

City of Fayetteville Staff Review Form

2018-0612

Legistar File ID

11/8/2018

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Garner Stoll

10/23/2018

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADMINISTRATIVE ITEM (NORTH OF N. RUPPLE RD./MCFARLAND FAMILY TRUST, 244): Submitted by CITY STAFF for properties located NORTH OF N. RUPPLE ROAD. The properties are in the FAYETTEVILLE PLANNING AREA and contain approximately 68.65 acres. The request is for a cost-share agreement in association with an annexation.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF NOVEMBER 8, 2018

TO: Mayor and City Council

THRU: Garner Stoll, Development Services Director

FROM: Jonathan Curth, Senior Planner
Andrew Garner, City Planning Director

DATE: October 23, 2018

SUBJECT: ADMINISTRATIVE ITEM (NORTH OF N. RUPPLE RD./MCFARLAND FAMILY TRUST, 244): Submitted by CITY STAFF for properties located NORTH OF N. RUPPLE RD. The properties are in the FAYETTEVILLE PLANNING AREA and contain approximately 68.65 acres. The request is for a cost-share agreement in association with an annexation.

RECOMMENDATION:

The City Planning staff recommend approval of a request to annex the property described and shown in the attached Exhibits 'A' and 'B', subject to a cost-share agreement with the developer, Buffington Wier, LLC, as follows:

1. Sufficient right-of-way shall be dedicated by the developer upon annexation as designated by the City Engineer to construct and use for the planned extension of Ruppel Road;
2. The developer shall either construct the full boulevard section of Ruppel Road through the parcel, with payment of its proportionate share (6.59%) for engineering and construction up to 150% of the estimated \$1,638,131.00 cost, or pay its proportionate share should the City of Fayetteville construct the portion of Ruppel Road first;
3. Upon approval of development proposal, park land easements and trail rights-of-way shall be donated and dedicated, which can be claimed as credits for park land dedication if conveyed fee simple;
4. Upon final plat approval, conservation and tree easements will be dedicated or donated; and
5. The 4.24 acre parcel proposed for rezoning to NS-G, Neighborhood Services, General, shall not permit residential development or uses on the ground floor. Residential uses are permitted on the second floor.

BACKGROUND:

The subject property constitutes approximately 69 acres bordered on the north and west by unincorporated Washington County land and Fayetteville corporate city limits on the east and south. The property is developed with two single-family homes, one of which was built in 1916 and the other in 1985. The property has access to both City water and sanitary sewer. Currently, the zoning designation on the property is Washington County Ag/SF Res 1 unit/ac, which allows for agricultural and single-family uses on lots of no less than one acre.

Request: Staff requests Council consideration and approval of the attached cost share agreement in association with ANX 17-5990, an annexation request for 68.65 acres northwest of Fayetteville in unincorporated Washington County.

DISCUSSION:

On November 27, 2017, the Planning Commission denied the applicant's request to annex the property in to the City of Fayetteville by a vote of 8-1-0. Commissioner Noble voted 'no'. The applicant has appealed the Planning Commission's decision to the City Council along with an amended request to rezone the same property.

On January 16, 2018, The City Council tabled the request indefinitely at the request of the applicant. At the meeting two members of the public spoke, expressing concern about potential traffic and a desire to keep the City Plan 2030 goals in mind during any future negotiation.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A

COST SHARE AGREEMENT

The City of Fayetteville (“City”) and Buffington Weir, LLC (“Buffington”) enter into this Cost Share Agreement concerning the Buffington Weir, LLC’s (soon to be acquired) property of approximately 68 acres adjoining the city limits of Fayetteville and along the proposed location of the expansion of Ruppel Road.

