

City of Fayetteville Staff Review Form

**City Council Agenda Items
and
Contracts, Leases or Agreements**

10/1/2013

**City Council Meeting Date
Agenda Items Only**

Jesse Fulcher
Submitted By

Planning
Division

Development Services
Department

Action Required:

The City of Johnson has notified the City of Fayetteville 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.

<u>Cost of this request</u>	\$ <u>-</u>	<u>Category / Project Budget</u>	<u>Program Category / Project Name</u>
<u>Account Number</u>	\$ <u>-</u>	<u>Funds Used to Date</u>	<u>Program / Project Category Name</u>
<u>Project Number</u>	\$ <u>-</u>	<u>Remaining Balance</u>	<u>Fund Name</u>

Budgeted Item

Budget Adjustment Attached

[Signature] 09-13-2013
Department Director Date

Previous Ordinance or Resolution # _____

[Signature] 9-13-13
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

[Signature] 9/13/13
Finance and Internal Services Director Date

Received in City Clerk's Office 09-13-13 P02:03 RCVD
[Signature]

[Signature] 9/13/13
Chief of Staff Date

Received in Mayor's Office
ENTERED 9/13/13 [Signature]

[Signature] 9/16/13
Mayor Date

Comments:



THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director 

From: Jesse Fulcher, Current Planner

Date: September 13, 2013

Subject: 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

RECOMMENDATION

The Planning Division staff finds that the proposed zoning of the lands in the City of Johnson will not adversely impact the adjoined land or property.

BACKGROUND

The City of Johnson has notified the City of Fayetteville (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.

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.”

DISCUSSION

None.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION PURSUANT TO ARKANSAS CODE ANNOTATED § 14-56-306(b) AGREEING TO A CHANGE IN ZONING FROM PLANNED UNIT DEVELOPMENT TO C-1, LIGHT COMMERCIAL/OFFICE FOR PROPERTY LOCATED IN THE CITY OF JOHNSON THAT ADJOINS THE CITY OF FAYETTEVILLE

WHEREAS, Ark. Code Ann. § 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 of the City of Fayetteville has determined that the rezoning from Planned Unit Development to C-1, Light Commercial/Office recommended by the City of Johnson Planning Commission will not adversely impact the adjoined land 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 applicant, City of Johnson, as described in Exhibit "B" and as shown on the map attached as Exhibit "A", will not adversely impact the adjoined land within the City of Fayetteville and further hereby agrees to this proposed change in zoning of the applicant's lots.

PASSED and APPROVED this 1st day of October, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT 'A'



EXHIBIT 'B'

