AGENDA
SILOAM SPRINGS BOARD OF DIRECTORS
SEPTEMBER 1, 2015
WORK SESSION 5:45 - 6:15 PM
PUBLIC HEARING 6:15 PM
REGULAR BOARD MEETING 6:30 PM
ADMINISTRATION BUILDING, 400 N. BROADWAY

Work Session: Southside Park Presentation – 5:45

Public Hearing/Right-of-Way Closure -2200 Block N. Inglewood – 6:15

Regular Board of Directors Meeting - 6:30
  Opening of Regularly Scheduled Meeting
  Call to Order
  Roll Call
  Prayer
  Pledge of Allegiance

I. Approval of Minutes
Regular Meeting of August 18, 2015

II. Public Input
Items from the Public not on the Agenda (public may address any City business not listed on the agenda)

III. Regularly Scheduled Items

  A. Appointments
     Public Facilities Board / Roger Holroyd

  B. Ordinances
     Ordinance No. 15-20 / 1st Reading / Amend Section 102-21 of the City Municipal Code / Rezone C-2 to R-3 / 202 E. Harvard / Lowell Jester

     Ordinance No. 15-21 / 1st Reading / Right-of-Way Closure / 2200 Block N. Inglewood / Stone Ridge Addition / Rob Sample

  C. Resolutions
     Resolution No. 38-15 / Final Plat Development Permit / 2200 Block N. Hico / Stone Ridge Addition / Rob Sample

IV. Staff Reports
  A. Administrator’s Report
     Lake Frances Project

V. Directors Reports

VI. Adjournment
The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building, on August 18, 2015.

The Meeting was called to order by Mayor Turner.

Roll Call: Johnson, Smiley, Burns, Beers, Jones, Coleman - Present
Smith - Absent

Phillip Patterson, City Administrator; Jay Williams, City Attorney; Renea Ellis, City Clerk; James Wilmeth, Police Chief; Greg Neely, Fire Chief; all present.

Opening prayer was led by Scott Jones.

Mayor John Turner led the Pledge of Allegiance.

A copy of the August 4, 2015, minutes of the regular meeting had previously been given to each Director. A Motion was made by Smiley and seconded by Jones to accept the minutes. Mayor called for a voice vote. Motion passed unanimously.

The first agenda item was the Open Hearing for Citizens Present. No one came forward.

The next item on the agenda: Approve New Parks Advisory Board Member / Isaac McKinney. Discussion: Don Clark, Community Services Director, briefed the item. A Motion to approve the New Parks Advisory Board Member, Isaac McKinney, for the remainder of 2015 was made by Smiley and seconded by Johnson.
Roll Call:
Smiley, Burns, Beers, Jones, Coleman, Johnson – Aye.
6 Ayes. No Nays. Motion passed.

The next item on the agenda: Approve Citywide Emergency Operations Plan. Discussion: Greg Neely, Fire Chief, and Jim Wilmeth, Police Chief, briefed the item. Don Cundiff, 601 W Tahlequah, asked if this new policy would help with matters like the recent tornado that sat down in Gentry, that there was no warning on. Wilmeth explained the tornado was short-lived and unseen until down. Smiley thanked staff for their work. Johnson also thanked staff. Beers thanked staff and encouraged training across the community. Coleman stated he did not read entire document due to his confidence in the Chiefs and staff. He then thanked them for their efforts. Burns thanked them for keeping us up with the American Standard.
A Motion to approve the Citywide Emergency Operations Plan was made by Burns and seconded by Coleman.
The next item on the agenda: Approve Agreement / Xpress Solutions, Inc. and Chase Paymentech Contract.
Discussion: Christina Petiches, Finance Director, explained the need for the agreements would be to allow credit card usage with the new software the City was implementing and at various locations within the city and where credit card acceptance hasn’t been available in the past. Jones asked how much money will be saved and how the city was being charged. Petiches stated an estimated $17,000 a year; and fees were based on volume.
A Motion to approve the Agreement with Xpress Solutions, Inc. and the Chase Paymentech Contract was made by Smiley and seconded by Johnson.
Roll Call:
Beers, Jones, Coleman, Johnson, Smiley, Burns – Aye.
6 Ayes. No Nays. Motion passed.

The next agenda item: Ordinance 15-19 / 3rd Reading / Amend Article II of Chapter 82 of the City Municipal Code / Revising Solid Waste Services Rates and Fees / Amended.
Discussion: Don Tennison, Solid Waste Superintendent, pointed out 2017 date of implementation. Beers asked how to know what the trash schedule is and if trash can get picked up by Ward. Tennison stated new trash guidelines will be provided for public with new bins and he stated pick-up is straight-line. Burns thanked staff for the speedy response to issue of citizen which had been brought to his attention. Coleman thanked Tennison for bringing bins to his Block Party as well as Q & A sheets. A Motion to Place Ordinance 15-19 / Amend Article II of Chapter 82 of the City Municipal Code / Revising Solid Waste Services Rates and Fees / as Amended on its third reading, suspending the rules and reading title only, was made by Smiley and seconded by Burns.
Roll Call:
Jones, Coleman, Johnson, Smiley, Burns, Beers – Aye.
6 Ayes. No Nays. Motion passed.

An Ordinance entitled:

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 82 OF THE SILOAM SPRINGS CITY CODE BY REVISING SOLID WASTE SERVICE RATES AND FEES, PROVIDING PENALTIES FOR NON-PAYMENT, PROVIDING PROCEDURES FOR DISPOSAL OF YARD WASTE, AND FOR OTHER PURPOSES.

Was read on its third reading.

A Motion to adopt Ordinance 15-19 / Amend Article II of Chapter 82 of the City Municipal Code / Revising Solid Waste Services Rates and Fees / as Amended was made by Smiley and seconded by Jones.
Roll Call:
Coleman, Johnson, Smiley, Burns, Beers, Jones – Aye.
6 Ayes. No Nays. Motion passed.

