

**City of Fayetteville Staff Review Form**

**2021-0853**

**Legistar File ID**

**11/16/2021**

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

Jonathan Curth

10/29/2021

DEVELOPMENT REVIEW (630)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

ANX-2021-000003: Annexation (SOUTH OF 2936 S. BLACK OAK RD./RIVERSIDE VILLAGE, 682/683): Submitted by RAUSCH COLEMAN HOMES, INC. for properties located SOUTH OF 2936 S. BLACK OAK RD. The properties are in the FAYETTEVILLE PLANNING AREA and contain approximately 101.77 acres. The request is to annex the properties into the Fayetteville City Limits.

**Budget Impact:**

Account Number	Fund									
Project Number	Project Title									
<b>Budgeted Item?</b> <u>  No  </u>	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Current Budget</td> <td style="width: 10%;">\$</td> <td style="width: 30%; text-align: right;">-</td> </tr> <tr> <td>Funds Obligated</td> <td>\$</td> <td style="text-align: right;">-</td> </tr> <tr> <td><b>Current Balance</b></td> <td><b>\$</b></td> <td style="text-align: right;"><b>-</b></td> </tr> </table>	Current Budget	\$	-	Funds Obligated	\$	-	<b>Current Balance</b>	<b>\$</b>	<b>-</b>
Current Budget	\$	-								
Funds Obligated	\$	-								
<b>Current Balance</b>	<b>\$</b>	<b>-</b>								
<b>Does item have a cost?</b> <u>  No  </u>	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Item Cost</td> <td style="width: 10%;">\$</td> <td style="width: 30%; text-align: right;">-</td> </tr> <tr> <td><b>Budget Adjustment Attached?</b>    <u>  No  </u></td> <td>\$</td> <td style="text-align: right;">-</td> </tr> <tr> <td><b>Remaining Budget</b></td> <td><b>\$</b></td> <td style="text-align: right;"><b>-</b></td> </tr> </table>	Item Cost	\$	-	<b>Budget Adjustment Attached?</b> <u>  No  </u>	\$	-	<b>Remaining Budget</b>	<b>\$</b>	<b>-</b>
Item Cost	\$	-								
<b>Budget Adjustment Attached?</b> <u>  No  </u>	\$	-								
<b>Remaining Budget</b>	<b>\$</b>	<b>-</b>								

V20210527

**Purchase Order Number:** \_\_\_\_\_

**Previous Ordinance or Resolution #** \_\_\_\_\_

**Change Order Number:** \_\_\_\_\_

**Approval Date:** \_\_\_\_\_

**Original Contract Number:** \_\_\_\_\_

**Comments:**



**MEETING OF NOVEMBER 16, 2021**

**TO:** Mayor; Fayetteville City Council

**THRU:** Susan Norton, Chief of Staff  
Jonathan Curth, Development Services Director

**FROM:** Ryan Umberger, Senior Planner

**DATE:** October 29, 2021

**SUBJECT: ANX-2021-000003: Annexation (SOUTH OF 2936 S. BLACK OAK RD./RIVERSIDE VILLAGE, 682/683):** Submitted by RAUSCH COLEMAN HOMES, INC. for properties located SOUTH OF 2936 S. BLACK OAK RD. The properties are in the FAYETTEVILLE PLANNING AREA and contain approximately 101.77 acres. The request is to annex the properties into the Fayetteville City Limits.

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**RECOMMENDATION:**

The Planning Commission and City Planning staff recommend approval of a request to annex the subject property as described and shown in the attached Exhibits 'A' and 'B'.

**BACKGROUND:**

The subject property is in south Fayetteville off S. Black Oak Road, immediately south of Combs Park. The subject property is composed of four parcels, encompassing approximately 101.77 acres that lie within unincorporated Washington County. In terms of the natural features of the site, the property is undeveloped with most of the tree canopy present near the West Fork White River which generally forms the east boundary of the subject property. The eastern extent of the property is encumbered by the floodway and floodplain of the river. An unnamed protected tributary of the West Fork White River is present in the northeast quadrant of the property.

*Request:* The request is to annex the subject area into the City of Fayetteville. The applicant states that the annexation is warranted to provide additional residential housing stock to northwest Arkansas which they assert is facing substantial current and projected growth. The request letter suggests the annexation meets the City's guiding policies for annexations because the subject property is adjacent to City limits, the areas to be annexed include entire parcels, and that the property contain sensitive areas which the City would benefit from protecting. An order of annexation was signed by the Washington County Judge on August 4, 2021. An associated request to rezone the property as a Residential Planned Zoning District is under consideration concurrently (RPZD-2021-000004).

*Public Comment:* A member of the public wrote in opposition to the request. Their comments suggested the annexation and development of the site under the proposed RPZD would contribute to suburban sprawl and threaten the sensitive environmental features of the site. Two

members of the public spoke at the October 11<sup>th</sup> Planning Commission meeting: one in favor and one opposed. The member of the public who supported the annexation said the annexation would provide an opportunity to improve the shortage of affordable homes in Fayetteville. The neighbor who spoke in opposition indicated concerns with traffic, the presence of nearby floodplain, wildlife, and air quality and noise associated with the adjoining industrial park.

*Land Use Plan Analysis:* City Plan 2040's Future Land Use Map designates the property within the proposed annexation as an Industrial and Natural Area. Industrial Areas are areas where buildings by their intrinsic functions, disposition or configuration, cannot conform to one of the other designated areas and/or its' production process requires the area to be separated from other uses. Natural Areas consist of lands approximating or reverting to a wilderness conditions, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, many of which are identified in the generalized enduring green network. A Natural Area designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development stormwater infrastructure for all developments. Natural Areas are prime candidates for conservation subdivision design and/or clustered development patterns.

In addition to the Future Land Use Plan, City Plan 2040 sets forth several guiding policies to consider an annexation proposal, which are attached in full to staff's report. These include the potential impacts on Fayetteville's boundaries, services, infrastructure, intergovernmental relations, property administration, and existing environmentally sensitive areas. If the land is annexed into the City's limits, city ordinances such as tree preservation, streamside protection, and zoning enforcement would apply.

The proposed annexation would create a projection of City limits into unincorporated Washington County. While there are portions of the City's boundary that extend further south than the subject area, the subject property is bordered by Fayetteville's corporate limits only along the north property line. Areas in the City that extend further south are located roughly a linear mile in either direction of the subject area. Staff finds, though, that the proposed boundary is unlikely to cause confusion for service providers and residents. The annexation boundary aligns with existing property lines and the natural features of the site. Fayetteville Fire has an automatic aid agreement with Round Mountain Fire Department where both departments are dispatched in the event of a structure fire. The residence is currently connected to City water, but not City sanitary sewer. The nearest sanitary sewer main is located roughly 800 feet north of the subject area and an offsite extension will be required for future connection. Incorporating the subject area does not create any opportunities for additional connectivity per the 2040 Master Street Plan, though a planned off-street trail connection runs along the east property line through Combs Park to the north. Fayetteville Public Schools and the police department did not comment on the proposal.