05/29/2003 15 44 FAX 473521

JOHNSON CITY HALL

The Steps at Joyce Legal Descriptions

All of Lot Numbered 6, in Hendrix Heights, and as described on deed document # 2003-00018203, and also known as Washington County Tax Parcel # 785-18010-000, and also
 Part of Lot Numbered 7, as described on deed document # 2007-00002662, and also known as Washington County Tax Parcel # 785-18020, and also
 Part of Lot Numbered 7, as described on deed document # 2007-00002665, and also known as Washington County Tax Parcel # 785-18020-001 and also
 Part of Lot Numbered 7, as described on deed document # 2007-00002684, and also known as Washington County Tax Parcel # 785-18020-002, and also
 All of Lot Numbered 8, in Hendrix Heights, and as described on deed document # 2007-00009897, and as known as Washington County Tax Parcel # 785-18021-000, and also
 Part of the Park Area of Hendrix Heights Subdivision, as described on deed document # 2007-00000182, and also known as Washington County Tax Parcel # 785-18135-000, and also
 Part of the Park Area, Hendrix Heights Subdivision, as described on deed document # 2006-00048270 and also known as Washington County Tax Parcel # 785-18135-001
 and said Lots, said Part of Lots, and said Park Area being more particularly described as follows:
 Beginning at a found iron rod, said rod accepted and used as the Northeast corner of Lot 4, Hendrix Heights, a subdivision in the City of Johnson, Arkansas:
 thence South 02 degrees 18 minutes 57 seconds West a distance of 363.30 feet to the northerly right of way of Joyce Boulevard and a found 5/8 inch diameter iron pin;
 thence along said northerly right of way the following courses:
 North 84 degrees 29 minutes 34 seconds West a distance of 284.15 feet to a found 3/8 inch diameter iron pin;
 North 84 degrees 31 minutes 57 seconds West a distance of 266.09 feet to a found 3/8 inch diameter iron pin;
 North 84 degrees 28 minutes 12 seconds West a distance of 203.05 feet to a found 5/8 inch diameter iron pin;
 North 85 degrees 07 minutes 12 seconds West a distance of 34.80 feet to a point;
 North 88 degrees 12 minutes 02 seconds West a distance of 80.58 feet to a point;
 North 87 degrees 05 minutes 03 seconds West a distance of 48.10 feet to a point;
 North 88 degrees 48 minutes 45 seconds West a distance of 51.32 feet to a point;
 South 88 degrees 33 minutes 42 seconds West a distance of 51.88 feet to a found 5/8 inch diameter iron pin;
 South 88 degrees 20 minutes 47 seconds West a distance of 81.82 feet to a point;
 South 83 degrees 33 minutes 11 seconds West a distance of 85.09 feet to a point;
 South 79 degrees 42 minutes 20 seconds West a distance of 54.95 feet to a point;
 South 78 degrees 11 minutes 21 seconds West a distance of 8.31 feet to a point on the easterly right of way of Wilkerson Street;
 thence along said easterly right of way North 21 degrees 28 minutes 00 seconds West a distance of 75.19 feet to a point;
 thence leaving said easterly right of way
 South 53 degrees 37 minutes 00 seconds East a distance of 42.35 feet to a point;
 thence North 89 degrees 41 minutes 57 seconds East a distance of 57.84 feet to a point;
 thence North 07 degrees 17 minutes 58 seconds East a distance of 83.00 feet to a point;
 thence North 04 degrees 43 minutes 04 seconds West a distance of 197.24 feet;
 thence North 14 degrees 31 minutes 58 seconds East a distance of 142.00 feet;
 thence North 38 degrees 59 minutes 38 seconds East a distance of 92.21 feet;
 thence North 86 degrees 38 minutes 34 seconds East a distance of 140.13 feet to the southwest corner of Lot 8, Hendrix Heights and a found 1" diameter pinched top pipe;
 thence along the west line of said Lot 8 the following courses:
 North 48 degrees 39 minutes 25 seconds West a distance of 413.43 feet to a found 1 inch diameter pinched top pipe;
 North 02 degrees 24 minutes 44 seconds East a distance of 100.00 feet to the northwest corner of said Lot 8;
 thence leaving said west line to and along the north line of said Lot 8
 North 75 degrees 14 minutes 44 seconds East a distance of 620.88 feet to the northeast corner of said Lot 8 and also the northwest corner of Lot 7, Hendrix Heights;
 thence leaving said north line to and along the north line of said Lot 7 the following courses:
 North 77 degrees 43 minutes 48 seconds East a distance of 152.74 feet to a point;
 North 60 degrees 43 minutes 42 seconds East a distance of 317.13 feet to the northeast corner of said Lot 7 and also the northwest corner of said Lot 8;
 thence leaving said north line of Lot 7 to and along the north line of said Lot 6 the following courses:
 North 71 degrees 34 minutes 39 seconds East a distance of 165.05 feet;
 North 73 degrees 44 minutes 00 seconds East a distance of 78.02 feet to the northeast corner of said Lot 6 and a found 1" diameter iron pipe;
 thence leaving said north line to and along the east line of said Lot 6
 South 02 degrees 28 minutes 06 seconds West a distance of 347.00 feet to a found 1/2 inch diameter iron pin;
 thence leaving said east line to and along the south line of said Lot 6
 North 01 degrees 45 minutes 07 seconds West a distance of 85.89 feet to a found 1 inch diameter iron pipe;
 thence leaving said south line to and along the southwest line of said Lot 6 South 72 degrees 33 minutes 43 seconds West a distance of 824.30 feet to the southwest corner of said Lot 6;
 thence leaving said southeast line to and along the easterly line of the Park Area of Hendrix Heights the following courses:
 South 61 degrees 19 minutes 27 seconds East a distance of 100.49 feet to a point;

