

## **SWOPE ENGINEERING**

Civil Engineering  
3511 SE J Street, Suite 9  
Bentonville, AR 72712 479-685-8399

December 11, 2017

**Sondra Smith, City Clerk**  
**City of Fayetteville**

113 W Mountain Street #302  
Fayetteville, AR 72701  
479.575.8323

**Re: Annexation/Rezone Appeal Request**  
**North Weir Road**

Dear Ms. Smith,

Please accept this letter for the referenced appeal. The requested annexation/rezone of the Weir Road property is a follow-up to the denial recommendation from Planning Commission on November 27, 2017. We present the following items in support of the appeal.

1. Financial Benefit to City- The city will financially benefit from the annexation and rezone, due to its ultimate development, in the following ways.
  - a) Property Tax Revenue- This increased property values, once within the city limits, will improve collection of property taxes that flow into the city.
  - b) Donation of Right-of-Way- At Final Plat, the city will take possession of lands needed for extension of Ruppel Road.
2. Additional Benefits- The city will realize the following additional benefits once this property is annexed, rezoned and developed.
  - a) Completion of the Mayor's Box- This annexation furthers the growth plan, supported by the mayor, that promotes "squaring" of the city's boundaries to reduce islands and peninsulas. This helps to make all portions of the city contiguous.
  - b) Better Emergency Response Times- Due to additional streets that will/must be built with this development (east-west collector to Ruppel Road), the response time will be greatly reduced for this area of town.
  - c) Conservation Area Preservation- The development will require areas that preserve the natural habitat that currently exists.
  - d) Construction of Trails- The development will construct/extend trails to expand the city's network to this part of town.

Please accept this request to appeal, so that we may present our case to the City Council.

Thank you for your consideration on this appeal request. If you have any questions, or concerns, please let me know.

Regards,

A handwritten signature in black ink, reading "Phil Swope". The signature is written in a cursive, flowing style.

Phil R Swope, PE  
President



## CITY COUNCIL AGENDA MEMO

### MEETING OF JANUARY 16, 2018

**TO:** Mayor, Fayetteville City Council

**THRU:** Garner Stoll, Development Services Director

**FROM:** Jonathan Curth, Senior Planner  
Andrew Garner, City Planning Director

**DATE:** December 29, 2017

**SUBJECT:** **ANX 17-5990: Annexation (NORTH OF N. RUPPLE RD./MCFARLAND FAMILY TRUST, 244):** Submitted by SWOPE ENGINEERING, INC. for properties located NORTH OF N. RUPPLE RD. The properties are in the FAYETTEVILLE PLANNING AREA and contain approximately 68.65 acres. The request is to be annexed into the City Limits of Fayetteville.

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### RECOMMENDATION:

The City Planning staff recommend denial of a request to annex the subject property described and shown in the attached Exhibits 'A' and 'B'. The Planning Commission has denied the proposal and the applicant has appealed the decision to City Council.

### BACKGROUND:

The subject property constitutes approximately 69 acres bordered on the north and west by unincorporated Washington County land and Fayetteville corporate city limits on the east and south. The property is developed with two single-family homes, one of which was built in 1916 and the other in 1985. The property has access to both City water and sanitary sewer. Currently, the zoning designation on the property is Ag/SF Res 1 unit/ac, which allows for agricultural and single-family uses on lots of no less than one acre.

*Request:* The request is to annex the subject property into the City of Fayetteville. The applicant has stated that the annexation is needed so that the property can be developed. An order of annexation was signed by the Washington County Judge on October 13<sup>th</sup>, 2017.

*Land Use Plan Analysis:* The City Plan 2030 Future Land Use Plan designates this property as Rural Residential Area. These areas are primarily large lot residential and agricultural in nature. If developed, land use should follow a conservation or cluster pattern to preserve surrounding rural areas.

In addition to the Future Land Use Plan, City Plan 2030 sets forth several guiding policies to consider an annexation proposal. These include the potential impacts on Fayetteville's boundaries, services, infrastructure, intergovernmental relations, property administration, and existing environmentally sensitive areas. Staff finds that while some of these policies are adhered

to, including that the proposed annexation will generally reduce an existing 'peninsula' of land that is adjacent to incorporated Fayetteville on two sides, and that water, sewer, and street stub-outs are in-place at multiple points on its boundary, the proposal is generally not meeting other City goals and policies. This is based principally on the Fayetteville Fire Department's comment that serving this property will exceed the six-minute acceptable response time and a concurrent request to rezone the property to RSF-4, Residential Single-family, 4 Units per Acre. If annexed and rezoned to RSF-4, the property will likely be developed in a low-density, suburban, residential manner that can pose financial challenges for the City to maintain public infrastructure in a fiscally sustainable manner.

**DISCUSSION:**

On November 27, 2017, the Planning Commission denied the applicant's request to annex the property in to the City of Fayetteville by a vote of 8-1-0. Commissioner Noble voted 'no'. The applicant has appealed the Planning Commission's decision to the City Council along with a request to rezone the same property, which was also denied by the Planning Commission.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

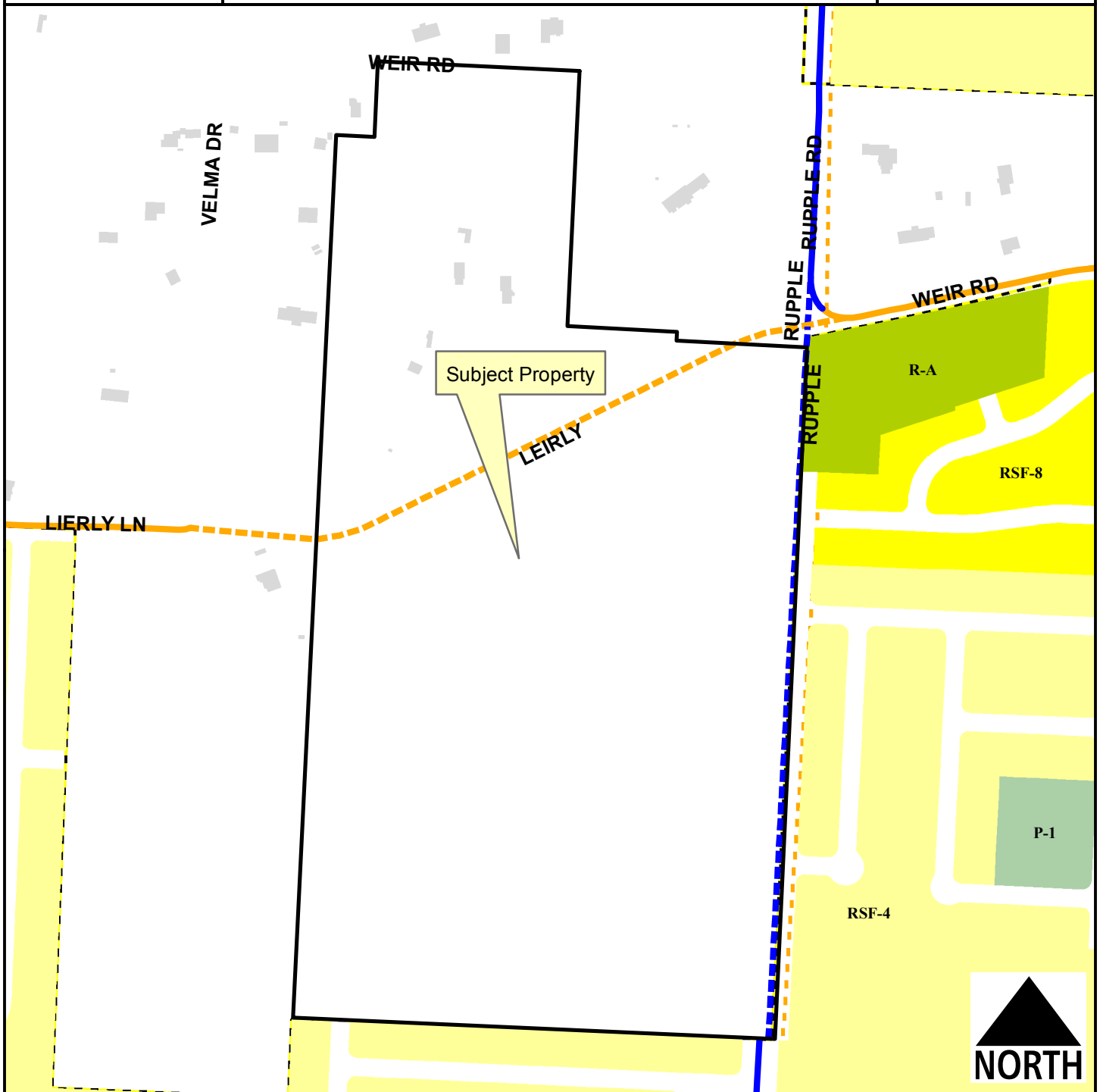
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