**DISCUSSION:**

At the October 11, 2021 Planning Commission meeting the Commission elected to hear both the annexation and the associated planned zoning district in tandem. A vote of 8-1-0 forwarded the

annexation request to City Council with a recommendation of approval. Commissioner Belden made the motion and Commissioner Canada seconded. Commissioner Garlock voted no, finding the subject property to be too remote considering the low infill score and distance from services and a Tier Center as defined in City Plan 2040's Growth Concept Map. Commissioners in favor of the request suggested both the City and property would benefit from development of the site being subject to the City's ordinances, especially considering the sensitive environmental nature of the area. Other comments in favor of the request included the proximity of the property to a large employment center and the site's deceptively close proximity to downtown. Two members of the public spoke at the October 11<sup>th</sup> meeting. The first was a representative of the sellers of the property who supported the proposal and discussed the shortage of affordable homes in Fayetteville. The second, a neighbor, did not indicate whether they opposed or supported the development but urged the Commission to consider their responsibility to protect the safety, health, and welfare of the area.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

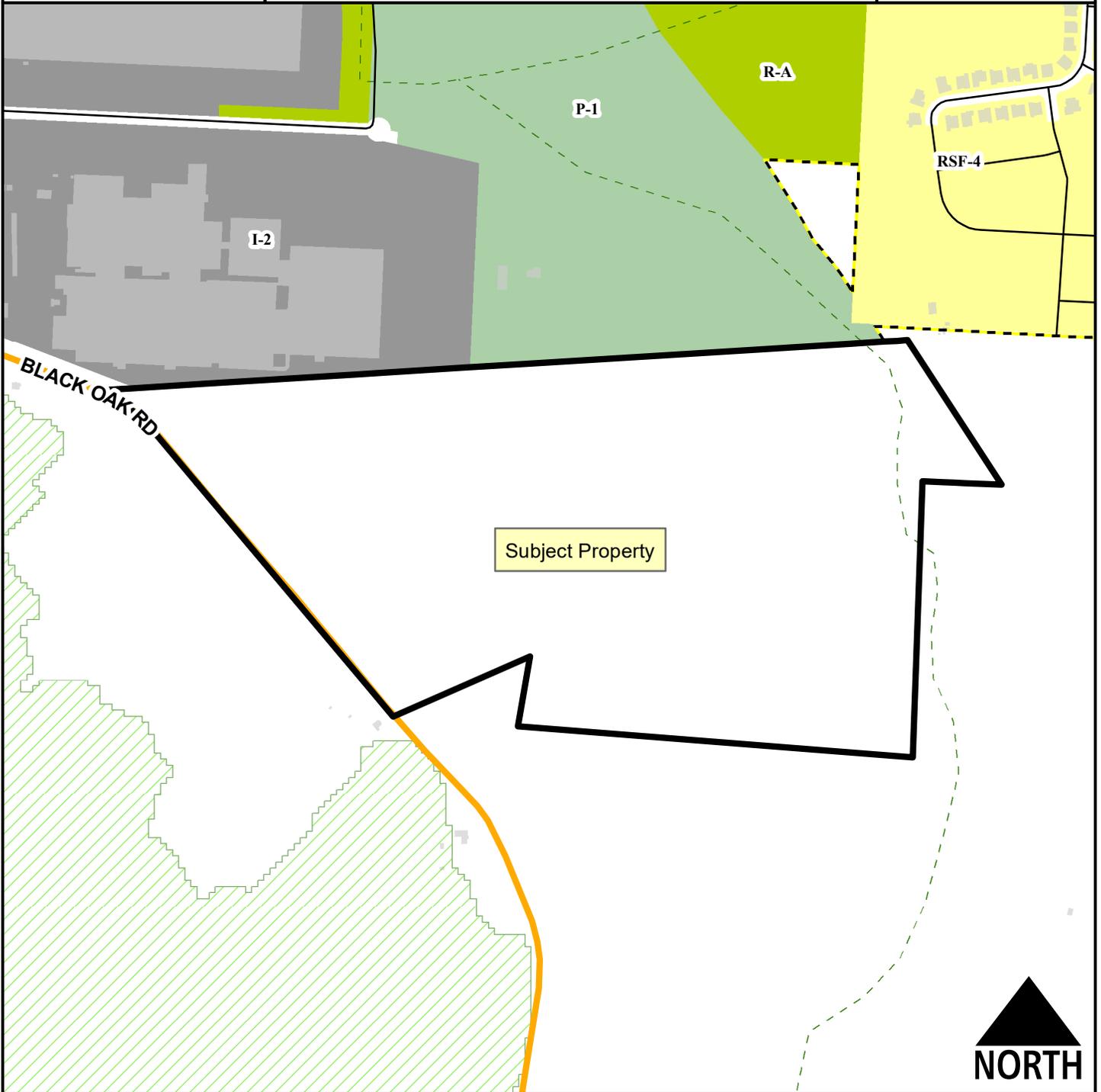
- Exhibit A
- Exhibit B
- Planning Commission Staff Report
- Public Comment

ANX-2021-000004

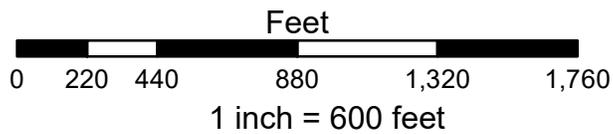
# Riverside Village

ANX-2021-000003  
EXHIBIT 'A'

Close Up View



- Neighborhood Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)



- Residential-Agricultural
- RSF-4
- I-2 General Industrial
- P-1

**ANX-2021-000003**  
**EXHIBIT 'B'**

PART OF THE E 1/2 OF THE SW 1/4 AND PART OF THE SE 1/4 OF SECTION 26 AND PART OF THE W 1/2 OF THE SW OF SECTION 25 ALL IN TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26;  
THENCE 1318.68 FEET EAST;  
THENCE 1164.14 FEET NORTH TO THE POINT OF BEGINNING, SAID POINT BEING AN IRON PIN IN THE CENTER OF COUNTY ROAD #57, AS DESCRIBED IN DEED RECORD 93-63230;  
THENCE WITH SAID COUNTY ROAD #57, AS DESCRIBED IN DEED RECORD 93-63202 AND DEED RECORD 93-63230 THE FOLLOWING FOUR COURSES:  
THENCE N42°03'46"W 124.60 FEET;  
THENCE N42°05'32"W 1129.42 FEET TO AN IRON PIN IN THE CENTER OF COUNTY ROAD #57;  
THENCE N42°20'42"W 370.42 FEET;  
THENCE N62°29'47"W 203.96 FEET TO THE CENTER OF COUNTY ROAD #57;  
THENCE LEAVING SAID COUNTY ROAD #57 N84°22'16"E 3345.86 FEET;  
THENCE S35°11'30"E 711.40 FEET;  
THENCE N89°36'30"W 325.72 FEET;  
THENCE S00°02'30"E 234.00 FEET;  
THENCE S00°02'30"E 903.16 FEET;  
THENCE N87°36'30"W 1631.00 FEET;  
THENCE N07°55'50"E 292.33 FEET;  
THENCE S64°12'15"W 616.00 FEET TO THE POINT OF BEGINNING, CONTAINING 96.76 ACRES, MORE OR LESS AND SUBJECT TO SOUTH BLACK OAK ROAD / COUNTY 57 ALONG THE WEST AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.



**TO:** Fayetteville Planning Commission

**THRU:** Jonathan Curth, Development Services Director

**FROM:** Ryan Umberger, Senior Planner

**MEETING DATE:** October 11, 2021 (Updated with PC Results)

**SUBJECT:** **ANX-2021-000003: Annexation (SOUTH OF 2936 S. BLACK OAK RD./RIVERSIDE VILLAGE, 682/683):** Submitted by RAUSCH COLEMAN HOMES, INC. for properties located SOUTH OF 2936 S. BLACK OAK RD. The properties are in the FAYETTEVILLE PLANNING AREA and contain approximately 101.77 acres. The request is to annex the properties into the Fayetteville City Limits.

**RECOMMENDATION:**

Staff recommends forwarding of **ANX-2021-000003** to City Council based on the findings included within this report.

