

Consent

AGENDA REQUEST

Added at Agenda

Session

A. 12  
Johnson Property Zoning Change  
Page 1 of 12

FOR: COUNCIL MEETING OF DECEMBER 4, 2011

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FROM:

ALDERMAN BOBBY FERRELL

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ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution Agreeing To The Change In Zoning From Commercial To Residential For Property Located In Johnson That Adjoins Parcels In Fayetteville


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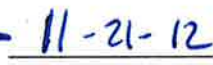
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APPROVED FOR AGENDA:

  
Bobby Ferrell  
Alderman

  
Date

  
City Attorney

  
Date

October 30, 2012



City of Fayetteville  
Attn: Kit Williams, City Attorney  
113 W. Mountain  
Fayetteville, AR 72701

RE: Rezoning of Parcel #785-18132-001 & Parcel #785-18155-001  
in the City of Johnson, Washington County, AR

Dear Mr. Williams:

Please let this letter serve as notice that First Security Bank is requesting a rezoning of the above-referenced property, which is located near the City's property identified as parcels numbered 765-28354-000, 765-22232-001, 765-22233-000, 785-18155-003 & 785-18155-002.

The Bank is requesting that the current zoning of C-1 be changed to R-1. The City of Johnson Planning Commission meeting on this proposal will be held on November 26, 2012 at 7:00 p.m. at the Johnson City Hall located at 2904 Main Drive in Johnson, Arkansas.

Thank you for your kind consideration.

Sincerely,

Tonya L. Patrick



**Departmental Correspondence**



**LEGAL  
DEPARTMENT**

[www.accessfayetteville.org](http://www.accessfayetteville.org)

**TO: Mayor Jordan  
City Council**

**Kit Williams  
City Attorney**

**Jason B. Kelley  
Assistant City Attorney**

**CC: Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director  
Andrew Garner, Senior Planner – Current Planning**

**FROM: Kit Williams, City Attorney**

**DATE: November 14, 2012**

**RE: Rezoning request for land abutting the City of Fayetteville  
A.C.A. §14-56-306 Land Use in adjacent and contiguous cities to be compatible**

First Security Bank has notified the City of Fayetteville through my office (letter attached) that it will seek rezoning of a couple of parcels of land in the City of Johnson adjoining some parcels within the City of Fayetteville. The bank will present this rezoning to the City of Johnson Planning Commission on November 26, 2012 at 7:00 p.m.

Pursuant to A.C.A. §14-56-306 (b):

“Adjoining lands within the boundary area shall remain zoned with a compatible land use until the governing body of each municipality which is adjacent and contiguous to the boundary area adopts a resolution agreeing to a change in the zoning of the lands or properties that adjoin one another and stating that the rezoning to a land use which is not compatible will not adversely impact the adjoined land or property.”

Therefore, the Fayetteville City Council will need to pass a Resolution agreeing with this proposed rezoning in order for the rezoning (if passed by the City of Johnson) to go into effect. First Security Bank should present a request for such Resolution detailing the rezoning it is requesting, the uses allowed for the proposed as well as current zoning and any other information you may need to decide whether or not to approve such rezoning.

November 16, 2012



Mayor Lioneld Jordan &  
The Fayetteville City Council  
113 W. Mountain  
Fayetteville, AR 72701

RE: Rezoning of Parcel #785-18132-001 & Parcel #785-18155-001

Dear Mayor Jordan and Council:

First Security Bank owns approximately 20 acres located at the southern boundary of the City of Johnson and as set out on the attached survey. The property is also adjacent to a few parcels owed by the City of Fayetteville and other parties, which are located within the city limits of Fayetteville. The Bank has made application to the City of Johnson requesting the current zoning of C-1 be changed to R-1 or another appropriate classification which would allow the building of a single family residence on the property. The property was previously zoned residential until it was changed a few years ago to commercial.

The Bank currently has the property under contract with Mr. Harvey Smith, whose intent is to build a personal residence on the property. In fact, the contract is contingent upon him being able to do so.

As you can see from the survey, a good portion of the property is in the flood plain or floodway. This makes any commercial use of the property quite difficult if not impossible. Its highest and best use would be for a residence, which would leave much of the property in its natural state. This would be highly consistent with the other surrounding residential properties and with the general "rural like" setting of the area and its proximity to the proposed

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bike trail. It is my understanding that utilities are readily available, and further, a change to a residential zoning would not increase the traffic in the area or unduly increase the load on public services such as schools, water and sewer facilities as would a commercial development.

