

**City of Fayetteville Staff Review Form**

**2020-1136**

**Legistar File ID**

**12/18/2020**

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

Garner Stoll

1/5/2021

CITY PLANNING (630)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

ANX 2020-000001: Annexation (3435 E. ZION RD./BURGE, 100/139): Submitted by WATKINS LAW OFFICE for property located at 3435 E. ZION RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 59.00 acres. The request is to annex the property into the City Limits of Fayetteville with the zoning of R-A, RESIDENTIAL AGRICULTURE.

**Budget Impact:**

Account Number	Fund
Project Number	Project Title
<b>Budgeted Item?</b> <u>NA</u>	<b>Current Budget</b> \$                    -
	<b>Funds Obligated</b> \$                    -
	<b>Current Balance</b> <span style="border: 1px solid black; padding: 2px;">\$                    -</span>
<b>Does item have a cost?</b> <u>No</u>	<b>Item Cost</b>
<b>Budget Adjustment Attached?</b> <u>NA</u>	<b>Budget Adjustment</b>
	<b>Remaining Budget</b> <span style="border: 1px solid black; padding: 2px;">\$                    -</span>

V20180321

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

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

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

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

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

**Comments:**



**MEETING OF JANUARY 5, 2021**

**TO:** Mayor; Fayetteville City Council

**THRU:** Susan Norton, Chief of Staff  
Garner Stoll, Development Services Director  
Jonathan Curth, Development Review Manager

**FROM:** Jessie Masters, Senior Planner

**DATE:** December 18, 2020

**SUBJECT: ANX 2020-000001: Annexation (3435 E. ZION RD./BURGE, 100/139):**  
Submitted by WATKINS LAW OFFICE for property located at 3435 E. ZION RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 59.00 acres. The request is to annex the property into the City Limits of Fayetteville with the zoning of R-A, RESIDENTIAL AGRICULTURE.

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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 northeast Fayetteville on the south side of E. Zion Road, about .30 miles east of N. Crossover Road (or Highway 265). The property under consideration is the majority of a 62.2 acre parcel (001-15182-000), and the applicant intends to not include two portions of land that are adjacent to E. Zion Road, bringing the acreage under consideration to 59.00 acres. The property currently has a single-family dwelling, which county records indicate was built in 1947, and associated outbuildings for what has long been an agricultural use. Hilton Creek runs east and west through the site, and the area surrounding the creek is designated as a flood plain. The property is located within 1 mile from the Fayetteville city limits, and the westernmost portion of the property is adjacent to the current City limits; an associated rezoning has also been submitted by the property owners (PZD-2020-000002).

*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 July 10, 2020.

*Land Use Plan Analysis:* City Plan 2040's Future Land Use Map designates the properties within the proposed annexation as Residential Neighborhood Area and Natural Area. Residential Neighborhood Areas are primarily residential in nature and offer a wide variety of housing types of appropriate scale and context, encouraging traditional neighborhood development that incorporates low-intensity, non-residential uses on corners and along connecting corridors.

Natural Areas consist of lands with limited development potential, including stream and wildlife corridors and encouraging a development pattern that requires conservation and preservation. 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. Staff finds that while the proposed boundary is unusual, it does not create any islands, and begins to square off the existing City limits to the north. Further, the request is compatible with many of these policies, including that the proposed annexation will include environmentally-sensitive areas along Hilton Creek. Staff finds that leaving the land within Washington County does not prevent development from happening, but limits Fayetteville's control over how the land is developed. If the land is annexed into the City's limits, city ordinances such as tree preservation, streamside protection, and zoning enforcement would apply.

Current infrastructure availability to the site is minimal, and staff finds that E. Zion Road is underdeveloped, the site's only point of access, with an under-capacity one-lane bridge. That said, the Master Street Plan indicates a Neighborhood Link Street bisecting the property east and west to connect to N. Crossover Road, that opens up opportunities for development, access for fire and the extension of needed utilities such as water and sewer to the site. Further, the applicant intends to include an adjacent property that is already within the City limits in their development plan, making near-term access to proposed development through this corridor in the annexed portion much more feasible. Staff finds that much of the cost of infrastructure improvements needed would be borne by the developer, but future maintenance would likely be at the City's expense. The school system, Springdale Public Schools, did not comment on the proposal, and neither did the police department.

Despite its potential shortcomings, staff finds that the annexation request is overall of a benefit to the City, given the added development control, the proposed development form of the associated Planned Zoning District, and the ability to offer greater protections over an area of environmental concern with regards to the Hilton Creek floodplain and the Lake Fayetteville watershed.

#### **DISCUSSION:**

The item in question was in front of the Planning Commission four times. The item was first brought to Planning Commission on August 24, 2020, where it was tabled indefinitely. Commissioners needed to see a more robust plan for the area for clarity about the potential impact this request could have on the City. The applicant reconfigured an associated rezoning request through a PZD, or Planned Zoning District, re-notified the public, and brought the item with the associated PZD back to Planning Commission on November 9, 2020. Commissioners did not hear the annexation at that meeting, nor at the November 23, 3030 meeting, each time voting to table to the subsequent meeting as details of the associated PZD were worked out. Commissioners heard this annexation request in conjunction with the associated PZD at the December 14, 2020 meeting. Finding in favor on the balance of issues on the annexation itself, and finding the associated PZD appropriate (with added conditions as well as conditions recommended by staff), Commissioners voted to forward the annexation request with a vote of 7-1-0 with a recommendation of approval to City Council. Commissioner Garlock offered the

dissenting vote on the annexation, finding that any development that would occur without annexation likely would not contribute as much asphalt as is what is currently proposed with the associated PZD.

Public comment was received and provided to the Planning Commission ahead of each meeting and is included in full in staff's report. Public comment was heard on the annexation at the August 24, 2020 and at the December 14, 2020 Planning Commission meetings. Neighbors and residents expressed concerns with flooding in the area, water quality conditions to Lake Fayetteville, limited infrastructure availability for the influx of traffic, and general opposition to the proposal at large. City staff recommended adding a condition that a flood study be provided for the area in association with the PZD, and also reported that impacts from the development as far as drainage was concerned would have to meet all drainage standard criteria.

Ultimately, staff found and Commission agreed that many of the issues noted by the public would be best addressed through annexation, driving the recommendation of approval. Annexing the land will subject the property to the City of Fayetteville's Unified Development Code and the drainage, design, and tree preservation standards within.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

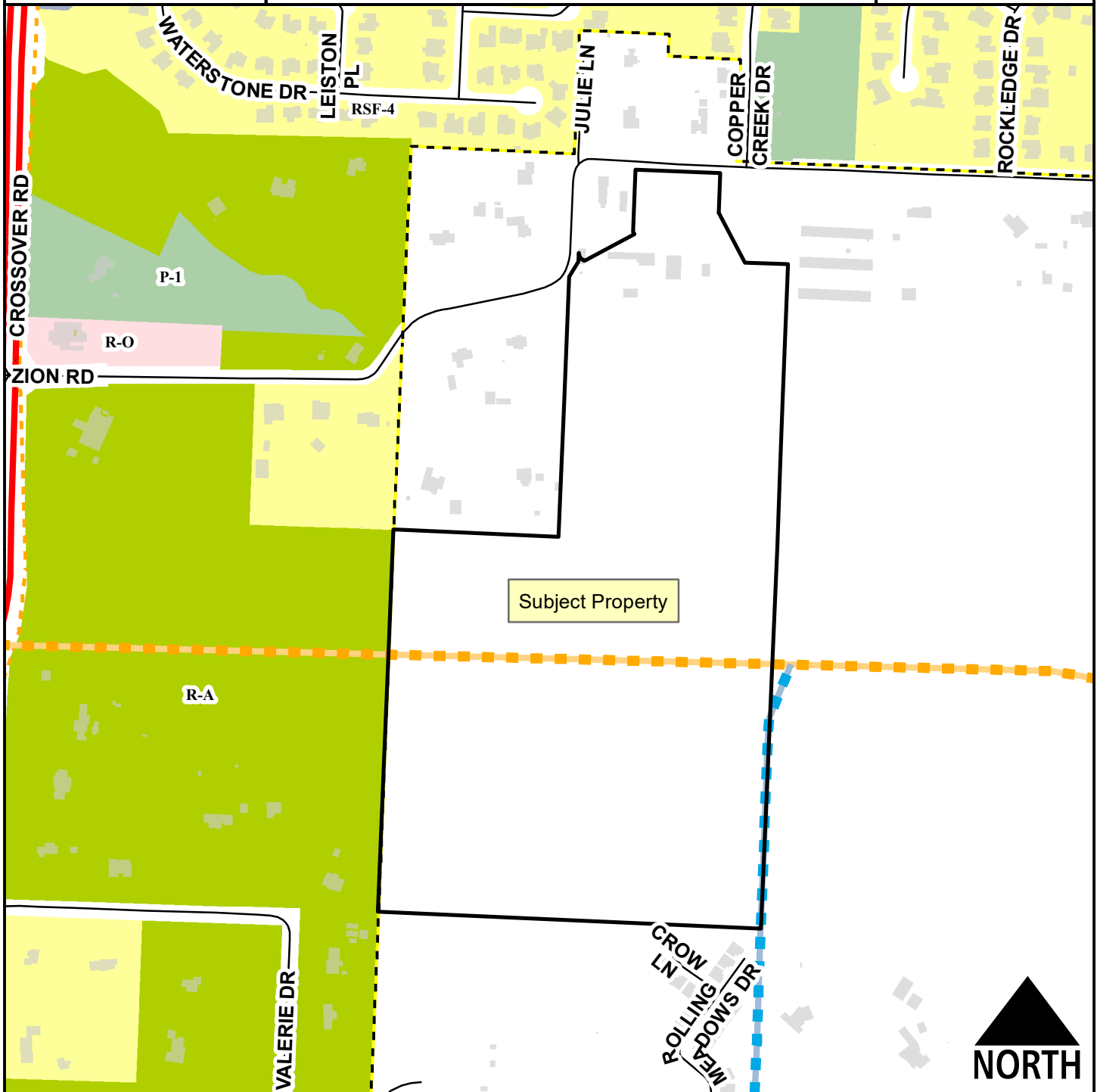
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