**RECOMMENDED MOTION:**

"I move to forward **ANX-2021-000003** to the **City Council**, recommending approval."

**BACKGROUND:**

The subject property is in south Fayetteville off S. Black Oak Road, immediately south of Combs Park. The subject property is composed of four parcels, encompassing approximately 101.77 acres, that lie within unincorporated Washington County. In terms of the natural features of the site, the property is undeveloped with most of the tree canopy present near the West Fork White River which generally forms the east boundary of the subject property. The eastern extent of the property is encumbered by the floodway and floodplain of the river. An unnamed protected tributary of the West Fork White River is present in the northeast quadrant of the property. An associated planned zoning district (RPZD-2021-000004) is associated with the subject request. Surrounding land uses and zoning is depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Superior Industries Combs Park	I-2, General Industrial P-1, Institutional
South	Undeveloped	Washington County
East	Undeveloped	Washington County
West	Undeveloped	Washington County

*Request:* The request is to annex the subject area into the City of Fayetteville. The applicant states that the annexation is warranted to provide additional residential housing stock to northwest Arkansas which is regionally facing substantial current and projected growth. The request letter suggests the annexation meets the City's guiding policies for annexations because the subject

property is adjacent to City limits, the areas to be annexed include entire parcels, and that the property contain sensitive areas which the City would benefit from protecting. An order of annexation was signed by the Washington County Judge on August 4, 2021. Additionally a request to rezone the property as a Residential Planned Zoning District is under consideration concurrently.

*Public Comment:* Staff has received no public comment to date.

## **INFRASTRUCTURE:**

**Streets:** The subject property has approximately 1,830 feet of frontage along the east side of S. Black Oak Road. This road is paved and approximately 23 feet wide, but is otherwise unimproved, and consists of open ditches on either side. Any street improvements required in these areas would be determined at the time of development proposal. It should be anticipated that a Traffic Impact Study (TIS) will be required at the time of development proposal. This TIS should identify impacts to nearby streets due to increased traffic.

**Water:** Public water is available to the subject property. An 8-inch diameter City of Fayetteville water main is located along the east side of S. Black Oak Road near the property's frontage.

**Sewer:** Sanitary sewer is not available to the subject property. A main extension would be required with a future development. The nearest sanitary sewer main is approximately ¼ of a mile to the northwest at the intersection of S. Black Oak Road and E. Borick Drive.

**Drainage:** A portion of the subject area lies within a FEMA floodplain, has hydric soils, and a protected stream is present in the area. No portion of the property is located within the Hillside-Hilltop Overlay District.

The portion of the subject area within the FEMA floodplain will necessitate the need for a floodplain development review at the time of permit or plan submittal. This will restrict the type of development and impact allowed in flood zones; and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA. floodplain is present throughout the entirety of the subject property.

Hydric soils are also present on the subject property. They are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It is important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal. Hydric soils are present throughout

the entirety of the subject property.

A protected stream is present in the subject area. Streamside Protection Zones generally consist of a protected area on each side of a stream or creek. This protected area is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, the protected area will be 50 feet wide as measured from the top of bank but, depending on the shape and extent of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited. The streamside protection area is present on the east side of the subject property. Any additional improvements or requirements for drainage will be determined at time of development.

**Fire:** Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. The primary fire and EMS response for this area is covered by the Round Mountain Fire Department (RMFD). RMFD is located approximately 7.6 miles away. The property is also covered by the Fayetteville Fire Department under an automatic aid agreement with RMFD. Per the agreement, if there is a reported structure fire in this area, RMFD is dispatched as well as the Fayetteville Fire Department. The Fayetteville Fire Department will respond with two fire companies and one command unit. This is a reduction of fire companies that are dispatched within the city limits of Fayetteville where five fire companies and one command unit are on the initial dispatch of a reported structure fire. EMS calls, service calls or other emergency calls types in this area will only get the response of RMFD.

**Police:** The Police Department did not comment on this request.

**CITY PLAN 2040 FUTURE LAND USE PLAN:** City Plan 2040's Future Land Use Map designates the properties within the proposed rezone as **Industrial and Natural Areas**.

**Industrial Areas** are those areas where buildings by their intrinsic functions, disposition or configuration, cannot conform to one of the other designated areas and/or its' production process requires the area to be separated from other uses.

**Natural Areas** consist of lands approximating or reverting to a wilderness conditions, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, many of which are identified in the generalized enduring green network. A Natural Area designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development stormwater infrastructure for all developments. Natural Areas are prime candidates for conservation subdivision design and/or clustered development patterns.

**CITY PLAN 2040 INFILL MATRIX:** City Plan 2040's Infill Matrix indicates a varying score for the subject property, ranging from **0-4**. The high score translates to a weighted score of **5** at the highest level. The elements vary by the area of the property being considered, and include the following:

- Near Park (Combs Park)
- Near Water Main (8-inch main east of S. Black Oak Road)

- Appropriate Fire Response (Station #3, 1050 S. Happy Hollow Road)
- Near Paved Trail (St. Paul Trail)

## FINDINGS OF THE STAFF

### **CITY PLAN 2040 (Res. 35-20)**

#### 12.3 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:** The proposed annexation would create a peninsula along the City's south boundary. While there are portions of the City's boundary that extend further south than the subject area, the subject property is bordered by Fayetteville's corporate limits only along the north property line. Areas in the City that extend further south located roughly a linear mile in either direction of the subject area. The proposed new city limit boundaries is unlikely to 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 south 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 no subdivisions or development to speak of. The subject area is composed of properties owned by two ownership groups.

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

**Finding:** The proposed annexation boundaries follow the property lines of the subject properties. The annexation boundary does not align with the boundary of the city to the east or west however, the boundary follows a natural corridor insofar as it borders the West Fork White River to the east. A planned off-street trail connection runs along the east property line. Incorporating the subject area does not create any opportunities for additional connectivity per the 2040 Master Street Plan.

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

**Finding:** The subject area is adjacent to City water and the site is within acceptable response times of the Fayetteville Fire Department. Sanitary sewer is not available to the site and a main extension would be required with any proposed development. Connection to water and 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 subject area is undeveloped and natural. While portions of the property have significant mature tree growth, the majority is clear. No portion of the property is within the Hillside-Hilltop Overlay District, though floodplain, hydric soils, and a protected stream are present on-site. Floodplain is associated with the West Fork of the White River or its tributaries that feed in to Beaver Lake.

## 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's closest station is Station #3 (1050 S. Happy Hollow Road), located approximately 3.5 miles away from the subject area. The Fire Department did not provide an estimated response time. The Fire Department response time goal is six minutes for an engine and eight minutes for a ladder truck.

**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:** 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 immediately north of the subject property, but not to this address. The Fire Department has an automatic aid agreement with the Round Mountain Fire Department where both are dispatched if a structure fire is reported. The residence is currently connected to City water, but not City sanitary sewer. The nearest sanitary sewer main is located roughly 1,500 feet north of the subject area.

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: Public water service is adequate for connection and extension, and does not need to be upgraded because of this annexation. Sanitary sewer is not available to the subject area. An offsite extension will be required for future connection.**

**Planning: The proposed annexation will likely lead to increased density in the area. By default, properties annexed into the city are designated as R-A which would significantly limit the developable potential of the site. If developed under the zoning requirements of the concurrently-requested PZD there will be a marked increase in both density and traffic. Given adjacency to S. Black Oak Road, a Neighborhood Link Street, and existing traffic accident data, Planning staff does not anticipate that increased traffic from this site 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:**     **The extent of the proposed rezoning is not within or adjacent to the planning areas of other municipalities in Washington County. Additionally, the property would not require access through other jurisdictions nor would it be served by their services.**

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

**Finding:**     **The subject area and all of those around it are served by either Fayetteville water, sewer, or both.**

## **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 subject area is included within the City's Future Land Use Plan and is designated as Industrial and Natural Areas.**

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 area under consideration for annexation. The request is to rezone the subject area to a Planned Zoning District.

