or exterior improvement which materially alters the appearance of any Lot and which may not be included in any of the foregoing.

k. "Lot" or "Lots" shall mean and refer to any plot or tract of land which is designated as a lot on the Plat which is attached hereto and labeled Exhibit B. No lot as set forth on Exhibit B may be further subdivided or split; provided however minor adjustments to lot lines or boundaries may be made from time to time to cure title problems or to resolve procedures created by encroachments so long as such adjustments are first approved by the Board and Developer if any lots are unsold and closed.

l. "Member(s)" or "member(s)" shall mean and refer to each owner of a Lot.

m. "Owner(s)" or "owner(s)" shall mean and refer to each and every person or business entity who or which is a record owner or subsequently becomes a record owner of a fee or undivided fee interest in any Lot subject to these covenants.

n. "Plat" shall refer to the Hawksview Planned Development Final Plat set out in Exhibit B attached hereto, as well as any amended plats or additional recorded plats of future approved phases of the Development.

o. "Property" means Hawksview Planned Development to the City of Springdale, Arkansas, as the same may be shown on the plat referenced hereinabove and recorded in Benton County, Arkansas.

ARTICLE III
Rights Reserved for Developer

3.1 Easement. Developer expressly reserves a perpetual easement over all driveways, parking areas, sidewalks and utility easements comprising a portion of the Common Property to connect them with other driveways, parking areas, sidewalks and utility easements within the Development, the location of which shall be selected by the Developer.

3.2 Association board membership. Until all Lots are sold by Developer to third parties, the Board shall consist solely of members appointed and determined by Developer and

Developer reserves the right, in its sole discretion, to appoint and remove members of the Board for any reason. Once all Lots are sold, new members of the Board will be selected in accordance with the governing documents of the Association.

3.3 Amendments.

a. Developer reserves the right to amend or supplement this Declaration in any manner necessary to establish the validity and enforceability of this Declaration or to bring this Declaration into compliance with federal law, the laws of the State of Arkansas or any common law principle or judicial decision that may affect the validity and enforceability of this Declaration.

b. Developer reserves the right to amend or supplement this Declaration in any manner necessary to satisfy the requirements of any title insurance company that may be called upon by the Developer to issue title insurance policies to Owners, provided such amendment is reasonably required to support the validity and enforceability of this Declaration.

c. Except as otherwise may be provided in this Declaration so long as Developer owns any Lot, Developer reserves the right at any time and from time to time to unilaterally amend this Declaration as it deems appropriate, in its sole discretion, to carry out the purposes of the Development established in this Declaration, or to correct an error or omission, or to address and/or correct any matter required by any lending institution, public body or title insurance company, or to facilitate the operation and management of the Development and the Association, or the sale of Lots. Such an amendment by the Developer may be made unilaterally, without the approval of any other party, and shall become effective upon the recording of an instrument executed by the Developer in the real estate records of Benton County, Arkansas, setting forth the amendment; provided, however, that no such amendment to this Declaration may change to any material extent the configuration or size of any Lot or change the proportion or percentage by which an Owner shares the expenses of the Association, unless such amendment is also approved by at least a majority vote of the Owners.

ARTICLE IV
Restrictions on Residential Lots

4.1 Fences. Fences shall be constructed of wood, metal, PVC, or other similarly approved materials. All privacy fences shall be constructed so that the framing shall be toward the inside of the Owner's Lot and shall be constructed at a height of six (6) feet to maintain uniformity. Any fence, once constructed, must be maintained by the property owner who had it constructed or their successor-in-interest. There shall be an access gate upon each of said approved fences for the purpose of allowing utility personnel and other public employee's access to the Lots in the performance of their respective public duties.

4.2 Nuisances. No noxious or offensive activities or nuisances shall be permitted on any Lot.

4.3 Animals. No animals shall be kept or maintained on any Lot except the usual household pets, other than chickens, rabbits, and bees, which shall be kept in accordance with the

district regulations in the Development Plan for Hawksview Subdivision as approved by the City of Springdale. Any breeding that is done shall not be for commercial purposes. No dog kennel breeding is allowed. All Owners shall comply with applicable laws, ordinances and regulations concerning animals.

4.4 Garbage and Refuse Disposal. No Owner shall accumulate on his or her Lot litter, refuse or garbage, except in approved receptacles. All Owners shall be required to have a mandatory trash pick-up as provided or required by the City of Springdale, Arkansas.

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

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

4.7 Parking on the Streets. No vehicles may be parked overnight in the streets of the Development. Owners shall provide sufficient off-street parking to accommodate the vehicles used by their families and guests. Furthermore, no semi-trailer trucks or commercial vehicles shall be allowed to park in the Development, either on the streets or on the Lots, provided, however, that this restriction will not apply to commercial trucks that enter the Development in the normal course of business for deliveries, repairs, etc. This restriction shall not apply to Developer during construction and development of the Development. No vehicles may be parked in front yard at any time.

4.8 Structures other than Dwellings. No trailer, mobile home, tent, shack, or other unsightly building or structure, temporary or permanent, shall be erected or used on said lots. However, it is permissible to have a storage building in the rear yard of a Dwelling provided that the plans are submitted to the Association's ARC for its approval. The restrictions contained in this section shall not apply to the Developer during construction and development of the Development.

4.9 Recreational Vehicles and Boats. Recreational and camping vehicles, trailers and boats may not be stored and parked on the Lots except behind the Dwelling and inside a fence. On lots with two front yards, recreational vehicles and boats shall be kept behind the dwelling as viewed from the front of the dwelling and inside a fence or other enclosure approved by the ARC.

4.10 Minimum and Maximum Square Footage. All Dwellings in the Development shall have a minimum of one thousand six hundred (1,000) square feet of heated area on the first floor, regardless of whether the dwelling is single story or two story. The minimum square footage requirement is exclusive of garages, porches, patios, and decks. Irrespective of other provisions regarding amendments of these covenants, the minimum square footage requirements cannot be amended except with the express approval of the Developer. No dwelling shall be larger than four thousand (4,000) square feet, exclusive of garages, porches. Each dwelling shall be a 3 bedroom and 2 bath design.

4.11 Restriction of Type of Dwelling. There shall be no Dwellings erected on any Lot other than a detached single-family dwelling.

4.12 Garages. Garages are not required. Developer reserves the right to review and approve garages that are both attached and unattached. Corner lots must also be approved by the Declarant for a garage facing the side or primary street. No garage door opening shall be taller than twenty feet (20'). Nonattached garages must be reviewed and approved by the ARC.

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

4.14 Exterior of Dwellings. All exterior walls of all Dwellings constructed or moved on the Lots shall be finished with brick, stone, faux stone veneer construction, or concrete composition siding (such as Hardie® siding), vinyl or metal siding. Dormers or gables may be covered with any of the materials or vinyl siding. Soffits and fascia may be covered with steel, aluminum, PVC, or concrete composition materials. Roofs shall be covered with shingles using architectural composition or better. All street facing (front elevations for corner lots) windows may be true light or divided light. All replacement windows must be approved by the ARC. Any colored or decorative glass on street facing elevations must be approved by the ARC.

4.15 Lot Maintenance. All Lots shall be maintained, mowed, and kept free of noxious weeds whether they be improved or unimproved. Further, upon construction of a dwelling, the Owner shall seed the entire Lot, provided, however, that this section shall not apply to Developer during construction and development of the Development. If Owner allows grass to grow such that it is more than eight (8") inches high, Developer or Association, shall have the right, but not the obligation, to have it mowed without giving notice to the Owner and shall charge a seventy-five dollars ($75.00) service charge for arranging the mowing in addition to the amount it costs Developer or Association to have it mowed. All lots must include design criteria sufficient to reduce runoff and adhere to Best Management Practices (BMPs) of the Karst Recharge Zone. Plans must be included in final submission review to the ARC.

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

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

Provided, further, that after the expiration of the thirty (30) year period set forth above and any time within six (6) months from said expiration, a majority of the Lots, through their

record owners, may express their intention, in writing, so drafted and executed as to be recorded with the registrar of deeds in Benton County, Arkansas, that they no longer care for the covenants, and the same shall then be terminated. In the event that no action is taken within the prescribed time, this Declaration shall continue for additional periods of ten years, and for any such ten-year period, said covenants may be terminated in accordance with the terms for the original termination

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

4.19 Driveways. Access driveways and other paved areas for vehicular use on a Lot shall have a base of compacted gravel, crushed stone, or other approved base material.

4.20 Building Height. No Dwelling shall be erected, altered, or placed on a Lot which shall contain more than two (2) stories.

4.21 Conflicts. If any covenant or restriction in this Declaration conflicts with a provision of any planned unit development ordinance (the "PUD Ordinance"), the terms of the PUD Ordinance shall control.

ARTICLE V
Property Owners' Association

5.1 Association. The Association has been or will be formed as an unincorporated association. All Lot Owners must be members of the Association, and each shall automatically become a member of the Association upon the conveyance of a Lot to him or her. The Association shall be governed by By-Laws accepted and approved by the Association. All association memberships will pass with Lot ownership in the Development. All Lots will carry one (1) vote in the Association, except that the Developer shall have four (4) votes per Lot which Developer owns.

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

5.3 Purpose of Assessments. The assessments levied pursuant hereto by the Association shall be used for the purposes of acquisition, improvement and maintenance of the Common Properties, services and facilities devoted to this purpose and related to the use and enjoyment of the common properties, insurance thereon, and repair, replacement, and modifications thereto, and for the cost of labor, equipment, materials, management and

supervision thereof. In addition, assessments may also be used for expenses related to the necessary and reasonable operation of the Association, including, but not limited to, collection of assessments and related costs and enforcement of the covenants and restrictions of the Development.

5.4 Basis and Maximum of Annual Assessments: The annual assessment for each lot shall be $200.00. An Owner's first such assessment shall be prorated and paid to the Association at closing according to time of conveyance of a Lot to the Owner. The annual assessment may be increased, as hereinafter provided, by a majority vote of the votes entitled to be cast by the members of the Association for the next succeeding "assessment year" (beginning January 1) and at the end of each such period of one year for each succeeding period of one year. At no time shall the annual assessment per lot be increased more than twenty-five percent (25%) above the prior year's annual assessment. Said annual assessment shall be payable in advance on the 1st day of January each year. The Board of Directors may, after consideration of current maintenance costs and future needs of the Association, fix the actual assessment for any year at a lesser amount.

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

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

5.7 Late Payment of Assessments. As hereinabove provided, each annual assessment shall be due and payable on the 1st day of January of each year. In the event of default as to any payment (annual or special), and if the default is not remedied within ninety (90) days, the Association shall have the option of taking such action as permitted by law or equity and by this Declaration and the By-laws of the Association. An additional late charge of ten percent (10%) shall be assessed on any payment which is more than ninety (90) days delinquent. Costs of collection of the assessment, including reasonable attorneys' fees therefor, shall also be assessed.

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

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

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

5.11 Suspension of Rights of Membership: Prior to the foreclosure of any lien upon any lot subject to this Declaration, the Board of Directors of the Association may elect to suspend all membership rights of any member or members of the Association who are delinquent in any payment due to the Association for more than thirty (30) days, with such suspension to continue for so long as any such delinquency exists. Further, the Board of Directors may suspend membership rights for a period not to exceed thirty (30) days for the infraction of any rules or regulations by the member, family of the member or guest of the member, relating to the use of any of the common properties. Suspension of membership rights shall be effective from the date that notice of suspension is mailed to the member via U.S. Certified mail, return receipt requested, postage prepaid, to the last known address of the said member.

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

5.13 Powers and Duties. The affairs of the Association shall be conducted by its Board of Directors (sometimes referred to as the "Board"). The Board, for the benefit of the

Association, the Development, and the Owners, may provide and may pay for, out of the assessment fund(s) provided above, any or all of the following:

a. Care, preservation and maintenance of the Common Property and the furnishing and upkeep of any personal property and fixtures, for use in or on the Common Property;

b. Taxes, insurance, and (including, without limitation, electricity, gas, water, and sewer charges), if any, which pertain to the Common Property only;

c. The services of any person or firm (including the Developer and any affiliates of the Developer) to manage the Association or any separate portion thereof, to the extent deemed advisable by the Board, and the services of such other personnel as the Board shall determine to be necessary or proper for the operation of the Association, whether such personnel are employed directly by the Board or by a manager hired by the Board;

d. Legal and accounting services; and

e. Any other materials, supplies, equipment, labor, services, maintenance, repairs, structural alterations, taxes, or assessments which the Board is required to obtain or pay for pursuant to the terms of Declaration or which in its opinion shall be necessary or proper for the operation or protection of the Association and the Development or for the enforcement of this Declaration.

5.14 Other Powers. The Board shall have the following additional rights, powers, and duties:

a. To enter into contacts, maintain one or more bank accounts and, generally, to have all the powers necessary or incidental to the operation and management of the Association;

b. To make reasonable rules and regulations for the operation of the Common Property and, subject to the limitations herein, to amend this Declaration from time to time; and

c. To contract with any Owner (including, without limitation, the Developer) for performance, on behalf of the Association, of services which the Association is otherwise required to perform pursuant to the terms hereof, such contracts to be upon such terms and conditions and for such consideration as the Board may deem proper, advisable, and in the best interests of the Association.

5.15 Liability Limitations. Neither any member or Owner nor the directors and officers of the Association shall be personally liable for debts contracted for or otherwise incurred by the Association or for any torts committed by or on behalf of the Association or otherwise. The Developer and the Association and their respective directors, officers, agents, and employees, shall not be held liable for any incidental or consequential damages for failure to inspect any premises, improvements or portion thereof, or for failure to repair or maintain the same.

5.16 Reserve Funds. The Board may establish reserve funds which may be maintained and accounted for separately from other funds maintained for annual operating expenses.

ARTICLE VI
Architectural Review Committee

6.1 Designation of ARC. The ARC shall be comprised of at least two (2) and not more than five (5) members who shall be natural persons. Initially, the ARC shall consist of Cammie Scott, Tim Scott, Toni Fitzpatrick, or their assigns, who shall serve until their resignation. Should any of the initial ARC members resign, the non-resigning members shall appoint the successor. Upon the resignation of all the initial ARC members or after all Lots are sold by the Developer to third-parties, the Association may change the number and composition of the ARC in accordance with the Association's governing documents.

6.2 Function of the ARC. No dwelling, building, structure or other improvement shall be constructed or maintained upon any Lot and no alteration or repainting to the exterior of a dwelling, building, structure or other improvement shall be made and no landscaping performed unless complete plans, specifications, and site plans showing the exterior design, height, building material and color scheme, the location of the structure plotted horizontally and vertically, the location and size of driveways, the general plan of landscaping, fencing walls and windbreaks, sewage systems and the grading plan shall have been submitted in writing to and approved in writing by the ARC prior to the commencement of construction. Once the ARC has approved the plans and specifications, the ARC shall issue a permit to the Owner authorizing to commence the construction ("Permit"). A copy of the plans, specifications, and Lot plans as finally approved shall be deposited with the ARC. The ARC shall have the power to employ professional consultants to assist it in discharging its duties. The decisions of the ARC shall be final, conclusive, and binding upon the applicant.

6.3 Content of Plans and Specifications. The plans and specifications to be submitted and approved shall include the following:

a. A statement by the Owner and his architect, designer or other qualified person undertaking the design of the proposed improvements that such parties have visited the site and have reviewed and are familiar with the applicable provisions of this Declaration, including the following design guidelines.

b. Floor plans for all floors indicating interior room dimensions and use, the location and size of exterior windows, doors and other openings, the location of mechanical and electrical systems, or any other conceptual plans for which a review is requested by the ARC.

c. Exterior elevations providing the exterior views of all structures, fences, signs, and similar improvements. The elevations shall include a brief description of all exterior materials, colors, and finishes, including without limitation those of the walls, roofs, trim, chimneys, doors, and windows. Building elevations shall be provided for all sides of the dwelling.

d. A site plan drawn to scale indicating (i) Property lines, including streets, rights-of-way, easements, set back lines and all dimensions; (ii) Existing grade and location of proposed cut and/or fill, indicating approximate slope and height or depth of each (2' minimum interval); (iii) Proposed sewer system footprint; (iv) Drainage plans indicating drainage patterns away from building to swales, culverts and other drainage facilities; (v) location of contractor's temporary facility, outhouses and other temporary structures and items, to be used during construction; and (vi) Any temporary access to the site.

e. Specifications or color boards as necessary to describe the (i) exterior wall materials and colors; (ii) roof materials and colors; (iii) door materials and colors; (iv) chimney materials; (v) stained or colored pavement materials; (vi) fencing and screening material; and (vii) any other exterior site improvements. Color and material descriptions shall be keyed to the exterior elevations, differentiating between general wall colors, fascia, railing, structural elements, door, trim and accent colors, and other elements of the structure.

f. A fee in the amount of $200.00 (checks are to be made payable to the Association) for costs or expenses the ARC may incur in reviewing, or having professionals review, the plans and specifications as submitted. Such fee shall be non-refundable. The ARC reserves the right to waive all of or a portion of this fee. The Developer is exempt from this fee requirement.

ARTICLE VII
Rights Involving Common Properties

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

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

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

b. The right of the Association to take such steps as are reasonably necessary to protect the above-described properties against foreclosure;

c. The right of the Association to suspend or permanently cancel the rights of any member and membership in the Association;

d. The right of the Association to charge reasonable service or use charges, admission and other fees for the use, service and enjoyment of the common properties;

e. The right of the Association to limit the number of members per lot who may be entitled to the benefit of the easement of enjoyment as to the common properties by reason of ownership of a lot;

f. The right of individual members to have exclusive use of any of the common properties as from time to time as may be granted by the Board or its designate; and

g. The right of the Association to pass and enforce rules and regulations related to use, control and maintenance of the common properties and the areas situate thereon.

ARTICLE VIII
Miscellaneous

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

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

8.3 Additional Phases. The Developer reserves, unto itself, the right, without joinder, vote or consent of any Owner, Builder or Mortgagee, to file additional plats in the office of the Circuit Clerk and Ex-Officio Recorder of Benton County, Arkansas to add additional phases which shall be subject to this Declaration. With regard to such additional phases, Developer further reserves, unto itself, in its sole discretion, the right, without joinder, vote or consent of any Owner, Builder or Mortgagee, to change the minimum square footage as stated herein.

8.4 Severance. If any provision of this Declaration or any section, clause, phrase, word or the application thereof in any circumstances is held to be invalid, the validity of the remainder of this Declaration and of the application of the remaining provision shall not be affected thereby.

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

IN WITNESS WHEREOF, Scout Enterprises, LLC, has caused this Declaration for Hawksview Planned Development, an Addition to the City of Springdale, Arkansas, to be duly executed by the undersigned in accordance with its governing documents.

IN WITNESS WHEREOF, the undersigned have set their hand and seal this ____ day of _____, 2022.

DEVELOPER:

SCOUT ENTERPRISES, LLC

By: _____
Cammie Scott, Manager

General Eligibility and Staging Requirements

1. Location: The PUD district covered in this application shall apply to 9.65 acres of land in extreme northwest Springdale identified by Benton County parcel numbers 21-00167-078 and 21-00167-100; located at 8915 East Brown Road. This property lies within the "Karst recharge area" as designated by the United States Fish and Wildlife Service (USFWS). This area is subject to stringent USFWS requirements and other environmental requirements. The area is designated as low-density residential on the City's master land use plan.

2. Ownership: The property is owned by Scout Enterprises, LLC, who is also the rezoning applicant and the developer of the property. A copy of the warranty deed has been submitted with the rezoning application.

3. Project Size: The property in question is approximately 9.65 acres in size. The entire tract is proposed to be developed as part of this project.

4. Staging: All subdivision improvements, including but not limited to streets, water lines, lot pins, and common space, shall be constructed at one time as a single stage. No future stages of the subdivision are proposed. Homes shall be constructed on the eight lots at various times. It is the developer's intent to construct homes on all eight lots within five years of the commencement of construction, but no definite timeframe can be established at this time. In the initial construction, the only grading to be performed will be that needed to install the roadway and required utilities. Homesites will be graded as needed. In order to minimize impact on the environment, no mass grading is proposed.

   Existing homes represent a significant source of scarce and expensive building materials. Conventional demolition of existing homes not only wastes this resource, but uses up increasingly rare landfill space. A more environmentally-friendly solution is to re-use these resources wisely by moving existing homes onto new homesites, where the homes may be remodeled and updated to meet current styles and building codes. It is the developer's intent to locate existing

wood-framed or steel-framed structures which cannot remain on their current sites, move these structures to this subdivision, and remodel them in accordance with all applicable state and local residential building codes. The interiors and exteriors of the homes will be remodeled to bring them up to date, and the homes will then be offered for sale or rent, at the discretion of the developer.

As the supply of suitable existing structures varies, no definite timeline can be given for completion of construction of all eight homes. Furthermore, supply chain difficulties and delays caused by weather must be taken into account. As prospective structures are located and identified, permits must be obtained to move them to the site and to begin construction. Homes will be placed on new foundations and structural components will be brought up to the current codes; then plumbing, mechanical, and electrical systems will be brought up to the current codes and remodeling will begin. During the process, the exterior finishes of the homes will be remodeled or replaced as needed. From the time of its arrival on the site, each home should be completely remodeled, inside and out, in approximately twelve months, barring circumstances beyond the developer's control.

The developer reserves the right to construct new homes in a conventional manner. The developer reserves the right to retain possession of all lots or to sell any or all of the lots prior to or after construction of a home on said lots, upon completion of the final plat, in accordance with applicable laws.

The Owner intends to begin construction as soon as all required approvals can be obtained.

APPLICATION REVIEW PROCEDURES

5. Three phases:
    a. A preapplication conference with planning and community development staff – The Owner and Staff have met several times over the past 2 and a half years to discuss this project. The Engineer and Staff met together on October 4, 2021 to discuss this project and another, unrelated, large-scale development. Another meeting was held on December 14, 2021 and involved the Owner, the Owner's engineer, the Owner's attorney, the City attorney, and members of the Planning staff. Other formal and informal meetings have been held between the Engineer and Planning Staff. On March 15, 2022, the Owner and her attorney, along with the Engineer, met with several members of the Planning Staff and four members of the Planning Commission to discuss this project.
    b. A preliminary development plan has been submitted to the City in the form of a preliminary plat for the development. A number of other supporting documents, including restrictive covenants, construction drawings, and a preliminary drainage report have also been submitted. This PUD is scheduled to be heard by the Planning Commission on April 5, 2022, with consideration by the City Council to follow.

c. The final development plan has yet to be developed, as the PUD has just been submitted and has not yet been considered by the Planning Commission or the City Council.
d. The final development plan shall be approved prior to the issuance of any building permits within the PUD. The final development shall be recorded prior to the issuance of any building permits.

6. Civil Engineer: Plymouth Engineering, PLLC; 5714 Walden Street; Lowell, AR 72745; (479) 595-5934; david@plymoutheng.com

   Surveyor: A Million Miracles Surveying, PLLC; 129 W. Boles Street, Suite A; Fayetteville, AR 72701; (479) 387-4361; eric@amms-pllc.com

7. Size: The PUD will cover approximately 9.65 acres.

PARCEL 21-00167-100 DESCRIPTION:
A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 496.06 FEET TO A COMPUTED POINT; THENCE SOUTH 02°37'29" WEST A DISTANCE OF 443.54 FEET TO A COMPUTED POINT FOR THE POINT OF BEGINNING; THENCE SOUTH 87°14'46" EAST A DISTANCE OF 588.49 FEET TO A FOUND 5/8" IRON PIN; THENCE SOUTH 87°22'03" EAST A DISTANCE OF 49.86 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 87°04'33" EAST A DISTANCE OF 245.10 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'38" WEST A DISTANCE OF 452.04 FEET TO A FOUND 1/2" DISTURBED IRON PIN; THENCE NORTH 87°12'01" WEST A DISTANCE OF 883.68 FEET TO A FOUND 5/8" IRON PIN PLS 1181; THENCE NORTH 02°37'29" EAST A DISTANCE OF 451.96 FEET TO THE POINT OF BEGINNING, CONTAINING 9.17 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

PARCEL 21-00167-078 DESCRIPTION:
A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 1084.90 FEET; THENCE SOUTH 03°22'57" WEST A DISTANCE OF 19.54 FEET TO A FOUND 5/8" IRON PIN WITH CAP FOR THE POINT OF BEGINNING; THENCE SOUTH 86°48'54" EAST A DISTANCE OF 50.07 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'14" WEST A DISTANCE OF 419.63 FEET TO A FOUND 1/2" IRON PIN; THENCE NORTH 87°22'03" WEST A DISTANCE OF 49.86 FEET TO A

FOUND 5/8" IRON PIN; THENCE NORTH 02°33'32" EAST A DISTANCE OF 420.11 FEET TO THE POINT OF BEGINNING, CONTAINING 0.48 ACRES. MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

8. Project Name: Hawksview Subdivision PUD

9. Site Plan: A copy of the proposed preliminary plat is attached. As shown on the plat and detailed below, all lots will have minimum setbacks of 30 feet in the front, 8 feet on the sides, and 20 feet in the rear. No maximum setbacks are established. These setbacks are identical to that which would be found in an SF-1 zone. A single residential street will connect to East Brown Road through a 50-foot corridor and will pass through the middle of the site, ending in a cul-de-sac. All lots will have access from this street and only from this street. The street will have a paved surface 24 feet in width, with gravel shoulders 4 feet in width on each side, as allowed under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions. In a further effort to minimize runoff, gravel driveways and off-street parking will be used on each home. Exact placement of the homes on individual lots cannot be determined at this time, in part due to the fact that existing homes are proposed for up-cycling as they become available; and neither their dimensions nor their exact floor area is known at this time.

   A common area consisting of approximately two acres of open pasture with some shade trees is proposed along the southern boundary of the site, and is 100 feet in width. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities. This preliminary plat has not yet been considered by the Planning Commission.

10. Development Strategy: The Owner's intent is to create eight lots of varying sizes for single family homes. Lots 1, 7, and 8 will be approximately one acre in size. Lot 2 will contain approximately 0.8 acres. Lots 3 through 5 will contain approximately 0.5 acre. Lot 6 will contain approximately 0.9 acres. Lot 9 will contain common area approximately two acres, or about 21 percent of the total development, and will be adjacent to lots 2 through 6, allowing direct access to the smaller lots. Lots will front on a two-lane public street. The street will be constructed without curbs or gutters, but have 4-foot gravel shoulders as allowed under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions. Gravel driveways and off-site parking are also proposed, along with the exclusion of concrete sidewalks which are typically required, all to reduce impervious area and concentration of runoff within the recharge zone of the Cave Springs cave. This will help comply with the Northwest Arkansas Best Management Practices, as developed cooperatively by area municipal

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governments in light of Karst features in the area which may provide pathways for surface water to pass underground quickly. Of particular interest in this area is the "Karst recharge zone" for the Cave Springs cave which was largely determined by the US Fish and Wildlife Service. It is thought that runoff in this area may pass quickly underground, without the benefit of normal infiltration, through losing streams and other Karst features and might thereby enter the Cave Springs cave. This cave is protected habitat for the Ozark Blind Cave Fish, which is listed as an endangered species, and it is thought that the cave environment is particularly susceptible to contamination. NWA's BMPs call for preservation of existing drainage modes and avoidance of concentration of runoff wherever possible. This makes any conventional detention approach (even the LID devices, which collect runoff in a few locations and require an underdrain to daylight by Springdale's rules) contrary to the BMPs. It becomes necessary to compare the benefits to be obtained by detention with the impact to the environment in light of USFWS policy and the NWA BMPs.

11. District Requirements:
Hawksview Subdivision - Planned Unit Development #R22-07

PURPOSE.

Hawksview Subdivision Planned Unit Development #R22-07 is established to accommodate single-family residential and complementary land uses on larger lots. This zone specifically applies to a specific parcel on the fringe area of the city, lying within the Karst recharge zone of the Cave Springs cave.

USES PERMITTED.
Unit 1, city-wide public uses by right.
Unit 8, single-family dwellings.
Unit 28, home occupation.
Unit 29, home office.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.
Unit 2, city-wide uses by conditional use permit.
Unit 3, utility facilities.

ACCESSORY USES.
The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:

a. Accessory buildings, including private garages, storage facilities, gazeboes, pergolas, and children's playhouses as set forth in article 6, subsection 2.7 of Chapter 130 – Zoning Ordinance.
b. Private greenhouses and horticultural collections.
c. Porches, awnings, screen rooms, sun rooms, and pool enclosures.
d. Flower and vegetable gardens.

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e. Swimming pools, tennis courts and similar recreation facilities shall be permitted on lots with an area exceeding 0.7 acre (1, 2, 6, 7, 8, and 9); but not on smaller lots (3, 4, or 5) due to site limitations.

With the exception of flower and vegetable gardens, none of the above accessory uses shall encroach on building setbacks, utility easements, or septic systems (including primary and alternate drainage field areas as shown on the plat or as determined by the Designated Representative for each individual lot, whichever restriction is greater.

Exterior finishes for accessory buildings shall conform to the requirements listed in the Development Plan for Dwellings.

On lots 3 through 5, the total area for all accessory buildings shall not exceed 4,000 square feet. On lots 1, 2, 6, 7, and 8 the total area for all accessory buildings, greenhouses, swimming pools, and similar recreational facilities shall not exceed 4,000 square feet; except that the lot owner may petition the Architectural Review Committee (ARC)for an additional area of up to 4,000 square feet (8,000 square feet total) which may be approved or denied at the sole discretion of the ARC.

HOBBY CHICKENS.
Hobby chickens shall be permitted within Hawksview PUD #R22-07, and shall meet the following regulations:

1. *Number permitted.* No more than six (6) hens shall be allowed for each lot. Chickens shall be for use by the resident only, and shall not be allowed for commercial purposes.
2. *Roosters prohibited.* Male chickens shall be allowed.
3. *Slaughter.* Outside slaughtering of birds shall be limited to rear yards, behind the rear wall of the primary residence. There shall be no outside slaughter within front yards. The intent of this regulation is that outside slaughter of birds not be visible from the street.
4. *Placement of enclosures.* All hen enclosures shall be placed at least 25 feet from neighboring dwellings and located in a rear or side yard, but not located within a building setback.
5. *Condition of enclosures.* Hens shall be provided with adequate shelter to protect them from the elements. Hens must be kept in an enclosure two feet (2') off the ground that keeps them from leaving the property of their owners, and protects them from predators. All roofed areas of hen enclosures shall count against the total area of accessory buildings permitted on each lot. All enclosures must be kept in a neat and sanitary condition at all times and must be cleaned on a regular basis so as to prevent offensive odor.
6. *Food containers.* All food used for chickens shall be kept in a suitable container with a tight-fitting cover so as to be inaccessible to rodents.
7. *Maintenance of animals.* All chickens shall be adequately fed and watered, and receive any applicable vaccinations, medicines, or medical

care so that the birds remain in healthy condition.

8. *Applicability.* These regulations are not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets. For the purposes of this article, Guineafowl shall be counted as chickens. Other barnyard fowl, such as geese, swans, peacocks, etc., shall not be permitted.
9. *ARC Approval.* Prior to construction of an enclosure and prior to purchase of chickens, a drawing indicating where the enclosure will be located on the property shall be submitted to the Architectural Review Committee for their approval. No chickens shall be kept without an enclosure, and no enclosure shall be constructed without ARC approval.

HOBBY RABBITS.

Hobby rabbits shall be permitted within Hawksview PUD #R22-07, and shall meet the following regulations:

1. *Number permitted.* No more than six (6) rabbits shall be allowed for each lot.
2. *All genders allowed.* Both male and female rabbits are permitted.
3. *Slaughter.* Outside slaughtering of rabbits shall be limited to rear yards, behind the rear wall of the primary residence. There shall be no outside slaughter within front yards. The intent of this regulation is that outside slaughter of rabbits not be visible from the street.
4. *Placement of enclosures.* All rabbit enclosures shall be placed at least 25 feet from neighboring dwellings and located in a rear or side yard, but not located within a building setback.
5. *Condition of enclosures.* Rabbits shall be provided with adequate shelter to protect them from the elements. Rabbits must be kept in an enclosure two feet (2') off the ground that keeps them from leaving the property of their owners, and protects them from predators. All roofed areas of rabbit enclosures shall count against the total area of accessory buildings permitted on each lot. All enclosures must be kept in a neat and sanitary condition at all times and must be cleaned on a regular basis so as to prevent offensive odor.
6. *Food containers.* All food used for rabbits shall be kept in a suitable container with a tight-fitting cover so as to be inaccessible to rodents.
7. *Maintenance of animals.* All rabbits shall be adequately fed and watered, and receive any applicable vaccinations, medicines, or medical care so that the animals remain in healthy condition.
8. *Applicability.* These regulations apply to rabbits only. No other livestock (including, but not limited to goats, pigs, cattle, sheep, alpacas, llamas, etc., but excluding common household pets) are permitted.
9. *ARC Approval.* Prior to construction of an enclosure and prior to purchase of rabbits, a drawing indicating where the enclosure will be located on the property shall be submitted to the Architectural Review Committee for their approval. No rabbits shall be kept without an enclosure, and no enclosure shall be constructed without ARC approval.

APICULTURE (BEE KEEPING)

Beekeeping shall be permitted within Hawksview PUD #R22-07, and shall meet the following regulations:

1. *Number permitted.* It shall be unlawful to keep more than the following number of colonies on any tract withing Hawksview PUD, based upon the size or configuration of the lot upon which the apiary is situated.
    a. Four-tenths of an acre but less than one acre: 3 colonies.
    b. Once acre or larger: 4 colonies.
2. *Registration required.* All honeybee colonies shall be registered with the Arkansas State plant Board and maintain an active certificate of inspection from such Board.
3. *Africanized honeybees prohibited.* Africanized honeybees shall not be permitted.
4. *Placement of enclosures.* Hives shall be placed at least 25 feet from neighboring dwellings and located in a rear or side yard, but not located within a building setback.
5. *Fencing of flyways.* In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above the ground level over the property lines in the vicinity of the apiary. Fences shall conform to the fence standards outlined within this Development Plan.
6. *Water.* Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird, or domestic pet contact.
7. *ARC Approval.* Prior to construction of an enclosure and prior to procurement of bees, a drawing indicating where the enclosure will be located on the property shall be submitted to the Architectural Review Committee for their approval. No bees shall be kept without an enclosure, and no enclosure shall be constructed without ARC approval.

SITE PLAN REVIEW.

