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August 7, 2019

Mr. Truett Smith
Director
Department of Planning and Community Development
City of Bryant
210 S.W. 3rd St.
Bryant, AR 72022

Via Hand Delivery

RE: Bryant Crossing Development, Inc.
Bryant Crossing Phase I
Preliminary and Final Plat Application, 108.54 +/- acres, SEC I-30 and Bryant Parkway

Dear Mr. Smith:

My name is Andy Francis and I represent Bryant Crossing Development, Inc. ("Bryant Crossing"), the developer of part of the property owned by The Spin-Off, Inc. Bryant Crossing is filing a preliminary plat to subdivide the Spin-Off property lying south of Interstate 30. The entire property is zoned Highway Commercial District (C-2). Bryant Crossing is also requesting that the City simultaneously approve both the preliminary and a final plat of the property.

Combined Preliminary and Final Plat Application

This request for a combined preliminary and final plat is being filed in conjunction with a proposed sale of Tract A to a buyer. This buyer will construct a large, first-class distribution warehouse on the property. To accommodate the buyer's construction schedule, Bryant Crossing needs to close the sale of the lot to the buyer in 2019. Both the streets and the buyer's building will be built in 2020. For this reason, Bryant Crossing is requesting some variances to the preliminary and final platting procedures so it can obtain final plat approval before construction of the streets and other platted improvements in 2020.

For the preliminary and final plat applications, Spin-Off submits this letter and the following items. These items are either enclosed with this letter or will be provided to you under separate cover letter from White-Daters & Associates, Inc.

1. A check for \$306.00 for the filing fee (\$300 plus \$3 per lot for Tracts A and B);
2. A check for \$250.00 for the stormwater detention and drainage plan review;
3. A check for \$27.00 for the final plat subdivision fee (\$25 plus \$1 per lot for Tracts A and B);

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4. A check for \$400 for the water and sewer impact fees (\$100 flushing fee and \$100 impact fee for both Tracts A and B).;
5. Draft Bill of Assurance; and
6. Other preliminary and final plat requirements will be submitted by the project engineers, White-Daters & Associates, Inc.

To the extent any submittal requirements shown on the preliminary and final plat checklists are not included in this submittal, the applicant requests a variance to submit those items after receiving the City's initial comments at the August 15 DRC meeting.

To the extent the plat varies from any requirements of the City's zoning or subdivision ordinance, the applicant requests a variance from those provisions.

A discussion of some of the specific issues addressed by the plat appear below.

Boundary Street Improvements

The applicant is proposing to improve Raymar Road west of the intersection with Street B to 36 feet of total pavement width (from back of curb to back of curb), plus a sidewalk on the north side of the street property. Please see the street section shown on the plat for a cross section of the proposed improvements.

After a previous meeting with area residents, it was clear that the neighbors did not want internal streets from the Spin-Off property intersecting Raymar Road at Village Green Drive or any point east of Village Green Drive. Accordingly, the applicant has designed its plat so the internal streets intersect Raymar Road to the west of Village Green Drive.

The applicant has proposed improvements to Raymar Road to the west of Village Green Drive that exceed one-half of the street standard established by the Master Street Plan. The applicant has also added a 50 foot buffer on the south 50 feet of Tract A. The applicant is proposing that the improvements to Raymar Road west of Village Green Drive and the buffer zone satisfy all requirements for any improvements to Raymar Road for the entire Spin-Off property, including but not limited to all requirements of Code Section 11.44.05.

Street B

The applicant proposes to construct a new interior local commercial street, labeled Street B on the plat. Tract A and future lots platted fronting on Street B will take access from Street B. Street B will be built to a Collector standard. Please see the street section on the plat for a cross section of the Street B improvements.

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Street A

The applicant is submitting for approval a design for a new interior local commercial street, labeled Street A on the plat. Street A will not be built with the other improvements shown on the plat. Street A is shown for design approval purposes only. With the proposed improvements to Raymar Road, the applicant felt it was prudent to plan for an intersection of Raymar Road and Street A.

In the future, the applicant may file a replat to show a different alignment for Street A, or propose that Street A is not built at all. Whether or not Street A is built, and how it is built, will depend on demand for the land lying west of Street B. If Street A is built, all lots platted fronting on Street A will take access from Street A. If Street A is built, it will be built to a Collector standard. Please see the street section on the plat for a cross section of the proposed Street A improvements.

