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Bentonville, AR 72712
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RECEIVED

MAR 09 2012

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

DISTRIBUTION:
RER/File
Kum & Go, L.C.

March 9, 2012

City of Fayetteville
Mayor and City Council
113 W. Mountain Street
Fayetteville, AR 72701
Attn: City Clerk

**Re: Kum & Go, #413
Martin Luther King Blvd. & Hill Ave.
CEI Project No. 26728.0**

To Fayetteville Mayor and City Council:

At the January 17th City Council meeting the Council granted the approval Kum & Go, L.C. LSD 11-3966 (on appeal) with one of the conditions being that Kum & Go must construct and pay for a concrete median in Martin Luther King, Jr. Blvd as shown in Site Plan A "Median Concept" (attached herein). Section 2 of the approved resolution granted Kum & Go, L.C. the right to bring back LSD 11-3966 to City Council if the Arkansas Highway and Transportation Department (AHTD) were to deny construction of the median and be reconsidered.

On March 8th AHTD finalized their review of the design plans for the project including the median and denied construction of the median stating "construction of the median island along Highway 180 would not be consistent for this section of highway." (See attached letter).

Therefore, Kum & Go, L.C. respectfully requests this project to be reconsidered in light of this new information at the March 20th City Council meeting. Kum & Go, L.C. is requesting approval of the Large Scale Development plans labeled Site Plan B (attached herein) for consideration.

We appreciate your consideration in this matter, and if you have questions or concerns, please do not hesitate to contact me directly at 479-273-9472.

Respectfully submitted,

R. Erin Rushing, RLA
Department Leader
CEI Engineering Associates, Inc.

Providing Consolidated Land Development Services



ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

DISTRICT FOUR

4019 TOWSON AVE. • P.O. BOX 1424 • FORT SMITH, AR 72902-1424 • TELEPHONE (479) 646-5501 • FAX (479) 646-8286
WASHINGTON — CRAWFORD — FRANKLIN — SEBASTIAN — LOGAN — SCOTT — POLK

March 8, 2012

Mr. Mike Clotfelter
CEI Engineering Associates, Inc.
3108 SW Regency Parkway
Suite 2
Bentonville, AR 72712

RE: Driveway and Median Request
Highway 180, Section 1
Washington County
Fayetteville

Mr. Clotfelter:

The plans and traffic study submitted for a driveway and median island adjacent to and along Highway 180 in Fayetteville for a proposed convenience store were reviewed.

A permit for a drive and/or drives in accordance with the Department's current driveway regulations would be allowable. Restrictions of turning movements for the drive would be acceptable. However, the construction of a median island along Highway 180 would not be consistent for this section of highway.

Upon receipt of a complete set of plans (11"x17" preferred) addressing the above comments, this office will consider issuance of a permit for the work to be performed within the highway right of way. No work within the right of way is to be undertaken prior to issuance of a permit by the Department.

If you have any questions regarding this matter, please contact Chad Adams, District Construction Engineer, at (479) 646-5501.

Sincerely,



Joe Shipman
District 4 Engineer

C: Assistant Chief Engineer – Design
Roadway Design
City of Fayetteville, Mr. Chris Brown



**TO: Mayor Jordan
City Council**

**Kit Williams
City Attorney**

**Jason B. Kelley
Assistant City Attorney**

**CC: Jeremy Pate, Development Services Director
Chris Brown, City Engineer**

FROM: Kit Williams, City Attorney

A handwritten signature in black ink, appearing to read 'Kit Williams', written over a horizontal line.

DATE: March 21, 2012

RE: Kum & Go, L.C.'s Appeal

Since the Arkansas Highway and Transportation Department denied Kum & Go's request (which was supported by the City Administration) to construct a median as shown on Site Plan A approved by the City Council, Kum & Go had the right to appear again in front of the City Council to request approval of its Large Scale Development without the median.

The City Engineer and City Administration are requesting that the State Highway and Transportation Department at least allow double striping and raised reflectorized markers be placed where the median was proposed. To reflect that request, I have drafted a Resolution that would approve Kum & Go's final request (Site Plan A with double striping and raised reflectorized markers where the median would have been located). Your approval of this Resolution would approve the Large Scale development as requested by Kum & Go, but require Kum & Go to request the double striping and raised reflectorized markers. If the Arkansas Highway and Transportation Department rejects such request, it will be removed as a condition of approval and Kum & Go can construct its project without the additional double striping and raised reflectorized markers. If it receives approval, Kum & Go shall install the raised, reflectorized markers and paint the double striping as part of this project.