When a conditional use is proposed in Hawksview Subdivision PUD, a site plan review shall be required. See article 2, section 13 of Chapter 130 – Zoning Ordinance for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS.

No building hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet.

AREA REGULATIONS.
Lot area. There shall be a lot area of not less 0.47 acre. In addition, there shall be a minimum lot width of not less than eighty (80) feet on a public street at the front setback line.

Density. A maximum of two units per acre, but not more than one unit per platted lot.

Front setback. There shall be a front setback having a depth of not less than thirty (30) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty (30) feet.

Side setback. There shall be a side setback on each side of the lot having a width of not less than eight (8) feet.

Rear setback. There shall be a rear setback having a depth of not less than twenty (20) feet.

OFF STREET PARKING.
Off-street parking shall be provided in accordance with Article 7 of Chapter 130 – Zoning Ordinance, except that neither residential driveways nor provided parking spaces shall be covered with an impervious surface. Driveways and off-street parking spaces shall be surfaced with crushed stone aggregate base and shall be regularly maintained by the occupant and/or landlord so that the surface is firm, stable, and usable. If otherwise surfaced, driveways and off-street parking spaces shall be covered with pervious material as approved by the Architectural Review Committee. Nothing in this article shall supersede the applicable requirements of the Americans with Disabilities Act or the Fair Housing Act.

STREET CONSTRUCTION STANDARDS.
Consistent with the Northwest Arkansas Best Management Practices, and with special consideration of the Karst recharge zone, no concentration of runoff is proposed. Street sections shall not include curb and gutter, as is allowable under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions. To reduce the amount of impervious area in the Karst recharge zone, sidewalks are not proposed for internal streets; and internal streets shall be twenty-four (24) feet in width unless noted otherwise as needed to provide access for fire suppression apparati. A four (4) foot gravel shoulder shall be provided adjacent to internal streets. Roadside ditches shall not be provided, as sheet flow is to be maintained wherever possible.

12. Narrative: Scout Enterprises, LLC, the Owner and developer of the proposed Hawksview Subdivision, proposes to create a planned unit district within the City of Springdale in order to develop eight single-family homesites. The property is located at 8915 East Brown Road in extreme northwest Springdale,

approximately 1,700 feet northwest of Sharp's Quarry. This property lies within the Karst recharge area as designated by the US Fish and Wildlife Service to protect endangered species living within the Cave Springs cave. The recharge area is designated in order to place a special emphasis on surface water quality as it impacts losing streams and similar features which are thought to be tied to the cave's ecosystem. As such, it is subject to special considerations which are not applicable to typical sites within the city.

The site consists of approximately 9.65 acres of open pasture which is currently zoned A-1, as is typical for properties annexed into Springdale. The city's master land use plan currently shows this site as intended for low-density residential use, which is consistent with this application.

The intent of the development is to provide a neighborhood of single-family homes on lots varying in size from 0.48 to 1.05 acres. The smaller lots, particularly those containing less than one acre in area, will be adjacent to the proposed common space.

Existing homes represent a significant source of scarce and expensive building materials. Conventional demolition of existing homes not only wastes this resource, but uses up increasingly rare landfill space. A more environmentally-friendly solution is to use these resources wisely by moving existing homes onto new homesites, where the homes may be remodeled and updated to meet current styles and building codes. It is the developer's intent to locate existing wood-framed and steel-framed structures which cannot remain on their current sites, move these structures to this subdivision, and remodel them in accordance with all applicable state and local residential building codes. The interiors and exteriors of the homes will be remodeled to bring them up to date, and the homes will then be offered for sale or rent, at the discretion of the developer.

As the supply of suitable existing structures varies, no definite timeline can be given for completion of construction of all eight homes. Furthermore, supply chain difficulties and delays caused by weather must be taken into account. As prospective structures are located and identified, permits must be obtained to move them to the site and to begin construction. Homes will be placed on new foundations and structural components will be brought up to the current codes; then plumbing, mechanical, and electrical systems will be brought up to the current codes and remodeling will begin. During the process, the exterior finishes of the homes will be remodeled or replaced as needed. From the time of its arrival on the site, each home should be completely remodeled, inside and out, in approximately twelve months, barring circumstances beyond the developer's control.

The developer reserves the right to construct new homes in a conventional manner. The developer reserves the right to retain possession of all lots or to sell any or all of the lots prior to or after construction of a home on said lots, upon completion of the final plat, in accordance with applicable laws.

The Owner intends to begin construction as soon as all required approvals can be obtained.

Setbacks will be consistent with those allowed in an SF-1 district, and will include 30-foot minimum front, 8-foot side, and 20-foot rear setbacks. No maximum setback is proposed. A number of site constraints exist which will not accommodate larger setbacks. These include a large area taken up by a water transmission line easement in favor of Beaver Water District, and a significant area required to provide septic system drainage fields as required by the Arkansas Department of Health. When approached about R-E zoning with possible setback variances, Planning staff did not appear supportive, but instead suggested development of a planned unit development so that surrounding property owners would have the comfort of seeing what will be required in the subdivision. Staff also indicated that they would not be able to support rezoning this property to SF-1, as the allowable lot size and housing density might be resisted by the neighbors.

Every effort has been made to utilize features already listed in various district regulations contained within the Code of Ordinances and to avoid specialized features. Proposed use units were taken from R-E district regulations, with the list of conditional uses limited even further. At the urging of Planning staff, conditional uses 9 (zero lot line), 36 (horses kept in residential areas), 40 (temporary classrooms), and temporary conditional use 34 (model home/temporary marketing office), all found in R-E, have been eliminated from this PUD. Thus the allowable uses for this PUD are more restrictive than for an R-E district.

Minimum heated floor area for homes within this subdivision is 1,000 square feet. The maximum allowable heated floor area is 4,000 square feet per home. Homes are limited to a maximum of three bedrooms and two bathrooms due to the constraints of the proposed septic systems. Due to the inclusion of common area, the lots vary in size. Lots 1, 7, and 8 are just over one acre. Lot 2 is approximately 0.8 acre. Lots 3 through 5 are approximately one-half acre. Lot 6 is approximately 0.9 acre. Lots 2 through 6, the smaller lots, are immediately adjacent to the proposed common space.

Lot 9 comprises the common space of 2.0 acres, or approximately 21% of the gross land area of this development. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities.

As listed above, accessory buildings, private garages, storage facilities, gazeboes, pergolas, and children's playhouses as set forth in article 6, subsection 2.7 of Chapter 130 – Zoning Ordinance would be allowed; along with private greenhouses and horticultural collections, porches, awnings, screen rooms, sun rooms, pool enclosures, and flower and vegetable gardens. Swimming pools, tennis courts and similar recreation facilities shall be permitted on lots with an area exceeding 0.7 acre (1, 2, 6, 7, 8, and 9); but not on smaller lots (3, 4, or 5) due to site limitations.

With the exception of flower and vegetable gardens, none of the above accessory uses shall encroach on building setbacks, utility easements, or septic systems (including primary and alternate drainage field areas as shown on the plat or as determined by the Designated Representative for each individual lot, whichever restriction is greater.

Exterior finishes for accessory buildings shall conform to the requirements listed in the Development Plan for Dwellings.

On lots 3 through 5, the total area for all accessory buildings and greenhouses shall not exceed 4,000 square feet. On lots 1, 2, 6, 7, and 8 the total area for all accessory buildings, greenhouses, swimming pools, and similar recreational facilities shall not exceed 4,000 square feet; except that the lot owner may petition the Architectural Review Committee for an additional area of up to 4,000 square feet (up to 8,000 square feet total) which may be approved or denied at the sole discretion of the Architectural Review Committee.

Garages and carports conforming to the requirements listed above are optional, and are not mandatory. Off-street parking shall be provided in accordance with Article 7 of Chapter 130 – Zoning Ordinance, except that neither residential driveways nor provided parking spaces shall be covered with an impervious surface. Driveways and off-street parking spaces shall be surfaced with crushed stone aggregate base and shall be regularly maintained by the occupant and/or landlord so that the surface is firm, stable, and usable. If otherwise surfaced, driveways and off-street parking spaces shall be covered with pervious material as approved by the Architectural Review Committee. Nothing in this article shall supersede the applicable requirements of the Americans with Disabilities Act or the Fair Housing Act.

The primary use of the development is single-family residential. The following specific use units would be allowed within the development:

USES PERMITTED.
Unit 1, city-wide public uses by right.
Unit 8, single-family dwellings.
Unit 28, home occupation.
Unit 29, home office.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.
Unit 2, city-wide uses by conditional use permit.
Unit 3, utility facilities.

All exterior walls of all Dwellings erected on the Lots shall be finished with brick, stone, faux stone veneer construction, or concrete composition siding (such as Hardie® siding), vinyl or metal siding. Dormers or gables may be covered with any of the materials or vinyl siding. Soffits and fascia may be covered with steel, aluminum, PVC, or concrete composition materials. Roofs shall be covered with shingles using architectural composition or better. All street facing (front elevations for corner lots) windows may be true light or divided light. All replacement windows must be approved by the ARC. Any colored or decorative glass on street facing elevations must be approved by the ARC.

All Lots shall be maintained, mowed, and kept free of noxious weeds whether they be improved or unimproved. Further, upon construction of a dwelling, the Owner shall seed the entire Lot, provided, however, that this section shall not apply to Developer during construction and development of the Development. If Owner allows grass to grow such that it is more than eight (8") inches high, Developer or Association, shall have the right, but not the obligation, to have it mowed without giving notice to the Owner and shall charge a seventy-five dollars ($75.00) service charge for arranging the mowing in addition to the amount it costs Developer or Association to have it mowed. All lots must include design criteria sufficient to reduce runoff and adhere to Best Management Practices (BMPs) of the Karst Recharge Zone. Plans must be included in final submission review to the ARC.

This development is planned as a small residential subdivision, with single-family homes placed on lots varying in size from approximately one-half acre to approximately one acre. A common area consisting of approximately two acres of open pasture with some shade trees is proposed along the southern boundary of the site, and is 100 feet in width. Those lots that contain less than one acre in area will be adjacent to the common area. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities. No community swimming pool, clubhouse, or other common facility is proposed beyond that which is described. The lots vary in size from just under one-half acre to just over one acre, providing sufficient outdoor space and opportunities for private improvements. The development is intended to blend in with surrounding residential uses which, until recently, have been fairly rural in nature, while providing an opportunity to enjoy the setting for those who cannot afford to purchase and/or maintain large tracts of land.

The primary street is proposed to be constructed within a 43-foot right-of-way (the entrance street will be partially located within a 50-foot right-of-way), and will consist of a 24-foot wide asphalt section with 4-foot gravel shoulders as allowed under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions. The roadway will be constructed without curb and gutter to minimize concentration of runoff and maintain a sheet-mode of flow per NWA BMP guidelines, and in consideration of the Karst recharge area. The elimination of sidewalk within the development and the use of gravel residential driveways for the homes, is intended to reduce the amount of impervious area within the development for environmental purposes. The proposed street is proposed to be dedicated to the City as a public street within the aforementioned dedicated street right-of-way.

Access to the subdivision will be from East Brown Road as shown on the attached preliminary plat. This preliminary plat has not yet been considered by the Planning Commission or City Council.

No vehicles may be parked overnight in the streets of the Development. Owners shall provide sufficient off-street parking to accommodate the vehicles used by their families and guests. Furthermore, no semi-trailer trucks or commercial vehicles shall be allowed to park in the Development, either on the streets or on the Lots, provided, however, that this restriction shall not apply to Developer during construction and development of the Development. No vehicles may be parked in front yard at any time.

The proposed density of the revised development is 8 residential lots plus one, two-acre common area lot on 9.65 acres, or an average residential density of one residential lot per 1.21 acres.

This project has not yet been considered by the Planning Commission or City Council. Construction has not yet started, and cannot begin until all required permits are received.

The proposed development is in harmony with the surrounding uses and the master land use plan. It is not anticipated to cause adverse impact to the existing infrastructure in the area. By developing this property as a planned unit development, the neighbors may rest assured when it comes to what will be built on this property, and the manner in which it will be built.

Ms. Christie: The only questions I have on that is that the City's Ordinance on moving structures says that the house building and construction comply with the code within ninety (90) days of the issuance of the moving permit. And Ed, I'm assuming that it has to meet safety standards and plumbing and electrical in that 90 days. Does it necessarily mean that the exterior finishes have to be completed or the interior finished? Because that says 90 days and they are asking for 12 months.

Mr. Stith: Yeah, we would treat that as two separate permits as a moving permit which means that the house has to be moved and stabilized and not sitting on some chassis somewhere. And then there is a remodel permit.

Ms. Christie: O.K. So all it has to do, I want to make sure everybody understands they can bring it in and tie it down on the foundation and they don't have to begin any other work on that structure in that 90 day period.

Mr. Stith: That is correct. I mean you would get to the point where it could be vacant too long and it would become a nuisance.

Ms. Christie: But they are asking for a twelve month period and I just want everybody to understand that that is the time frame. When one comes in and gets put on the foundation and work doesn't begin on the outside or any other remodeling for six months they would not be in violation of City Code.

Mr. Stith: Yes. From previous experience from the previous dwellings they moved on site.

Ms. Christie: O.K. I want everybody to understand. The developer reserves the right to construct new homes in a conventional manner and the developer reserves the right to retain possession of all lots or to sell any or all of the lots prior to or after construction home on said lots upon completion of the final plat.

Ms. Christie: There was some discussion about the length of the cul-de-sac and Ed I believe you indicated that Fire Department is not opposed to because of the number of structures, but they would still have to ask for that.

Mr. Stith: This was discussed with the Fire Department and the Fire Marshal. Because of the number of structures being so, normally a cul-de-sac of that length has 20 structures on them.

Ms. Christie: O.K. so they are going to have to ask for a variance because of the cul-de-sac even though it just has 8 structures on it.

Mr. Stith: That is a zoning requirement.

Ms. Christie: That is a Master Street Plan. Katie can you address that where they come back and ask for that variance for the length of the cul-de-sac.

Ms. Hollingshead: I think in the past we have required a variance for a longer cul-de-sac.

Ms. Christie: O.K. which means that we won't hold it up tonight but it is something that will have to be done and then fire department will not be opposing the.

Mr. Gilbert: Ms. Christie is that not something covered in the PUD. We talked about several issues that would normally require a variance but because this is a PUD it is part of the PUD, would this not be one of those items?

Ms. Christie: Well we will work on that and decide whether we have to have a variance or not. Ernest, is Ernest here yet? I mean, can that be something that is covered by the PUD without a variance? Yes? O.K. We're good.

Ms. Christie: They are proposing to do a 24 foot wide paved surface width with gravel shoulders 4 feet in width on each side allowed under Code of Ordinance, Section 112-4 and it states subdivision. As I read that section of the code the lots would have to have a 100 foot minimum to use that Estate section.

Mr. Gilbert: These lots do have a 100 foot minimum frontage.

Ms. Christie: O.K. there's a place over here that says that they have 80 foot. If you will allow 80 foot frontage.

Mr. Gilbert: Yes.

Ms. Christie: We have to make sure that they are the same under on page 9 it says there shall be a lot area of not less than .47 feet in addition there shall be a lot width of not less than 80 feet on public streets. So if you are going to use that road section that will have to be changed and you cannot allow anything to have less than 100 feet.

Mr. Gilbert: These lots, according to the plat which is part of this whole set of paperwork.

Ms. Christie: I understand but the documents says

Mr. Gilbert: I can correct that.

Ms. Christie: O.K. A common area, let me back up. Each placement of home on individual lots cannot be determined at this time in part due to the fact existing homes proposed for up cycling as they become available and then you are going to dimension the exact floor area at this time. Will building inspection require a site plan for each of those when they get moved in.

Mr. Stith: We can. We don't normally on new structures but we would. I mean normally we would do a corner check but since this is being moved in I mean we can require a site plan.

Ms. Christie: O.K. You make a note David that there needs to be a site plan submitted for each individual one.

Ms. Christie: The Ordinance requires 50 percent of open space and that requirement has been met. We're talking about eight lots of varying sizes for single family homes. Lots 1, 7 and 8 will approximately 1 acre in size. Lot 2 will contain approximately .88 acres, lot 3 through 5 will contain approximately .5 acres and lot 6 will remain approximately .9 acres lot 9 will contain common area approximately 2 acres or about 21% of the total development and will be adjacent to lot 2-6 allowing direct access to the smaller lot. Lots will front on a two lane public street.

Access to the Common Area, I believe in the Covenants say that it will be a permanent easement across the driveways of those existing structures.

Mr. Gilbert: The easement is actually, let me count, I don't remember the lot numbers here. Between lot 5 and 6 on the preliminary plat this is the street plan that probably doesn't include that but the preliminary plat show between lots 5 & 6. It's about 7 o'clock on the cul-de-sac there at the end. The line goes from the cul-de-sac down to the southwest corner on the east side of that is a 20 foot permanent access easement across lot 5 to gain access to the public area.

Ms. Christie: O.K. It needs to be the same terminology that's in the covenants either that needs to be corrected or something that needs to say the same thing in both places.

Mr. Gilbert: Yes ma'am, I can fix that.

Ms. Christie: The streets will be constructed without curbs and gutters and will have 4 foot gravel shoulder. They are proposing those to be, street dedicated to the City in a 43 foot right of way.

Ms. Christie: You are proposing to have Hobby chickens. I think that the City Ordinance does not allow chickens in any zone except in an A-1 zone. That section will have to come out.

Mr. Gilbert: Let me get clarification on that. So you are saying no chickens are allowed in a PUD anywhere in the City of Springdale.

Ms. Christie: That is correct.

Mr. Gilbert: O.K.

Ms. Christie: Hobby rabbits. You have proposed those. (See development plan). I think Ernest is going to look up about slaughtering of animals. Ernest are you looking that up? O.K.

Ms. Christie: The other proposal for agricultural bee keeping shall be permitted within the PUD. (See development plan).

> Ms. Christie: No vehicles may be parked overnight in the streets of the Development. Owners shall provide sufficient off-street parking to accommodate the vehicles used by their families and guests. Furthermore, no semi-trailer trucks or commercial vehicles shall be allowed to park in the Development, either on the streets or on the Lots, provided, however, that this restriction shall not apply to Developer during construction and development of the Development. No vehicles may be parked in front yard at any time.

My question with that is there can't be any semi-trailers or commercial vehicles can they drive it home. Could they park standard pickup trucks?

Mr. Gilbert: Well the way it is written it means all commercial vehicles. We can however, amend that.

Ms. Christie: I'm just asking because I'm going by what it says and this right now says you can't have any commercial vehicles if it is marked as such.

Ms. Christie: It indicates that in the duties of legal and accounting services are to be provided. It has been the City's policy to require the establishment of a legal reserve fund for the benefit of the association once it is established so that at the very beginning there will funds available if there are some legal issues that the property owners need to address. What we have seen normally is about $2500.00 into the legal reserve fund. (See article V of the Covenants)

Ms. Christie: O.K. that was a whole lot of stuff and I can go back and repeat it if I need too. There are a lot of details because this is a contract between the city and the developer, so that we all know what to expect.

Mr. Tyler: We will open it up for comments. You will need to state your name and address for the record. Please try to keep it brief and to the point. Now we will open it up for comments from the audience.

Ms. Christie: O.K. while we are waiting for someone to come forward we have received copies of petitions which have been made available to the Planning Commission members and unless you have a problem with this we will stipulate all this to the record. Does anyone have a problem with and if anyone wants to refer to them we have copies. These are concerns that they have regarding this subdivision.

Please note: The Planning office will provide the petition to review upon request by any person interested. It will be available at the Planning Office located at 206 Blair Street.

Mr. Todd Stevens: Good evening, I'm Todd Stevens. I live on Paradise Place the driveway that is approximately 100 feet or so to the west along the north side of Brown Road. I am representing a collective effort of approximately 24 neighbors who have all signed the paperwork that you all have. So I promise to keep it as brief as possible. Again what we tried to do is accommodate here rather than have everybody come up here and say their peace. I hope that you appreciate that it will be just one presentation. Obviously we have some concerns and issues and we have tried to concise that down to a couple of different arguments.

Argument number one being the appropriateness and argument number two being storm water drainage issues.

Appropriateness and what I mean by that is taken from the development plans. The development is intended to blend in with surrounding residential uses which until recently have been fairly rural in nature while providing an opportunity to enjoy the setting for those who cannot afford to purchase and/or to maintain large tracts of land. And in that the concern is if I can digest that a little bit, the development is intended to blend in with surrounding residential uses for those who cannot afford to purchase and

maintain large tracts of land. It conflicts itself with what is there. That conflicts of a definition of appropriateness. The proposed development is in harmony with the surrounding uses and the master land use plan. It is not anticipated to cause adverse impact to the existing infrastructure in the area. By developing the property as a Planned Unit Development the neighbors may rest assured when it comes to what will be built on this property and the manner in which it will be built. That is one of the main reasons I am standing here representing the twenty-four people. Because resting assured what will be built on this property and the manner in which it will be built, and if I may add anticipated maintaining into the future is why we are concerned the appropriateness. Did everybody get a hand out from us? You should have gotten a handout or some documents with a number of photographs and I won't bore you with all those details. O.K. great. But I would like to just quickly you are going to see photographs of a number of the properties that are very, very near the proposed subdivision. 2,586 square home setting on about 4.84 acres. A 2000 square foot home put in on 11 acres. 3800 square foot home sitting on 2.5 acres. 37 acres, 9 acres, 3000 square foot etc. If you could all the way back to the very last page I think that it is page number 17 if that matters on your handout. That is and thank you to Heidi on this map, all of the properties that are listed here in pictures are on this map highlighted here. And if you look at it as an average home size and as an average acreage size it comes up to the average home size is 2438 square feet and the average acreage size is 10.45 acres. Admitted that is a little bit skewed because there is one farm that is included in this. Even if I take that farm out of there we are 3.69 acres. If I look at it as the mode medium, I don't care what your statistic is we are somewhere around 5 acres is what the average is. Two to three thousand square foot custom built homes on 5 to 10 acres estate properties is appropriate. Like an antique shop or neat restaurant is appropriate on Emma Street in downtown Springdale but we find it difficult to envision the proposed subdivision of old homes that have to be moved, I would question why they are having to be moved from their current location. Moved in from other locations, remodeled, gravel driveways etc. etc. One thousand to four thousand square foot houses in an 8 or 9, correct me, it is an 8 house subdivision. How is that spending appropriate? We're talking about if you built new houses that are the difference between $200,000.00 and $800,000.00 in eight houses in a subdivision. I understand that we are not building new houses, assuming $200.00 per square foot which would be very probable in Springdale. How is that appropriate and also I beg the question how does that blend in with estate properties out there? It would be like me saying I'm going to buy 10 lots in a subdivision that has 1000 square foot homes in it and build a 3500 square foot home to blend in. It doesn't work, it's not appropriate. My concern is what will this look like in five years. While my house is still sitting there and the majority of these other houses that are custom built homes on five acres are still there and they are being well maintained. What will this look like in ten years with gravel driveways, with old houses that have been moved?

Moving on to drainage and I don't profess to be able to talk Karst language and to speak on behalf of the United States Fist and Wildlife Services regarding environmental impact on blind cave fish. In fact I have never seen a blind cave fish and I suppose by their very nature, they have never seen me either. But I can appreciate as the material is provided that this property lies within the Karst recharge area. As designated by the U.S. Fish and Wildlife Services to protect endangered species living within the Cave Springs cave. The recharge area is designed in order to place a special emphasis on

surface water quality as it impacts losing streams and similar features that is thought to be tied to the cave's ecosystem. As such it is subject special regulations which are not applicable to the typical sites within the City. What's the term special regulation? Special regulation speaks to regulations over and above, not exceptions to, pre-existing rules adopted by the City of Springdale, already pre-established. There has been a massive amount of work and expertise involved in the development of recommended practices over the years; which is summarized by two separate letters provided by the U.S. Department of Interior Fish and Wildlife Services directly to your City Council or to the City Planning Commission in Springdale. Those came to you all not me. And we talked a whole lot about rabbits, chickens and what Ms. Christie read there, I'm not sure she addressed the septic system. We're talking about installing 8 separate septic systems in a concentrated area in the highest red zone according to the Karst study. There is a well, in fact there are two wells that sit approximately, I'm grabbing at numbers, 50 feet from the back of a lot of these dwellings or at least from that property right there that I have not seen anybody talk about. Will lateral lines be out the back of those houses and if so if they approach the rear of the lot on the north side of that subdivision water flow is going to flow into the discharge area of that wells. Those two houses use for their drinking and utility water.

We believe that the position of the U.S. Department of Interior is very clear and is the source of a number of creative maneuvering we see here in this proposal. Creative maneuvering meaning there's changes this proposal that you all see here tonight had changed pretty substantially from the one that was taken off the docket last month if you all studied that or not. I'm having to do my own maneuvering to even answer a lot of these folks.

Street sections shall not include curb and guttering to reduce the amount of the impervious area in the Karst recharge zone, sidewalks not proposed internal street at 24 feet in width, four foot gravel shoulders, road ditches shall not be provided, sheet flow is to be maintained wherever possible. The reduction in roadway width along with the elimination of sidewalk within the development and use of gravel for residential driveways for homes; all of this is used to reduce the amount of impervious area within the development for environmental purposes.

When we collectively read that, I'm going to admit that we excel a sign of doubt that these are the intentions that this is done for environmental purposes. For example the section that was removed was dealing with a culvert off of Brown Road into the entryway of the proposed subdivision. Honestly, if you are going to be installing a subdivision, I'm going to say that asking for exceptions to a carver (?) in the entryway is attention to detail there. One of the things that was originally said was is that is inappropriate because connecting facilities to these on nearby or adjacent properties are inadequate or lacking and not necessarily for public interest. The facilities reference is absolutely lacking, I'll be the very first one to admit that. They are lacking because all of this drainage area was originally constructed, it was a dirt road and was not under the oversight of any regulation or planning committee such as yourself. It was rural Benton County. This area has only been incorporated into the City of Springdale since 2011 and all of the existing homes along this stretch of road were already there with the exception of Jim Sikes home on Brown Road about another hundred yards or so west of this subdivision.

The lack in facilities are already contributing to a massive amount of stormwater drainage there. Would you do me a favor and look in, I think it is the other packet that you have. I'm trying to give you a visual of what I'm talking about. Go to page 8 and the very top photograph. I don't know if you all have actually been out there to put your eyes on this. What this view is, is from Paradise Place. My driveway, looking south basically at the proposed subdivision. Note that there is a building back here in the background to the left of that building is where I'm talking about the driveway will be into the subdivision. O.K.? That's what it looks like without a house there, without eight houses. I would be curious as to how much water of an eighth of an inch over the course of a lot of square feet would add to and add that on top of this which I'm not drainage expert but I have concerns that we are talking about more drainage than an eighth of an inch because I have lived there many, many years and this never happened until a subdivision went in to the east of us. I used to have a fence right there where that mail box is, was. I and a number of neighbors who signed this packet have spent I'm going to say hundreds of dollars and I'm probably being conservative attempting to secure Paradise Place driveway, right there where you are looking. You ought to see it today. Repairing water lines that were washed out, I'm not kidding you, at least annually. The back page I think it is I'm wrong, go forward, page nine. I wish it only looked like that most of the time, in fact last year in April they broke. Have you ever run a two inch water line for about 24 hours while the water is receding and you don't know it's running; you know what your water bill is? See that mail box there, I built that mailbox and now its about eight feet underground because I have had to fill right there, and again that is about 100 feet west of the subdivision. I have had to build a rock wall to be able to even back fill again. Two years ago, the Springdale Street Department secured right there, go on past the mailbox and you see all of that that is washing away there. That actually went ahead and deteriorated underneath the road and the City of Springdale came in and put rip rap and concrete over it and actually secured the City of Springdale road right there. That's great, but what that did though is that it pushed the water onto my water line and actually making worse our water line problem. I understand that you have to secure the road too. I've built and rebuilt more mailboxes than I can count. We have given up on ever having a street sign any more; got to get UPS there. I've retrieved my Orion trash receptacles that have washed down the street. Every time it rains on trash day I dread it. Having to wait to leave our home due to impassable water levels over our driveway very, very frequent. It is actually a little dangerous over Brown Road right there where the water is running over from the proposed subdivision is.

I want to share a little bit of detail but in April of last year Melisa and I, my wife went down to retrieve the recycle receptacle for our neighborhood and there is a number of houses around Paradise Place. It was pouring rain, we grabbed the cans and we pulled them up the hill across the road over toward this subdivision we are talking about. We look around and I had parked right here about where that vantage point is where I took that picture and the water had risen there so fast that it was almost running into the cab of my truck at that point. I hollered at Melissa, we run back up there and another trash can is coming kind of down the road. She grabs the trash can, I grab the truck and I'm waiting on her to get into the truck and she doesn't show up. Raining, extremely hard, I get out, I come around the other side of the truck and Melissa has been knocked off her feet and is smashed up against my rear tire with water roaring over her head and she can't get up. I can't believe that I am about to have my wife drown in my driveway. That

is the level of water that we deal with long before we build more houses there. Anybody that tells me that street improvements are not necessary for public interest are inappropriate. Obviously wasn't there with me and her that night. A hundred per cent of the water that comes down the hill from the proposed subdivision immediately overwhelms the inadequate facilities, I promise it does and spill right into where our driveway is. Does all of that water come from Hawksview, the answer is no. I'm not saying that it does, it comes also from a lot of different areas. All of the water that floods into this red Karst zone comes in and goes through to a, you might call it an opening, into a drainage ditch that is about ten feet wide. One hundred percent of all water there accumulates right there. I have to deal with it. We have to deal with it over and over and over.

The City of Springdale Street Department, you all need to get out there because on down west of where the street has washed and y'all have to put rip rap down there. It is about to collapse again. Wish I had brought pictures of that. It is continuing to deteriorate where it gets down there.

We're asking that the Commission deny the proposed variances, deny the waiver actually ultimately the goal is to remove the entire project from future consideration, if this is the way it has to be done. I'll be the very first one and I think all 24 of us that sign this letter would say is that if it were to be a development that was going to come in here and put a house there on that nine or so acres or maybe a couple of houses, nobody is going to have a problem. It has nothing to do with us not wanting a new neighbor. It has everything to do with the idea of making exceptions and skirting around all of the pre-established rules, that's what the frustrating part is for all of us because again, what is that going to look like in ten years when you add that type of structure into the type of division that we have out there now.

The United States Department of Interior of Fish and Wildlife Services three times in writing advised against concentrated septic systems in Karst habitat. I want to make sure that you all have that documentation. Do you have that in your letter?

One other thing that was just brought to my attention today and I'm going to have to read this. Pedro Ardapple (?) is a fellow with the Fish and Wildlife Services and this is a response to a lady who is in our group. Do you know if they are planning to install a gravity sewer system to each lot with a drainage basin type lift station installed and stubbed out such that when gravity sewer is available it will provide one point per connection to the new gravity sewer system. Would that be the stepp system? I think that my terminology is correct; if not, it would go against U.S. Fish and Wildlife Services recommendation to provide a strong reason for denial of the permit. Honestly, I 've not had a lot of time to digest that but I want to make sure that you understand that the U.S. Fish and Wildlife Service and that Karst group are strongly advising you to consider the impact of what you are about to consider.

Further development, without addressing drainage issues, equals further drainage issues. The definition of insanity, doing the same thing and expecting a different result. It's not get going to get better with more drainage issues, that we are personally responsible for, both from a monetary and safety perspective. My dad used to tell me

son you can't put a square peg into a round hole, sometimes it won't go. We feel like that statement very accurately currently represents our position on it.
Thank you.

Mr. Tyler: Thank you and thank you for the twenty four you represent. Are there any other comments from the audience? Any body on Zoom? To the Commission.

Ms. Christie: We have to go over the comments for the preliminary plat and the rezoning will be a call for the vote.

Mr. Gilbert: Excuse me. Can I address some of Mr. Stevens' comments before we do this? I'll try to be brief.

I know that Mr. Stevens means well and I understand what it is like to live in a neighborhood where the roads are substandard so he certainly has my sympathy there but he misunderstood a few things. The septic system, the reason you didn't hear this project a year and a half ago was because the Planning Staff asked us to triple check on the septic system requirements and those have been approved by the Arkansas Department of Health and there is no regulation in Springdale that says you can't have septic systems in this area. This is not, I guess on some maps, it would be the red zone of the Karst but half of this property is not even in the Karst Recharge Area. The north half that is on the fringe of it. Farther to the south you have Sharp's Quarry which certainly would be a problem if it were in the recharge area but it's not so have no issues there. As far as blending in, Mr. Stevens is correct in that there are a number of nice homes here; we are not trying to match what is there, we are trying to find something that will fit, generally speaking, and if you want to think of it as a transition zone, then you are welcome to think that way. We would like to point out that one of the neighbors operates a commercial plumbing warehouse immediately adjacent to this property next to the wells Mr. Stevens mentioned and another one of the neighbors operates a warehouse for a window supply company in that neighborhood. We assume those were preexisting uses since before this came into the City but nevertheless they are there. I think that if you look you will find there a lot of gravel drives in this area. To say gravel drives don't fit seems a little bit unusual. Mr. Stevens addressed old houses that have been moved in and wanted to know why they are moved. Those of you who are familiar with development in Springdale know that you have prime commercial piece property on the City street that used to be very narrow now is five lanes. Somebody that doesn't want the old houses there, they want to build something on that spot. Normally they tear it down put all the stuff into a dumpster and it goes to the land fill. It is routine to remove houses. Dave Marrs in Bentonville the house he lives in, it shows on the front of his TV show that moved to his property because it is a good use of structures that are still sound and solid they just don't fit where they are, they don't fit in that neighborhood anymore. These houses will be redone. We had some pictures at one point to show you. The owners work on redoing these houses on the inside and out. We're not talking about throwing, there was concern earlier because there were houses moved in by the owner to adjoining pieces of property. One house was put on 10 acres, I think it was and complaints were made because, well, when they moved it in it looked ugly. It looked like a mangy dog but if you ever moved a house that had rock on the outside of it, you have to peel that off because the rock won't move; and yes, the house doesn't look like much until you get it set on the foundation and get the new exterior cladding on it. If you

see the house today it looks pretty nice. This was tabled a month ago because there were concern with the Planning Staff that our development plan was nearly thorough enough. I don't know that the development has changed a lot. We did, as a result of a meeting, the in between meeting with the Planning Commission, it was suggested that we needed to have planning area because that is a PUD requirement. The plat changed the public area in that. With regard to the drainage along Brown Road, much of what Mr. Stevens has described is existing problems. This piece of property does not and will not generate tens of thousands of cubic feet per second that will know you off your feet and pin you under the truck. It is not that big. There is a big drainage area that did go on Brown Road but this is only a very small fraction of the area that drains to that ditch. We did not ask for an exception in placing a culvert under the entrance road on Brown Road. We did ask for a waiver from improving Brown Road along the distance of 50 feet which is our frontage. Improving Brown Road for fifty feet will not serve the public interest, it won't do any good; it won't address any problems in fact is generates a lot of problems and one of those problems is if we have to widen Brown Road we have to put the culvert pass the widening and that means that we are going to have to move that ditch on to people's property on both sides; so our request was to work with the Engineering Department to come up with a solution that didn't make it necessary to grade on other people's property to relocate a very large drainage ditch in order to install fifty feet of road. I think that those are the high points of the deal. We do appreciate your time. Thank you.