If Street A is not built within one year of the final plat approval, then applicant will reapply for a plat of Street A as determined by future demand.

Driveways to I-30 Frontage Road

The two driveway locations for the intersection of Streets A and B and the I-30 frontage road are shown on the plat and labeled S-1 (Street A) and S-3 (Street B). These driveway locations have been approved by the Arkansas Highway and Transportation Department (“AHTD”) and AHTD has issued Spin-Off driveway permits for these driveways. These driveway locations were approved by the City of Bryant with the most recent Concept Plan for the Spin-Off property.

Applicant may build driveway S-1 prior to the construction of Street A if the driveway permit expiration date is approaching. Otherwise, driveway S-1 will be built when and if Street A is built.

Applicant will build driveway S-3 with or before the construction of Street B.

Applicant will obtain the necessary permits from the City of Bryant prior to the construction of either driveway.

Intersection of Raymar & Ramp

One issue that needs to be addressed is the design and permitting of the intersection of Raymar Road and the ramp to the Bryant Parkway overpass. The applicant has had informal discussions with city staff about the design of the intersection. In order to complete this element of the street design, city staff will need to provide the applicant with detailed specifications for the

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intersection. Once the applicant has the specifications from staff, it can prepare plans of the intersection for review by staff.

This intersection lies within the existing intersection of Raymar Road and the ramp to the overpass. AHTD will need to issue a permit for any work on the intersection, including any changes to the break in controlled access for this intersection. Because this intersection is not on property owned by applicant, the city will need to submit the driveway permit application to AHTD. The applicant can prepare the application once the city has approved the designs for the intersection, but the city will need to be the applicant for the AHTD permit.

Frontage Road Setbacks

Any lots platted fronting on Streets A or B will take access from those interior local commercial streets. The applicant is proposing a 30 foot side setback along the frontage roads. This assumes all of the land west of Street B will front on either Street A or Street B. Applicant may propose different setbacks on future plats or site plans as determined by demand for the property.

Temporary Construction Access to Tract A

Applicant proposes to provide a temporary, non-exclusive easement to the purchaser of Tract A for construction access from Driveway S-3 on the I-30 frontage road, running parallel to the Street B right of way, to Tract A.

Assurance for Completion

Ten Percent (10%) of the development costs proposed by this plat exceeds \$50,000. Accordingly, the applicant will provide a surety bond to the City of Bryant in the amount of \$50,000 as assurance for completion pursuant to Ordinance Number 98-35.

TIF District

The applicant will be reapplying to the Bryant City Council to approve formation of a Tax Increment Financing District ("TIF District") for the property. This will give the City the option to fund the district at some point in the future. The applicant proposes that the TIF district be given authority to maintain any buffer areas and build and maintain detention facilities on the property.

The applicant is also exploring the feasibility of a regional detention facility to serve the Spin-Off property as well as other property within the City of Bryant. If the city and the applicant elect to move forward with this regional detention facility project, the TIF District could be used to fund construction and maintenance of this facility.

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Request for Meeting

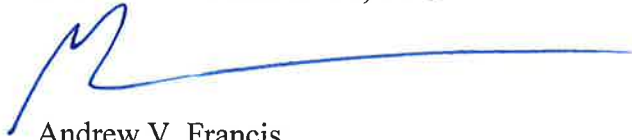
Spin-Off requests that the City schedule both the preliminary and final plat applications for a hearing at the Planning Commission's regular meeting on September 9, 2019, 6:00 pm., with the preceding DRC meeting dates as set forth on the City of Bryant 2019 Development Calendar.

Any other issues not addressed in this letter will be addressed by the separate submittal from White-Daters & Associates, Inc.

Thank you very much and please contact me with any questions.

Cordially,

ANDREW V. FRANCIS, P.A.



Andrew V. Francis

/avf

Enclosures

cc: The Spin-Off, Inc.
Bryant Crossing Development, Inc.
White-Daters & Associates, Inc.