ANX17-5990

# MCFARLAND FAMILY TRUST

17-5990  
EXHIBIT 'A'

Close Up View



## Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint

Feet  
0 145 290 580 870 1,160  
1 inch = 400 feet

- Residential-Agricultural
- RSF-4
- RSF-8
- P-1

**17-5990**  
**EXHIBIT 'B'**

SURVEY DESCRIPTION FOR ANNEXATION: A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A FOUND IRON PIN, LOCATED AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND THENCE N87°08'20"W 660.17 FEET TO A SET P/K NAIL, SAID POINT BEING THE TRUE POINT OF BEGINNING AND RUNNING THENCE S02°43'44"W 702.02 FEET TO A SET IRON PIN, THENCE S87°08'20"E 301.90 FEET TO A SET IRON PIN, THENCE S02°39'43"W 25.00 FEET TO A SET IRON PIN, THENCE S87°08'20"E 359.09 FEET TO A SET IRON PIN, THENCE S02°39'43"W 1904.10 FEET TO A SET IRON PIN, THENCE N87°25'05"W 1326.48 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION, THENCE N02°48'50"E 2428.66 FEET TO A FOUND IRON PIN, THENCE S87°05'15"E 104.59 FEET TO A FOUND IRON PIN, THENCE N02°47'54"E 208.99 FEET TO A FOUND COTTON SPINDLE, THENCE S87°08'20"E 554.78 FEET TO THE POINT OF BEGINNING. CONTAINING IN ALL 68.65 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

CITY OF FAYETTEVILLE, ARKANSAS

ANNEXATION

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Project Number:

Public Hearing Date:

5990

FEE: \$325.00

SIGN FEE \$5.00

S-T-R:

PP#:

Zone:

24A

Please fill out this form completely, supplying all necessary information and documentation to support your request.  
Your application will not be placed on the Planning Commission agenda until this information is furnished.

**Application:**

Indicate one contact person for this request: \_\_\_\_\_ Applicant ☒ Representative

**Applicant (person making request):**

Name: McFARLAND FAMILY TRUST  
PHYLLIS SHACKELFORD, TRUSTEE

Address: 3855 W WEIR RD  
FAYETTEVILLE, AR 72704

E-mail: PSHACK99@GMAIL.COM

Phone: (479) 841-5053  
( )

Fax: ( )

**Representative (engineer, surveyor, realtor, etc.):**

Name: SWOPE ENGINEERING  
(JOE ORR)

Address: 7 HALSTED CIRCLE  
ROGERS, AR 72756

E-mail: JOE@CIVILFIRST.COM

Phone: (479) 856-8843  
( )

Fax: ( )

Site Address / Location: weir Road / Ruppel Road Fayetteville, AR

Assessor's Parcel Number(s) for subject property: 001-16776-000  
001-16782-000

**FINANCIAL INTERESTS**

The following entities and / or people have financial interest in this project:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPLICANT / REPRESENTATIVE:** I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**PROPERTY OWNER(S) / AUTHORIZED AGENT:** I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. *(If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)*

**Property Owners of Record (attach additional info if necessary):**

Name (printed): PHYLLIS SHACKELFORD

Signature: Phyllis Shackelford

Date: 6/12/17

Address: 3855 W WEIR RD

FAUETTEVILLE, AR 72704

Phone: (479) 841-5053

Name (printed): \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Phone: \_\_\_\_\_  
( ) \_\_\_\_\_

To the Fayetteville City Council:

After review of public comment and assessment of city planning regarding the proposed **ANX 17-5990: Annexation (NORTH OF N. RUPPLE RD./MCFARLAND FAMILY TRUST, 244)** by the City of Fayetteville, the Environmental Action Committee (EAC) makes the following observations and recommendations concerning future votes on this issue:

The EAC supports city staff and the planning commission in their recommendation denying the applicant's request for the annexation of this property and the concurrent request of rezoning a majority of the property to RSF-4. With already present flood issues in Ward 4, the discovery of hydric soil across this property—though primarily concentrated in the Southwest—increases the risk of future damaging floods to existing property should development remove the soil.

Further, the concerns of response time by the Fayetteville Fire Department are echoed by the EAC. Should a fire occur in an area outside six-minute response time goal the likelihood of unnecessary destruction of our urban forests increases, compounding what will be already mitigated replanting of native trees.

The EAC is cognizant of the growing need for affordable housing and highly respects a property owner's right to buy/sell land as he/she chooses, and are eager to advise on future proposals for this tract of land. Should a new fire station which decreases response time or other zoning designations that incorporate more conservation to allow the preservation of the hydric soil come to the fore, the EAC will gladly advise as to the most environmentally conscious action to align with city goals and directives.

Writing on behalf of the Environmental Action Committee,

A handwritten signature in cursive script, appearing to read "Andrew Miles", written in dark ink.

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Andrew Miles, Vice-Chair

December 28<sup>th</sup>, 2017



## PLANNING COMMISSION MEMO

**TO:** City of Fayetteville Planning Commission

**THRU:** Andrew Garner, City Planning Director

**FROM:** Jonathan Curth, Senior Planner

**MEETING DATE:** November 27, 2017 (Updated with Planning Commission Results)

**SUBJECT:** **ANX 17-5990: Annexation (NORTH OF N. RUPPLE RD./MCFARLAND FAMILY TRUST, 244):** Submitted by SWOPE ENGINEERING, INC. for properties located NORTH OF N. RUPPLE RD. The properties are in the FAYETTEVILLE PLANNING AREA and contain approximately 68.65 acres. The request is to be annexed into the City Limits of Fayetteville.