Mr. Tyler: Any other comments?

Jeff ??? Could not understand his last name: Hi, my name is Jeff ???? and I live at 8890 East Brown Road. This subdivision is directly behind my house. Matter of fact we are separated by a fence line. I have no issues with the subdivision if they are done properly. My fear is the homework hasn't been done that he's experienced and I have experienced. His comment about us not seeing the kind of flooding that we have lived with, I have lived there since 2001 probably one of the longest residents there. I've not seen the level of flooding in that area like I have the last ten years. It is unbelievable the amount of water that is coming from other subdivisions so I don't know if the engineers missed it on where or how much water and where that is going to run but it is absolutely unbelievable. My front yard now gets absolutely flooded and all of that water is coming from the top of that hill, every bit of it and there is nothing there right now. We have quote unquote 100 year flood we have in the past three or four years right? We used to call it the 100 year flood and now we get them once a year, maybe twice a year. The side of my house is a river which is going to be the west side. Whenever you see that and we get these huge rains maybe once in a lifetime but we have seen several the last couple of years. Again, my front yard becomes nothing but a river, a lake and I don't know how many times I repair my driveway. I understand the gentleman had mentioned something about gravel driveways. Well, I have been there for 22 years it was a very rural community. We have had the covenants and things like that out there so I have been able to get away with my gravel driveway. I get it, but my biggest concern, getting back to what Todd was talking about is where in the world is all this water going to go? We have hard roofs we have roof services that's got to be funneled into specific areas and it is going to go to right to the back of my house, it has too, it has too because that is the only place that it can drain and it is the only place that it does drain. Have we done our homework to direct that water somewhere else. If they do, it is going to be

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onto someone else's property. The drainage is not there. Again, we are going to feel the brunt of it. Right now I have my house probably 18 to 20 inches off the grade of the back and when it is a hard rain I'm about 2 or 3 inches coming into my floor plate. I got French drains, I've got all the necessary things done properly but the water is the problem. I don't think anybody has seen it like we have seen it because nobody in this room lives there and gets to see it. It is a very huge concern of mine. The housing, the street the neighbors, that's not an issue. What makes me nervous is making sure that we have done our homework, so I'm not getting flooded on these quote unquote 100 year rains or these lifetime crazy flood rains that we get because we are going to continue to get them I feel like for whatever reason. But it is a crazy, crazy issue the amount of water that comes off that hill with nothing there right now but just the natural grass. That is what I need to say about that, that it is a huge concern of mine is the water which I can see coming because I have already seen it from the subdivisions that have got built down further on East Brown Road. It is coming from Spring Creek subdivision; all that water has been directed toward us and here it comes and it is a major issue and has been for several years now. So anyway, I would just like for you guys to take that into consideration. Maybe we need to take a real look at our drainage in that area because it is a problem and it will continue to be a massive problem with the more construction we put out there. That's all I've got to say. I appreciate your time.

Mr. Tyler: Thank you. Anyone else? Now we are going to vote on the rezone. It will be a call for the vote. To the Commission.

Mr. Covert: Call for the vote.

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

Ms. Pounders: Cloud – no, Compton – no, Covert – no, David – no, Mueller – no, Parker – no, Peters – yes, Tyler – yes, Austin – no.

Ms. Christie: You have the right to appeal the Planning Commission's decision. You have to file that appeal within 15 days. You have to indicate why you think the Planning Commission's decision was in error and you have to re-notify the adjacent property owners and it will be placed on the agenda following that Commission. I can tell you that it won't heard before the second meeting. We have to have time to prepare the minutes and we do a verbatim of them. It won't be next week. It will be the second meeting of Council. You must file the appeal within 15 days.

Mr. Gilbert: Thank you.

Ms. Christie: The preliminary plat goes away.

Mr. Tyler: We won't hear PP22-03 or W22-05 and W22-06.

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PLANNING & COMMUNITY DEVELOPMENT DIVISION

Memo

To: PLANNING COMMISSION MEMBERS

From: Patsy Christie, Planning Director

Date: April 5, 2022

Re: **R22-07** **Rezone**

A request by Scout Enterprises, LLC for Planning Commission Approval of a zone change from Agricultural District (A-1) to Planned Unit Development (PUD) for a tract of land containing 9.65 acres.

LOT LOCATION AND SIZE

The 9.65 acre tract is located at 8915 Brown Road, south side of Brown Road, west of Zion Road.

A vicinity map is attached.

EXISTING ZONING

The existing zoning on this tract is an A-1, Agricultural district. This district is designed to protect agricultural land until an orderly transition to urban development has been accomplished. It provides a usable district for certain uses which may be annexed to the city. The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished. This zone will encourage single family residential usage on large tracts. In addition, due to the low density of development, agricultural uses such as crop and livestock production are allowed.

Uses permitted: - 1, 6, 7, 8, 29
Conditional Uses Permitted on Appeal: - 2, 3, 4, 5, 9, 14, 17, 23, 28, 30, 33, 36, 37
Temporary Uses – 32, 34

ACCESSORY USES

The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:

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(1) Accessory buildings, including private garages, storage facilities and children's playhouses.
(2) Private greenhouses.
(3) Swimming pools, tennis courts and similar recreation facilities.

SITE PLAN REVIEW

When a conditional use is proposed in an A-1 district, except for Use Unit 28 home occupation and Use Unit 36, horses kept in residential areas; 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.

AREA REGULATIONS

(1) LOT AREA. There shall be a lot area of not less than two acres for both residential and non-residential use. In addition, there shall be a minimum lot width of not less than two hundred (200) feet on a public street at the front setback line.
(2) DENSITY. One (1) unit per two acres.
(3) FRONT SETBACK. There shall be a front setback having a depth of not less than thirty-five (35) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty-five (35) feet.
(4) SIDE SETBACK. There shall be a side setback on each side of the lot having a width of not less than twenty (20) feet.
(5) REAR SETBACK. There shall be a rear setback having a depth of not less than thirty-five (35) feet.

	LOT MINIMUMS		SETBACKS				
	Widths	Area	Front	Back	Side		
						Corner	
						Interior	Exterior
One Family	200	2 acre	35	35	20/20	20	35

REQUESTED ZONING

The rezoning application requests a PUD Planned Unit Development district. The District is established to permit the subdivision of land and zoning review into one process. The combination review permits a development proposal to be acted upon simultaneously by the developer and the city. This system is advantageous when the developer that plats the land and provides access and utilities also provides the amenities that make the overall project marketable. An additional advantage is that the approved PUD plan remains intact even if transfer in ownership occurs. The approved PUD plan represents a commitment by both the developer and the city.

The PUD process permits more flexibility in the choice of building types, the arrangement of varied land uses, and the use of generalized rather than specific development regulation. By permitting and encouraging the use of such procedures the planning commission and the city council will be able to make more informed land use decisions and thereby guide development more effectively in the best interest of the city. The PUD should:

(1) Facilitate and encourage a maximum of social and community interactions and activity among those who live, shop, play and work there.

(2) Provide open space not only for traditional private use in setbacks and yards surrounding structures, but also conveniently located with respect to points of residential and commercial concentration for the general benefit of the community and public as places for relaxation, recreation and social activity.
(3) Provide a comprehensive, multi-modal circulation system separated from vehicular roadways which links residential, non-residential and open space areas
(4) Preserve the natural environment by minimizing the grading necessary for construction.
(5) Achieve a maximum of safety, convenience and amenity for both the residents of the PUD and the residents of neighboring areas and assure compatibility with existing and proposed surrounding land uses.

The development plan may be submitted in conjunction with the rezoning of the site or prior to the development of the site.

Uses permitted: - 1, 4, 8, 9,10, 11, 12, 13, 16, 17, 18, 19,20, 22, 27, 29
Conditional Uses Permitted on Appeal: - 2, 3, 6,7,15, 28

ACCESSORY USES

See Article 6, Section 2.7 of this chapter for residential uses and Article 6, Section 3.1 for commercial uses.

SITE PLAN REVIEW

When a proposal is made to develop a Planned Unit Development, a PUD Site Plan review shall be required. See Article 6, Section 5 of this chapter for the Planned Unit Development application review procedure.

DENSITY, BULK, AREA AND YARD REGULATIONS

Density. PUD densities may be determined on the basis of any and all of the following considerations; the densities designated by the land use plan, the densities of surrounding development, the densities allowed under the various zoning districts, the urban development goals and other policies of the city, topography and character of the natural environment and the impact of a given density on the specific site and adjacent properties. The city also has the discretion to consider any other relevant factors.,

Lot size. There shall be no minimum standards for lot size although existing standards of zoning and subdivision regulations may be used as a guide.

Setback. There shall be no minimum standard although existing standards of the zoning and subdivision regulations will be used as a guide.

OFF-STREET PARKING

See Article 7 of this chapter.

ENCLOSURE OF USES

All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, temporary farmers markets and craft fairs, promotional events, and normal pump island fuel services. In addition, outdoor display of merchandise is

allowed in an area equal to one-half (1/2) of the façade area of the front of the building as long as said display of merchandise is stored inside the building or other completely enclosed structure after normal working hours.

SCREENING AND LANDSCAPING

In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the planning commission shall require landscaping and screening as part of a PUD. The nature and extent of screening and landscaping shall be determined by the planning commission in relation to the overall character of the development and its specific location. The required screening shall be submitted to the planning commission as part of the final development plan. Landscape plans shall show the general location, type and quality (size/age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

OPEN SPACE

Due to the flexibility allowed in development density, well-designed open space is an important factor in providing for innovative design and visual attractiveness. A minimum of fifteen (15) percent of gross residential areas shall be designated as common usable open space.

LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates low density residential uses.

The Master Street Plan indicates E. Brown Road as a major collector.

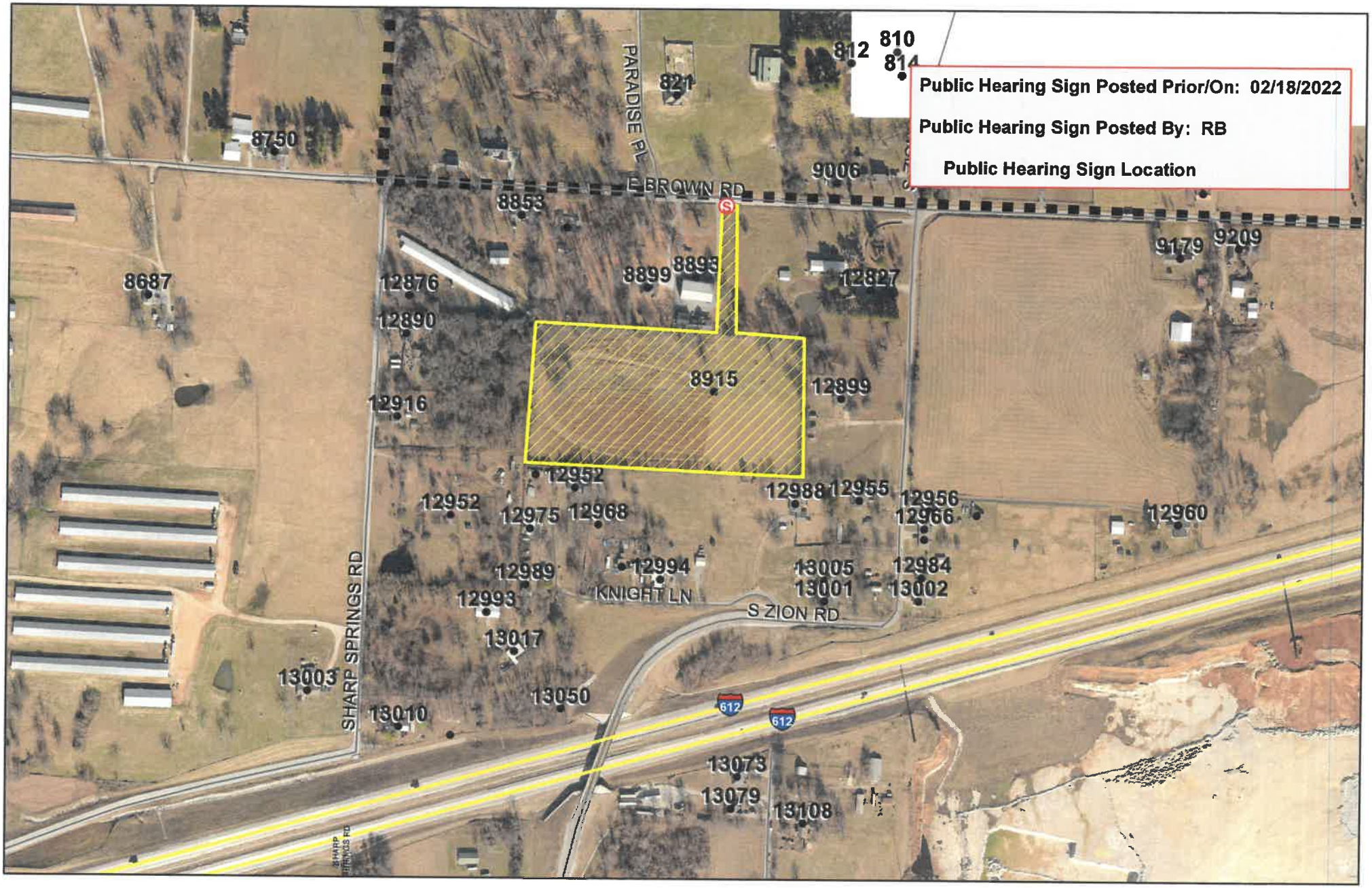
STAFF COMMENTS AND RECOMMENDATIONS

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval with development plan and covenants as revised.

Protect the positive aspects of neighborhood character throughout the City.

Appropriate locations for single-family and multi-family residential development should be provided based on accessibility, site suitability, utility availability, neighborhood compatibility and environmental factors.

Assure adequate land allocation for residential purposes by providing lots of adequate size.



N

0 87.5175 350 525 700

Feet

For Location Reference Only

FILE NO. R22-07
APPLICANT: David Gilbert, PE
REQUEST: Rezone from A-1 to PUD

PLANNING COMMISSION MEETING
April 5, 2022

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File No. R22-07

PETITION FOR REZONING

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

Legal Description:

PARCEL 21-00167-100 DESCRIPTION:
A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 496.06 FEET TO A COMPUTED POINT; THENCE SOUTH 02°37'29" WEST A DISTANCE OF 443.54 FEET TO A COMPUTED POINT FOR THE POINT OF BEGINNING; THENCE SOUTH 87°14'46" EAST A DISTANCE OF 588.49 FEET TO A FOUND 5/8" IRON PIN; THENCE SOUTH 87°22'03" EAST A DISTANCE OF 49.86 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 87°04'33" EAST A DISTANCE OF 245.10 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'38" WEST A DISTANCE OF 452.04 FEET TO A FOUND 1/2" DISTURBED IRON PIN; THENCE NORTH 87°12'01" WEST A DISTANCE OF 883.68 FEET TO A FOUND 5/8" IRON PIN PLS 1181; THENCE NORTH 02°37'29" EAST A DISTANCE OF 451.96 FEET TO THE POINT OF BEGINNING, CONTAINING 9.17 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS AND RESTRICTIONS OF RECORD, IF ANY.

PARCEL 21-00167-078 DESCRIPTION:
A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 1084.90 FEET; THENCE SOUTH 03°22'57" WEST A DISTANCE OF 19.54 FEET TO A FOUND 5/8" IRON PIN WITH CAP FOR THE POINT OF BEGINNING; THENCE SOUTH 86°48'54" EAST A DISTANCE OF 50.07 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'14" WEST A DISTANCE OF 419.63 FEET TO A FOUND 1/2" IRON PIN; THENCE NORTH 87°22'03" WEST A DISTANCE OF 49.86 FEET TO A FOUND 5/8" IRON PIN; THENCE NORTH 02°33'32" EAST A DISTANCE OF 420.11 FEET TO THE POINT OF BEGINNING, CONTAINING 0.48 ACRES, MORE OR LESS; BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

Layman's Description: 8915 East Brown Road, Springdale, Benton County, Arkansas

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) A-1 - Agricultural district

TO (proposed zoning) PUD - Planned unit development district

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

1. **Sell** the property NO (Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title NO (Yes or No).

2. **Develop** the property YES (Yes or No), and if so, the proposed use is Eight single-family homes on one-acre lots.

3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: Minimal. Very slight increase in traffic and residential noise. Small increase in runoff. LID procedures used to minimize impact. Improvements will be made to water system in the area to accomodate the proposed subdivision.

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 application 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.

The **Petitioner** understands that he/she should be present at the meeting in order to answer questions. If the **Petitioner** is unable to attend, written authorization must be attached designating a representative and any decisions made by this individual shall be binding on the petitioner.

Authorized Representative: David A. Gilbert, P.E.

Address: Plymouth Engineering, PLLC, 5714 Walden Street, Lowell, AR 72745

PETITIONER/OWNER **SIGNATURE**

MAILING ADDRESS: 2616 North Thompson Avenue, Springdale, AR 72764

TELEPHONE: (479) 957-7344 DATE:

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VERIFICATION

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

SIGNATURE
(Property Owner)

(Property Owner)

State of Arkansas)
) ss.
County of Washington)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 8th day of February, 2022.

JIMMY HERNANDEZ
MY COMMISSION # 12390563
EXPIRES: November 6, 2022
Washington County

Notary Public

Plymouth Engineering, PLLC
5714 Walden Street · Lowell, AR 72745
(479) 595-5934 · www.plymoutheng.com

March 25, 2022

Rick Barry
City of Springdale
206 Blair Avenue
Springdale, AR 72764

Re: Preliminary Plat for Hawksview Subdivision
PP22-03

Dear Mr. Barry:

Please accept this resubmittal for the Hawksview Subdivision preliminary plat and PUD. Since last submitted, the plat has been revised to incorporate common space as requested.

The Development Plan has been extensively revised to incorporate comments received in our meetings with Patsy Christie and some members of the Planning Commission over the last couple of weeks. Language on "staging" has been added, to reflect the Owner's plan to move homes in over time, with potential timeframes also added. Clarification has been added regarding the type of structures that may be moved in. Common space has been added and described. Several troublesome use units have been removed, with the result that this set of allowable uses is now more restrictive than those found in an SF-1 district. Area limits for accessory structures have been added, along with restrictions on placement and the requirement that finishes match those allowed for the primary residence. The area limits vary depending on the size of lots. Similarly, at Mrs. Christie's request, swimming pools are only allowed on certain lots. Regulations have been added for hobby chickens, hobby rabbits, and bee keeping. Zero-lot line has been removed as an allowable setback. Clarification has been added as to the potential for sale, resale, and rental of lots. The residences have been limited to a maximum of three bedrooms and two bathrooms. Clarification has been added regarding whether carports or garages are mandatory (they are not.) Quotes from the covenants have been added directly as text of the Development Plan without referencing the covenants.

It should be noted that, as a result of the Owner's participation in these meetings, she has decided to change the width of Hawksview Lane to 24 feet and to propose that Hawksview Lane be accepted as a public street by the City of Springdale. As a result, a section describing how private road improvements would be funded by the POA do not apply and have not been added.

The preliminary drainage report has been updated to account for the additional width of the proposed street and also to show the effects which would be realized if every lot were built out to its maximum allowable coverage with homes and accessory buildings.
The covenants and bylaws have been revised by the Owner's attorney to reflect concerns

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expressed to him by Mrs. Christie and to better coordinate with the Development Plan.

We have attempted to address all concerns that were expressed to us over the last few weeks, and hope you will find the attached materials acceptable. Should you find anything out of order, please feel free to call me. With this submittal, we look forward to being heard by the full Planning Commission on April 5, 2022.

We appreciate your assistance with this project, and hope you will feel free to call at any time should you have any questions, comments, or concerns.

Sincerely,

David A. Gilbert, P.E.
Plymouth Engineering, PLLC

c: File

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
110 S. Amity Road, Suite 300
Conway, Arkansas 72032
Tel.: 501/513-4470 Fax: 501/513-4480

IN REPLY REFER TO:

August 30, 2021

Springdale Planning Commission
Planning Office, Room 214
City Administration Building
201 North Spring Street 750-8588
Springdale, Arkansas 72764

Subject: Rezoning of 8915 and 8750 E. Brown Road, Lowell, Arkansas 72745

Dear Springdale Planning Commission:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter dated May 20, 2021, requesting review of correspondence with the Arkansas Department of Health in regard to proposed septic service of subdivisions at Parcel 21-00167-100 and 21-00167-063. Please reference our October 31, 2020, letter for previous comments on this subject. Our comments are submitted in accordance with the Endangered Species Act (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.).

The city of Springdale developed Chapter 11 of the Springdale Drainage Criteria Manual from the Cave Springs Direct Recharge Area Water Quality Protection Requirements (Chapter 10). However, Chapter 11 does not specifically address septic systems outside the inner and outer buffer zones. In this situation, the Service defers back to the original intent of Chapter 10. Under Chapter 10, a diverse group of stakeholders, including the city of Springdale, developed recommended practices for sewer service in new subdivisions that would protect groundwater quality while promoting economic development in the region. Recommended practices included service of each lot by a gravity sewer system. In cases where sewer is unavailable, they recommended new subdivisions have a gravity sewer system installed to each lot, with a "drainage basin" type lift station installed and stubbed out, such that when gravity sewer is available, it will provide one point for connection to the new gravity sewer system. However, the Service lacks information to determine if a sewer treatment facility or a sewer line run to the proposed subdivision equates to sewer availability. We defer to the Springdale Planning Commission for that determination.

In karst systems, it is often the cumulative effects of many activities in the recharge area that gradually degrade groundwater quality to a level where adverse effects to species, such as Ozark Cavefish, occur. The establishment of concentrated septic systems may contribute to pollutants in the Cave Springs Cave recharge area and may adversely affect Ozark Cavefish. However, identifying the pollution level at which adverse effects occur to the species and the source of that pollution is often difficult.

While the Service cannot predict how concentrated septic systems in the subject parcels will affect Ozark Cavefish, the stakeholder group that developed Chapter 10 recognized the potential adverse effects associated with concentrated septic systems in karst habitats. We hope this information aids the Springdale Planning Commission in making an informed decision that considers potential environmental effects in this sensitive and unique region of Arkansas. We recognize the ultimate regulatory decision lies with the Springdale Planning Commission. If we can be of further assistance

regarding potential effects to Ozark Cavefish or karst habitats, please contact Pedro Ardapple at (501) 548-5152 or Pedro_Ardapple-Kindberg@fws.gov.

Sincerely,

Melvin L. Tobin
Field Supervisor

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
110 S. Amity Road, Suite 300
Conway, Arkansas 72032
Tel.: 501/513-4470 Fax: 501/513-4480

IN REPLY REFER TO:

October 31, 2020

Springdale Planning Commission
Planning Office, Room 214
City Administration Building
201 North Spring Street 750-8588

Dear Springdale Planning Commission,

The City of Springdale is considering a proposal to rezone two tracts of land located within the Cave Springs Cave Recharge Area. The first tract is located at 8915 East Brown Road and a second tract at 8750 East Brown Road in Lowell, Arkansas, 72745. The applicant requested to rezone this property from A-1 single family 2 acre lots to SF-1 10,000 square foot single family lots with the intention of servicing all lots with septic. Our comments are submitted in accordance with the Endangered Species Act (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.).

The largest known population of the federally threatened Ozark Cavefish (*Amblyopsis rosae*) occurs in Cave Springs Cave. In 2014, The Nature Conservancy and Ozark Underground Laboratory performed an extensive literature review of the cave's hydrology, biology, and water quality. In the study, they identified primary water quality goals for the Cave Springs Cave Recharge Area and appropriate best management practices (BMPs) for the site. With input from a diverse stakeholder group involving the cities of Cave Springs, Rogers, Lowell and Springdale, Northwest Arkansas Regional Planning Commission, University of Arkansas, Arkansas Department of Transportation, landowners, and industry representatives, among others, the group developed the goals and practices into the Cave Springs Direct Recharge Area Water Quality Protection Requirements (Chapter 10). The purpose of Chapter 10 is to provide criteria and BMPs to protect the unique karst resources of Cave Springs Cave Recharge Area while allowing for future growth and development.

The City of Springdale later incorporated portions of Chapter 10 into the city's drainage criteria manual. However, Chapter 11 of the Springdale Drainage Criteria Manual does not specifically address septic systems outside the inner and outer karst feature buffer zones. The establishment of septic systems in a karst environment may adversely affect water quality and the Ozark Cavefish. In this particular situation, the U.S. Fish and Wildlife Service (Service) defers back to the original intent of Chapter 10 developed through a stakeholder process involving the city. Chapter 10 established a recommended policy for sewer service in new subdivisions to be gravity sewer systems to each lot. Therefore, the Service recommends the city only authorize the subject subdivisions in accordance with Chapter 10 and other applicable city ordinances. Please contact Pedro Ardapple at 501-548-5152 or pedro_ardapple-kindberg@fws.gov for additional information.

Sincerely,

For Melvin Tobin
Field Supervisor

Plymouth Engineering, PLLC
5714 Walden Street · Lowell, AR 72745
(479) 595-5934 · www.plymoutheng.com

February 21, 2022

Blake Holte, Chief
Springdale Fire Department
417 Holcomb Street, Second Floor
Springdale, AR 72764

Re: Special Approval for Dead End Street
Hawksview Subdivision PP22-03

Dear Chief Holte:

Hawksview Subdivision is proposed in extreme northwest Springdale near the address of 8915 East Brown Road. This property lies just southwest of the intersection of East Brown Road and South Zion Road. (Please note, these directional designations seem to be based on the Cave Springs street grid, as the property lies near Cave Springs.) The property to be subdivided is landlocked, as it is surrounded by other lots with no public street frontage. To remedy this situation, the Owner has purchased an additional tract 50 feet in width to construct a public street to access the subdivision. This corridor is approximately 440 feet long and, as a result, the proposed public street constitutes a cul-de-sac approximately 1,081 feet in length. Ed Stith, Building Official, has informed us that dead end streets exceeding 800 feet in length require special approval from the Springdale Fire Chief. Please accept this letter as our formal request that this particular configuration be allowed for this unique property.

The proposed roadway configuration contains a 46-foot radius (92-foot diameter) at its western end. In addition, there is a turnaround approximately 640 feet down the roadway. The proposed subdivision will consist of eight single-family homes on one-acre lots. Rezoning to PUD is underway, ensuring that no additional lots may be created without City Council approval.

Fire hydrant spacing is currently shown at approximately 430 feet, indicating that another fire hydrant may be needed. We have asked, in our review comments, that we be allowed to discuss the appropriate location of this hydrant with your department so that the best interests of the public may be met. If installed, a third hydrant would reduce spacing to around 215 feet, which would be well in excess of current requirements. Water pressures seem to be good in the area, with two nearby hydrants on South Zion Road marked with blue bonnets. This would indicate that they are capable of delivering a minimum of 1,500 gallons per minute at 20 psi residual pressure. An eight-inch water main is proposed to be extended into the subdivision from the 12-inch main on South Zion Road. A copy of the utility plan is included for your use.

This property lies within the "Karst recharge area" for the Cave Springs cave, as designated by the US Fish and Wildlife Service. In order to help protect this environmentally sensitive area,

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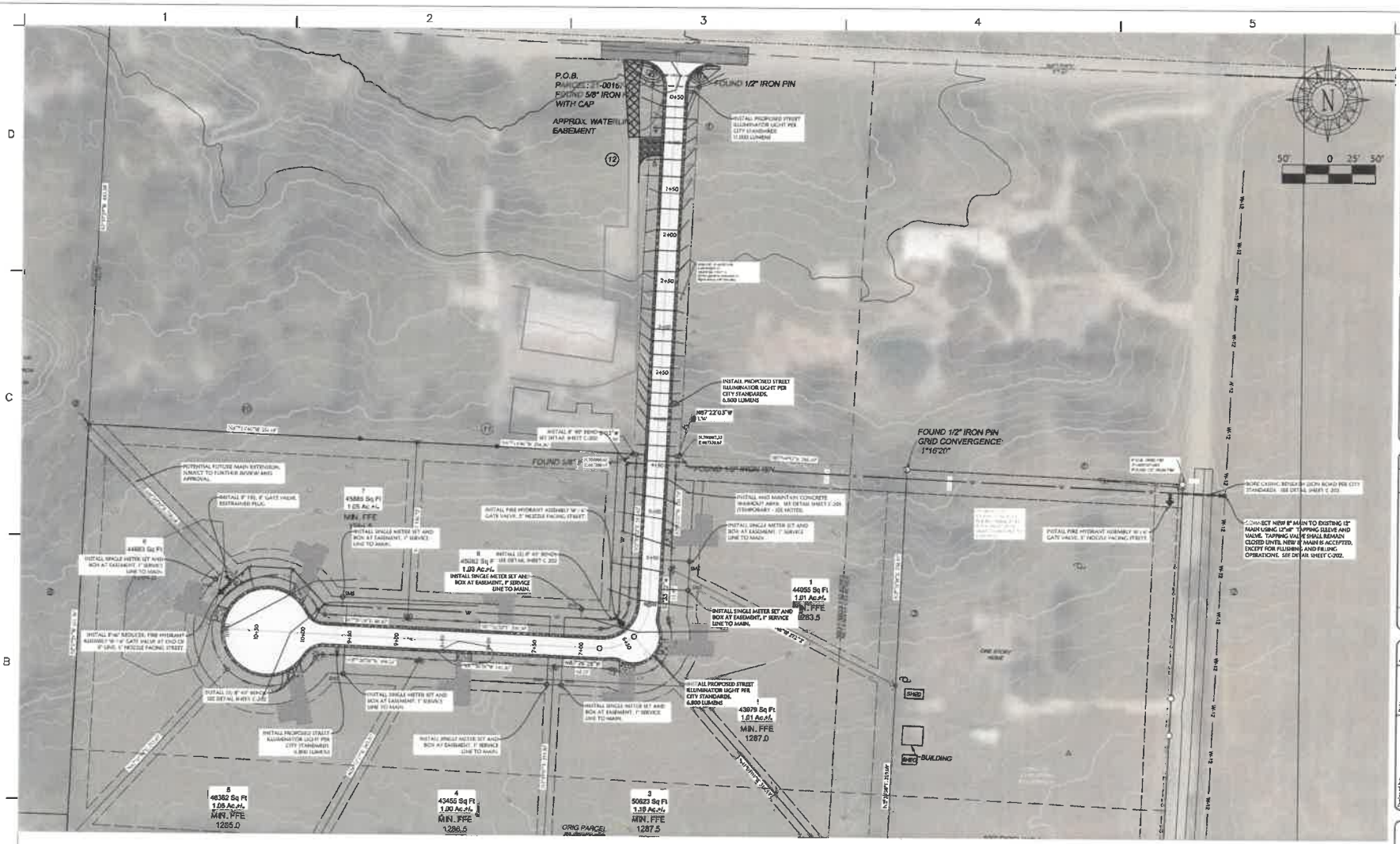
streets are proposed as 20 feet in paved width, with 3-foot wide gravel shoulders, giving a total roadway section of 26 feet. Curbs are not proposed. Additional measures have been taken to minimize the environmental footprint of this development.

We would appreciate your consideration and approval of this development as proposed, considering the unusual site conditions. Should you have any questions or concerns, please feel free to call me at (479) 595-5934, or to e-mail me at david@plymoutheng.com.

Sincerely,

David A. Gilbert, P.E.
Plymouth Engineering, PLLC

c: File



General Utility Notes

1. All utility installation shall conform to the requirements of the appropriate utility company. The Contractor shall follow all applicable federal, state, and local regulations, including OSHA trench safety regulations as specified in 29CFR1926, Subpart P.

2. Construction of any water line, sewer line, or appurtenances shall conform to the requirements of Springdale Water Utilities, including Specification Requirements for the Construction of Water and Sewer Facilities Adopted March 10th, 1987 and Amended August 27th, 2014. SWU standard details are incorporated herein by reference.

3. Where grade changes near existing manholes, Contractor shall adjust the lid height to the new elevation.

4. All crossings under roadways by open cut must be backfilled with flowable fill.

5. All proposed street illuminator lights as shown are to be installed as part of this contract, but shall be public street lights. Responsibility for maintenance and billing shall be borne by the City of Springdale.

Plymouth Engineering, PLLC
5714 Walden Street
Lowell, Arkansas 72745
(479) 595-9934
www.plymouthengr.com

Sosa Enterprises, LLC
2606 North Thompson Avenue
Springdale, AR 72764

Hawkeshaw Subdivision
Springdale ID# FP23-03

Designed by: David A. Olsen, P.E.
Date: 8.24.2023
Design file no.
Drawing code:
Drawn by:
Chkd by:
File name for Curves
Plot date: 1"=50'
Plot scale: 1"=50'

CONTRACT NOTICE:
These plans are the property and instruments of service of Plymouth Engineering, PLLC (c) Copyright 2023. All rights reserved.

Utility Plan

Sheet reference number:
C-104
Sheet 5 of 7

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Protect the positive aspects of neighborhood character throughout the City.

Assure adequate land allocation for residential purposes by providing lots of adequate size.

Encourage the development of a variety of housing types appropriate to the size and income of all households living and working in Springdale.

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

There were none.

Mr. Covert called for the vote.

VOTE:
YES: Austin, Cloud, Compton, Covert, Mueller, Parker, Peters, 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, April 26, 2022 at 6:00 p.m.

The following rezoning will be verbatim; however, the Development Plan and Covenants have been inserted for full review.

C.	R22-07	Hawksview Subdivision
	PP22-03	8915 E. Brown Road
		From A-1 to PUD
	W22-05	Waiver of street improvements – Brown Road
	W22-06	Waiver of detention requirements
		Presented by David Gilbert, P.E.