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 appropriate development review process. No development proposal has been submitted at this time.

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

**Finding:** Per §157.03 of the Unified Development Code, property owners and residents within 200 feet of the subject property are notified. Additionally, a legal advertisement has been submitted with the local newspaper prior to the Planning Commission meeting for which this item is scheduled. Signage was posted on the site informing surrounding neighbors of the annexation proposal.

12.3.5.t Encourage larger annexations to create acceptable boundaries.

**Finding:** Staff finds that this request is of a moderate size, totaling approximately 101 acres. The request would somewhat create a peninsula of incorporated City limits.

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 forwarding ANX-2021-000003 to the City Council, recommending approval based on the findings discussed throughout this report.

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<b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u>			
<b>Date:</b> <u>October 11, 2021</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
<b>Motion:</b> Belden	Motion #1: suspend rules to hear ANX-2021-000003 and PZD-2021-000004 in tandem		
<b>Second:</b> Canada	<sup>1</sup> Belden		
	<sup>2</sup> Canada		
<b>Vote:</b> 8-1-0    recommending approval	Vote: 8-1-0		

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**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- City Plan 2040, Section 12.3: Annexation
- Request letter
- Order of Annexation
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

## 12.3 Annexation

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 annexations 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 may become part of the City when these annexation polices are met.

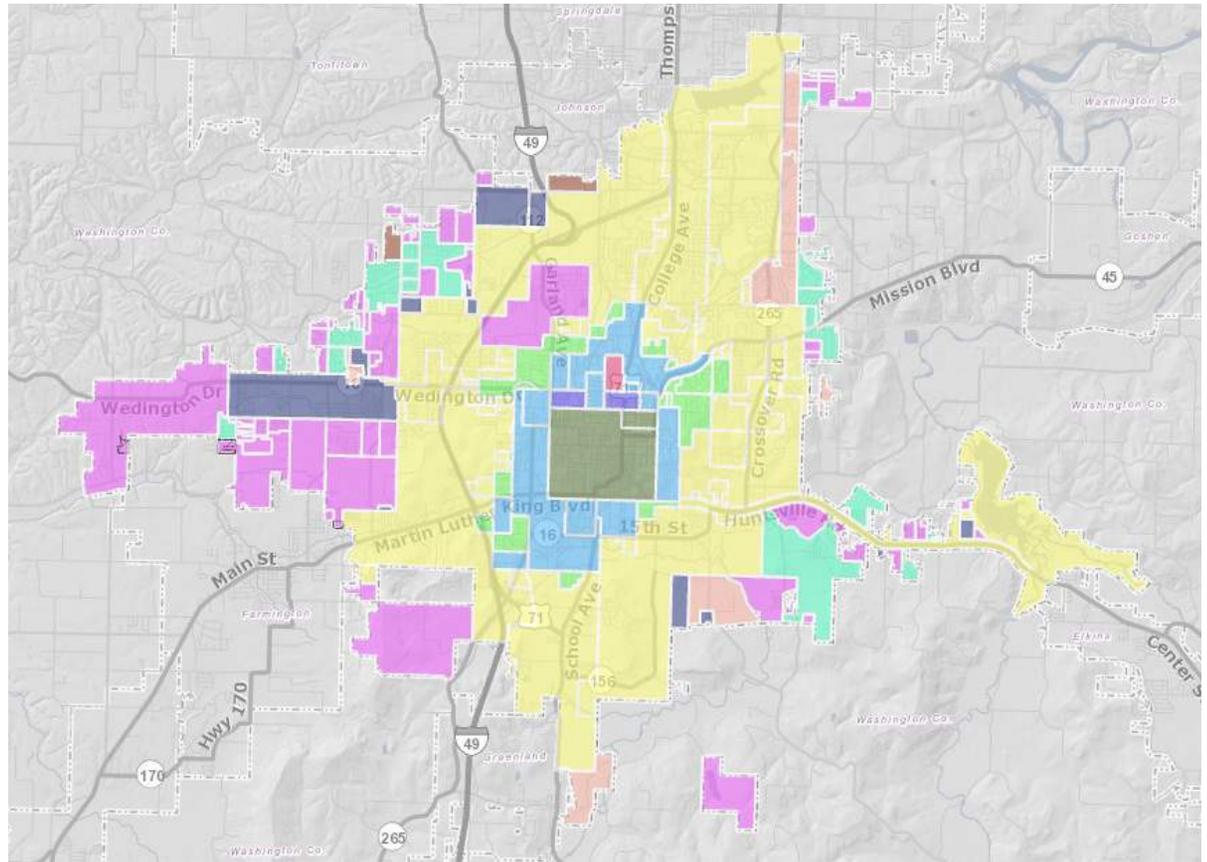


Figure 12.15 - Fayetteville Annexation Map

De-Annexation (Removed from Fayetteville)



Annexation

- |  |   |
|--|---|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #38761d; border: 1px solid black; margin-right: 5px;"></span> 1870      | <span style="display: inline-block; width: 15px; height: 15px; background-color: #e67e22; border: 1px solid black; margin-right: 5px;"></span> 1970-1979    |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #2980b9; border: 1px solid black; margin-right: 5px;"></span> 1910      | <span style="display: inline-block; width: 15px; height: 15px; background-color: #003366; border: 1px solid black; margin-right: 5px;"></span> 1980-1989    |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #e91e63; border: 1px solid black; margin-right: 5px;"></span> 1930-1939 | <span style="display: inline-block; width: 15px; height: 15px; background-color: #00b050; border: 1px solid black; margin-right: 5px;"></span> 1990-1999    |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #00a0e3; border: 1px solid black; margin-right: 5px;"></span> 1940-1949 | <span style="display: inline-block; width: 15px; height: 15px; background-color: #e91e63; border: 1px solid black; margin-right: 5px;"></span> 2000-2009    |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #00c853; border: 1px solid black; margin-right: 5px;"></span> 1950-1959 | <span style="display: inline-block; width: 15px; height: 15px; background-color: #654321; border: 1px solid black; margin-right: 5px;"></span> 2010-Present |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #f1c40f; border: 1px solid black; margin-right: 5px;"></span> 1960-1969 |   |



## Annexation History and Trends

The original town was incorporated in 1870 with approximately 1,100 acres. Since incorporation, the City has made almost 200 annexations, totaling over 34,000 acres. Annexation activity was relatively slow until the 1940's, when over 2,500 acres were annexed within 19 annexations. During the 1950's, almost the same number of annexations took place, however, the total land area annexed was significantly smaller than in the 1940's. By the 1960's, 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 1990's, when the number of annexations tripled from the 1980's. By 2000, the City contained 45 square miles and by 2018 the City contained approximately 55 square miles.

One indicator of the amount of developable land within the City is the number of people per acre. Prior to 1940 there were approximately 5.6 persons per acre. This era represents the time when Fayetteville was still relatively small and consisted primarily of what we would now consider the downtown and surrounding neighborhoods. By 1970, after numerous large annexations in the 1960's, the persons per acre had been reduced to 1.3. The City's population continued to increase dramatically through the 2000's when we maintained just over 2 people per acre from 2000-2010. An annexation referendum in October of 2006 for a large area along Wedington Drive on the west side of town brought in an additional 1,400 acres of low density land for eventual development.