The next agenda item was Resolution 37-15 / Dog Park Grant.
Discussion: Don Clark, Community Services Director, briefed item and explained it is a 50% matching grant. Don Cundiff, 601 W. Tahlequah, stated the dog park in his opinion is a high dollar repetition of something we already have. He stated he believed the money could be better served if received. Meredith Bergstrom, 210 E. Franklin, from Main Street Siloam Springs, stated the City was not actually being asked for money, and that the Dog Park Action Committee will raise all the money for the Dog Park that is to be matched. Coleman asked about the possible fiscal impact. Clark stated there was 2 years to raise money and complete the park. Phillip Patterson, City Administrator, explained the need to act now if the money was raised by Action Committee. He stated they believe money will be raised by time allotted and we can refuse the grant if the Board decided later to do so. Smiley asked if the grant would be like past grants and ran through the City. Clark answered yes. Jones asked if we deny the grant, will it affect City in future and how does perpetuity apply. Clark answered his questions. Beers expressed his excitement to see the Action Committee’s determination. Beers then asked what “local portion” means. Jay Williams, City Attorney, explained it is the matching funds and location. Mayor asked if they will match less than $150,000. Clark answered yes. Burns stated the City has a diverse community and that the future of Siloam Springs is quality of life projects and that he supports this 100%.

A Motion to Approve Resolution 37-15 allowing the City to apply for and obtain a 50/50 matching grant from the Arkansas Department of Parks and Tourism for the development of a proposed dog park was made by Smiley and seconded by Burns.

Roll Call:
Johnson, Smiley, Burns, Beers, Jones, Coleman – Aye.

6 Ayes. No Nays. Motion passed.

Administrator’s Report:
Phillip Patterson, City Administrator, asked for everyone to come to a consensus on 3/8¢ sales tax. Burns stated he’d like to put it to the people; option “B” in March. Smiley agrees with option “B” on the March primary. Jones stated he’d like the March primary, and option “B”. Mayor then asked if everything stays the same until June. Patterson answered yes, and explained the process. Beers stated clarity to taxpayers will ensure greater success; he then stated he’d like to wait until March. Coleman stated he’d like option “B” and the March ballot. Patterson stated they will talk with election committee regarding deadlines for getting it on the March ballot. Johnson stated he would like to make sure the verbiage is as clear as possible.

Open Hearing of Directors:
Mayor then welcomed Steve Beers. Beers stated this role is a big change, and expressed how great this town is. Beers stated how excited he is to be a part of City government. He then stated he is having a meeting at Café on Broadway for Ward 1 to discuss any topics the public may have concerns about. Burns welcomed Beers. He then thanked the advisory board members for the work they do for the city. Burns prays the weather doesn’t put us in position to experience another catastrophic event which would require implementation of the City’s EOP. He stated he hopes people understand the turn this City is taking for the better and future impact the
development decisions will have. Johnson welcomed Beers. Johnson then spoke with regard to his block party and the enjoyment had. Smiley welcomed Beers. She then reminded everyone the shelter has lots of animals for adoption. Smiley stated there will be a Dogapalooza event in September and that for $10 your dog will be allowed to swim at the Family Aquatic Center. Coleman welcomed Beers. He then spoke about his block party and how everyone had a great time. Coleman then congratulated director Smiley on her 50th wedding anniversary. He asked about the status of the International Property Maintenance ordinance. Phillip Patterson, City Administrator, stated they are in the process of going through the code to determine how to adopt; and what amending is needed in conflicting sections. He stated hopefully late September or October they will bring to the board.

Coleman then made a motion to adjourn; seconded by Smiley. The Mayor called for a voice vote. All Ayes. Motion passed.

Meeting adjourned.

APPROVED:

ATTEST:

John Mark Turner, Mayor

Renea Ellis, City Clerk

{seal}
STAFF REPORT

TO: Honorable Mayor and Board of Directors
FROM: Jay C. Williams, City Attorney
DATE: August 25, 2015
RE: Public Facilities Board / Roger Holroyd

Recommendation: Appointment of Roger Holroyd to the City of Siloam Springs, Arkansas Public Education Facilities Board (John Brown University.)

Background: The City’s Public Facilities Board (full name “City of Siloam Springs, Arkansas Public Education Facilities Board (John Brown University)” is restricted by ordinance to the finance and support of facilities for post-secondary education to be operated by John Brown University. To accomplish these purposes, the board was given authority to issue revenue bonds. There are five facilities-board members, appointed by the mayor and confirmed by the City’s Board of Directors, that serve staggered five-year terms, on a calendar-year basis. (Currently Tim McCord, First Bank; Mike Moss, Moss Insurance; David Glass; Ron Mooney, State Farm Insurance and Marilyn Jackson.) The term of Marilyn Jackson expired without a renewal or replacement being appointed.

Per State law, the facilities board is to submit three successor nominees for each pending vacancy. If they fail to do so within 60 days of the expiration of the term, the mayor may make an appointment without a nomination. Although the attached letter from Kimberly Hadley of JBU purports to “nominate” two individuals to the board, these are properly viewed as requests or suggestions, as the university lacks the legal authority to make nominations. Furthermore, while the mayor is free to make an appointment to replace the position that expired at the end of 2014, there are more than 60 days remaining in Ron Mooney’s current term. Accordingly, at this time a replacement can only come from a list of nominees submitted from the facilities board itself, which we have not received.

Accordingly, staff’s recommendation is that the mayor proceed to appoint, and that the directors confirm, the suggested replacement for the expired term of Marilyn Jackson, but that the appointment for the subsequent term be postponed until after nominees have been received from the facilities board, or the statutory deadline has run out.