ANX-2020-000001

# BURGE

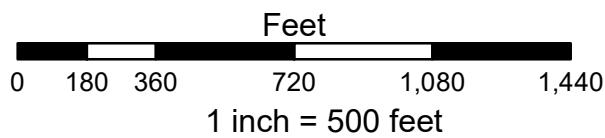
ANX-2020-000001  
EXHIBIT 'A'

Close Up View



## Legend

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



- Residential-Agricultural
- RSF-4
- Residential-Office
- Neighborhood Services - Gen.
- P-1

**ANX-2020-000001**  
**EXHIBIT 'B'**

**SURVEY DESCRIPTION:**

THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4), OF SECTION NINETEEN (19), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 19, SAID POINT BEING A FOUND 1/2 INCH REBAR; THENCE ALONG THE NORTH LINE OF SAID NW 1/4 OF THE SE 1/4, S87°29'54"E A DISTANCE OF 570.00 FEET TO A FOUND 1 INCH PIPE; THENCE LEAVING SAID NORTH LINE, N02°17'19"E A DISTANCE OF 894.88 FEET; THENCE N31°17'12"E A DISTANCE OF 61.88 FEET; THENCE N02°17'19"E A DISTANCE OF 30.12 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 26.00 FEET, AN ARC LENGTH OF 32.86 FEET AND A CHORD BEARING & DISTANCE OF S33°54'56"E – 30.71 FEET; THENCE S70°07'11"E A DISTANCE OF 2.84 FEET; THENCE N62°13'43"E A DISTANCE OF 193.73 FEET; THENCE N27°46'17"W A DISTANCE OF 7.88 FEET; THENCE N02°13'43"E A DISTANCE OF 216.09 FEET; THENCE S87°36'11"E A DISTANCE OF 292.00 FEET; THENCE S02°13'43"W A DISTANCE OF 136.99 FEET; THENCE S27°46'17"E A DISTANCE OF 193.19 FEET; THENCE S87°46'17"E A DISTANCE OF 148.40 FEET TO THE EAST LINE OF SAID SW 1/4 OF THE NE 1/4; THENCE ALONG SAID EAST LINE, S02°13'43"W A DISTANCE OF 971.65 FEET TO THE NORTHEAST CORNER OF SAID NW 1/4 OF THE SE 1/4 AND A FOUND 1/2 INCH REBAR; THENCE ALONG THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4, S02°23'57"W A DISTANCE OF 1316.65 FEET TO THE SOUTHEAST CORNER OF SAID NW 1/4 OF THE SE 1/4 AND A FOUND MONUMENT "ALAN REID"; THENCE ALONG THE SOUTH LINE OF SAID NW 1/4 OF THE SE 1/4, N87°30'23"W A DISTANCE OF 1320.05 FEET TO THE SOUTHWEST CORNER OF SAID NW 1/4 OF THE SE 1/4 AND A FOUND 1/2 INCH REBAR IN CONCRETE; THENCE LEAVING SAID SOUTH LINE AND ALONG THE WEST LINE OF SAID NW 1/4 OF THE SE 1/4, N02°17'05"E A DISTANCE OF 1316.84 FEET TO THE **POINT OF BEGINNING**, CONTAINING 59.00 ACRES, MORE OR LESS.



**TO:** Fayetteville Planning Commission

**THRU:** Jonathan Curth, Development Review Manager

**FROM:** Jessie Masters, Senior Planner

**MEETING DATE:** December 14, 2020 **Updated with PC hearing results from 12/14/2020**

**SUBJECT:** **ANX 2020-000001: Annexation (3435 E. ZION RD./BURGE, 100/139):** Submitted by WATKINS LAW OFFICE, INC. for properties located SOUTH OF AND AT 3435 E. ZION RD. The properties are in the FAYETTEVILLE PLANNING AREA and contain approximately 59.00 acres. The request is to annex the properties into the City Limits of Fayetteville.

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**RECOMMENDATION:**

Staff recommends forwarding **ANX 2020-000001** to the City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

"I move to forward **ANX 2020-000001** to the City Council with a recommendation of approval."

**August 24, 2020 Planning Commission Meeting:**

This item was initially heard at the August 24, 2020 Planning Commission meeting, where it was tabled indefinitely by the Planning Commission. The commissioners expressed concerns about available infrastructure and public comment surrounding the one-lane bridge on E. Zion Road, and expressed a desire to see a more comprehensive plan for the area, such as through a PZD, or Planned Zoning District. The applicant has developed a PZD (RPZD-2020-000002) that incorporates an adjacent parcel that is currently located within the City limits, and following the provision of public notification, requests that the annexation be reconsidered in association with that request.

**November 9, 2020 Planning Commission Meeting:**

At the November 9, 2020 Planning Commission meeting, Commissioners voted to bring the item off the table to discuss. Commissioners then voted immediately to table the item to the subsequent Planning Commission meeting on November 23, 2020.

**November 23, 2020 Planning Commission Meeting:**

The applicant requested to table the item until the next Planning Commission meeting. Commissioners moved to suspend the rules and not hear public comment on the item, given the applicant's request, and voted to table the item to the December 14, 2020 Planning Commission meeting.

**BACKGROUND:**

The subject property is in northeast Fayetteville on the south side of E. Zion Road, about .30 miles east of N. Crossover Road (or Highway 265). The property under consideration is the majority of

a 62.2 acre parcel (001-15182-000), and the applicant intends to not include two portions of land that are adjacent to E. Zion Road, bringing the acreage under consideration to 59.00 acres. The property currently has a single-family dwelling, which county records indicate was built in 1947, and associated outbuildings for what has long been an agricultural use. Hilton Creek runs east and west through the site, and the area surrounding the creek is designated as a flood plain. The property is located within 1 mile from the Fayetteville city limits, and the westernmost portion of the property is adjacent to the current city limits; an associated rezoning has also been submitted by the property owners (PZD-2020-000002). Surrounding land uses and zoning is depicted in *Table 1*.

**Table 1  
Surrounding Land Use and Zoning**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Single-Family Residential	Washington County: AG/SF Res 1, Agricultural Single-family Residential (1 units per acre)
South	Single-Family Residential/ Agricultural	Washington County: AG/SF Res 1, Agricultural Single-family Residential (1 units per acre)
East	Single-Family Residential/ Agricultural	Washington County: AG/SF Res 1, Agricultural Single-family Residential (1 units per acre)
West	Single-Family Residential/ Undeveloped	City of Fayetteville R-A, Residential-Agricultural; Washington County: AG/SF (Res 1, Agricultural Single-Family Residential (1 units per 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 July 10, 2020.

*Public Comment:* Staff has received many public inquiries regarding this request and its associated rezoning. Surrounding property owners have voiced concerns regarding limited infrastructure availability for an influx of traffic, reported flooding concerns from Hilton Creek and its associated floodplain, and expressed general opposition to the annexation and rezoning. Comments in full are provided with this report.

**INFRASTRUCTURE:**

**Streets:** The property has frontage to E. Zion Road. E. Zion Road is an unimproved, unclassified street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of development proposal, as well as any improvements or requirements for drainage. The Master Street Plan also indicates a planned Neighborhood Link Street running east and west through the property, which would ultimately connect the site to N. Crossover Road.

**Water:** Public water is available to this parcel through an existing 12-inch water main present along E. Zion Road.

**Sewer:** Sanitary Sewer is not available to the subject property. The subject parcel is currently outside the city limits and would need to be annexed and have sanitary sewer extended by the developer to provide access.

**Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. Hydric soils appear to be present throughout most of the subject area. No portion of the property is within the Hillside-Hilltop Overlay District. The property is bisected by Hilton Creek, which is not currently part of the



Streamside Protection Zone, though a portion of the property appears to be in a Zone A floodplain.

**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. Station 5 located at 2979 N Crossover, protects this site. The property is located approximately 2.4 miles from the fire station with an anticipated drive time of approximately 5 minutes using existing streets. The anticipated response time would be approximately 7.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck. This property does not meet the fire department's response goal of 6 minutes for an engine, but does meet the 8 minute goal for a ladder truck.

**Police:** The Police Department did not express any concerns with this request.

**CITY PLAN 2040 FUTURE LAND USE PLAN:** City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood Area** and **Natural Area**.

**Residential Neighborhood Areas** are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

**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 score of 2-4 for this site, with a weighted score of 3.5 at the highest level. The following elements of the matrix contribute to the score:

- Near Park (Lake Fayetteville and David Lashley Park)
- Near Paved Trail (Lake Fayetteville, on-street bike lands on N. Crossover Road)
- Near Water Main (E. Zion Road)
- Appropriate Fire Department Response time (Station 5 located at 2979 N Crossover)\*

- \*Only portions of the site are covered in this response time. The Fire Department indicated an estimate of a 7.2 minute response time to reach the site.

## 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 is a backwards L-shape, and creates an unusual boundary, leaving two portions of land immediately to the north and to the west left unincorporated. Though technically not creating an island since two small notches are remaining within the County of the property as a whole, the proposed new city limit boundaries could cause confusion for residents and inefficiencies for service providers because of the atypical configuration.

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

**Finding:** Approximately 1300 linear feet of the western-most boundary is completely adjacent to the corporate city limits. The property then jogs to the east and then north, connecting to Zion Road outside of the city limits.

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, and is the majority of one 62.2 acre legal lot of record with one owner. It does not divide any subdivisions or neighborhoods.

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

**Finding:** The proposed annexation boundaries almost follow the property lines of the subject property, but leaves two small notches at the northeast and northwest corners of the property unincorporated into the city limits. The annexation boundary does not necessarily follow any natural, already existing corridors. The property is bisected by Hilton Creek, a designated natural area by the City Plan 2040 Future Land Use Map designation, and the only currently existing street frontage is along E. Zion Road, which is outside of the city limits. The property does not currently intersect with any streets within the City of Fayetteville. However, the Master Street Plan shows a future Neighborhood Link corridor running east and west through the entire property, and connecting N. Crossover Road (Highway 265) to Old Wire Road.

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

**Finding:** The property is adjacent to City water along E. Zion Road, but not City sewer. This property does not meet the fire department's response goal of 6 minutes for an engine, but does meet the anticipated goal of 8 minutes for a ladder truck. That said, should the associated PZD be approved, a proposed Neighborhood Link Street would connect this site to N. Crossover Road. Any services would need to be extended at the time of 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.

**Finding:** The property is largely undeveloped except for a farm, single-family dwelling, and its accessory structures. No portion of the property is within the Hillside-Hilltop Overlay District, or Streamside Protection Zone, though approximately 30 acres of the site is within the Enduring Green Network, and approximately 3.5 acres of the site is within a floodplain surrounding Hilton Creek. If the property were to be annexed, a portion of the property would. Several citizens have reported flooding events on their properties within the region of the requested annexation, which the city currently does not have any jurisdiction over since the property is outside of the city limits. By bringing the site into the City limits, further development will be subjected to the City's streamside protection standards.

## **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 approximately 7.2 minutes from the current closest station (2979 N Crossover). The Fire Department response time goal is six minutes for an engine and eight minutes for a ladder truck; this site is currently above the Fire Department's stated response goals.

**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:** The property in question is currently served by City of Fayetteville water, but not sewer. Additionally, extensions would need to be made to this property, likely at the property owner's expense at time of development.

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:** Engineering anticipates a need to upgrade utilities. Though public water is currently available to the site, extensions would need to be made upon any proposed development. Sanitary sewer is not currently available to this proposed property.

**Planning:** If developed under the zoning requirements of the concurrently-requested PZD, there will be a marked increase in both density and traffic. Staff finds that significant infrastructure improvements would likely need to be made to absorb the increase in density and traffic, including potential street improvements to Zion Road (which is currently not owned by the City of Fayetteville), redevelopment of a one-lane bridge on E. Zion Road, and bringing the proposed Neighborhood Link Street into compliance with the Master Street Plan. Staff does find that the most recent iteration of the PZD does indicate a desire to reduce the amount of development which fronts E. Zion Road, somewhat alleviating a concern about how much development that road could currently support. Much of the cost of this infrastructure improvement would initially be borne by the developer, but much of the maintenance would likely become the City's responsibility.

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. The property would require at least emergency access through Washington County, as E. Zion Road is currently divided between Fayetteville and Washington County right-of-way, and does not have a City of Fayetteville Master Street Plan designation.

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

**Finding:** Several citizens have reported stormwater and flooding concerns in the area; likely discussion would need to occur to discuss solutions for mitigating these issues, especially if this large portion of land is brought into the City of Fayetteville.

#### 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 is primarily designated as a Residential Neighborhood Area.

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

**Finding:** Annexations are automatically zoned R-A, Residential Agricultural. The applicant has submitted a concurrent request to rezone a portion of the property to a Planned Zoning District (PZD-2020-000002) with proposed Planning Areas. The associated item will be heard at the same meeting. The applicant's request indicates that the portion of the property that is designated as a Natural Area is intended to stay downzoned to limit development potential in that area.

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. No development proposal has been submitted, though a rezoning request as a PZD was submitted concurrently and will be heard at the same meeting.

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 also posted on the site informing surrounding neighbors of the annexation proposal. Residents were also informed of the scheduled public meetings and how to participate.

12.3.5.t Encourage larger annexations to create acceptable boundaries.

**Finding:** Staff finds that this request is of a moderate size, totaling approximately 60 acres. The request would help fill in the City boundaries to the east; to the north of the proposed annexation, the City of Fayetteville boundary extends further to the east, and this annexation would begin to “square off” this boundary. Should City Council choose to annex this portion of land, there would be a few pieces of land that would remain in Washington County.

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 toward the northeastern extent of the City and developing it can pose financial challenges for the City to maintain the public infrastructure in a fiscally sustainable manner. The proposal to rezone the property in a manner that promotes urban form and higher densities toward property that fronts N. Crossover Road, and lower density towards the west and north and E. Zion Road frontage somewhat ameliorates this concern.

**RECOMMENDATION:** Planning staff recommends forwarding ANX-2020-000001 to the City Council with a recommendation of approval.

<b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u>
Date: <u>December 14, 2020</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied
Motion: <b>Belden</b> with recommendation of approval
Second: <b>Canada</b>
Vote: <b>7-1-0 (Commissioner Garlock dissenting vote)</b>

**BUDGET/STAFF IMPACT:**  
None

**Attachments:**

- City Plan 2040, Section 12.3: Annexation
- Request letter
- Order of Annexation
- Public Comment
- 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.