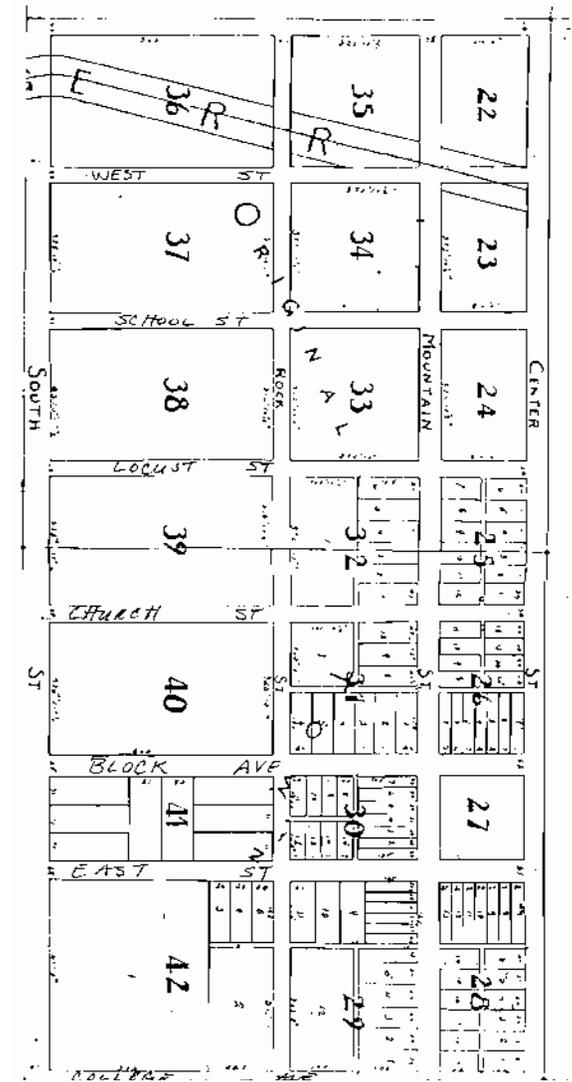


Figure 12.16 - Fayetteville Town Plat



## State Statutes on Annexation

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 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.



Figure 12.17 - Great Seal of the State of Arkansas



Property owners in areas contiguous and adjacent to the 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.

### *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.

### *Annexation Guiding Policies*

#### **Boundaries**

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

#### **Environmentally Sensitive Areas**

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

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

- Public services must be able to be provided efficiently in newly annexed areas.
- Annexed areas should receive the same level of service of areas already in the city limits.
- 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**

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

## **Intergovernmental Relations**

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

## **Administration of Annexations**

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



August 26, 2021

Jessie Masters  
City of Fayetteville  
113 W. Mountain Street  
Fayetteville, AR 72701

RE: Armstrong Road Annexation and Planned Zoning District – Riverside Village

Please accept this letter as a request to annex four parcels, containing approximately 101.77 acres, into the Fayetteville City limits. Additionally, we are requesting rezoning of the subject property to Planned Zoning District. The subject properties are located on Black Oak Road, are currently undeveloped, and historically been used as hay fields. The West Fork of the White River is located along the east boundary of the properties.

Even though the property is outside of the city limits, the property is in a very convenient location. Downtown and the University Campus are only 3 miles away and Happy Hollow Elementary is about 2.5 miles away. Additionally, there are multiple parks in the area, including Walker Park, Combs Park, and White River Park, as well as Saint Paul Trail, which is planned to be connected to the Razorback Greenway and Town Branch Trail by 2026. Fire Station #3 is located less than 2 miles from the property.

Utilities are also present. There is an existing 8-inch water line adjacent to the site and an 8-inch sewer line, just north of the property. There is an existing utility easement in place that can be used to make the sewer connection. Upgrades to these utility lines are not expected.

The property itself has many unique properties, including the White River and associated floodplain, forest, fields, and a small creek that bisects the property. The associated site plan, which is being submitted as a Planned Zoning District, has been laid out to account for these important environmental features. Also, included with this submittal is a delineation study of Waters of the United States.

Consistent with the principles of a conservation subdivision, Riverside Village has been designed to: preserve native vegetation and tree canopy, protect, and preserve unique environmental resources, conserve open space, protect areas of significant riparian benefit and encourage recreation and exploration of environmental resources.

River frontage is a great amenity for this property and future residents, but the layout was formed around a much smaller feature. Bisecting the property, is a small intermittent stream that is flanked on either side by a variety of trees and shrubs, including red cedar, sassafras, oaks, and blackberries. On either side of the tree line, a walking trail will be constructed, establishing the western portion of the trail system. This trail system will also serve as access to the front doors for many of the homes.

Along the north property, there are two more intermittent streams that run through the trees. The entire north property line is being preserved to protect these streams and provide a natural buffer from the nonresidential land uses north of this site. Along Armstrong Road, a wide greenspace will remain in place to serve as a buffer from the street and to provide open space for the rear-loaded homes at the entrance.

One unique aspect of this project is the various parking locations scattered throughout the project. There are approximately 57 lots that do not have direct street frontage, for on-street parking. Rather, these lots are alley-loaded and face onto common greens, pathways, or forest preserves. The parking pods are offered in strategic locations to provide guest parking for these residences.

Additionally, a cottage development of approximately 11 units is being proposed. These units will be situated around a common green space and will have a trail system that connects to the larger, neighborhood trail system. These units will be subject to the cottage development ordinance.

The goal of this development is to have a variety of housing styles and sizes and a wide range of price points that are appealing and affordable to a range of families. Additionally, the development will provide many options for outdoor recreation, including a series of connected trails, access to woods, fields, and the West Fork of the White River. According to the City's trail construction schedule, the St. Paul Trail will be built out and connected to the Razorback Greenway by 2026. The planned trail connection is just north of this property and provides an excellent opportunity to connect this community to the broader community.

This project complies with most of the goals of City Plan 2040. The design is based on common principles of a conservation subdivision, by preserving open space, forests, and other natural resources. The project is surrounded on three sides by greenspace. The location of the subject property, while outside of the City limits, is very close to downtown Fayetteville and thousands of jobs. Pedestrian improvements within the subdivision and upcoming trail improvements from the City of Fayetteville Trails Department, will make this area extremely walkable and within close proximity to jobs and parks.

The project is very connected and compact, while also respecting many of the natural features of the property. Housing is a mixture of front and rear loaded homes, to respond to a wide variety of market needs. House sizes will vary in size from 1,100 square feet to 2,400 square feet, providing a range of house sizes and prices. Every home will have convenient access to trails, park land and open space. Future commercial uses have also been contemplated. The area at the northwest corner of the property is being reserved for future commercial use. It's doubtful that a commercial business is viable in this location today. However, in several years when the project is fully developed and tied into the trail system, a combination of homeowners and employees in the area could prompt the need for services in the area.

Walking and future trail access is very important component of this development plan. Approximately, 4,500' of walking trails are proposed for this development. We are also working with the Trails Coordinator to ensure a connection to the trail system when the St. Paul Trail is completed. Interior streets will have on-street parking, street trees and sidewalks, creating a welcome environment for pedestrians.

Greenspace, tree preservation and outdoor recreation are at the heart of the Riverside Village concept. Homes are surrounded by open space and trees. Tree preservation will also far exceed minimum requirements. Trails are provided throughout the project, so that every resident can walk, run, or ride a bike and enjoy the outdoors. Access to the river is also being provided, so that residents can fish, or kayak.

Regarding annexation policies, the subject property is adjacent to the city limits; the areas to be annexed include entire parcels and do not exclude any property; the boundaries follow the property lines; the properties do contain sensitive environmental areas and should therefore be annexed to protect these areas during development; public services are

available to serve the property; utilizes are at are adjacent to the property; and upgrades to these utilities are not expected.