EXHIBIT A
PAGE 1 OF 2

EXHIBIT 'B'

05/28/2008 15:45 FAX 479521: 78

JOHNSON CITY HALL

ANNY RKL 1H1

05/28/2008

South 08 degrees 29 minutes 40 seconds East a distance of 120.77 feet to the northwest corner of Lot 4, Hendrix Heights and a found 1 inch diameter iron bar;
thence bearings said easterly line to and along the north line of said Lot 4
South 87 degrees 04 minutes 14 seconds East a distance of 269.92 feet to the POINT OF BEGINNING, containing in total 25.213 acres.
And being subject to any easements, rights of ways, covenants and restrictions of record. The basis of bearings for this description is the City of Springdale, Arkansas, geographic information system.

EXHIBIT A
PAGE 2 OF 2

**CITY OF JOHNSON, ARKANSAS
REZONING**

FOR STAFF USE ONLY		FEE: \$300.00
Date Application Submitted: _____		Planning Commission Action: _____
Date Accepted as Complete: _____		City Council Action: _____
Petition Number: _____	Zone: _____	
Public Hearing Date: _____		

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

Name: City of Johnson Name: _____

Address: PO BOX 563
Johnson, AR 72741 Address: _____

E-mail: _____ E-mail: _____

Phone: (479) 521-7291 Phone: () _____
() _____

Fax: () _____ Fax: () _____

Site Address / Location: The Steps @ Joyce / Henrix Heights
See ordinance 2008-11

Current Zoning District: P.U.D.

Requested Zoning District: C-1

Assessor's Parcel Number(s) for Subject Property: see attached

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 and 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 of approval.

Name (printed): Buddy Curry - Mayor Date: 4-1-13

Signature: Mayor Buddy Curry

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):

See attached

Name: (printed): _____

Address: _____

Signature: _____

Date: _____

Phone: () _____

Name: (printed): _____

Address: _____

Signature: _____

Date: _____

Phone: () _____

Checklist:

Attach the following items to this application:

1. Payment in full of applicable fees for processing the application - \$300.00
2. Correspondence in the form of a written letter to the City of Johnson describing the scope, nature and intent of the proposal.
3. Legal description and parcel number of property to be rezoned. A survey may be required if the property description can't accurately be platted or if it is described by referring to other deeds. *This legal description shall be separate from any plat or survey and must reflect only that area to be rezoned and signed by the property owner of record.*
4. A typed list of all adjacent property owners, including those lots across streets. List must include name and full address. (May be found in the County Assessor's office)
5. Proof of notification of adjacent property owners:
Each adjacent property owner must be notified by letter explaining your request, and given the date, time and place of the meeting. Each such property shall be notified by certified mail and a copy of the green certified mail receipt shall provide such proof. (Not to be sent until placement on the Planning Commission agenda - but no later than 15 days in advance of the meeting)
6. A copy of the plat on record in the county assessor's office. The owner's name and the parcel number for every adjacent property shall be shown on this plat (map).
7. A written description of this request addressing the following items:
 - a. Current ownership information and any proposed or pending property sales.
 - b. Reason (need) for requesting the zoning change.
 - c. Statement of how the property will relate to surrounding properties in terms of land use, traffic, appearance and signage.
 - d. Availability of utilities.
8. The Planning Commission is required to make specific findings with regard to the application. The applicant shall provide written statements addressing the following:
 - a. The degree to which the proposed zoning is consistent with land use planning objectives, principles, policies, land use and zoning plans.
 - b. Whether the proposed zoning is justified and/or needed at the time of the request.
 - c. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.
 - d. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water and sewer facilities.