WHEREAS, Buffington Weir, LLC would like to purchase and annex a parcel containing approximately 68 acres (hereinafter which may be referred to as its “parcel”) into the City of Fayetteville so it may be more efficiently and economically developed; and

WHEREAS, the McFarland Family Trust (current owner) has secured the authorization of the Washington County Judge to permit such annexation of the parcel into Fayetteville; and

WHEREAS, the McFarland Family Trust has an agreement to sell the land to Buffington Weir, LLC after the City’s approval of the annexation, rezoning and a preliminary plat as recommended by the Planning Department; and

WHEREAS, Buffington Weir, LLC has offered to donate and dedicate sufficient right of way for the planned expansion of Ruppel Road including a multi-use trail along its property’s eastern border and enter into this Cost Share Agreement for the engineering and construction of the Ruppel Road Boulevard section and multi-use trail all the way through its parcel by its own engineer and construction company paying for its fair share of the engineering and construction costs based upon anticipated usage with the City paying the remainder, but not to exceed a total of Two Million Two Hundred Ninety-Five Thousand Two Hundred Sixty-Seven Dollars and seventy-two cents (**\$2,295,267.72**); and

WHEREAS, Buffington Weir, LLC has offered to preserve the natural habitat in certain areas and to allow for the extension of parks and trails to expand Fayetteville’s trail network and parkland areas to better serve this part of the City; and

WHEREAS, the City of Fayetteville welcomes such annexation request with such offers of right of way dedication, construction of the portion of Ruppel Road Boulevard with multi-use trail that goes through the parcel, conservation and tree preservation easements.

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED BY THE CITY OF FAYETTEVILLE, ARKANSAS AND BUFFINGTON WEIR, LLC:

(A) The City of Fayetteville agrees:

- (1) To approve the request of the McFarland Family Trust and/or Buffington Weir, LLC to annex its parcel totaling approximately 68 acres into Fayetteville.
- (2) To rezone this property to ensure that Buffington Weir, LLC's property will be able to utilize a mix of the residential zoning designations Residential Single Family 4 units per acre (RSF-4) and Neighborhood Conservation (NC) pursuant to the recommendation of the Planning Department.
- (3) To approve a request from the Buffington Weir, LLC to rezone an approximately 4.24 acre parcel adjoining the intersection of the proposed Ruppel Road and the extension of Lierly/Weir Road to Neighborhood Services General (NS-G) which allows for a commercial node development with shops, restaurants, cafes, coffee shops, ice cream shops, etc. to serve this residential development and the surrounding residential neighborhoods.
- (4) To accept from Buffington Weir, LLC a donation or dedication to the City of Fayetteville of sufficient right of way along the property as identified and designed by the City Engineer so that the City of Fayetteville or Buffington Weir, LLC may construct and use the planned extension of Ruppel Road with multi-use trail. (See attached general plan.)
- (5) If the citizens vote to renew the one cent sales and use tax bond program with money for roads and streets in 2019, the City of Fayetteville agrees to use proceeds from the bond program to reimburse Buffington Weir, LLC 93.41% of its actual costs to engineer and construct Ruppel Road as a full boulevard with multi-use trail through its property as approved by the City Engineer up to a guaranteed maximum of Two Million Two Hundred Ninety-Five Thousand Two Hundred Sixty-Seven Dollars and seventy-two cents (\$2,295,267.72). These reimbursements shall be made as Buffington Weir, LLC pays its contractor and engineer as this boulevard project progresses toward completion and provides adequate proof thereof to the City in a monthly or quarterly manner.

(B) Buffington Weir, LLC agrees:

- (1) Upon purchasing the approximate 68 acres from the McFarland Family Trust and the parcel's annexation, rezoning and development approval as recommended by the City Planning Department, Buffington Weir, LLC will donate or dedicate to the City of Fayetteville sufficient right of way

along its property as identified and designated by the City Engineer to construct and use for the planned extension of Ruppel Road as a full boulevard with accompanying multi-use trail. (See attached general plan.)

