

**ALDERMAN APPEAL REQUEST FORM**

*July 3, 2012 City Council Meeting*

**PLANNING COMMISSION MEETING OF: June 11, 2012**

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**FROM: Alderman Bobby Ferrell  
Ward 3**

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**APPEAL TITLE AND SUBJECT:**

**ADM 12-4144: Administrative Item (3078 N. COLLEGE AVE./SIEBERT, 252):**  
Submitted by ERIC SIEBERT for property located at 3078 NORTH COLLEGE AVENUE.  
The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains  
approximately 1.88 acre. The request is a variance to allow for an outdoor mobile  
vendor (Shave the Planet snow cones) for longer than 90 days.

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*Bobby Ferrell*  
Alderman

6-13-12  
Date

ENTERED  
6-13-12 KG

*K. [Signature]*  
Approved as to form

6-18-12

ENTERED  
6/18/12

*Paula A. Buh*  
Finance + Internal Serv. Dir.

6-18-2012

*Don Maw*  
Chief of Staff

6-18-12

*Freddie Jordan*  
Mayor

6/18/12

*Tabled to the Sept. 4, 2012 CC mtg.*

June 12, 2012

Sondra,

Please consider this an official Alderman appeal, of the June 11, 2012 Planning Commission's decision to grant a variance for the following:

**ADM 12-4144: Administrative Item (3078 N. COLLEGE AVE./SIEBERT, 252):**  
Submitted by ERIC SIEBERT for property located at 3078 NORTH COLLEGE AVENUE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.88 acre. The request is a variance to allow for an outdoor mobile vendor (**Shave the Planet** snow cones) for longer than 90 days.



Bobby Ferrell  
Alderman Ward 3

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION TO REVERSE THE PLANNING COMMISSION'S DECISION TO GRANT AND THEREBY TO DENY THE VARIANCE TO ERIC SIEBERT TO OPERATE HIS SHAVE THE PLANET BUSINESS LONGER THAN 90 DAYS AS AN OUTDOOR MOBILE VENDOR

**WHEREAS**, the Planning Commission by a 6 yes, 1 no and one abstain granted the variance to Eric Siebert to continue operating his Shave the Planet business as an outdoor mobile vendor at 3078 North College for a longer period than 90 days.

**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 reverses the Planning Commission's decision to grant and thereby denies the variance to Eric Siebert to operate his Shave the Planet business longer than 90 days as an outdoor mobile vendor.

**PASSED and APPROVED** this 3<sup>rd</sup> day of July, 2012.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

TITLE XV UNIFIED DEVELOPMENT CODE

**CHAPTER 155 APPEALS**

**155.01 Circuit Court**

Unless set forth otherwise below, all appeals from final actions taken by the City Council, Planning Commission, Board of Adjustment, Construction Board of Adjustment and Appeals, and the Zoning and Development Administrator shall be taken to the Circuit Court of Washington County.

(Code 1965, App. A., Art. 9(6); Ord. No. 1747, 6-29-70; Ord. No. 2323, 4-5-77; Ord. No. 2538, 7-3-79; Code 1991, §160.175; Ord. No. 3925, §7, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04))

**State law reference(s)**--Appeals to circuit court, A.C.A. §14-56-425.

**155.02 Form/Time/Place**

Unless an appeal is filed with the court, the following requirements shall be met:

(A) *Form*. All appeals shall be submitted in writing referencing the applicable UDC section(s) and setting out the reasons the applicant contends the decision was in error.

(B) *Time*.

(1) *Appeals*. Appeals shall be submitted within 10 working days from the date of the final action taken.

(2) *Hearings*. The entity hearing the appeal shall fix a reasonable time for hearing an appeal.

(C) *Place*. Appeals shall be filed with the following:

(1) *City Clerk*. Appeals made to the City Council shall be filed with the City Clerk.

(2) *Zoning and Development Administrator*. Appeals made to the Planning Commission or Board of Adjustment shall be filed with the Zoning and Development Administrator.

(3) *Building Safety Division Director*. Appeals made to the Board of Adjustment, [for inspecting purposes] shall be filed with the Building Safety Division Director.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4652, 12-07-04)

**155.03 Stay**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the person in charge of administration of the chapter certified that a stay would, in their opinion cause imminent peril to life or property.

(Code 1965, App. A., Art. 13(3); Ord. No. 1747, 6-29-70; Code 1991, §160.173; Ord. No. 4100, §2 (Ex. A), 6-16-98)

**155.04 Alderman Appeal On Behalf Of Resident**

An alderman may bring an appeal on behalf of any resident of the city a decision by the Planning Commission to approve or deny the requests as set forth below.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5296, 12-15-09)

**155.05 Appeals From Planning Commission Decisions**

(A) *Appeals to City Council*.

(1) Owners of record of the property being considered may appeal a decision by the Planning Commission to deny the following requests, in accordance with the procedures set forth in §155.02.

- (a) Annexation
- (b) Rezoning
- (c) Planned Zoning District
- (d) Subdivision (Preliminary Plat, Final Plat, Concurrent Plat, Lot split)
- (e) Large Scale Development
- (f) Vacation of utility easement, access easement, public right-of-way

TITLE XV UNIFIED DEVELOPMENT CODE

- (g) Commercial Design Standards
- (h) Tree Preservation Plan
- (i) Variances and waivers of the UDC

(2) *Conditions of Approval.* An owner of record may appeal the conditions of approval determined by the Planning Commission for any of the requests listed in (A)(1).

(3) *Conditional Use Request.* Three aldermen, two of whom must reside in the effected ward, may in unison appeal a decision by the Planning Commission approving or denying a conditional use request.

(B) All other decisions by the Planning Commission must be appealed to Circuit Court.

(Code 1965, §13A-40, App. C., Art. II, Art. V., §B; Ord. No. 1509, 8-8-66; Ord. No. 1750, 7-6-70; Code 1991, §§156.017, 159.12, 159.54(F)(1), (2), 159.66; Ord. No. 3781, §1, 4-19-94; Ord. No. 3925, §6, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4334, 9-4-01; Ord. No. 4340, 10-2-01)

## Sondra Smith - Re: Fwd: appeal

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**From:** Andrew Garner  
**To:** Smith, Sondra  
**Date:** 6/14/2012 8:25 AM  
**Subject:** Re: Fwd: appeal  
**CC:** Pate, Jeremy

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Sondra,

I will be putting together a packet to go along with this appeal and will hopefully route it over to you tomorrow. This item would then be placed on the July 3rd CC meeting.

Thanks,  
Andrew

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Andrew M. Garner, AICP  
Senior Planner  
City of Fayetteville  
125 West Mountain Street  
Fayetteville, Arkansas 72701  
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Telecommunications Device for the Deaf: (479) 521-1316

>>> Sondra Smith 6/13/2012 12:53 PM >>>  
Hi Andrew

What is the next step?

Sondra Smith CAMC, CMC  
City Clerk/Treasurer  
City of Fayetteville  
113 West Mountain  
Fayetteville, AR 72701

(479) 575-8323  
ssmith@ci.fayetteville.ar.us

>>> Bobby Ferrell 6/12/2012 8:47 PM >>>

Sondra- Please consider this an official appeal, of the planning Commission's granting a variance to shaved Ice business at last night's Planning Commission, meeting, by an Alderman.

**From:** Sondra Smith  
**To:** Garner, Andrew  
**Date:** 6/14/2012 12:03 PM  
**Subject:** Re: Fwd: appeal  
**Attachments:** Sondra Smith.vcf

Thanks Andrew

Sondra Smith CAMC, CMC  
City Clerk/Treasurer  
City of Fayetteville  
113 West Mountain  
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## CITY COUNCIL AGENDA MEMO

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**To:** Mayor Jordan, City Council  
**Thru:** Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director ✕  
**From:** Andrew Garner, Senior Planner  
**Date:** ADM 12-4144 (Shave the Planet Appeal)

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### RECOMMENDATION

On June 11, 2012 the Planning Commission recommended approval of a variance to allow Shave the Planet snowcone stand to be in operation at 3078 N. College Avenue for a total of 180 days.

### BACKGROUND

The subject property is located at 3078 North College Avenue, near Hobby Lobby and Fiesta Square north of the intersection of College Avenue and Rolling Hills Drive. The snowcone stand is across College Avenue (approximately 400 feet away) from an existing ice cream shop, Maggie Moo's at 3155 College Avenue.

On March 14, 2011 the Planning Commission approved CUP 11-3765 (Shave the Planet) which permitted a snowcone stand on the property for a period of 175 days. In late spring 2012 the applicant applied for another conditional use permit to allow for their snowcone stand to remain on the property for longer than 90 days during 2012. The City Attorney advised the Planning Commission that a more appropriate approval process for these types of requests would be a variance, not a conditional use permit. The applicable ordinance has been recently changed to allow these types of requests as a variance and the applicant is again requesting permission to continue operation of their snowcone stand at this property for longer than 90 days.

The applicant requests a variance of Fayetteville Unified Development Code Section 178.04(C) to allow for their Outdoor Mobile Vendor Permit to be granted for a total of 180 days, when the maximum by ordinance is 90 days. The snowcone stand is proposed in the same location as approved last year, as indicated on the attached site plan.

### DISCUSSION

At the June 11, 2012 Planning Commission meeting nine members of the public spoke (including several employees of Shave the Planet and the owner of Maggie Moo's ice cream). Their comments are summarized in the draft meeting minutes (attached). The Planning Commission approved the variance. The approval passed with a 6-1-1 vote (Commissioner Honchell voted 'no' and Commissioner Hoskins recused). Alderman Bobby Ferrell has appealed the decision.

### BUDGET IMPACT

None.



**New Business:**

**ADM 12-4144: Administrative Item (3078 N. COLLEGE AVE./SIEBERT, 252):** Submitted by ERIC SIEBERT for property located at 3078 NORTH COLLEGE AVENUE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.88 acre. The request is a variance to allow for an outdoor mobile vendor (Shave the Planet snow cones) for longer than 90 days.

**Andrew Garner**, Senior Planner, gave the staff report.

**Jason Kelley**, Assistant City Attorney, asked Commissioner Hoskins if he would be recusing from the item.

**Commissioner Hoskins** indicated that he would be recusing.

**Commissioner Winston** indicated that if Commissioner Hoskins was recusing he would need to leave the room.

**Commissioners Hoskins** indicated he did not think he would need to leave the room as he was not directly involved in the application.

**Garner** discussed that it was a general practice for commissioners to leave the room when recusing.

**Kelley** confirmed that it was a general practice but not a legal requirement.

**Commissioner Hoskins** left the room.

**Eric Siebert**, applicant, discussed that ice cream and shaved are different. He discussed that Andy's Frozen Custard closed this year and they did not see an increase in business. They are not getting the same customers.

**Katie Siebert**, applicant, discussed that people come for the experience and product. She discussed different customers that come to their business from long distances for their product (Bentonville, West Fork, Siloam Springs and further as far as Stillwell, Oklahoma). They come for our experience and our produce. It is a destination.

**Eric Siebert**, applicant, discussed that they would be willing to plant a tree or anything we could do to make it a little more permanent.

**Katie Siebert**, applicant, discussed that they are willing to work with the City.

**Public Comment:**

**Andrea Lister**, discussed that the prices at Maggie Moo's are exorbitant. Shave the Planet is a place in town where I can take all my kids to get something for \$2. Ice cream and shave ice are totally different markets and two different experiences. Shave the Planet is a homegrown business.

**Sarah McNeil**, I work at Shave the Planet. She discussed that shaved ice and ice cream are very

different products. This site has always been used for an ice cream stand and is not a transient vendor. I was offended by that. I have lived in Fayetteville all my life and there has always been shaved ice in this location. We have people coming all the way from Centerton three times a week to get this product. Shutting down a homegrown business might be frowned upon. Shave the Planet is a locally owned business.

**Jacqueline Buntin**, is thankful for the existing 90-day permit. I trust the City will make a fair decision. I have known Eric and Katie for eight years. They are really interested in obeying the guidelines and doing this right. Shave the Planet has 25 total employees. Fifteen of them work at this College Avenue location. This keeps people with a job during the summer months. When I decide I want ice cream I have 10 locations in Fayetteville, that is not counting the fast food restaurants. There is plenty of competition for ice cream in Fayetteville. Their business is successful and they should be rewarded.

**Cody Buntin**, a resident of Fayetteville my entire life, commercial realtor. This business creates another reason to drive and spend money in this area of Fayetteville. Fiesta Square is not what it used to be. It seems out of place to deny extending this permit to a successful business. They are just bringing more traffic to this side of town.

**Ben Israel**, I own the property that Shave the Planet is on. I don't pay any less tax because they are only there for six months. They pay sales tax. I'm a little confused why a brick-and-mortar is preferred over this kind of business. I would encourage you to give them this variance.

**Justin Leflar**, school teacher at Holt Middle School. He spoke about a donation from Shave the Planet to their school to reward kids for their hard work. If this is denied where will the kids use their voucher.

**Cody Yancey**, discussed that it is an unfair advantage that he has to go through all this to be in business. He has to apply for a different variance every year. He has to carry the same insurance for his employees. Snow cones and ice cream are two separate things. There is no proof that it is detrimental to their sales.

**Mena Shombod** (sp?), Shave the Planet employee. We really rely on this job. There are not a lot of places where you can find a summer job so you can focus on academics during the other time of the year. This is a great opportunity for high school and college students to gain experience and grow their character. This stand on College has established itself as a great environment for customers. There have not been issues with traffic or any other detrimental effects. I hope that you guys consider that.

**Celeste Hoskins**, Maggie Moo's. I like Shave the Planet and eat there with my kids. What I was asking for is that they take into consideration that there are ordinances. We have no issue with the 90-day permit. What I am asking for is that when they are asking for that extension that an ordinance be established so that we are all on the same playing field. I think it's great to support the community. I like the couple and Shave the Planet. It is just the ordinance. I think we need to establish some playing rules here. I think this is a great business model. What stops someone like me or other businesses from doing it. I don't think this is about competition or a customer base. I'm just wanting to see some guidelines on where we're going with mobile or transient vendors. If this is something you want to set precedence for that's great.

**No more public comment was presented.**

**Commissioner Chesser** asked about the mobile vendor ordinance.

**Garner** discussed that this ordinance was under examination at the request of council members.

**Commissioner Chesser** discussed that this body doesn't write ordinance we just interpret the ordinance. There is a very specific part of the ordinance we are considering regarding whether this is a similar business. You said you had proof this was not a similar business?

**Katie Siebert**, applicant, discussed the HMR tax records for March, April, May, and June of last year for Shake's, Andy's, Maggie Moo's, and us. Last year Andy's was the highest grossing and they are now out of business. Last year we saw a 113% increase in our sales and most of that was due to the weather. This year you would expect since an ice cream shop went out of business we would see an increase. However, we only saw a 101% increase in our sales, this is 12% less than last year. It kind of shows that an ice cream business going out of business didn't help us.

**Commissioner Chesser** asked staff how an extension would hurt when the first three months of the busy season have been utilized. That seems like something we should take into consideration. The bulk of the problem is already occurring.

**Garner** discussed that the commission is just looking at the variance findings and he read the variance findings.

**Commissioner Chesser** asked staff why staff felt it was a similar business.

**Garner** discussed that we did not do a market study. In our drafting the findings and for the commission to consider, the rationale was what would a reasonable person think. I thought yes they are similar because it is a desert, you eat it mainly during the summer, and it is similar. Would it create an unfair advantage? I thought it could because you could have some of the same types of customers.

**Commissioner Chesser** asked if it would be worth it for them to only be there for 90 days.

**Katie Siebert** indicated that they would open in this location even if it is only for 90 days.

**Commissioner Chesser** asked about property tax on a brick-and-mortar versus a mobile vendor.

**Jason Kelley**, Assistant City Attorney, discussed that more improvements create more value and more property tax.

**Commissioner Chesser** discussed that lower property taxes could potentially be an unfair advantage.

**Commissioner Cook** agreed with Commissioner Chesser that it is not our responsibility to legislate. In this case the City Council has established the factors and it is up to our judgment. I think it is compatible and it does not create an unfair advantage.

**Commissioner Cook** made a motion to approve **CUP 12-4144 Commissioner Cabe** seconded the

motion.

**Garner** requested Commissioner Cook clarify condition of approval #3.

**Commissioner Cook** clarified that condition #3 be modified to require the Urban Forester to approval the type and size of tree that is planted. Commissioner Cabe agreed with this modification to the motion.

**Commissioner Cabe** asked when this applicant's previous application came before the commission.

**Katie Siebert** confirmed that it was March 26<sup>th</sup>.

**Commissioner Cabe** discussed that the new ordinance was revised and came through May 1 of this year. He also asked about the City Attorney's memo that was in their packet and direction for the commission on several of the terms in the ordinance such as 'similar', 'compatible', 'not detrimental'.

**Jason Kelley**, Assistant City Attorney, stated that it is completely up to your judgment based on the facts that have been presented. The best thing I can equate it to is if you are on a jury and you hear all this testimony and you have to decide. That is the job.

**Commissioner Cabe** stated that the ordinance did change and it requires judgment. The ordinance was first written and first became an opportunity for businesses to get their legs under them and do something that is atypical. I fully feel like a seasonal business is exactly that sort of opportunity. Like the applicant said there are very few brick-and-mortar businesses of this type around the country and as a seasonal business model like pool cleaning or window washing. I will be able to support this without a problem.

**Commissioner Winston** discussed that he has become convinced that there is a substantial amount of difference between shaved ice and ice cream and I will support this.

**Upon roll call the motion passed with a vote of 6-1-1. Commissioner Honchell** voted 'no' and **Commissioner Hoskins** recused.



PC Meeting of June 11, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
 Fayetteville, AR 72701  
 Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
 FROM: Andrew Garner, Senior Planner  
 THRU: Jeremy Pate, Development Services Director  
 DATE: ~~June 6, 2012~~ Updated June 12, 2012

**ADM 12-4144: Administrative Item (3078 N. COLLEGE AVE./SIEBERT, 252):** Submitted by ERIC SIEBERT for property located at 3078 NORTH COLLEGE AVENUE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.88 acre. The request is a variance to allow for an outdoor mobile vendor (Shave the Planet snowcones) for longer than 90 days.  
 Planner: Andrew Garner

**Findings:**

*Property Description and Background:* The subject property is located at 3078 North College Avenue, near Hobby Lobby and Fiesta Square north of the intersection of College Avenue and Rolling Hills Drive. The snowcone stand is across College Avenue (approximately 400 feet away) from an existing ice cream shop, Maggie Moo's at 3155 College Avenue. Surrounding zoning and land use is listed in *Table 1*.

**Table 1  
 Surrounding Zoning and Land Use**

Direction from Site	Land Use	Zoning
North	Hobby Lobby shopping center	C-2, Thoroughfare Commercial
South	Mixed commercial	C-2, Thoroughfare Commercial
East	Mixed commercial/office	C-2, Thoroughfare Commercial
West	Fiesta Square shopping center	C-2, Thoroughfare Commercial

On March 14, 2011 the Planning Commission approved CUP 11-3765 (Shave the Planet) which permitted a snowcone stand on the property for a period of 175 days. In late spring 2012 the applicant applied for another conditional use permit to allow for their snowcone stand to remain on the property for longer than 90 days. The City Attorney advised the Planning Commission that a more appropriate approval process for these types of requests would be a variance, not a conditional use permit. The applicable ordinance has been recently changed to address the potential legal concerns and the applicant is again requesting permission to continue operation of their snowcone stand at this property for longer than 90 days.

*Proposal:* The applicant requests a variance of Fayetteville Unified Development Code Section 178.04(C) to allow for their Outdoor Mobile Vendor Permit to be granted for a total of 180 days, when the maximum by ordinance is 90 days. The snowcone stand is proposed in the same location as

approved last year, as indicated on the attached site plan.

*Public Comment:* At the previous Planning Commission meeting when this applicant was requesting a conditional use permit to operate their snowcone stand for longer than 90 days, the owner of the Maggie Moo's ice cream shop across College Avenue discussed objections to this proposal citing several concerns including an unfair advantage to this applicant compared to their brick-and-mortar business. The applicant notified all adjacent property owners and posted a public notice sign advertising for this meeting and staff has not received any public comment.

**RECOMMENDATION:** There is the potential for this snowcone business to adversely affect the Maggie Moo's ice cream shop across College Avenue as both businesses sell similar products and are in close proximity. Both businesses are very seasonal with a majority of their products sold during the summer months. As a snowcone stand is not subject to many of the same requirements as a permanent business, staff finds that the variance would create an unfair advantage that could adversely impact the ice cream shop. For these reasons staff recommends denial of the variance. These findings are discussed in more detail in the report.

Should the Planning Commission choose to approve this conditional use permit staff would recommend the following conditions of approval:

**Conditions of Approval:**

1. The snowcone stand shall be permitted for total of 180 days in 2012. The current Outdoor Mobile Vendor ordinance was issued on March 29, 2012, so this variance grants approval for operation until September 25, 2012.
2. The temporary vending structure shall be removed from the property by September 25, 2012.
3. Because this property has been utilized for a snowcone stand on a semi-permanent basis for a several consecutive years, the applicant or property owner shall install one ~~two-inch caliper large species shade tree~~ in the greenspace adjacent to the stand, the species and size to be determined by the urban forester prior to installation, to start bringing the property into compliance with the parking lot landscape codes.

PLANNING COMMISSION MODIFIED AND APPROVED THIS CONDITION AS NOTED (06/11/2012).

**Additional Conditions/Comments:**

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PLANNING COMMISSION ACTION: yes Required

Approved  Denied  Tabled

Motion: Cook

Second: Cabe

Vote: 6-1-1 (Honchell voted 'no' and Hoskins recused.)

Date: June 11, 2012

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**FINDINGS:**

**City of Fayetteville Unified Development Code 178.04**

(C) *Variances.* Outdoor Vendors may request a variance from the Planning Commission to operate for an extended period of time, not to exceed twelve consecutive months, in the same location subject to the following standards:

(1) A vendor may request a variance from the 90 day location requirement to operate for an extended period of time. The maximum time period that the Planning Commission may grant this variance is limited to no more than twelve consecutive months.

**Finding: The applicant is requesting a variance to operate for a total of 180 days, or six months, well below the maximum.**

(2) The applicant shall comply with the notification requirements of section 157.05 of the Unified Development Code.

**Finding: The applicant has notified all adjacent property owners and posted a public notice sign in compliance with section 157.05 of the UDC.**

(3) A variance may be granted by the Planning Commission when the following findings have been met:

(a) The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses, will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.