Fiscal Impact: None anticipated

Attachments:
1. August 18, 2015 letter from Kimberly M. Hadley, JBU Vice-President for Finance & Administration.
August 18, 2015

Renea Ellis  
City Clerk  
City of Siloam Springs  
P.O. Box 80  
Siloam Springs, AR 72761

Dear Ms. Ellis,

Under the Public Facilities Board Act ACA 14-137-101 et seq., Public Facilities Board members are to be appointed by the city administrator or mayor and confirmed by the City Board of Directors. There should be five members on the PFB with staggered terms from one to five years, so that one member is replaced or reappointed each year. From my records, it appears that Marilyn Jackson’s term expired in 2014, and Ron Mooney’s term will expire at the end of 2015. The board members are currently serving with the following terms:

Tim McCord, terms expires at the end of 2018  
Mike Moss, term expires at the end of 2017  
David Glass, term expires at the end of 2016  
Ron Mooney, term expires at the end of 2015

Recently expired term:  
Marilyn Jackson, term expired at the end of 2014

To maintain the requirements for the board, one individual must now be appointed to replace Marilyn Jackson’s expired term. As a matter of convenience, we also suggest that action be taken to reappoint Ron Mooney at this time, as his term expires at the end of 2015. Ron would be reappointed for a five-year term ending in 2020, and the other appointment would be for a four-year term, ending in 2019. The University submits the following nominations for the positions.

Nominations:  
Roger Holroyd, for a term expiring in 2019  
Ron Mooney, for a term expiring in 2020

Sincerely,

Kimberly M. Hadley  
Vice President for Finance & Administration

CC: Christina Petriches, Finance Director, City of Siloam Springs

(a) (1) Each public facilities board shall consist of five (5) members unless there is an expansion of the board to provide services outside the boundaries of the governmental unit from which it obtains power.

(2) The provisions of this subsection are applicable only to:

(A) Boards in counties having a population of less than one hundred fifty thousand (150,000) according to the most recent federal decennial census.

(B) All boards established by municipalities having a population of less than one hundred thousand (100,000) according to the most recent federal decennial census, regardless of where located.

(3) (A) (i) The initial members shall be appointed by the mayor of the creating municipality or the county judge of the creating county for terms, respectively, of:

(a) One (1) year;

(b) Two (2) years;

(c) Three (3) years;

(d) Four (4) years; and

(e) Five (5) years.

(ii) Members are not required to be residents of the municipality or county that has created the public facilities board.

(B) (i) (a) Successor members shall be nominated by a majority of the board and appointed by the mayor or the county judge, subject to confirmation by the governing body of the municipality or county for staggered terms of five (5) years each, unless the ordinance pursuant to which the public facilities board was formed provides for electing successor members by the membership of the board's service area.

(b) The board shall submit a written list of three (3) successor nominees to the mayor or the county judge at least sixty (60) days before the expiration of the term.

(e) If the board fails to submit a written list of nominees at least sixty (60) days before the expiration of the term, the mayor or the county judge may appoint a successor member without a nomination from the board.

(ii) In a municipality located in a metropolitan statistical area designated by the United States Census Bureau having a population of one million (1,000,000) or more persons according to the most recent federal decennial census, successor members shall be appointed by a majority of the board.

(C) Each member shall serve until his or her successor is elected and qualified.

(D) A member is eligible to succeed himself or herself.

(4) Each member shall qualify by taking and filing with the clerk of the municipality or county creating the board the oath of office in which the member shall swear to support the Constitution of the United States and the Constitution of the State of Arkansas and to discharge faithfully his or her duties in the manner provided by law.
TO: Phillip Patterson, City Administrator
FROM: Ben Rhoads, AICP, Senior Planner
CC: Don Clark, Community Services Director
DATE: August 24, 2015

Recommendation: Denial of Ordinance No. 15-20, rezoning from C-2 to R-3, on property described as 202 E. Harvard St.

Background:

APPLICATION REVIEW DATES
Planning Commission review: August 11, 2015
Board of Directors review: September 1, 2015

APPLICANT AND AGENT
Applicant/Owner: Lowell Jester
Agent: Civil Engineering, Inc. – Ron Homeyer, PE

SUBJECT PROPERTY ADDRESS
202 E. HARVARD STREET

INTERNET MAP INFORMATION
Planning staff has created a map on Google Maps ©2015.

https://goo.gl/yk1xDD

PROJECT INTENT
The applicant desires to rezone a portion of Lot 3 of the Homes Addition, the total consisting of 0.22 acres, from C-2 District (Roadway commercial) to R-3 District (Residential, two-family).
EXISTING LAND USES AND ZONING

<table>
<thead>
<tr>
<th>EXISTING LAND USE</th>
<th>EXISTING ZONING</th>
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</thead>
<tbody>
<tr>
<td>Residential, single-family</td>
<td>C-2 District (Roadway commercial)</td>
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SURROUNDING LAND USE

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<tr>
<th>SURROUNDING LAND USE</th>
<th>SURROUNDING ZONING</th>
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<tbody>
<tr>
<td>North: Residential, single-family</td>
<td>North: C-2 District (Roadway commercial)</td>
</tr>
<tr>
<td>South: Residential, single-family</td>
<td>South: C-2 District (Roadway commercial)</td>
</tr>
<tr>
<td>East: Residential, single-family</td>
<td>East: R-2 District (Residential, medium)</td>
</tr>
<tr>
<td>West: Residential, single-family</td>
<td>West: C-2 District (Roadway commercial)</td>
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ZONING USE UNIT CONSISTENCY
Residential, two-family use falls within Use Unit 4. Use Unit 4 is permitted in the proposed R-3 District.

LOT STANDARDS CONSISTENCY
The minimum R-3 zones standards are compared with the subject property’s tracts below.