Please consider this letter as a formal request for the City of Fayetteville to pass a resolution agreeing with the proposed rezoning if said rezoning is adopted by the City of Johnson.

I have attached the application submitted to the City of Johnson and other pertinent information. This matter is currently set for consideration at the City of Johnson Planning Commission meeting scheduled for November 26, 2012.

Please let me know what further you might need in this matter.

Thank you for your kind consideration.

Sincerely,



Tonya L. Patrick

cc: Jeremy Pate, Development Services Director  
Jesse Fulcher, Planning  
Quinn Thompson, Planning  
Kit Williams, City Attorney

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

A RESOLUTION AGREEING TO THE CHANGE IN ZONING FROM COMMERCIAL TO RESIDENTIAL FOR PROPERTY LOCATED IN JOHNSON THAT ADJOINS PARCELS IN FAYETTEVILLE

**WHEREAS**, A.C.A. §14-56-306(b) requires that when adjoining land within a boundary area between two cities is sought to be rezoned, the city council of the city in which the adjoining property is located must agree to any such rezoning; and

**WHEREAS**, the City Council has determined that the rezoning from commercial to residential recommended by the City of Johnson Planning Commission is compatible with the adjoining lots within the City of Fayetteville.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that the rezoning requested by the applicants, First Security Bank and Dr. and Mrs. Harvey Smith, as described on Exhibit A and as shown on the map attached as Exhibit B, is compatible with the adjoining lots within the City of Fayetteville and further hereby agrees to this proposed change in zoning of the applicants' lots.

**PASSED** and **APPROVED** this 4<sup>th</sup> day of December, 2012.

APPROVED:

ATTEST:

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

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

APPROVED:

ATTEST:

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

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

# Exhibit A

A PART OF THE NE 1/4 OF THE NE 1/4 AND A PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 27, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS SOUTH 00°48'51" EAST 892.13 FEET FROM THE NE CORNER OF SAID SECTION 27, AND RUNNING THENCE SOUTH 00°48'51" EAST 837.97 FEET; THENCE SOUTH 89°57'53" WEST 714.72 FEET TO THE CENTERLINE OF FRYECHLAG BRANCH; THENCE ALONG SAID BRANCH CENTERLINE THE FOLLOWING BEARINGS AND DISTANCES: NORTH 10°39'51" WEST 208.28 FEET, NORTH 49°02'61" WEST 82.10 FEET, NORTH 11°08'09" WEST 220.42 FEET, NORTH 06°32'51" WEST 89.12 FEET, NORTH 51°26'51" WEST 113.40 FEET, NORTH 67°54'32" WEST 318.37 FEET, NORTH 40°38'29" WEST 190.44 FEET TO THE CENTERLINE OF THE JOHNSON ROAD; THENCE NORTH 52°49'31" EAST, ALONG ROAD CENTERLINE, 127.72 FEET; THENCE NORTH 34°30'31" EAST, ALONG ROAD CENTERLINE, 70.81 FEET; THENCE NORTH 13°24'31" EAST, ALONG ROAD CENTERLINE 67.35 FEET; THENCE NORTH 85°54'00" EAST 249.80 FEET; THENCE SOUTH 25°25'20" EAST 363.91 FEET; THENCE NORTH 84°29'40" EAST 710.80 FEET TO THE POINT OF BEGINNING, CONTAINING 17.86 ACRES, MORE OR LESS. LESS AND EXCEPT: THAT PART THAT IS WITHIN A WARRANTY DEED IN FAVOR OF THE CITY OF FAYETTEVILLE, ARKANSAS, A MUNICIPAL CORPORATION, RECORDED AS LAND DOCUMENT NUMBER 98039314 AND A QUIT CLAIM DEED IN FAVOR OF THE CITY OF FAYETTEVILLE, ARKANSAS, A MUNICIPAL CORPORATION, RECORDED AS LAND DOCUMENT NUMBER 98039316 OF THE RECORDS OF WASHINGTON COUNTY, ARKANSAS.