**Finding: The snowcone stand does not create or worsen a dangerous traffic condition as it has operated safely in this parking lot for several years. This snowcone stand does not improve the aesthetics of the streetscape, in staff's opinion.**

**There is a permanent ice cream shop across College Avenue from the proposed snowcone stand. This shop is addressed at 3155 College Avenue and is approximately 410 feet north of the snowcone stand. In staff's opinion, granting the requested variance to operate the snowcone stand for six months from March 29-September 25 may adversely affect the ice cream shop which is a permanent brick-and-mortar business. The development of the building at 3155 College Avenue was required to meet many development regulations of the City including greenspace, landscaping, architectural design standards, building code, and permanent utilities. A temporary business such as the snowcone stand would directly compete with the ice cream shop and is not required to meet permanent development standards and is therefore theoretically able to offer a substantially lower price for their products than a similar brick-and-mortar business. Both the ice cream shop and snow cone stand are primarily seasonal.**

According to the International Dairy Foods Association June is the highest production month of the year for ice cream. Production for ice cream remains strong through August to satisfy summer demand and production declines through the end of the year (1). The snowcone stand can operate under a temporary permit for a period of up to 90 days by right. However, to operate for six months for two years in a row establishes this as a semi-permanent business, without having to meet the standard development requirements. This results in an unequal playing field and could adversely affect a nearby business. It should be noted that this applicant has been in this location for several years in a row, including almost six months during 2011.

- (b) That the outdoor mobile vendors' presence for an extended period of time at one location will not create an unfair advantage over similar and nearby permanent businesses.

**Finding:** See Finding 3.a. above. The presence of this outdoor mobile vendor for an extended period of time in this one location will create an unfair advantage over similar and nearby permanent businesses, including an ice cream shop approximately 410 feet away from this location.

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1 International Dairy Foods Association Website. [www.idfa.org](http://www.idfa.org) Ice Cream Sales & Trends  
G:\ETC\Development Services Review\2012\Development Review\12-4093 ADM Cobble Stone Ph III Modification\03 Planning Commission\04-09-2012\Comments and Redlines



**Fayetteville Unified Development Code**  
**178.04 Outdoor Mobile Vendors Located On Private Property**

- (A) *Purpose.* This section's purpose is to facilitate and control the ability of outdoor vendors to temporarily operate on private property while ensuring such use is compatible with and not detrimental to nearby properties, does not adversely affect nearby businesses, fosters an aesthetically appealing streetscape, and does not create or worsen a dangerous traffic condition.
- (B) *Requirements.* Outdoor Mobile Vendors located on private property shall meet the following requirements and submittals prior to approval:
- (1) Permit Application. Each application for a permit to conduct an Outdoor Mobile Vendor business shall be accompanied by a \$50 permit review and processing fee.
  - (2) Application for a permit to conduct an Outdoor Mobile Vendor business shall include the following items in a format acceptable to the Zoning and Development Administrator:
    - (a) Name, address and contact information.
    - (b) Type of items sold or services rendered. A change in product or service will require a new permit to be issued.
    - (c) A valid copy of all necessary permits required by State and County health authorities.
    - (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
    - (e) Means to be used in conducting business including but not limited to a description of any mobile device to be used for transport or to display approved items or services.
    - (f) A detailed site plan and written description illustrating the type, location, and dimensions of the mobile vendor business including parking.
    - (g) Written authorization, signed by the property owner or legal representative of record, stating that the transient merchant business is permitted to operate on the subject property.
  - (3) The permit issued shall not be transferable in any manner.
  - (4) The permit is valid for one mobile vendor location only.
  - (5) The proposed use must be a permitted use-by-right within the underlying zoning district in order to be permitted.
  - (6) An Outdoor Mobile Vendor business may be approved by the Planning Division after making the following determinations:
    - (a) All of the requirements of 178.04(B)(2) have been met.
    - (b) The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses, will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
  - (7) Outdoor mobile vendors are allowed on a temporary basis (90 days), by nature of their temporary occupancy, in one location over a one-year (twelve month) timeframe. Outdoor mobile vendors may move to a different location at least one half mile from the original location after this 90-day period has expired. However, a new Outdoor Mobile Vendor Application will have to be reviewed and approved

by the Planning Division for a new location.

- (8) Outdoor mobile vendors shall be in compliance with parking lot requirements for any existing and the proposed business. The number of required parking spaces is determined by the use and size of the proposed transient merchant business, and by the use and size of the existing business. Parking spaces on the property where the outdoor mobile vendor is located shall be paved and striped in order to be utilized. The use of parking for an out door mobile vendor may not reduce the number of spaces necessary for other uses occurring on the property. An adequate number of parking spaces for the existing businesses and the outdoor mobile vendor must be provided onsite. The location of the outdoor mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.
- (C) *Variances.* Outdoor Vendors may request a variance from the Planning Commission to operate for an extended period of time, not to exceed twelve consecutive months, in the same location subject to the following standards:
- (1) A vendor may request a variance from the 90 day location requirement to operate for an extended period of time. The maximum time period that the Planning Commission may grant this variance is limited to no more than twelve consecutive months.
  - (2) The applicant shall comply with the notification requirements of section 157.05 of the Unified Development Code.
  - (3) A variance may be granted by the Planning Commission when the following findings have been met:
    - (a) The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses, will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
    - (b) That the outdoor mobile vendors' presence for an extended period of time at one location will not create an unfair advantage over similar and nearby permanent businesses.
  - (4) In granting the variance, the Planning Commission may require appropriate conditions and safeguards, including semi-permanent or permanent improvements to the property to secure the substantial objectives of the ordinance.

(Ord. 5185, 10-7-08; Ord. 5425, 8-2-11; Ord. No. 5498 05-01-12)

We are requesting a variance for an Outdoor Mobile Vending permit to extend for longer than 90 days. The request would grant us an additional 90 days in our current location of 3078 N College.

We are submitting this request because the shaved ice season in Fayetteville lasts anywhere from 5-7 months, depending upon the weather that year. We have a loyal following of repeat customers that are pushing for us to stay longer than 90 days.

Just as stated in our Outdoor Mobile Permit:

This mobile vending unit is a portable building on skids to be used for selling shaved ice. We will use 2 parking spaces; one to place the building and another for order/seating. The area of the parking lot we will be located in is relatively unused. The setback from College Ave is 100 feet and we will be at least that distance away from the centerline of the road. The building measures 8 feet in width and 16 feet in length. We will place 1-2 tables/chairs for seating in front of the building.



Hours of Operation: 12pm-10pm

Number of Employees: 8-12

Anticipated customer flow: 20/hour during peak season

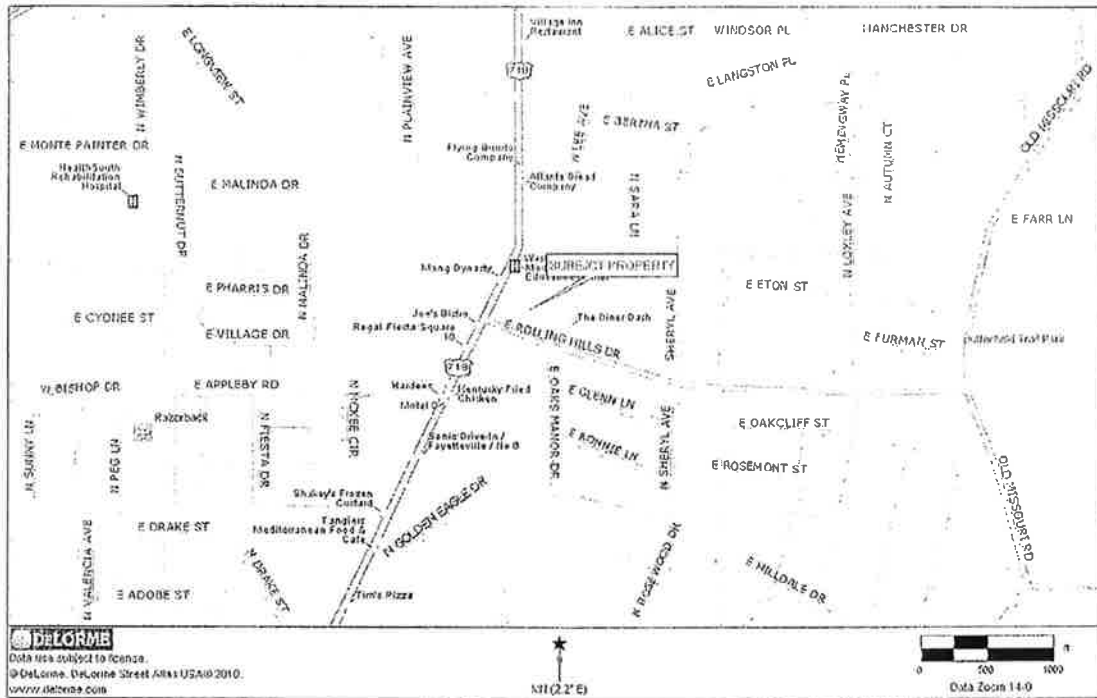
We have outside lights on our building, as well as parking lot lights. Noise will be kept to a minimum. Light music will be played for the customers. Trash is collected in a well-kept and clean trashcan and is taken out to a dumpster provided by Lessor. Traffic will not be disturbed.

Our shaved ice stand fits in well with the surrounding neighborhood and community and provides a safe, wholesome environment for kids, teens, and families to mingle.

## INTRODUCTION

### Location:

The subject property is located on the east side of N. College Avenue just north of the intersection of N. College Avenue and Rolling Hills Drive. The subject property extends eastward to Market Avenue and South to Rolling Hills Drive.







Departmental Correspondence



www.accessfayetteville.org

LEGAL  
DEPARTMENT

Kit Williams  
City Attorney

Jason B. Kelley  
Assistant City Attorney

TO: **Planning Commissioners**

CC: **Planning Staff**

FROM: **Kit Williams, City Attorney**

DATE: **June 1, 2012**

RE: **New amended and enacted §178.04 Outdoor Mobile Vendors  
Located on Private Property: Variance request**

The City Attorney's Office and Planning Division worked together to draft and recommend amendments to the former Outdoor Mobile Vendors section. The City Council agreed with our proposed amendment and formally enacted the amended §178.04 **Outdoor Mobile Vendors Located on Private Property** by Ordinance No. 5498 (attached) passed on May 1 and effective now.

The "Purpose" section was revised to reflect the City Council's intent "to facilitate and control the ability of outdoor vendors to temporarily operate on private property while ensuring such use is compatible with and not detrimental to nearby properties, does not adversely effect nearby businesses; fosters an aesthetically appealing streetscape and does not create or worsen a dangerous traffic condition." Thus, the City Council wants to encourage outdoor mobile vendors under the right circumstances and with any necessary safeguards for nearby businesses and the public.

A 90-day Outdoor Mobile Vendor permit can be issued by Planning Staff. Lengthening this permit requires a variance approval by the Planning Commission. Variances from development requirements usually require a finding of undue hardship and unique circumstances. Planning Staff and the City Attorney's Office did not believe that was the appropriate test for merely lengthening the permit period. The City Council agreed and enacted a specific test for the Planning Commission to administer for lengthening a permit.

The City Council spelled out the specific factors that the Planning Commission should consider when determining whether or not it should grant a requested variance to extend the permit period. The last section gives the Planning Commission the power to require “appropriate conditions and safeguards” for the variance.

- “(3) A variance may be granted by the Planning Commission when the following findings have been met:
- (a) The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses, will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
  - (b) That the outdoor mobile vendors/ presence for an extended period of time at one location will not create an unfair advantage over similar and nearby permanent businesses.
- (4) In granting the variance, the Planning Commission may require appropriate conditions and safeguards including semi-permanent or permanent improvements to the property to secure the substantial objectives of the ordinance.”

Please consider everything the City Council has determined important for your decision about whether or not to approve the requested

**ORDINANCE NO. 5498**

**AN ORDINANCE REPEALING AND REPLACING § 178.04 OUTDOOR MOBILE VENDORS LOCATED ON PRIVATE PROPERTY OF THE CODE OF FAYETTEVILLE TO PROVIDE FOR A VARIANCE PROCEDURE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals §178.04 Outdoor Mobile Vendors Located on Private Property of the Code of Fayetteville, and enacts a replacement §178.04 Outdoor Mobile Vendors Located on Private Property, as presented in the attached Exhibit "A", which is incorporated herein as if set out word for word.

**PASSED and APPROVED** this 1<sup>st</sup> day of May, 2012.

APPROVED:

ATTEST:

By:   
LIONELD JORDAN, Mayor

By:   
SONDRA E. SMITH, City Clerk/Treasurer



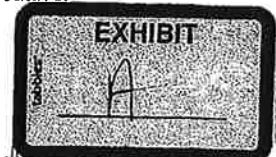


TITLE XV UNIFIED DEVELOPMENT CODE

**178.04 Outdoor Mobile Vendors  
Located On Private Property**

- (A) *Purpose.* This section's purpose is to facilitate and control the ability of outdoor vendors to temporarily operate on private property while ensuring such use is compatible with and not detrimental to nearby properties, does not adversely affect nearby businesses, fosters an aesthetically appealing streetscape, and does not create or worsen a dangerous traffic condition.
- (B) *Requirements.* Outdoor Mobile Vendors located on private property shall meet the following requirements and submittals prior to approval:
- (1) *Permit Application.* Each application for a permit to conduct an Outdoor Mobile Vendor business shall be accompanied by a \$50 permit review and processing fee.
  - (2) Application for a permit to conduct an Outdoor Mobile Vendor business shall include the following items in a format acceptable to the Zoning and Development Administrator:
    - (a) Name, address and contact information.
    - (b) Type of items sold or services rendered. A change in product or service will require a new permit to be issued.
    - (c) A valid copy of all necessary permits required by State and County health authorities.
    - (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
    - (e) Means to be used in conducting business including but not limited to a description of any mobile device to be used for transport or to display approved items or services.
    - (f) A detailed site plan and written description illustrating the type, location, and dimensions of the mobile vendor business including parking.
    - (g) Written authorization, signed by the property owner or legal representative of record, stating that the transient merchant business is permitted to operate on the subject property.
  - (3) The permit issued shall not be transferable in any manner.
  - (4) The permit is valid for one mobile vendor location only.
  - (5) The proposed use must be a permitted use-by-right within the underlying zoning district in order to be permitted.
  - (6) An Outdoor Mobile Vendor business may be approved by the Planning Division after making the following determinations:
    - (a) All of the requirements of 178.04(B)(2) have been met.
    - (b) The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses, will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
  - (7) Outdoor mobile vendors are allowed on a temporary basis (90 days), by nature of their temporary occupancy, in one location over a one-year (twelve month) timeframe. Outdoor mobile vendors may move to a different location at least one half mile from the original location after this 90-day period has expired. However, a new Outdoor Mobile Vendor Application will have to be reviewed and approved by the Planning Division for a new location.
  - (8) Outdoor mobile vendors shall be in compliance with parking lot requirements for any existing and the proposed business. The number of required parking spaces is determined by the use and size of the proposed transient merchant business, and by the use and size of the existing business. Parking spaces on the property where the outdoor mobile vendor is located shall be paved and striped in order to be utilized. The use of parking for an outdoor mobile vendor may not reduce the number of spaces necessary for other uses occurring on the property. An adequate number of parking spaces for the existing businesses and the outdoor

CD178:1



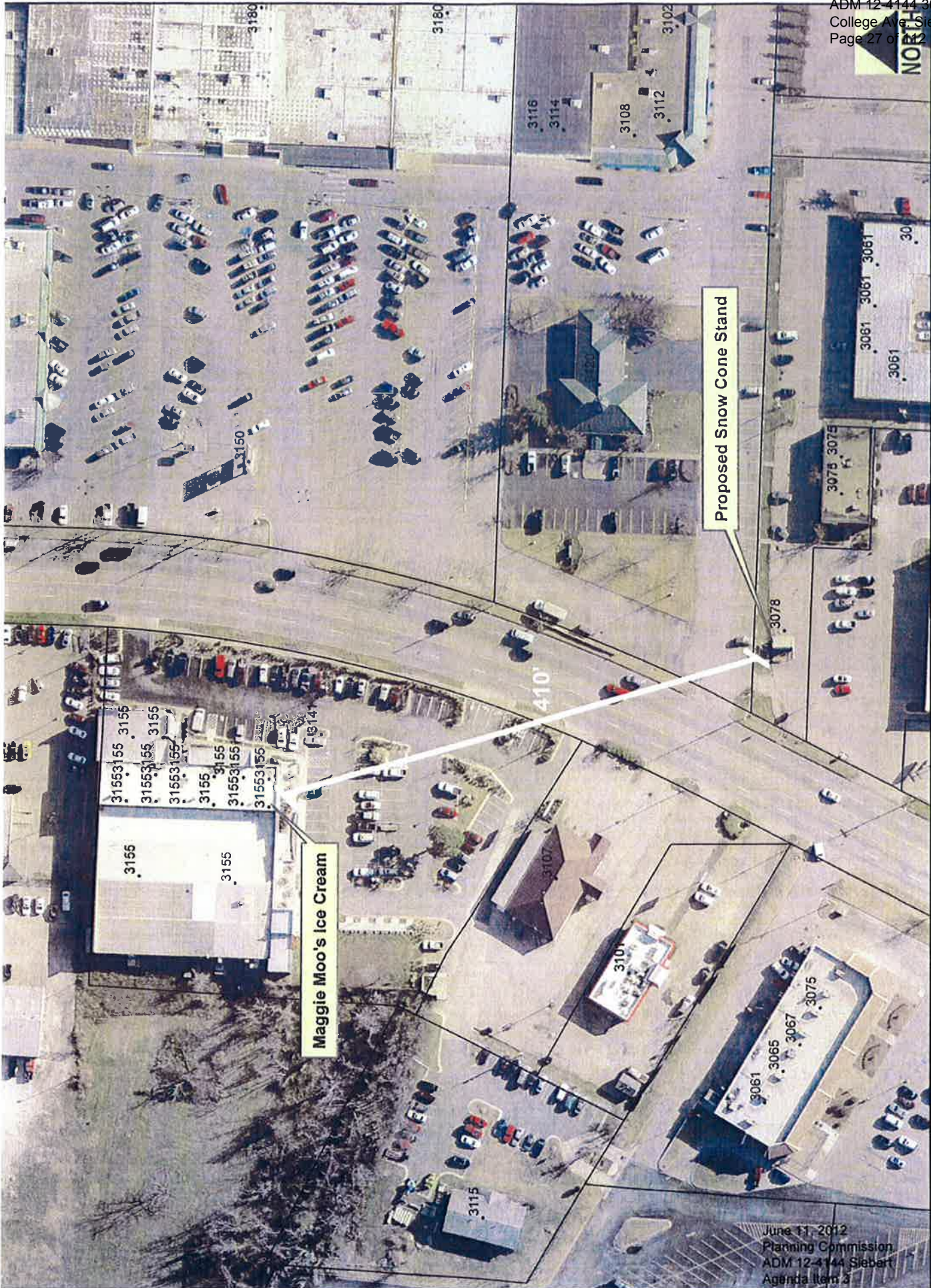
TITLE XV UNIFIED DEVELOPMENT CODE

mobile vendor must be provided onsite. The location of the outdoor mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.

- (C) *Variances.* Outdoor Vendors may request a variance from the Planning Commission to operate for an extended period of time, not to exceed twelve consecutive months, in the same location subject to the following standards:
- (1) A vendor may request a variance from the 90 day location requirement to operate for an extended period of time. The maximum time period that the Planning Commission may grant this variance is limited to no more than twelve consecutive months.
  - (2) The applicant shall comply with the notification requirements of section 157.05 of the Unified Development Code.
  - (3) A variance may be granted by the Planning Commission when the following findings have been met:
    - (a) The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses, will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
    - (b) That the outdoor mobile vendors' presence for an extended period of time at one location will not create an unfair advantage over similar and nearby permanent businesses.
  - (4) In granting the variance, the Planning Commission may require appropriate conditions and safeguards, including semi-permanent or permanent improvements to the property to secure the substantial objectives of the ordinance.