### RECOMMENDATION:

Staff recommends denial of ANX 17-5990 based on the findings included within this report.

### BACKGROUND:

The subject property constitutes approximately 69 acres bordered on the north and west by unincorporated Washington County land and Fayetteville corporate city limits on the east and south. The property is developed with two single-family homes, one of which was built in 1916 and the other in 1985. The property has access to both City water and sanitary sewer. Surrounding land use and zoning is provided on *Table 1*.

**Table 1**  
**Surrounding Land Use and Zoning**

Direction	Land Use	Zoning
North	Large Lot Single-family Residential & Agricultural	Ag/SF Res 1 unit/ac
South	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Large Lot Single-family Residential; Single-family Residential	Ag/SF Res 1 unit/ac R-A, Residential Agricultural RSF-8, Residential Single-family, 8 Units per Acre RSF-4, Residential Single-family, 4 Units per Acre
West	Large Lot Single-family Residential & Agricultural	Ag/SF Res 1 unit/ac

*Request:* The request is to annex the subject property into the City of Fayetteville. The applicant has stated that the annexation is needed so that the property can be developed. An order of annexation was signed by the Washington County Judge on October 13<sup>th</sup>, 2017.

*Public Comment:* Staff has received comment from adjacent landowners expressing concerns that the subject property will be developed similarly to the residential subdivisions to the south and east, and that this type of development will adversely impact the existing infrastructure and area's character.

## INFRASTRUCTURE:

- Streets:** The subject property has access to Weir Road to the north, and multiple street stub-outs on the eastern and southern property lines: Whistle Post Drive to the southwest, Ruppel Road to the southeast, and Grouse Road and Country Meadows Street to the east. Weir Road is not classified in the City's Master Street Plan and exists today as an unimproved 2-lane street with open ditches and not sidewalk or gutter. The street stub out to Ruppel Road in the southeast is intended to extend northwards along the subject property's eastern boundary as a part of the proposed Ruppel Road Principal Arterial Parkway. The property is also bisected east-to-west by the planned Lierly Lane Collector Street. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is available to the subject property. There are several adjacent subdivisions, with the aforementioned street stub-outs providing access to 8" water mains. To the north, a 4" diameter public water main is available along Weir Road.
- Sewer:** Public sanitary sewer is not available to the subject property. Given that the property is outside of Fayetteville's corporate city limits, special City Council approval is required prior to any extension. There are however, several sewer stub-outs to the south and east in association with the aforementioned street stub-outs.
- Drainage:** Any additional improvements or requirements for drainage would be determined at the time of development. Although no portion of the subject property lies within the FEMA designated 100-year floodplain and no protected streams are present, hydric soils are present on a large portion of the property, focused in the southwest. A wetland determination may be required at the time of development.
- Fire:** This property will be protected by Ladder 7 located at 835 N. Ruppel Road. With a distance of 3.2 miles from Fire Station #7, the Fire Department anticipates a response time of seven minutes, ***which is beyond the six-minute response time goal. This will negatively impact response time averages for this area.***
- Police:** To date, the Police Department did not express any concerns with this request.

**CITY PLAN 2025 FUTURE LAND USE PLAN:** *City Plan 2030 Future Land Use Plan designates the subject property as **Rural Residential Area**. These areas are primarily large lot residential and agricultural in nature. If developed, land use should follow a conservation or cluster pattern to preserve surrounding rural areas.*

## FINDINGS OF THE STAFF

### CITY PLAN 2030 (Res. 116-11)

#### 12.3.5 Annexation Guiding Policies

##### Boundaries

- 12.3.5.a Annex existing islands and peninsulas and do not annex areas that create an island or peninsula

**Finding:** Following the annexation in 2006 of property subsequently developed as the Lierly Lane subdivision, the subject property and other unincorporated areas near it became a peninsula of Washington County land bordered by Fayetteville's corporate limits. While incorporation of the subject property will annex a portion of this peninsula, the situation may also be aggravated as many of the remaining, adjacent unincorporated properties will be bordered on three sides by the City of Fayetteville where they were previously bordered on one or two sides. The proposed new city limit boundaries could cause confusion for service providers and residents because of the atypical configuration.

- 12.3.5.b The proposed annexation area must be adjacent, or contiguous, to city limits.

**Finding:** The proposed annexation area is adjacent and contiguous to Fayetteville's City Limits in northwest Fayetteville.

- 12.3.5.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

**Finding:** The proposed annexation is for an area containing two single-family residences on approximately 68.65 acres and is not within a subdivision or established neighborhood.

- 12.3.5.d Boundaries for annexed areas should follow natural corridors.

**Finding:** The proposed annexation boundaries follow the property lines of the subject property. To the east and south, the annexation boundaries align with existing single-family development. The propose extension of Ruppel Road, a Principal Arterial, is planned to extend northwards along the subject property's eastern boundary.

- 12.3.5.e The provision of services should be concurrent with development.

**Finding:** The property is adjacent to City services and is currently connected to Fayetteville water. Connection to sewer service would be the responsibility of the property owner.

##### ENVIRONMENTALLY SENSITIVE AREAS

- 12.3.5.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

**Finding:** The property is largely undeveloped except for two single-family homes and some accessory structures. While portions of the property have significant mature tree growth, the majority is clear and appears to be used for agricultural purposes. Furthermore, no portion of the property is designated as floodplain, Hillside-Hilltop Overlay District, Streamside Protection Zone, or Enduring Green Network. Although not currently determined, hydric soils on the property may indicate wetlands. As noted previously, a wetlands determination may be required at the time of development.

## **EMERGENCY AND PUBLIC SERVICES**

12.3.5.g Public services must be able to be provided efficiently in newly annexed areas.

**Finding:** **Fire:** The Fayetteville Fire Department response time to this location is seven minutes from the current closest station (835 N. Ruppel Rd.) The Fire Department response time goal is six minutes or less. Provision of fire and emergency response may not be provided efficiently.

**Police:** To date, the Fayetteville Police Department has not expressed any concerns with this request.

12.3.5.h Annexed areas should receive the same level of service of areas already in the city limits.

**Finding:** At an estimated seven minutes, Fire Department service to this property is beyond the upper limit of acceptable response time of six minutes, possibly leading to a negative impact on response time averages for this area.

The subject property would receive the same services, including trash service, police protection, fire protection, sewer, water, recycling and yard waste pick-up, and zoning protection as nearby property within the City.

12.3.5.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units, and response time.

**Finding:** These factors were taken into consideration in the responses and recommendations included in this report.

## **INFRASTRUCTURE AND UTILITIES**

12.3.5.j Areas currently served by utilities and other public services should be annexed.

**Finding:** Fire and police protection are currently provided to the south and east of the subject property, but not to this address. The residence is currently connected to City water, but not City sanitary sewer. There are public water and sanitary sewer main stub-outs at several points along the property's perimeter.

12.3.5.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

**Finding:** **Engineering:** Utilities located at street stub-outs are adequate for connection and extension, and do not need to be upgraded because of this annexation. The existing water main in Weir Road may need to be improved if utilized as the only source for a prospective development.