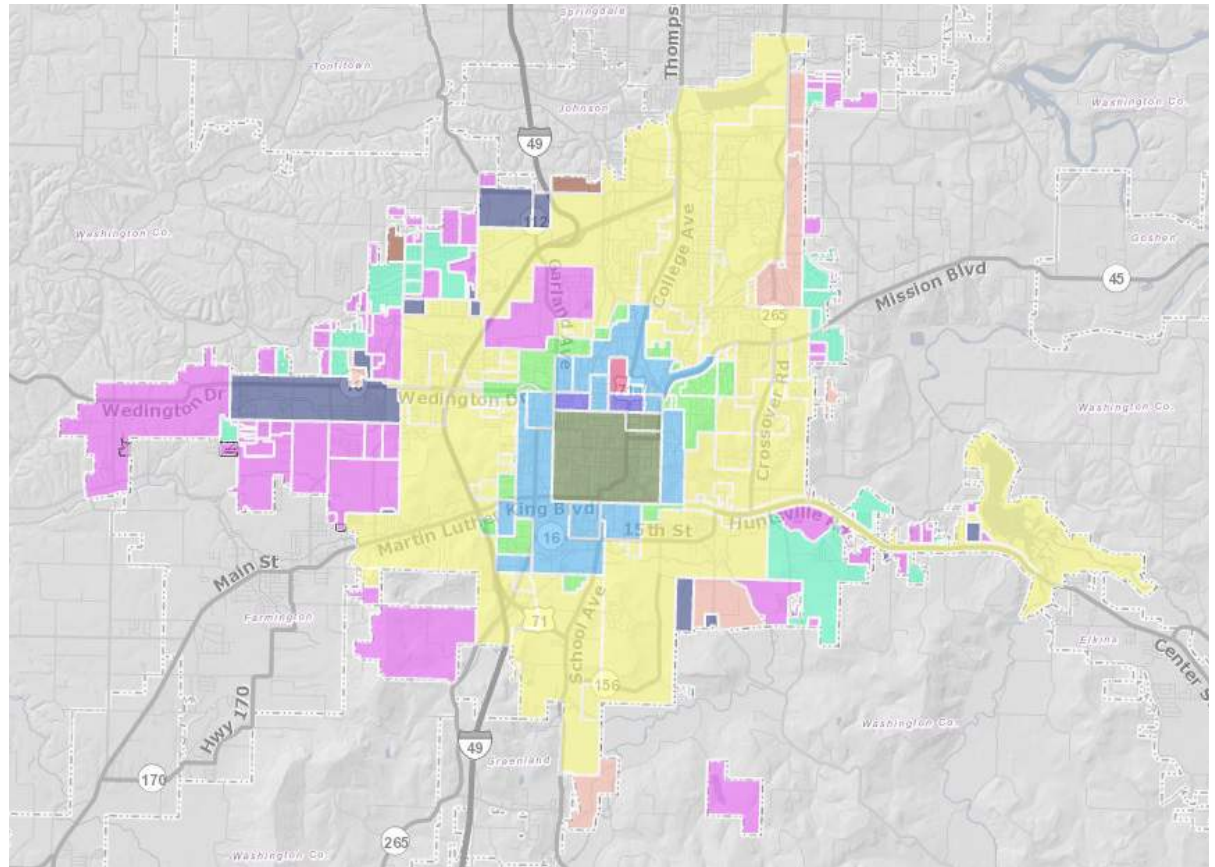


Figure 12.15 - Fayetteville Annexation Map

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: #32cd32; border: 1px solid black; margin-right: 5px;"></span> 1950-1959 | <span style="display: inline-block; width: 15px; height: 15px; background-color: #800000; 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.

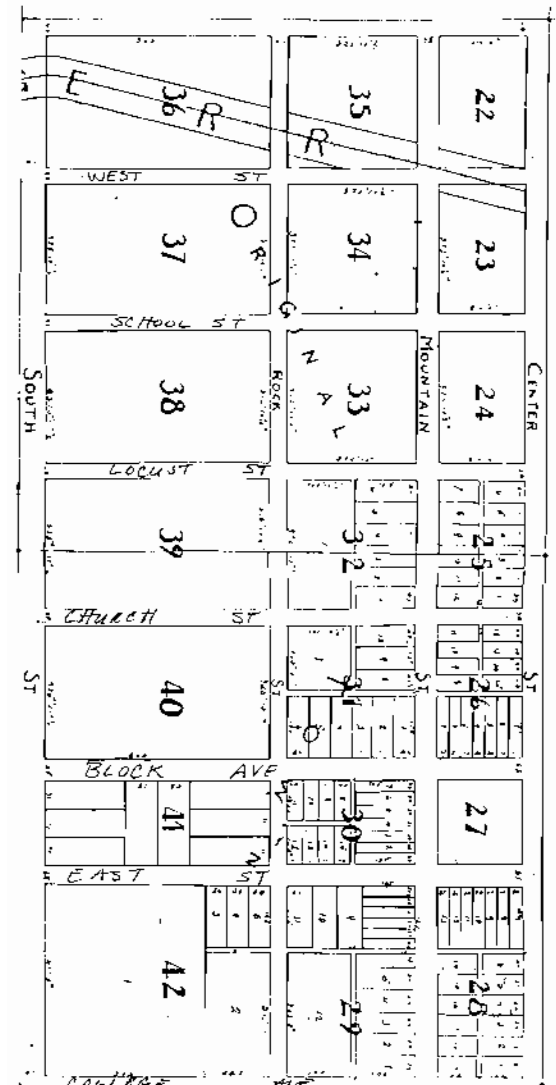


Figure 12.16 - Fayetteville Town Plat



## 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.



**WATKINS, BOYER,  
GRAY & CURRY, PLLC**

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.  
RONALD L. BOYER, P.A.  
JENNIFER E. GRAY, P.A.\*  
ANDREW T. CURRY, P.A.  
WILLIAM A. KELLSTROM  
JOHN E. JENNINGS (OF COUNSEL)  
\* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL  
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY  
AMY BENSON, PARALEGAL  
WHITNEY DUCKER, OFFICE MANAGER

July 15, 2020

Fayetteville Planning Department  
125 W. Mountain St.  
Fayetteville, AR 72701

**Re: Annexation of Parcel No. 001-15182-000 into the City of Fayetteville**

Dear Planning Staff:

Our firm has been retained to assist with the annexation of certain lands into the City of Fayetteville. A survey depicting the lands that are proposed to be annexed has submitted along with this letter. The purpose of this letter is to address the consistency of the proposed annexation the Annexation Guiding Policies provided in City Plan 2030. This annexation is consistent with those guidelines.

The lands proposed to be annexed are contiguous to the Fayetteville city limits and will not create and islands or peninsulas. The property is contiguous to the City of Fayetteville along the majority of its Western boundary, and is located in the corner between lands annexed as the Stonewood Subdivision and lands annexed along N. Crossover Road. In this way, the proposed annexation is a natural extension of the Fayetteville city limits and follows the natural development corridor along Crossover Road.

Annexation of this land would not divide any existing neighborhoods. The proposed parcel for annexation is owned entirely by one individual. The entire parcel is undeveloped, and has served as the homestead for the residence located on the parcel for several years.

Public services can be efficiently provided to the proposed parcel, as it is within a reasonable distance from existing police and fire stations in Fayetteville. The parcel is approximately 1.85 miles from Fire Station #5, and approximately 2.5 miles from the Fayetteville Police Department Substation located on Shiloh. For comparison, the proposed parcel is roughly the same distance or closer to emergency services than Stonewood Subdivision, just North of the subject parcel.

The parcel proposed for annexation is currently served by Fayetteville Water, Sewer, Recycling and Trash Pickup services. The property is adjacent to a twelve inch (12") water main which runs along E. Zion Road. As for sewer, the property would be served through the sewer main running adjacent to N. Crossover Road, and will run through the adjacent parcel which has been proposed for rezoning concurrently with this request.

Lastly, the annexation will include a portion of an environmentally sensitive area—that area being a section of Hilton Creek. Although development plans have not been finalized, the applicant is requesting (through a concurrent rezoning request) that a portion of the parcel be zoned R-A for the purpose of preserving and protecting Hilton Creek.

Thank you for considering this annexation application. If you have any questions please contact me.

Sincerely,

WATKINS, BOYER,  
GRAY & CURRY, PLLC



Will A. Kellstrom

WK:  
pc:

BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

2020 JUL 13 AM 8:10

FILED

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

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

**CC NO. 2020-013**

**ORDER CONCERNING ANNEXATION**

On this regular day of a regular term of the County Court of Washington County, Arkansas, there is presented to the Court by Patricia Lynne Severino, as Trustee of the Robert Eugene Burge Irrevocable Trused, dated December 20, 2012, the petition of the real estate owner desiring the annexation of territory to 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.
4. The Court finds that the territory consists of lands that:
  - a.. whether platted or not, are held to be sold as suburban property;
  - b. represent the actual growth of the municipality beyond its legal boundary; and
  - c. are needed for proper municipal purposes such as the extension of need police regulations.

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

DocuSigned by:  
*Joseph Wood*  
-34F18462757444F...

JOSEPH K. WOOD, COUNTY JUDGE

DATED: Jul 10, 2020 | 3:30 PM CDT

DocuSigned by:  
*TRC*  
-ABF7527CDFBB45C...



# PETITION

Date: Nov 21, 2020

Re Requests: Annexation of 3435 E Zion Rd and Rezoning for Chandler Crossing PZD

To: Fayetteville Planning Commission

This petition is to request a prudent decision to deny the annexation of 3435 E Zion Road and the Chandler Crossing PZD, due to the following issues:





1. Traffic issues and safety concerns regarding school age children, traffic through neighboring subdivisions, blind curves, inferior county roads and connectivity points, and the deteriorating one lane bridge. Jurisdiction on who is responsible for the improvements to the road and one lane bridge. The proposed development would result in as many as 600+ vehicles.
2. The flooding, storm water run-off, and drainage from the subject property into Hilton Creek, which ends up in Lake Fayetteville. Water quality in the lake has been previously studied by a toxicologist and discussed at the previous planning commission meeting. There is potential for increased lake pollution by adding 267 housing units .
3. The proposed development would create suburban sprawl and not be compatible with the surrounding land or semi-rural neighborhoods. This is sprawl, not infill, which goes against two of the goals of the City of Fayetteville. The annexation also would create an island of county property surrounded by city property.
4. The proposed development would be in the Springdale School district, so a large part of tax millage would go to Springdale School System. Yet, Fayetteville would be responsible for paying for and maintenance of the project's infrastructure.
5. A large part of the subject property is located in Fayetteville's long range map of the Enduring Green Network. The City's stated goal is to protect existing natural areas from development and guarantee green space as the city grows. The proposed annexation and rezoning do not meet that goal.