Mr. Tyler: R22-07 Hawksview Subdivision, 8915 E. Brown Road from A-1 to PUD. Also have a preliminary plat PP22-03 Waiver of 2205 and Waiver of 22-06. Presented by David Gilbert.

Mr. Gilbert: Good evening, what we are proposing to do is to build eight (8) single family lots on roughly ten (10) acres. This is in the extreme northwestern part of Springdale. We are so far northwest, the street addresses are based off Cave Springs grid; that gives you an idea of where we are. This is being presented as a PUD with common spaces. A lot of paperwork that I won't bore you with. I'm sure Mrs. Christie will cover the details here in just a couple of minutes. There's not really much to say. The detention we looked at and if the maximum build out is done per the development plan and the runoff will increase in depth by about an eighth of an inch and the Northwest Arkansas' BMP were prepared by the regional planning commission in conjunction with all of the cities in the area say that the objective is to not create any artificial drainage systems and to keep things a natural as possible. What we have here is a very shallow

ridge that drains naturally by sheet flow in both directions. We are trying to keep it that way. With that we will be glad to take any questions you might have.
Mr. Tyler: Staff comments.

Ms. Christie: The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval with development plan and covenants as revised.

Protect the positive aspects of neighborhood character throughout the City.

Appropriate locations for single-family and multi-family residential development should be provided based on accessibility, site suitability, utility availability, neighborhood compatibility and environmental factors.

Assure adequate land allocation for residential purposes by providing lots of adequate size.

This being a PUD there is a lot of conditions that goes with this and we are going to spend a little bit of time going through all these conditions.

It is a proposal for a 9.65 acre subdivision and I will say up front that I recommended that we go this route rather than a standard rezoning because of the uniqueness of the area which is being developed and the type of development that is being proposed. That's the reason you are not seeing this as a standard SF-1 subdivision or an SF-2 or something like that.

DECLARATION OF COVENANTS OF ASSURANCE AND RESTRICTIONS OF HAWKSVIEW PLANNED DEVELOPMENT TO THE CITY OF SPRINGDALE, ARKANSAS

KNOW ALL BY THESE PRESENTS:

That SCOUT ENTERPRISES, LLC, an Arkansas limited liability company, being the owner and developer ("Developer") of the property referenced in Exhibit A, said property having been duly platted as Hawksview Planned Development (the "Development"), an Addition to the City of Springdale (the "City'), Benton County, Arkansas, said plat being recorded in the office of the Clerk and Ex-Officio recorder of Benton County, Arkansas, on [date], in Plat Book _____, Page _____, for the purpose of keeping said Development desirable, uniform and suitable in architectural design and use as herein specified, and to provide for the orderly development of the Development, does hereby make this Declaration of Covenants of Assurance and Restrictions (this "Declaration") setting forth the following limitations, restrictions and uses of the property in the Development.

Developer does hereby state that this Declaration shall establish covenants running with the land for the period of hereinafter set forth, as provided by law and shall be binding upon all purchasers and owners of the lots of the Development and upon such owners' heirs, personal representatives, successors and assigns, and upon all persons claiming under them.

It shall be lawful for the Hawksview PD Property Owners' Association (hereinafter referred to as the "Association" and more particularly defined herein) or for any other person or persons owning real property situated in the Development to initiate any proceedings at law or in equity against parties or persons violating or attempting to violate any of this Declaration. The invalidation of any one provision of this Declaration by a court order shall not invalidate any of the other provisions which shall remain in full force and effect.

ARTICLE I
Property Subject to this Declaration

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

SEE **EXHIBIT A** ATTACHED HERETO AND MADE A PART HEREOF.

ARTICLE II
Definitions

2.1 Definitions. The following words, when used in this Declaration or any amendments or supplements thereto (unless the context shall otherwise clearly indicate or prohibit), shall have the respective concepts and meanings set forth below:

a. "Addition" or "Development" shall mean and refer to the property described in Exhibit A and as reflected on the plat set out on Exhibit B and any additions thereto.

b. "ARC" shall mean and refer to the Architectural Review Committee as established herein.

c. "Association" shall mean and refer to Hawksview PD Property Owners Association, an Arkansas unincorporated association, its successors, and assigns.

d. "Board" or "Board of Directors" shall mean and refer to the Board of Directors of the Association elected in accordance with the provisions of the Association's governing documents.

e. "Builder" shall mean a residential builder licensed under Arkansas law.

f. "Common Property" shall mean and refer to any and all areas of land together with all improvements located thereon within the Development which are known, described or designated as such on any recorded development plat of the Development or intended for or devoted to the common use and enjoyment of the members of the Association including but not limited to all sidewalks, easements, and private drives. The Association shall hold such title to the Common Property as shall be consistent with the objectives envisioned herein and subject to the easement rights herein of the members to use and enjoy the Common Property. The Developer reserves the right to affect minor redesigns or reconfiguration of the Common Property.

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g. "Declaration" means this Declaration of Covenants of Assurance and Restrictions of Hawksview Planned Development to the City of Springdale, Arkansas.

h. "Developer" shall mean and refer to Scout Enterprises, LLC, and its successors and assigns.

i. "Dwelling(s)" shall mean and refer to a single-family residence constructed on a Lot in the Development that has been issued a certificate of occupancy by the City of Springdale.

j. "Improvement" shall mean and include all Dwellings, buildings and roofed structures, parking areas, fences, walls, hedges, mass plantings, poles, towers, antennas, driveways, swimming pools, signs, changes in any exterior color or shape, glazing or re-glazing of exterior windows with mirrored or reflective glass, and any other new exterior construction or exterior improvement which materially alters the appearance of any Lot and which may not be included in any of the foregoing.

k. "Lot" or "Lots" shall mean and refer to any plot or tract of land which is designated as a lot on the Plat which is attached hereto and labeled Exhibit B. No lot as set forth on Exhibit B may be further subdivided or split; provided however minor adjustments to lot lines or boundaries may be made from time to time to cure title problems or to resolve procedures created by encroachments so long as such adjustments are first approved by the Board and Developer if any lots are unsold and closed.

l. "Member(s)" or "member(s)" shall mean and refer to each owner of a Lot.

m. "Owner(s)" or "owner(s)" shall mean and refer to each and every person or business entity who or which is a record owner or subsequently becomes a record owner of a fee or undivided fee interest in any Lot subject to these covenants.

n. "Plat" shall refer to the Hawksview Planned Development Final Plat set out in Exhibit B attached hereto, as well as any amended plats or additional recorded plats of future approved phases of the Development.

o. "Property" means Hawksview Planned Development to the City of Springdale, Arkansas, as the same may be shown on the plat referenced hereinabove and recorded in Benton County, Arkansas.

ARTICLE III
Rights Reserved for Developer

3.1 Easement. Developer expressly reserves a perpetual easement over all driveways, parking areas, sidewalks and utility easements comprising a portion of the Common Property to connect them with other driveways, parking areas, sidewalks and utility easements within the Development, the location of which shall be selected by the Developer.

3.2 Association board membership. Until all Lots are sold by Developer to third parties, the Board shall consist solely of members appointed and determined by Developer and

Page 249 of 333

Developer reserves the right, in its sole discretion, to appoint and remove members of the Board for any reason. Once all Lots are sold, new members of the Board will be selected in accordance with the governing documents of the Association.

3.3 Amendments.

a. Developer reserves the right to amend or supplement this Declaration in any manner necessary to establish the validity and enforceability of this Declaration or to bring this Declaration into compliance with federal law, the laws of the State of Arkansas or any common law principle or judicial decision that may affect the validity and enforceability of this Declaration.

b. Developer reserves the right to amend or supplement this Declaration in any manner necessary to satisfy the requirements of any title insurance company that may be called upon by the Developer to issue title insurance policies to Owners, provided such amendment is reasonably required to support the validity and enforceability of this Declaration.

c. Except as otherwise may be provided in this Declaration so long as Developer owns any Lot, Developer reserves the right at any time and from time to time to unilaterally amend this Declaration as it deems appropriate, in its sole discretion, to carry out the purposes of the Development established in this Declaration, or to correct an error or omission, or to address and/or correct any matter required by any lending institution, public body or title insurance company, or to facilitate the operation and management of the Development and the Association, or the sale of Lots. Such an amendment by the Developer may be made unilaterally, without the approval of any other party, and shall become effective upon the recording of an instrument executed by the Developer in the real estate records of Benton County, Arkansas, setting forth the amendment; provided, however, that no such amendment to this Declaration may change to any material extent the configuration or size of any Lot or change the proportion or percentage by which an Owner shares the expenses of the Association, unless such amendment is also approved by at least a majority vote of the Owners.

ARTICLE IV
Restrictions on Residential Lots

4.1 Fences. Fences shall be constructed of wood, metal, PVC, or other similarly approved materials. All privacy fences shall be constructed so that the framing shall be toward the inside of the Owner's Lot and shall be constructed at a height of six (6) feet to maintain uniformity. Any fence, once constructed, must be maintained by the property owner who had it constructed or their successor-in-interest. There shall be an access gate upon each of said approved fences for the purpose of allowing utility personnel and other public employee's access to the Lots in the performance of their respective public duties.

4.2 Nuisances. No noxious or offensive activities or nuisances shall be permitted on any Lot.

4.3 Animals. No animals shall be kept or maintained on any Lot except the usual household pets, other than chickens, rabbits, and bees, which shall be kept in accordance with the

district regulations in the Development Plan for Hawksview Subdivision as approved by the City of Springdale. Any breeding that is done shall not be for commercial purposes. No dog kennel breeding is allowed. All Owners shall comply with applicable laws, ordinances and regulations concerning animals.

4.4 Garbage and Refuse Disposal. No Owner shall accumulate on his or her Lot litter, refuse or garbage, except in approved receptacles. All Owners shall be required to have a mandatory trash pick-up as provided or required by the City of Springdale, Arkansas.

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

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

4.7 Parking on the Streets. No vehicles may be parked overnight in the streets of the Development. Owners shall provide sufficient off-street parking to accommodate the vehicles used by their families and guests. Furthermore, no semi-trailer trucks or commercial vehicles shall be allowed to park in the Development, either on the streets or on the Lots, provided, however, that this restriction will not apply to commercial trucks that enter the Development in the normal course of business for deliveries, repairs, etc. This restriction shall not apply to Developer during construction and development of the Development. No vehicles may be parked in front yard at any time.

4.8 Structures other than Dwellings. No trailer, mobile home, tent, shack, or other unsightly building or structure, temporary or permanent, shall be erected or used on said lots. However, it is permissible to have a storage building in the rear yard of a Dwelling provided that the plans are submitted to the Association's ARC for its approval. The restrictions contained in this section shall not apply to the Developer during construction and development of the Development.

4.9 Recreational Vehicles and Boats. Recreational and camping vehicles, trailers and boats may not be stored and parked on the Lots except behind the Dwelling and inside a fence. On lots with two front yards, recreational vehicles and boats shall be kept behind the dwelling as viewed from the front of the dwelling and inside a fence or other enclosure approved by the ARC.

4.10 Minimum and Maximum Square Footage. All Dwellings in the Development shall have a minimum of one thousand six hundred (1,000) square feet of heated area on the first floor, regardless of whether the dwelling is single story or two story. The minimum square footage requirement is exclusive of garages, porches, patios, and decks. Irrespective of other provisions regarding amendments of these covenants, the minimum square footage requirements cannot be amended except with the express approval of the Developer. No dwelling shall be larger than four thousand (4,000) square feet, exclusive of garages, porches. Each dwelling shall be a 3 bedroom and 2 bath design.

4.11 Restriction of Type of Dwelling. There shall be no Dwellings erected on any Lot other than a detached single-family dwelling.

4.12 Garages. Garages are not required. Developer reserves the right to review and approve garages that are both attached and unattached. Corner lots must also be approved by the Declarant for a garage facing the side or primary street. No garage door opening shall be taller than twenty feet (20'). Nonattached garages must be reviewed and approved by the ARC.

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

4.14 Exterior of Dwellings. All exterior walls of all Dwellings constructed or moved on the Lots shall be finished with brick, stone, faux stone veneer construction, or concrete composition siding (such as Hardie® siding), vinyl or metal siding. Dormers or gables may be covered with any of the materials or vinyl siding. Soffits and fascia may be covered with steel, aluminum, PVC, or concrete composition materials. Roofs shall be covered with shingles using architectural composition or better. All street facing (front elevations for corner lots) windows may be true light or divided light. All replacement windows must be approved by the ARC. Any colored or decorative glass on street facing elevations must be approved by the ARC.

4.15 Lot Maintenance. All Lots shall be maintained, mowed, and kept free of noxious weeds whether they be improved or unimproved. Further, upon construction of a dwelling, the Owner shall seed the entire Lot, provided, however, that this section shall not apply to Developer during construction and development of the Development. If Owner allows grass to grow such that it is more than eight (8") inches high, Developer or Association, shall have the right, but not the obligation, to have it mowed without giving notice to the Owner and shall charge a seventy-five dollars ($75.00) service charge for arranging the mowing in addition to the amount it costs Developer or Association to have it mowed. All lots must include design criteria sufficient to reduce runoff and adhere to Best Management Practices (BMPs) of the Karst Recharge Zone. Plans must be included in final submission review to the ARC.

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

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

Provided, further, that after the expiration of the thirty (30) year period set forth above and any time within six (6) months from said expiration, a majority of the Lots, through their

record owners, may express their intention, in writing, so drafted and executed as to be recorded with the registrar of deeds in Benton County, Arkansas, that they no longer care for the covenants, and the same shall then be terminated. In the event that no action is taken within the prescribed time, this Declaration shall continue for additional periods of ten years, and for any such ten-year period, said covenants may be terminated in accordance with the terms for the original termination

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

4.19 Driveways. Access driveways and other paved areas for vehicular use on a Lot shall have a base of compacted gravel, crushed stone, or other approved base material.

4.20 Building Height. No Dwelling shall be erected, altered, or placed on a Lot which shall contain more than two (2) stories.

4.21 Conflicts. If any covenant or restriction in this Declaration conflicts with a provision of any planned unit development ordinance (the "PUD Ordinance"), the terms of the PUD Ordinance shall control.

ARTICLE V
Property Owners' Association

5.1 Association. The Association has been or will be formed as an unincorporated association. All Lot Owners must be members of the Association, and each shall automatically become a member of the Association upon the conveyance of a Lot to him or her. The Association shall be governed by By-Laws accepted and approved by the Association. All association memberships will pass with Lot ownership in the Development. All Lots will carry one (1) vote in the Association, except that the Developer shall have four (4) votes per Lot which Developer owns.

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

5.3 Purpose of Assessments. The assessments levied pursuant hereto by the Association shall be used for the purposes of acquisition, improvement and maintenance of the Common Properties, services and facilities devoted to this purpose and related to the use and enjoyment of the common properties, insurance thereon, and repair, replacement, and modifications thereto, and for the cost of labor, equipment, materials, management and

supervision thereof. In addition, assessments may also be used for expenses related to the necessary and reasonable operation of the Association, including, but not limited to, collection of assessments and related costs and enforcement of the covenants and restrictions of the Development.

5.4 Basis and Maximum of Annual Assessments: The annual assessment for each lot shall be $200.00. An Owner's first such assessment shall be prorated and paid to the Association at closing according to time of conveyance of a Lot to the Owner. The annual assessment may be increased, as hereinafter provided, by a majority vote of the votes entitled to be cast by the members of the Association for the next succeeding "assessment year" (beginning January 1) and at the end of each such period of one year for each succeeding period of one year. At no time shall the annual assessment per lot be increased more than twenty-five percent (25%) above the prior year's annual assessment. Said annual assessment shall be payable in advance on the 1st day of January each year. The Board of Directors may, after consideration of current maintenance costs and future needs of the Association, fix the actual assessment for any year at a lesser amount.

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

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

5.7 Late Payment of Assessments. As hereinabove provided, each annual assessment shall be due and payable on the 1st day of January of each year. In the event of default as to any payment (annual or special), and if the default is not remedied within ninety (90) days, the Association shall have the option of taking such action as permitted by law or equity and by this Declaration and the By-laws of the Association. An additional late charge of ten percent (10%) shall be assessed on any payment which is more than ninety (90) days delinquent. Costs of collection of the assessment, including reasonable attorneys' fees therefor, shall also be assessed.

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

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

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

5.11 Suspension of Rights of Membership: Prior to the foreclosure of any lien upon any lot subject to this Declaration, the Board of Directors of the Association may elect to suspend all membership rights of any member or members of the Association who are delinquent in any payment due to the Association for more than thirty (30) days, with such suspension to continue for so long as any such delinquency exists. Further, the Board of Directors may suspend membership rights for a period not to exceed thirty (30) days for the infraction of any rules or regulations by the member, family of the member or guest of the member, relating to the use of any of the common properties. Suspension of membership rights shall be effective from the date that notice of suspension is mailed to the member via U.S. Certified mail, return receipt requested, postage prepaid, to the last known address of the said member.

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

5.13 Powers and Duties. The affairs of the Association shall be conducted by its Board of Directors (sometimes referred to as the "Board"). The Board, for the benefit of the

Association, the Development, and the Owners, may provide and may pay for, out of the assessment fund(s) provided above, any or all of the following:

a. Care, preservation and maintenance of the Common Property and the furnishing and upkeep of any personal property and fixtures, for use in or on the Common Property;

b. Taxes, insurance, and (including, without limitation, electricity, gas, water, and sewer charges), if any, which pertain to the Common Property only;

c. The services of any person or firm (including the Developer and any affiliates of the Developer) to manage the Association or any separate portion thereof, to the extent deemed advisable by the Board, and the services of such other personnel as the Board shall determine to be necessary or proper for the operation of the Association, whether such personnel are employed directly by the Board or by a manager hired by the Board;

d. Legal and accounting services; and

e. Any other materials, supplies, equipment, labor, services, maintenance, repairs, structural alterations, taxes, or assessments which the Board is required to obtain or pay for pursuant to the terms of Declaration or which in its opinion shall be necessary or proper for the operation or protection of the Association and the Development or for the enforcement of this Declaration.

5.14 Other Powers. The Board shall have the following additional rights, powers, and duties:

a. To enter into contacts, maintain one or more bank accounts and, generally, to have all the powers necessary or incidental to the operation and management of the Association;

b. To make reasonable rules and regulations for the operation of the Common Property and, subject to the limitations herein, to amend this Declaration from time to time; and

c. To contract with any Owner (including, without limitation, the Developer) for performance, on behalf of the Association, of services which the Association is otherwise required to perform pursuant to the terms hereof, such contracts to be upon such terms and conditions and for such consideration as the Board may deem proper, advisable, and in the best interests of the Association.

5.15 Liability Limitations. Neither any member or Owner nor the directors and officers of the Association shall be personally liable for debts contracted for or otherwise incurred by the Association or for any torts committed by or on behalf of the Association or otherwise. The Developer and the Association and their respective directors, officers, agents, and employees, shall not be held liable for any incidental or consequential damages for failure to inspect any premises, improvements or portion thereof, or for failure to repair or maintain the same.

5.16 Reserve Funds. The Board may establish reserve funds which may be maintained and accounted for separately from other funds maintained for annual operating expenses.

ARTICLE VI
Architectural Review Committee

6.1 Designation of ARC. The ARC shall be comprised of at least two (2) and not more than five (5) members who shall be natural persons. Initially, the ARC shall consist of Cammie Scott, Tim Scott, Toni Fitzpatrick, or their assigns, who shall serve until their resignation. Should any of the initial ARC members resign, the non-resigning members shall appoint the successor. Upon the resignation of all the initial ARC members or after all Lots are sold by the Developer to third-parties, the Association may change the number and composition of the ARC in accordance with the Association's governing documents.

6.2 Function of the ARC. No dwelling, building, structure or other improvement shall be constructed or maintained upon any Lot and no alteration or repainting to the exterior of a dwelling, building, structure or other improvement shall be made and no landscaping performed unless complete plans, specifications, and site plans showing the exterior design, height, building material and color scheme, the location of the structure plotted horizontally and vertically, the location and size of driveways, the general plan of landscaping, fencing walls and windbreaks, sewage systems and the grading plan shall have been submitted in writing to and approved in writing by the ARC prior to the commencement of construction. Once the ARC has approved the plans and specifications, the ARC shall issue a permit to the Owner authorizing to commence the construction ("Permit"). A copy of the plans, specifications, and Lot plans as finally approved shall be deposited with the ARC. The ARC shall have the power to employ professional consultants to assist it in discharging its duties. The decisions of the ARC shall be final, conclusive, and binding upon the applicant.

6.3 Content of Plans and Specifications. The plans and specifications to be submitted and approved shall include the following:

a. A statement by the Owner and his architect, designer or other qualified person undertaking the design of the proposed improvements that such parties have visited the site and have reviewed and are familiar with the applicable provisions of this Declaration, including the following design guidelines.

b. Floor plans for all floors indicating interior room dimensions and use, the location and size of exterior windows, doors and other openings, the location of mechanical and electrical systems, or any other conceptual plans for which a review is requested by the ARC.

c. Exterior elevations providing the exterior views of all structures, fences, signs, and similar improvements. The elevations shall include a brief description of all exterior materials, colors, and finishes, including without limitation those of the walls, roofs, trim, chimneys, doors, and windows. Building elevations shall be provided for all sides of the dwelling.

d. A site plan drawn to scale indicating (i) Property lines, including streets, rights-of-way, easements, set back lines and all dimensions; (ii) Existing grade and location of proposed cut and/or fill, indicating approximate slope and height or depth of each (2' minimum interval); (iii) Proposed sewer system footprint; (iv) Drainage plans indicating drainage patterns away from building to swales, culverts and other drainage facilities; (v) location of contractor's temporary facility, outhouses and other temporary structures and items, to be used during construction; and (vi) Any temporary access to the site.

e. Specifications or color boards as necessary to describe the (i) exterior wall materials and colors; (ii) roof materials and colors; (iii) door materials and colors; (iv) chimney materials; (v) stained or colored pavement materials; (vi) fencing and screening material; and (vii) any other exterior site improvements. Color and material descriptions shall be keyed to the exterior elevations, differentiating between general wall colors, fascia, railing, structural elements, door, trim and accent colors, and other elements of the structure.

f. A fee in the amount of $200.00 (checks are to be made payable to the Association) for costs or expenses the ARC may incur in reviewing, or having professionals review, the plans and specifications as submitted. Such fee shall be non-refundable. The ARC reserves the right to waive all of or a portion of this fee. The Developer is exempt from this fee requirement.

ARTICLE VII
Rights Involving Common Properties

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

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

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

b. The right of the Association to take such steps as are reasonably necessary to protect the above-described properties against foreclosure;

c. The right of the Association to suspend or permanently cancel the rights of any member and membership in the Association;

d. The right of the Association to charge reasonable service or use charges, admission and other fees for the use, service and enjoyment of the common properties;

e. The right of the Association to limit the number of members per lot who may be entitled to the benefit of the easement of enjoyment as to the common properties by reason of ownership of a lot;

f. The right of individual members to have exclusive use of any of the common properties as from time to time as may be granted by the Board or its designate; and

g. The right of the Association to pass and enforce rules and regulations related to use, control and maintenance of the common properties and the areas situate thereon.

ARTICLE VIII
Miscellaneous

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

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

8.3 Additional Phases. The Developer reserves, unto itself, the right, without joinder, vote or consent of any Owner, Builder or Mortgagee, to file additional plats in the office of the Circuit Clerk and Ex-Officio Recorder of Benton County, Arkansas to add additional phases which shall be subject to this Declaration. With regard to such additional phases, Developer further reserves, unto itself, in its sole discretion, the right, without joinder, vote or consent of any Owner, Builder or Mortgagee, to change the minimum square footage as stated herein.

8.4 Severance. If any provision of this Declaration or any section, clause, phrase, word or the application thereof in any circumstances is held to be invalid, the validity of the remainder of this Declaration and of the application of the remaining provision shall not be affected thereby.

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

IN WITNESS WHEREOF, Scout Enterprises, LLC, has caused this Declaration for Hawksview Planned Development, an Addition to the City of Springdale, Arkansas, to be duly executed by the undersigned in accordance with its governing documents.

IN WITNESS WHEREOF, the undersigned have set their hand and seal this ____ day of _____, 2022.

DEVELOPER:

SCOUT ENTERPRISES, LLC

By: _____
Cammie Scott, Manager

General Eligibility and Staging Requirements

1. Location: The PUD district covered in this application shall apply to 9.65 acres of land in extreme northwest Springdale identified by Benton County parcel numbers 21-00167-078 and 21-00167-100; located at 8915 East Brown Road. This property lies within the "Karst recharge area" as designated by the United States Fish and Wildlife Service (USFWS). This area is subject to stringent USFWS requirements and other environmental requirements. The area is designated as low-density residential on the City's master land use plan.

2. Ownership: The property is owned by Scout Enterprises, LLC, who is also the rezoning applicant and the developer of the property. A copy of the warranty deed has been submitted with the rezoning application.

3. Project Size: The property in question is approximately 9.65 acres in size. The entire tract is proposed to be developed as part of this project.

4. Staging: All subdivision improvements, including but not limited to streets, water lines, lot pins, and common space, shall be constructed at one time as a single stage. No future stages of the subdivision are proposed. Homes shall be constructed on the eight lots at various times. It is the developer's intent to construct homes on all eight lots within five years of the commencement of construction, but no definite timeframe can be established at this time. In the initial construction, the only grading to be performed will be that needed to install the roadway and required utilities. Homesites will be graded as needed. In order to minimize impact on the environment, no mass grading is proposed.

   Existing homes represent a significant source of scarce and expensive building materials. Conventional demolition of existing homes not only wastes this resource, but uses up increasingly rare landfill space. A more environmentally-friendly solution is to re-use these resources wisely by moving existing homes onto new homesites, where the homes may be remodeled and updated to meet current styles and building codes. It is the developer's intent to locate existing

wood-framed or steel-framed structures which cannot remain on their current sites, move these structures to this subdivision, and remodel them in accordance with all applicable state and local residential building codes. The interiors and exteriors of the homes will be remodeled to bring them up to date, and the homes will then be offered for sale or rent, at the discretion of the developer.

As the supply of suitable existing structures varies, no definite timeline can be given for completion of construction of all eight homes. Furthermore, supply chain difficulties and delays caused by weather must be taken into account. As prospective structures are located and identified, permits must be obtained to move them to the site and to begin construction. Homes will be placed on new foundations and structural components will be brought up to the current codes; then plumbing, mechanical, and electrical systems will be brought up to the current codes and remodeling will begin. During the process, the exterior finishes of the homes will be remodeled or replaced as needed. From the time of its arrival on the site, each home should be completely remodeled, inside and out, in approximately twelve months, barring circumstances beyond the developer's control.

The developer reserves the right to construct new homes in a conventional manner. The developer reserves the right to retain possession of all lots or to sell any or all of the lots prior to or after construction of a home on said lots, upon completion of the final plat, in accordance with applicable laws.

The Owner intends to begin construction as soon as all required approvals can be obtained.

APPLICATION REVIEW PROCEDURES

5. Three phases:
    a. A preapplication conference with planning and community development staff – The Owner and Staff have met several times over the past 2 and a half years to discuss this project. The Engineer and Staff met together on October 4, 2021 to discuss this project and another, unrelated, large-scale development. Another meeting was held on December 14, 2021 and involved the Owner, the Owner's engineer, the Owner's attorney, the City attorney, and members of the Planning staff. Other formal and informal meetings have been held between the Engineer and Planning Staff. On March 15, 2022, the Owner and her attorney, along with the Engineer, met with several members of the Planning Staff and four members of the Planning Commission to discuss this project.
    b. A preliminary development plan has been submitted to the City in the form of a preliminary plat for the development. A number of other supporting documents, including restrictive covenants, construction drawings, and a preliminary drainage report have also been submitted. This PUD is scheduled to be heard by the Planning Commission on April 5, 2022, with consideration by the City Council to follow.

c. The final development plan has yet to be developed, as the PUD has just been submitted and has not yet been considered by the Planning Commission or the City Council.
d. The final development plan shall be approved prior to the issuance of any building permits within the PUD. The final development shall be recorded prior to the issuance of any building permits.

6. Civil Engineer: Plymouth Engineering, PLLC; 5714 Walden Street; Lowell, AR 72745; (479) 595-5934; david@plymoutheng.com

   Surveyor: A Million Miracles Surveying, PLLC; 129 W. Boles Street, Suite A; Fayetteville, AR 72701; (479) 387-4361; eric@amms-pllc.com

7. Size: The PUD will cover approximately 9.65 acres.

PARCEL 21-00167-100 DESCRIPTION:
A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 496.06 FEET TO A COMPUTED POINT; THENCE SOUTH 02°37'29" WEST A DISTANCE OF 443.54 FEET TO A COMPUTED POINT FOR THE POINT OF BEGINNING; THENCE SOUTH 87°14'46" EAST A DISTANCE OF 588.49 FEET TO A FOUND 5/8" IRON PIN; THENCE SOUTH 87°22'03" EAST A DISTANCE OF 49.86 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 87°04'33" EAST A DISTANCE OF 245.10 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'38" WEST A DISTANCE OF 452.04 FEET TO A FOUND 1/2" DISTURBED IRON PIN; THENCE NORTH 87°12'01" WEST A DISTANCE OF 883.68 FEET TO A FOUND 5/8" IRON PIN PLS 1181; THENCE NORTH 02°37'29" EAST A DISTANCE OF 451.96 FEET TO THE POINT OF BEGINNING, CONTAINING 9.17 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

PARCEL 21-00167-078 DESCRIPTION:
A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 1084.90 FEET; THENCE SOUTH 03°22'57" WEST A DISTANCE OF 19.54 FEET TO A FOUND 5/8" IRON PIN WITH CAP FOR THE POINT OF BEGINNING; THENCE SOUTH 86°48'54" EAST A DISTANCE OF 50.07 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'14" WEST A DISTANCE OF 419.63 FEET TO A FOUND 1/2" IRON PIN; THENCE NORTH 87°22'03" WEST A DISTANCE OF 49.86 FEET TO A

FOUND 5/8" IRON PIN; THENCE NORTH 02°33'32" EAST A DISTANCE OF 420.11 FEET TO THE POINT OF BEGINNING, CONTAINING 0.48 ACRES. MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

8. Project Name: Hawksview Subdivision PUD

9. Site Plan: A copy of the proposed preliminary plat is attached. As shown on the plat and detailed below, all lots will have minimum setbacks of 30 feet in the front, 8 feet on the sides, and 20 feet in the rear. No maximum setbacks are established. These setbacks are identical to that which would be found in an SF-1 zone. A single residential street will connect to East Brown Road through a 50-foot corridor and will pass through the middle of the site, ending in a cul-de-sac. All lots will have access from this street and only from this street. The street will have a paved surface 24 feet in width, with gravel shoulders 4 feet in width on each side, as allowed under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions. In a further effort to minimize runoff, gravel driveways and off-street parking will be used on each home. Exact placement of the homes on individual lots cannot be determined at this time, in part due to the fact that existing homes are proposed for up-cycling as they become available; and neither their dimensions nor their exact floor area is known at this time.

   A common area consisting of approximately two acres of open pasture with some shade trees is proposed along the southern boundary of the site, and is 100 feet in width. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities. This preliminary plat has not yet been considered by the Planning Commission.

10. Development Strategy: The Owner's intent is to create eight lots of varying sizes for single family homes. Lots 1, 7, and 8 will be approximately one acre in size. Lot 2 will contain approximately 0.8 acres. Lots 3 through 5 will contain approximately 0.5 acre. Lot 6 will contain approximately 0.9 acres. Lot 9 will contain common area approximately two acres, or about 21 percent of the total development, and will be adjacent to lots 2 through 6, allowing direct access to the smaller lots. Lots will front on a two-lane public street. The street will be constructed without curbs or gutters, but have 4-foot gravel shoulders as allowed under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions. Gravel driveways and off-site parking are also proposed, along with the exclusion of concrete sidewalks which are typically required, all to reduce impervious area and concentration of runoff within the recharge zone of the Cave Springs cave. This will help comply with the Northwest Arkansas Best Management Practices, as developed cooperatively by area municipal

governments in light of Karst features in the area which may provide pathways for surface water to pass underground quickly. Of particular interest in this area is the "Karst recharge zone" for the Cave Springs cave which was largely determined by the US Fish and Wildlife Service. It is thought that runoff in this area may pass quickly underground, without the benefit of normal infiltration, through losing streams and other Karst features and might thereby enter the Cave Springs cave. This cave is protected habitat for the Ozark Blind Cave Fish, which is listed as an endangered species, and it is thought that the cave environment is particularly susceptible to contamination. NWA's BMPs call for preservation of existing drainage modes and avoidance of concentration of runoff wherever possible. This makes any conventional detention approach (even the LID devices, which collect runoff in a few locations and require an underdrain to daylight by Springdale's rules) contrary to the BMPs. It becomes necessary to compare the benefits to be obtained by detention with the impact to the environment in light of USFWS policy and the NWA BMPs.

11. District Requirements:
Hawksview Subdivision - Planned Unit Development #R22-07

PURPOSE.

Hawksview Subdivision Planned Unit Development #R22-07 is established to accommodate single-family residential and complementary land uses on larger lots. This zone specifically applies to a specific parcel on the fringe area of the city, lying within the Karst recharge zone of the Cave Springs cave.

USES PERMITTED.
Unit 1, city-wide public uses by right.
Unit 8, single-family dwellings.
Unit 28, home occupation.
Unit 29, home office.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.
Unit 2, city-wide uses by conditional use permit.
Unit 3, utility facilities.

ACCESSORY USES.
The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:

a. Accessory buildings, including private garages, storage facilities, gazeboes, pergolas, and children's playhouses as set forth in article 6, subsection 2.7 of Chapter 130 – Zoning Ordinance.
b. Private greenhouses and horticultural collections.
c. Porches, awnings, screen rooms, sun rooms, and pool enclosures.
d. Flower and vegetable gardens.

e. Swimming pools, tennis courts and similar recreation facilities shall be permitted on lots with an area exceeding 0.7 acre (1, 2, 6, 7, 8, and 9); but not on smaller lots (3, 4, or 5) due to site limitations.

With the exception of flower and vegetable gardens, none of the above accessory uses shall encroach on building setbacks, utility easements, or septic systems (including primary and alternate drainage field areas as shown on the plat or as determined by the Designated Representative for each individual lot, whichever restriction is greater.

Exterior finishes for accessory buildings shall conform to the requirements listed in the Development Plan for Dwellings.