(Ord. 5185, 10-7-08; Ord. 5425, 8-2-11)

CD178:2

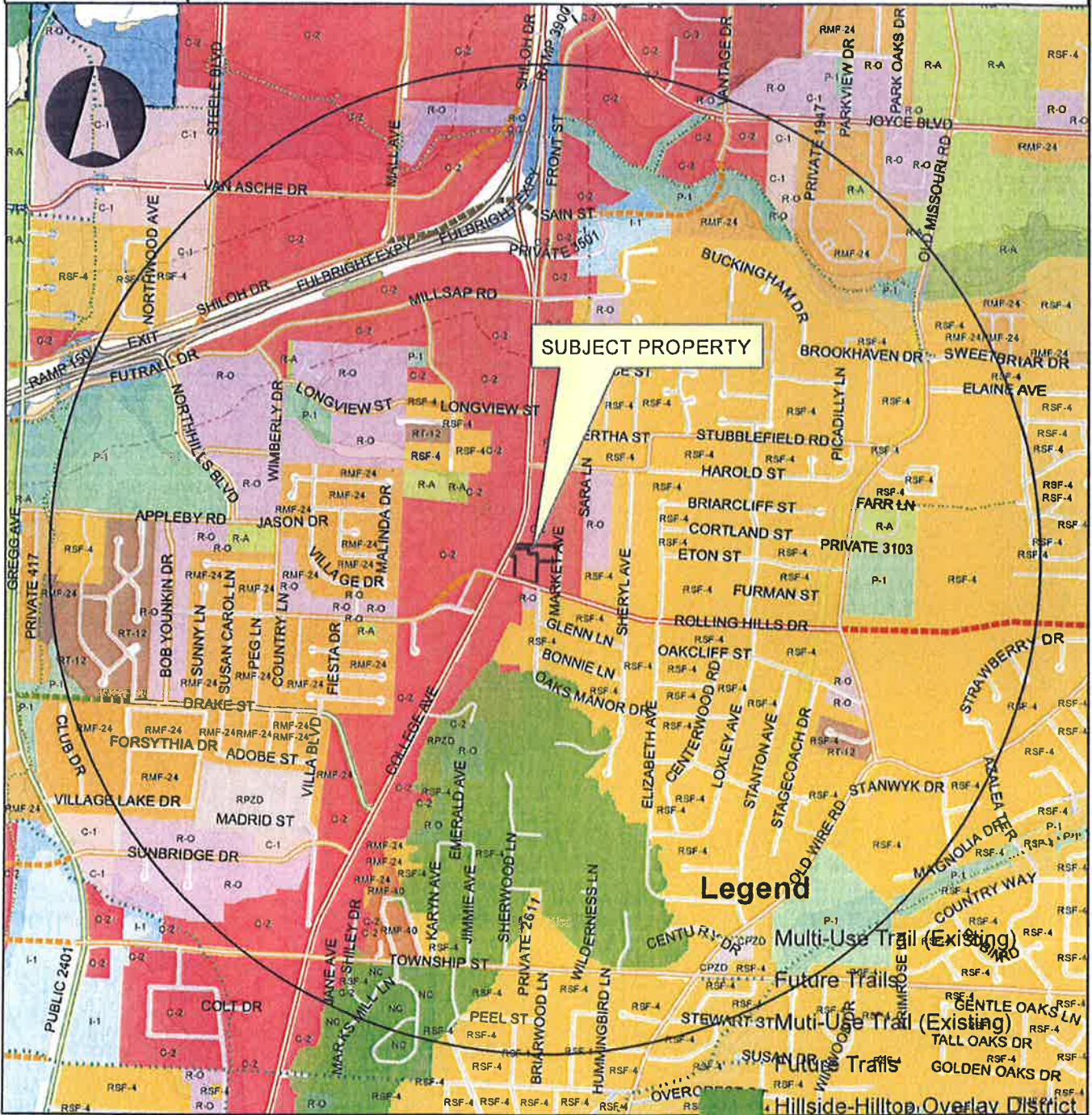


1 inch = 100 feet  
0 25 50 75 100 Feet

ADM12-4144

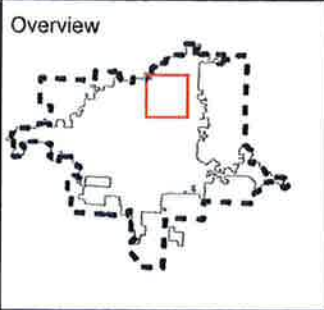
# SIEBERT

One Mile View



## Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- Hillside-Hilltop Overlay District



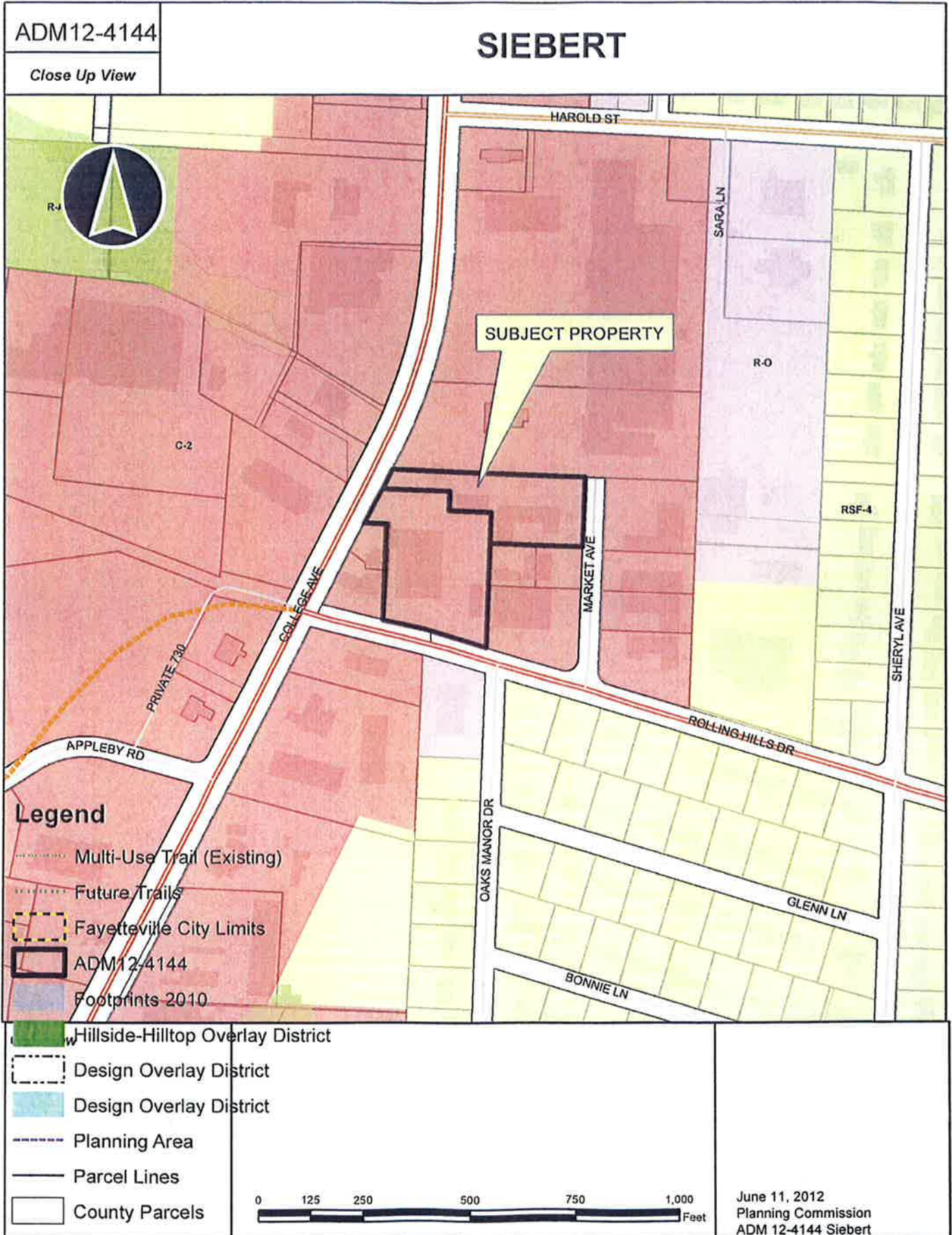
- Legend
- Subject Property
- ADM12-4144

Boundary

- ADM12-4144
- Design Overlay District
- Planning Area
- Fayetteville

0 0.25 0.5

1  
Miles





*Handed out at the City Council meeting*

**B-13-12**  
ADM 12-4144 3078 N.  
College Ave. Siebert Appeal  
Page 31 of 112

**06/29/2012**

**City of Fayetteville  
Mayor Lionel Jordan  
City Council Members**

**RE: Appeal – ADM 12-4144 Siebert**

Dear Council Members –

Please find the attached information we intend to present at the upcoming City Council meeting on the Appeal of ADM 12-4144 Siebert (Shave the Planet). As you are aware, we are requesting the Council to reverse the decision made by the City of Fayetteville Planning Commission on June 11<sup>th</sup>, 2012 to allow Shave the Planet to remain in their current location for longer than 90 days as is provided by the UDC.

I had originally intended to distribute an abbreviated list of the topics we intended to cover at the meeting. After further consideration, I decided to include a more comprehensive package of information so that I may do my best to keep my presentation at the meeting as brief as possible. I respectfully request that you please review the attached information contained herein as it is the information we intend to offer at the public meeting.

Thank you,  
Tracy K Hoskins

## Presentation -

Per 178.04(c)(3)(b) of the UDC -

“...the mobile vendors’ presence for an extended period of time at one location will not create an unfair advantage over similar and nearby permanent businesses.”

The question to be answered is whether or not Shave the Planet (STP) is a similar (not “identical”) business to MaggieMoos Ice Cream and Treatery.

First, STP is not a “**snow cone stand**” as the business has been labeled on several occasions and within Staff’s reports. STP is a **shaved ice shop**. **There is a difference in the two products**. Snow Cones are more of a gritty, icy product typically served in a paper cone. Shaved ice is a snow-like, smoother (much like ice cream or sorbet) product served in cups and offered in various sizes; much like a fountain beverage, smoothie, shake, etc.

Shaved Ice and those products sold and MaggieMoos are both categorized as “frozen desserts” which are seasonal products for the most part.

MaggieMoos sells -

Ice Cream, Sherbet, Sorbet (very similar to shaved ice) and Milk Shakes, offered with mix-ins and/or toppings; along with Smoothies and Novelty Items.

In addition to Shaved Ice Desserts, STP advertises –

Ice Cream, Sherbet, and Milk Shakes as both primary menu items and as mix-ins and/or toppings.

With the above, one could easily determine (notwithstanding the facilities from which each does business), that STP is not only “similar” to MaggieMoos but in many way IDENTICAL to MaggieMoos. In Staff’s report, you will find that Staff agrees the two businesses are very “similar” as defined by the code. There will be images provided later in this document which illustrate the products and the nature of the STP business.

Per 178.04(b)(2)(b) of the UDC, when applying for Outdoor Mobile Vendor on Private Property Permit, the Applicant IS REQUIRED TO DISCLOSE the “type of items sold or services rendered.” Had the Applicant properly disclosed their menu items included Ice Cream, Sherbet, and Milk Shakes on their original permit as required, it is likely the Planning Commission would have had this information to consider prior to granting a variance. Further, the omitted information is very pertinent for the Commission to determine if the two businesses are “similar”.

Had the Applicant properly disclosed their menu items included Ice Cream, Sherbet, and Milk Shakes on their original permit as required per 178.04(b)(6)(b) of the UDC which states, “...the outdoor mobile vendor...will not adversely affect nearby businesses...”; one could determine the original 90 day permit may not should have been granted to begin with.



4863



CITY OF FAYETTEVILLE, ARKANSAS

# OUTDOOR MOBILE VENDOR

<b>FOR STAFF USE ONLY</b>	<b>FEF:</b> \$50.00
Date Application Submitted:	S-T-R:
Date Accepted as Complete:	PPH:
Case / Appeal Number:	Zone:
Public Hearing Date:	

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your application will not be considered complete for review until all necessary information is furnished.

### Application:

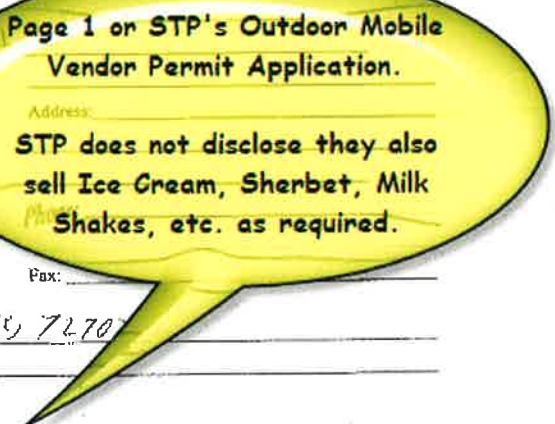
Indicate one contact person for this request:  Applicant  Representative

Applicant (person making request): \_\_\_\_\_ Representative (engineer, surveyor, realtor, etc.): \_\_\_\_\_

Name: Eric Siebert

Name: \_\_\_\_\_

E-mail: wheel power cycle sports @ps...



Address: 2196 Clover dr Fayetteville, AR 72701

Phone: (479) 871-8204

Fax: \_\_\_\_\_

Vending Location/Address: 3078 N College, 72701

### Product for Sale or Service Offered (Describe):

- 1. Food/ Beverage: Shaved Ice
- 2. Product: \_\_\_\_\_
- 3. Service: \_\_\_\_\_

Business/Vendor Name: Stave the Planet Square Feet of Building/Structure: 128

Number of Parking Spaces Required for Use: 1 Zoning District: C-2

Arkansas Sales and Use Tax ID Number: 00324266 Use Unit: VB

Description of Mobile Device or other Structure to be utilized for conducting business: Shaved Ice Stand (portable)



Small (12 oz)  
\$2.00

Medium (16 oz)  
\$2.50

Really Big  
(24 oz)  
\$3.50



Bahama Mama	Coffee	Hurricane	Peach	Tiramisu
Banana	Cookie Dough	Invisible Bubblegum	Pina Colada	Tutti Fruiti
Black Cherry	Cotton Candy	Invisible Cherry	Pineapple	Vanilla
Blueberry	Cream Cheese	Invisible Raspberry	Pink Bubblegum	Vanilla Malt
Blue Bubblegum	Cream Soda	Invisible Strawberry	Pink Lemonade	Watermelon
Blue Coconut	Daiquiri	Kiwi	Polar Punch	Wedding Cake
Blue Eagle	Dill Pickle	Lemon	Red Raspberry	Wild Strawberry
Blue Raspberry	Golden Apple	Lime	Root Beer	
Butterscotch	Grape	Mai Tai	Silver Fox	SUGAR-FREE:
Cake Batter	Grapefruit	Mango	Spearmint	*Coconut
Cherry	Green Apple	Margarita	Strawberry	*Peach
Chocolate	Guava	Mojito	Tamarind	*Strawberry
Cinnamon	Hawaiian	Orange	Tidal Wave	*Tiger's Blood (Add 50¢)
Coconut		Passion Fruit	Tiger's Blood	

\*Sherbet Ice Cream (75¢ Extra)

\*Hershey's Chocolate Syrup

TOPPINGS: (50¢ Extra)

\*Hershey's Caramel Syrup

\*Sour Cream Topping

\*\*The Ultimate Addition: Vanilla Ice Cream (75¢ Extra)\*\*

### Specialty Mixes

**Afternoon Delight**  
*Orange, strawberry, and blue raspberry*

**Andes™ Mint Chocolate**  
*Chocolate and a hint of spearmint*

**Cheesecake**  
*Any flavor and cream cheese*

**Cherry Bomb**  
*Vanilla malt with cherry sauce*

**Colada**  
*Our fruit's favorite and coconut*

**Dr. Sno**  
*Food items and cherry*

**Funky Monkey**  
*Banana and blueberry*

**Shirley Temple**  
*Lime and cherry*

**Strawberry Shortcake**  
*Strawberry and cream*

**Tiramisu**  
*Coffee and cream*

**Tutti Fruiti**  
*Vanilla malt with fruit*

**Vanilla Malt**  
*Vanilla malt with ice cream*

**Watermelon**  
*Watermelon and cream*

**Wedding Cake**  
*Vanilla malt with cream*

**Wild Strawberry**  
*Strawberry and cream*

### Fabulous Concoctions!

*Made with additional toppings (Extra charge)*

**Acid Rain**  
*Wild strawberry, pink lemonade & alcohol*

**Banana Cream Pie**  
*Banana, coconut & cream*

**Banana Split**  
*Strawberry, banana & ice cream*

**Bto-fuel**  
*Cookie dough and cream*

**Caramel Apple**  
*Apple, caramel, cinnamon, and cream topping*

**Creamsicle**  
*Orange, vanilla & cream*

**Coconut Cream Pie**  
*Coconut, vanilla & cream*

**Earth Day**  
*Butterscotch & caramel topping*

**Green House**  
*Lemon, lime, blueberry & sour*

**Homemade Ice Cream**  
*Vanilla malt with ice cream*

**Milkshake**  
*Chocolate, vanilla malt & Hershey's chocolate*

**Ozone Layer**  
*Lemon, lime, cherry, sherbet*

**Strawberry Shortcake**  
*Cake batter, strawberry, cream*

**Homemade Ice Cream, Sherbet  
Ice Cream, Milkshakes**

Below, you will find evidence that the public and STP themselves see STP as a permanent perennial business. Through the Siebert's own admissions, they want to be permanent (but only during the high season) at the same location year after year. Further, if we were discussing ONLY shaved ice and ice cream, then one might feel there is enough difference in the two products. However, you will find proof that STP not only sells shaved ice frozen desserts, but markets and equally sells and regularly advertises other frozen dessert products IDENTICAL to MaggieMoos.

6/27/2012 – NWA Online (Online NWA Times)

Katy Siebert (STP Co-Owner) -

“Shaved ice and ice cream are completely different products and completely different customer bases,” Siebert said Tuesday.

***Here are some photographs of STP's products alongside MaggieMoos products –***



The following entries are taken from comments made by the STP Owners and the Public at the Planning Commission Meeting of June 11<sup>th</sup>, 2012. A Copy of the Minutes from the meeting is attached.

Eric Siebert –

STP has seen less of an increase in sales this year after Andy's closing. When Andy's closed – it didn't benefit them.

STP and MaggieMoos are very different

Willing to do whatever to make it **more permanent**.

***Eric Siebert obviously would like have a bricks and mortar business, but is unwilling to set up a permanent shop and expend the costs associated with a "more permanent" business.***

Katy Siebert -

Customers drive from Bentonville, West Fork Decatur, Stillwell, Siloam Springs...

***If this is the case, if their product and customer following is as the Sieberts and their employees describe, their customers won't mind driving to find them a half mile up or down the road.***

Commissioner Chesser asked Katy Siebert –

Chesser - "If you were not in business for more than 90 days, would you have to close up shop?"

Katy Siebert – "We'd have some very unhappy customers."

Chesser – "If we said no, would you be open?"

Katy Siebert – "We would have to find a new place to move and therefore we would lose a lot of our customer base because, I mean, they know where the spot is."

Chesser – "They know where the location is."

Eric Siebert – "There's going to be a shaved ice vendor there regardless whether it's us or somebody else."

Chesser – "It sounds like you'd be there either way, right... if it's for 90 days or 120 days, you want to be there during that time (summer), because it's a good location."

Katy Siebert - "Yes year after year. We'd like to be there as many years as possible."

***Katy Siebert obviously would like have a bricks and mortar business, but is unwilling to set up a permanent shop and expend the costs associated with a "more permanent" business. Katy has established STP's customers also view STP as a business expected to be in that particular location year after year.***

Andrea Lister - customer  
Can't afford it (MaggieMoos)

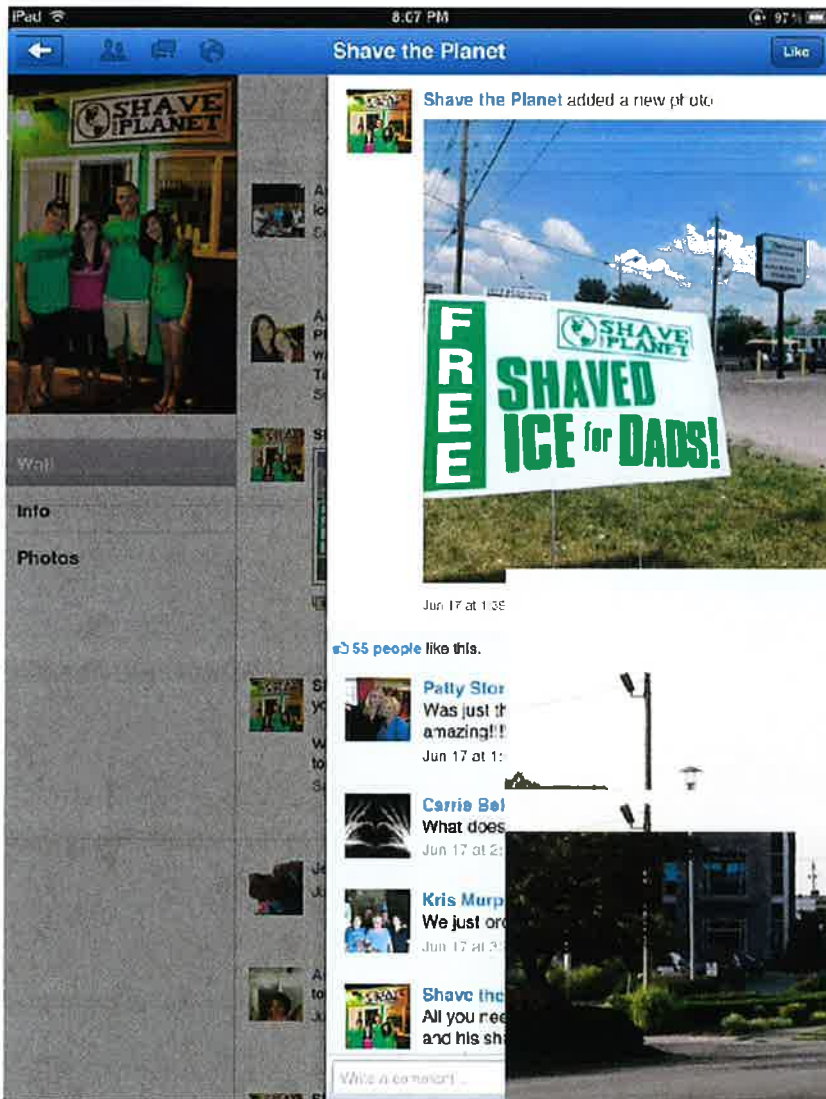
***The mobile/semi-permanent businesses are not required to suffer the initial and ongoing expenses and overhead as required for the bricks and mortar businesses. These expenses include but aren't limited to water, sewer, sanitation, provision and maintenance of ADA facilities, public restrooms, property taxes, landscape installation and maintenance, payroll taxes, etc. A business with minimal overhead which operates only during the season when sales are high and close up shop the remainder of the year can easily cut prices below their competition while maintaining a very acceptable profit margin.***

Sarah McNeil – employee  
Totally different product vs a dairy product.  
It's (STP) not a transient vendor. I was offended by that.  
The site has always been used for an **ice cream stand** and is not a transient vendor.  
Woman coming from Centerton three or four times a week.  
And I need the job.

***Even STP employees consider STP to be a semi-permanent business and even refer to it as an "ice cream stand" and "it's not a transient vendor". We are not suggesting STP should close up shop. Per 178.04 of the UDC, we are asserting that the two businesses are without doubt "similar". Therefore, STP should be required to relocate ½ away. Katie Siebert stated, "We would have to find a new place to move..." So, moving might not be what STP WANTS do, but it is something STP CAN do; and Sarah and others can all keep her jobs.***

Jaqueline Buntin – friend  
Known the Siebert for 8 years.  
STP is committed to following city guidelines, obeying city law

***Bricks and Mortar businesses have strict regulations which must be adhered to. Of those regulations, the sign ordinances are very deliberate. MaggieMoos recently appropriately permitted and invested over \$15,000 on an internally lit monument sign which is the City's preferred commercial sign. Staff was diligent in making sure the proper setbacks, height, square footage of display, etc was strictly adhered to. Below are picture of two signs posted by STP AFTER the Planning Commission meeting where their variance was granted. Staff will confirm that neither of these signs meet the regulations of the city's sign ordinances, are illegal signs which were never properly permitted by the City.***



**Unpermitted Signs located  
The right-of-way of N. College  
Avenue.**



***Of course, policing mobile vendors is much more difficult than policing bricks and mortar businesses. However, if STP is "Willing to do whatever to make it more permanent", and "STP is committed to following city guidelines, obeying city law", they should be willing to abide by the law as opposed to posting illegal signage.***

STP has 25 employees, 15 at college location.  
People need to keep their jobs during summer months.

***Again, no one is suggesting STP close up shop. Like Sarah (above,) no one loses their job.***

Cody Buntin – Friend/Realtor

The best to place to open a restaurant is between two other restaurants.

***To Mr. Buntin's argument, if STP decides to open up a permanent business within the very building where the parking lot is they inhabit year after year and be subject to the regulations other bricks and mortar businesses are subject to, then the city will never hear a single complaint out of MaggieMoos. We have no problem if STP decides to "open a restaurant" right across the street from MaggieMoos restaurant. This is not a case of one restaurant opening up across the street from another.***

Ben Israel – Relative and property owner

I don't pay any less taxes whether or not STP is there or not.