We the undersigned request a denial to the annexation of 3435 E Zion Road and a denial to the proposed Chandler Crossing PZD. The care and future growth of our unique, quaint Fayetteville should lead us to focus on quality as a top priority rather than a disruption by quantity.

Signature

Printed Name

Address

	Nancy Fuller	4260 N. Hillside Terr. Fayetteville
	Ray Fuller	4260 N. Hillside Terr. Fayetteville
	IOANNIS TSAMETAKIS	4101 N Hillside Terr, Fayetteville, Ne 72703
	Sean Hevin	4101 N Hillside Terr. Fayetteville 72703

Signature

Printed Name

Address

<del>Elaine Odle</del>	Elaine Odle	4179 N. Hillside Terr.
<del>Larry Odle</del>	Larry Odle	Fayetteville, AR 72703
<del>David Powell</del>	David Powell	4147 Hillside 72703
<del>DAVID BEAM</del>	DAVID BEAM	4077 N. Hillside 72703
<del>Debbie McCaslin</del>	Debbie McCaslin	3090 Valerie Dr 72703
<del>Clyde McCaslin</del>	Clyde McCaslin	3090 Valerie Dr 72703
<del>GADIS PATTERSON</del>	GADIS PATTERSON	4126 N VALERIE DR 72705
<del>Rebecca Patterson</del>	Rebecca Patterson	4126 N Valerie Dr 72703
<del>Chris Carlson</del>	Chris Carlson	4084 N Valerie Dr 72703
<del>Kristal Carlson</del>	Kristal Carlson	4084 N. Valerie Dr. 72703
<del>M. LeRoy Duell</del>	M. LeRoy Duell	4017 N. Valerie Dr 72703
<del>Kim V. Duell</del>	Kim V. Duell	4017 N. Valerre Dr. 72703
<del>Cindy Hsu</del>	Cindy Hsu	4030 N. Valerie Dr. 72703
<del>Harry Chu</del>	Harry Chu	4030 N. Valerie Dr. 72703
<del>Taylor Orsick</del>	Taylor Orsick	4047 N Valerie Dr. 72703
<del>Sandra Bowman</del>	Sandra Bowman	4121 N. Valerie Dr 72703
<del>Darle Bowman</del>	Darle Bowman	4121 N Valerie Dr 72703
<del>Angela Lawson</del>	Angela Lawson	4121 Valerie Dr. 72703
<del>Linda Ferguson</del>	Linda Ferguson	3258 E Valerie N. Fay 72703
<del>Sue Mayes</del>	Sue Mayes	3266 E Valerie Dr Fay 72703
<del>BEN R MAYES</del>	BEN R MAYES	3266 E. VALERIE R Fay 72703
<del>Veronica Jones</del>	Veronica Jones	3266 E. Valerie Fay 72703
<del>Mike Rieker</del>	Mike Rieker	3061 E. Valerie Fay 72703
<del>Kandy Johnson</del>	Kandy Johnson	4131 N. Valerie Dr. Fay 72703
<del>Stephen Johnson</del>	Stephen Johnson	4131 N. Valerie Dr. Fay 72703
<del>Rozan Powell</del>	Rozan Powell	4147 N. Hillside Terr. Fay 72703
<del>JOHN ROLLINS</del>	JOHN ROLLINS	4024 N. Hillside Terr. Fay 72703
<del>Barbara D. Center</del>	Barbara D. Center	4146 N. Valerie Dr Fay 72703
<del>Larry D. Center</del>	Larry D. Center	4146 N. Valerie Dr Fay 72703
<del>Nicholas B. Anthony</del>	Nicholas B. Anthony	3301 E. ZION Rd Fay 72764
<del>Kimberly A Anthony</del>	Kimberly A Anthony	3301 E Zion Rd. Fay 72764
<del>Emma Graves</del>	Emma Graves	3293 E. Z. on Rd Fay 72764
<del>DENNIS GRAVES</del>	DENNIS GRAVES	3293 E. ZION RD 72764
<del>DAVID EDDINGTON</del>	DAVID EDDINGTON	3274 E ZION RD 72764
<del>Debra EDDINGTON</del>	Debra EDDINGTON	3274 E ZION RD 72764
<del>Martha A. Poble</del>	Martha A. Poble	3281 E. ZION Rd. 72764
<del>Kathy Cooper</del>	Kathy Cooper	3209 E ZION 72764

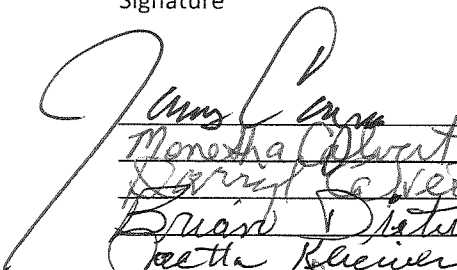
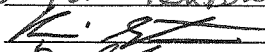



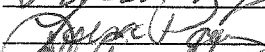

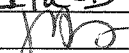
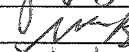
Contact Person:

Phone #:

Signature

Printed Name

Address

	JAMES COUPER	3209 E. ZION
Monetta Calvert	Monetta Calvert	3312 E. Zion Rd
Dorothy Calvert	Dorothy Calvert	3312 E. Zion Rd
Brian Dieterle	BRIAN Dieterle	3245 E. ZION
Joetta Kiewer	Joetta Kiewer	3245 E. ZION
Kelly Stewart	Kelly Stewart	3306 E. Zion Rd
Jack Stewart	Jack Stewart	3306 E Zion Rd
Kellie Robertson	Kellie Robertson	3397 E. Zion Rd
Joseph Robertson	Joseph Robertson	3397 E. Zion Rd.
Janice Chapman	Janice Chapman	3402 E Zion Rd
Tom Lenbrook	Tom Lenbrook	3462 E Zion Rd
	Kevin Starr	4652 Julie Lane
	Blanca Starr	4652 Julie Lane
Sarah Pinion	Sarah Pinion	3522 E Zion Rd
	Adam Pinion	3522 E Zion Rd.
Janet Boote	Janet Boote	4675 Copper Creek Dr.
	Paul Partridge	4689 Copper Creek Dr.
	Lisa Partridge	41089 Copper Creek Dr
	Debra Dasmundel	4701 Copper Creek Drive
Sandra Soderquist	Sandra Soderquist	4676 Copper Creek Dr
Sandy Bennett	Sandy Bennett	3834 E. Zion
Margaret Walker	Margaret Walker	3441 Peppermill Pl
Ilia D Jones	Ilia D Jones	4639 Rockledge Drive
Jessie Booth		3400 E Zion Road
Nick Booth		3400 E Zion Rd.
Michele Lang	Michele Lang	3322 E. Zion Rd
Roy Lang	Roy Lang	3322 E. Zion Rd.

Contact Person:

Michele Lang

Phone #:

501-282-3350

## Masters, Jessica

---

**From:** victoria mcclendon <viktorialeigh@gmail.com>  
**Sent:** Friday, December 11, 2020 3:31 PM  
**To:** Masters, Jessica  
**Subject:** Large development near Lake Fayetteville

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello

I would like to submit a commit of concern regarding the large development proposed near Lake Fayetteville.

My concern is for the negative impacts of excess runoff through the Lake Fayetteville watershed and for the water quality, already suffering, of Lake Fayetteville as a body of water used recreationally and attracting more citizens and visitors to that beautiful area.

In my opinion, the city planners considering the change of land use from farming property largely to residential should consciously and publicly address how to ameliorate the large amounts of new impervious surfaces that would be created.

Continuing to monitor Lake Fayetteville and including short and long term goals to improve the water quality is about education, planning, and commitment.

This is a collaborative effort, with many citizen groups contributing to the ecological health and educational building blocks as a community grows in a purposeful way.

I hope to know of our city's strong contributions, including demonstrating the value of Lake Fayetteville as a water body near and upon which people recreate.

Thank you for your attention and consideration and all the work you do in support of a remarkable city.'

Sincerely,  
Victoria B McClendon  
146 West Prospect  
Fayetteville

## Masters, Jessica

---

**From:** William Correll <bc.row@cox.net>  
**Sent:** Friday, December 11, 2020 10:33 AM  
**To:** Masters, Jessica  
**Subject:** Chandler Crossing Concern

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr Masters,

I am writing to express concern with the potential impact of the proposed development on water quality of Lake Fayetteville. I am a resident of Bella Vista. I come to Fayetteville multiple times per week to row on the lake with the Rowing Club of Northwest Arkansas. We've had to cancel rowing with increased frequency because of the recurring hazardous algae blooms. As an architect on large scale developments, I am familiar with the extraordinary care that is required in site selection and mitigation efforts to avoid harmful runoff in adjacent streams and lakes. The proposed use of this site threatens to exacerbate conditions that lead to algae blooms and other public health issues.