AND,

A PART OF SECTIONS 22 AND 27, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SE CORNER OF SAID SECTION 22 AND RUNNING THENCE NORTH 0°40'30" WEST 262.79 FEET TO THE SE CORNER OF LOT 4, HENDRIX HEIGHTS SUBDIVISION; THENCE NORTH 88°00'29" FEET; THENCE NORTH 88°03'56" WEST 275.12 FEET; THENCE NORTH 83°55'10" WEST 198.52 FEET; THENCE SOUTH 88°51'20" WEST 226.21 FEET; THENCE NORTH 84°38'15" WEST 248.21 FEET TO THE CENTERLINE OF JOHNSON ROAD; THENCE SOUTH 05°25'46" EAST, ALONG ROAD CENTERLINE, 330.39 FEET; THENCE SOUTH 04°47'51" EAST, ALONG ROAD CENTERLINE, 435.35 FEET; THENCE NORTH 85°54'06" EAST 249.80 FEET; THENCE SOUTH 25°25'20" EAST 363.91 FEET; THENCE NORTH 84°29'40" EAST 740.80 FEET; THENCE NORTH 00°48'51" WEST 892.12 FEET TO THE POINT OF BEGINNING, CONTAINING 24.27 ACRES, MORE OR LESS. LESS AND EXCEPT: THAT PART THAT IS WITHIN A WARRANTY DEED IN FAVOR OF THE CITY OF FAYETTEVILLE, ARKANSAS, A MUNICIPAL CORPORATION, RECORDED AS LAND DOCUMENT NUMBER 98039314, AND A QUIT CLAIM DEED IN FAVOR OF THE CITY OF FAYETTEVILLE, ARKANSAS, A MUNICIPAL CORPORATION, RECORDED AS LAND DOCUMENT NUMBER 98039316 OF THE RECORDS OF WASHINGTON COUNTY, ARKANSAS. LESS AND EXCEPT: A PART OF SECTIONS 22 AND 27, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SE CORNER OF SAID SECTION 22 AND RUNNING THENCE NORTH 00°49'39" WEST 252.61 FEET TO THE SE CORNER OF LOT 4, HENDRIX HEIGHTS SUBDIVISION; THENCE NORTH 87°57'33" WEST 282.88 FEET; THENCE NORTH 88°03'56" WEST 275.12 FEET; THENCE NORTH 83°50'09" WEST 199.59 FEET; THENCE SOUTH 88°46'48" WEST 226.18 FEET; THENCE NORTH 84°38'53" WEST 248.32 FEET TO THE CENTERLINE OF JOHNSON ROAD; THENCE SOUTH 05°28'17" EAST ALONG ROAD CENTERLINE 253.11 FEET; THENCE SOUTH 04°54'10" EAST, ALONG ROAD CENTERLINE, 512.67 FEET; THENCE NORTH 85°54'10" EAST 244.00 FEET; THENCE SOUTH 88°02'17" EAST 71.18 FEET; THENCE SOUTH 32°37'24" EAST 83.08 FEET; THENCE SOUTH 88°02'17" EAST 71.11 FEET; THENCE SOUTH 01°48'20" WEST 104.75 FEET; THENCE SOUTH 39°31'03" EAST 152.06 FEET; THENCE SOUTH 88°03'01" EAST 152.06 FEET; THENCE NORTH 43°25'01" EAST 152.06 FEET; THENCE NORTH 03°44'50" EAST 104.72 FEET; THENCE SOUTH 88°02'17" EAST 353.42 FEET; THENCE NORTH 00°44'23" WEST 534.08 FEET TO THE POINT OF BEGINNING, CONTAINING 22.23 ACRES, MORE OR LESS BEING ALL OF LENHAM HEIGHTS SUBDIVISION.







**From:** Jennifer Allen <gotreceipts@gmail.com>  
**To:** <smith@smithdds.net>, <kwilliams@ci.fayetteville.ar.us>  
**Date:** 11/27/2012 11:58 AM  
**Subject:** Johnson Planning Commission 11/26/12

Dear Mr. Williams,

Please be advised that the City of Johnson Planning Commission approved rezoning of property located at 6711 Wilkerson from C-2 to R-2 at the meeting last night, 11/26/2012. This approval will go before the Johnson City Council at the December meeting on 12/11/12. No opposition is expected and we hope to get this rezoning passed with an emergency clause at this meeting.

If you need any more information, please don't hesitate to contact me by email or call me at the number listed below.

Respectfully,  
Jennifer Allen, CAMC  
Recorder/Treasurer  
City of Johnson  
(479) 521-7291  
(479) 521-7292 fax