*\*Commissioner Chesser addressed Property Taxes, questioning if property taxes would be the same.*

***Mr. Israel refers to Real Estate taxes and has referred to the same on previous occasions. When we have made reference that mobile vendors often do not expend "property taxes" as bricks and mortar businesses are subject to, we are referring to "property taxes", not "real estate taxes". Property taxes are those ad valorem taxes assessed on business's personal property such as furniture, fixtures and equipment. It is very difficult for authorities to monitor a transient vendor to ensure they have properly assessed business property, while it is very easy for them to monitor permanent businesses. The following document was provided by a local title and abstract company whose profession is to research governmental records and provides accurate information pertaining to those records. Though STP has several locations throughout Washington County and its Principles resides in Washington County, they were unable to find records of any business property (portable buildings, shaved ice machines, freezers, etc.), having ever been assessed by Siebert, his LLC, any DBAs, or Shave the Planet. The only assessment found was for personal vehicles, a 10ft box trailer and a 6ft flat bed trailer. See below.***

## BRONSON ABSTRACT COMPANY, INC.



Closings

Title Insurance

Abstracts

3810 Front Street  
Suite 5  
Fayetteville, AR 72703  
479 442-2700  
Telecopier  
479 442-8475

June 14, 2012

Tracy K. Hoskins  
3155 N. College Ave.  
Fayetteville, AR 72703

Re: search

As requested we researched the Washington County, Arkansas Assessor's personal property rolls for the following names:

Eric J. Siebert  
Shave the Planet  
Wheel Power Cycle Sports, LLC

We found no assessments for Shave the Planet and Wheel Power Cycle Sports, LLC. However, we found assessments for Eric J. Siebert which is attached.

Sincerely,

Scott Bronson



Record 6 of 39 Last Updated 06/13/12

[Print Page](#)

Assessment Number: **8102453**      Assessment Year: **2012**  
Assessment Date: **4/20/2012**      Last Modified: **4/20/2012**  
Name: **SIEBERT, ERIC J**  
Mailing Address: **2146 S CLOVER DR FAYETTEVILLE AR 72701**

Tax District	Total Assessed Value	Total Late Value
<b>011</b>	<b>6,560</b>	<b>0</b>

Assessed Personal Property	Assessed Value
<b>2012 CARGO 10'</b> PUR 03/14/2012 \$3507 NBW	<b>670</b>
<b>2009 CHEV 1500 15 CREW 4X4 1LT 8G 4.8 143.5</b> PUR 03/23/2012 \$21000 NBW	<b>4,890</b>
<b>2002 HYUN SANTA FE 4DR GLS 6G 2.7 103.1</b> GIFTED 8/30/2011 CAZ	<b>930</b>
<b>HMDE UTILITY FLATBED, LIGHT DUTY 6' STD</b> PUR 4/20/10 \$359 CAZ	<b>70</b>

[Next Item](#) | [Previous Item](#) | [Return to Search Results](#) | [Modify Search](#) | [New Search](#)

178.04(c)(3)(b) of the UDC does not include support, how well people like the product, or how many friends or employees speak on a mobile vendor's behalf - as a consideration for granting a variance to allow said vendor an extended stay. However, those speaking on behalf of STP, including the STP owners themselves, clearly assert that it is their opinions that STP and MaggieMoos are NOT "similar" businesses. We have asserted the two businesses are not only "similar", but in many ways identical. The following illustrations should prove beyond doubt that the products sold by both businesses are well beyond "similar".

Most of the following images are taken from STP's own FaceBook pages and posts.



SHAVE THE PLANET

June 10

Dear Shave the Planet Customers,

In 2011, we applied to stay for 6 months at our College Ave location and were approved with an 8-1 vote. This year, we applied to stay the same amount and were only approved for 3 months. This basis for this decision was because MaggieMoos ice cream shop across the street complained that we were taking their customers.

We have repealed this action stating that shaved ice and ice cream are very different products, and that our customers come to us specifically because they want shaved ice. If we are not approved, our permit will expire at the end of June.

We would love for our customers who share our opinion and love shaved ice to be at the city meeting to help us prove that we should be able to stay the entire summer! Let's fill the courthouse!

The meeting is schedule for this Monday, June 11th at 5:30PM at City Hall (113 Mountain St, just off the square). Just go up the grand staircase and it's the big room at the top!

We want to continue serving you some STP goodness as long as we can! You can speak if you'd like, but even your presence would help!

Thanks,  
Eric and Katy Siebert

Like · Comment · Share

13

# STP Menu Board -



Small (12 oz)  
\$2.00

Medium (16 oz)  
\$2.50

Really Big (24 oz)  
\$3.50



Bahama Mama	Coffee	Hurricane	Peach	Tiramisu
Banana	Cookie Dough	Invisible Bubblegum	Pina Colada	Tutti Frutti
Black Cherry	Cotton Candy	Invisible Cherry	Pineapple	Vanilla
Blueberry	Cream Cheese	Invisible Raspberry	Pink Bubblegum	Vanilla Malt
Blue Bubblegum	Cream Soda	Invisible Strawberry	Pink Lemonade	Watermelon
Blue Coconut	Daiquiri	Kiwi	Polar Punch	Wedding Cake
Blue Eagle	Dill Pickle	Lemon	Red Raspberry	Wild Strawberry
Blue Raspberry	Golden Apple	Lime	Root Beer	
Butterscotch	Grape	Mai tai	Silver Fox	SUGAR-FREE:
Cake Batter	Grapefruit	Mango	Spearmint	*Coconut
Cherry	Green Apple	Margarita	Strawberry	*Peach
Chocolate	Guava	Mojito	Tamarind	*Strawberry
Cinnamon	Hawaiian	Orange	Tidal Wave	*Tiger's Blood (Add 50¢)
Coconut		Passion Fruit	Tiger's Blood	

\*Sherbet Ice Cream (75¢ Extra)

\*Hershey's Chocolate Syrup

TOPPINGS: (50¢ Extra)

\*Hershey's Caramel Syrup

\*Sour Cream Topping

\*\*The Ultimate Addition: Vanilla Ice Cream (75¢ Extra)\*\*

### Specialty Mixes

**Afternoon Delight**  
Orange, strawberry, and blue raspberry

**Andes™ Mint Chocolate**  
Chocolate and a hint of spearmint

**Cheesecake**  
New York and cream cheese

**Cherry Bomb**  
Vanilla swirls, cherry sauce

**Colada**  
All things blue and coconut

**Dr. Sno**  
Blueberry and cherry

**Funky Monkey**  
Banana and chocolate

**Shirley Temple**  
Lime and cherry

**Vanilla Malt**  
Vanilla malt and cream

**Wild Strawberry**  
Vanilla malt and strawberry

**Wedding Cake**  
Vanilla malt and blue raspberry

**Watermelon**  
Lime and strawberry

**Wild Strawberry**  
Vanilla malt and blue raspberry

### Fabulous Concoctions!

Made with additional toppings (50¢ extra charge)

**Acid Rain**  
Wild strawberry, pink lemonade & sherbet

**Banana Cream Pie**  
Banana, coconut, & cream

**Banana Split**  
Strawberry, banana & ice cream

**Bio-fuel**  
Cookie dough and cream

**Caramel Apple**  
Apple, swirls of cinnamon, and caramel topping

**Creamsicle**  
Orange, vanilla & cream

**Coconut Cream Pie**  
Dessert, vanilla & cream

**Earth Day**  
Butterscotch & caramel topping

**Green House**  
Lemon, lime, blueberry & mint

**Homemade Ice Cream**  
Vanilla malt with ice cream


**Milkshake**  
Chocolate, vanilla malt & Hershey's chocolate

**Ozone Layer**  
Lemon, lime, cherry, sherbet

**Strawberry Shortcake**  
Cake batter, strawberry, cream



Homemade Ice Cream, Sherbet Ice Cream, Milkshakes



Facebook post from Twice Born Design to the page "Shave the Planet". The post asks for popular flavors that are not typical. A yellow speech bubble points to the text "Acid Rain is great! It's got wild strawberry, pink lemonade, and sherbet in the middle!".

Shave the Planet

Twice Born Design ▸ Shave the Planet  
I've been craving some Saved Ice! -What are some popular flavors that are not your typical flavors??  
Jun 12

Shave the Planet  
Acid Rain is great! It's got wild strawberry, pink lemonade, and sherbet in the middle! Another great one is California Dream (peach, pineapple, mango)! Thanks for asking!  
Jun 13 · Like · 1

June 12  
Sherbet



Facebook post from Shave the Planet to the page "Shave the Planet". The post announces the opening of a location at 3078 N College. A yellow speech bubble points to the text "Sherbet".

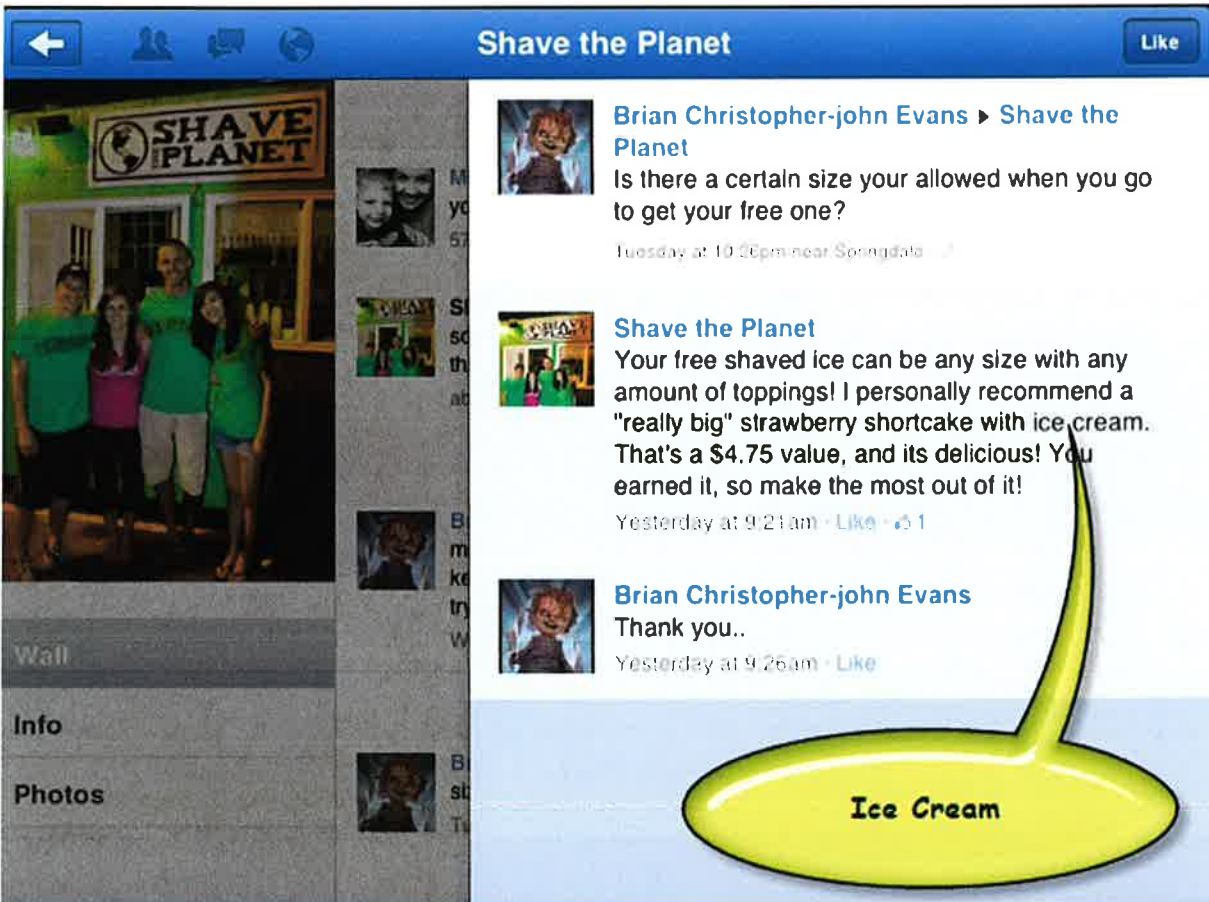
Shave the Planet

Shave the Planet  
Starting today, our location at 3078 N College will open at 11am daily (except Sunday)! FOTD is Hawaiian with Sherbet! Come by and see us!  
Jun 18 at 11:17am

8 people like this.

Diana Zumwalt  
You used to open a shave the planet in Minnesota!!!  
Jun 19 at 2:00pm · Like · 1

June 18 (after variance approval / before appeal)  
Sherbet



Facebook post from Brian Christopher-john Evans to the page "Shave the Planet". The post asks, "Is there a certain size your allowed when you go to get your free one?". It is dated Tuesday at 10:26pm near Springdale. The post has a profile picture of a cartoon character and a small thumbnail image of the shop's exterior.

**Shave the Planet**  
Like

**Brian Christopher-john Evans** ▸ **Shave the Planet**  
Is there a certain size your allowed when you go to get your free one?  
Tuesday at 10:26pm near Springdale

**Shave the Planet**  
Your free shaved ice can be any size with any amount of toppings! I personally recommend a "really big" strawberry shortcake with ice cream. That's a \$4.75 value, and its delicious! You earned it, so make the most out of it!  
Yesterday at 9:21am · Like · 51

**Brian Christopher-john Evans**  
Thank you..  
Yesterday at 9:26am · Like

**Ice Cream**



Facebook post from Jeremy Jackson to the page "Shave the Planet". The post asks, "Flavor of the day is.....?". It is dated Jun 16 at 7:03pm. The post has a profile picture of a person and a small thumbnail image of the shop's exterior.

**Shave the Planet**  
Like

**Jeremy Jackson** ▸ **Shave the Planet**  
Flavor of the day is.....?  
Jun 16 at 7:03pm

**Shave the Planet**  
banana split!...strawberry, banana, and ice cream :)  
Jun 16 at 7:06pm · Like

**"Banana Split"**  
**A famous Ice Cream Dish**  
**Ice Cream**



Posted on 6-29-2012 -

14 hours ago via mobile · Like

Write a comment...



**Beth Dyar Emmanuel**

I read in the newspaper yesterday that Maggie Moo's is appealing the city council's decision.....Here's my opinion... " ... snow cones u sell with ice cream in them..." college closed, if your traffic hasn't increased then it's a problem with our product!!!! Sorry that Shave the Planet is superior AND not to mention

Like · Comment · 22 hours ago

 Alyssa Vivlemore likes this.



**Shave the Planet** Amen to that haha! You make some awesome points that will definitely be brought up at our meeting!

15 hours ago via mobile · Like



**Jamie Vivlemore** and no one wants ice cream when it's 100 degrees outside!

15 hours ago · Like



**Zala Wala** I love the snow cones u sell with ice cream in them no matter how hot it is?! U get the ice and the ice cream best of both! I love u guys!

10 hours ago via mobile · Like

Write a comment...

## Summary -

Per 178.04(c)(3)(b) of the UDC, STP should not be granted a variance to remain at their current location. The business is very similar to the nearby permanent business, MaggieMoos and in many respects identical. As STP has become a perennial business at their current location, they have become a semi-permanent business model which has figured out how to avoid the ongoing overhead, costs and regulations which bricks-and-mortar businesses are subject to for the entire year. By allowing mobile vendors to set up year after year, in the same location, and now add to that for extended periods; the mobile vendor is metamorphosized into a seasonal, semi-permanent business - a business which can avoid the aforementioned expenses thereby allowing them to easily lower prices below their neighboring competition while maintaining viable profit margins. They are allowed to move in long enough to pick the low-hanging fruit and when that fruit is gone – so are they. While this might be a great business model, was this really the intent of the Council when crafting the Mobile Vendor ordinances?

Several cities are struggling with this same issue. See the attached article next page. How do we fairly regulate Mobile Vendors while being equally fair to permanent businesses? We support the idea of mobile vendors, assuming those vendors are truly “mobile vendors”. A taco truck pulls up to a particular site (often construction sites, factories, etc.), does business, and then moves on to the next site. The taco truck is truly a “mobile vendor”. We hear the ice cream truck driving through the west side of town with *Turkey in the Straw* blaring through its bullhorn speakers every single day. We enjoy hearing him as he drives his route and we often purchase treats for our girls when he rolls through the neighborhood. We believe that portable buildings/vendor stands that are permitted to remain in a single location are not an example of a “mobile vendor”. They are “mobile on two occasions – when they move in and when they move out. The current code provides for these vendors to stay in one location for 90 days by right. As a bricks and mortar business, we may not agree with or like the ordinance, but we live with it without complaint. But when the vendor requests a variance to stay longer than the provided 90 days - and now year after year - we feel the ordinance is being manipulated and consideration should be given to those nearby similar bricks and mortar businesses.

178.04(c)(3)(a) and 178.04(c)(3)(b) are the only two questions to be considered when granting a variance which would permit a mobile vendor an extension beyond 90 days at the same location. We will not offer opinion on 178.04(c)(3)(a) as we concur with Staff on their findings. We also concur with Staff on their findings relative to 178.04(c)(3)(b); that the two businesses are very “similar” as demonstrated throughout this submittal. By permitting any mobile vendor to perennially locate in the same precise location, across the street from a “similar and nearby permanent business”, for extended periods, year after year, and only during the season when sales are high, thereby allowing the business to avoid the ongoing costs, overhead, regulations and requirements born by permanent bricks and mortar businesses year-round does indeed “...create an unfair advantage over similar and nearby permanent businesses”. And per 178.04(c)(3)(b) of the UDC, we respectfully request the City Council to grant our Appeal by reversing the variance granted to Shave the Planet by the Planning Commission.

Respectfully,  
Tracy K Hoskins

## Food Truck Friday takes bite out of business: UPDATE

Posted by [Leslie Newell Peacock](#) on Thu, Apr 19, 2012 at 5:53 PM



- 
- Last Friday's food truck service winds down.

At least two restaurant owners downtown are ticked off at the **Downtown Little Rock Partnership** for its sponsorship of **Food Truck Fridays**, which they say will hurt their business on what are normally their busiest days.

**Eric Tinner**, who owns **Sufficient Grounds** locations along Capitol Avenue, and **Matt Lile**, owner of **Lulav**, are blaming the partnership for a big dip in business last Friday, the first Food Truck Friday at Capitol and Main. Lile said his business was down 31 percent from the previous Friday, and "I really believe [the food trucks] are directly responsible." Tinner said his business declined from the previous Friday at both his Sufficient Grounds locations (one at Union Plaza, close by the food trucks, and the other in the Metropolitan Bank building at 5th and Broadway) and that a survey he made of nearby restaurants showed a big drop in customers — U.S. Pizza by 30 percent and a Subway three blocks away down 23 percent.

"It's disappointing to see a group like the partnership ... support direct competition," Tinner said. "It's hard for me to stomach the fact that my dues are going to this [project] that hurts my business."

Tinner said the food trucks "come in, cherry pick our business at the peak time of day and week and they leave ... what do they leave besides trash?" Unlike the mobile trucks, Lulav's Lile noted that he'd invested time and money in fixing up a dilapidated building on Sixth Street for his business, a move that has helped downtown.

Both business owners were irked that food trucks aren't regulated as strictly as restaurants, whose kitchens must submit to several inspections yearly by the state Health Department.



**DLRP head Sharon Priest** believes things will even out in the next two months as overflow customers, people who do not regularly dine out downtown, head to the brick and mortar restaurants. She said the DLRP has offered to print for restaurants fliers that tout discounts at the restaurants for distribution at the food truck site. But Lile said offering discounts to lure business away from the food trucks "frankly hurts us too."

Priest noted that there are "roughly" 10,000 people who work within a few blocks of the food truck area "who are looking for lunch at the same time." She said she considers the food truck project — which she said was designed to bring new people to Main Street — a trial. The DLRP has contracted with the Metropolitan Housing Alliance (Little Rock's Housing Authority) Fridays through June for use of the block where the three food trucks set up. Tomorrow's trucks include **Royal Kabob**, **The Food Truck** and an as-yet-undetermined third vendor; hours are 11:30 a.m. to 1:30 p.m.

Tinner, who met with the DLRP before the first Food Truck Friday to express his opposition to the idea, has suggested that the food truck site move around to lessen the impact on any one area downtown, an idea Priest said she'd take into consideration after June. "I can't help but think things will level out, myself. People were in line for an hour" last Friday, she said. One restaurant owner, whom she declined to name, told a volunteer the food truck overflow had helped business.

Priest said she's also told restaurants they can sell prepared food from carts if they like, an idea that Tinner scoffed at. "I don't mind a little competition but in the end result, what is the message?" Tinner asked, that downtown restaurants aren't interesting?

**UPDATE:** Tinner has provided a list of the restaurants he queried and their sales:

Lulav -31 percent  
Subway on Main -30 percent  
Subway in Metropolitan Tower -25 percent  
Sufficient Grounds Express -23 percent  
Subway on 2nd -20 percent  
Slicks -12 percent  
Sufficient Grounds Cafe -12 percent  
Cotija's -10 percent  
Sports Page +25 percent (which Tinner attributes to the fact that the previous Friday was Good Friday, a non-meat-eating day)  
U.S. Pizza closed early

He also included a note he has sent to the Downtown Partnership:

As you can see, the effects of the additional competition were far reaching. All restaurants reported that business was dead until 12:30 when back-ups occurred at the food trucks. There was spillover from the trucks due to their inability to keep up with demand, so the numbers could have been much worse. Also, to my surprise, Metro store experienced a 28% decrease in sales over the day before, and this is not even a restaurant!

All owners are eager to speak with you and find a compromise to the situation which has driven a wedge between the small business owners in downtown and the Partnership. Please don't assume they have been appeased though. In fact, they have now had their fears proven true in Friday's losses and are more determined than ever to stop this clear threat to their business. Mr. Patel who owns the Subway on Main St. told me that he was going to speak to the mayor and wanted to circulate a petition to end the practice completely. I find this interesting because the theory of the Main Street Revitalization is to help Main Street business grow, but he has suffered the greatest loss at 30%. There was also discussion from one owner that with the Partnership financially supporting this, that they felt powerless to compete and they are now considering a move away from downtown. Are we now not causing more harm than good?

There needs to be a change before this has catastrophic effects on the local restaurants.

Sincerely,  
Eric Tinner

*Planning Commission  
June 11, 2012  
Page 1 of 4*

## **Minutes - June 11, 2012 Planning Commission**

### **New Business:**

**ADM 12-4144: Administrative Item (3078 N. COLLEGE AVE./SIEBERT, 252):** Submitted by ERIC SIEBERT for property located at 3078 NORTH COLLEGE AVENUE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.88 acre. The request is a variance to allow for an outdoor mobile vendor (Shave the Planet snow cones) for longer than 90 days.

**Andrew Garner**, Senior Planner, gave the staff report.

**Jason Kelley**, Assistant City Attorney, asked Commissioner Hoskins if he would be recusing from the item.

**Commissioner Hoskins** indicated that he would be recusing.

**Commissioner Winston** indicated that if Commissioner Hoskins was recusing he would need to leave the room.

**Commissioners Hoskins** indicated he did not think he would need to leave the room as he was not directly involved in the application.