I have spoken to the City several times about the enormous potential of Lake Fayetteville as a public amenity. Maintaining it as a pristine jewel is an obligation to future generations. Please give strongest consideration to the water quality impacts of the proposed development. Minimal mitigation efforts should be unacceptable. Anything less than zero impact, or better a positive impact on runoff, should be reason to deny.

Thanks you for your consideration,

William Correll

## Masters, Jessica

---

**From:** Kari Griggs <kgriggs@nilfisk.com>  
**Sent:** Sunday, December 13, 2020 3:09 PM  
**To:** Masters, Jessica  
**Subject:** Annexation on E. Zion Rd. / Burge Property

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Masters,

Let me start off with saying that the neighbors along E. Zion Road appreciate the time you and the Fayetteville City Planning Commission are taking to listen to our concerns. This is especially true for my husband and I, as we are the ones that have struggled with the most financial loss and property damage. We have also fought Mr. Burge the longest, over his Hylton Creek modifications, which continue to damage our property to this day. About 20 years ago, Mr. Burge was approached by the then neighbors, and asked to remove the low-water bridge and the grate that dams the creek and drives flood water out of the creek and on to neighboring properties. At first Mr. Burge agreed, then changed his mind, for reasons that were never provided.

The pictures of the low water bridge in question show a very tranquil stream with nothing that immediately raises alarms for the surrounding area. Unfortunately, when it rains, this stream can go from a nice place to a raging flood in 20 minutes. The situation can be very dangerous. Also, once the water leaves the creek banks at the Burge bridge, it travels across the Burge farm and through our shop building. When we purchased the house, the flood water came up to the threshold of the shop doors. Now it exceeds 4 feet deep during heavier rains. I don't mean the 100-yr or 500-yr flood rains, I refer only to a simple heavy rain.



Regardless, once the water leaves its banks and travels across properties, it can't help but pick up chemicals, manure and other such things that no one wants in Lake Fayetteville.

When we first purchased our property in 1998, the back portion of our shop was in the floodplain. Each time major additions are built; the flooding problem increases. The answer seems to have been to update the floodplain and take in

more area. Unfortunately, since our home is not within the city limits, we do not get the courtesy of being notified about any such changes.

It seems that the City should correct problems as they take in County land and ensure no residents with Fayetteville addresses are negatively impacted by the desire to spread Fayetteville and gain new tax monies.

My biggest concern with the Engineer speaking for the Developer during the last Planning Commission meeting was that he mentioned that they would just leave Hylton Creek along, so they don't cause further disruption and damage. This is exactly how previous developers have been able to come in, build their additions and ignore the implications to the properties in proximity. The Developer should have to address the potential damage he will be causing to surrounding properties and be held accountable for subsequent property damages. Leaving the problem, or in this case Hylton Creek, alone does not address the problem at all and sets us up for increasing future damage. If our properties are being damaged, I fail to see how Lake Fayetteville won't be impacted too. A do-nothing resolution for the creek should not be an option.

It is also concerning that some of the E. Zion properties in the County will become an island or peninsula, which I thought was deemed to be illegal. This makes no more sense than letting an individual's creek modification continue to damage personal property and city resources.

Again, we really appreciate your time and efforts to help us. We are not opposed to progress. We do, however, need to ensure that this progress isn't solely at our expense.

**Kari and Tony Griggs**  
**479-466-7756**  
**3349 E. Zion Rd.**



## Masters, Jessica

---

**From:** Linda Ferguson <lferguson@mstonecc.com>  
**Sent:** Friday, December 11, 2020 10:48 AM  
**To:** Masters, Jessica  
**Subject:** Chandler Crossing subdivision

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.



To all Planning Commissioners, I am Linda Ferguson and live at 3258 E. Valerie Dr. Fayetteville. I am sending this email in opposition to the planned development of this property. I agree with the other property owners about the amount of homes that will contribute to the quality of water in regard to the run-off into Lake Fayetteville. I also would like to bring up the beauty of the pond area behind my home and would like the developer to consider using this area with the large trees around it as a focal point for this side of the property. In regard to the pond area we all would like to see this saved and used as part of a community gathering point for the homes he is going to build on top of that area. In another aspect this area has wild geese, wild ducks, blue heron, hawks, eagles that make this their home. I would just like to see the beauty of some of this land saved and used as part of their development, and fewer homes built so they would match the surrounding neighborhoods of this planned development. If this project goes forward our subdivision would like to have a green buffer between our property and the development. Thankyou for considering all aspects of the impact on the surrounding land and keeping the wildlife and environment secure and the beauty for the future of Fayetteville.

Linda Ferguson  
Office Manager



2002 S. 48th Street, Ste. A / Springdale, AR 72762

W: 479.751.3560 / C: 479.387.7656 / F: 479.751.4841

[www.mstonecc.com](http://www.mstonecc.com)

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GTS Lab  
1915 N. Shiloh Dr.  
Fayetteville, AR 72704  
TEL: (479) 521-1256 FAX: (479) 521-6232  
Website: [www.gtsconsulting.net](http://www.gtsconsulting.net)

November 17, 2020

Margaret Britain  
Margaret Britain  
1931 N. Wheeler  
Fayetteville, AR 72703  
TEL:  
FAX:

RE:

Order No.: 2011046

Dear Margaret Britain:

GTS Lab received 2 sample(s) on 11/10/2020 for the analyses presented in the following report.

There were no problems with the analytical events associated with this report unless noted in the Case Narrative. Analytical results designated with a "\*" or "X" qualifier exceed permit limits provided to the lab for the indicated analytes.

Quality control data is within laboratory defined or method specified acceptance limits except if noted.

If you have any questions regarding these tests results, please feel free to call.

Sincerely,

A handwritten signature in black ink that reads "Richard Brown". The signature is written in a cursive, flowing style.

Richard Brown  
Analytical Laboratory Director  
1915 N. Shiloh Dr.  
Fayetteville, AR 72704



GTS Lab  
 1915 N. Shiloh Dr.  
 Fayetteville, AR 72704  
 TEL: (479) 521-1256 FAX: (479) 521-6232  
 Website: www.gtsconsulting.net

# Analytical Report

(Continuous)

WO#: 2011046

Date Reported: 11/17/2020

**CLIENT:** Margaret Britain

**Collection Date:** 11/10/2020 3:45:00 PM

**Project:**

**Lab ID:** 2011046-001

**Matrix:** AQUEOUS

**Client Sample ID** 1 Bridge-upstream

Analyses	Result	RL	Qual	Units	DF	Prep Date	Analysis Date	Method
Nitrogen, Nitrate-Nitrite	0.3	0.3		mg/L	1		11/16/20 9:10	HACH 10206
Total Phosphorus	0.13	0.050		mg/L	1		11/17/20 9:30	EPA 365.3
E. coli	>2419.6	1		MPN/100mL	1	11/10/20 16:48	11/11/20 12:26	Colilert-18

**CLIENT:** Margaret Britain

**Collection Date:** 11/10/2020 3:56:00 PM

**Project:**

**Lab ID:** 2011046-002

**Matrix:** AQUEOUS


**Client Sample ID** 2 South of fence

Analyses	Result	RL	Qual	Units	DF	Prep Date	Analysis Date	Method
Nitrogen, Nitrate-Nitrite	0.9	0.3		mg/L	1		11/16/20 9:10	HACH 10206
Total Phosphorus	0.55	0.050		mg/L	1		11/17/20 9:30	EPA 365.3
E. coli	>2419.6	1		MPN/100mL	1	11/10/20 16:48	11/11/20 12:26	Colilert-18

<b>Qualifiers:</b>	* Value exceeds Permit Level for analyte	B Analyte detected in the associated Method Blank
	DF Dilution Factor	H Holding times for preparation or analysis exceeded
	J Analyte detected below quantitation limits	ND Not Detected at the Reporting Limit
	RL Reporting Detection Limit	S Spike Recovery outside accepted recovery limits