The fact is, Fayetteville and Northwest Arkansas as a region need more housing. Specifically, housing that is priced for modest wage earners. According to Our Housing Future: A Call to Action for Northwest Arkansas, which was prepared by the Walton Family Foundation, there are nearly 80,000 families projected to move to Northwest Arkansas' four largest cities by 2040. Approximately half of the new homes that will be needed must serve workforce households earning \$33,000-\$78,000. The City of Fayetteville can impact certain housing, particularly by financially supporting institutions and non-profits. However, none of the cities in the region can meet the overwhelming demand for new housing, particular at an affordable price point. This must be addressed by the private sector. This development provides an opportunity to provide new housing, in a location that is convenient to jobs, downtown, the trail system, and will provide outdoor recreational opportunities for residents.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jesse Fulcher". The signature is fluid and cursive, with the first name "Jesse" being more prominent than the last name "Fulcher".

Jesse Fulcher

FILED

2021 AUG -4 PM 1:25

**IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS**

DEBRA L. WALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

**IN THE MATTER OF ANNEXING TO  
THE CITY OF FAYETTEVILLE, ARKANSAS  
CERTAIN TERRITORY CONTIGUOUS**

**CC NO. 2021-16**

**ORDER CONCERNING ANNEXATION**

On this 4<sup>th</sup> day August, 2021, of a regular term of the County Court of Washington County, Arkansas, there is presented a petition of an owner desiring the annexation of territory into the City of Fayetteville, Arkansas, more particularly described therein. The court has received the verification of the county assessor and county clerk required by A.C.A § 14-40-609. This Court being fully advised of the facts and the law does hereby find as follows:

1. The Court finds that the petition and verifications are complete and accurate.
2. The Court further finds that no enclaves will be created by the annexation.
3. The Court finds that the petition contains a schedule of services.

Therefore, the Court hereby ORDERS that the petition and this Order be delivered to the City of Fayetteville, Arkansas.

DocuSigned by:  
  
34F18462757444E...

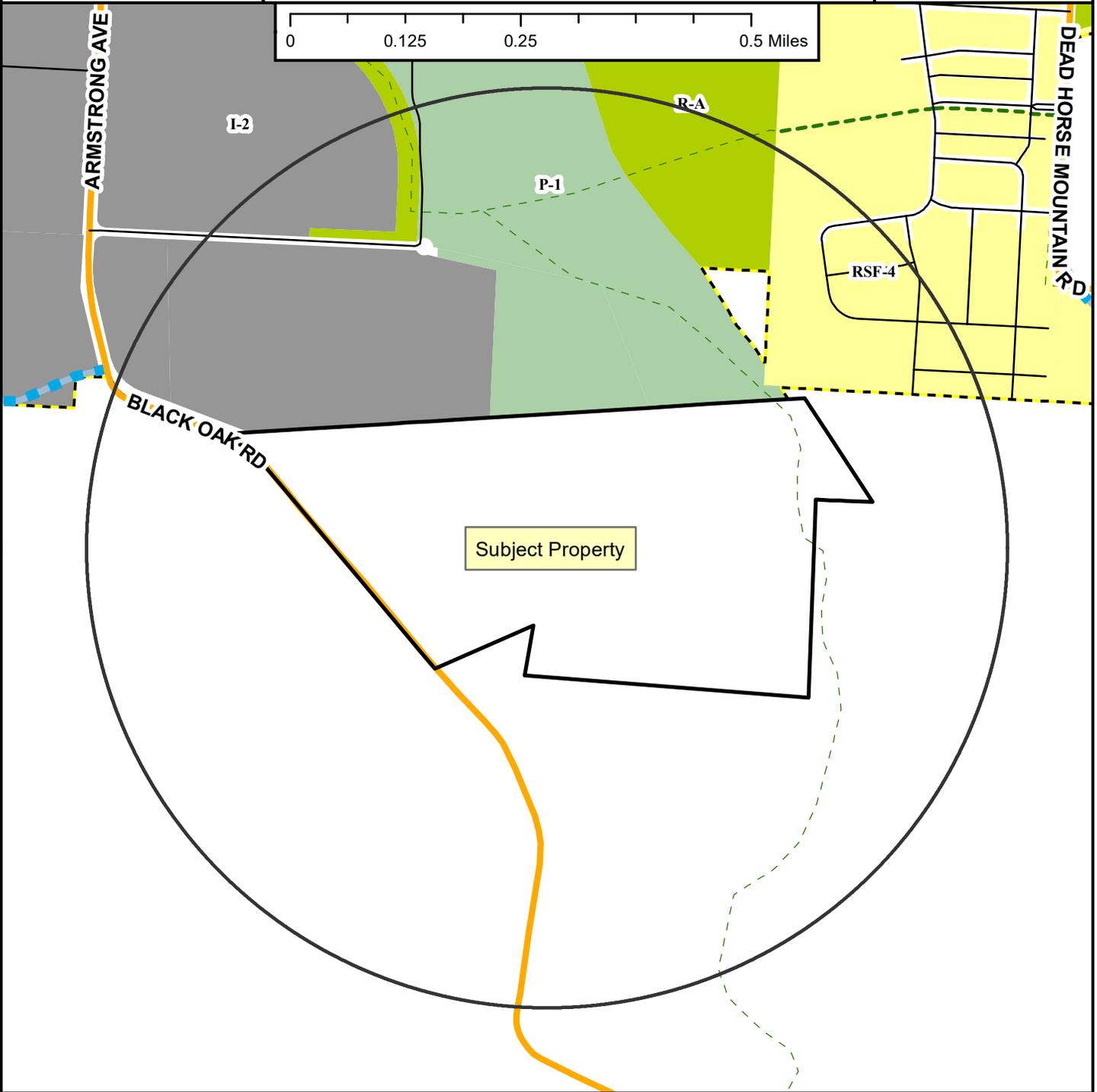
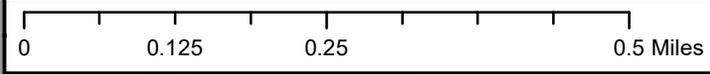
JOSEPH K. WOOD, COUNTY JUDGE