**Planning:** The proposed annexation will not immediately lead to increased density on the subject property or increased traffic congestion in the area. If developed under the zoning requirements of the RSF-4, Residential Single-family, 4 Units per Acre, zoning district, as requested concurrently with this rezoning, there will be a marked increase in both density and traffic. Planning staff does not anticipate that increased traffic will pose a traffic danger.

12.3.5.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

**Finding:** **Not applicable; the proposed annexation is not part of a phased annexation initiated by the City.**

## **INTERGOVERNMENTAL RELATIONS**

12.3.5.m Promote long-range planning with adjacent jurisdictions.

**Finding:** **Not applicable; the extent of the proposed rezoning is not within or adjacent to the planning areas of other municipalities in Washington County. The property is about 2/3rds of a mile from the Tontitown Planning Area and approximately one mile from the Tontitown corporate limits.**

12.3.5.n Establish agreements to address regional concerns, such as water, stormwater, and sewer.

**Finding:** **Not applicable; The subject property and all of those around it are served by either Fayetteville water, sewer, or both. Those currently not served by Fayetteville water and sewer utilize water wells or septic systems.**

## **ADMINISTRATION OF ANNEXATIONS**

12.3.5.o Develop a land use plan for annexation initiated by the City.

**Finding:** **Not applicable; this annexation is not City-initiated. However, the property is included within the City's Future Land Use Plan and the future extension of Ruppel Road extends along the property's eastern boundary.**

12.3.5.p Designate zoning districts for the property during the annexation process.

**Finding:** Annexations are automatically zoned R-A, Residential Agricultural. However, the applicant has submitted a concurrent request to rezone the subject property to RSF-4. On one hand, the RSF-4 zoning district could lead to development that is compatible with the suburban, single-family zoning districts and development to the south and east. On the other hand, this portion of the City is designated by the Future Land Use Map as Rural Residential Area, which encourages large lot residential and agricultural uses or residential subdivisions developed in a cluster or conservation pattern.

12.3.5.q An annexation study should be completed on all annexation proposals.

**Finding:** Planning staff has engaged with the Engineering Division along with the Water and Sewer, Fire, and Police Departments to review the proposed annexation. The request was studied to determine if facilities or services are available or needed in association with this request. Responses are included throughout this report.

12.3.5.r Development proposals require a separate review from the annexation proposals.

**Finding:** Future development of the subject property will be required to go through the development review process.

12.3.5.s Residents should be fully informed of annexation activities.

**Finding:** Adjoining neighbors have been notified of the annexation request. A legal advertisement has been submitted with the local newspaper prior to the Planning Commission meeting for which this item is scheduled.

12.3.5.t Encourage larger annexations to create acceptable boundaries.

**Finding:** Staff finds that this request is of a moderate size, totaling approximately 70 acres. The request would somewhat reduce a peninsula of unincorporated area, but it would also exacerbate the remoteness of other areas of the peninsula not proposed for annexation. If the Council desires to annex the area, staff would recommend additional area be incorporated to “square-off” the city limits to create a more logical boundary.

12.3.5.u Conduct a fiscal impact assessment on large annexations.

**Finding:** Given the moderate size of the proposed rezoning, a fiscal impact assessment was not conducted for the requested annexation. However, it should be noted that annexing land on the fringe of the City and developing it in a suburban, residential manner can pose financial challenges for the City to maintain the public infrastructure in a fiscally sustainable manner.

**RECOMMENDATION:** Staff recommends denial of **ANX 17-5990** based on the findings discussed throughout this report.

<b>PLANNING COMMISSION ACTION: Required <u>YES</u></b>			
Date: <u>November 27, 2017</u>	<input type="checkbox"/> Tabled	<input type="checkbox"/> Forwarded	<input checked="" type="checkbox"/> Denied
Motion: Hoffman			
Second: Quinlan			
Vote: 8-1-0, Noble voted 'no'.			
<b>CITY COUNCIL ACTION: Required <u>YES</u></b>			
Date: <u>Tentatively December 19, 2017</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- City Plan 2030, Section 12.3: Annexation
- Request letter
- Order of Annexation
- City Services Exhibit
- Fire Department Comments
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

## City Plan 2030: Annexation

### 12.3 ANNEXATION

#### 12.3.1 Purpose

Annexation is the inclusion of previously unincorporated lands within the City limits. Annexation has benefits to the residents of the annexed area as well as to the City. The residents gain access to urban services, such as enhanced police and fire protection, and have a voice in city government. The City gains the ability to control development and extend boundaries in a logical manner.

The purpose of this planning element is to take a more active approach toward annexations by identifying potential annexation areas and establishing annexation policies. The annexation policies will guide evaluation of future annexation proposals. The policies are designed to ensure that public services, infrastructure, and utility extension is properly addressed in order to manage growth. The potential annexation areas can become part of the City when annexation policies are met.

#### 12.3.2 History and Trends

The original town was incorporated in 1870 with approximately 1200 acres. Since incorporation, the City has made 189 annexations, totaling 34,654.67 acres. Annexation activity was relatively slow until the 1940s, when over 2,500 acres were annexed with 10 annexations. During the 1950s, almost the same number of annexations took place, however, the total land area annexed was significantly smaller than in the 1940s. By the 1960s, annexation activity increased dramatically, with 42 annexations bringing over 18,000 acres into the City limits. Annexation numbers dropped in 1970 and stayed steady until the 1990s, when the number of annexations tripled from the 1980s. In 2000, the City contained 45 square miles, and in 2005, the City contained 50 square miles.

**TABLE 12.3.1  
ANNEXATION HISTORY  
Fayetteville (1870 - 2006)**

Time Period	Number of Annexations	Total Acres
1870	Original Town	1,202.48
1910	1	160.57
1932	1	83.60
1940 - 1949	10	2,572.05
1952 - 1958	9	1,194.66
1960 - 1969	42	18,250.55
1970 - 1978	12	1,347.14
1980 - 1988	9	1,591.87
1990 - 1999	27	2,106.70
2000 - 2005	61	3,559
2006 - 2010	18	3,719.09
<b>Total</b>	<b>182</b>	<b>35,857.15</b>
<i>Source: City of Fayetteville, GIS, Dec. 2010</i>		

**TABLE 12.3.2  
SEVEN LARGEST ANNEXATIONS  
Fayetteville (1870-2006)**

Ordinance Number	Acres	Year
889	1,765	1946
1258	1,489.24	1961
1274	2,138.61	1961
1479	1,267.69	1966
1556	11,376.66	1967
2857	1,286.45	1982
4888	2,017	2006
<i>Source: City of Fayetteville, GIS, Dec. 2010</i>		



Approximately 60 percent of the total annexations can be attributed to seven single annexations. Each of these annexations included more than 1,000 acres. Four of those six annexation occurred during the 1960s. The most significant annexation was in 1967 that added over 11,000 acres to the City limits. Until 1960, the number of persons per acre remained relatively high, but decreased between 1940 and 1960. The significant drop in persons per acre from 3.9 in 1960 to 1.3 in 1970 is reflective of the significant land area annexed during this time. The trend of decreasing persons per acre reversed in 1980 and increased over the next two and half decades. By 2000, the persons per acre was 2.2, however, this trend has again reversed, due to several large annexations, resulting in approximately 33% increase in land area since 2000.