<table>
<thead>
<tr>
<th>MINIMUM (R-3) ZONING REQUIREMENTS</th>
<th>SUBJECT PROPERTY PROPOSAL</th>
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<tbody>
<tr>
<td>Lot Area: 6,000 sq. ft.</td>
<td>9,375 sq. ft. or 0.22 acres</td>
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<tr>
<td>Lot Width: 60 ft.</td>
<td>75 ft.</td>
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<td>Maximum Lot Coverage: 40%</td>
<td>Approx. 40%</td>
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<tr>
<td>Maximum Floor to Area Ratio: 0.33 (33%)</td>
<td>0.11 (11%)</td>
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STAFF DISCUSSION
The applicant is requesting a rezone of a portion of Lot 3 of the Home Addition from C-2 (Roadway Commercial) to R-2 (Residential, two-family). The purpose of this request is to bring the zoning into conformity with the existing land use. The Planning Commission reviewed this request and the Commission recommends denial based off of testimony received from the general public. Concerns were raised regarding the proposed two-family land use and how this would fit within the fabric of a single-family neighborhood. The property is currently being used as a single-family residence, and records indicate that this has been its historic use for many years. It is unclear why the property is zoned C-2, other than its vicinity to Mt. Olive St. (see attached general area map). The applicant desires to rent the rear structure (also existing) on the lot.

Subsequent to the Planning Commission’s decision, the applicant provided staff with a proposed rental agreement and a written explanation of his plans for the property. Because the Board of Directors is legally prohibited from considering facts and arguments not presented to the Planning Commission, the Board may either proceed to make a decision without this information, or the Board may remand the matter for further Planning Commission review. The applicant has requested a remand so the new information may be entered into the record.
Should the rear structure be used as a residence, it will be required to meet minimum building standards for a single-family detached structure. Permitting a second dwelling on the property requires an R-3 zone, which allows two dwelling units (attached or detached) per lot. The street is primarily classified as transitional from residential to commercial, with commercial uses to the west and residential uses to the east. The proposed rezoning will not alter the current base land use and is consistent with the suggested density listed in the 2030 Land Use Map. For the reasons stated, staff originally was in support of this request. There were concerns voiced by the neighbors at the Planning Commission meeting, given the strong neighborhood objections to the two-family density at this location, staff is no longer in support of this request with the information entered into the record at this time.

**LEGAL NOTICE**

Staff received no information that:
- the proposal interferes with the reasonable peace or enjoyment of the neighboring properties;
- the property values may be substantially damaged;
- the proposal may impact the present or future uses of neighboring properties;
- the proposal is not adequately supported by infrastructure.

- Site posted: July 2, 2015.
- Newspaper legal notification: July, 19, 2015 (Herald-Leader).
- Staff received one phone call in opposition to the request on the grounds that the increased density proposed would damage the property values of the neighborhood. Staff received no correspondence on the request.

**COMPREHENSIVE PLAN CONSISTENCY**

The 2030 Land Use Map describes this area as medium density family (3-10 dwelling units per acre) designation. The proposed land use change is consistent with the map.

**PLANNING COMMISSION**

The Planning Commission reviewed the Rezone Development Permit application at the August 11, 2015 regular meeting. There were two comments from the public regarding the use of a second building on the property as a rental unit and the impact it would have on the neighborhood with respects to additional vehicle parking. The Planning Commission denied approval of the rezone development by a 5-2 vote, with no abstentions.

**Fiscal Impact:**

None

**Attachments:**

1. Site Specific Proposal.
2. General Area Map.
Rezone from C-2 to R-3  A-141

RZ 15-11

The above sketch represents a survey I made for J. T. McLinnon and others January, 1909. The SW Corner of Lot 5 is 20 feet east and 58.5 feet north from the SW Corner of the NW corner of Section 5, Township 17 North, Range 33 West. Distances indicated are.

D. L. Wheat, County Surveyor

March 13, 1909, well, Clerk
ORDINANCE NO. 15-20

AN ORDINANCE AMENDING SECTION 102-21 OF THE SILOAM SPRINGS MUNICIPAL CODE (CITY ZONING MAP); REZONING C-2 TO R-3 THE PROPERTY LOCATED AT 202 E. HARVARD

Whereas, the landowner, Lowell Jester, has requested that the below-described land be changed from the present zoning district of C-2 (Roadway Commercial), to R-3 (Residential, two-family); and

Whereas, a public hearing on the proposed change was held on the 11th day of August 2015, before the City of Siloam Springs Planning Commission, after proper notice required by law; and

Whereas, objections were registered at said hearing, and a motion approving the rezone failed to pass by the Planning Commission; and

Whereas, the proposal is consistent with the City’s comprehensive land use plan; and

Whereas, upon review and deliberation it appears that the zoning change is in the best interest of the City of Siloam Springs; Now Therefore:

Be It Enacted by the Siloam Springs Board of Directors, as follows:

The zoning map of the City (Municipal Code Section 102-21) is hereby amended to include within the R-3 zoning district the property located at the 202 E. Harvard, and described as:

Part of Lot 3, Home Addition, Siloam Springs, Benton County, Arkansas, described as beginning 200 feet East and 20 feet South of the NW corner of Lot 3, said addition, running thence East 75 feet, thence South 125 feet and 1 inch, thence West 75 feet, thence North 125 feet and 1 inch to the Place of Beginning.

Subject to easements, right-of-way, covenants and restriction of record, and prior mineral reservations, if any.

Ordained and Enacted this _______ day of _______________ 2015.