**Garner** discussed that it was a general practice for commissioners to leave the room when recusing.

**Kelley** confirmed that it was a general practice but not a legal requirement.

**Commissioner Hoskins** left the room.

**Eric Siebert**, applicant, discussed that ice cream and shaved are different. He discussed that Andy's Frozen Custard closed this year and they did not see an increase in business. They are not getting the same customers.

**Katie Siebert**, applicant, discussed that people come for the experience and product. She discussed different **business from long distances for their product (Bentonville, West Fork, Siloam Springs, and further as far as Stillwell, Oklahoma).** They come for our experience and our produce. It is a destination.

**Eric Siebert**, applicant, discussed that they would be willing to plant a tree or anything we could do to make it a little more permanent.

**Katie Siebert**, applicant, discussed that they are willing to work with the City.

### **Public Comment:**

**Andrea Lister**, discussed that the prices at Maggie Moo's are exorbitant. Shave the Planet is a place in town where I can take all my kids to get something for \$2. Ice cream and shave ice are totally different markets and two different experiences. Shave the Planet is a homegrown business.

**Sarah McNeil**, I work at Shave the Planet. She discussed that shaved ice and ice cream are very

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*June 11, 2012*

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different products. This site has always been used for an ice cream stand and is not a transient vendor. I was offended by that. I have lived in Fayetteville all my life and there has always been shaved ice in this location. We have people coming all the way from Centerton three times a week to get this product. Shutting down a homegrown business might be frowned upon. Shave the Planet is a locally owned business.

**Jacqueline Buntin**, is thankful for the existing 90-day permit. I trust the City will make a fair decision. I have known Eric and Katie for eight years. They are really interested in obeying the guidelines and doing this right. Shave the Planet has 25 total employees. Fifteen of them work at this College Avenue location. This keeps people with a job during the summer months. When I decide I want ice cream I have 10 locations in Fayetteville, that is not counting the fast food restaurants. There is plenty of competition for ice cream in Fayetteville. Their business is successful and they should be rewarded.

**Cody Buntin**, a resident of Fayetteville my entire life, commercial realtor. This business creates another reason to drive and spend money in this area of Fayetteville. Fiesta Square is not what it used to be. It seems out of place to deny extending this permit to a successful business. They are just bringing more traffic to this side of town.

**Ben Israel**, I own the property that Shave the Planet is on. I don't pay any less tax because they are only there for six months. They pay sales tax. I'm a little confused why a brick-and-mortar is preferred over this kind of business. I would encourage you to give them this variance.

**Justin Leflar**, school teacher at Holt Middle School. He spoke about a donation from Shave the Planet to their school to reward kids for their hard work. If this is denied where will the kids use their voucher.

**Cody Yancey**, discussed that it is an unfair advantage that he has to go through all this to be in business. He has to apply for a different variance every year. He has to carry the same insurance for his employees. Snow cones and ice cream are two separate things. There is no proof that it is detrimental to their sales.

**Mena Shombod** (sp?), Shave the Planet employee. We really rely on this job. There are not a lot of places where you can find a summer job so you can focus on academics during the other time of the year. This is a great opportunity for high school and college students to gain experience and grow their character. This stand on College has established itself as a great environment for customers. There have not been issues with traffic or any other detrimental effects. I hope that you guys consider that.

**Celeste Hoskins**, Maggie Moo's. I like Shave the Planet and eat there with my kids. What I was asking for is that they take into consideration that there are ordinances. We have no issue with the 90-day permit. What I am asking for is that when they are asking for that extension that an ordinance be established so that we are all on the same playing field. I think it's great to support the community. I like the couple and Shave the Planet. It is just the ordinance. I think we need to establish some playing rules here. I think this is a great business model. What stops someone like me or other businesses from doing it. I don't think this is about competition or a customer base. I'm just wanting to see some guidelines on where we're going with mobile or transient vendors. If this is something you want to set precedence for that's great.

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Page 3 of 4*

**No more public comment was presented.**

**Commissioner Chesser** asked about the mobile vendor ordinance.

**Garner** discussed that this ordinance was under examination at the request of council members.

**Commissioner Chesser** discussed that this body doesn't write ordinance we just interpret the ordinance. There is a very specific part of the ordinance we are considering regarding whether this is a similar business. You said you had proof this was not a similar business?

**Katie Siebert**, applicant, discussed the HMR tax records for March, April, May, and June of last year for Shake's, Andy's, Maggie Moo's, and us. Last year Andy's was the highest grossing and they are now out of business. Last year we saw a 113% increase in our sales and most of that was due to the weather. This year you would expect since an ice cream shop went out of business we would see an increase. However, we only saw a 101% increase in our sales, this is 12% less than last year. It kind of shows that an ice cream business going out of business didn't help us.

**Commissioner Chesser** asked staff how an extension would hurt when the first three months of the busy season have been utilized. That seems like something we should take into consideration. The bulk of the problem is already occurring.

**Garner** discussed that the commission is just looking at the variance findings and he read the variance findings.

**Commissioner Chesser** asked staff why staff felt it was a similar business.

**Garner** discussed that we did not do a market study. In our drafting the findings and for the commission to consider, the rationale was what would a reasonable person think. I thought yes they are similar because it is a desert, you eat it mainly during the summer, and it is similar. Would it create an unfair advantage? I thought it could because you could have some of the same types of customers.

**Commissioner Chesser** asked if it would be worth it for them to only be there for 90 days.

**Katie Siebert** indicated that they would open in this location even if it is only for 90 days.

**Commissioner Chesser** asked about property tax on a brick-and-mortar versus a mobile vendor.

**Jason Kelley**, Assistant City Attorney, discussed that more improvements create more value and more property tax.

**Commissioner Chesser** discussed that lower property taxes could potentially be an unfair advantage.

**Commissioner Cook** agreed with Commissioner Chesser that it is not our responsibility to legislate. In this case the City Council has established the factors and it is up to our judgment. I think it is compatible and it does not create an unfair advantage.

**Commissioner Cook** made a motion to approve CUP 12-4144 **Commissioner Cabe** seconded the

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motion.

**Garner** requested Commissioner Cook clarify condition of approval #3.

**Commissioner Cook** clarified that condition #3 be modified to require the Urban Forester to approve the type and size of tree that is planted. Commissioner Cabe agreed with this modification to the motion.

**Commissioner Cabe** asked when this applicant's previous application came before the commission.

**Katie Siebert** confirmed that it was March 26<sup>th</sup>.

**Commissioner Cabe** discussed that the new ordinance was revised and came through May 1 of this year. He also asked about the City Attorney's memo that was in their packet and direction for the commission on several of the terms in the ordinance such as 'similar', 'compatible', 'not detrimental'.

**Jason Kelley**, Assistant City Attorney, stated that it is completely up to your judgment based on the facts that have been presented. The best thing I can equate it to is if you are on a jury and you hear all this testimony and you have to decide. That is the job.

**Commissioner Cabe** stated that the ordinance did change and it requires judgment. The ordinance was first written and first became an opportunity for businesses to get their legs under them and do something that is atypical. I fully feel like a seasonal business is exactly that sort of opportunity. Like the applicant said there are very few brick-and-mortar businesses of this type around the country and as a seasonal business model like pool cleaning or window washing. I will be able to support this without a problem.

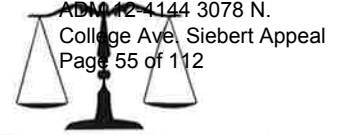
**Commissioner Winston** discussed that he has become convinced that there is a substantial amount of difference between shaved ice and ice cream and I will support this.

Upon roll call the motion passed with a vote of 6-1-1. **Commissioner Honchell** voted 'no' and **Commissioner Hoskins** recused.

Handed out at the City Council Meeting 7-3-12



Departmental Correspondence



www.accessfayetteville.org LEGAL DEPARTMENT

TO: Mayor Jordan  
City Council

Kit Williams  
City Attorney  
Jason B. Kelley  
Assistant City Attorney

FROM: Kit Williams, City Attorney

DATE: July 3, 2012

RE: Variance Test for Outdoor Mobile Vendors

§178.04(C) Variances of the Fayetteville Code

“(3) A variance may be granted ... when the following findings have been met:

“(a) The applicant has established that the operation of the outdoor mobile vendor will be

- (I) compatible with and not detrimental to nearby properties,
- (II) will not adversely affect nearby businesses ....”

“(b) That the outdoor mobile vendor’s presence for an extended period of time at one location

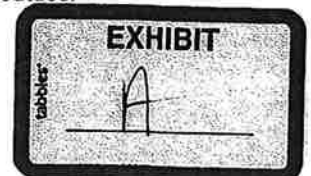
- (III) will not create an unfair advantage over similar and nearby businesses.”

TITLE XV UNIFIED DEVELOPMENT CODE

**178.04 Outdoor Mobile Vendors  
Located On Private Property**

- (A) *Purpose.* This section's purpose is to facilitate and control the ability of outdoor vendors to temporarily operate on private property while ensuring such use is compatible with and not detrimental to nearby properties, does not adversely affect nearby businesses, fosters an aesthetically appealing streetscape, and does not create or worsen a dangerous traffic condition.
- (B) *Requirements.* Outdoor Mobile Vendors located on private property shall meet the following requirements and submittals prior to approval:
- (1) *Permit Application.* Each application for a permit to conduct an Outdoor Mobile Vendor business shall be accompanied by a \$50 permit review and processing fee.
  - (2) Application for a permit to conduct an Outdoor Mobile Vendor business shall include the following items in a format acceptable to the Zoning and Development Administrator:
    - (a) Name, address and contact information.
    - (b) Type of items sold or services rendered. A change in product or service will require a new permit to be issued.
    - (c) A valid copy of all necessary permits required by State and County health authorities.
    - (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
    - (e) Means to be used in conducting business including but not limited to a description of any mobile device to be used for transport or to display approved items or services.
    - (f) A detailed site plan and written description illustrating the type, location, and dimensions of the mobile vendor business including parking.
    - (g) Written authorization, signed by the property owner or legal representative of record, stating that the transient merchant business is permitted to operate on the subject property.
  - (3) The permit issued shall not be transferable in any manner.
  - (4) The permit is valid for one mobile vendor location only.
  - (5) The proposed use must be a permitted use-by-right within the underlying zoning district in order to be permitted.
  - (6) An Outdoor Mobile Vendor business may be approved by the Planning Division after making the following determinations:
    - (a) All of the requirements of 178.04(B)(2) have been met.
    - (b) The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses, will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
  - (7) Outdoor mobile vendors are allowed on a temporary basis (90 days), by nature of their temporary occupancy, in one location over a one-year (twelve month) timeframe. Outdoor mobile vendors may move to a different location at least one half mile from the original location after this 90-day period has expired. However, a new Outdoor Mobile Vendor Application will have to be reviewed and approved by the Planning Division for a new location.
  - (8) Outdoor mobile vendors shall be in compliance with parking lot requirements for any existing and the proposed business. The number of required parking spaces is determined by the use and size of the proposed transient merchant business, and by the use and size of the existing business. Parking spaces on the property where the outdoor mobile vendor is located shall be paved and striped in order to be utilized. The use of parking for an outdoor mobile vendor may not reduce the number of spaces necessary for other uses occurring on the property. An adequate number of parking spaces for the existing businesses and the outdoor

CD178:1





TITLE XV UNIFIED DEVELOPMENT CODE

mobile vendor must be provided onsite. The location of the outdoor mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.

(C) *Variations.* Outdoor Vendors may request a variance from the Planning Commission to operate for an extended period of time, not to exceed twelve consecutive months, in the same location subject to the following standards:

- (1) A vendor may request a variance from the 90 day location requirement to operate for an extended period of time. The maximum time period that the Planning Commission may grant this variance is limited to no more than twelve consecutive months.
- (2) The applicant shall comply with the notification requirements of section 157.05 of the Unified Development Code.

(3) A variance may be granted by the Planning Commission when the following findings have been met:

- (a) The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses, will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
- (b) That the outdoor mobile vendors' presence for an extended period of time at one location will not create an unfair advantage over similar and nearby permanent businesses.

(4) In granting the variance, the Planning Commission may require appropriate conditions and safeguards, including semi-permanent or permanent improvements to the property to secure the substantial objectives of the ordinance.

Test  
←

(Ord. 5185, 10-7-08; Ord. 5425, 8-2-11)

825 Shave the Planet  
 ADM 12-4144 3078 N. College Ave.  
 Siebert Appeal.  
 Petition to keep this location open through the end of summer!

**Petition summary and background**  
 The Planning Commission's decision on June 11<sup>th</sup>, 2012 to allow Shave the Planet to remain open for the duration of summer has been appealed. If the City Council overrides the Planning Commission's decision, we will have to leave on July 4<sup>th</sup>, 2012.

**Action petitioned for**  
 We, the undersigned, are concerned citizens who urge our leaders to vote to allow Shave the Planet to stay on their extended permit they were granted on June 11<sup>th</sup>, 2012.

Printed Name	Signature	Address	Comment	Date
Nisha Punth	[Signature]	1841 W. Syracuse Fayetteville	Save Shave the Planet!	6/25/12
Matt Gamett	[Signature]	1803 N. <del>College</del> Fayetteville	Save the Shave! It's competing other business got up or shut up	6/25/12
HANNAH COVILL	[Signature]	5230 E IDLEWOOD		6/25/12
Marcy Stanbery	[Signature]	2350 S. EDWARDS RD. FAYETTEVILLE AR 72701	" "	6/25/12
Leslie Bailey	[Signature]	2601 N. Salem Hwy Fayetteville	our favorite	6/25/12
Rebetan Moss	[Signature]	620 N. Gerard, Fayetteville	BEST SNOWCONES!!	6-25-12
Theresa B... [Signature]	[Signature]	901 W. Grace Ward Dr.	-11-	-11-
Ann Leigh Kent	[Signature]	1540 W. Fellowship St #8 Fayetteville AR	Alderman's wives should not be able to close other businesses	6/25/12
Somiyasak	[Signature]	328 Hunter Allen Dr. Bethel Heights, AR 72764		6/25/12
JUAN SOROGGINS	[Signature]	3128 WEST JEWELL 6 FAYETTEVILLE AR	DONT PUNISH THE BEST SUCCESSFUL PEOPLE	6/25/12
Michelle [Signature]	[Signature]	2011 Juvonant Ave Springdale, AR 72764	Shave the planet rocks!! No one can touch this!!	6/25/12
Kathleen Petty [Signature]	[Signature]	808 E Peel St Fayetteville	Free. Leave them alone, not even same products.	6/25/12
Rob Tomlinson	[Signature]	211 Tuscany Ave Springdale	with love	6/26/12

Printed Name	Signature	Address	Comment	Date
Diana Mora		14th N. Addison 72703	Let them stay	7/1/12
Lisa Ezell		2538 Country way	Please let them stay!	7-1-12
Danny Ezell		" " "	" " "	7-1-12
Cristy Williams		128 Kesemeadle dr 72730	Love this Place	7-1-12
Tina Madrie		4792 N. Maple Grove Dr		7/1/12
Sarah Ruff		4770 Maple Grove Dr		7/1/12
Carrie Nichols		4567 Caddo Lane		7/1/12
Joshua Nayel		2310 South School Ave 72701	Solo cones rule, Maggie Mans drafts	7/1/12
Honzah Weber		2049 Tailgrass Dr. 72701		7/1/12
Dillon Yelding		1885 Solum Dr 72803		7-1-12
Carol Rushing		1852 Harold St 72705		7-1-12
Dave Freeman		2707 N CANDIDANCE	SHARES 11615 DA BONS 7/1/12	
Thomas Case		5916 DANWING RABBIT FAYETTEVILLE	MORE LIKE NAGATE BOOS!	
Meagan Byrd		2730 N. Anroy Ave	Love this place	7/1/12
Kodi Wheatley		4359 W New Bridge <sup>POY</sup> 72704	Best place :)	7/1/12
Debbie Fowler		3214 N. Old Wire Rd. <sup>FAY</sup> 72703	Let them stay	7-1-12

Sam Bergstadt

Sam B

KELLYN SUMMERS

~~Kellyn Summers~~

Phillip Price

2759 Westminster Dr 7-1-12

Eduardo Chew

1629 Sheppard Pike 7-1-12

3102 Summershade Dr. 7-1-12

1876 Buckley Dr 7-1-12

||

Printed Name	Signature	Address	Comment	Date
Camille Wheeler	Camille Wheeler	573 Fox Meadows Ln. Fg	STP!	7/3/12
Stephanie Steer	<del>Stephanie Steer</del>	426 Taliesin Fay	Absolutely the best	7/3/12
Tyler Reinhardt	Tyler Reinhardt	311 N Center St. Ellens	Good Stuff!!	7/3
Emigilbony	Emigilbony	1771 Rosewood Sh. Ellens	Dont love!	7/3
Joseph Armendariz	Joseph Armendariz	255 E. Cleburn St.	Keep Sharing!	7/3
Sadie Prosser	Sadie Prosser	5132 Wedington	I LOVE Y'ALL!	7/3/12
Janie Brown	Janie Brown	2070 N. Valencia	so y'all! + A	7/3/12
Max	Max	2670 N. Valencia	Megow <del>ok</del>	7/3/12
Valarie Shepard	Valarie Shepard	10511 Hwy. 70	YUM!	7/3/12
Ashley Moleso	Ashley Moleso	1400 Clear Creek Dr.	Maggie Moos sucks.	7/3/12
Derek Bonner	Derek Bonner	1001 east oaks Manor		7/3/12
Bryce Cook	Bryce Cook			7/3/12

Printed Name	Signature	Address	Comment	Date
Carolyr Tamsara	Carolyr Tamsara	748 Roeder St	Mummy	7/11
Essie Bynum	Essie Bynum	1803 Brydeman		7/11
Laura Chambers	Laura Chambers	2750 Bunderbox Lane		7/11
Heather Toombs	Heather Toombs	554 S. Buchanan Ave		7/01
Jacques Demme	Jacques Demme	2257 N Macfarland Ln		7/11
Esther W. Waddy	Esther W. Waddy	4359 W New Boston Rd		7/11
Miriam Ortega	Miriam Ortega	3166 W. Wellington Dr.		7/11
Jennifer Lopez	Jennifer Lopez	885 W Piedmont		7/11
Natalie Lopez	Natalie Lopez	885 W Piedmont		7/11
Carlynn	Carlynn	54 S. Westover Way		7/11
Lisa Orban	Lisa Orban	3215 Summershade		7/11
Marin Jais	Marin Jais	1500 Everett Ave.		7/11
MATHE BECKNER	MATHE BECKNER	1453 WINDSOR PL.	CANT EAT DAIRY	7-1
Lisa Beutler	Lisa Beutler	2910 Centerwood		7-1
Tamm Becker	Tamm Becker	1626 W. Tim Oak Dr.		
Hannah Jones	Hannah Jones	3447 Nottingham Pl. Fairfaxville, NC 28703		7-1

4/9

Rachel Jones	Rachel Jones	3447 Nottingham Pl.	7/11
Susan Bevins	Susan & Bobbie	2566 W. Sycamore St.	7/11
Diana Rivett		1560 N. Heritage Ave.	7/11
Cameron Doughty		115 West Doughts street	7/11
Krisma Smart	<del>Kristen</del>	2009 Karrington Rdg	7/11
Ashley Yansanush	Deborah Yansanush	Four & two Apartments on Joyce	7/11
Jessica Povirivija	Jessica Povirivija	2041 W. Marigold Dr.	7/11
Jeff Ruckes	Jeff Ruckes	4210 W. Milika Blvd	7/11
Tom Romero	TOM ROMERO	1733 N. class Rd.	7/11
Christina Serrett	Christine JMG	1250 E Shepherd. Apt. 206	7/11
Amelia Prothner		4109 Sunflower Cir	7/11
Brian Lunte		FAY AR. 72701	
Forreign Sankows		(343 N. LevereTT #14 Fay, AR 72703	
Grika Kiehal		" " (roomies)	
Phoebe Chaffin-Busby		2156 N. Tall Ave #7 Fay, AR 72704	7/11
Tan E. Sankere		1546 BURROAK #3 FAY AR 72704	7/11



Printed Name	Signature	Address	Comment	Date
Kevin Seaman	<i>[Signature]</i>	3073 E. Fossil Dr	Love It: Keep It!	7/2/12
Christina Brocke	<i>[Signature]</i>	1586 Evening Shade	I Love Shaved Ice	7/2/12
Katlin Prady	<i>[Signature]</i>	2965 Hay Meadows Ave.	Shave the Planet	7/2/12
Paul Nuygen	<i>[Signature]</i>	619 W Adams	NOT the same	7/2/12
Sarah Able	<i>[Signature]</i>	120 W. Cleveland St.	see above!	7/2/12
Keira Peak	<i>[Signature]</i>	3005 Dorothy Jeanne St	Shaved Ice tastes magnificent, especially gyo gyo's	7/2/12
Debra Kinsky	<i>[Signature]</i>	15074 E. Blake Park Rd. FALL	Shaved ice is my junk!	7/2/12
Jordan Eddleman	<i>[Signature]</i>	1800 Crockett Ave	Shave the Planet	7/2/12
Brook Harvey	<i>[Signature]</i>	1465 E Windsor Pl Fair	it's the <del>best</del> Bomb!	7/2/12
Carrot Curry	<i>[Signature]</i>	3116 Highway 100		7/2/12
Stanley Foster	<i>[Signature]</i>	3770 N. Chassy Ave	Keep it!	7/2/12
Supriya Anand	<i>[Signature]</i>	3498 E Chasworth	BEST ENTA!	7/2/12
Warrian Martin	<i>[Signature]</i>	399/Alca Chang	Yung	7/2/12
Rann Jones	<i>[Signature]</i>	1141 Monahan St	Chill it	7/2/12
Gunnert Juggins	<i>[Signature]</i>	2800 N. Loxley Ave.	oooooooooooo	7/2/12
Anna O'Neil	<i>[Signature]</i>	483 W August Dr Madison #8	AMAZING	7/3/12



Printed Name	Signature	Address	Comment	Date
DAVID BURTON	David Burton	1899 N. CATON DR		7/2
Greg Gunn	AGL	3398 E. Canterbury Cir		7/2
Hilary Bell	Hilary Bell	5809A Sara St		7/2
Taylor Strand	Taylor Strand	2355 Berry Street		7/2
Chris Reinlein	Chris Reinlein	970 W. Greenwood Dr.	Best frozen water ever	7/2
TAMM SHARPER	Tamm Sharper	300 Evergreen Dr		7/2
PAUL HUFF	Paul Huff	4944 W. Patrick		7/2
MARGARET REESE	Margaret Reese	521 W. Spruce		7/2
Shebyluma	Shebyluma	302 Willow Ave		7/2
SUSAN GARDNER	Susan Gardner	909 N. Hall Ave		7/2
Ken Gardner	Ken Gardner	909 N. Hall		7/2
SARAH ANNE	Sarah Anne	900 N. LEVERETT		7/2
Luke Laird	Luke Laird	900 N. Leverett		7/2
Wesley Persing	Wesley Persing	742 W. Mountain		7/2
ANNIE-MARIE MCGON	Annie-Marie McGon	996 SE Miami Loop		7/2
MICHELLE CRANDALL	Michelle Crandall	2816 N Rainforest Dr		7/2