DATED: Aug 4, 2021 | 12:59 PM CDT

ANX-2021-000004

# Riverside Village

One Mile View



- Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area

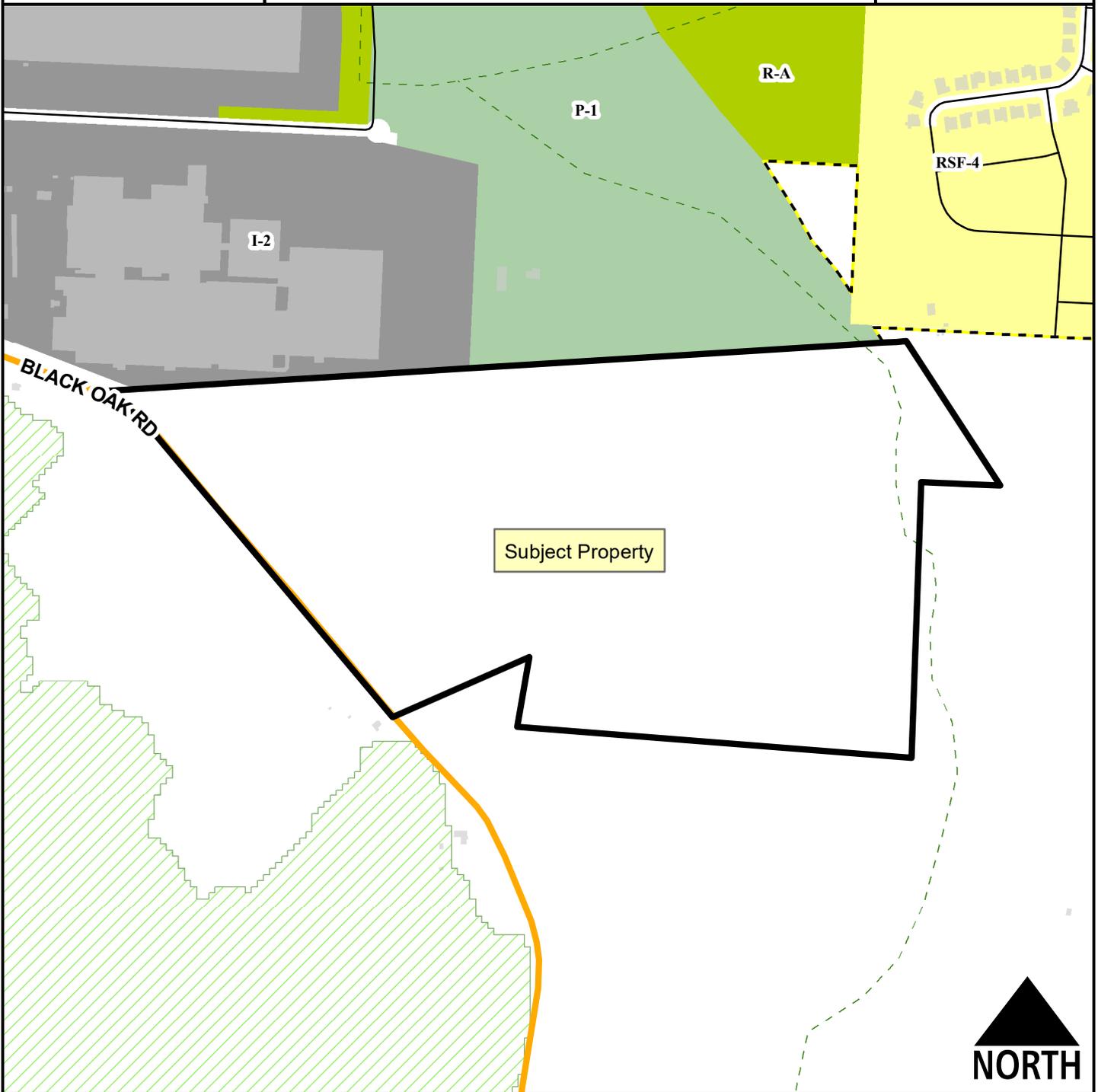


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
    - NS-G
    - RH-U
    - RI-12
    - NS-L
    - Residential-Agricultural
    - RSF-1
    - RSF-2
    - RSF-4
    - RSF-7
    - RSF-8
    - RSF-18
  - RESIDENTIAL MULTI-FAMILY**
    - RMF-6
    - RMF-12
    - RMF-18
    - RMF-24
    - RMF-40
  - INDUSTRIAL**
    - I-1 Heavy Commercial and Light Industrial
    - I-2 General Industrial
  - EXTRACTION**
    - E-1
  - COMMERCIAL**
    - C-1 Residential-Office
    - C-2
    - C-3
  - FORM BASED DISTRICTS**
    - Downtown Core
    - Urban Thoroughfare
    - Main Street Center
    - Downtown General
    - Community Services
    - Neighborhood Services
    - Neighborhood Conservation
  - PLANNED ZONING DISTRICTS**
    - Commercial, Industrial, Residential
    - INSTITUTIONAL
    - P-1

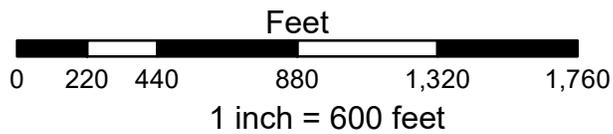
ANX-2021-000004

# Riverside Village

Close Up View



-  Neighborhood Link
-  Hillside-Hilltop Overlay District
-  Planning Area
-  Fayetteville City Limits
-  Trail (Proposed)