APPROVED:

ATTEST:

John Mark Turner, Mayor

Renea Ellis, City Clerk

(SEAL)
STAFF REPORT

TO: Phillip Patterson, City Administrator
FROM: Ben Rhoads, AICP, Senior Planner
Cc: Don Clark, Community Services Director
DATE: August 13, 2015
RE: Ordinance 15-21/ Right-of-Way Closure / 2200 Block of N. Inglewood/ Stone Ridge Addition/ Rob Sample

Recommendation: Approval of Ordinance 15-21 to close portions of the 2200 Block of N. Inglewood Street’s right-of-way.

Background:

APPLICATION REVIEW DATE
Board of Directors review: September 1, 2015

APPLICANT AND AGENT
Applicant/Owner: Rob Sample
Agent: Civil Engineering, Inc. – Ron Homeyer, PE

SUBJECT PROPERTY ADDRESS
2200 BLOCK OF N. INGLEWOOD STREET

INTERNET MAP INFORMATION
Planning staff has created a map on Google Maps ©2015.

https://goo.gl/vk1xDD

PROJECT INTENT
The applicant, Rob Sample desires—as part of final plat of Phase 1 of the Stone Ridge Subdivision—to vacate two irregular shaped portions of the 2200 block of N. Inglewood Street’s right-of-way. The non-typical request proposes closing portions of unimproved right-of-way currently unused for vehicular traffic. The request allows for additional lot space in the proposed Stone Ridge Addition. The tax parcels abutting the right-of-way are: 03-00394-000 and 03-00790-000, which are both owned by the applicant. The request will not close N. Inglewood Street to public traffic.
The applicant is requesting two separate right-of-way closures, defined as Tract A and Tract B, located at the 2200 block of N. Inglewood St. Neither closure will impact existing or future vehicular or pedestrian traffic on N. Inglewood and are occurring on unimproved sections of the right-of-way. The specific request is in an attempt to straighten the N. Inglewood right-of-way as part of the development of the Stone Ridge Addition, located to the north of the subject property. The curvatures of the right-of-way proposed for closure are due to platting made by the Vista View Addition, to the south, with the assumption that N. Inglewood would turn to the east immediately north of the Vista View Addition. The layout of the Stone Ridge Addition takes this eastward turn of N. Inglewood further north.

The specific request closes Tract A, a 55.27 sq. ft. or 0.001 acres of right-of-way located on the west side of N. Inglewood St. adjacent to proposed Lot 22 of the Stone Ridge Addition. The second closure, Tract B, vacates 79.16 sq. ft. or 0.002 acres of right-of-way located on the east side of N. Inglewood St., adjacent to proposed Lot 24 of the Stone Ridge Addition. The sections closed will be retained as utility easements as indicated on the Stone Ridge final plat.

The applicant has complied with City and State requirements for the right-of-way closures. The City received the petition from the applicant (attached). City staff technical review met on June 17, 2015 to review this closure. Relevant department heads have signed the attached memo approving the closure. Letters were mailed to all surrounding property owners within 300 feet of the closures and general notice was made for two consecutive weeks in the Herald-Leader.

Staff received no information that:
- the proposal interferes with the reasonable peace or enjoyment of the neighboring properties;
- the property values will be substantially damaged;
- the proposal is not adequately supported by infrastructure.

- Site posted: June 02, 2015.
- Newspaper legal notification: August 9, 2015 and August 16, 2015 (Herald-Leader).
- Letter legal notification: August 14-17, 2015.
- Staff received no phone calls or correspondence on the request.

Fiscal Impact:
None.

Attachments:
1. Letter of Petition.
2. Site Specific Proposal.
4. General Area Map.
PETITION TO VACATE AN EXISTING STREET RIGHT OF WAY

City of Siloam Springs, Arkansas

To: Siloam Springs Board of Directors

We, the undersigned, being all the owners of the real estate of or adjacent to the Street Right of Way to be vacated hereinafter sought to be abandoned and vacated, lying in Siloam Springs, Arkansas, a municipal corporation, petition to vacate the Street Right of Way that is located in the 2200 block of North Inglewood Street which is described as follows:

SURVEY DESCRIPTION TRACT A:
Part of the South Half of the Southwest Quarter of the Southwest Quarter of Section 29, Township 18 North, Range 33 West, Benton County, Arkansas, being more particularly described as follows:
COMMENCING at the SW Corner of said Section 29, said Point being in the roadway of North Hico Street, THENCE along said roadway and the West Line of said Section 29 N03°01'28"E 179.07 feet, THENCE S88°32'53"E 21.08 feet, THENCE along a curve to the left, said curve having a radius of 25.00 feet, a central angle of 91°09'19", an arc length of 39.77 feet, and a chord bearing and length of S41°49'32"E 35.71 feet, THENCE S87°22'21"E 67.66 feet, THENCE along a curve to the left, said curve having a radius of 25.00 feet, a central angle of 72°12'54", an arc length of 39.77 feet, and a chord bearing and length of S41°49'32"E 35.71 feet, THENCE S87°22'21"E 67.66 feet, THENCE along a curve to the right, said curve having a radius of 20.00 feet, a central angle of 38°13'55", an arc length of 39.77 feet, and a chord bearing and length of S22°51'44"W 13.10 feet to the POINT OF BEGINNING, containing 0.001 acres (55.27 square feet) more or less.

SURVEY DESCRIPTION TRACT B:
Part of the South Half of the Southwest Quarter of the Southwest Quarter of Section 29, Township 18 North, Range 33 West, Benton County, Arkansas, being more particularly described as follows:
COMMENCING at the SW Corner of said Section 29, said Point being in the roadway of North Hico Street, THENCE along said roadway and the West Line of said Section 29 N03°01'28"E 179.07 feet, THENCE S88°32'53"E 21.08 feet, THENCE along a curve to the left, said curve having a radius of 25.00 feet, a central angle of 91°09'19", an arc length of 39.77 feet, and a chord bearing and length of S41°49'32"E 35.71 feet, THENCE S87°22'21"E 67.66 feet, THENCE along a curve to the left, said curve having a radius of 25.00 feet, a central angle of 90°00'54", an arc length of 39.28 feet, and a chord bearing and length of N47°43'43"E 35.36 feet, THENCE N02°37'50"E 13.33 feet, THENCE S87°10'27"E 3.49 feet, THENCE S03°44'47"W 8.67 feet, THENCE along a curve to the right, said curve having a radius of 20.00 feet, a central angle of 38°13'55", an arc length of 39.28 feet, and a chord bearing and length of S22°51'44"W 13.10 feet to the POINT OF BEGINNING, containing 0.002 acres (79.16 square feet) more or less.