### 12.3.3 State Statutes on Annexation

#### Arkansas Statutes

Title 14, Chapter 40 of the state statute discusses annexation. Annexations can be initiated by a municipality or by property owners.

A municipality can annex contiguous lands, lands surrounded by the municipality, unincorporated area that is completely bounded by two or more municipalities if the municipality has the greater distance of city limits adjoining the area, and land contiguous and in adjacent counties. To annex any contiguous lands, the governing body must adopt an ordinance, passed by two-thirds of the governing body and hold an election of the people. Those lands must meet one of the following criteria:

- Platted and held for sale or use as municipal lots;
- Whether platted or not, if the lands are held to be sold as suburban property;
- When the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;
- When the lands are needed for any proper municipal purposes such as for the extension of needed police regulation; or
- When they are valuable by reason of their adaptability for prospective municipal uses.

Contiguous lands must not be annexed if they meet either of the following criteria:

- Have a fair market value at the time of adoption of the ordinance of lands used only for agricultural or

**TABLE 12.3.3  
POPULATION VS. LAND AREA  
Fayetteville (1940-2000)**

Year	Population		Land Area		Persons Per Acre
	Persons	Percent Change	Acres	Percent Change	
1940	8,212	--	1,446.65	--	5.6
1950	17,017	107.2%	4,018.70	177.79%	4.2
1960	20,274	19.1%	5,213.36	29.73%	3.9
1970	30,729	61.7%	23,463.91	350.1%	1.3
1980	36,608	19.1%	24,811.05	5.74%	1.5
1990	42,247	15.0%	26,402.92	6.42%	1.6
2000	58,047	37.9%	26,756.46	7.98%	2.2
2006	67,020	15.5%	32,103.47	20.0%	2.1
2010	73,580	10.0%	35,454.00	10.0%	2.1

Source: City of Fayetteville, GIS, June 2006



- horticultural purposes and the highest and best use of the land is for agricultural or horticultural purposes; or
- Are lands upon which a new community is to be constructed with funds guaranteed in whole or in part by the federal government under Title IV of the Housing and Urban Development Act of 1968 or under Title VII of the Housing and Urban Development Act of 1970.

To annex land surrounded by a municipality, the governing body can propose an ordinance to annex the property. Again, the lands must meet the criteria listed above. A public hearing must be held within 60 days of the proposed ordinance. A majority of the governing body must approve the annexation for it to become effective.

Property owners in areas contiguous and adjacent to a municipality may request annexation. They can apply with a petition of the majority of land owners in the area, if the majority of the total number of owners own more than one-half of the acreage affected.

#### 12.3.4 Potential Annexation Areas

The potential annexation areas should be identified by the City using the following criteria.

- Areas that are already urban in character.
- Areas that can be developed at urban densities.
- Immediate areas are those that are peninsulas or islands, where municipal services have already been extended.
- Vacant lands that are subject to development pressure.
- Areas where urban services are already provided.
- Areas where urban services are needed.

#### 12.3.5 Annexation Guiding Policies

##### *Boundaries*

- 12.3.5.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- 12.3.5.b Proposed annexation area must be adjacent, or contiguous, to city limits.
- 12.3.5.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- 12.3.5.d Boundaries for annexed areas should follow natural corridors.
- 12.3.5.e The provision of services should be concurrent with development.



### ***Environmentally Sensitive Areas***

- 12.3.5. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

### ***Emergency and Public Services***

- 12.3.5.g Public services must be able to be provided efficiently in newly annexed areas.
- 12.3.5.h Annexed areas should receive the same level of service of areas already in the city limits.
- 12.3.5.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

### ***Infrastructure and Utilities***

- 12.3.5.j Areas currently served by utilities and other public services should be annexed.
- 12.3.5.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- 12.3.5.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

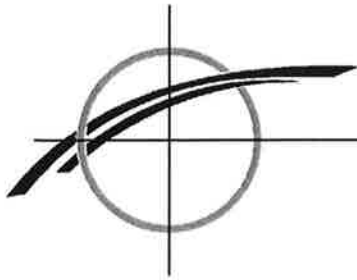
### ***Intergovernmental Relations***

- 12.3.5.m Promote long-range planning with adjacent jurisdictions.
- 12.3.5.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

### ***Administration of Annexations***

- 12.3.5.o Develop a land use plan for annexation initiated by the City.
- 12.3.5.p Designate zoning districts for the property during the annexation process.
- 12.3.5.q An annexation study should be completed on all annexation proposals.
- 12.3.5.r Development proposals require a separate review from the annexation proposals.
- 12.3.5.s Residents should be fully informed of annexation activities.
- 12.3.5.t Encourage larger annexations to create acceptable boundaries.
- 12.3.5.u Conduct a fiscal impact assessments on large annexations.





ANX 17-5990  
**Request  
Letter**

**SWOPE ENGINEERING**

Civil Engineering  
3511 SE J Street, Suite 9  
Bentonville, AR 72712 479-685-8399

October 17, 2017

**City of Fayetteville Planning**

125 W Mountain Street  
Fayetteville, AR 72701  
479.685.8399

**Re: Annexation/Rezone Request  
North Weir Road**

To whom it may concern,

Please accept this letter for the referenced issue. The requested annexation is approximately 68.65 acres, located at the NW corner of Weir Road and Ruppel Road. For the written statement required for annexation, see the following items.

- a. The property is contiguous to city property on the south and east sides, thereby creating no islands or peninsulas.
- b. As stated in item (a), this property is contiguous, and adjacent, to city limits.
- c. The referenced property is currently un-developed, and therefore this request does not split subdivisions or neighborhoods.
- d. All boundaries follow natural corridors, as Weir and Ruppel Roads are along city Master Streets.
- e. Low-lands, which are a part of the overall parcel, are included as environmentally-sensitive areas. No specific portions of the property are being excluded.
- f. Public services will be easily able to serve this land, as it lies along two major street corridors.
- g. All areas of this parcel will be annexed, thereby including utilities and public services.
- h. No utility upgrades are required for the proposed development.

For the written statement required for rezone, see the following items.

- a. The current ownership of this property is the McFarland Family Trust.
- b. The requested change to RSF-4 is requested because the property will be annexed as A-1, and our client proposes a subdivision in this location.
- c. The proposed rezoning will allow for additional traffic, however Weir and Ruppel Roads will be upgraded (according to the Master Street Plan) to accommodate. The standard single-family subdivision, which is proposed, will have the appearance of other subdivisions like this throughout the city. The only signage proposed would be a standard entry sign, which is ground-mounted and very limited in height.

