

City of Fayetteville Staff Review Form

2015-0208

Legistar File ID

5/5/2015

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

Jeremy Pate

4/17/2015

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION TO APPROVE THE PERFORMANCE BOND OF BRIGHT INVESTMENTS, LLC TO GUARANTEE CONSTRUCTION OF REQUIRED SIDEWALK IMPROVEMENTS ALONG ARMSTRONG AVENUE BY THE END OF 2017.

Budget Impact:

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

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

MEETING OF MAY 05, 2015

TO: Fayetteville City Council
THRU: Mayor Lioneld Jordan
FROM: Jeremy Pate, Development Services Director
DATE: April 17, 2015
SUBJECT: Bright Investments, LLC Performance Bond

RECOMMENDATION:

Approval of a resolution accepting a performance bond and guarantee to install required sidewalk improvements along Armstrong Avenue, pursuant to §158.05 (B).

BACKGROUND:

Bright Technology is a business located at 2501 S. Armstrong Avenue in the Commerce District of Fayetteville. Situated in Fayetteville with 100,000 plus square feet of manufacturing floor space and 120 employees, Bright Technology specializes in manual and automated sanding, polishing, and buffing for the automotive industry. Recently Bright Investments, LLC, the owner and developer of Bright Technology, obtained approval for an 80,000 square foot expansion on their property, both to expand their own facility but also to provide space for other production/warehouse tenants to locate, a need in our community cited many times by our economic development contract representative, Chung Tan. The expansion is nearing completion, and the first tenant, a locally grown business, has confirmed use of 20,000 square feet for warehouse and distribution, with hopes to expand into another 20,000 square feet in the near future.

As with all large scale development projects, the Planning Commission by ordinance evaluates the project and its impact on surrounding infrastructure in order to determine appropriate and proportional improvements. Most often, developers are required to bring the street adjacent to their project into compliance, with curb, gutter, storm drains, street lights and sidewalks. In this case, it was determined that sidewalk improvements, connecting this property to St. Paul Trail, would be the primary infrastructure improvement, based on the impact to the area.

DISCUSSION:

Bright Investments, LLC acknowledges the required sidewalk improvements. However, due to their initial capital investment in their tenant space and equipment for the building, they are requesting that the City Council approve a performance bond to allow them additional time to construct these sidewalk improvements, rather than before they open later this spring. The performance bond, which would be filed of record at the County, would be accompanied by a monetary bond or bank letter of credit in the amount of the sidewalk improvement. If the sidewalk improvements did not occur within the time specified, the City would have the ability to draw on the monetary guarantee and construct the improvements using those funds.

BUDGET/STAFF IMPACT:

None

Attachments:

Performance Bond
Letter from Applicant
Site Plan

Bright Investments LLC

2501 S Armstrong Avenue
Fayetteville, Arkansas 72701
Office: 479 444 6978
Fax: 479 444 6984

Fayetteville City Council
Through Fayetteville Mayor Lioneld Jordan
City of Fayetteville
113 W Mountain
Fayetteville, AR 72701

April 17, 2015

Dear City Council:

I respectfully write to request City Council's approval to delay the construction of the sidewalk improvement which is a condition for permit approval to construct a new 80,000 square feet expansion located at 2575 S. Armstrong Avenue in the Fayetteville Commerce District in Fayetteville. We plan to complete the construction of the sidewalk improvements along Armstrong Avenue no later than December 31st, 2017.

Bright Investments, LLC is the owner and developer of the said property at 2575 S. Armstrong Avenue. We are required to construct sidewalk improvements along the project frontage to connect to St. Paul Trail as a condition for approval of this large scale development. A construction cost valued at \$50,000 is determined as our proportionate share of the infrastructure improvements.

Bright Investments, LLC owns Bright Technology, LLC and we work diligently everyday to provide excellent service to our customers. As a result, we are able to not only retain but expand our business. When we relocated to Fayetteville in 2011, we started with 45 employees. Today, our employee count has grown to between 120-125 employees depending on the number of contracts we secure at hand. Our employees enjoy an average pay of \$13 an hour plus benefits.

As a good corporate citizen of Fayetteville, we stepped up and answered the Chamber's request to build and add large scale real estate inventory that the City badly needed to attract more business to Fayetteville. We are pleased to have seen results already—a local business has already agreed to lease space in this new building. Had this building not been built, they would have to choose locations outside of Fayetteville. In this respect, Bright Investments, LLC has indirectly helped to create new jobs here.

To demonstrate our good faith, we are prepared to submit a Performance Bond to be secured by a bond or an irrevocable bank letter of credit in the amount of \$50,000, to be drawn upon by the City of Fayetteville should we fail to construct the required sidewalk improvements by December 31, 2017.

Just as we are a partner in helping the City to develop, we are hopeful that the City will be our partner to help us grow our business in Fayetteville. Thank you for your kind consideration.