Petitioners state that the above described real estate will not adversely affect the public interest and welfare and would also not be adversely affected by the abandonment of the above describe street right of way.
The petitioners recommend that the City of Siloam Springs, Arkansas, abandon and vacate the above
described real estate, subject, however, to the existing utility easements as required, and that the above
described real estate be used for their respective benefit and purpose now approved by law.

WHEREFORE, the undersigned petitioners respectfully recommend that the governing body of the City
of Siloam Springs, Arkansas, abandon and vacate the above described real estate, subject to said utility
easements and as to the particular land the owner be free from the easements of the public for use of
said real property.

Dated this 5th day of August, 2015.

Printed Name: [Signature]

Printed Name: [Signature]
LEGEND

- FOUND IRON PIN
- R.O.W. POINT
- FOUND IRON PIN

**LINE TABLE**

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**CURVE TABLE**

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<td></td>
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COMMENCING AT THE SW CORNER OF SAID SECTION 29, SAID POINT BEING IN THE ROADWAY OF NORTH HICO STREET, THENCE ALONG SAID ROADWAY AND THE WEST LINE OF SAID SECTION 29 NO3°01'28"E 179.07 FEET, THENCE S88°32'53"E 21.08 FEET, THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 91°09'19", AN ARC LENGTH OF 39.77 FEET, AND A CHORD BEARING AND LENGTH OF S41°49'32"E 35.71 FEET, THENCE S87°22'21"E 67.66 FEET, THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 72°12'54", AN ARC LENGTH OF 31.51 FEET, AND A CHORD BEARING AND LENGTH OF N56°37'43"E 29.47 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 17°48'01", AN ARC LENGTH OF 7.77 FEET, AND A CHORD BEARING AND LENGTH OF N11°37'16"E 7.74, THENCE S87°10'27"E 3.49 FEET, THENCE S03°44'47"W 8.67 FEET, THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 38°13'55", AN ARC LENGTH OF 13.10 FEET TO THE POINT OF BEGINNING, CONTAINING 0.001 ACRES (55.27 SQUARE FEET) MORE OF LESS.

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Memorandum

To: Department Heads  
From: Ben Rhoads, AICP, Senior Planner  
Date: August 14, 2014  
Subject: Request for Right-of-Way Closure – N. Inglewood St.

Attached is a request from Rob Sample to vacate right-of-way located in the 2200 block of of N. Inglewood St., Part of the South Half of the Southwest Quarter of the Southwest Quarter of Section 29, Township 18 North, Range 33 West, Benton County, Arkansas. The proposed closure is an unused section of unimproved right-of-way, adjacent to the paved surface of N. Inglewood St. The section proposed for closure will be retained as a utility easement and is presently not opened to vehicular traffic.

A response is needed from each of you to complete this request. Please review the attachment, sign this memo indicating if you are for or against the proposed right-of-way closure. Also, please note any comments you may have.

ELECTRIC DEPARTMENT DIRECTOR

For [ ] Against [ ]

Comments:

______________________________
Signature: [John Bland]
COMMUNITY SERVICES DIRECTOR  
For ☒ Against ☐
Comments:

Signature:

FIRE CHIEF  
For ☐ Against ☐
Comments:

Signature:

POLICE CHIEF  
For ☐ Against ☐
Comments:

Signature:

PUBLIC WORKS DIRECTOR  
For ☒ Against ☐
Comments:

Signature: Dennis Kirsty
GENERAL AREA MAP

ROW Closure Permit
ROW15-01

Subject Property

0 0.0075 0.015 0.03 Miles
ORDINANCE NO. 15 - 21

AN ORDINANCE VACATING AND ABANDONING A CERTAIN PORTION OF RIGHT-OF-WAY IN THE 2200 BLOCK OF N. INGLEWOOD IN THE CITY OF SILOAM SPRINGS.

Whereas, a petition was duly filed with the Board of Directors of the City of Siloam Springs, Arkansas on the 5th day of August 2015, asking the Board of Directors to vacate and abandon an unused portion of the 2200 Block of N. Inglewood in the proposed Stone Ridge Addition to the City of Siloam Springs, Arkansas; and

Whereas, after due notice as required by law, the Board has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the portion of the street hereinbefore described has heretofore been dedicated to the public use as the street herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the street to be vacated have filed with the Board their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the street.

Now Therefore:

Be It Ordained, by the Board of Directors of the City of Siloam Springs:

Section 1: The City of Siloam Springs, Arkansas, releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the right-of-way easement designated as follows:

SEE ATTACHED EXHIBIT “A”

Section 2: A copy of the ordinance duly certified by the City Clerk shall be filed in the office of the Benton County recorder, and recorded in the deed records of the county.

Section 3: This ordinance shall take effect and be in force from and after its passage.

Ordained and Enacted this _____ day of ______________________ 2015.