KIT WILLIAMS
FAYETTEVILLE CITY ATTORNEY



JASON B. KELLEY
Assistant City Attorney
Judy Housley
Office Manager

Phone (479) 575-8313
FAX (479) 575-8315
TDD (479) 521-1316

113 W. Mountain, Suite 302
Fayetteville, AR 72701-6083

April 22, 2013

Hon. Danny Wright
Johnson City Attorney
P. O. Box 8203
Fayetteville, AR 72703

RE: Rezoning of land adjoining Fayetteville

Dear Danny:

Thank you for your letter of April 11, 2013. I believe that the City Council will be receptive to your landowner's request to agree to the rezoning approved by your City Council as they were recently on another parcel. Coincidentally, the Fayetteville City Council recently rezoned a parcel on Gregg Street adjoining your City's border for the new campus of Haas Hall. I have informed the property owners that they must secure your City Council's approval of this rezoning.

Please do have your property owner who is seeking approval of the rezoning to contact our Planning Department so that it can create the agenda item for the City Council (and possibly for our Planning Commission).

With kindest regards,

A handwritten signature in black ink, appearing to read "Kit Williams", written over a horizontal line.

KIT WILLIAMS
Fayetteville City Attorney

cc: Jeremy Pate, Community Services Director
Andrew Garner, Senior Planner

Buddy Curry
Mayor



Jennifer Allen
Recorder/Treasurer

April 11, 2013

Hon. Kit Williams
City Attorney
City of Fayetteville
113 W. Mountain, Ste. 302
Fayetteville, AR 72701

Re: Johnson Rezoning Petition -- Lands
on Joyce Street

Dear Kit:


I am requesting that Fayetteville's City Council pass a Resolution agreeing to a change in the zoning of property in Johnson that lays adjacent to your City.

I am enclosing a copy of the application for Rezoning, a map and the legal description of the Johnson property being considered for rezoning.

I don't know how much history or background you want or need. I will be glad to communicate directly with your Planning Department but thought I ought to go through your office on the initial contact.

Please let me know what my next step is in this process.