- d. Water and sewer services are available nearby, and the required extensions will be made to serve the project, and to the extents of property frontage.
- e. This zoning is entirely consistent with the city's land use plan, and this area is best zoned for single-family residential, like all nearby developments.
- f. The rezoning is justified because of the high demand for this housing product on the market, and because of the availability of street and utility infrastructure that can be extended/upgraded from nearby.
- g. The proposed zoning will somewhat increase traffic, however the city's projections for both Weir and Ruppel Roads were sufficiently planned to accommodate single-family residential throughout this area.
- h. The increase in population density will be minimal, as single-family residential is the least-dense development type possible. No undesirable increase in load on schools or utilities is anticipated.
- i. A-1, agricultural zoning, allows for farm-related activities. Therefore, this site is not practical for farming when single-family housing is in such demand.

Thank you for your consideration on this annexation/rezone request. If you have any questions, or concerns, please let me know.

Regards,



Phil R Swope, PE  
President

ANX 17-5990  
**Order of  
Annexation**

**IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS**  
**IN THE MATTER OF**  
**THE PETITION OF CERTAIN**  
**PROPERTY TO FAYETTEVILLE,**  
**WASHINGTON COUNTY, ARKANSAS**

**CC 2017-11**

2017 OCT 13 PM 2:21  
FILED  
CLERK  
WASHINGTON CO. AR

**ORDER OF ANNEXATION**

**NOW** on this 13<sup>th</sup> day of October, 2017, comes on for consideration before this Court the matter of annexation of certain lands from the unincorporated area of Washington County, Arkansas to the city of Fayetteville, Arkansas. Said land is described as follows:

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A FOUND IRON PIN, LOCATED AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND THENCE N87°08'20"W 660.17 FEET TO A SET P/K NAIL, SAID POINT BEING THE TRUE POINT OF BEGINNING AND RUNNING THENCE S02°43'44"W 702.02 FEET TO A SET IRON PIN, THENCE S87°08'20"E 301.90 FEET TO A SET IRON PIN, THENCE S02°39'43"W 25.00 FEET TO A SET IRON PIN, THENCE S87°08'20"E 359.09 FEET TO A SET IRON PIN, THENCE S02°39'43"W 1904.10 FEET TO A SET IRON PIN, THENCE N87°25'05"W 1326.48 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION, THENCE N02°48'50"E 2428.66 FEET TO A FOUND IRON PIN, THENCE S87°05'15"E 104.59 FEET TO A FOUND IRON PIN, THENCE N02°47'54"E 208.99 FEET TO A FOUND COTTON SPINDLE, THENCE S87°08'20"E 554.78 FEET TO THE POINT OF BEGINNING. CONTAINING IN ALL 68.65 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

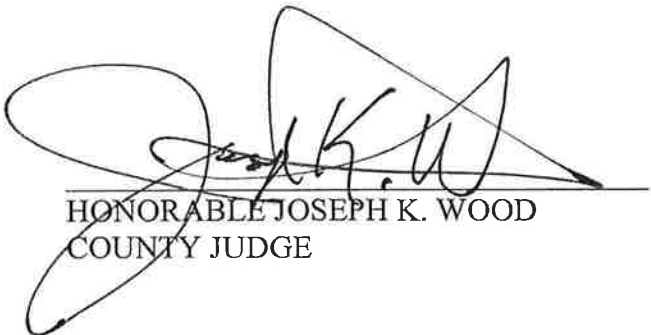
From the evidence presented by the Petitioners through their representative, Joseph Orr, the Court finds as follows:

1. The Petitioners have petitioned this Court to annex the above described property into the City of Fayetteville, Washington County, Arkansas. Said annexation is brought pursuant to A.C.A. §14-40-609.

2. The petition was submitted in writing and attested by the property owners.
3. The petition contains an accurate description of the relevant property or properties.
4. The petitioners have provided a schedule of services that will be extended to the area within three (3) years after the date the annexation becomes final.
5. The County Assessor and County Clerk have verified the identity of the petitioners, that there are no property owners included in the petition that do not wish to have their property annexed, that the property or properties are contiguous with the city, and that no enclaves will be created if the petition is accepted by the city.
6. The property which is legally described in the petition has been accurately described, an accurate map thereof has been made and filed, and the prayer of the petitioners is right and proper.
7. This court therefore determines that and Order of Annexation is proper and that the petition and this order shall be submitted to the city of Fayetteville, Arkansas.

IT IS THEREFORE, CONSIDERED, ORDERED AND DECREED that the above described tracts of land be, and hereby are annexed to and made a part of the City of Fayetteville, Washington County, Arkansas, subject to approval by the City Council for the City of Fayetteville, Arkansas.

**IT IS SO ORDERED.**



HONORABLE JOSEPH K. WOOD  
COUNTY JUDGE

**Prepared by:**  
**Brian R. Lester**  
**Washington County Attorney**  
**280 North College Ave., Suite 500**  
**Fayetteville, AR 72701**  
**t/(479) 973-8415**  
**f/(479) 444-1889**  
**blester@co.washington.ar.us**



**TO:** Jonathan Curth, Planner

**FROM:** Battalion Chief B. Sloat, Deputy Fire Marshal

**DATE:** November 16, 2017

**SUBJECT:** 17-5990 ANX North of N. Ruppel Rd. (McFarland Family Trust)

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This site is located near the intersection of W. Weir Rd and N. Ruppel Rd. The site will be protected by Ladder 7, located at 835 N. Ruppel Rd.