ATTEST: ___________________ APPROVED: ___________________

Renea Ellis, City Clerk
{seal} John Mark Turner, Mayor
EXHIBIT “A”

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STAFF REPORT

TO: Phillip Patterson, City Administrator
FROM: Ben Rhoads, AICP, Senior Planner
Cc: Don Clark, Community Services Director
DATE: August 25, 2015
RE: Resolution 38-15/ Final Plat Development Permit/ 2200 Block of N. Hico/ Stone Ridge Addition / Rob Sample

**Recommendation:** Tabling to the October, 06, 2015 Board of Directors’ meeting, Resolution 38-15, authorizing a final plat development permit for Stone Ridge Addition, Phase 1, subject to the following conditions:

1. The applicant must file this plat at the Benton County Circuit Clerk’s office and provide two filed copies to the Siloam Springs Planning Dept., prior to building permit issuance.
2. The applicant must close a 55.27 sq. ft. and 79.16 sq. ft. section of right-of-way off of N. Inglewood St., prior to final plat acceptance.
3. The applicant must pay street fees to the City in the amount of $10,590.04, for Phase 1, prior to the release of the plat by the City for the purpose of recordation.
4. Provide the City a 2-Year Maintenance Bond, prior to final plat recordation.
5. Provide as-built drawings, prior to building permit issuance.

**Background:**

**APPLICATION REVIEW DATES**
Planning Commission review: August 11, 2015
Board of Directors review: September 1, 2015

**APPLICANT AND AGENT**
Applicant/Owner: Sample Investments, LLC – Rob Sample
Agent: Civil Engineering Inc, - Ron Homeyer, PE

**SUBJECT PROPERTY ADDRESS**
2200 BLOCK OF N. HICO ST.

**PROJECT INTENT**
The applicant desires to finalize Phase 1 of the Stone Ridge Subdivision. The proposal is situated on 9.456 acres and contains 30 medium single-family residential lots.

**INTERNET MAP INFORMATION**
Planning staff created a map on Google Maps ©2015. The link is below:

[https://goo.gl/yk1xDD](https://goo.gl/yk1xDD)
EXISTING LAND USES AND ZONING

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<td>Stone Ridge Addition – under development</td>
<td>R-2 District (Residential, medium)</td>
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SURROUNDING LAND USE

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<th>SURROUNDING ZONING</th>
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<td>North: Vacant</td>
<td>North: Benton County – No Zoning Classification</td>
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<tr>
<td>South: Residential, single-family</td>
<td>South: R-2 District (Residential, medium)</td>
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<tr>
<td>East: Vacant- Stone Ridge Addition (Ph. 2)</td>
<td>East: R-2 District (Residential, medium)</td>
</tr>
<tr>
<td>West: Vacant- Ashley Park Addition</td>
<td>West: R-2 District (Residential, medium)</td>
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LOT STANDARDS CONSISTENCY

The applicant’s proposal appears to meet the minimum requirements of the R-2 District.

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<th>MINIMUM ZONING REQUIREMENTS (R-2)</th>
<th>SUBJECT PROPERTY PROPOSAL</th>
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<td>Lot Area: 7,000 sq. ft.</td>
<td>7,131 sq. ft. and higher</td>
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<td>Lot Width: 60 ft.</td>
<td>60 ft. and wider</td>
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<td>Average Lot Size: 8,461 sq. ft.</td>
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STAFF DISCUSSION

The applicant is proposing to finalize the plat for Phase 1 of the Stone Ridge Addition, a single-family residential development. Phase 1 is situated on 9.456 acres and contains 30 single-family residential lots; Lots 11 thru 34; Lots 69 thru 74, and Lot 52 (detention basin). These proposed final lots encompass N. Inglewood St., E. Ridge View Dr. and Canyon Gate Dr. This is the first final plat required for this addition. The preliminary plat for Phase 1-3 was approved by the Board of Directors on April 7, 2015. The final plat under review with this application is consistent with the layout approved in the preliminary plat.

The proposed addition adjoins the existing Vista View addition to the south. There are two small sections of N. Inglewood St right-of-way, to the north of the Fallon St., that were previously dedicated as part of the Vista View Addition in 1998. It was assumed at that time that the Vista View Addition would continue in a future phase to the north at the location of the subject property. This future Vista View phase was never developed as planned. The proposed Stone Ridge Addition has a different street layout and lot widths, necessitating the need to vacate portions of right-of-way from N. Inglewood. The right-of-way closure must occur as part of the final plat review by the Board of Directors, the Planning Commission does not review right-of-way closure requests. A staff suggested condition is included to address this point. The addition is adequately served by City utilities; however the utility lines are in need of re-testing for the bac-t test at the time of writing this memo. Staff anticipates the testing process to be completed within three weeks, or the week of September 13th.

The subdivision is not 100 percent complete, thus necessitating a performance bond. However, the applicant has requested to table this permit to allow for adequate time to complete all the improvements and utility line tests. City staff has no additional outstanding comments on the request.

LEGAL NOTICE

Staff received no information that:

- the proposal interferes with the reasonable peace or enjoyment of the neighboring properties;
- the property values will be substantially damaged;
- the proposal is not adequately supported by infrastructure.
PLANNING COMMISSION
The Planning Commission reviewed the Final Plat Development Permit application at the August 11, 2015 regular meeting. The public had no comments. The Planning Commission recommended the final plat development for approval by a 7-0 vote, with no abstentions.

Fiscal Impact:
The street fees ordinance, presently housed within the Master Street Plan, states that a proportionate share of the street improvement costs carried by the City must be reimbursed by a developer (proposing new streets for dedication) if the proposed development commences within seven years from when the final City’s costs were incurred. The final Hico St. invoice was paid on June 30, 2008. The fee expiration will be June 30, 2015. Even though the City is accepting the final plat after the street fee expiration, the fee assessment was triggered by the authorization of the preliminary plat permit by the Board of Directors on April 4, 2015 via Resolution 14-15. The City has elected to collect on this fee at Final Plat acceptance. The full payment of the street fees is $30,000.12; however the applicant is requesting that these be paid proportionately by the percentage the addition is complete. City staff has agreed to this payment arrangement. For Phase 1, 35.3 percent of the addition is completed, or 30 lots out of a total of 85 lots. So when applying the same percentage to the fee, the total amount owed for Phase 1 is $10,590.04. This amount is included in the staff suggested conditions (above). The street fees for the remaining subdivision phases will be calculated similarly and assessed at the time of those final plats.