Bryant Planning Commission

Subdivision Checklist

Approved by
Bryant Planning Commission
07/14/2003 Revised 6/18/2007

Instructions

The attached checklist must be completed by the owner and subdivision engineer and must be submitted along with the Preliminary Plat Plan and other specified documentation for review and approval by the Planning Commission. The owner may not begin developing the subdivision until the review of the Preliminary Plat plan is approved.

No changes or alterations can be made to the approved Preliminary Plat Plan without Planning Commission approval.

When all lots have been surveyed, the utilities and drainage measures are in place, and roads have been constructed, the owner and engineer will submit a Final Plat Plan for approval by the Commission. This Final Plat Plan will incorporate all approved changes and will be verified by the City Engineer. No lots will be sold or rights-of-way and easements conveyed until the Final Plat has been submitted and approved.

Fees due to City of Bryant upon submission of Preliminary Plat application

- \$300.00 + \$3.00 per lot - for Subdivision preliminary plat review
- \$250.00 or \$25.00 per lot (**whichever is greater**) - Stormwater Detention and Drainage Plan Engineering Fee
- A Surety Bond or Cashier's check in the amount of 10% of the estimated development cost must be furnished within 10 days after Preliminary Plat approval.

Fees due to Bryant Water and Sewer Department upon submission of Final Plat application

- \$100 per lot - Water/Sewer Impact Fee
- \$100 per Subdivision Phase - Water/Sewer Flushing Fee

Fees due to City of Bryant upon submission of Final Plat application

- \$25.00 + \$1.00 per lot - for Subdivision Final Plat review

City of Bryant Subdivision Checklist

Subdivision/Project Name Bryant Crossing Phase I
Contact Person Andrew V. Francis Phone 501-954-7390
Mailing Address 2311 Biscayne Drive, Suite 205, Little Rock, AR 72227

I. BASIC INFORMATION NEEDED ON THE PLAT

- ▲ 1. Name of Subdivision/Project
- ▲ 2. Current zoning C-2
- ▲ 3. Name and Address of owner of Record
- ▲ 4. Illustrate Source of Title giving deed record book and page number
- ▲ 5. Name & address of the sub-divider
- ▲ 6. Date of Survey
- ▲ 7. Vicinity map locating streets, highways, section lines, railroad, schools, & parks within ½ mile
- ▲ 8. Legal description of the property with exact boundary lines
- ▲ 9. Acreage of property
- ▲ 10. Number of Lots
- ▲ 11. Lot area in square feet
- ▲ 12. Lot lines with appropriate dimensions
- ▲ 13. Building setback lines
- ▲ 14. Preliminary Engineering certificate seal and signature on each page
- ▲ 15. Certificate of Engineering Accuracy
- ▲ 16. Certificate of Owner
- ▲ 17. Certificate of Final Plat Approval
- ▲ 18. Certificate of Recording
- ▲ 19. Show scale (not less than 1" = 100')
- ▲ 20. North Arrow
- ▲ 21. Show Title block
- ▲ 22. Show adjoining property owners
- ▲ 23. Layout of all proposed streets including traffic control devices (stop signs, speed limit, etc.)
- ▲ 24. Layout of all subdivision entrance street upgrades
- ▲ 25. Layout of all proposed alleys
- ▲ 26. Layout of all proposed sidewalk systems
- ▲ 27. Layout identifies any FEMA flood plain and flood way property within the 100-year flood elevation. (Provide Corp of Engineers 404 Permit if required)
- ▲ 28. Drainage easements for stormwater run-off and detention giving dimensions, locations, and purpose
- ▲ 29. Layout accommodates Master Street Plan segments within the boundaries
- ▲ 30. Street layout ties to existing adjoining subdivision stub-out streets and provides stub-out streets for future adjoining subdivisions.
- ▲ 31. Street width and right-of-way properly shown for each functional classification
- ▲ 32. Street centerlines showing angles of deflection, intersection, radii, length oftangents and arcs, and degree of curvature with basis of curve data
- ▲ 33. Typical cross section of streets
- ▲ 34. Location and name of existing streets
- ▲ 35. New street names that are not similar to existing street names
- ▲ 36. Show street lights
- ▲ 37. Show Fire Hydrant placement