Sincerely,


DANIEL WRIGHT
City Attorney
DW/km

Cc: Mayor Buddy Curry

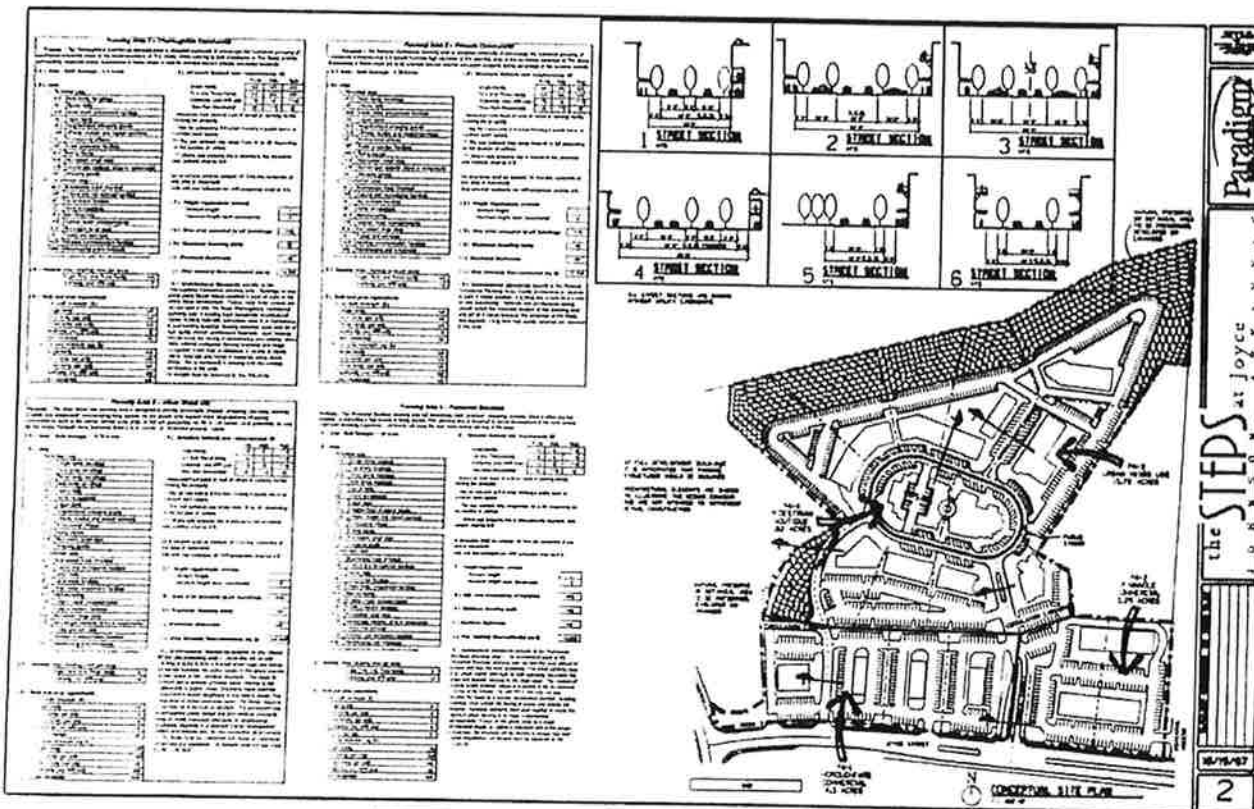
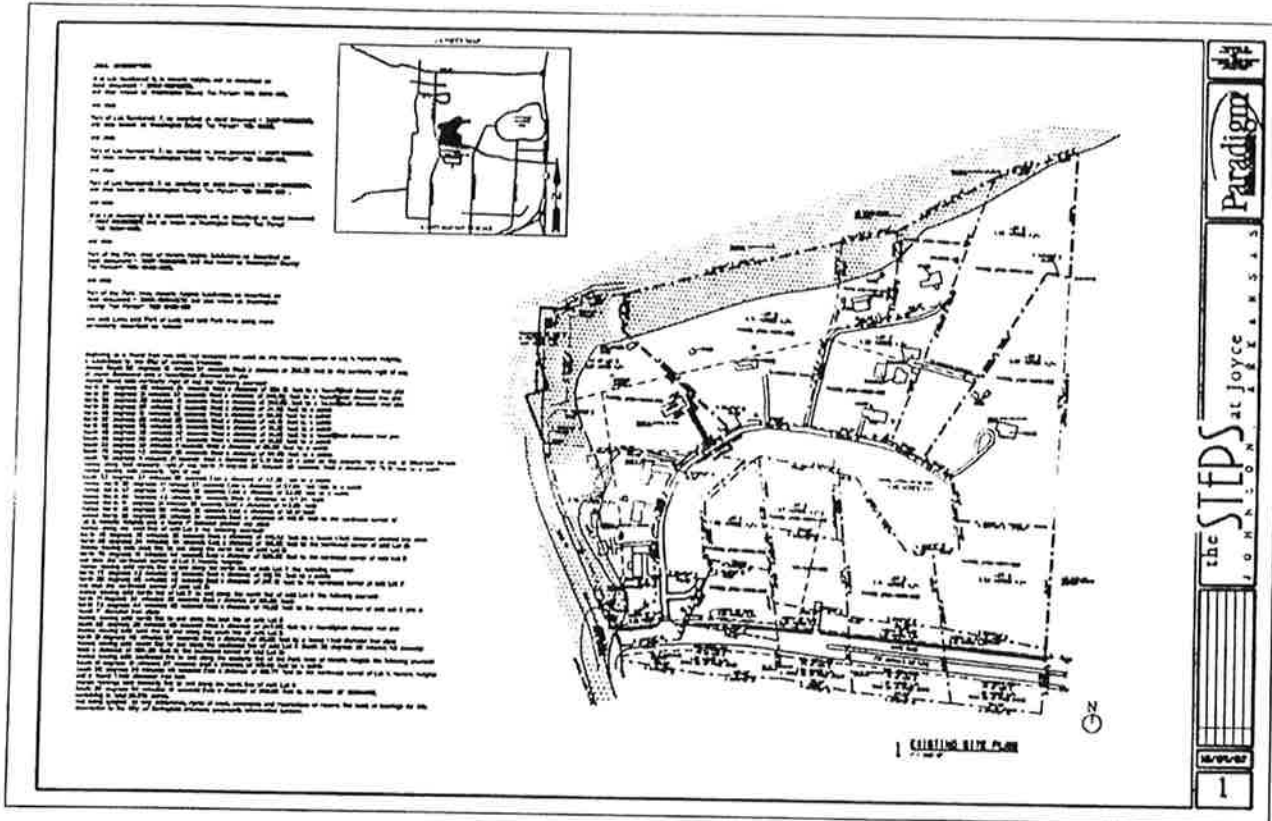
Dan Wright
521-3121