Revision v2

# CHAIN OF CUSTODY

Client Name/Address Margaret Britain 1931 N. Wheeler Ave. Fayetteville, AR 72703				Project Description				Billing Information Margaret Britain 1931 N. Wheeler Ave. Fayetteville, AR 72703				Field Test Information																												
												<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Test</th> <th>1st Result</th> <th>2nd Result</th> <th>Analyst</th> <th>Time</th> </tr> <tr> <td>pH:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Temp:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>DO:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Res.Cl:</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>				Test	1st Result	2nd Result	Analyst	Time	pH:					Temp:					DO:					Res.Cl:				
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Client Project Manager/Contact <b>Margaret Britain</b>				Project/Site Location (City/State)				<input type="checkbox"/> RUSH-Additional Charges Apply <input type="checkbox"/> Special Detection Limit(s) Date Results Needed				Method of Shipment <input type="checkbox"/> Fed Ex <input type="checkbox"/> UPS <input type="checkbox"/> Courier <input type="checkbox"/> Client Drop Off Other																												
Project Manager Phone # <b>(479)236-0926</b>				Project Manager Email <b>mmbritain@gmail.com</b>				Site/Facility ID#				Purchase Order Number																												
 www.gtsconsulting.net				1915 N. Shiloh Drive Fayetteville, AR 72704 Phone (479) 521-7645 Fax (479) 521-6232				Unless noted, all containers per Table II of 40 CFR Part 136.				<b>Preservative Key</b> A Cool < 10C Na2S2O3 (Micro Only) B Cool <=6C C H2SO4 Ph<2 D None Required E NaOH pH>10 F HNO3 pH<2 G HCL pH<2 H H3PO4 pH<2 I Cool <=6C Na2S2O3																												
												<b>Matrix (Refer to Key)</b> <b>Preservative (Refer to Key)</b> <b>(G)rab or (C)omposite</b> E. coli    Nitrates    Phosphorus				<b>Required Analysis</b> Laboratory Sample Number																								
START DATE	START TIME	STOP DATE	STOP TIME	Sample Identification	Matrix	Preservative	(G)rab or (C)omposite	E. coli	Nitrates	Phosphorus																														
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For Laboratory Use Only				Sampled by (Name - Print) <b>Margaret Britain</b>				Start Flow Reading		Final Flow Reading		Units		Instantaneous or Total Flow Reading																										
Ice <input checked="" type="checkbox"/> Y <input type="checkbox"/> N		Custody Seals <input checked="" type="checkbox"/> Y <input type="checkbox"/> N						Relinquished by: (SIGNATURE) Date Time 11/10/20 16:30				Received by: (SIGNATURE) <b>Richard Brown</b>		Date Time 11/10/20 16:30																										
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Planning Commission  
 December 14, 2020  
 Agenda Item 7  
 ANX-20-000001 Burge  
 Page 21 of 278

## Masters, Jessica

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**From:** Denise Jones <idjones52@gmail.com>  
**Sent:** Tuesday, December 8, 2020 4:43 PM  
**To:** Masters, Jessica  
**Subject:** Comments on Chandler Crossing PZD Resubmitted Plans

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern:

We live in the Copper Creek Subdivision near East Zion Road and have been following closely following the proposed annexation and rezoning of the Burge Property as well as plans for Chandler Crossing.

Our concerns are as follows:

- 1) The latest submitted plans are an improvement in that there is no access from Chandler Crossing to East Zion Road except by trail or emergency road. This addresses the traffic issues that many in Copper Creek/Stonewood/Embry Acres neighborhoods are concerned about. However, **are there any guarantees** that the developers won't change course again and decide to offer one or two intersections on East Zion as in the original plans? If so, then we'd be back to the same issues of traffic on a narrow road and an insufficient bridge.
- 2) Where does storm drainage from Chandler Crossing go? It does not seem to be addressed in the resubmitted plans. As the city is aware, there are serious issues and concerns with flooding in that area.
- 3) How does the design of the "link street" (the street that connects directly across Zion Road at Highway 265 where the traffic signal is) fit with the plan to eventually connect Zion all the way to Butterfield Coach Road?
- 4) As much as the resubmitted plans try to justify alignment with city goals of infilling and no sprawl, they miss the mark. We're not a big, urban city and this area is not "walkable" in the sense that residents can walk to stores, restaurants, and coffee shops. Many of us choose to live in east Fayetteville because we enjoy having a bit of space and a more suburban or rural feel. The population density for Chandler Crossing is too great. Rather than "unique" or "vital", it appears to just be crowded. The mix of what is likely to be rental properties and single family homes is another concern for the issues that can develop. We wouldn't consider buying a house in this type of subdivision.

Thank you for your time,

George and Denise Jones  
Rockledge Drive  
Fayetteville

## Masters, Jessica

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**From:** K Robertson <kellierobe@gmail.com>  
**Sent:** Thursday, December 10, 2020 6:59 AM  
**To:** Masters, Jessica  
**Subject:** Fwd: Chandler Crossing PZD - Resubmitted Plans  
**Attachments:** Chandler Crossing\_v1.pdf

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessie,

Good morning. I realize my comments may be too late to be submitted with the packet. I did review the attached information. While better than previous submissions, it appears the developer is trying to smash in as many properties as possible in the space. Again, nothing like the neighborhoods it's borders would touch. I hope you will not recommend the proposal as is. I look forward to learning more about the plans on Dec. 14.

Regards,

Kellie Robertson  
3397 E Zion Rd.

---

**Subject:** Chandler Crossing PZD - Resubmitted Plans

Thank you for your phone call. The developer submitted revised plans earlier today. Staff has not yet completed our review, but I have attached what the developer submitted for your reference. If you will have additional written comments that you would like to have included in the published report, please submit to me by Wednesday at 5:00 PM so that staff can include in our report on the issue. You are of course, as always, welcome to submit comments after that time, and of course you may plan to attend the meeting, which will be held virtually. Information about how to attend can be found [at this link](#).

Please let me know if you have any questions. Many thanks,

Jessie

**Jessie Masters**  
Senior Planner  
City of Fayetteville, Arkansas  
(479) 575-8239  
[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)  
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)





## Masters, Jessica

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**From:** Nick Anthony <nanthony@uark.edu>  
**Sent:** Wednesday, December 9, 2020 4:17 PM  
**To:** Masters, Jessica  
**Subject:** Burge farm annex and rezone

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Fayetteville City Planning Commission Member (please read all articles included below),

This is the 4<sup>th</sup> letter that I have prepared concerning the Annex and Rezoning of the Burge farm and adjoining property. I live in the corner of the L-shaped acreage and will be one of the current residences in our neighborhood impacted by your decision. I have sat through your meetings and struggled with the reality of not being in control of my destiny when it comes to this decision. I struggle with the definition of urban sprawl vs infilling. I struggle with understanding why the city of Fayetteville would even want to be a part of this. Why would the city of Fayetteville want to destroy a natural feature that has been proven to act as a natural filtration system for water entering Lake Fayetteville? The proposed "high density" housing is right on top of this feature. How can our city leaders brag about how Fayetteville is a city that "can go green in a red state"

<https://archive.curbed.com/2020/2/28/21155997/fayetteville-environment-ozarks-solar-power-sustainability>

and then consider a proposal that completely goes against the spirit of conservation, green growth and stream management. How can assets like Lake Fayetteville and the Fayetteville Botanical Gardens be gambled away in the name of "progress".

My family saw the impact of poor water management on a large lake in Ohio.

<https://www.daytondailynews.com/news/local/grand-lake-marys-dying-from-toxic-algae/sJ0D6d5BfSbuGYWGMmi9NK/>

The following is taken from a section out of Wikipedia about Lake St. Marys restoration.

## Environmental concerns and restoration efforts<sup>[edit]</sup>

Due to the increasingly high levels of lake pollution, E. coli bacteria,<sup>[9]</sup> and related algae levels, Grand Lake could be dying off as a destination lake and is considered by the Ohio Environmental Protection Agency to be "impaired" due to "stream channelization, drainage tiles, loss of floodplains and streamside vegetation, manure runoff and untreated sewage flowing from failing home septic systems and small communities without any wastewater collection or treatment."<sup>[10][11]</sup>

Runoff from farmland is one of the greatest problems. Nutrients of [livestock](#) waste and natural and chemical [fertilizers](#) are laden with [phosphorus](#) and [nitrogen](#). These elements upset the natural balance of the lake and increase the growth of [blue-green algae](#).<sup>[12]</sup> The algae is a [cyanobacterium](#), with Planktothrix being a particularly prevalent and problematic species. The bacteria produce toxic [peptides](#) that can be harmful to plants and animals.<sup>[12]</sup> Humans are also affected by the toxins. [Microcystin](#) can harm the [liver](#) and cause other health problems including mild rashes and sneezing and even severe [gastrointestinal ailments](#).<sup>[12]</sup> Agriculture runoff is not the only source of pollution in the lake. Industrial and commercial drainage contribute to the problem as does drainage from out of date [septic tanks](#) and municipal [sewage](#) systems.<sup>[12]</sup>



Heavy deposits of [silt](#) into the lake also contribute to the degradation of the lake.<sup>[13]</sup> Development of homes along the shore has reduced the number of native plants that helped to strengthen the shore and reduce erosion. Development has also increased the level of phosphates entering the lake by over fertilization of lawns. These excess phosphates directly contribute to plant growth, including the algae in the lake.<sup>[14]</sup> The native flora that has been reduced served as a filter to keep the excess nutrients out of the water.<sup>[14]</sup>

Here are the facts. Grand lake St. Marys is 13,500 acres of water while Lake Fayetteville is 194 acres of water. The St. Marys watershed is 59,160 acres while the Lake Fayetteville clear creek watershed is 14,400. If you do the math, St. Marys is 70 times the size of Lake Fayetteville but was destroyed by a watershed that was only 4 times the size of the Lake Fayetteville Clear Creek watershed.