- (2) If the citizens renew the one cent sales and use tax bond program in 2019 with money for roads and streets, Buffington Weir, LLC promises to and will construct the full boulevard section of Ruppel Road with accompanying multi-use trail all the way through its parcel prior to final plat approval. Buffington Weir, LLC agrees that it will pay its proportionate share (6.59%) of the engineering and construction costs up to 150% of its engineer's estimate of \$1,638,131.00 and 100% of any engineering or construction costs in excess of that amount so that the City of Fayetteville's guaranteed maximum amount of this cost shall not exceed Two Million Two Hundred Ninety-Five Thousand Two Hundred Sixty-Seven Dollars and seventy-two cents (**\$2,295,267.72**). Buffington Weir, LLC acknowledges and agrees that this construction and cost requirement is roughly proportional to the impact the proposed development will have on the City's existing infrastructure and the need to serve the citizens within the new subdivision.
- (3) If the City constructs Ruppel Road as a boulevard and the multi-use trail on the donated or dedicated right of way prior to Buffington Weir, LLC constructing its portion of the road and trail, Buffington Weir, LLC agrees to reimburse the City for its proportionate share (6.59%) of the engineering and construction costs in addition to the voluntary free dedication of the right of way.
- (4) If the citizens fail to renew the one cent sales and use tax bond program with money for roads and streets in 2019 and the City does not offer to use other resources to fully fund the City's portion for the boulevard section through the property, Buffington Weir, LLC may develop its property by constructing at its own cost only one side of the Ruppel Road boulevard section as a local street through its property and does not have to construct the multi-use trail or planted median to fulfill its street construction requirements for its final plat.
- (5) Upon the approval of the Buffington's initial development proposal, Buffington will donate and dedicate park land easements and trail right of ways. Buffington shall be entitled to claim park land dedication credits for all such donated or dedicated parks & trails right of way if conveyed in fee simple to the City.

- (6) Upon the approval of Final Plat by the City of Fayetteville, Buffington will donate or dedicate conservation and tree preservation easements.
- (7) The approximate 4.24 acre parcel proposed for rezoning to NS-G, Neighborhood Services, General shall not allow any residential development or use on the ground floor. Residential use may be allowed on the second floor and above.

IN AGREEMENT with all of the terms, conditions, duties, and promises above, we sign our names below as the legal and proper signatories for the **City of Fayetteville** and **Buffington Weir, LLC**. This Cost Share Agreement shall be effective on the date of its final execution by all parties.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Lioneld Jordan, Mayor

Date: _____

ATTEST: _____
Sondra E. Smith, City Clerk-Treasurer

Date: _____

BUFFINGTON WEIR, LLC

Clay Carlton
 Printed name

Date: 10-23-18

By: Clay Carlton
 Signature

Member
 Title/Management position



300 North College Ave, Suite 317, Fayetteville, AR 72701
479.636.4838

October 23, 2018
Weir / Ruppel Road Subdivision
Fayetteville, AR

Preliminary Quantity Takeoff

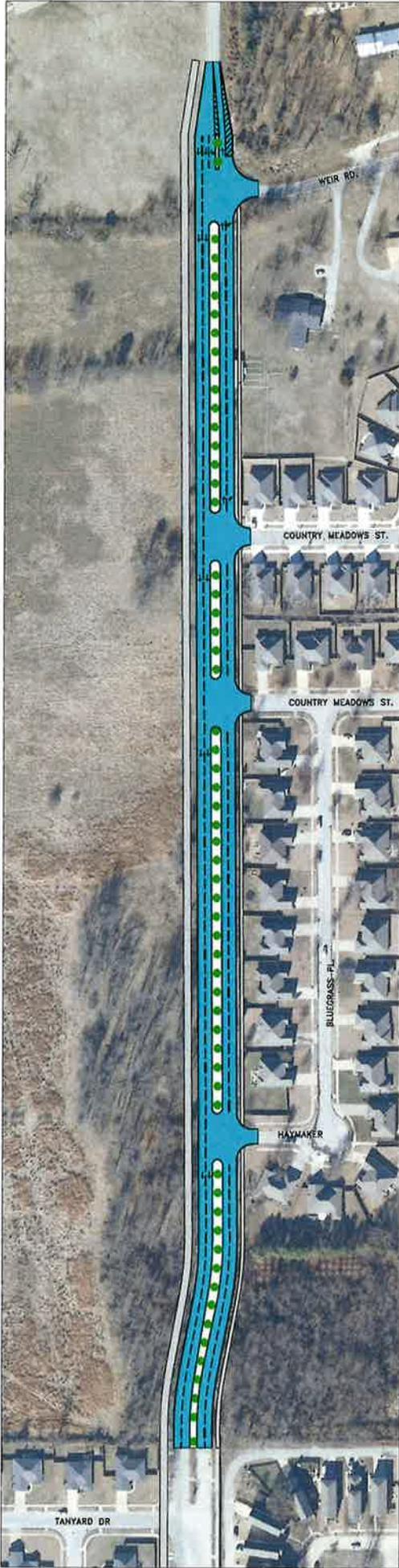
For Ruppel Road

Boulevard Section - 24' B/B (X2), 1,904 L.F., 12' Trail, 5' Sidewalk (See Attached)