e. Why it would be impractical to use the land for any other uses permitted under its existing zoning.

9. Property owners applying for changes to the official zoning map shall present evidence or an affidavit, at least ten (10) days prior to the required public hearing, that all property owners within 100' have been notified of the proposed zoning change.

All applicants are encouraged to meet with the Building Official prior to completing a Rezoning application.

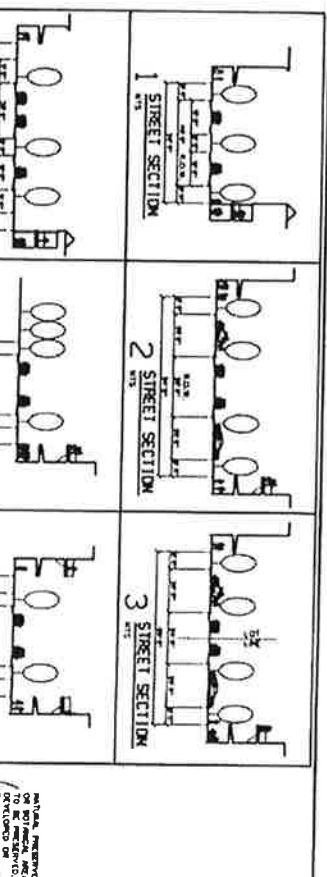
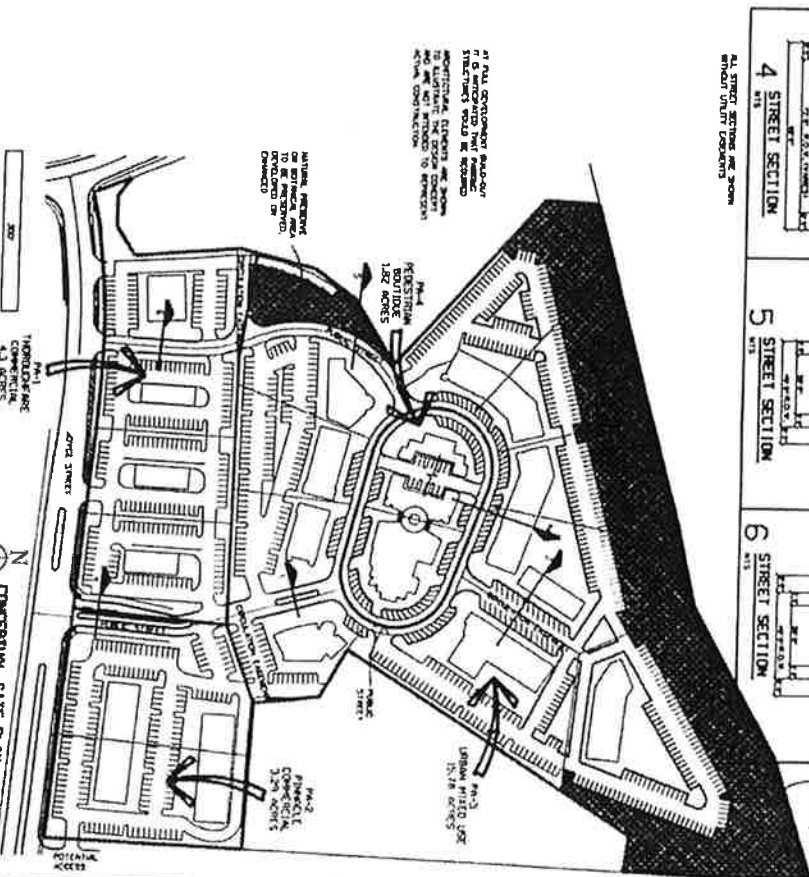
Appendix B – Copies of 24" x 36" Sheets