Yours truly,

Fredi Valle
President/CEO

 4/17/15

Bright Investments LLC
2501 S Armstrong Avenue
Fayetteville, Arkansas 72701
Office: 479 444 6978
Fax: 479 444 6984

Performance Bond

This Performance Bond executed on the ___ day of May, 2015, by Bright Investments, LLC, to the City of Fayetteville, Arkansas (the "City").

WHEREAS, Bright Investments, LLC is the owner and developer of the property located at 2575 S. Armstrong Avenue, and is constructing an 80,000 square feet expansion located in the Commerce District of the City of Fayetteville, Arkansas; and

WHEREAS, as a condition for approval of the large scale development for Bright Investments, LLC's expansion, the Fayetteville Planning Commission has required that Bright Investments, LLC, construct sidewalk improvements along the project frontage to connect to St. Paul Trail, a construction cost valued at \$50,000, as the developer's proportionate share of the infrastructure improvements; and

WHEREAS, the developer desires to delay the sidewalk improvement to a future date and requests to guarantee the construction will be completed within a time period while the building is occupied and utilized by future tenants: AND

WHEREAS, Section 158.05 (B) of the Fayetteville Code of Ordinances provides that (a) the developer may, with the approval of the City Council, guarantee payment of the developer's proportionate share of the cost of off-site improvements as determined by the Planning Commission by executing a performance bond in a form approved by the City Attorney, and (b) performance bonds shall obligate the landowner to pay to the City the amount determined by the Planning Commission within 10 days from receipt of written notice from the city.

NOW, THEREFORE, Bright Investments, LLC, hereby covenants to construct the sidewalk improvements required by the Planning Commission along Armstrong Avenue connecting to St. Paul Trail no later than December 31, 2017. This Performance Bond shall be secured by a bond or irrevocable bank letter of credit in the amount of \$50,000, in a form and substance approved by the City Attorney, to be drawn upon by the City of Fayetteville if Bright investments, LLC does not construct the required sidewalk improvements by December 31, 2017.

This Performance Bond executed on the date above written.

Bright Investments, LLC

By: 

Fredi Valle, President/CEO

Witness: 

Proposed Features:

Feature	Description
	Property Line
	Onsite Property Line
	Right-Of-Way Line
	Setback Line
	Easement Line
	Zoning Limits
	Street / Drive Centerline
	Curb And Gutter (See Site Plan For Size)
	Truncated Edge Of Pavement
	Edge Of Curb
	Fire Lane Striping
	Asphalt Pavement (See Detail Sheet For Pavement Sections)
	Concrete Pavement (See Detail Sheet For Pavement Sections)
	Concrete Sidewalk (See Site Plan For Dimensions)
	General Fence Line (See Plan For Type)
	Chain Link Fence
	Board Fence
	Parking Counter
	Storm Catch Basin(s)
	Retaining Wall

Note:

- See Survey For Existing Features Legend
- See Cover Sheet For Abbreviation List

Site General Notes:

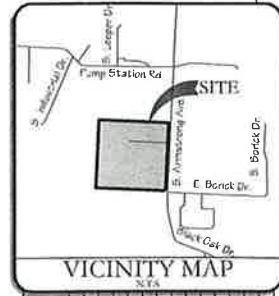
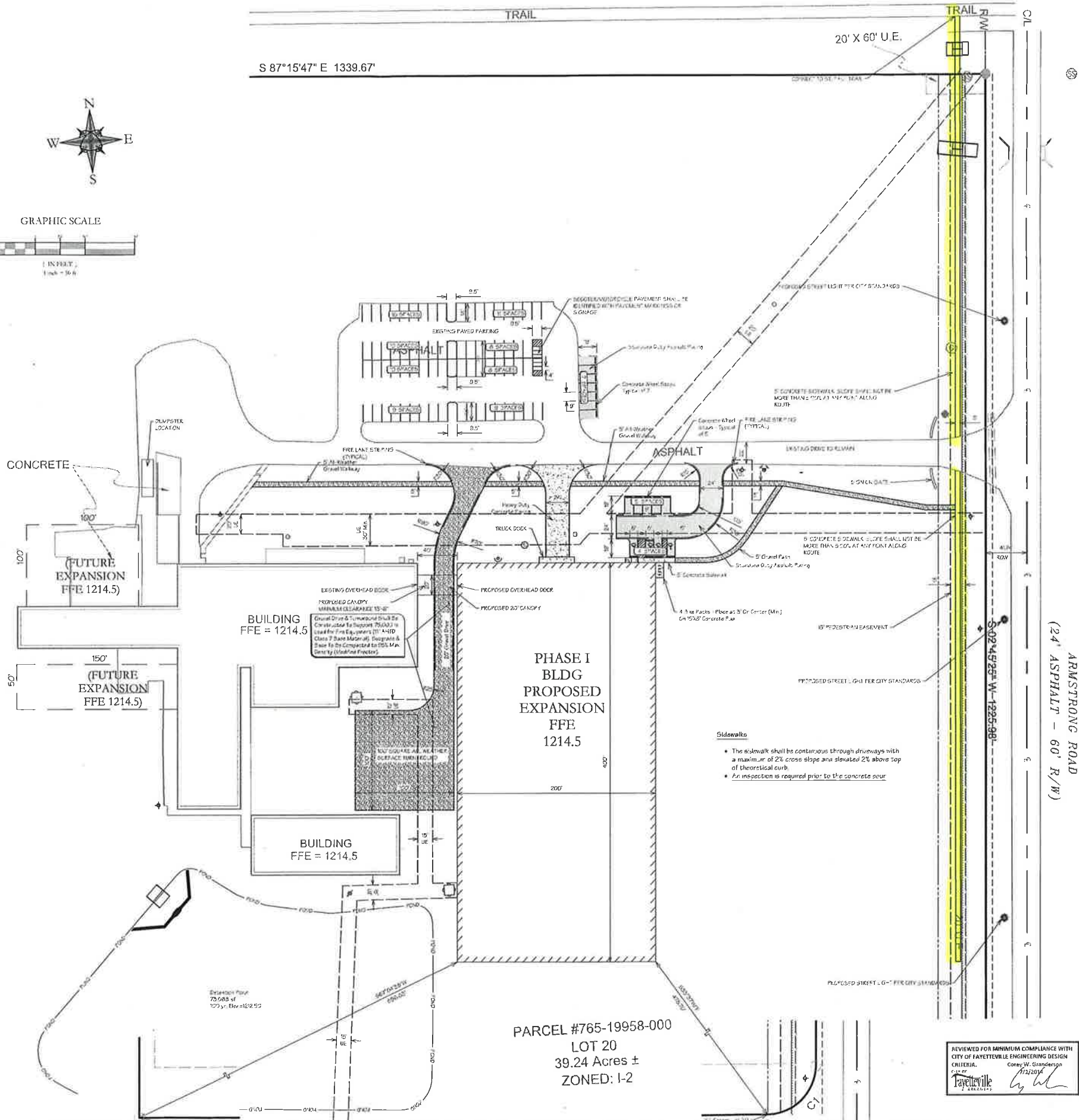
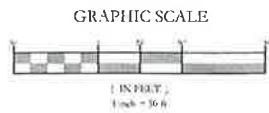
- Dimensions are measured from the Face of Curb, the Edge of Pavement, the Edge of Sidewalk, the Face/Corner of the Building(s) or the Centerline of Street
- All radii shall be 4 feet at Face of Curb unless otherwise specified
- Layout of Site Plan is based on and limited to survey information
- All Curb & Gutter shall be 24" wide per detail sheet
- All Pavement Marking shall be applied in accordance with the requirements guidelines in the most current edition of the "Manual on Uniform Traffic Control Devices" (MUTCD)
- All Signs, Traffic Control Devices, etc. shall follow the guidelines of the MUTCD
- The Contractor shall refer to the Architectural drawings for Building Floor plans and Dimensions, Wall Sections, Door Openings, Building Utility Entrances Points, etc. The Contractor shall immediately notify the Architect and Engineer in the event that the Civil Site Plans Building Layout does not match the Architectural drawings
- All handicap spaces shall be striped / marked in accordance with the handicap striping detail
- All pavement's indicator shall be standard duty bituminous pavement unless otherwise noted on plan. The pavement shall be constructed in accordance with the pavement section detail
- It is the Contractor's responsibility to calculate construction staking coordinates according to the dimensions shown on those plans. The Contractor shall verify the accuracy of these coordinates shown on the plans and notify the Engineer of any irregularities before construction starts
- All ramps shall have detectable truncated dome panels per A.D.A. and city standards and the detail sheet

Flood Statement

PART OF THIS SITE IS LOCATED IN FLOOD ZONE AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAPS (FIRM) DATED MAY 16, 2003. THESE ARE 10 YEAR AND 50 YEAR FLOOD ZONE AREAS DESIGNATED BY FEMA.

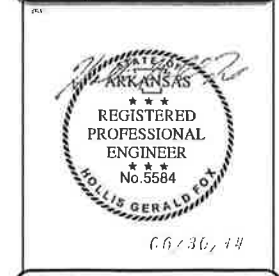
Wetland Note

NO PART OF THIS DEVELOPMENT WILL ENROACH IN THE WETLAND AREA



NO.	DATE	REVISIONS

Site Development Plans For
Proposed Building Expansion
 2501 S. Armstrong Ave.
Bright Technology, LLC
 2501 S. Armstrong Ave.
 Fayetteville, AR 72701
 (479) 444-6978



BLEW & ASSOCIATES, P.A.
 CIVIL ENGINEERS & LAND SURVEYORS
 524 W. SYCAMORE ST., SUITE 4
 FAYETTEVILLE, ARKANSAS 72703
 OFFICE: 479.443.4506
 FAX: 479.582.1883
 www.BLEWINC.com
 Certificate of Authorization No. 1534

DESIGNED BY	G. Fox	DATE	14-345
ISSUED DATE	2014-06-30	BY	As Noted
PROJECT NAME	14-345 Civil 000.dwg		
SCALE	C2		

PARCEL #765-19958-000
 LOT 20
 39.24 Acres ±
 ZONED: I-2



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