On lots 3 through 5, the total area for all accessory buildings shall not exceed 4,000 square feet. On lots 1, 2, 6, 7, and 8 the total area for all accessory buildings, greenhouses, swimming pools, and similar recreational facilities shall not exceed 4,000 square feet; except that the lot owner may petition the Architectural Review Committee (ARC)for an additional area of up to 4,000 square feet (8,000 square feet total) which may be approved or denied at the sole discretion of the ARC.

HOBBY CHICKENS.
Hobby chickens shall be permitted within Hawksview PUD #R22-07, and shall meet the following regulations:

1. *Number permitted.* No more than six (6) hens shall be allowed for each lot. Chickens shall be for use by the resident only, and shall not be allowed for commercial purposes.
2. *Roosters prohibited.* Male chickens shall be allowed.
3. *Slaughter.* Outside slaughtering of birds shall be limited to rear yards, behind the rear wall of the primary residence. There shall be no outside slaughter within front yards. The intent of this regulation is that outside slaughter of birds not be visible from the street.
4. *Placement of enclosures.* All hen enclosures shall be placed at least 25 feet from neighboring dwellings and located in a rear or side yard, but not located within a building setback.
5. *Condition of enclosures.* Hens shall be provided with adequate shelter to protect them from the elements. Hens must be kept in an enclosure two feet (2') off the ground that keeps them from leaving the property of their owners, and protects them from predators. All roofed areas of hen enclosures shall count against the total area of accessory buildings permitted on each lot. All enclosures must be kept in a neat and sanitary condition at all times and must be cleaned on a regular basis so as to prevent offensive odor.
6. *Food containers.* All food used for chickens shall be kept in a suitable container with a tight-fitting cover so as to be inaccessible to rodents.
7. *Maintenance of animals.* All chickens shall be adequately fed and watered, and receive any applicable vaccinations, medicines, or medical

care so that the birds remain in healthy condition.

8. *Applicability.* These regulations are not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets. For the purposes of this article, Guineafowl shall be counted as chickens. Other barnyard fowl, such as geese, swans, peacocks, etc., shall not be permitted.
9. *ARC Approval.* Prior to construction of an enclosure and prior to purchase of chickens, a drawing indicating where the enclosure will be located on the property shall be submitted to the Architectural Review Committee for their approval. No chickens shall be kept without an enclosure, and no enclosure shall be constructed without ARC approval.

HOBBY RABBITS.

Hobby rabbits shall be permitted within Hawksview PUD #R22-07, and shall meet the following regulations:

1. *Number permitted.* No more than six (6) rabbits shall be allowed for each lot.
2. *All genders allowed.* Both male and female rabbits are permitted.
3. *Slaughter.* Outside slaughtering of rabbits shall be limited to rear yards, behind the rear wall of the primary residence. There shall be no outside slaughter within front yards. The intent of this regulation is that outside slaughter of rabbits not be visible from the street.
4. *Placement of enclosures.* All rabbit enclosures shall be placed at least 25 feet from neighboring dwellings and located in a rear or side yard, but not located within a building setback.
5. *Condition of enclosures.* Rabbits shall be provided with adequate shelter to protect them from the elements. Rabbits must be kept in an enclosure two feet (2') off the ground that keeps them from leaving the property of their owners, and protects them from predators. All roofed areas of rabbit enclosures shall count against the total area of accessory buildings permitted on each lot. All enclosures must be kept in a neat and sanitary condition at all times and must be cleaned on a regular basis so as to prevent offensive odor.
6. *Food containers.* All food used for rabbits shall be kept in a suitable container with a tight-fitting cover so as to be inaccessible to rodents.
7. *Maintenance of animals.* All rabbits shall be adequately fed and watered, and receive any applicable vaccinations, medicines, or medical care so that the animals remain in healthy condition.
8. *Applicability.* These regulations apply to rabbits only. No other livestock (including, but not limited to goats, pigs, cattle, sheep, alpacas, llamas, etc., but excluding common household pets) are permitted.
9. *ARC Approval.* Prior to construction of an enclosure and prior to purchase of rabbits, a drawing indicating where the enclosure will be located on the property shall be submitted to the Architectural Review Committee for their approval. No rabbits shall be kept without an enclosure, and no enclosure shall be constructed without ARC approval.

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APICULTURE (BEE KEEPING)

Beekeeping shall be permitted within Hawksview PUD #R22-07, and shall meet the following regulations:

1. *Number permitted.* It shall be unlawful to keep more than the following number of colonies on any tract withing Hawksview PUD, based upon the size or configuration of the lot upon which the apiary is situated.
    a. Four-tenths of an acre but less than one acre: 3 colonies.
    b. Once acre or larger: 4 colonies.
2. *Registration required.* All honeybee colonies shall be registered with the Arkansas State plant Board and maintain an active certificate of inspection from such Board.
3. *Africanized honeybees prohibited.* Africanized honeybees shall not be permitted.
4. *Placement of enclosures.* Hives shall be placed at least 25 feet from neighboring dwellings and located in a rear or side yard, but not located within a building setback.
5. *Fencing of flyways.* In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above the ground level over the property lines in the vicinity of the apiary. Fences shall conform to the fence standards outlined within this Development Plan.
6. *Water.* Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird, or domestic pet contact.
7. *ARC Approval.* Prior to construction of an enclosure and prior to procurement of bees, a drawing indicating where the enclosure will be located on the property shall be submitted to the Architectural Review Committee for their approval. No bees shall be kept without an enclosure, and no enclosure shall be constructed without ARC approval.

SITE PLAN REVIEW.

When a conditional use is proposed in Hawksview Subdivision PUD, a site plan review shall be required. See article 2, section 13 of Chapter 130 – Zoning Ordinance for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS.

No building hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet.

AREA REGULATIONS.
Lot area. There shall be a lot area of not less 0.47 acre. In addition, there shall be a minimum lot width of not less than eighty (80) feet on a public street at the front setback line.

Density. A maximum of two units per acre, but not more than one unit per platted lot.

Front setback. There shall be a front setback having a depth of not less than thirty (30) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty (30) feet.

Side setback. There shall be a side setback on each side of the lot having a width of not less than eight (8) feet.

Rear setback. There shall be a rear setback having a depth of not less than twenty (20) feet.

OFF STREET PARKING.
Off-street parking shall be provided in accordance with Article 7 of Chapter 130 – Zoning Ordinance, except that neither residential driveways nor provided parking spaces shall be covered with an impervious surface. Driveways and off-street parking spaces shall be surfaced with crushed stone aggregate base and shall be regularly maintained by the occupant and/or landlord so that the surface is firm, stable, and usable. If otherwise surfaced, driveways and off-street parking spaces shall be covered with pervious material as approved by the Architectural Review Committee. Nothing in this article shall supersede the applicable requirements of the Americans with Disabilities Act or the Fair Housing Act.

STREET CONSTRUCTION STANDARDS.
Consistent with the Northwest Arkansas Best Management Practices, and with special consideration of the Karst recharge zone, no concentration of runoff is proposed. Street sections shall not include curb and gutter, as is allowable under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions. To reduce the amount of impervious area in the Karst recharge zone, sidewalks are not proposed for internal streets; and internal streets shall be twenty-four (24) feet in width unless noted otherwise as needed to provide access for fire suppression apparati. A four (4) foot gravel shoulder shall be provided adjacent to internal streets. Roadside ditches shall not be provided, as sheet flow is to be maintained wherever possible.

12. Narrative: Scout Enterprises, LLC, the Owner and developer of the proposed Hawksview Subdivision, proposes to create a planned unit district within the City of Springdale in order to develop eight single-family homesites. The property is located at 8915 East Brown Road in extreme northwest Springdale,

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approximately 1,700 feet northwest of Sharp's Quarry. This property lies within the Karst recharge area as designated by the US Fish and Wildlife Service to protect endangered species living within the Cave Springs cave. The recharge area is designated in order to place a special emphasis on surface water quality as it impacts losing streams and similar features which are thought to be tied to the cave's ecosystem. As such, it is subject to special considerations which are not applicable to typical sites within the city.

The site consists of approximately 9.65 acres of open pasture which is currently zoned A-1, as is typical for properties annexed into Springdale. The city's master land use plan currently shows this site as intended for low-density residential use, which is consistent with this application.

The intent of the development is to provide a neighborhood of single-family homes on lots varying in size from 0.48 to 1.05 acres. The smaller lots, particularly those containing less than one acre in area, will be adjacent to the proposed common space.

Existing homes represent a significant source of scarce and expensive building materials. Conventional demolition of existing homes not only wastes this resource, but uses up increasingly rare landfill space. A more environmentally-friendly solution is to use these resources wisely by moving existing homes onto new homesites, where the homes may be remodeled and updated to meet current styles and building codes. It is the developer's intent to locate existing wood-framed and steel-framed structures which cannot remain on their current sites, move these structures to this subdivision, and remodel them in accordance with all applicable state and local residential building codes. The interiors and exteriors of the homes will be remodeled to bring them up to date, and the homes will then be offered for sale or rent, at the discretion of the developer.

As the supply of suitable existing structures varies, no definite timeline can be given for completion of construction of all eight homes. Furthermore, supply chain difficulties and delays caused by weather must be taken into account. As prospective structures are located and identified, permits must be obtained to move them to the site and to begin construction. Homes will be placed on new foundations and structural components will be brought up to the current codes; then plumbing, mechanical, and electrical systems will be brought up to the current codes and remodeling will begin. During the process, the exterior finishes of the homes will be remodeled or replaced as needed. From the time of its arrival on the site, each home should be completely remodeled, inside and out, in approximately twelve months, barring circumstances beyond the developer's control.

The developer reserves the right to construct new homes in a conventional manner. The developer reserves the right to retain possession of all lots or to sell any or all of the lots prior to or after construction of a home on said lots, upon completion of the final plat, in accordance with applicable laws.

The Owner intends to begin construction as soon as all required approvals can be obtained.

Setbacks will be consistent with those allowed in an SF-1 district, and will include 30-foot minimum front, 8-foot side, and 20-foot rear setbacks. No maximum setback is proposed. A number of site constraints exist which will not accommodate larger setbacks. These include a large area taken up by a water transmission line easement in favor of Beaver Water District, and a significant area required to provide septic system drainage fields as required by the Arkansas Department of Health. When approached about R-E zoning with possible setback variances, Planning staff did not appear supportive, but instead suggested development of a planned unit development so that surrounding property owners would have the comfort of seeing what will be required in the subdivision. Staff also indicated that they would not be able to support rezoning this property to SF-1, as the allowable lot size and housing density might be resisted by the neighbors.

Every effort has been made to utilize features already listed in various district regulations contained within the Code of Ordinances and to avoid specialized features. Proposed use units were taken from R-E district regulations, with the list of conditional uses limited even further. At the urging of Planning staff, conditional uses 9 (zero lot line), 36 (horses kept in residential areas), 40 (temporary classrooms), and temporary conditional use 34 (model home/temporary marketing office), all found in R-E, have been eliminated from this PUD. Thus the allowable uses for this PUD are more restrictive than for an R-E district.

Minimum heated floor area for homes within this subdivision is 1,000 square feet. The maximum allowable heated floor area is 4,000 square feet per home. Homes are limited to a maximum of three bedrooms and two bathrooms due to the constraints of the proposed septic systems. Due to the inclusion of common area, the lots vary in size. Lots 1, 7, and 8 are just over one acre. Lot 2 is approximately 0.8 acre. Lots 3 through 5 are approximately one-half acre. Lot 6 is approximately 0.9 acre. Lots 2 through 6, the smaller lots, are immediately adjacent to the proposed common space.

Lot 9 comprises the common space of 2.0 acres, or approximately 21% of the gross land area of this development. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities.

As listed above, accessory buildings, private garages, storage facilities, gazeboes, pergolas, and children's playhouses as set forth in article 6, subsection 2.7 of Chapter 130 – Zoning Ordinance would be allowed; along with private greenhouses and horticultural collections, porches, awnings, screen rooms, sun rooms, pool enclosures, and flower and vegetable gardens. Swimming pools, tennis courts and similar recreation facilities shall be permitted on lots with an area exceeding 0.7 acre (1, 2, 6, 7, 8, and 9); but not on smaller lots (3, 4, or 5) due to site limitations.

With the exception of flower and vegetable gardens, none of the above accessory uses shall encroach on building setbacks, utility easements, or septic systems (including primary and alternate drainage field areas as shown on the plat or as determined by the Designated Representative for each individual lot, whichever restriction is greater.

Exterior finishes for accessory buildings shall conform to the requirements listed in the Development Plan for Dwellings.

On lots 3 through 5, the total area for all accessory buildings and greenhouses shall not exceed 4,000 square feet. On lots 1, 2, 6, 7, and 8 the total area for all accessory buildings, greenhouses, swimming pools, and similar recreational facilities shall not exceed 4,000 square feet; except that the lot owner may petition the Architectural Review Committee for an additional area of up to 4,000 square feet (up to 8,000 square feet total) which may be approved or denied at the sole discretion of the Architectural Review Committee.

Garages and carports conforming to the requirements listed above are optional, and are not mandatory. Off-street parking shall be provided in accordance with Article 7 of Chapter 130 – Zoning Ordinance, except that neither residential driveways nor provided parking spaces shall be covered with an impervious surface. Driveways and off-street parking spaces shall be surfaced with crushed stone aggregate base and shall be regularly maintained by the occupant and/or landlord so that the surface is firm, stable, and usable. If otherwise surfaced, driveways and off-street parking spaces shall be covered with pervious material as approved by the Architectural Review Committee. Nothing in this article shall supersede the applicable requirements of the Americans with Disabilities Act or the Fair Housing Act.

The primary use of the development is single-family residential. The following specific use units would be allowed within the development:

USES PERMITTED.
Unit 1, city-wide public uses by right.
Unit 8, single-family dwellings.
Unit 28, home occupation.
Unit 29, home office.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.
Unit 2, city-wide uses by conditional use permit.
Unit 3, utility facilities.

All exterior walls of all Dwellings erected on the Lots shall be finished with brick, stone, faux stone veneer construction, or concrete composition siding (such as Hardie® siding), vinyl or metal siding. Dormers or gables may be covered with any of the materials or vinyl siding. Soffits and fascia may be covered with steel, aluminum, PVC, or concrete composition materials. Roofs shall be covered with shingles using architectural composition or better. All street facing (front elevations for corner lots) windows may be true light or divided light. All replacement windows must be approved by the ARC. Any colored or decorative glass on street facing elevations must be approved by the ARC.

All Lots shall be maintained, mowed, and kept free of noxious weeds whether they be improved or unimproved. Further, upon construction of a dwelling, the Owner shall seed the entire Lot, provided, however, that this section shall not apply to Developer during construction and development of the Development. If Owner allows grass to grow such that it is more than eight (8") inches high, Developer or Association, shall have the right, but not the obligation, to have it mowed without giving notice to the Owner and shall charge a seventy-five dollars ($75.00) service charge for arranging the mowing in addition to the amount it costs Developer or Association to have it mowed. All lots must include design criteria sufficient to reduce runoff and adhere to Best Management Practices (BMPs) of the Karst Recharge Zone. Plans must be included in final submission review to the ARC.

This development is planned as a small residential subdivision, with single-family homes placed on lots varying in size from approximately one-half acre to approximately one acre. A common area consisting of approximately two acres of open pasture with some shade trees is proposed along the southern boundary of the site, and is 100 feet in width. Those lots that contain less than one acre in area will be adjacent to the common area. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities. No community swimming pool, clubhouse, or other common facility is proposed beyond that which is described. The lots vary in size from just under one-half acre to just over one acre, providing sufficient outdoor space and opportunities for private improvements. The development is intended to blend in with surrounding residential uses which, until recently, have been fairly rural in nature, while providing an opportunity to enjoy the setting for those who cannot afford to purchase and/or maintain large tracts of land.

The primary street is proposed to be constructed within a 43-foot right-of-way (the entrance street will be partially located within a 50-foot right-of-way), and will consist of a 24-foot wide asphalt section with 4-foot gravel shoulders as allowed under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions. The roadway will be constructed without curb and gutter to minimize concentration of runoff and maintain a sheet-mode of flow per NWA BMP guidelines, and in consideration of the Karst recharge area. The elimination of sidewalk within the development and the use of gravel residential driveways for the homes, is intended to reduce the amount of impervious area within the development for environmental purposes. The proposed street is proposed to be dedicated to the City as a public street within the aforementioned dedicated street right-of-way.

Access to the subdivision will be from East Brown Road as shown on the attached preliminary plat. This preliminary plat has not yet been considered by the Planning Commission or City Council.

No vehicles may be parked overnight in the streets of the Development. Owners shall provide sufficient off-street parking to accommodate the vehicles used by their families and guests. Furthermore, no semi-trailer trucks or commercial vehicles shall be allowed to park in the Development, either on the streets or on the Lots, provided, however, that this restriction shall not apply to Developer during construction and development of the Development. No vehicles may be parked in front yard at any time.

The proposed density of the revised development is 8 residential lots plus one, two-acre common area lot on 9.65 acres, or an average residential density of one residential lot per 1.21 acres.

This project has not yet been considered by the Planning Commission or City Council. Construction has not yet started, and cannot begin until all required permits are received.

The proposed development is in harmony with the surrounding uses and the master land use plan. It is not anticipated to cause adverse impact to the existing infrastructure in the area. By developing this property as a planned unit development, the neighbors may rest assured when it comes to what will be built on this property, and the manner in which it will be built.

Ms. Christie: The only questions I have on that is that the City's Ordinance on moving structures says that the house building and construction comply with the code within ninety (90) days of the issuance of the moving permit. And Ed, I'm assuming that it has to meet safety standards and plumbing and electrical in that 90 days. Does it necessarily mean that the exterior finishes have to be completed or the interior finished? Because that says 90 days and they are asking for 12 months.

Mr. Stith: Yeah, we would treat that as two separate permits as a moving permit which means that the house has to be moved and stabilized and not sitting on some chassis somewhere. And then there is a remodel permit.

Ms. Christie: O.K. So all it has to do, I want to make sure everybody understands they can bring it in and tie it down on the foundation and they don't have to begin any other work on that structure in that 90 day period.

Mr. Stith: That is correct. I mean you would get to the point where it could be vacant too long and it would become a nuisance.

Ms. Christie: But they are asking for a twelve month period and I just want everybody to understand that that is the time frame. When one comes in and gets put on the foundation and work doesn't begin on the outside or any other remodeling for six months they would not be in violation of City Code.

Mr. Stith: Yes. From previous experience from the previous dwellings they moved on site.

Ms. Christie: O.K. I want everybody to understand. The developer reserves the right to construct new homes in a conventional manner and the developer reserves the right to retain possession of all lots or to sell any or all of the lots prior to or after construction home on said lots upon completion of the final plat.

Ms. Christie: There was some discussion about the length of the cul-de-sac and Ed I believe you indicated that Fire Department is not opposed to because of the number of structures, but they would still have to ask for that.

Mr. Stith: This was discussed with the Fire Department and the Fire Marshal. Because of the number of structures being so, normally a cul-de-sac of that length has 20 structures on them.

Ms. Christie: O.K. so they are going to have to ask for a variance because of the cul-de-sac even though it just has 8 structures on it.

Mr. Stith: That is a zoning requirement.

Ms. Christie: That is a Master Street Plan. Katie can you address that where they come back and ask for that variance for the length of the cul-de-sac.

Ms. Hollingshead: I think in the past we have required a variance for a longer cul-de-sac.

Ms. Christie: O.K. which means that we won't hold it up tonight but it is something that will have to be done and then fire department will not be opposing the.

Mr. Gilbert: Ms. Christie is that not something covered in the PUD. We talked about several issues that would normally require a variance but because this is a PUD it is part of the PUD, would this not be one of those items?

Ms. Christie: Well we will work on that and decide whether we have to have a variance or not. Ernest, is Ernest here yet? I mean, can that be something that is covered by the PUD without a variance? Yes? O.K. We're good.

Ms. Christie: They are proposing to do a 24 foot wide paved surface width with gravel shoulders 4 feet in width on each side allowed under Code of Ordinance, Section 112-4 and it states subdivision. As I read that section of the code the lots would have to have a 100 foot minimum to use that Estate section.

Mr. Gilbert: These lots do have a 100 foot minimum frontage.

Ms. Christie: O.K. there's a place over here that says that they have 80 foot. If you will allow 80 foot frontage.

Mr. Gilbert: Yes.

Ms. Christie: We have to make sure that they are the same under on page 9 it says there shall be a lot area of not less than .47 feet in addition there shall be a lot width of not less than 80 feet on public streets. So if you are going to use that road section that will have to be changed and you cannot allow anything to have less than 100 feet.

Mr. Gilbert: These lots, according to the plat which is part of this whole set of paperwork.

Ms. Christie: I understand but the documents says

Mr. Gilbert: I can correct that.

Ms. Christie: O.K. A common area, let me back up. Each placement of home on individual lots cannot be determined at this time in part due to the fact existing homes proposed for up cycling as they become available and then you are going to dimension the exact floor area at this time. Will building inspection require a site plan for each of those when they get moved in.

Mr. Stith: We can. We don't normally on new structures but we would. I mean normally we would do a corner check but since this is being moved in I mean we can require a site plan.

Ms. Christie: O.K. You make a note David that there needs to be a site plan submitted for each individual one.

Ms. Christie: The Ordinance requires 50 percent of open space and that requirement has been met. We're talking about eight lots of varying sizes for single family homes. Lots 1, 7 and 8 will approximately 1 acre in size. Lot 2 will contain approximately .88 acres, lot 3 through 5 will contain approximately .5 acres and lot 6 will remain approximately .9 acres lot 9 will contain common area approximately 2 acres or about 21% of the total development and will be adjacent to lot 2-6 allowing direct access to the smaller lot. Lots will front on a two lane public street.

Access to the Common Area, I believe in the Covenants say that it will be a permanent easement across the driveways of those existing structures.

Mr. Gilbert: The easement is actually, let me count, I don't remember the lot numbers here. Between lot 5 and 6 on the preliminary plat this is the street plan that probably doesn't include that but the preliminary plat show between lots 5 & 6. It's about 7 o'clock on the cul-de-sac there at the end. The line goes from the cul-de-sac down to the southwest corner on the east side of that is a 20 foot permanent access easement across lot 5 to gain access to the public area.

Ms. Christie: O.K. It needs to be the same terminology that's in the covenants either that needs to be corrected or something that needs to say the same thing in both places.

Mr. Gilbert: Yes ma'am, I can fix that.

Ms. Christie: The streets will be constructed without curbs and gutters and will have 4 foot gravel shoulder. They are proposing those to be, street dedicated to the City in a 43 foot right of way.

Ms. Christie: You are proposing to have Hobby chickens. I think that the City Ordinance does not allow chickens in any zone except in an A-1 zone. That section will have to come out.

Mr. Gilbert: Let me get clarification on that. So you are saying no chickens are allowed in a PUD anywhere in the City of Springdale.

Ms. Christie: That is correct.

Mr. Gilbert: O.K.

Ms. Christie: Hobby rabbits. You have proposed those. (See development plan). I think Ernest is going to look up about slaughtering of animals. Ernest are you looking that up? O.K.

Ms. Christie: The other proposal for agricultural bee keeping shall be permitted within the PUD. (See development plan).

> Ms. Christie: No vehicles may be parked overnight in the streets of the Development. Owners shall provide sufficient off-street parking to accommodate the vehicles used by their families and guests. Furthermore, no semi-trailer trucks or commercial vehicles shall be allowed to park in the Development, either on the streets or on the Lots, provided, however, that this restriction shall not apply to Developer during construction and development of the Development. No vehicles may be parked in front yard at any time.

My question with that is there can't be any semi-trailers or commercial vehicles can they drive it home. Could they park standard pickup trucks?

Mr. Gilbert: Well the way it is written it means all commercial vehicles. We can however, amend that.

Ms. Christie: I'm just asking because I'm going by what it says and this right now says you can't have any commercial vehicles if it is marked as such.

Ms. Christie: It indicates that in the duties of legal and accounting services are to be provided. It has been the City's policy to require the establishment of a legal reserve fund for the benefit of the association once it is established so that at the very beginning there will funds available if there are some legal issues that the property owners need to address. What we have seen normally is about $2500.00 into the legal reserve fund. (See article V of the Covenants)

Ms. Christie: O.K. that was a whole lot of stuff and I can go back and repeat it if I need too. There are a lot of details because this is a contract between the city and the developer, so that we all know what to expect.

Mr. Tyler: We will open it up for comments. You will need to state your name and address for the record. Please try to keep it brief and to the point. Now we will open it up for comments from the audience.

Ms. Christie: O.K. while we are waiting for someone to come forward we have received copies of petitions which have been made available to the Planning Commission members and unless you have a problem with this we will stipulate all this to the record. Does anyone have a problem with and if anyone wants to refer to them we have copies. These are concerns that they have regarding this subdivision.

Please note: The Planning office will provide the petition to review upon request by any person interested. It will be available at the Planning Office located at 206 Blair Street.

Mr. Todd Stevens: Good evening, I'm Todd Stevens. I live on Paradise Place the driveway that is approximately 100 feet or so to the west along the north side of Brown Road. I am representing a collective effort of approximately 24 neighbors who have all signed the paperwork that you all have. So I promise to keep it as brief as possible. Again what we tried to do is accommodate here rather than have everybody come up here and say their peace. I hope that you appreciate that it will be just one presentation. Obviously we have some concerns and issues and we have tried to concise that down to a couple of different arguments.

Argument number one being the appropriateness and argument number two being storm water drainage issues.

Appropriateness and what I mean by that is taken from the development plans. The development is intended to blend in with surrounding residential uses which until recently have been fairly rural in nature while providing an opportunity to enjoy the setting for those who cannot afford to purchase and/or to maintain large tracts of land. And in that the concern is if I can digest that a little bit, the development is intended to blend in with surrounding residential uses for those who cannot afford to purchase and

maintain large tracts of land. It conflicts itself with what is there. That conflicts of a definition of appropriateness. The proposed development is in harmony with the surrounding uses and the master land use plan. It is not anticipated to cause adverse impact to the existing infrastructure in the area. By developing the property as a Planned Unit Development the neighbors may rest assured when it comes to what will be built on this property and the manner in which it will be built. That is one of the main reasons I am standing here representing the twenty-four people. Because resting assured what will be built on this property and the manner in which it will be built, and if I may add anticipated maintaining into the future is why we are concerned the appropriateness. Did everybody get a hand out from us? You should have gotten a handout or some documents with a number of photographs and I won't bore you with all those details. O.K. great. But I would like to just quickly you are going to see photographs of a number of the properties that are very, very near the proposed subdivision. 2,586 square home setting on about 4.84 acres. A 2000 square foot home put in on 11 acres. 3800 square foot home sitting on 2.5 acres. 37 acres, 9 acres, 3000 square foot etc. If you could all the way back to the very last page I think that it is page number 17 if that matters on your handout. That is and thank you to Heidi on this map, all of the properties that are listed here in pictures are on this map highlighted here. And if you look at it as an average home size and as an average acreage size it comes up to the average home size is 2438 square feet and the average acreage size is 10.45 acres. Admitted that is a little bit skewed because there is one farm that is included in this. Even if I take that farm out of there we are 3.69 acres. If I look at it as the mode medium, I don't care what your statistic is we are somewhere around 5 acres is what the average is. Two to three thousand square foot custom built homes on 5 to 10 acres estate properties is appropriate. Like an antique shop or neat restaurant is appropriate on Emma Street in downtown Springdale but we find it difficult to envision the proposed subdivision of old homes that have to be moved, I would question why they are having to be moved from their current location. Moved in from other locations, remodeled, gravel driveways etc. etc. One thousand to four thousand square foot houses in an 8 or 9, correct me, it is an 8 house subdivision. How is that spending appropriate? We're talking about if you built new houses that are the difference between $200,000.00 and $800,000.00 in eight houses in a subdivision. I understand that we are not building new houses, assuming $200.00 per square foot which would be very probable in Springdale. How is that appropriate and also I beg the question how does that blend in with estate properties out there? It would be like me saying I'm going to buy 10 lots in a subdivision that has 1000 square foot homes in it and build a 3500 square foot home to blend in. It doesn't work, it's not appropriate. My concern is what will this look like in five years. While my house is still sitting there and the majority of these other houses that are custom built homes on five acres are still there and they are being well maintained. What will this look like in ten years with gravel driveways, with old houses that have been moved?

Moving on to drainage and I don't profess to be able to talk Karst language and to speak on behalf of the United States Fist and Wildlife Services regarding environmental impact on blind cave fish. In fact I have never seen a blind cave fish and I suppose by their very nature, they have never seen me either. But I can appreciate as the material is provided that this property lies within the Karst recharge area. As designated by the U.S. Fish and Wildlife Services to protect endangered species living within the Cave Springs cave. The recharge area is designed in order to place a special emphasis on

surface water quality as it impacts losing streams and similar features that is thought to be tied to the cave's ecosystem. As such it is subject special regulations which are not applicable to the typical sites within the City. What's the term special regulation? Special regulation speaks to regulations over and above, not exceptions to, pre-existing rules adopted by the City of Springdale, already pre-established. There has been a massive amount of work and expertise involved in the development of recommended practices over the years; which is summarized by two separate letters provided by the U.S. Department of Interior Fish and Wildlife Services directly to your City Council or to the City Planning Commission in Springdale. Those came to you all not me. And we talked a whole lot about rabbits, chickens and what Ms. Christie read there, I'm not sure she addressed the septic system. We're talking about installing 8 separate septic systems in a concentrated area in the highest red zone according to the Karst study. There is a well, in fact there are two wells that sit approximately, I'm grabbing at numbers, 50 feet from the back of a lot of these dwellings or at least from that property right there that I have not seen anybody talk about. Will lateral lines be out the back of those houses and if so if they approach the rear of the lot on the north side of that subdivision water flow is going to flow into the discharge area of that wells. Those two houses use for their drinking and utility water.

We believe that the position of the U.S. Department of Interior is very clear and is the source of a number of creative maneuvering we see here in this proposal. Creative maneuvering meaning there's changes this proposal that you all see here tonight had changed pretty substantially from the one that was taken off the docket last month if you all studied that or not. I'm having to do my own maneuvering to even answer a lot of these folks.

Street sections shall not include curb and guttering to reduce the amount of the impervious area in the Karst recharge zone, sidewalks not proposed internal street at 24 feet in width, four foot gravel shoulders, road ditches shall not be provided, sheet flow is to be maintained wherever possible. The reduction in roadway width along with the elimination of sidewalk within the development and use of gravel for residential driveways for homes; all of this is used to reduce the amount of impervious area within the development for environmental purposes.

When we collectively read that, I'm going to admit that we excel a sign of doubt that these are the intentions that this is done for environmental purposes. For example the section that was removed was dealing with a culvert off of Brown Road into the entryway of the proposed subdivision. Honestly, if you are going to be installing a subdivision, I'm going to say that asking for exceptions to a carver (?) in the entryway is attention to detail there. One of the things that was originally said was is that is inappropriate because connecting facilities to these on nearby or adjacent properties are inadequate or lacking and not necessarily for public interest. The facilities reference is absolutely lacking, I'll be the very first one to admit that. They are lacking because all of this drainage area was originally constructed, it was a dirt road and was not under the oversight of any regulation or planning committee such as yourself. It was rural Benton County. This area has only been incorporated into the City of Springdale since 2011 and all of the existing homes along this stretch of road were already there with the exception of Jim Sikes home on Brown Road about another hundred yards or so west of this subdivision.

The lack in facilities are already contributing to a massive amount of stormwater drainage there. Would you do me a favor and look in, I think it is the other packet that you have. I'm trying to give you a visual of what I'm talking about. Go to page 8 and the very top photograph. I don't know if you all have actually been out there to put your eyes on this. What this view is, is from Paradise Place. My driveway, looking south basically at the proposed subdivision. Note that there is a building back here in the background to the left of that building is where I'm talking about the driveway will be into the subdivision. O.K.? That's what it looks like without a house there, without eight houses. I would be curious as to how much water of an eighth of an inch over the course of a lot of square feet would add to and add that on top of this which I'm not drainage expert but I have concerns that we are talking about more drainage than an eighth of an inch because I have lived there many, many years and this never happened until a subdivision went in to the east of us. I used to have a fence right there where that mail box is, was. I and a number of neighbors who signed this packet have spent I'm going to say hundreds of dollars and I'm probably being conservative attempting to secure Paradise Place driveway, right there where you are looking. You ought to see it today. Repairing water lines that were washed out, I'm not kidding you, at least annually. The back page I think it is I'm wrong, go forward, page nine. I wish it only looked like that most of the time, in fact last year in April they broke. Have you ever run a two inch water line for about 24 hours while the water is receding and you don't know it's running; you know what your water bill is? See that mail box there, I built that mailbox and now its about eight feet underground because I have had to fill right there, and again that is about 100 feet west of the subdivision. I have had to build a rock wall to be able to even back fill again. Two years ago, the Springdale Street Department secured right there, go on past the mailbox and you see all of that that is washing away there. That actually went ahead and deteriorated underneath the road and the City of Springdale came in and put rip rap and concrete over it and actually secured the City of Springdale road right there. That's great, but what that did though is that it pushed the water onto my water line and actually making worse our water line problem. I understand that you have to secure the road too. I've built and rebuilt more mailboxes than I can count. We have given up on ever having a street sign any more; got to get UPS there. I've retrieved my Orion trash receptacles that have washed down the street. Every time it rains on trash day I dread it. Having to wait to leave our home due to impassable water levels over our driveway very, very frequent. It is actually a little dangerous over Brown Road right there where the water is running over from the proposed subdivision is.

I want to share a little bit of detail but in April of last year Melisa and I, my wife went down to retrieve the recycle receptacle for our neighborhood and there is a number of houses around Paradise Place. It was pouring rain, we grabbed the cans and we pulled them up the hill across the road over toward this subdivision we are talking about. We look around and I had parked right here about where that vantage point is where I took that picture and the water had risen there so fast that it was almost running into the cab of my truck at that point. I hollered at Melissa, we run back up there and another trash can is coming kind of down the road. She grabs the trash can, I grab the truck and I'm waiting on her to get into the truck and she doesn't show up. Raining, extremely hard, I get out, I come around the other side of the truck and Melissa has been knocked off her feet and is smashed up against my rear tire with water roaring over her head and she can't get up. I can't believe that I am about to have my wife drown in my driveway. That

is the level of water that we deal with long before we build more houses there. Anybody that tells me that street improvements are not necessary for public interest are inappropriate. Obviously wasn't there with me and her that night. A hundred per cent of the water that comes down the hill from the proposed subdivision immediately overwhelms the inadequate facilities, I promise it does and spill right into where our driveway is. Does all of that water come from Hawksview, the answer is no. I'm not saying that it does, it comes also from a lot of different areas. All of the water that floods into this red Karst zone comes in and goes through to a, you might call it an opening, into a drainage ditch that is about ten feet wide. One hundred percent of all water there accumulates right there. I have to deal with it. We have to deal with it over and over and over.