- ▲ 38. Show and label all permanent & proposed easements
- ▲ 39. Any proposed open space must be shown
- ▲ 40. Show the direction and flow of all water courses entering the tract
- ▲ 41. Show the direction and flow of all water courses leaving the tract
- ▲ 42. The drainage area of all water courses above the points of entry.
- ▲ 43. The downstream drainage channel and drainage structures substantially impacted by the subdivision/project.
- ▲ 44. Show source of water supply
- ▲ 45. Show location of waste water connection to municipal main & sanitary sewer layout
- ▲ 46. A phasing plan outlining the boundaries for each phase

II. ADDITIONAL INFORMATION NEEDED, BUT NOT NECESSARILY ON THE PLAT

- ▲ 47. Natural features within the proposed subdivision including drainage channels, bodies of water, wooded areas, and other significant features
- ▲ 48. Existing streets, buildings, water courses, railroads. Culverts, utilities and easement on and adjacent to the tract.
- ▲ 49. Where method of disposal of wastewater is other than connection to a public waste water system, detailed information shall accompany the plat.
- ▲ 50. Calculations and field notes, including drainage calculations along with support drawing
- 51. Stormwater detention plan approval from City Engineer (attach copy of approval)
- ▲ 52. The Certificate of Preliminary Engineering Accuracy on each set of street and drainage plans.
- ▲ 53. ADA Accessibility Standard Form completed (and attached)
- ▲ 54. A Bill of Assurance has been prepared for this subdivision (and attached)
- ▲ 55. All lots comply with minimum square footage area and minimum lot width at the front building line
- ▲ 56. Street pavement design will be as specified by City or AHTD design procedures, approved by the City Engineer.
- ▲ 57. Made the "One Call" prior to site clearance or other excavation activity

III. PRELIMINARY PLAT ATTACHMENTS

(APPLICATION WILL NOT BE ACCEPTED UNTIL ALL ATTACHMENT REQUIREMENTS ARE MET)

- ▲ 58. Letter to Planning Commission stating your request
- ▲ 59. Completed Checklist
- ▲ 60. Completed agreement to provide performance assurance
- ▲ 61. Subdivider Performance Bond or Cashier's Check for infrastructure installation
- ▲ 62. Landscaping plan of any proposed common open space
- ▲ 63. Draft of Bill of Assurance proposed for the subdivision (if applicable)
- ▲ 64. 20 copies of Preliminary Plat Plan (folded) that includes vicinity map (minimum size 17" X 34" paper)
- ▲ 65. Two (2) IBM compatible diskettes or CDR's with pertinent data and Plat in CAD compatible .DXF electronic file format
- ▲ 66. Copy of Stormwater Detention approval
- ▲ 67. 2 copies Plan and profile of all streets
- ▲ 68. Receipt for \$300.00 + \$3.00 per lot for preliminary Subdivision fee
- ▲ 69. Receipt for \$250.00 or \$25.00 per lot (whichever is greater) for Stormwater Detention and Drainage Plan review
- ▲ 70. Copy of ADEQ Stormwater Pollution Prevention Plan for property parcel containing one acre or larger.

III. FINAL PLAT ATTACHMENTS

(APPLICATION WILL NOT BE ACCEPTED UNTIL ALL ATTACHMENT REQUIREMENTS ARE MET)

- ▲ 71. Letter to Planning Commission stating your request
- ▲ 72. Completed Checklist
- ▲ 73. 20 copies of Final Plat Plan (folded) that includes vicinity map (minimum size 17" X 34" paper)
- ▲ 74. Two (2) IBM compatible diskettes or CDR's with pertinent data and Plat in CAD compatible .DXF electronic file format
- ▲ 75. Bill of Assurance including provisions set out in Title 15 Subdivision Regulations 15.16.01
- ▲ 76. Copy of Water & Sewer Commission approval or....
- ▲ 77. State Health Department approval of any new water supply and/or sewage system.
- ▲ 78. Letter submitted by a Registered Professional Engineer, certifying that all infrastructure improvements and installations have been installed in accordance with the submitted construction plans and drawings and the standards established by the City of Bryant and are functioning properly.
- ▲ 79. Infrastructure Maintenance Bond or Cashier's check.
- ▲ 80. Check for \$25.00 + \$1.00 per lot for final Subdivision fee
- ▲ 81. Check for Water Sewer impact fees (\$100.00 Flushing Fee and \$100.00 impact fee per lot)