Printed Name	Signature	Address	Comment	Date
Stuart Shepard		2011 NW Desch Dr	I love this place!	7-2-12
<del>Ben Canade</del> REBECCA LARA	<del></del> 	1840 N. Levere Ave	it's the staff best place ever	7-2-12
Jay Bowman		543 PROSPECT ST		7/2/12
Sevnae Franklin		2510 N. Prairie Trl.	its da best.	7/2
Saimantha Finch		3049 N. Elizabeth Ave	love it	7/2
Schur Finch		3049 N. Elizabeth Ave		7/2
Stacy Parks		1636 W. Maple St.		7.2
<del>BET PARK</del>	<del></del>	1636 W. MAPLE ST.		7.2
<del>WINNER BARREN</del>	<del></del>	3173 BEANSBERRY LN.		
Lauren DeClue		1500 N. Levere Ave		7-2
Emily Gatty		1500 N. Levere Ave		7-2
Shari Miller - Vaughn		1500 N. Levere Ave		7-2
Nichelle Cooper		3015 NE Lingboth		7/2
Zoeel Markes		3015 N. Elizabeth		7/2

Printed Name	Signature	Address	Comment	Date
Crystal Bednarski	[Signature]	828 E. Pol St Frey B	This place makes my day always! There's no one like them. Don't shut them down	6/25/12
US Mayor	[Signature]	321 E Douglas P.C	Love this place!!	6-25-12
LACANTIA	[Signature]	597 Main St - Troy Ar 47203	Yee m!	6-25-12
Justin Messing	[Signature]	195 N. McElroy Ave	This place should stay!	6-25-12
Brianna Pennington	[Signature]	1166 W Maple Street	It's hot I need something chill	6-25-12
Robin Messing	[Signature]	318 Stadium Dr.	Yee m -	6-25-12
Elsa Hernandez	[Signature]	2402 N. College	Yee m -	6-25-12
NO AMO JING	[Signature]	2217 Sweetbriar	Yee m -	6/25/12
Steven Sheehan	[Signature]	2466 Candewood Dr	Yee m -	6/25/12
Mrs. Alston	[Signature]	2217 Sweetbriar Dr	I like it	6/25/2012
Bob Estes	[Signature]	665 W. Sullivan Fayetteville	Good Product!	6-25-12
PETER HERRICK	[Signature]	10811 W 170 N	GREAT PLACE	6-25-12
ISABELLE	[Signature]	824 Green Valley Ave		6-25-12
Gody Nielsen	[Signature]	1280 Columbus Blvd	I come here after playing sports sometimes. Love it!	6-25-12
Sydney Pennington	[Signature]	2720 E Kantz Dr #2		6-25-12
Knott's Cove	[Signature]	3878 Park Oaks	Best Snowcombs Ever	6-25-12

Printed Name	Signature	Address	Comment	Date
Tere Treje	<i>[Signature]</i>	3878 parkers drive #1	Great Customer Service!	6-25-12
Jackson Williams	<i>[Signature]</i>	2811 N. Stanton Ave	love it	6/25
Joe DiMaggio	<i>[Signature]</i>	1718 Cothland		6/25/12
Sierra Longton	<i>[Signature]</i>	201 Allison Ln	Best place around!	6-25-12
Karla Kalk T.	<i>[Signature]</i>	817 HAYON ST.	LOVE IT!	6-25-12
<del>Handy Copy</del>	<del><i>[Signature]</i></del>	3901 Allison Ln	Best place ever	6/25/12
Nate Fortin	<i>[Signature]</i>	1602 Per lane	Awsome	6-25-
Amber Shuckel	<i>[Signature]</i>	2105 Kinair St	Good Staff	6-25
Honal Luthell	<i>[Signature]</i>	161 lapis Ln #1474	Great	6-25
Shannon Luthell	<i>[Signature]</i>	161 lapis Ln #1474	Love it	6-25
Tony Huey	<i>[Signature]</i>	2307 Sw 16th St Baton	Great	6-25
Leah Henry	<i>[Signature]</i>	" "	awesome!	6-25
Bonnie Scott	<i>[Signature]</i>	1731 Olmsted blvd #800		
Joel Scott	<i>[Signature]</i>	Springdale, AR #1750	yummmmm	6/25
Nicole Lobb	<i>[Signature]</i>	2024 Stoneridge Ln. Springdale	Amazing!	6/25
Eric Totton	<i>[Signature]</i>	22206 butterflye Ln Springdale	amazing	6/25

Printed Name	Signature	Address	Comment	Date
Jesta Navard				6/25
Jody Bolain	Jody Bolain	Fayetteville		6/25
Bronwyn Davis	Bronwyn Davis	1759 Tallgrass Dr. <sup>South</sup>		6/25
Devia Krueger	Devia Krueger	Fayetteville		6/25
LaTasha Gray	LaTasha Gray	2550 W. Ashhurst		6/25
Michelle Dallas	Michelle Dallas	3203 Piper-glen	ARE U SERIOUS! GROW UP MAGGIE MISS	6/25
Jordan Coelivered	Jordan Coelivered	<del>Fayetteville</del> Fayetteville		6/25
John Caclish	John Caclish	Fayetteville		6/25
Heather Overa	Heather Overa	Fayetteville		6/25
Ethan Latine	Ethan Latine	Fayetteville		6/25
Paige Evans	Paige Evans	Fayetteville		6/25
Denise Carworth	Denise Carworth	Fayetteville		6/25
Gen Alford	Gen Alford	"		"
Misty McCard	Misty McCard	Fayetteville		6/25
Richard Gilbert	Richard Gilbert	Fayetteville		6/25
Francisco Pabando	Francisco Pabando	Fayetteville		6/25

Printed Name	Signature	Address	Comment	Date
Augusto Carraín	<i>Aug 10</i>	733 W. Cleveland St #1		JUN 25/12
TRAVIS ANDERSON	<i>TA</i>	1063 S. Emerald 4822 PASCO	Keep Em Open	6/25/12
MATTHEW KING	<i>TK</i>	<del>1063 S. Emerald</del> 4822 PASCO		6/25/12
Erica Leeman	<i>Erica Leeman</i>	1764 N. Lovett Ave.		6/25/12
Susan Felting	<i>Susan Felting</i>	2570 E. Sweetbriar	Keep Open!	6/25/12
Michelle Gresh	<i>Michelle Gresh</i>	1235 W. Mount Comfort Rd		6-27-12
Jan Ulatz	<i>Jan Ulatz</i>	1235 W. Mt. Comfort Rd		6-27-12
James Proctor	<i>James Proctor</i>	1764 N. Lovett Ave.		6-27-12
Jessica Strugs	<i>Jessica Strugs</i>	1764 N. Lovett Ave		6-27-12
Corey Thompson	<i>Corey Thompson</i>	1631 S. Brooks Ave	keep it Open !!	6-27-12
Bethany Bryant	<i>Bethany Bryant</i>	108 W. Trueman St P.O. Box 2753	PLEASE KEEP OPEN!	6/25/12
Skylar Hammers	<i>Skylar Hammers</i>			
Ruth Jones	<i>Ruth Jones</i>	4114 Sunflower Ln	72703 Please keep open	6/25/12
Denise Reynolds	<i>Denise Reynolds</i>	1540 Coopers Cove	72701 Need to stay open	6/25/12
Trudy Ozment	<i>Trudy Ozment</i>	1961 Overcrest St	72703	6/25/12
Nice Jordan	<i>Nice Jordan</i>	4754 Clear Creek	72704	6/25/12

Printed Name	Signature	Address	Comment	Date
Dani Dingman	<i>[Signature]</i>	3250 N. Loxley Ave	My family eats @ STP every Sunday. We love it!	6/25/12
Karen Shields	<i>[Signature]</i>	2473 Fenchwood		6/25/12
Todd Shields	<i>[Signature]</i>	2073 Fernchuck		6/25/12
Andrew Romero	<i>[Signature]</i>	2017 Peach Blossom Ave.	OUR FAMILY COMES HERE AT LEAST TWICE A WEEK. WE LOVE STP! LIKED IT ON FACEBOOK.	6/25/12
Devon Cruz	<i>[Signature]</i>	11038 Washington Blvd		
Alfonso Cruz	<i>[Signature]</i>			
Jessica Wilson	<i>[Signature]</i>	1500 N. Levoche		6/25/12
Jacob Parra	<i>[Signature]</i>	Faye Heville AR 72703		6/25/12
Hinda Massanelli	<i>[Signature]</i>	1735 Charlee Ave		6/25/12
Julie Lorie	<i>[Signature]</i>	530 Gascom Ave	THE. BEST.	6/25/12
Albin Hendricks	<i>[Signature]</i>	236 Wilson Ln.		6/25/12
Jamie Frab	<i>[Signature]</i>	717 W Van Gogh	Let the free market work	6/25/12
Chris Frab	<i>[Signature]</i>	717 W Van Gogh		6/25/12
B.J. Beach	<i>[Signature]</i>	2652 E. Randal Pl.		6/25/12
Lara Beach	<i>[Signature]</i>	2652 E. Randal Pl.		6/25/12
Driana Mey	<i>[Signature]</i>	1330 Masonic Dr		6/25/12

Printed Name	Signature	Address	Comment	Date
Kristi Jackson	[Signature]	1011 Jackson St	STAY OPEN	6/25/12
AMERICA BAND	[Signature]	1103 Jackson Rd		
Ashley Harrington	[Signature]	6026 Stony Brook Rd		
Corant Cosir	[Signature]	248 N. Platinum Dr. Apt. 10		
Daton Dena	[Signature]	33 East 29th Cir		
Dylan Hirschbach	[Signature]	2 of 911 170 Aft-H		
Erin Smalley	[Signature]	101 E. Elm St. Fayetteville, AR		4/25/12
Russell Lewis	[Signature]	4267 Lady Ln 72204		6/25/12
Sarah Kuyler	[Signature]	1723 N. Oak Ave		
[Signature]	[Signature]	2756 N. SHADY BROOK	we love you	6/25/12
Hope Neumann	[Signature]	480 N. Jean Dr.		6/25/12
Luci Brooks	[Signature]	Brooks Fayetteville		6/25/12
Emily Kitzmiller	[Signature]	Newport Beach, CA		6/25/12
Brooke Garrett	[Signature]	300 evergreen Avenue		6/25/12
[Signature]	[Signature]	5480 Haywood		6/25/12
Teresa [Signature]	[Signature]	5480 Haywood		6/25/12



Printed Name	Signature	Address	Comment	Date
FOREST ACUFF		2368 CREEKWOOD FAIRVIEW E	SHOCK THE WORLD!!! KEEP THEM OPEN	6/25
Jack Harris		2711 W. Lilac St.	Soaked! IT has STP	6/25
Derich Wike		4754 clare creek BLVD	DRENCHED	6/25
Crisis Marshall		2115 Cambridge	"	6/25
Rebecca McCreary		3146 N. Old WIRE RD		6/25
Kristen Warden		1135 Tally Ho Dr	Love Show the power	6/25
Alison Warden		"		6/25
Lisa Kierlak		1658 Live Oak Dr. Apt 2	Keep it!	6/25
Kendrea Centen		878 N. Richwood Way.	KEEP IT!!	6/25
Brigitte Sexton		"		6/25
Michaela Larabee		254 Pine Meadow Dr.		6/25
Megan Scarborough		3191 High Meadows	Keep	6/25
Connie Cockell				6/25
Megan Dehman		2470 N. Southview Dr.		6/25
Brian Dehman		"		6/25
CODY BUNTON		2086 N. BRIDGTON 72701		6/25

Printed Name	Signature	Address	Comment	Date
Alisha Marshall	<i>Alisha Marshall</i>	2665 Golden Oaks Dr		6-25-12
Lauren Sarbaugh	<i>Lauren Sarbaugh</i>	3911 High Meadows Dr.		6-25-12
Andrew Whitmore	<i>Andrew Whitmore</i>	1235 W. McCombert		6-25-12
Kaitly Miller	<i>Kaitly Miller</i>	389 Oxford Bend Rd		6/25/12
Lindsey Shuttle	<i>Lindsey Shuttle</i>	4880 Rhnell Dme		6/25/12
Katie Michalks	<i>Katie Michalks</i>	Fayetteville		6/25/12
Elise Martin	<i>Elise Martin</i>	Fayetteville		6/25/12
Adrienne Sott	<i>Adrienne Sott</i>	1400 Eastwood		6/25/12
Erin Mangum	<i>Erin Mangum</i>	11048 E Mission		6/25/12
Eric Gillian	<i>Eric Gillian</i>	1691 Red Tip Dr		6-25-12
Mikayla...	<i>Mikayla...</i>	2936 Sunny Ln		6/25/12
Evan Ocker	<i>Evan Ocker</i>	Fayetteville		6/25
Lawrence King	<i>Lawrence King</i>	445N 2nd		6/25
Caroline McIntyre	<i>Caroline McIntyre</i>	445N 2nd		6/25
Kathryn...	<i>Kathryn...</i>	105 S. Church St.		'1

Printed Name	Signature	Address	Comment	Date
Kelsey Ray				6/25/12
Lindsay Grace Harris		135 E. Main St. Fayetteville, AR 72703	We NEED Snow for the party!!!	6-25-12
RAVNIC SMITH		2517 GOLDEN OAKS	SNOWCONES → ICE CREAM	
Jesse Williams		4044 Old Main Rd		6/25/12
Taylor Roberts		420 North St.		6-25-12
Kara Kaiser		2455 W Orlando Dr.		6-25-12
Carolina Duraga		2455 W Orlando Dr.		6-25-12
NANCIE DURAGA		2455 W Orlando Dr.		6-25-12
Cody Yancey		3050 Magnolia Pl AR	Its my husbands & I's date spot.	6-25-12
Kristyna Yancey		"		6-25-12
Paul Koscheki		1571 N. Levee #4 Fayetteville		6/25/12
Lysse Koscheki		1571 N Levee #4 Fayetteville		6/25/12
Alex Assarian		2978 Sprate dr. Fayetteville		6-25-12
Emily Cost		1678 Magnolia Fayetteville		6-25-12
Ryan Todd		600 W. North St.		6-26-12

Printed Name	Signature	Address	Comment	Date
Stephane Bantz	[Signature]	1278 Curlee Rd Elkins, AR 72727	Stay Open	6/26/12
Amy Bates	[Signature]	4857 Lavender Pl	Open	6/26/12
Wendy Lewis	[Signature]	1811 N. DeStro City	STAY OPEN!	6/26/12
Cathy Norman	[Signature]	2273 N ASPEN	STAY OPEN! <input checked="" type="checkbox"/> NONE CHOOSE STP OVER <input type="checkbox"/> ICE CREAM ANY DAY!	6/26/12
Anne Minton	[Signature]	2933 N Mayberry	Stay Open	6/26/12
Heather Freeman	[Signature]	2904 N Platinum Dr Fayetteville	Stay Open	6-26-12
Aaron Cranch	[Signature]	3115 Old Missouri Road 72703	Stay open	6/26/12
Josh Malick	[Signature]	820 N Lemur	Stay open	6/26/12
Fred Beasley	[Signature]	922 W Hughes	Stay open	6/26/12
Don Moore	[Signature]	3191 Katherine Ave.	"	6/26/12
Courtney Johnson	[Signature]	2999 S. City Lake Rd.	Stay open	6/26/12
Rebecca Carter	[Signature]	554 Mont Face	Stay open	6/26/12
Rebecca Hippy	[Signature]	4288 E. East Ln.	The longer the better!	6/26/12
Travis Palmer	[Signature]	293 Madison 6765	Stay open	6/26/12
Tom Bevis	[Signature]	21231 N. Hwy 71	Stay open	6/26/12

Printed Name	Signature	Address	Comment	Date
Chukwura III		2020 S SMOKEHOUSE TR FAY, AR 72701	FREE MARKET Economy	6.26.12
Sharon Jenkins		1010 E Terry Dr. FAY AR 72703	Stay!	6/26/12
Sarah Beth		2374 E Cantz North FAY AR 72703		6/26/12
Katie Collins		108 E Girard FAY, AR 72703		6/26/12
Colton Young		"		6/26/12
Christine Lyons		10394 W. Jesse Fayetteville 72701	Stay!	6/26/12
Lynne Freeman		2670 Candlwood Dr	Love it!	6/26/12
Sheila Carter		16089 Hazel Valley Rd.	love it!	6/26/12
Koger Coy		"	Love it!	6/26/12
Judy Miller		458 N. Lumboldt Ave	great	6/26/12
<del>Johnny</del>				
Johnny Lorett		1247 Deerfield Way 72701	Keep it here! Love it!	6-26-12
Ruby Harris		1940 Pratt 01	Keep it open	6-26
Phenix Zerbe		3456 Township Fay	Good for Community	6.26
George Trande		1527 Meridian Dr.	Get it!	6-26
Stacey White		1815 Candleshoe Dr		6/26/12

Printed Name	Signature	Address	Comment	Date
Joe Fulli	[Signature]	Fayetteville, AR	Good stuff!	6/26
Lindsey Mantey	[Signature]	Fayetteville, AR	Yummy stuff!	6/26
F. Lee Smith	[Signature]	Fayetteville, AR	Awesome!	6/26
Megan Boliver	[Signature]	Fayetteville, AR		6/26
UNISON BARTHA	[Signature]	FAYETTEVILLE, AR	Yummy!	6/26
Alexander Hall	[Signature]	Fayetteville, AR	Good!!	6/26
Karen Miller	[Signature]	Spandale, AR		
Susan Streech	[Signature]	Fayetteville, AR	We love this place!	6/26
Floyd Williams	[Signature]	FAY, AR	Delishious!	6/26
Kristy Kay	[Signature]	FAY, AR		6-26
Sandra Ware	[Signature]	2320 N. Holden Court, Fayetteville, AR		6-26
Hilary Bouton	[Signature]	Fayetteville, AR	Amazing!	6/26
Laura Enzer	[Signature]	Fayetteville, AR	Good stuff	6/26/12
Andrea Coleman	[Signature]	Fayetteville, AR	Love Eco Planet!	6-26-12
Jessica Sabatini	[Signature]	FAY, AR	Love this place!	6/26/12
Carlin Murphy	[Signature]	1723 Rolling Hills Dr.	best place ever! ♡	6/26/12

Printed Name	Signature	Address	Comment	Date
Miguel Solis		1728 Rolling Hills DR	Just when we make ends meet, they move the ends. - Herbert Hoover	6/25/12
Melanie Harris		605 SUTHERLAND AVE SPRINGFIELD IL 62764		6/25/12
Patricia Chambers		3004 N. Park Street		6/25/12
Pick Fina		400 Weyburne Rd		6/26/12
Karla Hernandez		2003 Spangore pk.		6/26/12
Aaron Jasso		2005B Spangore		6/26/12
Tessie R. Cox		3221 N Croston		6/26/12
Phyllis McNeil		1807 N. Porter Ln		6/26/12
Kayla Mayes		788 W. MYRTON DR.		6/26/12
Sarah Estes		1602 n merion way	We're the best around	6/26/12
Scott Brill		11466 Mantain Springs		6/26/12
Mary Tucker		3741 N whipplem 11 ct.		6/26/12
Emily Ford		10 w prospect		6/26/12
Tyler Fuller		10 W. Prospect	SUPPORT LOCAL	6/26/12
Allison Pyle		1721 E. Paine Cliff St.		6/26/12
Amy Smith		292 Honey Dove Rd	Great Business!	6/26/12

Printed Name	Signature	Address	Comment	Date
Syler Smith	<i>Syler Smith</i>	285 N. Bryces St FARMINGTON, AR 70736		6/26/12
Jim Clark	<i>Jim Clark</i>	1205 Reed Valley FAY, AR 72703		6/26/12
Sara Gamling	<i>Sara Gamling</i>	3481 Pavilion Cir FAY, AR 72703		6/26/12
Alexis	<i>Alexis</i>			
Jennifer Underwood	<i>Jennifer Underwood</i>	3381 P. Coadilly Ln. FAY, AR 72703		6/26/12
Ebony Porter	<i>Ebony Porter</i>	1658 North Sing Apt 109 72703	LOVE IT THIS PLACE IS AWESOME	6/26/12
Dalvone Crawford	<i>Dalvone Crawford</i>	1630 Carlswad Trave		6/26/12
Jessica Fiveman	<i>Jessica Fiveman</i>	709 E UNION DR 3880 E Township St. Fayetteville AR 72703	Best Place In the Planet !!	6/26/12
OSCAR MENDOZA	<i>Oscar Mendoza</i>	Fayetteville AR	Awesome	6-26-12
Michael Morell	<i>Michael Morell</i>	Fay. AR	freakin Awesome	6-26-12
Juanita Gray	<i>Juanita Gray</i>	Springdale, AR	SSS Quality	6-26-12
Ryan Stephen	<i>Ryan Stephen</i>	Bogess Ex Dr FAYETTEVILLE AR		6-26-12
MEAGAN YORK	<i>MEAGAN YORK</i>	3209 S 55th Dr FAYETTEVILLE		6-26-12
Kyle Billingsley	<i>Kyle Billingsley</i>	4604 Clearcreek Blvd.		6-26-12
Jen Reed	<i>Jen Reed</i>			6-26-12
Misty Monin	<i>Misty Monin</i>	3100 N. College FAY AR 72703	everyone loves this place!	6/26/12



Printed Name	Signature	Address	Comment	Date
Luke Hill	Luke Hill	827 W. Cicelylands		6-26
Lara Bowden	Lara Bowden	Fayetteville, AR		6-28
Kim Shuler	Kim Shuler	1460 Windsor Pl.		6/26/12
Heather Hanes	Heather Hanes	2499 Fennchurch Way		6/26/12
Kathleen Jackson	Kathleen Jackson	2236 Birchwood Ln		6/26/12
Margie Bites	Margie Bites	Fayetteville, AR		6/26/12
John Blew	John Blew	Farmington		6/26/12
Mark Johnson	Mark Johnson	31 S. Grey Fayetteville		6/26/12
Patricia Scott	Patricia Scott	155A Levee		6/26/12
Amanda Jones	Amanda Jones	155A Levee		6/26/12
Mekinie Rose	Mekinie Rose	990 S. Huddle		6/26/12
Scott Davis	Scott Davis			6/26/12
ERIK DULANEY	ERIK DULANEY	2134 CAMELOT PL.		6/26/12
Elizabeth Vollmer	Elizabeth Vollmer	1659 N. Arthurs Ct.		6/26/12
Max Sanderson	Max Sanderson	Fayetteville		6/26/12
CRYSTAL LUKS	CRYSTAL LUKS	1167N. SERENA AVE FAY AR		6.26