The City of Springdale Street Department, you all need to get out there because on down west of where the street has washed and y'all have to put rip rap down there. It is about to collapse again. Wish I had brought pictures of that. It is continuing to deteriorate where it gets down there.

We're asking that the Commission deny the proposed variances, deny the waiver actually ultimately the goal is to remove the entire project from future consideration, if this is the way it has to be done. I'll be the very first one and I think all 24 of us that sign this letter would say is that if it were to be a development that was going to come in here and put a house there on that nine or so acres or maybe a couple of houses, nobody is going to have a problem. It has nothing to do with us not wanting a new neighbor. It has everything to do with the idea of making exceptions and skirting around all of the pre-established rules, that's what the frustrating part is for all of us because again, what is that going to look like in ten years when you add that type of structure into the type of division that we have out there now.

The United States Department of Interior of Fish and Wildlife Services three times in writing advised against concentrated septic systems in Karst habitat. I want to make sure that you all have that documentation. Do you have that in your letter?

One other thing that was just brought to my attention today and I'm going to have to read this. Pedro Ardapple (?) is a fellow with the Fish and Wildlife Services and this is a response to a lady who is in our group. Do you know if they are planning to install a gravity sewer system to each lot with a drainage basin type lift station installed and stubbed out such that when gravity sewer is available it will provide one point per connection to the new gravity sewer system. Would that be the stepp system? I think that my terminology is correct; if not, it would go against U.S. Fish and Wildlife Services recommendation to provide a strong reason for denial of the permit. Honestly, I 've not had a lot of time to digest that but I want to make sure that you understand that the U.S. Fish and Wildlife Service and that Karst group are strongly advising you to consider the impact of what you are about to consider.

Further development, without addressing drainage issues, equals further drainage issues. The definition of insanity, doing the same thing and expecting a different result. It's not get going to get better with more drainage issues, that we are personally responsible for, both from a monetary and safety perspective. My dad used to tell me

son you can't put a square peg into a round hole, sometimes it won't go. We feel like that statement very accurately currently represents our position on it.
Thank you.

Mr. Tyler: Thank you and thank you for the twenty four you represent. Are there any other comments from the audience? Any body on Zoom? To the Commission.

Ms. Christie: We have to go over the comments for the preliminary plat and the rezoning will be a call for the vote.

Mr. Gilbert: Excuse me. Can I address some of Mr. Stevens' comments before we do this? I'll try to be brief.

I know that Mr. Stevens means well and I understand what it is like to live in a neighborhood where the roads are substandard so he certainly has my sympathy there but he misunderstood a few things. The septic system, the reason you didn't hear this project a year and a half ago was because the Planning Staff asked us to triple check on the septic system requirements and those have been approved by the Arkansas Department of Health and there is no regulation in Springdale that says you can't have septic systems in this area. This is not, I guess on some maps, it would be the red zone of the Karst but half of this property is not even in the Karst Recharge Area. The north half that is on the fringe of it. Farther to the south you have Sharp's Quarry which certainly would be a problem if it were in the recharge area but it's not so have no issues there. As far as blending in, Mr. Stevens is correct in that there are a number of nice homes here; we are not trying to match what is there, we are trying to find something that will fit, generally speaking, and if you want to think of it as a transition zone, then you are welcome to think that way. We would like to point out that one of the neighbors operates a commercial plumbing warehouse immediately adjacent to this property next to the wells Mr. Stevens mentioned and another one of the neighbors operates a warehouse for a window supply company in that neighborhood. We assume those were preexisting uses since before this came into the City but nevertheless they are there. I think that if you look you will find there a lot of gravel drives in this area. To say gravel drives don't fit seems a little bit unusual. Mr. Stevens addressed old houses that have been moved in and wanted to know why they are moved. Those of you who are familiar with development in Springdale know that you have prime commercial piece property on the City street that used to be very narrow now is five lanes. Somebody that doesn't want the old houses there, they want to build something on that spot. Normally they tear it down put all the stuff into a dumpster and it goes to the land fill. It is routine to remove houses. Dave Marrs in Bentonville the house he lives in, it shows on the front of his TV show that moved to his property because it is a good use of structures that are still sound and solid they just don't fit where they are, they don't fit in that neighborhood anymore. These houses will be redone. We had some pictures at one point to show you. The owners work on redoing these houses on the inside and out. We're not talking about throwing, there was concern earlier because there were houses moved in by the owner to adjoining pieces of property. One house was put on 10 acres, I think it was and complaints were made because, well, when they moved it in it looked ugly. It looked like a mangy dog but if you ever moved a house that had rock on the outside of it, you have to peel that off because the rock won't move; and yes, the house doesn't look like much until you get it set on the foundation and get the new exterior cladding on it. If you

see the house today it looks pretty nice. This was tabled a month ago because there were concern with the Planning Staff that our development plan was nearly thorough enough. I don't know that the development has changed a lot. We did, as a result of a meeting, the in between meeting with the Planning Commission, it was suggested that we needed to have planning area because that is a PUD requirement. The plat changed the public area in that. With regard to the drainage along Brown Road, much of what Mr. Stevens has described is existing problems. This piece of property does not and will not generate tens of thousands of cubic feet per second that will know you off your feet and pin you under the truck. It is not that big. There is a big drainage area that did go on Brown Road but this is only a very small fraction of the area that drains to that ditch. We did not ask for an exception in placing a culvert under the entrance road on Brown Road. We did ask for a waiver from improving Brown Road along the distance of 50 feet which is our frontage. Improving Brown Road for fifty feet will not serve the public interest, it won't do any good; it won't address any problems in fact is generates a lot of problems and one of those problems is if we have to widen Brown Road we have to put the culvert pass the widening and that means that we are going to have to move that ditch on to people's property on both sides; so our request was to work with the Engineering Department to come up with a solution that didn't make it necessary to grade on other people's property to relocate a very large drainage ditch in order to install fifty feet of road. I think that those are the high points of the deal. We do appreciate your time. Thank you.

Mr. Tyler: Any other comments?

Jeff ??? Could not understand his last name: Hi, my name is Jeff ???? and I live at 8890 East Brown Road. This subdivision is directly behind my house. Matter of fact we are separated by a fence line. I have no issues with the subdivision if they are done properly. My fear is the homework hasn't been done that he's experienced and I have experienced. His comment about us not seeing the kind of flooding that we have lived with, I have lived there since 2001 probably one of the longest residents there. I've not seen the level of flooding in that area like I have the last ten years. It is unbelievable the amount of water that is coming from other subdivisions so I don't know if the engineers missed it on where or how much water and where that is going to run but it is absolutely unbelievable. My front yard now gets absolutely flooded and all of that water is coming from the top of that hill, every bit of it and there is nothing there right now. We have quote unquote 100 year flood we have in the past three or four years right? We used to call it the 100 year flood and now we get them once a year, maybe twice a year. The side of my house is a river which is going to be the west side. Whenever you see that and we get these huge rains maybe once in a lifetime but we have seen several the last couple of years. Again, my front yard becomes nothing but a river, a lake and I don't know how many times I repair my driveway. I understand the gentleman had mentioned something about gravel driveways. Well, I have been there for 22 years it was a very rural community. We have had the covenants and things like that out there so I have been able to get away with my gravel driveway. I get it, but my biggest concern, getting back to what Todd was talking about is where in the world is all this water going to go? We have hard roofs we have roof services that's got to be funneled into specific areas and it is going to go to right to the back of my house, it has too, it has too because that is the only place that it can drain and it is the only place that it does drain. Have we done our homework to direct that water somewhere else. If they do, it is going to be

onto someone else's property. The drainage is not there. Again, we are going to feel the brunt of it. Right now I have my house probably 18 to 20 inches off the grade of the back and when it is a hard rain I'm about 2 or 3 inches coming into my floor plate. I got French drains, I've got all the necessary things done properly but the water is the problem. I don't think anybody has seen it like we have seen it because nobody in this room lives there and gets to see it. It is a very huge concern of mine. The housing, the street the neighbors, that's not an issue. What makes me nervous is making sure that we have done our homework, so I'm not getting flooded on these quote unquote 100 year rains or these lifetime crazy flood rains that we get because we are going to continue to get them I feel like for whatever reason. But it is a crazy, crazy issue the amount of water that comes off that hill with nothing there right now but just the natural grass. That is what I need to say about that, that it is a huge concern of mine is the water which I can see coming because I have already seen it from the subdivisions that have got built down further on East Brown Road. It is coming from Spring Creek subdivision; all that water has been directed toward us and here it comes and it is a major issue and has been for several years now. So anyway, I would just like for you guys to take that into consideration. Maybe we need to take a real look at our drainage in that area because it is a problem and it will continue to be a massive problem with the more construction we put out there. That's all I've got to say. I appreciate your time.

Mr. Tyler: Thank you. Anyone else? Now we are going to vote on the rezone. It will be a call for the vote. To the Commission.

Mr. Covert: Call for the vote.

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

Ms. Pounders: Cloud – no, Compton – no, Covert – no, David – no, Mueller – no, Parker – no, Peters – yes, Tyler – yes, Austin – no.

Ms. Christie: You have the right to appeal the Planning Commission's decision. You have to file that appeal within 15 days. You have to indicate why you think the Planning Commission's decision was in error and you have to re-notify the adjacent property owners and it will be placed on the agenda following that Commission. I can tell you that it won't heard before the second meeting. We have to have time to prepare the minutes and we do a verbatim of them. It won't be next week. It will be the second meeting of Council. You must file the appeal within 15 days.

Mr. Gilbert: Thank you.

Ms. Christie: The preliminary plat goes away.

Mr. Tyler: We won't hear PP22-03 or W22-05 and W22-06.

FREQUENTLY ASKED QUESTIONS

1. Q: **What is planned in Hawksview Subdivision?**
   A: Eight houses are planned on 10 acres.

2. Q: **How large are the lots?**
   A: The lots range in size from one half an acre to one acre

3. Q: **Does the Subdivision have any common areas?**
   A: Yes, the common area takes up approximately 20% of the total development.

4. Q: **What types of houses will it have in it?**
   A: The houses will not be "cookie cutter" houses. Each one will be unique in its design. The houses will be moved from other developments within the northwest Arkansas area. This is saves them from going to the landfill, creates a green development and creates new, affordable, unique housing.

5. Q: **Where do the houses come from?**
   A: From area developers, utility companies, schools and others who are developing a tract of land. The land being developed will have a house on it that does not fit into the development plan. Rather than demolition, this is a way to preserve the house.

6. Q: **Have you moved houses before?**
   A: Yes, on several different occasions. Pictures of some of the houses we have moved are attached.

7. Q: **How do you move a house?**
   A: A licensed and bonded moving company is hired to actually perform the move. The state police require a minimum bond, insurance, and licensing for permits. The City requires that the police, fire, public works, electric, telecommunications and cable companies all sign off on the proposed route before the permit is issued through the City. Once permitted, the house is removed from its foundation and stabilized before being loaded and moved to its new location. Each of these groups usually accompany the house on the trip to the new location. It is not a quick or simple process.

8. Q: **Will the house be brought up to code?**
   A: Yes, all houses that are moved must be brought up to the current building codes. Each house must adhere to the same standards as a new house in its new location. Inspections done on these houses are the same as those done on new construction.

9. Q: **What will the road going into the Subdivision look like?**
A: The road going into the property from E. Brown Road will be paved and follow the same standards as those found in zoning classification RE.

10. Q: **Do you have an engineer?**
A: Yes, we have a licensed Professional Engineer, David Gilbert, who has assisted in the design and development of this project.

11. Q: **Did you do a drainage study?**
A: Yes, Mr. Gilbert conducted a drainage study that was reviewed by the City of Springdale Engineering Department.

12. Q: **Does this fit the city's master use plan?**
A: Yes, in the master use plan for this area, the proposed usage is SF1. This exceeds those guidelines.

13. Q: **What is the property currently zoned?**
A: The current zoning is A-1 which allows agricultural development without the need for any additional planning. The developer chose to do residential as opposed to agricultural such as chicken houses or other farming endeavors.

14. Q: **How much water runoff will the Subdivision generate?**
A: According to the drainage report, the proposed runoff based upon a 100-year flood is less than 1/8". This calculation excludes the various LID techniques employed. In other words, the drainage report considered a worst-case scenario and the impact is negligible. If the LID techniques proposed in this project are considered, there should be almost zero net increase in rainwater runoff.

15. Q: **Did you consider adding a detention area?**
A: Yes, however given the layout of the parcel and the extraordinary guidelines of the karst recharge zone, a detention area was not included in the final design. A detention pond would have required grading virtually the entire parcel to create artificial topography and drainage. This violates the principles of the Best Management Practices and creates the potential for greater runoff. After extensive review and research, it was deemed that sheet flow is the best option for this project.

16. Q: **What is the karst?**
A: The karst is an underground structure that allows for water infiltration and has an abundance of biology including the endangered blind cave fish. Because of this, the Northwest Arkansas Council along with a variety of other groups have come together along with the Arkansas Game and Fish to provide a set of Best Management Practices (BMPs). City ordinances and BMPs together guided the design of this subdivision.

17. Q: **What are BMPs?**

A: Best Management Practices (BMPs) are economically feasible conservation, construction management, site improvement, ongoing maintenance and/or treatment practices that prevent, reduce or minimize degradation of water quality or prevent, reduce or minimize the increase of discrete recharge to the Cave Springs Recharge Area. BMPs may include a wide range of structural and non-structural practices to be implemented in association with land disturbance, development and construction activities.

18. Q: **What guidelines did you follow in putting this plan together?**

A: The City of Springdale Drainage manual, Community Growth Best Management Practices for Conservation of the Cave Springs Recharge Area, Stormwater Pollution Prevention, Grading and Erosion Control Best Management Practices, Environmental Protection Agency Low Impact Development Guidelines and Best Practices, and the Arkansas Department of Environmental Quality

19. Q: **Are septic tanks allowed?**

A: Yes, the Arkansas Health Department has approved the use of septic systems.

20. Q: **Why aren't you doing curb, guttering and sidewalks?**

A: As per the Best Management Practices (BMPs), channeling of water as well as large scale grading are discouraged. These were reviewed and discussed with both the engineer and the city. After reviewing the data for the parcel, sheet flow was deemed to be the most appropriate for this unique situation.

21. Q: **What is LID?**

A: Low Impact Development is a term used in Canada and the United States to describe a land planning and engineering design approach to manage storm water runoff as a part of green infrastructure. LID emphasizes conservation and use of on-site natural features to protect water quality. LID practices aim to preserve, restore, and create green space using soils, vegetation, and rainwater harvest techniques. It is an approach to land development or re-development that works with nature to manage stormwater as close to its source as possible. It employs principles sch as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Applied in a broad scale, LID can maintain or restore a watershed's hydrologic and ecological functions. In essence, it means producing a design and construction sequence that will have the least effect on the existing landscape. This in turn helps meet the goal of reducing the rate at which surface flows enter the shallow groundwater system that sustains the Ozark Cavefish to promote natural cleansing and treatment. (City Drainage Manual Section 11.2c)

22. Q: **What LID techniques are included in the plan?**
A: Site fingerprinting, construction sequencing, green spaces, vegetation, rainwater harvesting, minimization of impervious surfaces, infiltration sites, as well as various landscaping techniques and materials.

23. Q: **What are Green Building Practices?**
A: The Environmental Protection Agency defines Green Building as, "the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life cycle from siting to design, construction, operation, maintenance, and deconstruction. This practice expands and complements the classical building design concerns of economy, utility, durability, and comfort. Green building is also known as a sustainable or high-performance building." It defines sustainable materials as "reused, recycled content, or made from renewable resources; and/or feature landscaping that reduces water usage."

24. Q: **What size are the surrounding parcels?**
A: Surrounding parcels range from 0.30 acres to roughly 5 acres.

25. Q: **What size are the surrounding houses?**
A: Surrounding houses range in size from 700 sqft. to roughly 2700 sqft.

26. Q: **What variances are you requesting and why?**
A: Because this is a PUD, no formal variances are required. To the extent that this Subdivision varies from traditional developments, three changes are included. The development plan includes the use of gravel driveways to reduce stormwater runoff. A departure from street improvements is included for the 50' of frontage on East Brown Road. And no detention of water is included so that existing drainage patterns are preserved and BMPs may be followed.

27. Q: **What is the proposed zoning and why?**
A: After numerous meetings with the planning department as well as other city departments, it was determined that due to the unique nature of this parcel, a PUD would be the best design/zone. A PUD allows the City to be involved with the enforcement of all covenants in the Subdivision.

28. Q: **Did you consider alternative designs?**
A: Yes, both RE and SF1 were considered. The PUD was ultimately used so that there could not be any deviations from the design without City involvement.

29. Q: **Has the City engineering department reviewed your plans?**
A: Yes, as is protocol with all developments, the City's engineering staff have reviewed the plans as well as the drainage report. The Subdivision's engineer has also met with the City engineering department several times about the plan.

30. Q: **What steps did you take to work with planning?**
A: Numerous meetings were held with the City planning department on this project in determining the best zoning and best design. Additionally, the developer attended a working group meeting in which all members of the City Planning Commission were invited to attend.

31. Q: **How long have you been working on this project?**
A: This project was started with the city approximately two and a half years ago.

32. Q: **Why is this project a good fit for this area?**
A: This project is an opportunity for Springdale to be a leader in a green, LID subdivision that uses some unique ways to offer both affordable and sustainable housing for the City. It also fits the master use plan. As per the Northwest Arkansas Planning Commission, one of the number one needs of Northwest Arkansas is affordable housing. This fills that need with unique houses on large lots.

33. Q: **What other uses of the property exist if this isn't approved?**
A: The property is zoned A-1 meaning it can be used for single family dwellings, home office, agricultural or animal husbandry. In other words, it could be used for agricultural purposes, such as crop growing, and farming, such as poultry houses or livestock production.

34. Q: **Why should this project be approved?**
A: This project fits the city's master use plan, it fills the need for affordable housing, the houses are unique and feature sustainable living, it is a green, low impact development that follows the city of Springdale's guidelines and ordinances as well as the proposed BMPs for this area.

Before



After – 9553 E. Brown Road, Lowell, AR









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Before



After – 9459 E. Brown Road, Lowell, AR



Before



After – 8743 Ladelle Road, Lowell, AR 72745



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Before



After – 8780 E. Brown Road, Lowell, AR 72745









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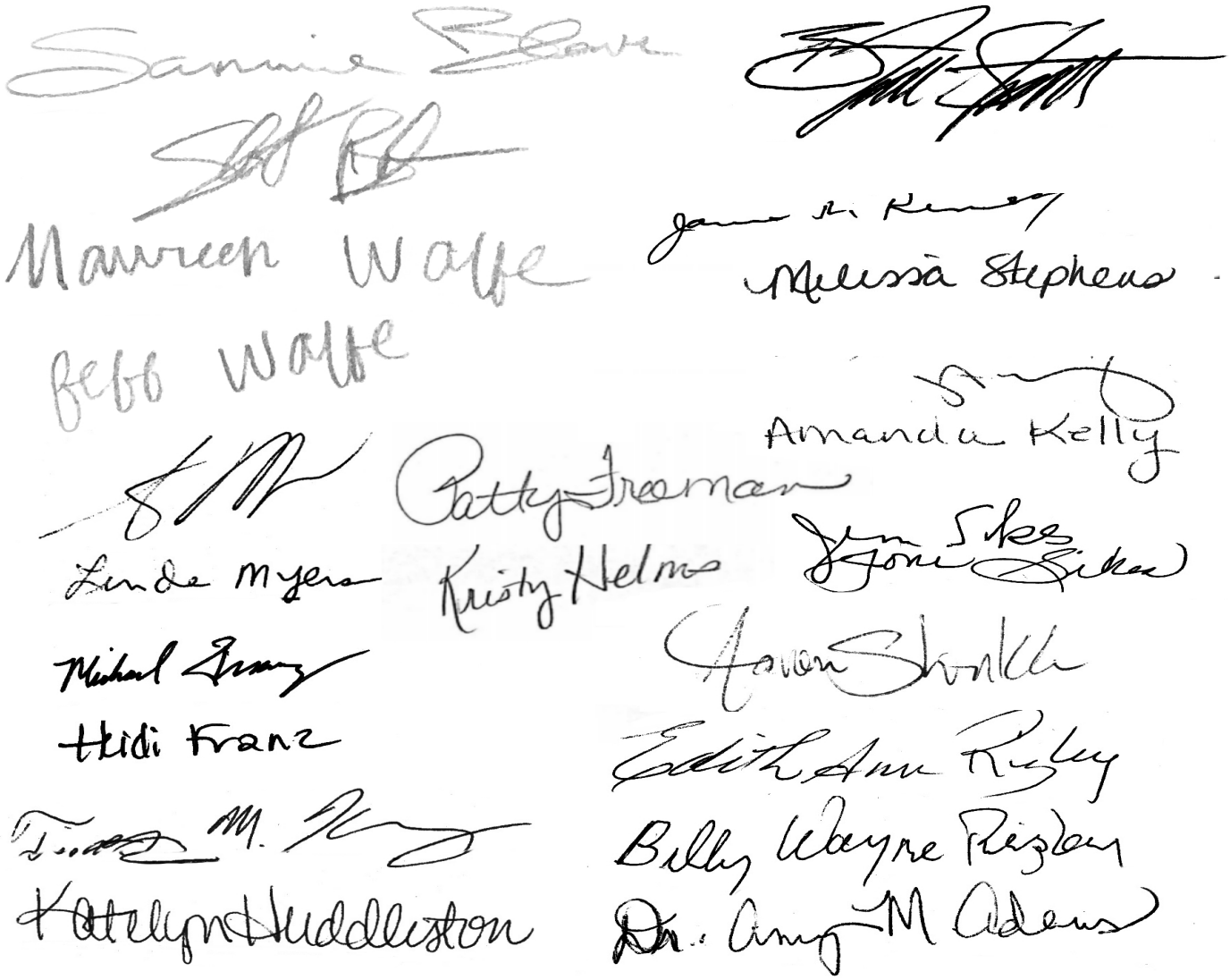
City Council Members:

Before you is a booklet that property owners of East Brown and Zion Roads have compiled to share our concerns for the proposed rezoning of the following property:

8915 East Brown Road

Explanation of each page will be provided during the city meeting.
We appreciate your attention to our concerns.

Thank you -
East Brown Road/Zion Road Concerned Property Owners



Unless stated, all images were collected by land owners or Benton County Public Real Estate website.

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Timeline of Events

October 6, 2020 — Planning Commission Meeting

Rezoning the following properties from A-1 to SF-1
12899 S Zion Road
8750 East Brown Road
8915 East Brown Road

Results: Tabled by Staff as Certified Letters were Not Sent to Land Owners
(Certified Letters Postmarked October 13, 2020)

October 31, 2020 — 1st Letter from United States Department of Interior

November 3, 2020 — Planning Commission Meeting

Results: "Tabled per the City Attorney and the Director of Planning" *November 2nd Email*

August 30, 2021 — 2nd Letter from United States Department of Interior

March 1, 2022 — Planning Commission Meeting

Rezoning 8915 East Brown Road from A-1 to PUD
Results: Tabled by Staff

April 5, 2022 — Planning Commission Meeting

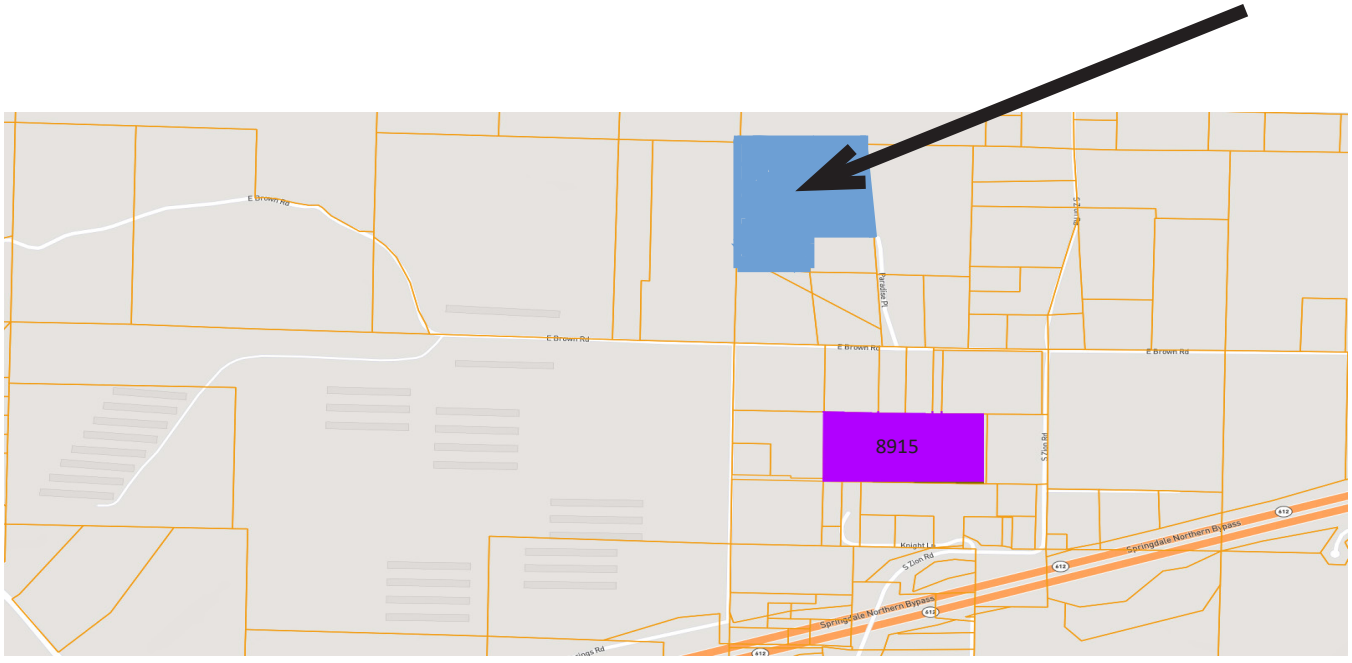
Results: 7 to 2 vote against rezone without discussion