STEPS

JOYCE ST & 4TH ST

1.1.1.1.1.1 1.1.1.1.1.2 1.1.1.1.1.3 1.1.1.1.1.4 1.1.1.1.1.5 1.1.1.1.1.6 1.1.1.1.1.7 1.1.1.1.1.8 1.1.1.1.1.9 1.1.1.1.1.10 1.1.1.1.1.11 1.1.1.1.1.12 1.1.1.1.1.13 1.1.1.1.1.14 1.1.1.1.1.15 1.1.1.1.1.16 1.1.1.1.1.17 1.1.1.1.1.18 1.1.1.1.1.19 1.1.1.1.1.20 1.1.1.1.1.21 1.1.1.1.1.22 1.1.1.1.1.23 1.1.1.1.1.24 1.1.1.1.1.25 1.1.1.1.1.26 1.1.1.1.1.27 1.1.1.1.1.28 1.1.1.1.1.29 1.1.1.1.1.30 1.1.1.1.1.31 1.1.1.1.1.32 1.1.1.1.1.33 1.1.1.1.1.34 1.1.1.1.1.35 1.1.1.1.1.36 1.1.1.1.1.37 1.1.1.1.1.38 1.1.1.1.1.39 1.1.1.1.1.40 1.1.1.1.1.41 1.1.1.1.1.42 1.1.1.1.1.43 1.1.1.1.1.44 1.1.1.1.1.45 1.1.1.1.1.46 1.1.1.1.1.47 1.1.1.1.1.48 1.1.1.1.1.49 1.1.1.1.1.50	1.1.1.1.1.1 1.1.1.1.1.2 1.1.1.1.1.3 1.1.1.1.1.4 1.1.1.1.1.5 1.1.1.1.1.6 1.1.1.1.1.7 1.1.1.1.1.8 1.1.1.1.1.9 1.1.1.1.1.10 1.1.1.1.1.11 1.1.1.1.1.12 1.1.1.1.1.13 1.1.1.1.1.14 1.1.1.1.1.15 1.1.1.1.1.16 1.1.1.1.1.17 1.1.1.1.1.18 1.1.1.1.1.19 1.1.1.1.1.20 1.1.1.1.1.21 1.1.1.1.1.22 1.1.1.1.1.23 1.1.1.1.1.24 1.1.1.1.1.25 1.1.1.1.1.26 1.1.1.1.1.27 1.1.1.1.1.28 1.1.1.1.1.29 1.1.1.1.1.30 1.1.1.1.1.31 1.1.1.1.1.32 1.1.1.1.1.33 1.1.1.1.1.34 1.1.1.1.1.35 1.1.1.1.1.36 1.1.1.1.1.37 1.1.1.1.1.38 1.1.1.1.1.39 1.1.1.1.1.40 1.1.1.1.1.41 1.1.1.1.1.42 1.1.1.1.1.43 1.1.1.1.1.44 1.1.1.1.1.45 1.1.1.1.1.46 1.1.1.1.1.47 1.1.1.1.1.48 1.1.1.1.1.49 1.1.1.1.1.50
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2	10/15/07
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the **STEPS** at Joyce
 JOHNSON, ARKANSAS



11/14/07 RESPONSE TO LEAD PLAN
 12/27/07 2nd REVISED
 12/12/07 FINAL RE-SUBMITTAL