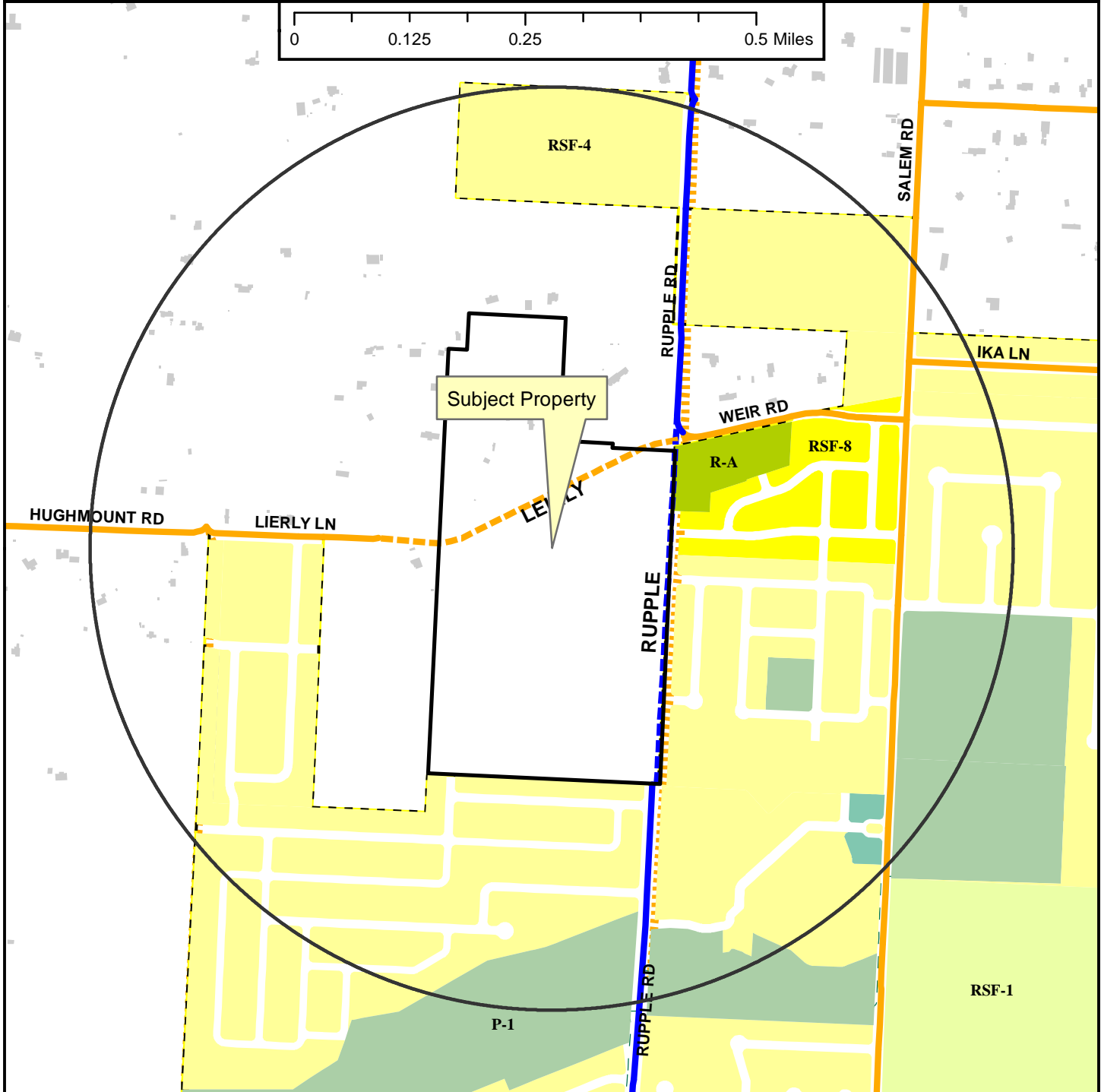
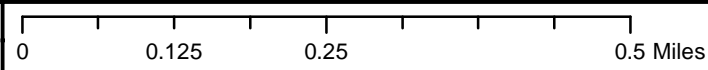
The property is located approximately 3.2 miles from the fire station with an anticipated response time of approximately 7 minutes.

The Fayetteville Fire Department has a 6-minute response time goal for all development. At this time, the annexation of the property will not meet this 6-minute goal and therefore will negatively impact response time averages for this area.

ANX17-5990

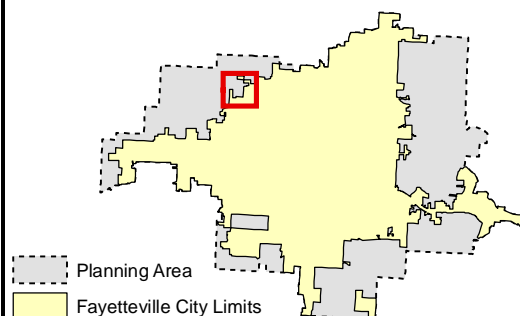
# McFARLAND FAMILY TRUST

One Mile View



## Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



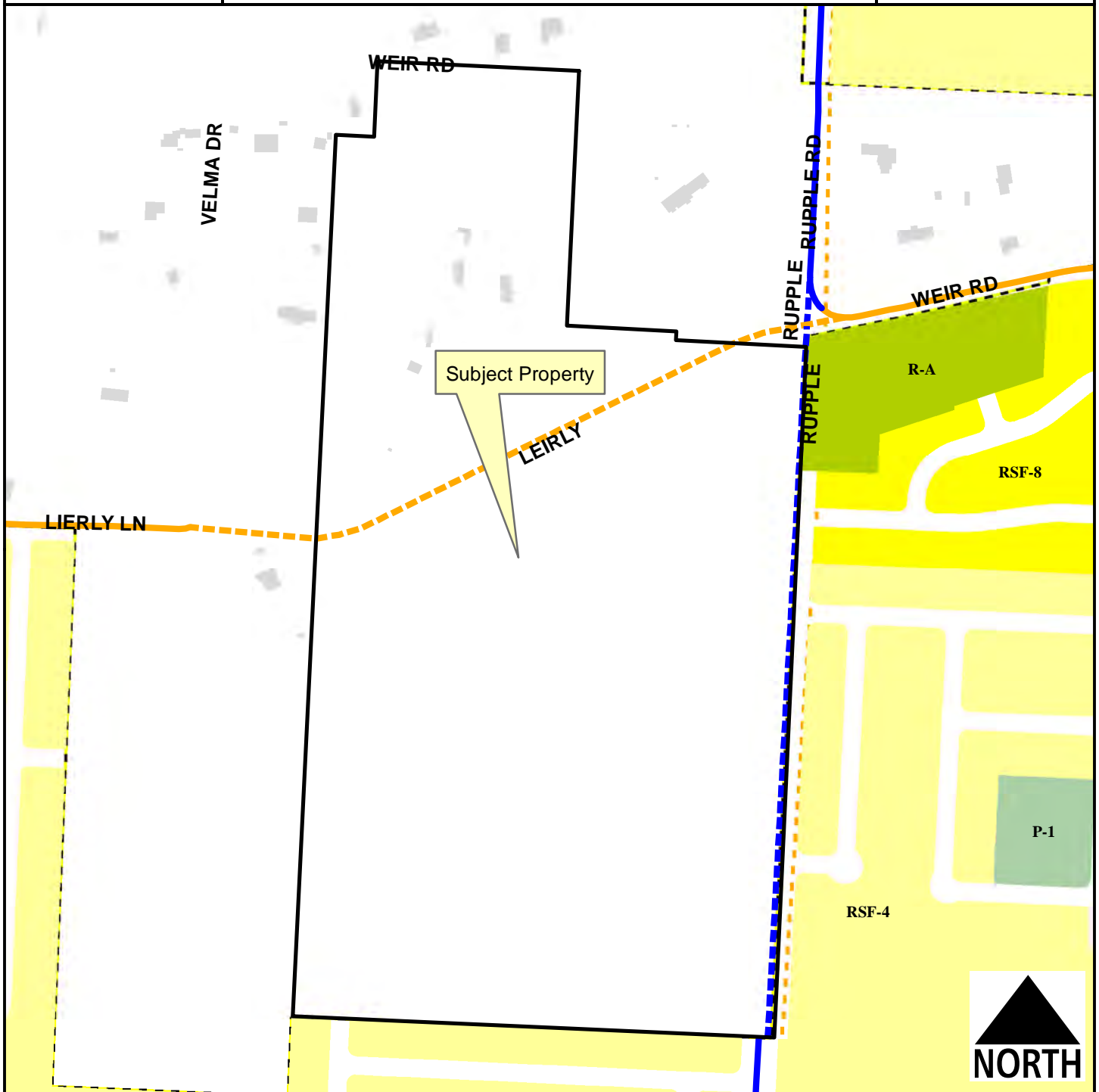
- |   |   |
|---|---|
| <p><b>Zoning</b></p> <p><b>RESIDENTIAL SINGLE-FAMILY</b></p> <ul style="list-style-type: none"> <li>RSF-5</li> <li>RSF-1</li> <li>RSF-2</li> <li>RSF-4</li> <li>RSF-7</li> <li>RSF-8</li> <li>RSF-18</li> </ul> <p><b>RESIDENTIAL MULTI-FAMILY</b></p> <ul style="list-style-type: none"> <li>RT-12 Residential Two and Three-family</li> <li>RMF-6</li> <li>RMF-12</li> <li>RMF-18</li> <li>RMF-24</li> <li>RMF-40</li> </ul> <p><b>INDUSTRIAL</b></p> <ul style="list-style-type: none"> <li>I-1 Heavy Commercial and Light Industrial</li> <li>I-2 General Industrial</li> </ul> | <p><b>EXTRACTION</b></p> <ul style="list-style-type: none"> <li>E-1</li> </ul> <p><b>COMMERCIAL</b></p> <ul style="list-style-type: none"> <li>Residential-Office</li> <li>C-1</li> <li>C-2</li> <li>C-3</li> </ul> <p><b>FORM BASED DISTRICTS</b></p> <ul style="list-style-type: none"> <li>Downtown Core</li> <li>Urban Thoroughfare</li> <li>Main Street Center</li> <li>Downtown General</li> <li>Community Services</li> <li>Neighborhood Services</li> <li>Neighborhood Conservation</li> </ul> <p><b>PLANNED ZONING DISTRICTS</b></p> <ul style="list-style-type: none"> <li>Commercial, Industrial, Residential</li> </ul> <p><b>INSTITUTIONAL</b></p> <ul style="list-style-type: none"> <li>P-1</li> </ul> |
|---|---|