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706 Paradise Place



Home: 2,094 ft2 Land: 11.16 acres

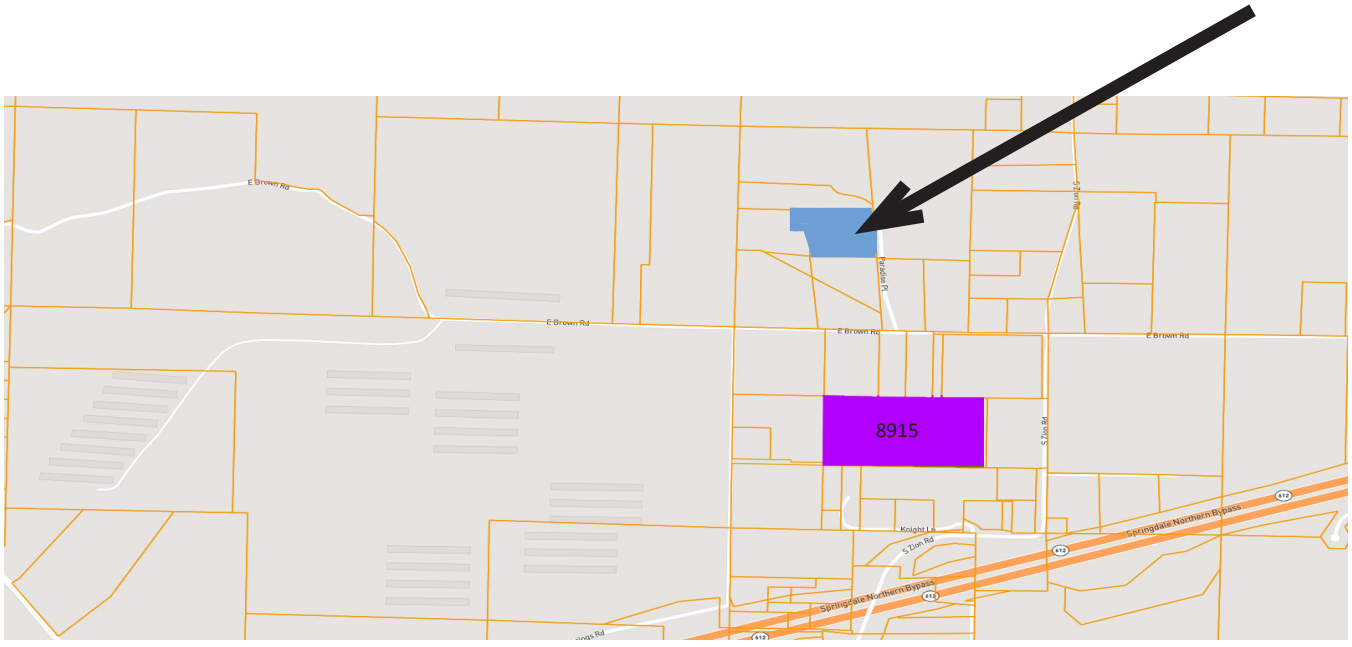


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812 Paradise Place



Home: 3,824 ft2 Land: 2.61 acres

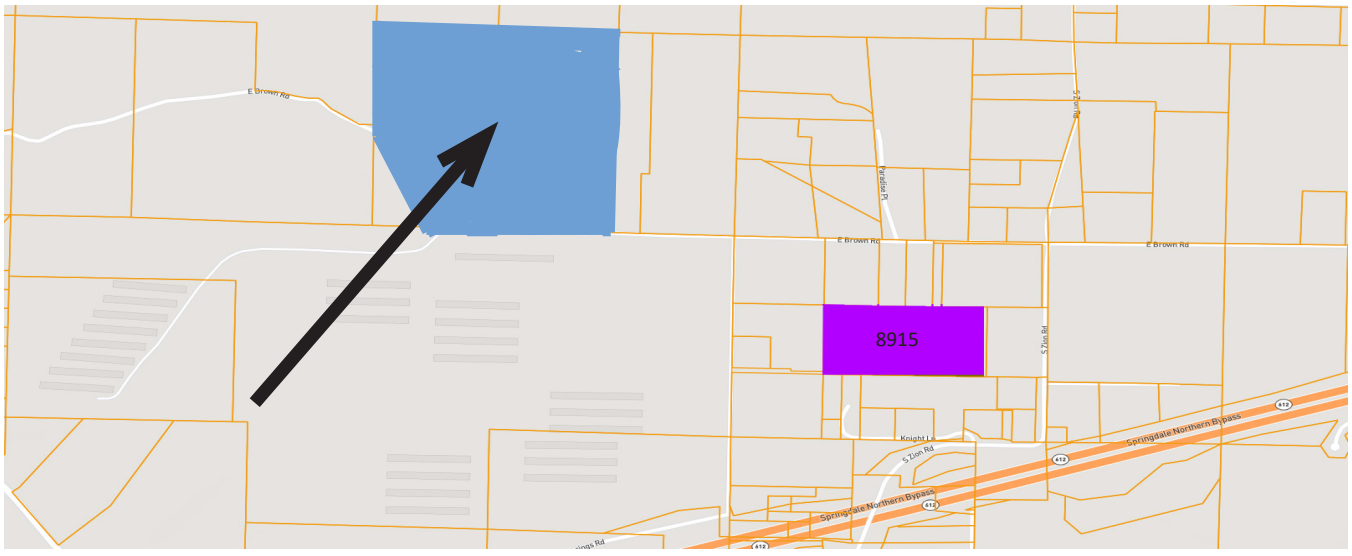


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8670 East Brown Road



Home: ~2,000 ft2 Land: 37.25 acres

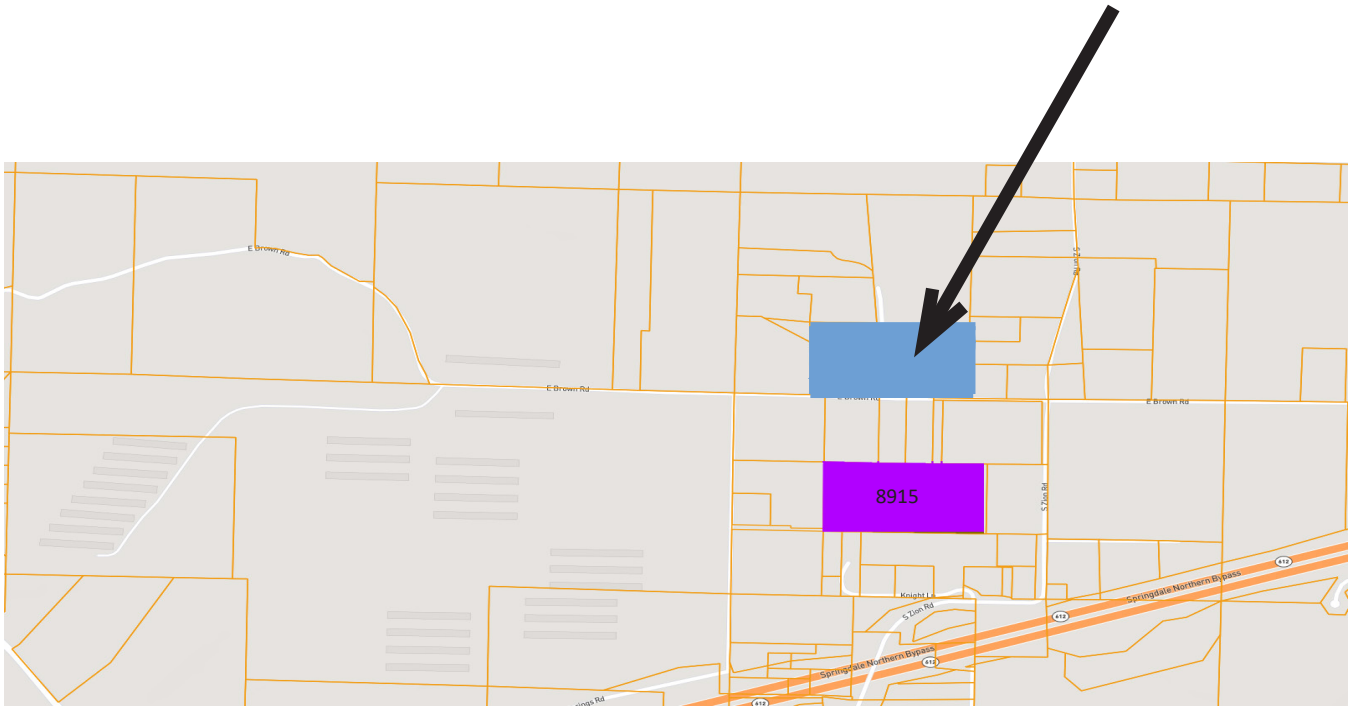


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821 Paradise Place



Home: 3,294 ft2 Land: 9.31acres

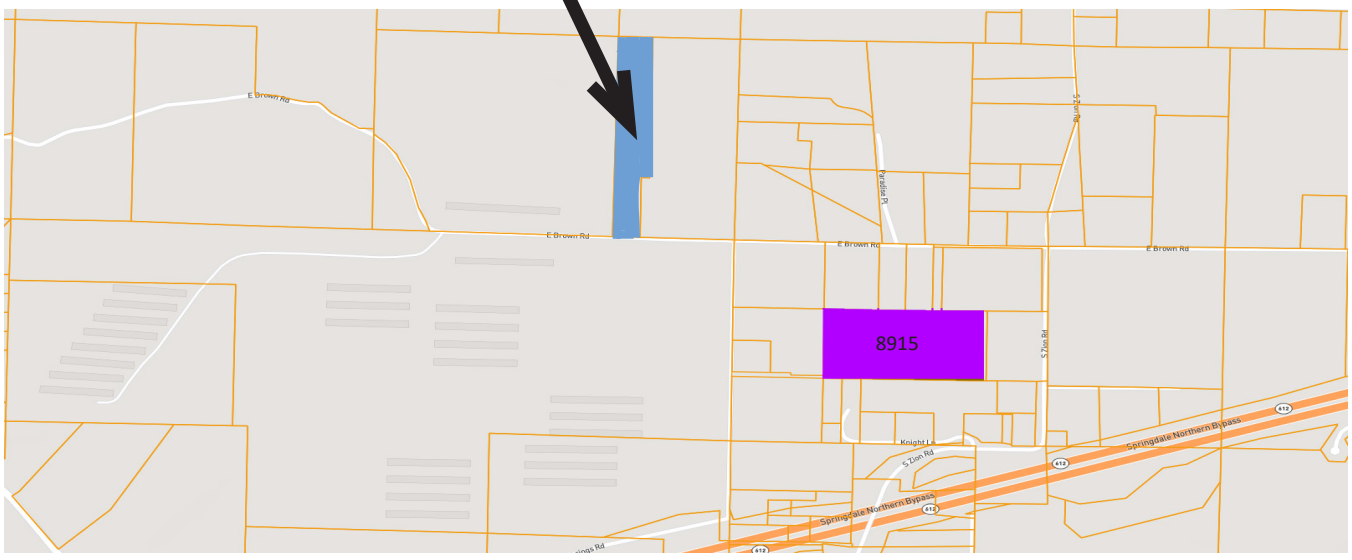


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8730 East Brown Road



Home: 3,040 ft2 Land: 5.69 acres

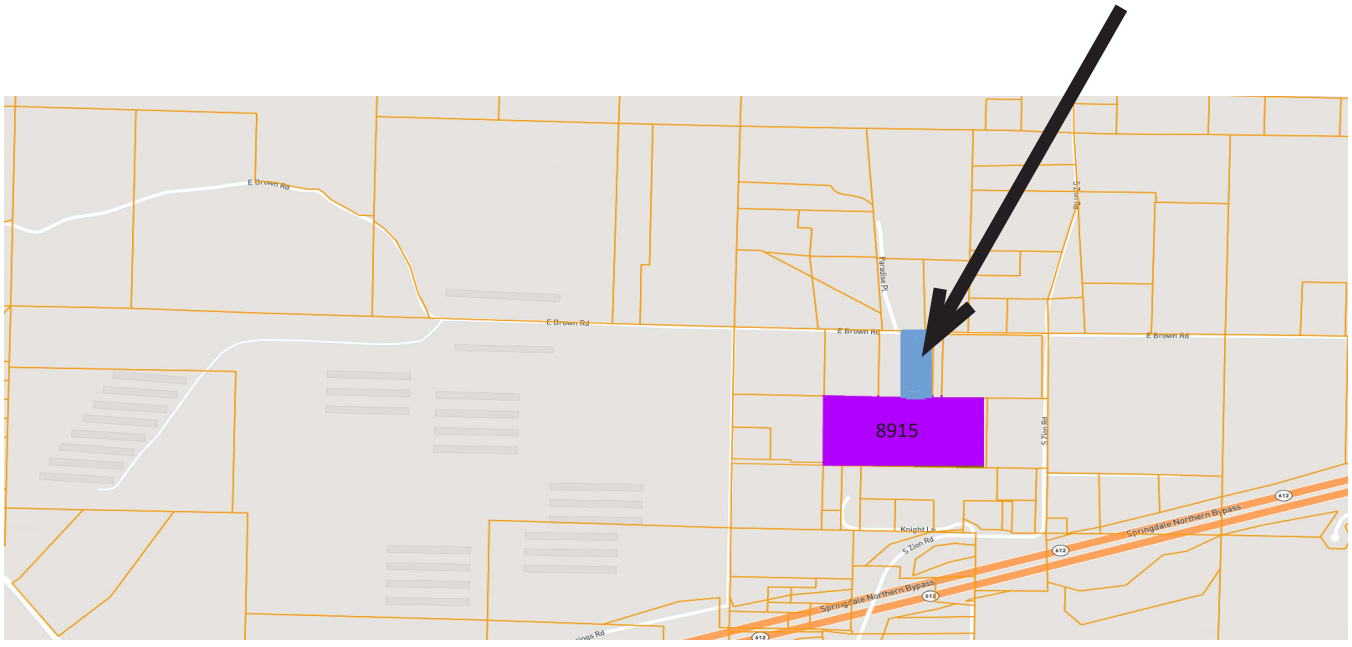


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8893 East Brown Road



Home: 2,688 ft2 Land: 1.49 acres

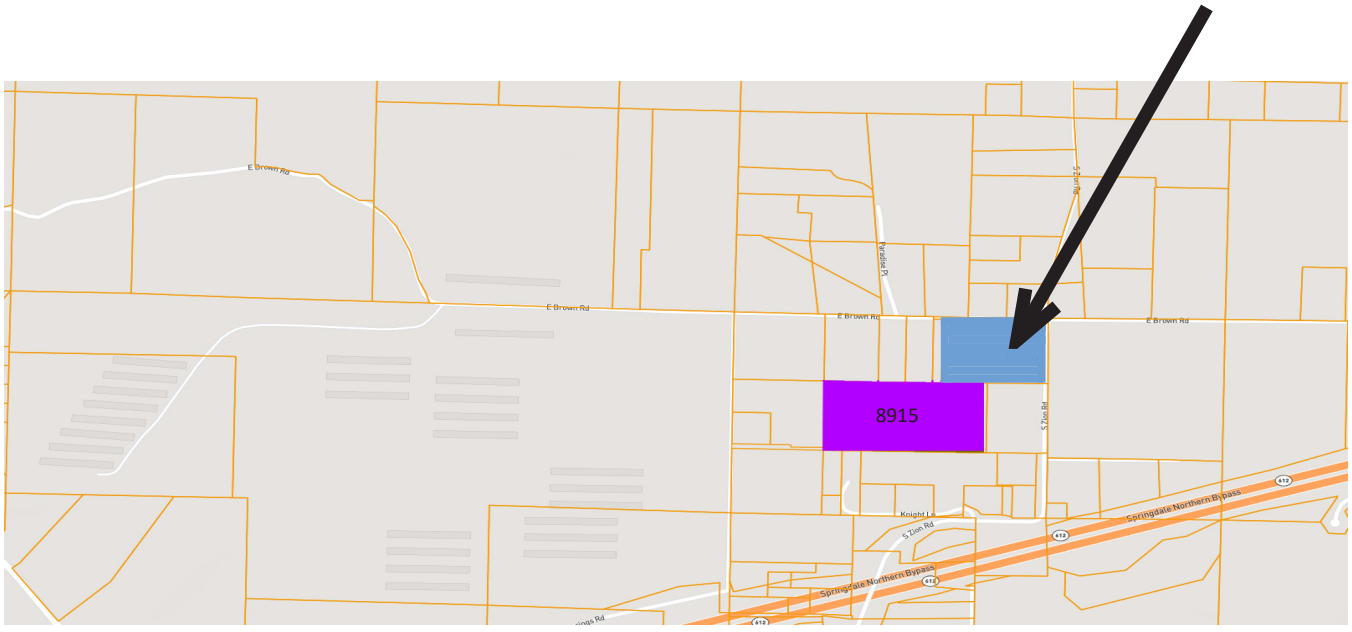


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12827 South Zion Road



Home: 2,678 ft2 Land: 5.22 acres

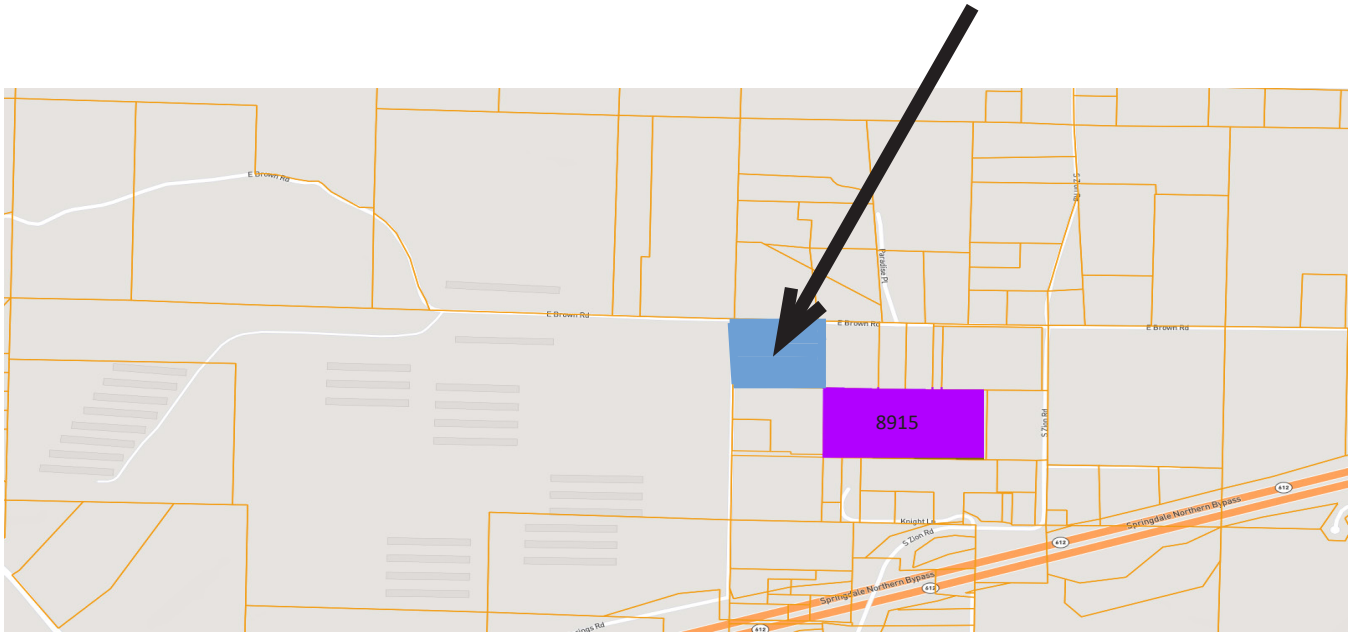


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8853 East Brown Road



Home: 2,160 ft2 Land: 5.00 acres

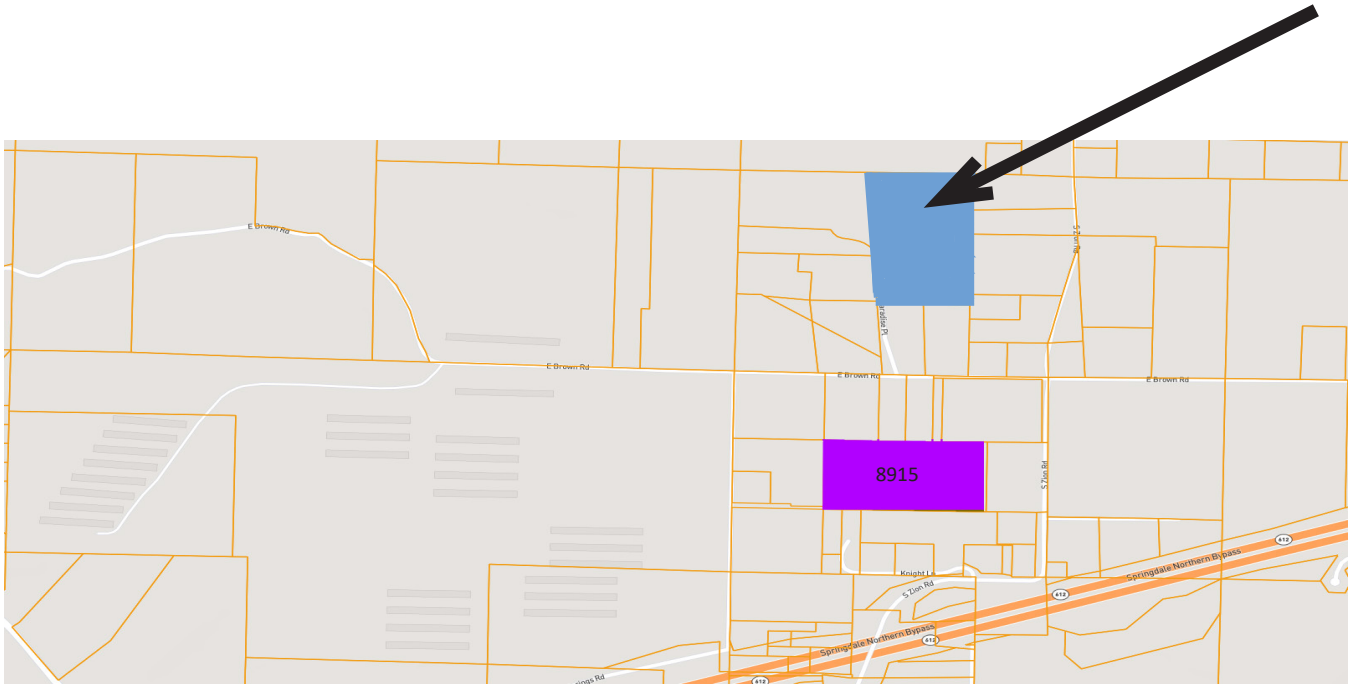


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713 Paradise Place



Home: 3,073 ft2 Land: 10.43 acres

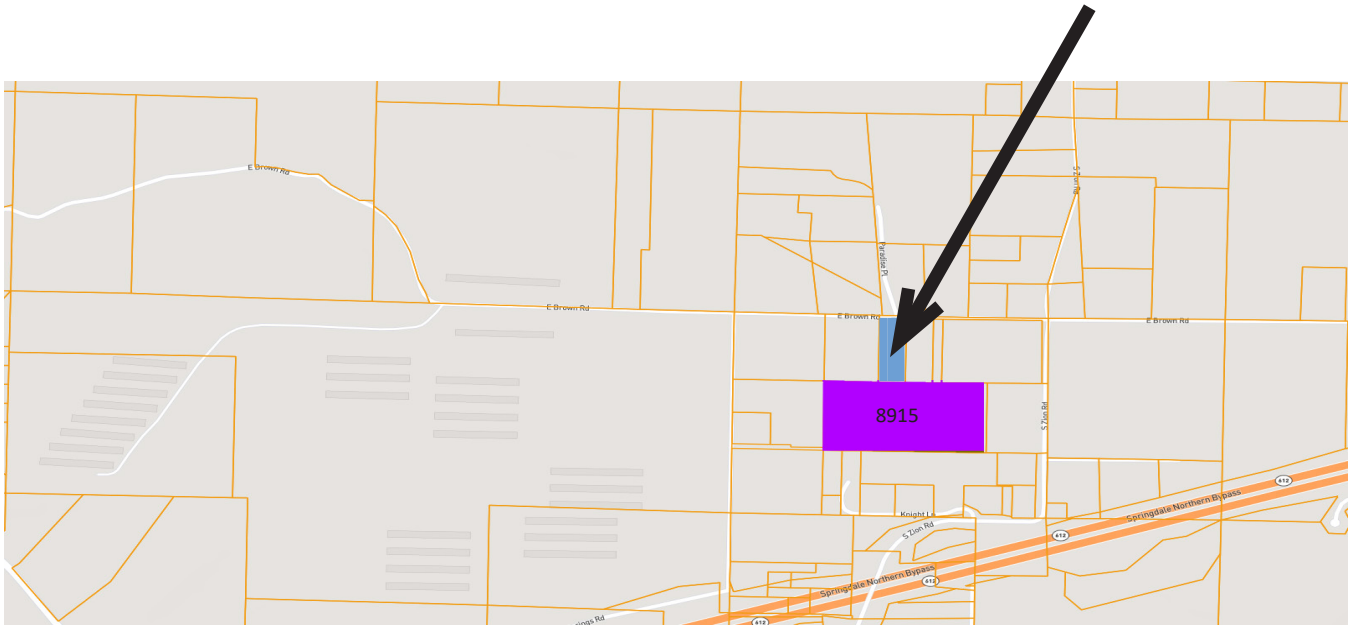


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8899 East Brown Road



Home: 1,784 ft2 Land: 1.49 acres

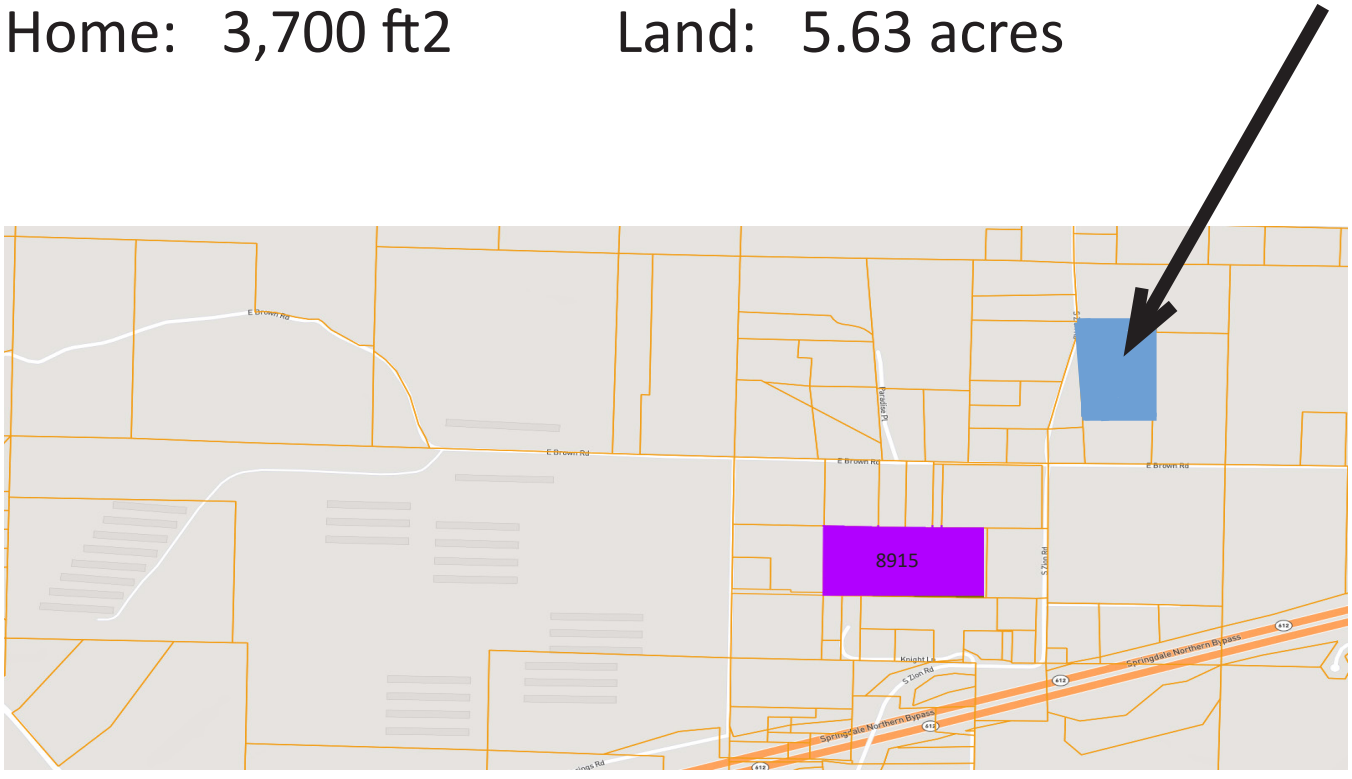


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775 South Zion Street



Home: 3,700 ft2 Land: 5.63 acres

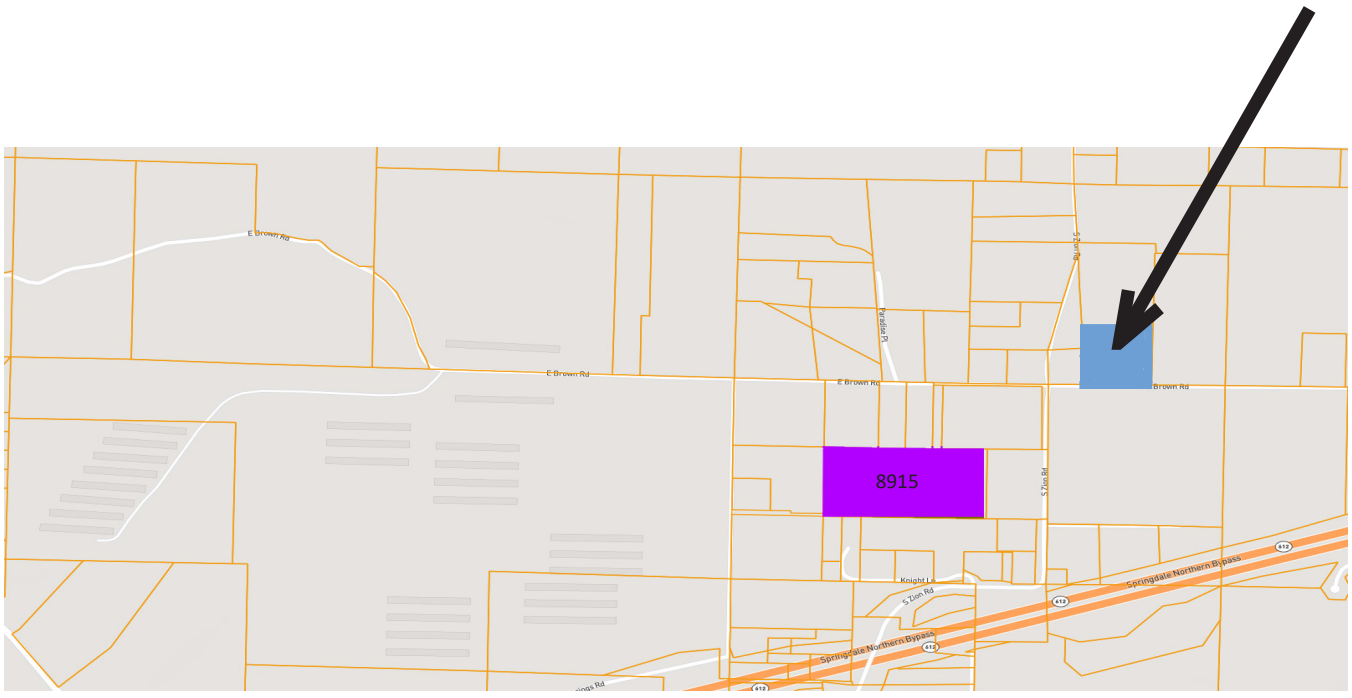


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9050 East Brown Road



Home: 4,347 ft2 Land: 3.00 acres

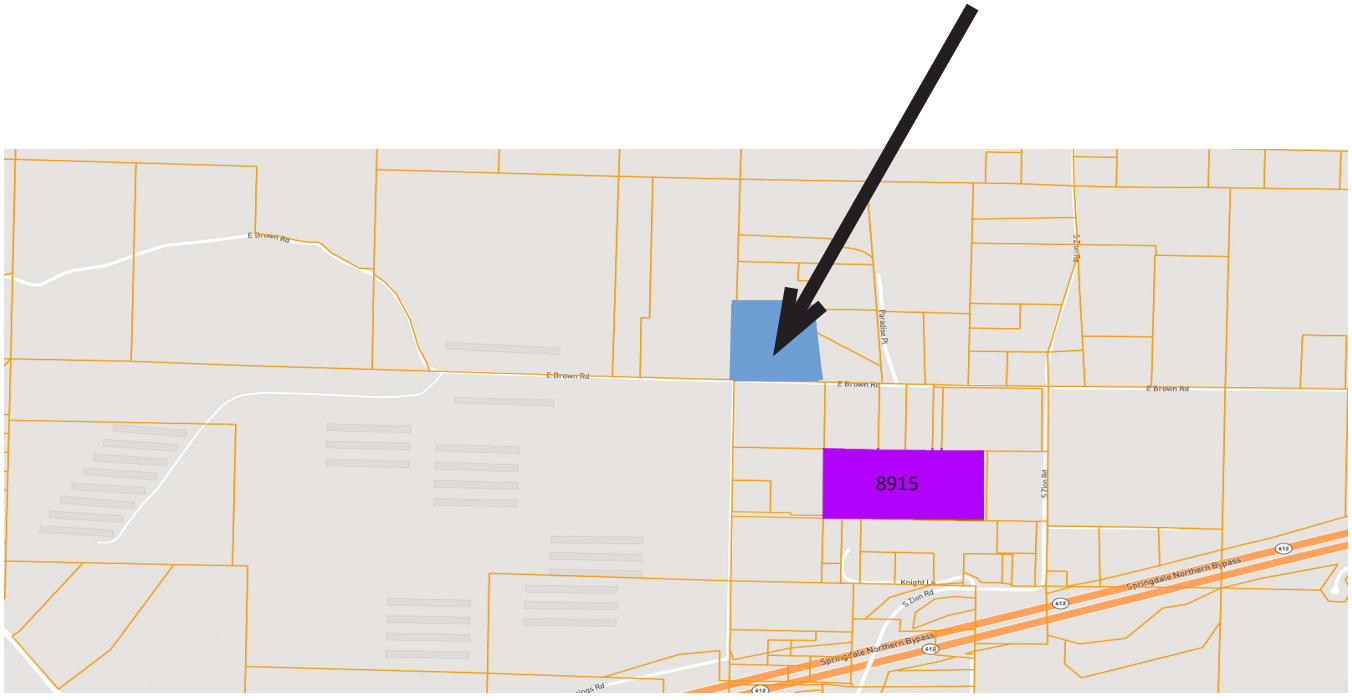


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8828 East Brown Road



Home: 2,586 ft2 Land: 4.84 acres



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	Home Size (ft2)	Acreage (271.76 total)
8670 East Brown Road	2000	37.25
8730 East Brown Road	3040	5.69
8828 East Brown Road	2586	4.84
812 Paradise Place	3824	2.61
706 Paradise Place	2094	11.16
713 Paradise Place	3073	10.43
821 Paradise Place	3294	9.31
9006 East Brown Road	*	1.00
9030 East Brown Road	1400	1.05
9050 East Brown Road	4347	3.00
9202 East Brown Road	*	8.00
9179 East Brown Road	*	20.00
8893 East Brown Road	2688	1.49
8899 East Brown Road	1784	1.49
8881 East Brown Road	no house	2.97
8853 East Brown Road	2160	5.00
8679 East Brown Road	1480	112.07
706 South Zion Street	1040	2.82
714 South Zion Street	trailer	2.00
806 South Zion Street	*	4.96
812 Zion Street	1297	1.01
814 Zion Street	1398	3.71
824 South Zion Road	*	1.05
12827 South Zion Road	2678	5.22
775 South Zion Street	3700	5.63
711 South Zion Street	no house	8.00
Average 26 Properties	2,438 ft2	10.45 acres

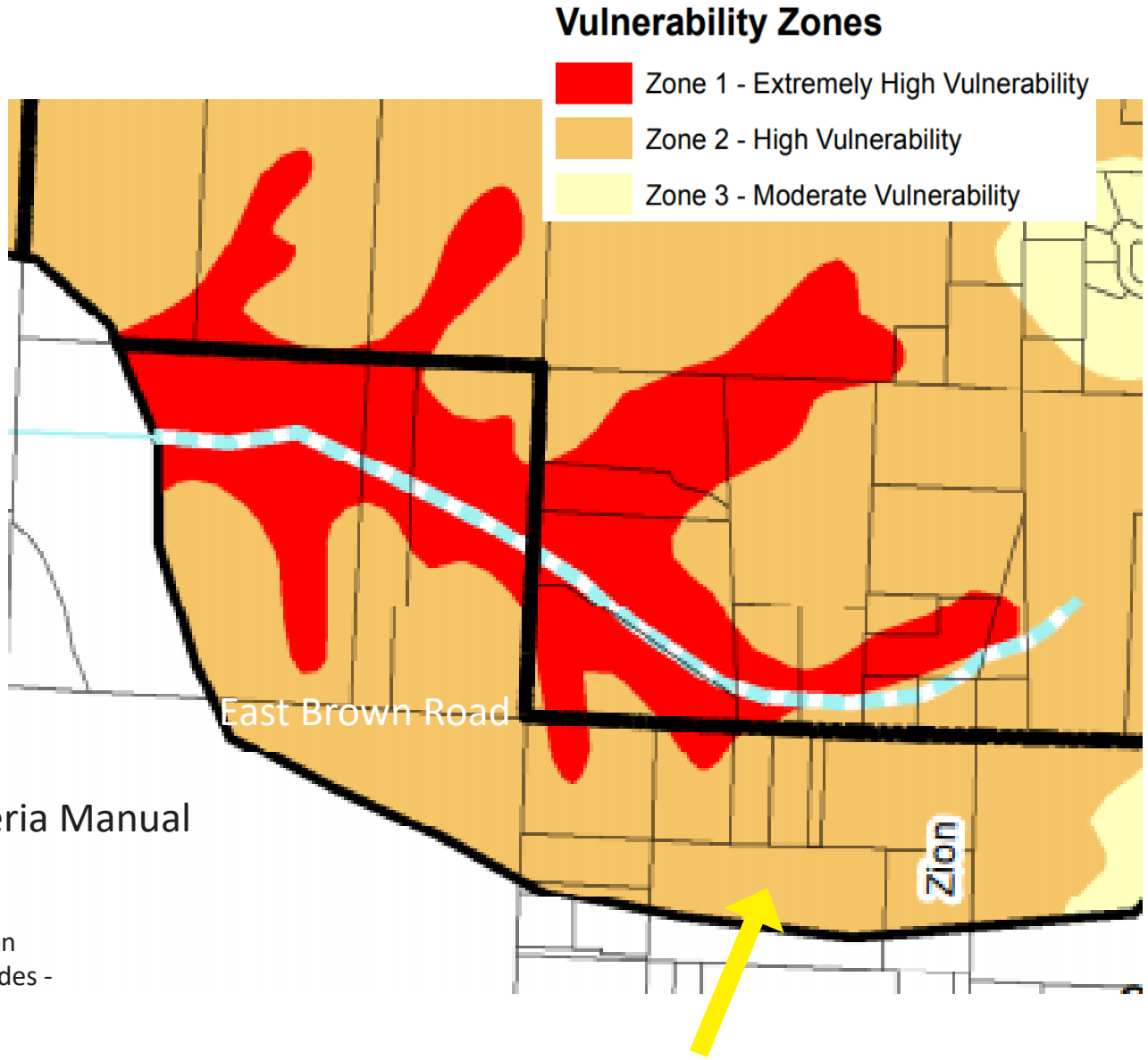
*home not permanently occupied



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Karst Resource
Conversation Initiative

"Threats to sensitive species and their habitats"



Springdale Drainage Criteria Manual
Chapter 106

Table 1-A - Buffer Width Determination
Maximum Outer Buffer Width Both Sides -

Extremely High - 300'

High Vulnerability - 200'

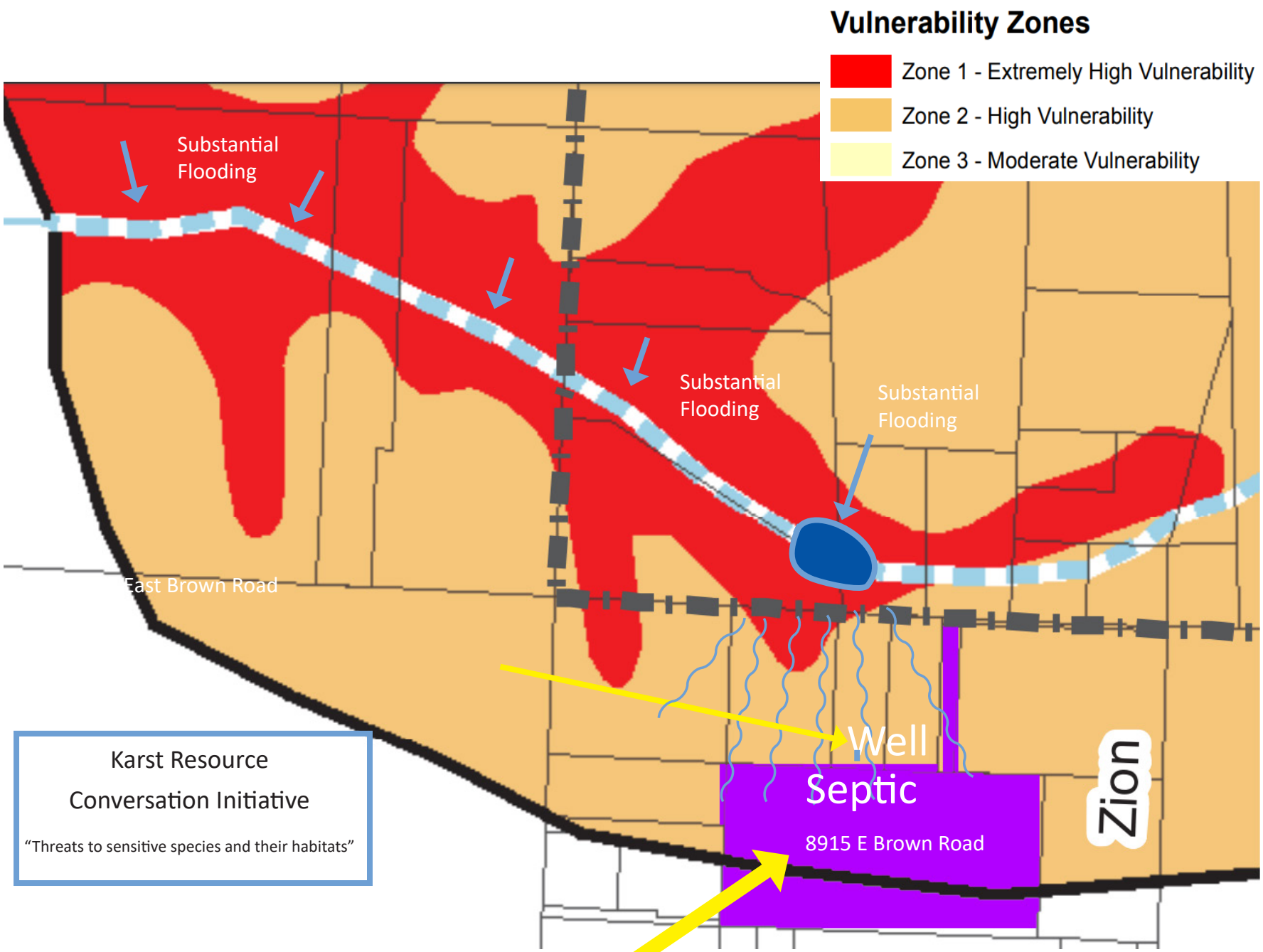
Septic Tank & Leaching Fields

Not allowed w/o variance process by Planning Commission

8915 E Brown Road

Map From: www.nwarpc.org/cave-springs-karst-study/

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Vulnerability Zones
Zone 1 - Extremely High Vulnerability
Zone 2 - High Vulnerability
Zone 3 - Moderate Vulnerability
Substantial Flooding
Substantial Flooding
Substantial Flooding
East Brown Road
Well
Septic
8915 E Brown Road
Zion
Karst Resource Conversation Initiative
"Threats to sensitive species and their habitats"
8915 E Brown Road

United States Department of the Interior

FISH AND WILDLIFE SERVICE
110 S. Amity Road, Suite 300
Conway, Arkansas 72032
Tel.: 501/513-4470 Fax: 501/513-4480

IN REPLY REFER TO:

October 31, 2020

Springdale Planning Commission
Planning Office, Room 214
City Administration Building
201 North Spring Street 750-8588

Dear Springdale Planning Commission,

The City of Springdale is considering a proposal to rezone two tracts of land located within the Cave Springs Cave Recharge Area. The first tract is located at 8915 East Brown Road and a second tract at 8750 East Brown Road in Lowell, Arkansas, 72745. The applicant requested to rezone this property from A-1 single family 2 acre lots to SF-1 10,000 square foot single family lots with the intention of servicing all lots with septic. Our comments are submitted in accordance with the Endangered Species Act (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.).