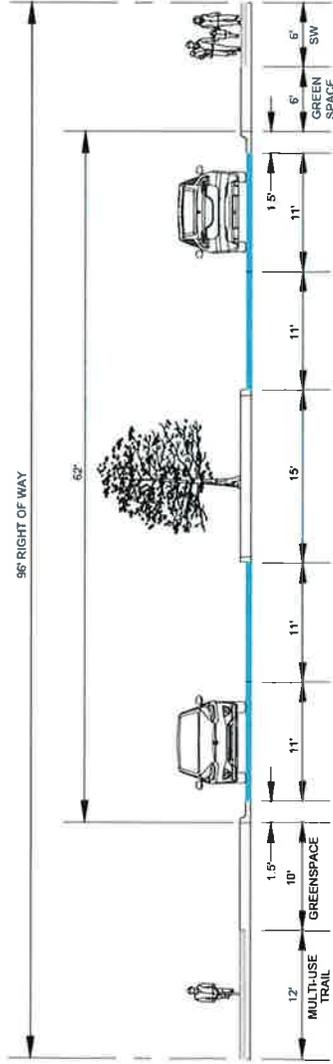
	Quantity	Unit	Unit Cost	Total
SITWORK				
Earthwork				
Clear and Grub	2.4	AC	\$4,000.00	\$9,600.00
Onsite Cut Material	13,373	C.Y.	\$7.00	\$93,611.00
Select Fill	15,378	C.Y.	\$15.00	\$230,670.00
Sub-total				\$333,881.00
UTILITIES				
Storm Drainage				
18" RCP Class III	1,050	L.F.	\$52.00	\$54,600.00
24" RCP Class III	925	L.F.	\$60.00	\$55,500.00
30" RCP Class III	925	L.F.	\$78.00	\$72,150.00
36" RCP Class III	675	L.F.	\$95.00	\$64,125.00
Drainage Structures				
4' Diameter Reinforced Concrete Curb Inlet	8	EACH	\$2,950.00	\$23,600.00
5' Diameter Reinforced Concrete Curb Inlet	8	EACH	\$3,275.00	\$26,200.00
4' Curb Inlet Extension	12	EACH	\$900.00	\$10,800.00
8' Curb Inlet Extension	4	EACH	\$1,600.00	\$6,400.00
Sub-total				\$313,375.00
STREETS & PAVING				
Pavements				
2" ACHM Surface Course	10,442	S.Y.	\$15.00	\$156,630.00
3" ACHM Base Course	10,442	S.Y.	\$17.00	\$177,514.00
8" Class 7 Aggregate Base Course	11,267	S.Y.	\$10.00	\$112,670.00
Curb and Gutter	7,424	L.F.	\$14.00	\$103,936.00
5' Sidewalk (West Side Only)	1,191	S.Y.	\$45.00	\$53,595.00
Sub-total				\$604,345.00
Misc.				
Handicap Ramps	12	EACH	\$945.00	\$11,340.00
Signage	10	EACH	\$350.00	\$3,500.00
Trail - 12' Regular Section (4" Thickness)	2,443	SY	\$45.00	\$109,935.00
4" Class 7 Aggregate Base Course (Trail)	2,859	SY	\$6.00	\$17,154.00
Striping	1	LS	\$15,000.00	\$15,000.00
Streetlights	8	EACH	\$1,000.00	\$8,000.00
Sod (5' BOC, Greenspace Areas)	7,680	SY	\$3.00	\$23,040.00
Street Trees	52	EACH	\$300.00	\$15,600.00
Irrigation	1	LS	\$15,000.00	\$15,000.00
Quad Electrical Conduit Installation	544	L.F.	\$35.00	\$19,040.00
Sub-total				\$237,609.00

Subtotal
Engineering
TOTAL

\$1,489,210.00
\$148,921.00
\$1,638,131.00



Not to Scale



RUPPLE ROAD IMPROVEMENTS
TANYARD DRIVE TO WEIR ROAD
2019 BOND PROGRAM