Printed Name	Signature	Address	Comment	Date
Jeanne Moore	Jeanne Moore	2172 Kantz Lane Hwy 770703	Stress stay!	6/26/12
Syah Short	Syah Short	3300 E CHEROKEE DR	love this place!	6/26/12
Caleb Snowden	C. St	1872 N Choctaw Ct	Please stay!	6/26/12
Wayne Summers	Wayne Summers	1381 S. HIGHBUSH FAYETTE 72701		6/26/12
Adrian	[Signature]	Fayetteville	stay!	6/26/12
QUANITA HOLLIS	[Signature]	2224 HONEYSUCC LANE	stay! lol	6/26/12
Nalhemmi Rheda	Nalhemmi Rheda	1984 East Oaks #114		
Douglas Beal	[Signature]	581 Vinson Ave 72701		6/26/12
[Signature]	[Signature]	1527 Tallgrass Dr	stay stay	6/26/12
William Dwyer-John	William Dwyer-John	1527 Tallgrass Dr FAYETTE	stay	6/26/12
Levi Stell	Levi Stell	1035 N Betty Jo #5	Don't go!!	6/26/12
Aaron Stell	Aaron Stell	1035 N Betty Jo #5		
Caleb Bryant	Caleb Bryant	889 Daisy LN		6/26/12
Adam Pelus	[Signature]			6/26/12
Jeanne Uffam	[Signature]	P.O. Box 3372	Please Stay	6-26-12
Joshrie Uffam	[Signature]	349 E Baxter way.	Please Stay	6/26/12

Printed Name	Signature	Address	Comment	Date
Anna Fagan		3163 montrail PI.		6/26
Temprance Adams		337 Joy Carol Sdale		6/26
Sarah Adams		1325 W 46 Lane		6/26
Elaine Lee		580 Longfellow Ln.		6/26
John M...		757 S EASTERN AVE		6/26
Tiffany Chiu		914 Biltmore Dr.		6/26
Hannah Sedosky		6000 MAIN DRIVE	we have changed the phone #	6/26
Cody Bennett		981 W. Clinton	I love this place!	6/26
Glean James		9653 Nations Dr	This Place Rocks!	6/26
Karla Palmer		007 Razorback Rd		6/26
Clay Morris		845 N. Gregg		6/26
MICHAEL B. TATE		1648 SUNSHINE RD		6/26
Mary Bissett		589 Rockcliff		6/26
Kayla Lopez		1270 N. Futrill Apts		6/26
D.J. Walter		140 S. Hill Ave.		6/26
Arms Douglas		650 W. Poplar St APT B-13		6/26

Printed Name	Signature	Address	Comment	Date
Charlette Bamister	<i>Charlette Bamister</i>	4814 Rustic Lane 72703	-	6/26/12
Karen Baker	<i>Karen Baker</i>	3475 Hearthstone 72764		6/26/12
Savannah Clay	<i>Savannah Clay</i>	1556 E Clark St.		6/26/12
Alex Highwater	<i>Alex Highwater</i>	1645 Charlee Ave 72703		6/26/12
<del>Michelle Highwater</del>	<i>Michelle Highwater</i>	1645 Charlee Ave 72703		6/26/12
Andy Hig Wower	<i>Andy Hig Wower</i>	1445 Charlee Ave 72703		6/26/12
Jesse Smith	<i>Jesse Smith</i>	2705 N. Wakefield 72703		6/26/12
<del>Tony</del>	<i>Tony</i>	2917 Quail Creek 72703		6/26/12
<del>Anthony</del>	<i>Anthony</i>	634 Clinton Circle	<del>6/26/12</del>	6/26/12
Lucas	<i>Lucas</i>	6411 Fall Oaks	<del>6/26/12</del>	6/26/12
Hank	<i>Hank</i>	4120 N Bentwood Ln	<del>6/26/12</del>	6/26/12
Poone Phillips	<i>Poone Phillips</i>	2005 Hambleton		6/26/12
Matt Hoffman	<i>Matt Hoffman</i>	2100 Lovley Ave	DO NOT shut down	6/26/12
Mandi Boesler	<i>Mandi Boesler</i>	501 E. 15th St		6/27/12
Jeffrey Powell	<i>Jeffrey Powell</i>	155 E. Onward		6/27/12
Mercedes Powell	<i>Mercedes Powell</i>			6-27-12
DUSTIN MURTON	<i>Dustin Murton</i>	579 S Black Ave 72701		

Printed Name	Signature	Address	Comment	Date
Shawna Moore		Francian Trail Fay		6-27-12
Robin Hagner		1330 Fieldstone, Fayetteville	Its closest to work	6-27-12
Harley Kenner		Boxley Fayetteville, AR	I can't handle Its closest to work (evening)	6-27-12
Contractors		12516 W. Drake Fayetteville	Kids love it	6-27-12
Gudy Newton		2866 N. Rye Dr. Fayetteville	Great location Great product, kids love it	6/27/12
VINYL PATT		140 N. TOWNSEND WAY	MY KIDS LOVE FOR SUMMER BEANSE OF THIS	6/27/2012
Dillon Yelding		385 Gregg		6-27-12
Brad Parker		2105 Azalea	<del>LOVE IT!!</del>	6-27-12
Alicia Holl		1011691 Cedar Top	LOVE IT!!	6/27/12
Judith Caste		2876 RomDorland, Fayetteville	love it	6/27/12
Shawn Mains		3818 Leewood way Fayetteville	" "	6-27-12
JOE Mains		3818 Leewood way Fayetteville	" "	6-27-12
Ross Battelle		1591 winfield drive	love it!!	6-27-12
Anthony Ford		2955 N OAK Park/Rd		6-27-12
Laura Tronano		1954 E Iron Oaks	please stay!	6-27-12
Deon Anderson		195 Craig St West Ark		6-27-12

Printed Name	Signature	Address	Comment	Date
Larry Faudle	[Signature]	508 E School St Lincoln	Free rent	6-27-12
TERRIS BRANCS	[Signature]	14985 Kelly Mtn	Keep it open later	6-27-12
Chesley Amy	[Signature]	7416 N. Leverett Ave.	STAY!	6-27-12
Eric Murphy	[Signature]	1308 Shadowridge dr		6-27-12
JERRY JAMES	[Signature]	3028 Oak Bailey	Please stay	6-27-12
Anna Stone	[Signature]	2823 Stanton Ave	STAY ***	6-27-12
Jeanette Trout	[Signature]	910 melmar	Stay!	6-27-12
Ellie Cottrick	[Signature]	4745 Constitution Dr.	STAY!	6-27-12
Gunnar Rothman	[Signature]	21844 Ledford Rd Elkins AR	*whats she said	6-27-12
Buddy [Signature]	[Signature]	1926 Buckle y Fay		6-27-12
Susy Albrecht	[Signature]	1926 Berkeley Jay Ave	of duvalville road and wood ps 5814 62712	6-27-12
Cinda Motes	[Signature]	626 = Ash	Let it stay	6-27-12
Kristen Raughter	[Signature]	1642 Boxley Ave Fayetteville	Stay	6-27-12
Asheel Cross	[Signature]	4934 Shady hollow way	stay!	6-27-12
Keith [Signature]	[Signature]	4850 Mission Blvd	Stay loyal	6-27-12
Stacy Parks	[Signature]	523 W. Wilson St 72701	Stay here !!	6-27-12

Printed Name	Signature	Address	Comment	Date
Kathy Webb	Kathy Webb	284 Polo Dr. Fay,		6/27
Rebecca Cantu	Rebecca Cantu	377 E castin Drive		6/27
Lauren Clemons	Lauren	1155 E Cypress		6/27
Lydia Fitzgerald	Lydia F	1753 Zion #85		6/27
Helen Detken	Helen	1400 Garland		6/27
Islaya Osiris	Islaya Osiris	1390 w. wedington Dr.		
Collin Woody	Collin Woody	2055 N. Sunway Terr.	YOU GUYS ROCK	6/27
Caleb Kinsey	Caleb	3504 N. Northwood Ave	Best shared ice ever!	6-27
Robyn Spencer	Robyn	1911 N. East Oaks Dr		6/27
Ruby Kempf	Ruby	3043 N Steeple Dr		6/27
Swati Sharma	Swati	3308 Chatsworth		6/27
Darrel Droman	Darrel	2157 N Lisa Ln		6/27
Michael Dallas	Michael	1096 E. Broadview		6/27
Tracie Wallace	Tracie	15210 Draper Rd. Fayetteville AR 72704		6/27
Jaree Solomon	Jaree	514 Sonoma Cir. Fayetteville	Please stay open long cr!	6/27
Deborah Chackrabarti	Deborah	1106 Birch Cir Springdale		6/27

Printed Name	Signature	Address	Comment	Date
Katie Murphy	<i>Katie Murphy</i>	1672 Boxoptayville		6-27
Dick Thibodaux	<i>Dick Thibodaux</i>	1303 Geneva Ave.		6-27
Madeline Soloff	<i>Madeline Soloff</i>	DOS-Hill Ave		
Rachel Stord	<i>Rachel Stord</i>	Mt. Comfort Rd		10-27
Wyn Sanders	<i>Wyn Sanders</i>	404 <sup>404</sup> Buick DR		6-27
Carol Koening	<i>Carol Koening</i>	1541 9. Cortland st.		6-27
Jillie Breden	<i>Jillie Breden</i>	523 N. Covert Dr.		6-27
Jon Simmons	<i>Jon Simmons</i>	2590 SAGE CIR		6-27
Tim Brents	<i>Tim Brents</i>	51 Fletcher Av		6-27
Melissa Branton	<i>Melissa Branton</i>	4703 Garden Grove Ct		6-27
Cary Deck	<i>Cary Deck</i>	1689 W. Cambridge Rd		6-27
Bryanna Turner	<i>Bryanna Turner</i>	701 WSKAMM ST		6-27
John Cardens	<i>John Cardens</i>	190. box 965		5-27
Sioni Spauld	<i>Sioni Spauld</i>	PO BOX 9565		6-27
Doug Katt	<i>Doug Katt</i>	1627 Cambridge St		6-27
Michelle Ragsdale	<i>Michelle Ragsdale</i>	1600 e r k s s i c field		6-27



Printed Name	Signature	Address	Comment	Date
Jaime Whitmore	Jaime Whitmore	672 Lake Sequoyia Dr.		6/27/12
TRISH PEASE	Trish Pease	177 N. Garland Ave.		6/29/12
Rachel Conley	Rachel Conley	1101 CURSSES ave apt. D52		6/27/12
Andrew Lea	Andrew Lea	2135 N Jonsey Terrace		6/27/12
Jonathan Lambert	Jonathan Lambert	900 N Levere # Apt 420		6/27/12
Daranyia	Daranyia	1100 Park Farmington		10/17/12
Jessica	Jessica	Oldwiler		6/27/12
Maha Sparks	Maha Sparks	900 N. Levere #		6/27/12
Cassie Wynn	Cassie Wynn	1584 Javello Road		10/27/12
Self Lotzes	Self Lotzes	1584 Javello Rd.		6/27/12
Missy Pipersen	Missy Pipersen	3505 SUSAN PLACE		6/27
Jennifer Ward	Jennifer Ward	14755 Fishard Rd		6/27-12
Amarah Flores	Amarah Flores	17239 Swansboro Circle		6/27/12
Isidor Newman	Isidor Newman	1828 Kendra by Fay Terol		6/27/12
Ashley Garcia	Ashley Garcia	1013 Applebury Dr. Fay, 01		6/27/12
Karen Laman	Karen Laman	2879 Selzer Fay 72701		6/27/12

Printed Name	Signature	Address	Comment	Date
Sarah Burrell	<i>Sarah Burrell</i>	86 W Village Creek Dr.		6/27/12
Jessica Winbery	<i>Jessica Winbery</i>	411 W. North St.		6/27/12
Thomas Smith	<i>Thomas Smith</i>	562 N. Sycamore		6/27/12
Kaiti Mithel	<i>Kaiti Mithel</i>	118 N Duncan Ave.		6/27/12
Jimmy Lynn	<i>Jimmy Lynn</i>	1627 S. Spring Lake		6/27/12
Jeb Hucker	<i>Jeb Hucker</i>	3464 Bayshore Pl.		6/27/12
Ami Hucker	<i>Ami Hucker</i>	3464 Bayshore Pl.		6/27/12
Julie Ramsay	<i>Julie Ramsay</i>	2042 E. Stannys Dr.		6/27/12
Mave Snyder	<i>Mave Snyder</i>	3852 Park Oaks Dr #2		6/27/12
Scott Ramsey	<i>Scott Ramsey</i>	2042 E Stannys Dr.		6/27/12
Rob Keys	<i>Rob Keys</i>	2792 N. Ramsey Dr.		6/27/12
Andrew Bandy	<i>Andrew Bandy</i>	400 E. Main St		6/27
Melanie Chambers	<i>Melanie Chambers</i>	846 Calvin Ave		6/27
Huong Devesey	<i>Huong Devesey</i>	2555 S College Dr		6/27
Maichin Sanchez	<i>Maichin Sanchez</i>	1297 E. Ash		6/27
Chris Buschowski	<i>Chris Buschowski</i>	2114 N Brophy Ave		6/27/12

Printed Name	Signature	Address	Comment	Date
Jessica Woodard	Jessica Woodard	2940 Scottswood Pl.		6/27/12
Christine Clark	Christine Clark			
TJ Williams	TJ Williams	187 E. Cypress		6/27
Christina Williams	Christina Williams	187 E. Cypress St.		6/27
Mandi Hayes	Mandi Hayes	2521 N. Dorothy Lane St		6/27
Alex Baldwin	Alex Baldwin	688 Solis Ave		6/27
Deanna Rudasill	Deanna Rudasill	1780 N. Woolsey Ave.		6/27/12
DREW RUDASILL	Drew Rudasill	1780 N. Woolsey Ave.		6/27/12
Beverly Morgan	Beverly Morgan	2974 Poplar St.	to 2931 Charlotte Csg.	6/27/12
Eric Kern	Eric Kern	3513 Acorn Falls		6-28-12
Kirby Henderson	Kirby Henderson	1999 East Oaks Drive #10 Fayetteville, AR		6-27-12
Sarah McVeat	Sarah McVeat	2308 Golden Oaks	Established, NOT Transient.	6/28
Becky Cook	Becky Cook	2191 W. Jewel Rd.	WOODS snow cones	6/28
John Jeffers	John Jeffers	3215 W. Jewell		6/28
Austin Hill	Austin Hill	1537 Sandy Drive		6/28
Cathy Cooper	Cathy Cooper			



Printed Name	Signature	Address	Comment	Date
Gustavo Reyes	<i>[Signature]</i>	Fayetteville, AR 72701 617 N Scottsdale Dr H9	You need to start soon	6-28-12
Ashley Tittle	<i>[Signature]</i>	1115 N. Leverett Ave Apt. 203 Fayetteville, AR 72701	YOU GUNS ROCK!	6-28-12
Deven Phillip	<i>[Signature]</i>	1416 Mt Comfort Rd Fayetteville, AR 72703	<i>[Signature]</i>	6-28-12
Devon Spang	<i>[Signature]</i>	21005 Ravenswood Dr JOHNSON 72703	<i>[Signature]</i>	6-28-12
Shanter Dees	<i>[Signature]</i>	2805 Ravenswood D Johnson AR 72703	<i>[Signature]</i>	6-28-12
Andy Titt	<i>[Signature]</i>	The KENS	<i>[Signature]</i>	6-28-12
Jasmine Pringsten	<i>[Signature]</i>	2100 N Leverett Ave #49 Fay AR 72703	Stay open! Ice cream & shaved ice are diff things	6/28/12
<i>[Signature]</i>	<i>[Signature]</i>	3410 N. Huntington Fayetteville, AR 72703	<i>[Signature]</i>	6/28/12
Christine Curston	<i>[Signature]</i>	8355 E. EXHAVE FAYETTEVILLE, AR 72701	Excellent place	6/28/12
USA Byron	<i>[Signature]</i>	818 Curtis Ave Fayetteville	Nice place	6/28/12
Mekia Ardeby	<i>[Signature]</i>	5568 Hurstville Rd	Friendly staff	6/28/12
MATT PERSON	<i>[Signature]</i>	378 Stanton Fayetteville, AR	<i>[Signature]</i>	6/28/12
Alex Danner	<i>[Signature]</i>	FAYETTEVILLE AR 3263 N Katherine	Love to go	6/28/12
Melissa Reid	<i>[Signature]</i>	Fayetteville, AR	Love love love	6/28/12
Melissa Anderson	<i>[Signature]</i>	2803 W. Riveridge DRIVE Fayetteville, AR	<i>[Signature]</i>	6/28/12
Jimmy Anderson	<i>[Signature]</i>	2803 W. Riveridge Dr. Fayetteville, AR	Stay!	6/28/12

U.

Printed Name	Signature	Address	Comment	Date
Eleanor Townsend	Eleanor Townsend	2187 Wolf Creek Fayetteville	Showered Planned keep in current location	6/28/12
Rebecca Thompson	Rebecca Thompson	635 W. Taylor Fayetteville	BEST SNO CONES	6/28/12
Polly Gurnea	Polly Gurnea	859 West 72701	stay open	6/28/12
Travis Gurnea	Travis Gurnea	859 West 72701	stay open	6/28/12
Elizabeth Wood	Elizabeth Wood	1650 E Carolyn Dr.	stay open	6/28/2012
Kyle Davis	Kyle Davis	1872 N. Pine Valley Dr.	Better than Maggie Mairs	6/28/12
Melissa Frisard	Melissa Frisard	1872 N. Pine Valley Dr.	Stay open!	6/28/12
Annalynd Morris	Annalynd Morris	875 E. Elm	stay open!	6/28/2012
Kevin Gena	Kevin Gena	1801 N. Woodland Ave.	stay open!	6/28/12
Robin Rues	Robin Rues	1717 Wheeler		6/28/12
Amy Wunder	Amy Wunder	1001 Greenwood	Stay open	6/28/12
Brent Stuphan	Brent Stuphan	2925 24th St. Fayetteville 4324 W. Commercial University College	Stay open / about 1/2 cup	6/28/12
Lorried Boyle	Lorried Boyle	432 E. Dabson	stay open	6/28/12
Rick Blough	Rick Blough	432 E. Dabson	stay open!	6-28-12
Travis Halshized	Travis Halshized	3247 Warwick Dr.	stay open!	6-28-12
Katie Godwin	Katie Godwin	1617 N Maxwell Dr.	Ice Cream is	6-28-12

Totally different  
 loved shaved ice

Printed Name	Signature	Address	Comment	Date
Chris Williams	<i>Chris Williams</i>	1125 S. Liberty Dr. Fayetteville	SSTP	6/28
Carlyn Dux	<i>Carlyn Dux</i>	219 W. Adams St. Fayetteville AR		6/28
Kelli Sisco	<i>Kelli Sisco</i>	2402 N. Standant Fayetteville AR		6/28/12
Amber Griffin	<i>Amber Griffin</i>	2158 N. Gung Fayetteville AR		6/28
Lindsey Estes	<i>Lindsey Estes</i>	2777 Breckenridge Ln Fayetteville AR 72701		6/28
Justin Loftis	<i>Justin Loftis</i>	11229 Campbell Court West Fork AR 72774		6/28
Aaron Hughes	<i>Aaron Hughes</i>	1338 W. Cleveland St Fayetteville AR 72701		
Nichelle Sale	<i>Nichelle Sale</i>	3185 E. Township Fayetteville AR 72703		6/28
Mike Coe	<i>Mike Coe</i>	463 N. Cantor Rd Fayetteville AR 72703		6/28
Melody Cartfagno	<i>Melody Cartfagno</i>			
Melody Cartfagno	<i>Melody Cartfagno</i>	403 N. Canvas Rd. Fayetteville AR 72703	Fay	6/28
Richard Earls	<i>Richard Earls</i>	930 S. Washington Fayetteville AR 72703		6/28
David McPaul	<i>David McPaul</i>	3949 N. Parkside Dr Fayetteville AR 72703		6/28
Maureen	<i>Maureen</i>	2951 N. Main Hwy Fayetteville AR 72703		6/28
Autumn Tolbert	<i>Autumn Tolbert</i>	219 S. Happy Hollow Fayetteville AR 72701		6/28
Traci Jordan	<i>Traci Jordan</i>	5194 S. Elba Fayetteville		6/28



Printed Name	Signature	Address	Comment	Date
Tasha Sykes	[Signature]	2284 North Carey Dr Fayetteville AR 72704	Love Y'all!!	6/29/12
Sean Smith	[Signature]	1608 N. Stadium Fayetteville, AR 72701	City Council, Fair Market Capitalism???	6/29/12
Ethan Robinson	[Signature]	1114 N. Futral	love this	6/29/12
LAVEN NELSON	[Signature]	1723 Noelle Ave	Snow Cones!	6/29/12
SILVIA JAMES	[Signature]	43. W Augusta Drive #8		6/29/12
Practica Caldwell	[Signature]	18233 Purnomont RD FAY, AR 72701	love this place	6/28/12
Aera Adams	[Signature]	3075 N Market Ave Str 1	Keep open! Great!	6-28-12
T BARNES	[Signature]	3041 N. Dorchester	GROW UP, OFFER BETTER PRODUCE	6/28/12
Kirby Vitale	[Signature]	2952 N. Cassius	Stay Open	6/28/12
Janae Vitale	[Signature]	2952 N. Cassius	Love it!	6/28/12
Lugh Parute	[Signature]	1729 E. Paracutt St.	Good Luck!	6/28/12
Ronnie Brewer	[Signature]	2518 Cuddehead St	Best Snow Cones	6/28/12
Jon Bensley	[Signature]	5931 Drexel Cove	Love the Cones	6/28/12
Margaretha Hollis	[Signature]	1326 N. Garland Ave	I love this place!!! Best Snow Cones Ever!	6/28/2012
Kristine Davis	[Signature]	7111 Chantry Cir Fayetteville, AR	Love the Cones!	6/28/12
Calli Berina	[Signature]	2301 E Meandering Way	We love, share the planet!	6/28/12