Planning Commission  
November 27, 2017

ANX17-5990

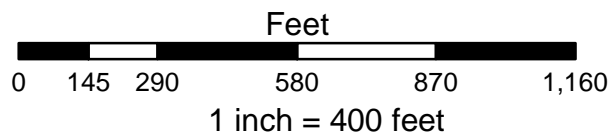
# MCFARLAND FAMILY TRUST

Close Up View



## Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural
- RSF-4
- RSF-8
- P-1

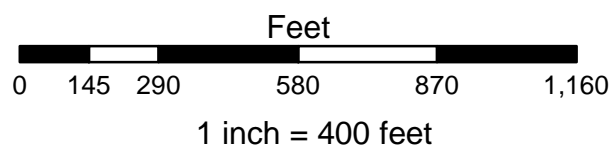
ANX17-5990

Current Land Use

# MCFARLAND FAMILY TRUST



- Streets Planned**
- MSP Class**
- COLLECTOR
  - PRIN ARTERIAL PKWY
- Streets Existing**
- MSP Class**
- COLLECTOR
  - PRIN ARTERIAL PKWY
  - Trail (Proposed)
  - Planning Area
  - Fayetteville City Limits



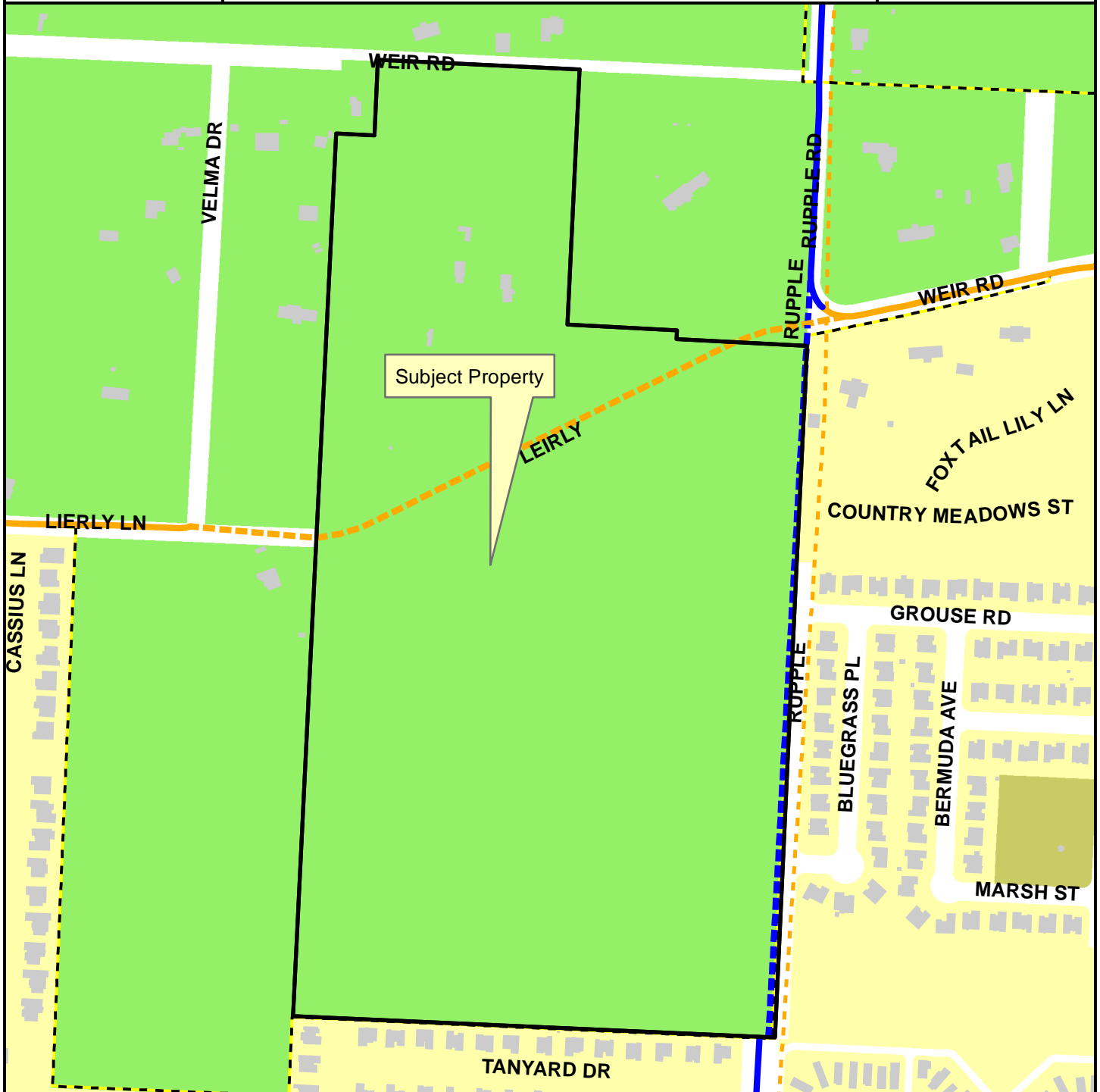
## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

ANX17-5990

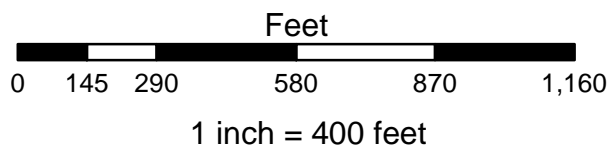
Future Land Use

# McFARLAND FAMILY TRUST



## Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



## FUTURE LAND USE 2030

- Rural Area
- Residential Neighborhood Area
- Civic and Private Open Space/Parks