RESOLUTION NO. _____

A RESOLUTION TO GRANT THE APPEAL OF KUM & GO, L.C. AND TO AMEND AND APPROVE ITS LARGE SCALE DEVELOPMENT TO AGREE WITH THE PLAT SUBMITTED WITH ITS APPEAL LETTER

WHEREAS, the Arkansas Highway and Transportation has rejected the request of Kum & Go, L.C. and the City of Fayetteville to permit the construction of a median in Martin Luther King, Jr. Boulevard; and

WHEREAS, Kum & Go, L.C. has exercised its right to present its appeal of its proposed Large Scale Development again to the City Council in light of such rejection.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby grants the appeal of Kum & Go, L.C. from some of the terms or conditions imposed by the Planning Commission, but adds the condition that Kum & Go, L.C. must construct and pay for double yellow striping and raised reflectorized markers where the median in Martin Luther King, Jr. Boulevard was shown in Site Plan A submitted to the Highway Department and amends and approves the Large Scale Development plat to conform with the plat submitted by Kum & Go, L.C. as Site Plan A as further amended by requiring double yellow striping with raised, reflectorized pavement markers in generally the same location as the median regarding its driveway access onto and from Martin Luther King, Jr. Boulevard and changing the access from Royal Oak from vehicular to pedestrian. If the Arkansas State Highway and Transportation denies Kum & Go, L.C. the right to double stripe and/or use raised reflectorized markers as recommended by the Fayetteville City Council, this condition of approval is removed from the Large Scale Development requirements and Kum & Go, L.C. can proceed with its project as shown by its Site Plan B. (Both Site Plan A and B are attached to this Resolution.). All other terms and conditions approved by the Planning Commission when approving LSD 11-3966 (Kum & Go at Martin Luther King and Hill Avenue) shall remain in full force and effect.

PASSED and APPROVED this 3rd day of April, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

From: Chris Brown, City Engineer *CB*

Date: March 20, 2012

Subject: LSD 11-3966 Kum and Go Appeal Reconsideration

On January 17, 2012, the City Council passed Resolution 25-12 granting the appeal of Kum and Go, L.C. and allowing a left-in access to its proposed gas station and convenience store at the southwest corner of Hill Avenue and Martin Luther King Blvd. (Highway 180), with the stipulation that a concrete median be constructed near the centerline of Hwy 180, from Hill Avenue to the proposed driveway. This median was to provide a barrier between vehicles entering the left turn lane at Hill Avenue and those entering the proposed Kum and Go driveway.

The proposed median design was submitted by CEI Engineering Associates to the Arkansas State Highway and Transportation Department (AHTD) for permitting review. The Mayor also submitted a letter of support for the median proposal, a copy of which is included in this report. On March 8, 2012, AHTD's response indicating that a median would not be permitted was received. Therefore, as provided by Resolution 25-12, Kum and Go has submitted a request for reconsideration of the Council's decision, to remove the requirement for construction of a median.

Existing striping on Highway 180 consists of typical 2-way left-turn striping in the center lane, up to approximately 190 feet from the intersection with Hill Avenue. At this point, the center yellow striping is discontinued for eastbound traffic in favor of an approximately 90 foot long "break" in the striping, and a 100 foot long white line indicating a dedicated left turn lane at Hill Avenue. For westbound traffic, a double yellow line adjacent to the dedicated left turn lane is in place, then beyond the dedicated left turn lane, typical two way left turn lane striping begins.

As stated in previous correspondence to the City Council, staff has concerns that existing striping will not adequately separate the turning movements at Hill Avenue and the proposed driveway, creating a potential for head-on collisions. The median was recommended by staff as the best option for creating the necessary separation between turning movements, by creating a physical barrier between the two movements. However, recognizing the denial of the median proposal by the AHTD, staff recommends the second best option, consisting of double yellow striping with raised, reflectorized pavement markers in generally the same location as the median was proposed, as depicted in Site Plan "A" submitted by CEI Engineering Associates. White lines for the left turn stacking bays at Hill Avenue and at the driveway would also be required.