Attachments:
1. General Area Map.
RESOLUTION NO. 38-15

A RESOLUTION AUTHORIZING A FINAL PLAT DEVELOPMENT PERMIT FOR PROPERTY LOCATED AT 2200 BLOCK OF NORTH HICO

Whereas, a public hearing on the proposed final plat development permit was held on the 11th day of August 2015, before the City of Siloam Springs Planning Commission after proper notice required by law; and

Whereas, no objections were registered at said hearing, and a motion approving issuance of said permit was passed by the Planning Commission; and

Whereas, it appears that the final plat development permit is in the public interest; Now Therefore:

Be It Resolved by the Siloam Springs Board of Directors as follows:

A final plat development permit for the property located at 2200 Block North Hico Street, as set forth on Exhibit “A” attached hereto, is hereby granted subject to the following conditions:

a. The applicant must file this plat with the Benton County Circuit Clerk and provide two (2) file-marked copies to the Siloam springs Planning Department prior to building permit issuance;
b. The applicant must close a 55.27 square-foot and a 79.16 square-foot section of right-of-way of N. Inglewood Street, prior to final plat acceptance;
c. The applicant must pay street fees to the City in the amount of $10,590.04 for Phase 1, prior to the release of the plat by the City for the purpose of recordation;
d. A 2-year Maintenance Bond provided to the City of Siloam Springs, prior to final plat recordation; and
e. Provide as-built drawings, prior to building permit issuance.

Done and Resolved this 1st day of September 2015.

APPROVED:

ATTEST:

__________________________
John Mark Turner, Mayor

__________________________
Renea Ellis, City Clerk
(SEAL)
MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY,
ARKANSAS, HELD AUGUST 11, 2015

The Planning Commission of the City of Siloam Springs, Benton County, Arkansas, met in regular session at the City Administration Building, Tuesday, August 11, 2015.

The meeting was called to order by Chairman Mounger.

Roll Call:
Colvin, Stewart, Blakely, Brown, Mounger, Williams, Smith – Present.

Intermittent City Clerk, Judy Toler; Ben Rhoads, Senior Planner; and City Attorney, Jay Williams; all present.

A copy of the July 14, 2015, regular minutes had previously been given to each Commissioner. A motion was made by Colvin and seconded by Smith to accept the minutes. Mounger called for a voice vote.
All Ayes. No Nays. Motion passes.

The first item on the agenda was a Final Plat Development Permit, FP15-02 for Stone Ride Addition at 2200 Block of N. Hico Street, which was tabled from July 14, 2015 regular meeting of the Planning Commission. Ben Rhoads, Senior Planner, gave an overview of the addition. Ron Homeyer, PE – Civil Engineering Inc., stated Rhoads covered most details. A motion to approve was made by Blakely and seconded by Brown.
Roll Call:
Stewart, Blakely, Brown, Mounger, Williams, Smith, Colvin – Aye.
7 Ayes. No Nays. Motion passed.

The next item on the agenda was a Rezone Development Permit, RZ15-11 to Rezone from C-2 to R-3 at 202 E. Harvard, by Lowell Jester. Ben Rhoads, Senior Planner, gave an overview of item; and explained why this was initially rezoned commercial. Stewart asked what the process is if someone refuses to sign waiver. Jay Williams, City Attorney, stated the waiver is a required part of the application approval. Brown stated the purpose is to expect property value to decrease; 20% or more. Jay Williams explained the expectations and purpose. Mounger stated his opinions in rezoning to R-3, which allows duplexes. Williams asked why the request was for R-3 and not R-2. Rhoads stated that is what was requested from property owner. Smith stated the second unit on the property appeared to be built as a garage or portable building. Rhoads stated whether or not the second unit is inhabitable or not is up to the building official. Ron Homeyer, PE – Civil Engineering Inc. stated he does not know property owners intentions. Stewart asked if Lowell Jester lives in residence. Homeyer stated no, he couldn’t answer that. Brad Holroyd, 203 E. Harvard, gave his opinions about putting a resident in the second unit on property. Brown asked if nicer, would he approve. Holroyd stated no. Frank Lee, 215 E. Granite, stated he has noticed the neighborhood decline; and gave his opinions of allowing multi-dwellings. He stated if we allow once, it will continue to happen; and neighborhood will continue to decline. Colvin stated she agreed about it being a single-family neighborhood. She stated if rezoned R-3, it would be the only R-3 there. Williams stated the lot is only 75 foot; not big enough for multi-dwelling. Brown asked if anyone lives in second unit. Rhoads answered no. Stewart asked about another residence with a 3-plex and what it was zoned. Rhoads stated it should be R-4. A motion to approve was made by Brown and seconded by Blakely.
Roll Call:
Blakely, Stewart – Aye.
Brown, Mounger, Williams, Smith, Colvin – Nay.
2 Ayes. 5 Nays. Motion failed.
Mounger stated this item will be presented to the Board of Directors for approval on September 1, 2015 without recommendations.

Training was presented by Ben Rhoads, Senior Planner. He presented a PowerPoint training session on Roles and Responsibilities of a Planning Commissioner.
Discussion: Mounger asked for hard copies of the map. Commissioners thanked Rhoads for his presentation.

A motion to adjourn the meeting was made by Williams and seconded by Stewart.

There being no further business, Mounger adjourned the meeting.

{Seal}

APPROVED:

ATTEST:

Karl Mounger, Chairman

Renea Ellis, City Clerk