Printed Name	Signature	Address	Comment	Date
Joey Bailey	<i>Joey Bailey</i>	6010 Sycamore St		6/28/12
Cass Runnels	<i>Cass Runnels</i>	17803 Campbell Ln		6/28/12
Maryo Henry	<i>Maryo Henry</i>	2885 E. Townsend		6/28/12
Brittany Hahn	<i>Brittany Hahn</i>	1917 E. Oxnard St		6/28/12
Jenny Holten	<i>Jenny Holten</i>	1350 Sunny Hill Dr.		6/28/12
Tashaece	<i>Tashaece</i>	2131 McCosser Flc 2		6/28/12
Heather Nunn	<i>Heather Nunn</i>	8795 Timberline Ln.		6/28/12
Kelly Stewart	<i>Kelly Stewart</i>	3306 S. Zion Rd		6/29/12
Shawn W. Williams	<i>Shawn Williams</i>	3165 N. Oldham 55001		6/28/12
Moises Munguia	<i>Moises Munguia</i>	499 N. Tom's Canyon road Kaysville UT 84004		6/28/12
Jake Hankin	<i>Jake Hankin</i>	159 South Hill Ave.		6/28/12
Susan Kilgall	<i>Susan Kilgall</i>	1801 N. Trillion Ln.		6/28/12
Nick Adams	<i>Nick Adams</i>	540 E. Hartsdale		6/28/12
Reid A	<i>Reid A</i>	716 Rockwell		6/28/12
Kelly Gangloff	<i>Kelly Gangloff</i>	2071 N. Austin 72703		6/28/12
Gene Gangloff	<i>Gene Gangloff</i>	2071 N. Austin 72703		6/28/12



Printed Name	Signature	Address	Comment	Date
Deanna H	[Signature]	19153 Howard Rd.	Shave the Planet Rocks!!	6/28/12
Jessica G.	[Signature]	5047 Arkansashire	don't be ridiculous!	6/28/12
Carrie S.	[Signature]	4754 Clear Creek	Keep it wise!!!	6/28/12
Misty Simpson	[Signature]	2425 E Sharon St.	Let the little man be. Keep STP here!	6/28/12
Kristy Harper	[Signature]	1543 W. Co. Ave. Pr. Art. 200	DONT GO	6-28-12
Kimmy Beasley	[Signature]	445 S. W. Mini. League		6-28-12
Susan Young	[Signature]	2086 N. Buckley Dr.		6-28-12
CST, uson	[Signature]	11434 cheyenne dr		6-28-12
Demorgan	[Signature]	498 E. Mimososa Way	yum!	6/28/12
TALL Sapone	[Signature]	498 E. Mimososa Frey,		6/28/12
Amanda Barker	[Signature]	2422 Pierre Xing Fe		6/28/12
Stephanie Fox	[Signature]	2753 Nida Lindsay	DONT	6/28/12
Lindsay Gots	[Signature]	"	GO!	6/28/12
Math Cutrell	[Signature]	5883 W. Wheeler Rd		6/28/12
Katie	[Signature]	600 W. Waukeett		
James Johnson	[Signature]	240 E Stearns St		

Printed Name	Signature	Address	Comment	Date
Marye Scott	Marye Scott	1088 Ramsey Ave.		6/28/12
Michelle Scott	Michelle Scott	1688 Ramsey Ave - 7703	LEAVE SNOWCONES ALONE!	6/28/12
Kelsey Cooney	Kelsey Cooney	3105 W. Rockford Dr. 7701		6/29/12
audrey thorn	Audrey Thorn	2519 N. Litchfield Lane		6/28/12
Sarland Thorn	Sarland Thorn	2523 E. Huatson Rd	I want my snowcones!	6/28/12
Michael Meland	Michael Meland	2711 Victoria Ave	Don't tread on me!	6/28/12
Bobby Kates	Bobby Kates	2047 East Oaks	Don't tread on me!	6-28-12
Emily Kate Davis	Emily Kate Davis	7343 W. Gun Club Rd	Snowcones forever!	6-28
Debbie Harg	Debbie Harg	484 E. Malinda Dr.	Love it	6/28/12
Fanny Foster	Fanny Foster	3255 Le Mesurier St.	Love it!	6-28-12
Journine Foster	Journine Foster	6808 Dove Rd	BEST IN TOWN	6/28
Jenni Howard	Jenni Howard	6808 DOVE	I LOVE IT	6/28
Sandra Carson	Sandra Carson	3934 Spyglass Hill Dr.	Private enterprise	6/28
John Griesse	John Griesse	3751 Edgewater		6/29
Lindsay Griesse	Lindsay Griesse	3751 Edgewater		6/28
Sara Lancaster	Sara Lancaster	363 N. Rockford		6/28

Printed Name	Signature	Address	Comment	Date
Kelli Howell	Kelli Howell	1855 Candleshoe Dr.	I ♡ Snowcones	
Diane Howell	Diane Howell	1855 Candleshoe Dr.	Yum!	
Alex Howell	Alex Howell	1855 Candleshoe Dr.	Yum!	
Dina Howell	Dina Howell	1855 Candleshoe Dr.	Yum!	
Caryl Culbertson	Caryl Culbertson	1855 Candleshoe Dr.		
T. Shokunari	T. Shokunari	920 Gracewood Dr	DONT CLOSE	6/28
Lindsay Gann	Lindsay Gann	920 Gracewood Dr.		6/28
Desirae Burks	Desirae Burks	201 W. Thurman Apt. 4	Best Snowcones Ever!	6/28
Bethany Foster	Bethany Foster	PO BOX 735 PGAR	Heaven in a cup!	6/28
David Fyfe	David Fyfe	3053 N. QUINCY CT. PA		6/28/12
Liz Fyfe	Liz Fyfe	3053 Quincey Ct. Fay		" "
Ben Flynn	Ben Flynn	" " " "		" "
Sara Enison	Sara Enison	3133 Butternut Dr.	SUBW CONES!	6-28
Jill Carroll	Jill Carroll	517 Hawthorn St.	Best Snowcones!	6/28
Trudy Smart	Trudy Smart	579 10th	Best of the best	6/28
S. C. Fyfe	S. C. Fyfe	Fay Court		6/29

Printed Name	Signature	Address	Comment	Date
Brandy Braswell		3255 Leo Ammons Rd. <sup>PO Box 12101</sup>		6/29/2012
David Marshall		14887 cedar tree R		6/29/2012
David Long		2007 N. Ashbrook Dr.		6/29/2012
Anaie Scheiderer		1897 Caton Dr		6/29
Scott Davis		2555 n w Elm st Dr		6/29/2012
Stella Green		905 S Wood Ave. <sup>PO Box</sup>		6/29/2012
<del>Pat Paul</del>	<del></del>	1314 Kings Dr		6-29-12
MADISON JONES		2005 N. RINGBROOK DRIVE		6/29/12
LARA KELLEY		28 S. College Ave	J	6/29/12
DERIC YONKLEY		1045 OAKS MANOR		6/29/12
Lori Yonkley		2039 E Magnolia Dr.		6/29/12
Amy Gethin		3344 N. Southridge Dr		6/29/12
Jay Gethrie		3344 N. Southridge Dr		6/29/12
Eric Cohen		12215 W. Wood Dr		6-29-12
Bryan Sheehan		2746 N. Ashbrook Dr		6-29
Devin Per Sheehan		2746 N. Ashbrook Dr.		6-29

Printed Name	Signature	Address	Comment	Date
Dawn Reed		1415 W. Mt. Copysfont Rd Fay 7203	Hope! Maggie Moos is ice cream + high \$	6/29/12
Alisa Corke		1085 Fairlane Fay	Shaved ice not ice cream go both places	6/29/12
Kevin Smith		515 N Skyline Dr	Please keep it here!	6/29
John Cooper		825 N. Red Dring	Please keep it open	6/29
Dakota Scribner		201 Waddington Dr	Keep it here!	6/29
Holly Grook		3559 Crawly	Keep here if it	6/29
Shirley Greenberry		6262 Athlone Rd Fay 7274	Keep it	6/29
London Summers		1876 Buckle Dr.	STAY	6/29
Elery Ruston		104 Watson	stay	6/29
Josh Johns		1990 Eberdet #10 west fork hr	Shut down Maggie Moos	6/29
Jill Hassell		230 Timber Lane 7211	stay	6/29
Sarahne Fenick		87 W. Forsythia R. #12 Fayetteville	stay!	6/29
Kristal Williams		3061 Market St 7203	stay!!!	6-29-12
Tim Dahms		1223 Viewpoint PR		6-29-12
BRENNA COLLINS		1025 N. GILES RD	FAYETTEVILLE.C.C < SNOW CONES	6-29-12
Laura May		2971 E. Seely St	Should stay open!	6-29-12

Printed Name	Signature	Address	Comment	Date
Mark Bowley	<i>Mark Bowley</i>	2804 Rife Circle Rogers		6/29/12
Danielle Emchok	<i>Danielle Emchok</i>	1433 N. Cranford Dr.		6-29-12
Brooke Shimer	<i>Brooke Shimer</i>	2380 Beckleigh Dr.		6-29-12
ALEXANDREARIM	<i>Alexandre Arim</i>	4128 W Mossy Rock Dr.		6/29/12
ETHAN MEYER	<i>Ethan Meyer</i>	3218 Tollenwood Way		6/29/12
Greg Gimmel	<i>Greg Gimmel</i>	1900 E. Overcast Sh		6/29/12
<del>Valerie</del>	<del><i>Valerie</i></del>	25907 E. Estates view		6/29/12
Rhonda Keys	<i>Rhonda Keys</i>	Farmington A 72280		6/29/12
Aaron Dambek	<i>Aaron Dambek</i>	1764 N. Laverett #160 Fayetteville, AR		6/29/12
Sharon Dyer	<i>Sharon Dyer</i>	3079 N. Hughmond Fay. AR		6-29-12
LEANNE JOHNSON	<i>Leanne Johnson</i>	674 GREENY AVE		6-29-12
EMILY JOHNSON	<i>Emily Johnson</i>	980 N. Laverett #113		6/29/12
Carrie Ball	<i>Carrie Ball</i>	2703B Dividend Drive		6/29/12
Prati Shah	<i>Prati Shah</i>	105 S. Duncan Apt 1		6/29/12
Trudy Jones	<i>Trudy Jones</i>	204 W. Village Lake Dr	APT #11	6/29/12
Trey Janner	<i>Trey Janner</i>	2649 N Valencia		6-29-12

Printed Name	Signature	Address	Comment	Date
Katie Mills	Katie Mills	107 E. Madrid		6/29/12
Christie Henak	Christie Henak	4661 Copper Creek		6/29/12
Ben Patrick	Ben Patrick	1620 N. Whistling Shaws	I love it!	6/29/12
Joy Keating	Joy Keating	402 Ash St, Lowell	"	6/29/12
Megan McWethy	Megan McWethy	432 E. Dickson, Fay AR	delicious & cheap!	6/29/12
Chris Haas	Chris Haas	1350 E. Amber Dr.	Vote - YES!	6/29/12
Liz Knutson	Liz Knutson	1350 E. Ambers	YES! love it!	6/29/12
Sheryl Mos	Sheryl Mos	1753 E. ZION ROAD	Vote - YES	6-29-12
Garnett Rose	Garnett Rose	436 E. Dickson	SURE!	6-29-12
April Gubins	April Gubins	13600 So. Mtn.	YES!	6-29-12
Kristina Smith	Kristina Smith	308 E. Sutton St	YES	6/29/12
Joy W Smith	Joy W Smith	308 E Sutton St	YES too!	6/29/12
Collins Andrews	Collins Andrews	2880 E. Birdie Dr.	Yes!	6/29/12
MURSON LATHAM	MURSON LATHAM	2302 KANTZ LN.	SO DELICIOUS!	6/29/12
GARLAND FRIZZARD	GARLAND FRIZZARD	2302 KANTZ LN.	IT SHOULD BE IN EVERY HOME	6/29/12
Nichole Warren	Nichole Warren	231 E. REBECCA ST		6/29/12

Printed Name	Signature	Address	Comment	Date
Wesley Anne DeLeon		570 Rebecca St Jay		6/19/12
Vincent Vincent		520 Rebecca St Jay		6/27/12
Carleigh Phillips		2537 Vanice Dr Fay		6/29/12
Jonathan Phillips				6/29/12
Keith Swel		7097 N Sarastowne		6/29/12
Judge Hitchens		4600 Riverlyn Rd		6/29/12
Sarah Smith		1159 St. Andrews		6/29/12
Jordan Rose		930 S. Huddle		6/29/12
Vicki Frankling		PO Box 196 Kelley Place West Fay		6/29/12
Lauren Martin		1627 Cambridge		6/29/12
Dee Mollins		1557 N. Forest Hts.		6/29/12
Brittany Harris		1791 Ed. Edward		6/29/12
Alan Harris		2212 Kamondan		6/29/12
Eli Harr		1653 N. Shetland		6/29/12
Danny Beach		2254 E. Ginnman Way		6/29/12



Printed Name	Signature	Address	Comment	Date
ANZI SUTTON		2507 Kewest Ave Rogers, 72758		6/29/12
Amy Morrow		1233 S. Paradise Ln Fayetteville 72701		6-29-12
Kate Liberman		20321 Sherry Ln 72764		6-29-12
Emily McWilliams		4171 Sontflower Cr Fay 72703		6/29/12
Sarah Langham		2494 Robin Rd Fayetteville 72703		6/29/12
John Langham		2494 Robin Rd FAYETTEVILLE 72703		6/29/12
Taylor Tamm		11800 GREASY VALLEY RD 72753 PRAIRIE GROVE AR		6/29/12
Jeremy Forstner		1610 Canoodle Fayetteville 72703		6-29-12
Emily Morrison		930 E. Cassida		4/4-25/1
Meredith Fustenberg		1058 S. Melbourne Ave Fayetteville 72701		6-29-12
Kivico Taylor		1671 Stewart St. 72703		6/29/12
Taylor Coban		2273 Beckleugh Dr. 72704		6/29/12
Jett Mitchell		3448 Breckenridge 72703	Yes!	6/29/12
Voyte Oxford		1487 N. Heritage Ave. 72704	Stay Open!	6/29/12
Peter Oxford		1482 N. Heritage Ave 72704		6-29-12
Tyler McCartney		13416 Bill Sellers Rd 72704	Please stay open!	6-29-12

Printed Name	Signature	Address	Comment	Date
Carli Waters	Carli Waters	13476 Bill Sellers Rd 72704	You are the best!	6-29-12
MORBA AUFF	<del>Carli Waters</del>	7848 John Garrison 72704	You are great!!	6-29-12
Tanisha Thompson	Tanisha Thompson	3113 Nauwick Dr.	Awesome!	6-29-12
Tee Naylov	Tee Naylov	1540 W. Nettleship St 72701	Don't leave!	6-29-12
Aaron Nugent	Aaron Nugent	1540 W. Nettleship St 72701	Ice cream is NOT snow cone	6-29-12
Melanie Dels	Melanie Dels	4425 W. Fleastick Dr. 72704		6-29-12
Tripp Cashion	Tripp Cashion	189 E Madrid St 72703	I love shaved ice!!	6-29-12
KARA CORNETT	KARA CORNETT	309A Mulinda Dr 72703	Maggie Wood's Sittcks!!	6/29/12
Norica Choun	Norica Choun	7176 Seeps Ct 72701	Don't Leave Please	6/29/12
Martha SWEETMEAT	Martha Sweetmeat	2484 W Orlando Dr. apt. 1	Don't leave!	6/29
Desiree MACHO	Desiree Macho	P.O. Box 1004 Farmington	SNO CONES > ICE CREAM	6/29
Morgan Setz	Morgan Setz	430 Waterbury Pl. Farmington	SO good!	6/29
Elizabeth Borman	Elizabeth Borman	2515 N Toy Dr.	favorite!	6/29/12
Chris Tomphris	Chris Tomphris	1711 N. Charles Ave	Best in town	6/29/12
Lisa Furkaystha	Lisa Furkaystha	P.O. Box 1210 72702	—	6/29
Amy Francis	Amy Francis	125 S. Elm St. 72703	We love you	6/29

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2008

# Petition for Shave the Planet!

**Petition summary and background**  
 The Planning Commission's decision on June 11<sup>th</sup>, 2012 to allow Shave the Planet to remain open for the duration of summer has been appealed. If the City Council overrides the Planning Commission's decision, we will have to leave on July 4<sup>th</sup>, 2012.

**Action petitioned for**  
 We, the undersigned, are concerned ~~business owners and managers~~ who urge our leaders to vote to allow Shave the Planet to stay on their extended permit they were granted on June 11<sup>th</sup>, 2012.

Printed Name	Signature	Address	Comment	Date
Breanna Robinson		3523 E. Natchez Trce		6/25/12
Julia Allen		11663N Cambridge Rd		6/25/12
Loree Barker		1915 capers cove	favorite place to get snow cones best here for years	6/25/12
Julia Pickett		382 Tanner DR Fayetteville AR 72703	Best Place ever!	6/25/12
Ashley Hips		580 Beco Ln Prairie Grove		6/25/12
Gina Broyles		3524 West Thames Fay, 72204	Awesome!	6-25-12
Austie Eubel		3331 S. Barrington	Awesome!	6-25-12
Nancy Buckard		16901 Lake Squigahls.	Great!	6-25-12
Chris Doolittle		16901 Lake Squigahls Rd		6-25-12
Erica Kipchal		1343 N. Leverett	please stay open!	6-25-12
Katherine Anne Gibson		1764 N. Leverett Ave	I love this place	6-25-12
Nick Johnson		1385 N. Memory Way	Save Iggyose intolerance! Save Iggyose intolerant people	6-25-12

Printed Name	Signature	Address	Comment	Date
Kristine Graffney	Kristine Graffney	4400 N. DIXIE DR. AVE	KEEP STAVE <del>THE PLANET ON COLLEGE</del>	6/29/12
CODY ERICKSON	[Signature]	4400 N. DIXIE DR. AVE	"	"
Maribeth Schall	[Signature]	382 Sonoma Ct	"	6/29/12
Matt Holman	[Signature]	1893 N. Porter Rd	"	6/29/12
June Eickensair	[Signature]	4771 E. Bridgewater Lane	Please keep Stave the Planet on college	6-29-12
Kesh Eckensair	[Signature]	4771 E. Bridgewater	" " " "	6-29-12
CHRIS SMIT	[Signature]	579 Polo Drive	"	6-30-12
Elizabeth Fox	[Signature]	700 E. Jackson Way 72701	"	6/30/12
Anna Webb	[Signature]	1901 EVERCREST ST 72703	Same as above	6/30/12
Brooklyn Wiley	[Signature]	980 W. CHERRYWOOD	"	6/30/12
Alexandra	[Signature]	7434 Highland Kents Rd	"	"
Kaci Burgess	[Signature]	1802 N. SWILL CREEK DR. FAYETTEVILLE 72703	YUM! Keep it!	6/30/12
EVAN BURGESS	[Signature]	1802 W. SCUN CREEK DR FAY 72703	y c p	6-30-12
Jane Urquiza	[Signature]	2512 N. Middleton way	"	6-30-12
Sam Foster	[Signature]	2675 U dus Drive	<del>KEEP STAVE THE PLANET ON COLLEGE</del>	6-30-12
LARRY WALKER	[Signature]	2809 N CROSSOVER	"	6/30/12

Printed Name	Signature	Address	Comment	Date
ANDRIK WALKER	Chubra Walker	2809 N Crosswell 72703	cap to completion !!	6/30/12
Angie Baker	Angie Baker	213 Loren Circle 72701	Keep Show the Planet Open!	6/30/12
Anna Notman	<del>Anna Notman</del>	PO Box 66 72702		6/30/12
TAMARA BUND	JIN KIM	3747 Caetor 72701		6/30/12
Mona Campbell	MONA CAMPBELL	1338 Minnesota Dr 72703	Keep open - <del>stay</del> <sup>and</sup>	6/30/12
Anna Kruger	A Kruger	2834 E. Birdie Dr. 72703	Keep Open!!	6/30/12
Keara Cox	Keara Cox	1964 Beal 72703		6/30/12
Debra Lyon	Debra Lyon	1964 Ballate 72703		6/30/12
Kelli Strachan	Kelli Strachan	311 W North St 72703		6/30/12
Foriba Forzan	Foriba Forzan	1250 East Ash St	only showed ice 1 day	6/30/12
Amber Ahear	Amber Ahear	401 W. 24th Street 21	Stay Open!	6/31/12
Emily Money	Emily Money	1450 N. Log Hill Dr #105		6/30/12
Shedda Steele	Shedda Steele	946 Lakeview	We ♥ Show the planet	6/30/12
Dixie Dalrymple	Dixie Dalrymple	3962 N. Hwy 112		6/30/12
Christina Dettl	Christina Dettl	902 S Woodlark	don't leave !!	6/30/12
Trisha Smith	Trisha Smith	2116 Clover Dr 72701		6/30/12

Printed Name	Signature	Address	Comment	Date
Casey Bailer	<i>Casey Bailer</i>	1625 N. Colony way		6/30/12
Michael Carey	<i>Michael Carey</i>	4187 Zion Valley		6/30/12
STEPHEN MORGAN	<i>Stephen Morgan</i>	4498 W SERVICE BLDG		6/30/12
Timothy Graham	<i>Timothy Graham</i>	5047 ARKANSAS		6/30/12
Peggy Leach	<i>Peggy Leach</i>	7310 Eiffel XING		6/30/12
Pachel, S. N.	<i>Pachel, S. N.</i>	<del>5012 N BERGENA AVE</del> #100 FAYETTEVILLE AR		6/30/12
Dana Williams	<i>Dana Williams</i>	11000 LOS CLARK TOWNING		6/30/12
CHRIS BORD	<i>CHRIS BORD</i>	93 W. Village Lake #9		6-30-12
Justin Williams	<i>Justin Williams</i>	4021 cullie Ave		6-30-12
Dorothy Williams	<i>Dorothy Williams</i>	" "		6-30-12
Mark Smith	<i>Mark Smith</i>	10800 Thunder Rd	FAYETTEVILLE AR	
Vivian Foullet	<i>Vivian Foullet</i>	" "		
Meliah Brack	<i>Meliah Brack</i>	201 W. Village Lake		6-30-12
Kate Beube	<i>Kate Beube</i>	11007 E Terry Dr		6-30
Chrylton Salazar	<i>Chrylton Salazar</i>	1607 E Terry Dr		6-30
Nouk	<i>Nouk</i>	1279 E W avant canal		6-30

6/4  
 2012

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION TO REVERSE THE PLANNING COMMISSION'S DECISION TO GRANT AND THEREBY TO DENY THE VARIANCE TO ERIC SIEBERT TO OPERATE HIS SHAVE THE PLANET SNOW CONE BUSINESS LONGER THAN 90 DAYS AS AN OUTDOOR MOBILE VENDOR

**WHEREAS**, the Planning Commission by a 6 yes, 1 no and one abstain granted the variance to Eric Siebert to continue operating his Shave the Planet snow cone business as an outdoor mobile vendor at 3078 North College for a longer period than 90 days.

**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 reverses the Planning Commission's decision to grant and thereby denies the variance to Eric Siebert to operate his Shave The Planet snow cone business longer than 90 days as an outdoor mobile vendor.

**PASSED and APPROVED** this 3<sup>rd</sup> day of July, 2012.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