The largest known population of the federally threatened Ozark Cavefish (*Amblyopsis rosae*) occurs in Cave Springs Cave. In 2014, The Nature Conservancy and Ozark Underground Laboratory performed an extensive literature review of the cave's hydrology, biology, and water quality. In the study, they identified primary water quality goals for the Cave Springs Cave Recharge Area and appropriate best management practices (BMPs) for the site. With input from a diverse stakeholder group involving the cities of Cave Springs, Rogers, Lowell and Springdale, Northwest Arkansas Regional Planning Commission, University of Arkansas, Arkansas Department of Transportation, landowners, and industry representatives, among others, the group developed the goals and practices into the Cave Springs Direct Recharge Area Water Quality Protection Requirements (Chapter 10). The purpose of Chapter 10 is to provide criteria and BMPs to protect the unique karst resources of Cave Springs Cave Recharge Area while allowing for future growth and development.

The City of Springdale later incorporated portions of Chapter 10 into the city's drainage criteria manual. However, Chapter 11 of the Springdale Drainage Criteria Manual does not specifically address septic systems outside the inner and outer karst feature buffer zones. The establishment of septic systems in a karst environment may adversely affect water quality and the Ozark Cavefish. In this particular situation, the U.S. Fish and Wildlife Service (Service) defers back to the original intent of Chapter 10 developed through a stakeholder process involving the city. Chapter 10 established a recommended policy for sewer service in new subdivisions to be gravity sewer systems to each lot. Therefore, the Service recommends the city only authorize the subject subdivisions in accordance with Chapter 10 and other applicable city ordinances. Please contact Pedro Ardapple at 501-548-5152 or pedro_ardapple-kindberg@fws.gov for additional information.

Sincerely,

CHRISTOPHER DAVIDSON

Digitally signed by CHRISTOPHER DAVIDSON
Date: 2020.10.30 14:27:00 -05'00'

For Melvin Tobin
Field Supervisor

IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
110 S. Amity Road, Suite 300
Conway, Arkansas 72032
Tel.: 501/513-4470 Fax: 501/513-4480

August 30, 2021

Springdale Planning Commission
Planning Office, Room 214
City Administration Building
201 North Spring Street 750-8588
Springdale, Arkansas 72764

Subject: Rezoning of 8915 and 8750 E. Brown Road, Lowell, Arkansas 72745

Dear Springdale Planning Commission:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter dated May 20, 2021, requesting review of correspondence with the Arkansas Department of Health in regard to proposed septic service of subdivisions at Parcel 21-00167-100 and 21-00167-063. Please reference our October 31, 2020, letter for previous comments on this subject. Our comments are submitted in accordance with the Endangered Species Act (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.).

The city of Springdale developed Chapter 11 of the Springdale Drainage Criteria Manual from the Cave Springs Direct Recharge Area Water Quality Protection Requirements (Chapter 10). However, Chapter 11 does not specifically address septic systems outside the inner and outer buffer zones. In this situation, the Service defers back to the original intent of Chapter 10. Under Chapter 10, a diverse group of stakeholders, including the city of Springdale, developed recommended practices for sewer service in new subdivisions that would protect groundwater quality while promoting economic development in the region. Recommended practices included service of each lot by a gravity sewer system. In cases where sewer is unavailable, they recommended new subdivisions have a gravity sewer system installed to each lot, with a "drainage basin" type lift station installed and stubbed out, such that when gravity sewer is available, it will provide one point for connection to the new gravity sewer system. However, the Service lacks information to determine if a sewer treatment facility or a sewer line run to the proposed subdivision equates to sewer availability. We defer to the Springdale Planning Commission for that determination.

In karst systems, it is often the cumulative effects of many activities in the recharge area that gradually degrade groundwater quality to a level where adverse effects to species, such as Ozark Cavefish, occur. The establishment of concentrated septic systems may contribute to pollutants in the Cave Springs Cave recharge area and may adversely affect Ozark Cavefish. However, identifying the pollution level at which adverse effects occur to the species and the source of that pollution is often difficult.

While the Service cannot predict how concentrated septic systems in the subject parcels will affect Ozark Cavefish, the stakeholder group that developed Chapter 10 recognized the potential adverse effects associated with concentrated septic systems in karst habitats. We hope this information aids the Springdale Planning Commission in making an informed decision that considers potential environmental effects in this sensitive and unique region of Arkansas. We recognize the ultimate regulatory decision lies with the Springdale Planning Commission. If we can be of further assistance

regarding potential effects to Ozark Cavefish or karst habitats, please contact Pedro Ardapple at (501) 548-5152 or Pedro_Ardapple-Kindberg@fws.gov.

Sincerely,

Melvin L. Tobin
Field Supervisor

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Extremely High Vulnerability Zone for Karst

East Brown and Paradise Place





South Runoff onto East Brown Road

Proposed Rezoned Land



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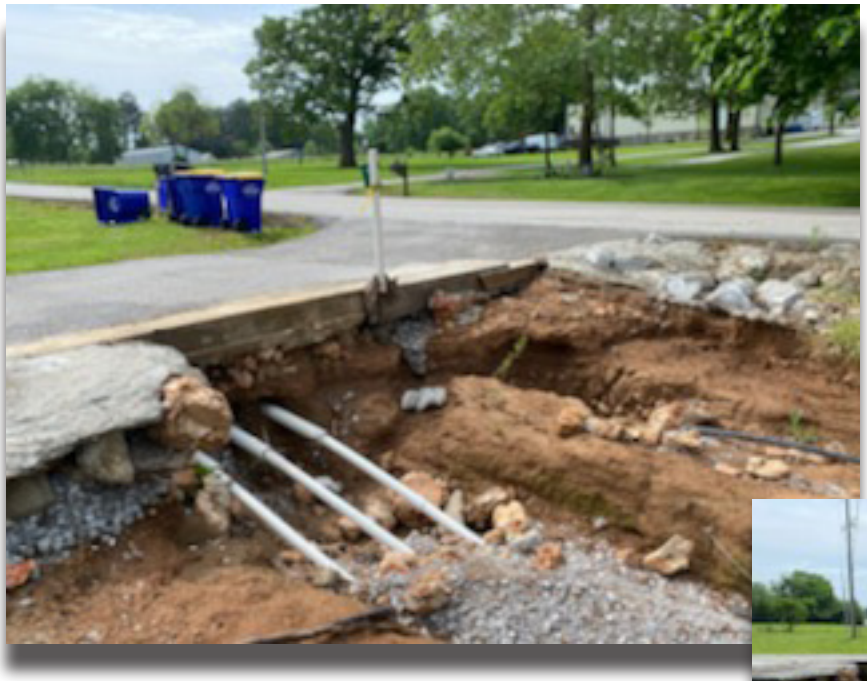
South Runoff onto East Brown Road



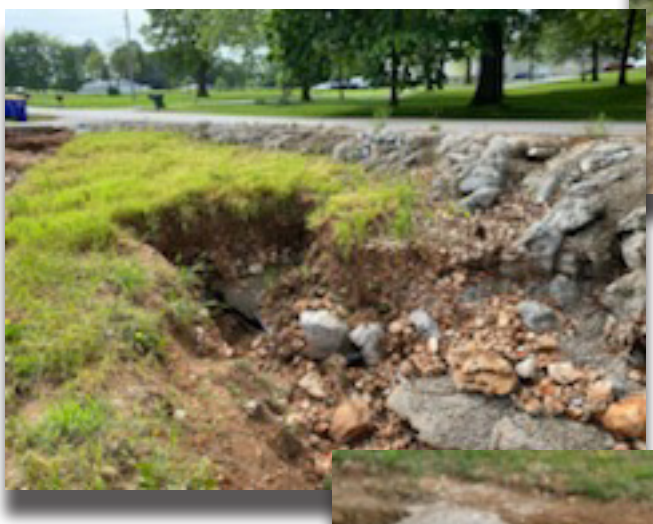


The Erotion of East BrownRoad
(Mailbox is no longer there.)

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Erosion at East Brown Road and Paradise Place

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What the Floods Leave Behind



Page 318 of 333

RESOLUTION NO. _____

A RESOLUTION ENDORSING PARTICIPATION IN THE SALES AND USE TAX REFUND PROGRAM AUTHORIZED BY THE CONSOLIDATED INCENTIVE ACT OF 2003 AND ARK. CODE ANN. §15-4-2706(d).

WHEREAS, in order for a business to be eligible for the investment tax incentives contained in Ark. Code Ann. §15-4-2706(d), the governing body of the municipality in which the business is located must pass a resolution endorsing the participation of the business in the tax refund program;

WHEREAS, Ark. Code Ann. §15-4-2706(d) provides that the governing body of the municipality must specify that the Department of Finance and Administration is authorized to refund local sales taxes to a business participating in the tax refund program;

WHEREAS, Kawneer Company, Inc., 600 Kawneer Drive, wishes to participate in, and be eligible for, the investment tax incentives contained in Ark. Code Ann. §15-4-2706(d), due to the location of its facility in the City of Springdale, Arkansas;

WHEREAS, Kawneer Company, Inc., has agreed to furnish the City of Springdale all information necessary for its participation in the tax refund program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the participation of Kawneer Company Inc., in the tax refund program contained in Ark. Code Ann. §15-4-2706(d) is hereby endorsed, and the Department of Finance and Administration is authorized to refund local sales taxes to Kawneer Company, Inc., and this resolution shall take effect immediately.

PASSED AND APPROVED this _____day of _____, 2022.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

_____
Ernest B. Cate, CITY ATTORNEY

ErnestCa/2022Misc/RESOKawneer

RESOLUTION NO. _____

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

WHEREAS, First United Methodist Church of Springdale, Inc., has petitioned for the abandonment of a portion of a dedicated public street, more commonly known as a portion of Blair Street (between W. Price Avenue and W. Huntsville Avenue), described as follows:

> Beginning at the Southwest corner of Parcel No. 815-29970-000; thence West along the North right-of-way line of W. Price Avenue a distance of 30.00 feet to the Southeast corner of Parcel No. 815-29972-000; thence North along the East boundary line of Parcel No. 815-29972-000 and Parcel No. 815-29973-000 to the South right-of-way line of W. Huntsville Avenue; thence East along said right-of-way line of W. Huntsville Avenue a distance of 30.00 feet to the West boundary line of Parcel No. 815-29971-000; thence South along the West boundary line of Parcel No. 815-29971-000 and Parcel No. 815-29970-000 to the point of beginning.
>
> And as shown on the attached Map.

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 June 14, 2022, 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 May, 2022.

_____
Doug Sprouse, Mayor

ATTEST:

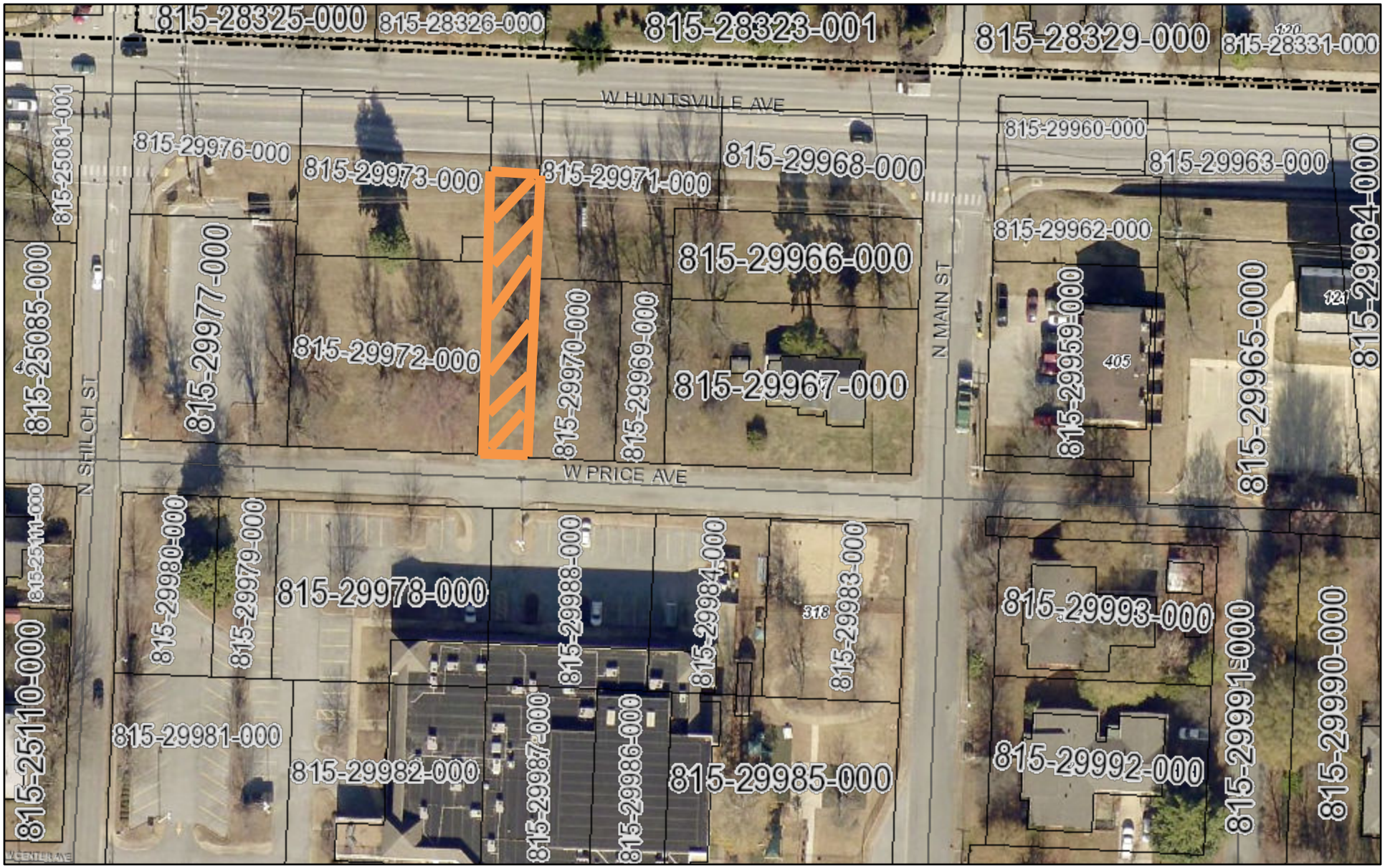
_____
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

_____
Ernest B. Cate, CITY ATTORNEY

ErnestCa/2022/RESOvacBlair

City of Springdale Zoning Map



May 6, 2022

- Form-Based Code District Overlay
- S.E.E.D. Overlay District - Outline
- Washington Co. Parcels
- Benton Co. Parcels
- SCHOOLS

STREAMS

- MAIN CHANNEL
- TRIBUTARY
- LAKES
- Buildings
- RAILROAD

STREETS - ALL

- INTERSTATE
- RAMP

1:1,000

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

City of Springdale, Clayton Sedberry

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City of Springdale Zoning Map



May 5, 2022

- Form-Based Code District Overlay
- S.E.E.D. Overlay District - Outline
- Washington Co. Parcels
- Benton Co. Parcels
- SCHOOLS

STREAMS
- MAIN CHANNEL
- TRIBUTARY
- LAKES
- Buildings

STREETS - ALL
- RAILROAD
- INTERSTATE
- RAMP
- U.S. HWY
- AR HWY
- LOCAL

1:1,000

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

City of Springdale, Clayton Sedberry

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The City Council of the City of Springdale met in regular session on Tuesday, May 10, 2022, in the tiered training room in the new Criminal Justice Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Brian Powell	Ward 1
Amelia Williams	Ward 3
Jeff Watson	Ward 3 (Arrived Late)
Mike Overton	Ward 2
Mike Lawson	Ward 4
Kevin Flores	Ward 2
Randall Harriman	Ward 1
Mark Fougerousse	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Blake Holte	Fire Chief
Frank Gamble	Police Chief
Patsy Christie	Planning Director
Mike Chamlee	Building Official
Ron Findley	Neighborhood Services
James Smith	Public Works Director
Brad Baldwin	Engineering Director
Colby Fulfer	Chief of Staff
Angie Albright	Museum Director

CITIZEN COMMENTS

Lisa Parks introduced herself to City Council. She is running for Arkansas State Senate District 31.

Ron Mynatt talked about the trailhead parking lot getting torn up again due to the heavy rains. He had some recommendations that he would like the city to take into consideration for repairs in that area.

Larry Self, Maple Drive, was upset with the new concrete barriers set up along Maple Avenue to protect the bike trails.

Mayor Sprouse said the city will be painting them with reflective markings.

APPROVAL OF MINUTES

Council Member Overton moved the minutes of the April 26, 2022 City Council meeting be approved as presented. Council Member Fougerousse made the second.

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

PUBLIC HEARING - PETITION BY JOHN AND JERILYNN BACKUS TO ABANDON A PORTION OF A UTILITY EASEMENT AT 2310 WILLOW BEND CIRCLE

City Attorney Ernest Cate opened up a public hearing on a petition by John and Jerilynn Backus to vacate a portion of a utility easement on Lot 32 in the Willow Bend Subdivision, at 2310 Willow Bend Circle.

There were no comments 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.

The vote:

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

No: None

AN APPEAL OF THE BOARD OF ZONING ADJUSTMENT'S DENIAL OF A VARIANCE REQUEST BY RAY DOTSON FOR PROPERTY LOCATED ON 3495 RAYMOND LANE

Tim Snively, Attorney representing Ray Dotson, presented an appeal to the Board of Adjustment on the denial of a variance request by Ray Dotson for the reduction of rear setback on his property from 35 feet to 10 feet. A garage was damaged by a wind storm and he wants to extend it to the west to attach to the dwelling on the property.

Planning Commission denied the request at their April 5, 2022 meeting.

City Attorney Ernest Cate explained state law prior to last year required that appeals from the Board of Zoning Adjustments decisions could only be made to the Circuit Court and the General Assembly changed that and gave cities the option to allow them to come before the City Council which is what the City Council voted to do. This is the first appeal heard by them.

Council Member Lawson made the motion to overturn Planning Commission's decision to deny the request. Council Member Overton made the second.

There were no comments made at the meeting.

The vote:

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

No: None

ORDINANCE NO. 5713 – ACCEPTING THE REPLAT OF LOTS 13 AND 14, SPRING SUBDIVISION INTO 13A, SPRING RIDGE SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat of Lots 13 and 14, Spring Subdivision into 13A, Spring Ridge Subdivision to the City of Springdale, Arkansas; and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5713.

ORDINANCE NO. 5714 – ACCEPTING THE REPLAT OF LOTS 1, 2 AND 3 AND THE EAST 22 FEET OF LOT 4, BLOCK 22 OF RAILROAD ADDITION TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat of Lots 1, 2 and 3 and the east 22 feet of Lot 4, Block 22 of Railroad Addition to the City of Springdale, Arkansas, and declaring an emergency.

Planning Commission recommended approval at their meeting.

After reading the title of the Ordinance, Council Member Fougerousse moved the Ordinance "Do Pass". Council Member Lawson made the second.

(Council Member Watson arrived at this time)

The vote:

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

No: None

Here: Watson

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

The vote:

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

No: None

The Ordinance was numbered 5714.

ORDINANCE NO. 5715 – ACCEPTING THE FINAL PLAT OF PHASE 2 OF COTTAGES AT THE PARK SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Final Plat of Phase 2 of Cottages at the Park Subdivision to the City of Springdale 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 Harriman made the second.

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5715.

RESOLUTION NO. 39-22 – EXPRESSING THE WILLINGNESS OF THE CITY OF SPRINGDALE TO UTILITZE FEDERAL FUNDING FOR THE FOLLOWING PROJECT: DEAN'S TRAIL, PHASE IIIA

Council Member Jeff Watson presented a Resolution expressing the willingness of the City of Springdale to utilize federal funding for the following project: Dean's Trail, Phase IIIA.

RESOLUTION NO. ____

A RESOLUTION EXPRESSING THE WILLINGESS OF THE CITY OF SPRINGDALE TO UTILIZE FEDERAL FUNDING FOR THE FOLLOWING PROJECT: DEAN'S TRAIL PHASE IIIA.

WHEREAS, the Arkansas Department of Transportation is accepting applications for Transportation Alternatives Program (TAP) funds for projects at the following Federal and City participating ratios, up to the maximum Federal-aid available:

TYPE WORK	WORK PHASE	FEDERAL %	CITY %
Construction of City Project	Project Design	0	0
	Right-of-Way	0	0
	Utilities	0	0
	Construction	80	20
	Construction Engineering	0	0

WHEREAS, the currently approved funds are to be used for project construction, and

WHEREAS, a maximum $100,000 city match is required with a maximum $500,000 ArDOT reimbursement, is currently budgeted in the Public Works 2022 budget.

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

SECTION I: The City will participate in accordance with its designated responsibilities in this project.

SECTION II: The City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

PASSED AND APPROVED THIS ____ DAY OF MAY, 2022.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 39-22.

RESOLUTION NO. 40-22 – AUTHORIZING THE EXPENDITURE OF FUNDS TO ACQUIRE A PORTION OF LAND FROM JUNIPER SPRINGDALE, LLC, FOR DEAN'S TRAIL, PHASE IIIA PROJECT (PROJECT NO. ST1802)

Council Member Jeff Watson presented a Resolution authorizing the expenditure of funds to acquire a portion of land from Juniper Springdale, LLC, for Dean's Trail, Phase IIIA Project (Project No. ST1802).

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO ACQUIRE A PORTION OF LAND FROM JUNIPER SPRINGDALE, LLC, FOR THE DEAN'S TRAIL, PHASE IIIA PROJECT (PROJECT NO. ST1802).

WHEREAS, the City of Springdale is in need of acquiring a portion of land for the Dean's Trail, Phase IIIA Project, Project No. ST1802, Tracts 17A, 17B, and Tract 19, said lands being owned by Juniper Springdale, LLC;

WHEREAS, the City of Springdale has determined by appraisal that the sum of $53,300.00 is the estimated just compensation for the property needed from Juniper Springdale, LLC;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of $78,774.00 to acquire the land needed for the project, said amount being justified by the nature of these properties, and the increase in property values;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of $25,474.00 to acquire the property needed from Juniper Springdale, LLC, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of acquiring this property by eminent domain proceedings;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City is hereby authorized to acquire a portion of land for the Dean's Trail, Phase IIIA Project, Project No. ST1802,

Tracts 17A, 17B, and Tract 19, said lands being owned by Juniper Springdale, LLC, for the total sum of $78,774.00.

PASSED AND APPROVED this ____ day of May, 2022.

_____
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 Flores made the second.

The vote:

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

No: None

The Resolution was numbered 40-22.

RESOLUTION NO. 41-22 – WAIVING COMPETITIVE BIDDING FOR PURCHASE OF SCBA COMPRESSOR AND EQUIPMENT FOR THE FIRE DEPARTMENT FROM EVS-EMERGENCY VEHICLE SERVICES

Council Member Brian Powell presented a Resolution to waive competitive bidding for purchase of SCBA Compressor and Equipment for the Fire Department from EVS-Emergency Vehicle Services with the purchase price not to exceed $225,000.

The majority of this cost is being paid by a grant from Washington County using ARPA Funds. They are paying $683,974.00.

RESOLUTION NO. ____

A RESOLUTION TO WAIVE COMPETITIVE BIDDING FOR PURCHASE OF SCBA COMPRESSORS & EQUIPMENT FOR THE FIRE DEPARTMENT

WHEREAS, the Fire Department is in need of replacing the Self Contained Breathing Apparatus equipment and supplemental and essential equipment required to properly operate the apparatuses , and

WHEREAS, after researching SCBA compressors available from supplier the Fire Chief prefers to purchase this equipment from EVS-Emergency Vehicle Services which is a distributor of the necessary equipment, and

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

This Council finds that due to the time required for delivery and installation competitive bidding is not feasible and is hereby waived for the purchase with funds from the general fund of SCBA compressors and supplemental equipment from EVS-Emergency Vehicle Services with the purchase price not to exceed $225,000.

PASSED AND APPROVED this ____ day of May, 2022.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM

_____
Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 41-22.

ORDINANCE NO. 5716 – RELEASING, VACATING AND ABANDONING A PORTION OF A UTILITY EASEMENT LOCATED ON PROPERTY LOCATED AT 2310 WILLOW BEND CIRCLE, SPRINGDALE, ARKANSAS, WASHINGTON COUNTY; AND DECLARING AN EMERGENCY.

City Attorney Ernest Cate presented an Ordinance releasing, vacating and abandoning a portion of a utility easement located on property located at 2310 Willow Bend Circle. The petitioners are John and Jerilynn Backus.

A public hearing was held earlier in the meeting and there were no comments.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5716.

RESOLUTION NO. 42-22 – SETTING A HEARING DATE ON A PETITION TO VACATE A PORTION OF PUTMAN STREET

City Attorney Ernest Cate presented a Resolution setting a hearing date for June 14, 2022 on a petition by Taldo Properties LLC and Brothers Rentals, LLC to vacate a portion of Putman Street.

RESOLUTION NO. ____

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

WHEREAS, Taldo Properties, LLC, and Brothers Rentals, LLC, have petitioned for the abandonment of a portion of a dedicated public street, more commonly known as a portion of Putman Street, described as follows:

> Beginning at the Southwest corner of Parcel No. 815-25088-000; thence N 01°59'09" E 111.80 feet to the South right-of-way line of West Huntsville Avenue; thence West along said right-of-way line a distance of 30.00 feet; thence S 01°59'09" W 108.75 feet to the Southeast corner of Parcel No. 815-25093-000; thence East 30.00 feet to the point of beginning.
>
> And as shown on the attached Map.

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 June 14, 2022, 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 May, 2022.

_____
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 Powell made the second.

The vote:

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

No: None

Recuse: Williams

The Resolution was numbered 42-22.

RESOLUTION NO. 43-22 – AUTHORIZING THE CONVEYANCE OF LAND OWNED BY THE CITY OF SPRINGDALE TO E & S ANDERSON PROPERTIES LLC IN EXCHANGE FOR PROPERTY OWNED BY E & S ANDERSON PROPERTIES LLC.

City Attorney Ernest Cate presented a Resolution authorizing the conveyance of land owned by the City of Springdale to E & S Anderson Properties LLC in exchange for property owned by E & S Anderson Properties LLC.

It has been discovered that the Replat of Lots 15 and 16 Harp's Addition contained an error in the legal descriptions of Lot 15A and Lot 16A, and are in need of being corrected. In order to clear up the property boundaries of Lot 15A and Lot 16A of the Replat, it is necessary that certain property owned by the City of Springdale be exchanged for certain property owned by E & S Anderson Properties, LLC.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE CONVEYANCE OF LAND OWNED BY THE CITY OF SPRINGDALE TO E & S ANDERSON PROPERTIES, LLC, IN EXCHANGE FOR PROPERTY OWNED BY E & S ANDERSON PROPERTIES, LLC.

WHEREAS, on August 13, 2001, a document known as "Replat of Lots 15 and 16 Harp's Addition, Springdale, Arkansas" ("the Replat"), was filed in the Washington County, Arkansas, land records at Plat Book 17, Page 72;

WHEREAS, it has been discovered that the Replat contained an error in the legal descriptions of Lot 15A and Lot 16A, and are in need of being corrected;

WHEREAS, in order to clear up the property boundaries of Lot 15A and Lot 16A of the Replat, it is necessary that certain property owned by the City of Springdale be exchanged for certain property owned by E & S Anderson Properties, LLC, as further described herein;

WHEREAS, the City of Springdale owns the following real property located in the City of Springdale, Arkansas, said land being more particularly described as follows ("the City Property"), and as shown on the attached Exhibit "A":

> Lot 15A, of the replat of Lots 15 and 16, in Harp's Addition in the City of Springdale, Arkansas, as per the replat of said subdivision on file in Plat Book 17 page 72 in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, being described as a part of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 3, Township 17 North, Range 30 West, City of Springdale, Arkansas, being more particularly described as follows: From the Northwest corner of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of said Section 3, run South 65.00 feet; thence S89°51'00"E 492.13 feet to the Point of Beginning; thence North 100.22 feet; thence S89°51'00"E 104.37 feet to the West side of a retaining wall; thence along the West side of said retaining wall, S05°22'13"E 32.46 feet; thence S01°30'18"E 33.02 feet; thence S06°37'06"E 13.87 feet; thence S17°15'50"E 14.32 feet; thence S28°34'55"E 8.51 feet; thence leaving the West said of said retaining wall N89°51'00"W 118.20 feet to the Point of Beginning, containing 0.25 acres, more or less.

WHEREAS, E & S Anderson Properties, LLC, owns the following real property located in the City of Springdale, Arkansas, said land being more particularly described as follows ("the E & S Property"), and as shown on the attached Exhibit "A":

> Lot 16A, of the replat of Lots 15 and 16, in Harp's Addition in the City of Springdale, Arkansas, as per the replat of said subdivision on file in Plat Book 17 page 72 in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, being described as a part of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 3, Township 17 North, Range 30 West, City of Springdale, Arkansas, being more particularly described as follows: From the Northwest corner of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of said Section 3, run South 65.00 feet; thence S89°51'00"E 492.13 feet; thence N89°51'00"W 118.20 feet to a point on the West side of a retaining wall, said point being the Point of Beginning; thence, along the West side of said retaining wall, North 28°34'55" West 8.51 feet; thence North 17°15'50" West 14.32 feet; thence North 6°37'06" West 13.87 feet; thence North 1°30'18" West 33.02 feet; thence North 5°22'13" West 32.46 feet; thence, leaving the West side of said retaining wall, South 89°51'00" East 30.93 feet to a point on the East side of a retaining wall; thence along the East side of said retaining wall, South 8°07'11" East 26.62 feet; thence South 1°27'01" East 38.64 feet; thence South 6°23'22" East 7.73 feet; thence South 18°16'48" East 8.10 feet; thence South 28°28'24" East 7.87 feet; thence South 41°15'29" East 7.60 feet; thence South 52°41'34" East 7.81 feet; thence South 63°23'06" East 5.74 feet; thence leaving the East side of said retaining wall, North 89°51'00" West 45.35 feet to the Point of Beginning, containing 0.08 acres, more or less.

WHEREAS, the City Property is currently a part of Lot 15A, and the E & S Property is currently a part of Lot 16A of the Replat;

WHEREAS, the City Property and the E & S Property should be exchanged so that the respective properties are a part of the correct lot on the Replat;

WHEREAS, Ark. Code Ann. §14-54-302 empowers and authorizes municipalities to convey real property it owns, subject to approval by the City Council;

WHEREAS, the exchange of property described herein would be in the best interests of the public, and would correct an error on the Replat;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk of the City of Springdale, Arkansas, are hereby authorized to execute all documents necessary to effect the conveyance of the City Property to E & S Anderson Properties, LLC, in exchange for the E & S Property, so that the boundaries of Lots 15A and 16A of the Replat are corrected.

PASSED AND APPROVED this ____ day of May, 2022.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED:

_____
Ernest B. Cate, City Attorney

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

The vote:

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

No: None

Recuse: Williams

The Resolution was numbered 43-22.

DOWNTOWN MASTER PLAN MEETINGS

The second phase of Downtown Master Plan meetings will be held on May 18, 2022 at 5:00 p.m. at the 214 Building and May 19, 2022 at 5:00 p.m. at the Jones Center.

Planning Director Patsy Christie invited City Council to attend the May 17th Planning Commission work session at 5:00 p.m. to hear results from the H3 Consulting Group on surveys and comments received.

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 6:35 p.m.

_____
Doug Sprouse, Mayor

_____
Denise Pearce, City Clerk/Treasurer