It should be noted that this striping reconfiguration will require AHTD approval as well. AHTD has informally provided feedback that they do not believe striping reconfigurations will be effective or properly enforced; however,

it is my opinion that additional double yellow striping be more effective than doing nothing. It is also my opinion that that allowing a driveway with left turn access at the proposed location without striping improvements will create a dangerous situation.

Therefore, it is recommended that striping improvements be a condition of approval of this request. Improvements as described in this memo are recommended; however, the extent and ultimate design of the striping must be in accordance with AHTD permitting requirements. Staff will continue to work with Kum and Go to develop striping plans that can be permitted by AHTD.

RESOLUTION NO. 25-12

A RESOLUTION TO GRANT THE APPEAL OF KUM & GO, L.C. AND TO AMEND AND APPROVE ITS LARGE SCALE DEVELOPMENT TO AGREE WITH THE PLAT SUBMITTED WITH ITS APPEAL LETTER

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:


Section 1: That the City Council of the City of Fayetteville, Arkansas hereby grants the appeal of Kum & Go, L.C. from some of the terms or conditions imposed by the Planning Commission, but adds the condition that Kum & Go, Inc. must construct and pay for a median in Martin Luther King, Jr, Boulevard as shown in Site Plan F "Median Concept", and amends and approves the Large Scale Development plat to conform with the plat submitted by Kum & Go, L.C. as Site Plan F as further amended as shown by the site Plan F with "Median Concept" in red (both attached to this Resolution) regarding its driveway access onto and from Martin Luther King, Jr. Boulevard and changing the access from Royal Oak from vehicular to pedestrian. All other terms and conditions approved by the Planning Commission when approving LSD 11-3966 (Kum & Go at Martin Luther King and Hill Avenue) shall remain in full force and effect.

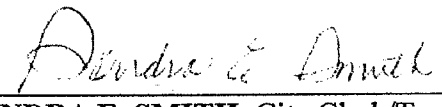
Section 2: That the City Council of the City of Fayetteville, Arkansas hereby grants Kum & Go, L.C. the right to bring this LSD 11-3966 back to the City Council by giving written notice to the City Clerk within 10 days of its receipt of a decision by the Arkansas Highway and Transportation Department to deny construction of the median for further consideration by the City Council.

PASSED and APPROVED this 17th day of January, 2012.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer





www.accessfayetteville.org

February 10, 2012

Mr. Joe Shipman, P.E.
District 4 Engineer
Arkansas State Highway and Transportation Department
P.O. Box 1424
Fort Smith, AR 72902-1424

Re: Permit Request by Kum and Go for
Improvements to Highway 180 at Hill Avenue in Fayetteville

Dear Mr. Shipman:

This letter is in support of the request by Kum and Go, L.C. for a permit to construct a new driveway on Highway 180 just west of Hill Avenue in Fayetteville for a proposed Kum and Go Convenience Store and Fueling Station. The request also includes construction of a center median on Highway 180 that is intended to separate vehicles making left turns at Hill Avenue from those making left turns at the proposed driveway.

The Fayetteville City Council recently reviewed an appeal from Kum and Go, L.C. to allow a variance from the City's Access Management Ordinance, which requires properties on corner lots to have their access on the lower classification street. The Fayetteville Planning Commission originally approved a variance to allow a driveway on Highway 180, with the provision that the driveway be constructed to allow only right turns. On appeal, the City Council added allowance of a left turn into the driveway, with the stipulation that a center median be constructed from Hill Avenue to the proposed driveway to separate left turn movements at Hill Avenue and the driveway.

Safety concerns in this area include the proximity of the Fayetteville High School and the University of Arkansas, and the high volume of high school and college age drivers using the Highway 180/Hill Avenue Intersection. The provision for the median was a compromise recommendation by my staff that allows the proposed business to have left turns into their property, but maximizes safety and greatly reduces the possibility of serious accidents caused by conflicting left turn movements into the driveway and onto Hill Avenue. I have attached Resolution 25-12 passed by the City Council on this matter, and wish to express my support for this design alternative.

If you would like to discuss this request further, or have any concerns with the proposed design, please don't hesitate to contact me.

Sincerely,

Lioneld Jordan
Mayor