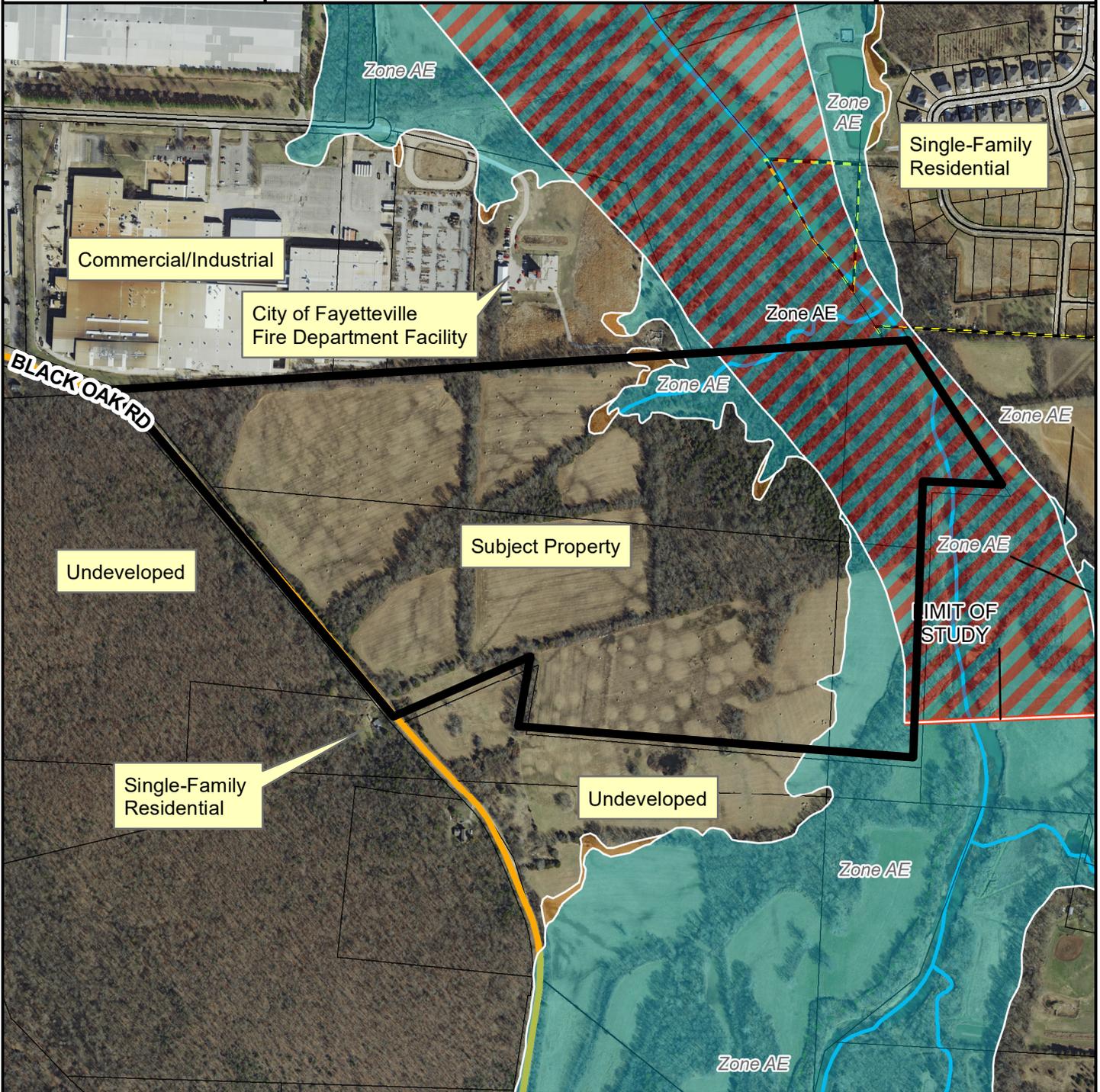


-  Residential-Agricultural
-  RSF-4
-  I-2 General Industrial
-  P-1

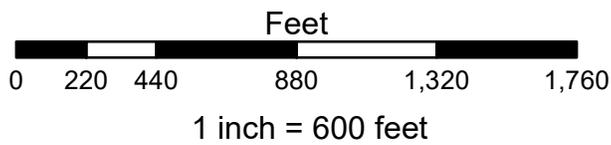
ANX-2021-000003

# Riverside Village

Current Land Use



-  Neighborhood Link
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits



### FEMA Flood Hazard Data

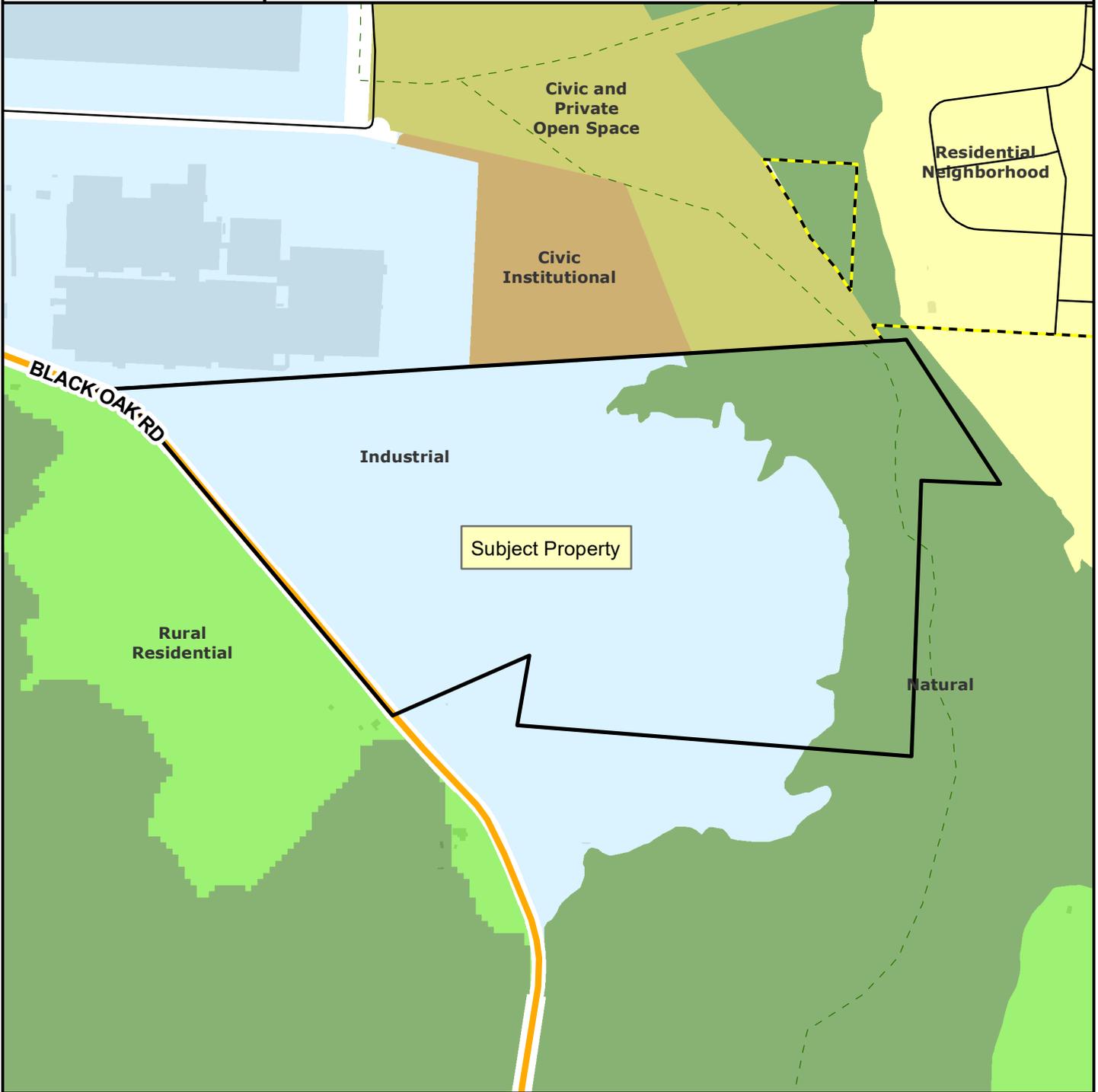
-  100-Year Floodplain
-  Floodway

ANX-2021-000004

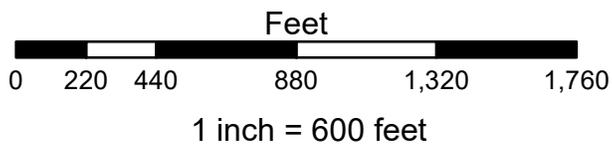
# Riverside Village



Future Land Use



- Neighborhood Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)



- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

## Umberger, Ryan

---

**From:** Wiederkehr, Mike  
**Sent:** Wednesday, October 13, 2021 12:27 PM  
**To:** Curth, Jonathan; Umberger, Ryan  
**Subject:** Annexation Public Comment

Dear Jonathan and Ryan,

It might be a day late and a dollar short, but I received the text below from former commissioner, Tom Brown, this morning regarding the proposed Riverside Village annexation. Thought I'd pass it along to you.  
Mike

I understand the Planning Commission is considering a new annexation, ANX-2021-000003 Riverside Village. I feel this is an important opportunity to illustrate the importance of the Growth Concept Map (GCM) when evaluating the appropriateness of future annexations.

I am concerned that the annexation and development of this 102 acre RPZD Project site will contribute to urban sprawl along the southeastern boundary of our City and threaten the environmental integrity of this potentially productive rural parcel that is located entirely within the boundaries of the Enduring Green Network. The natural features that dominate this property include:

- Hydric soils (wetland indicator).
- Floodplain soils.
- Prime farmland soils and soils of State significance.

The property is located at the edge of our City over a mile and two thirds outside the Mayor's Box and well over a mile beyond the boundary of the pedestrian-shed of the nearest Tier Center located at the intersection of Crossover Road and Huntsville Road.

The proposed construction of a small commercial node and 222 single-family housing units on this 101.77 acre property will result in a gross residential density of 2.18 housing units (HU) per acre, which is over twice the density permitted under the current County Zoning Ordinance (1 HU/Ac).

Our recently adopted City Plan 2040 introduced a new land use policy tool; the Growth Concept Map (see attached GCM). The GCM "depicts, in broad terms, how Fayetteville should grow over the next 20 years". It identifies key growth nodes, corridors and major areas that should be conserved for natural resources and open space.

The GCM and the location of the proposed annexation and development suggests that the long range land use policy interests of the City would be better served by encouraging mixed-use, medium to high-density, pedestrian-oriented development in the 38 Tier Centers strategically distributed throughout the City and served by transit. Mixed-use developments in these Tier Centers need to be designed to also draw owners and renters of affordable housing that would otherwise be attracted to greenfield single-family developments in the City's Planning Area.

I hope the Planning Commission will agree and vote to recommend to the City Council to deny ANX-2021-000003 and focus efforts to fully implement the GCM.

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