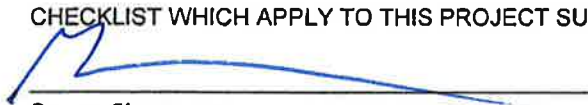
Bryant Crossing Phase I

Name of Subdivision

Daniel W. Havner

Surveyor

I HAVE COMPLIED WITH THE REQUIREMENTS LISTED ABOVE AND HAVE CHECKED ALL OF THE BOXES ON THE CHECKLIST WHICH APPLY TO THIS PROJECT SUBMITTAL.



Owner Signature

Bryant Crossing Development, Inc.

Paul D. Eaton, SR, President



Engineer Signature

Timothy E. Daters

By: Andrew V. Francis, Esq., attorney-in-fact

CITY USE

Preliminary Plat Approved _____

Planning Commission Date _____

Final Plat Approved _____

Planning Commission Date _____

Proof of Recording - County _____

County Clerk _____

Date _____

**AGREEMENT
BY
SUBDIVISION DEVELOPER
TO PROVIDE ASSURANCE TO
THE CITY OF BRYANT
ARKANSAS
PER ORDINANCE #98-35**

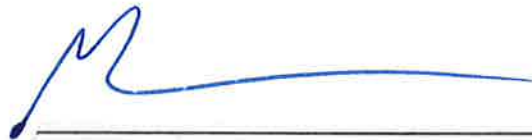
I Bryant Crossing Development, Inc., developer for the
Bryant Crossing Phase I subdivision located in
the City of Bryant city limits or planning jurisdiction agree to provide a surety
bond or cashier's check in the amount of 10% of the development cost estimated
to be \$ 50,000.00 but not less than \$10,000 or more than \$50,000 within
10 calendar days after preliminary plat approval by the Bryant Planning
Commission in accordance with the terms of Ordinance Number 98-35.

08/07/219

Date

James Duff

Witness



Developer Signature

Bryant Crossing Development, Inc.

Paul D. Eaton, President

Printed Name

By Andrew V. Francis, attorney-in-fact

2311 Biscayne Drive, Suite 120

Address
Little Rock, AR 72227

501-562-3894

Phone Number

ASSURANCES FOR COMPLIANCE, INSTALLATION, ETC.

- a.) Upon preliminary approval of subdivision construction plans and specifications for improvements, the Developer shall enter into an agreement with the City of Bryant to install or ensure the completion of the improvements as designed and to (repair or replace), (pay the cost to the city of repairing or replacing) all city property damaged or destroyed in connection therewith. The city will accept the subdivision and issue the certificate of final plat approval subject to the assurance of performance of the obligations of the Developer under the agreement.
- b.) One of the following assurances assigned to the city shall be utilized by the Developer to assure performance of the Developer's obligations under the agreement:
 1. Surety Bond in the amount of ten percent (10%) of the estimated development cost and recorded at the Saline County Courthouse.
 2. Cashier's check(s) in the amount of ten percent (10%) of the estimated development cost on which no interest will be paid by the city.

Any cashier's check or certificate of deposit allowed by this section shall be insured by a financial institution insured by the Federal Deposit Insurance Corporation and licensed to business in Arkansas. Further, each instrument of assurance shall be payable to the City of Bryant, and shall be in principal amount no less than \$10,000 or no greater than \$50,000. All instruments of assurance or the city's check in the amount equal to the principal amount of the instrument less any deductions for failure to perform by the Developer shall be returned to the Developer one-year after completion of the Developers performance under the agreement.

Forfeiture of the assurance for compliance does not relieve the Developer of his responsibility to complete the subdivisions improvements to the satisfaction of the City.

Developer's of large projects that could have an adverse impact on the City's infrastructure may be required to have an assurance for compliance if so directed by the Planning Commission.

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Should any portion of this ordinance be unconstitutional or invalid and so declared by a court of competent jurisdiction, then the remainder of this Ordinance, and any remaining applications of the Ordinance, shall not be affected by such partial unconstitutionality or invalidity.

This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED AND APPROVED THIS 28th DAY OF September, 1998.


APPROVED


ATTEST

No Emergency Clause