So here is the economic impact of the algal bloom on Lake St. Marys from 2011 to 2017

<https://news.osu.edu/algal-blooms-cost-ohio-homeowners-152-million-over-six-years/>

My recommendation to you is to Annex the land into Fayetteville but make a significant effort to find a conservation group to preserve the land. Include it as part of the "Enduring Green Network" which is part of your 2040 plan. A plan that would "protect existing natural areas from development, guaranteeing green space as the city grows". Let's practice the "combination of pro-density policies with preservation". Let's "save nearby green space without contributing to sprawl". There is one thing for sure, I am not interested in paying more in taxes in the future to save Lake Fayetteville when we could have been proactive today in protecting the lake. I hope that you took the time to read all the attached material. This is a big deal.

Sincerely,

Nick Anthony

3301 E. Zion Rd

## Masters, Jessica

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**From:** James Bost <jimilyb@earthlink.net>  
**Sent:** Monday, November 16, 2020 12:09 PM  
**To:** Masters, Jessica  
**Subject:** Lake Fayetteville Algae

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms Masters

Thank you for your response to my earlier note.

With reference to our previous communications regarding concerns about pollution & blue-green algae growth at Lake Fayetteville - - The front page picture in this morning's NW Ark Democrat Gazette is a vivid example of a major cyanobacteria (also called blue-green algae) bloom as seen from the air. Although we have not locally experienced such a major event, i would hope we will continue to protect the lake to reduce the chances of further deterioration in water quality.

J. W. Bost  
2718 N. Shadybrook Cv  
Fayetteville, Ar

Sent from my Verizon, Samsung Galaxy smartphone

## Masters, Jessica

---

**From:** James Bost <jimilyb@earthlink.net>  
**Sent:** Friday, November 6, 2020 11:28 AM  
**To:** Masters, Jessica  
**Subject:** Lake Fayetteville Watershed Preservation

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have recently become aware a new housing development is being considered in the lake Fayetteville watershed. I am frequently at the lake during the warm seasons of the year. Over the past few years I have noticed major algae blooms on the lake. Studies conducted (I believe) by researchers at the U of A have confirmed this to be a blue green algae that can produce what is known as microcystin toxin that can cause illness in humans & animals such as dogs. These algae blooms no doubt are related to nutrient runoff into the creek & lake. I am concerned that residential development in the watershed will indeed further aggravate the problem of lake pollution. Properly protected & maintained, the lake could be a real asset to the City of Fayetteville providing excellent recreational opportunities for its citizens.

J.W. Bost MD, MPH & TM  
2718 N. Shadybrook Cv  
Fayetteville, Ar 72703  
Ph: 479-601-6187

Sent from my Verizon, Samsung Galaxy smartphone

## Masters, Jessica

---

**From:** Jan VanSchuyver <jvanschuyver@yahoo.com>  
**Sent:** Friday, November 6, 2020 10:13 AM  
**To:** Masters, Jessica  
**Subject:** development near Lake Fayetteville

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Jessie,

I'm concerned about the proposed Chandler Crossing development just north of the intersection of Zion Road and Hwy 265 that I think will have a huge impact on the water quality in Lake Fayetteville. The lake is a unique and beautiful asset to our city, on the square-to-square bike route, and an important outdoor destination for tourists as well as local hikers, kayakers, fisherman, and bikers. In addition, the lake is a back-up water supply for Fayetteville.

As I'm sure you are aware, the water quality of Lake Fayetteville is already compromised, with sediment and P coming in from Clear Creek clearly the culprit. The lake has already experienced repeated dangerous and unsightly blue-green algal blooms.

The addition of some 400 houses in the Chandler Crossing development, along with their roofs, roads, and sidewalks moving run-off into adjoining creeks without the natural filters of a riparian zone, cannot help but further impact the lake's water quality.

I realize Fayetteville's population is continuing to increase, and these new folks have to live somewhere. But please consider the lake's health and many benefits to our community before jeopardizing it further with this new development. Cannot this land, recently a working farm, be preserved or developed in a more responsible manner so as not to further impact Lake Fayetteville?

Thank you for your careful consideration of this important matter,

Sincerely,

Jan M. VanSchuyver  
14601 Candleglow Rd.  
Fayetteville, AR 72701  
479-445-4316

## Masters, Jessica

---

**From:** Jane Purtle <purtlej@gmail.com>  
**Sent:** Friday, November 6, 2020 11:09 AM  
**To:** Masters, Jessica  
**Subject:** Chandler Crossing Development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Masters:

During the summer I was interested in the presentations by the Fayetteville Watershed Partnership done on Zoom. These sessions informed me of the importance of Lake Fayetteville as a recreational area and as part of the source of our water. I was particularly interested in the family farms that border Clear Creek and efforts that are being made to reclaim them. I understand the importance of permeable surfaces and how riparian areas aid in water conservation and runoff.

I live in south Fayetteville and have watched the loss of wetland prairie and habitat for birds and other creatures to housing development. I am also an advocate of affordable housing, so I think we must find a balance between needs of people for housing and needs of the land to keep itself and its systems functioning.

I have big questions about approving a 400-house development in the area around Lake Fayetteville and Clear Creek and also the increase in storm water runoff. Despite all the efforts that have been made on Morningside Drive property (as an example), I expect to see some of the houses built on that property flooded when we have any kind of extreme weather. Will the area of the Chandler Crossing Development be looking at similar problems? That is a question that should be addressed to the developers, as well as the health and long-term water quality of Lake Fayetteville.

Thank you for your efforts to insure Fayetteville's continued efforts to balance the needs of its land and people.

Sincerely,

Jane Purtle

## Masters, Jessica

---

**From:** Jay Johnson <jaydouglasjohnson@gmail.com>  
**Sent:** Tuesday, November 10, 2020 1:51 PM  
**To:** Masters, Jessica  
**Subject:** Lake Fayetteville and the Proposed Chandler Crossing Development

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jessie,

I'm a Fayetteville resident who frequently rows on, runs around, bikes around or hangs around Lake Fayetteville. I am very concerned about the proposed Chandler Crossing development. You know the water quality of Lake Fayetteville is problematic with sediment and P coming in from Clear Creek clearly the culprit. The lake has experienced repeated dangerous blue-green algal blooms (microcystin toxin), which correlate to the eutrophic conditions in the lake.

The lake is an important outdoor destination for hikers, bikers, rowers, kayakers, and fisherman. It's on the square to square bike route, and has visitors from throughout the region. It could very well be the crown jewel in the center of Fayetteville's growing trail and activities system. The lake deserves to be protected for generations to come.

The Chandler Crossing development, with ~400 houses within the lake's nearby watershed, will negatively impact the lake's water quality. The plan includes miles of impervious surfaces: roofs, roads, sidewalks--all surfaces that will move sediment and P laden run-off directly into the adjoining creeks without the natural filters that a plant rich riparian zone can provide. Neighbors have provided photos to you demonstrating recent flooding.

I'm sure the planning commission is also aware that Lake Fayetteville is the City's back-up water supply. For that reason alone, we should be careful of developments in the watershed.

One of the recommendations in the Watershed Conservation Resource Center's report (funded in part by the City of Fayetteville) was to "Conserve family farms as working farms . . ." This ~80 acre plot was until recently a working farm.

I realize that we cannot stop growth completely in an area where the population is increasing, but I would ask that you pause and reconsider this development with the health of the lake in mind. Can the land be preserved or developed in a way that will have less of an impact on our water supply?

--

Cheers,  
Jay

One can only "Surf the Edge" in this present moment.

---



Virus-free. [www.avg.com](http://www.avg.com)

## Masters, Jessica

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**From:** John Fritz <johnfritz2052@gmail.com>  
**Sent:** Friday, November 13, 2020 10:41 PM  
**To:** Masters, Jessica  
**Subject:** Chandler Crossing development

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear J Masters, Please consider that the attraction of Lake Fayetteville is a primary motivation for people wanting to move to a potential development at Chandler Crossing. And that this development at Chandler Crossing would negatively impact this very attraction, Lake Fayetteville. Non-point pollution from a development at Chandler Crossing, in particular phosphorus runoff, would spur to even greater detriment the algae blooms that Lake Fayetteville already suffers. And so, negatively impact the motivation for people wanting to move to a Chandler Crossing development. At the very least please incorporate Rain Garden design throughout any potential Chandler Crossing development, so as to mitigate any potential run off to Lake Fayetteville. Thank you. Sincerely, John J. Fritz.



## Masters, Jessica

---

**From:** Joseph Robertson <joseph.robertson@outlook.com>  
**Sent:** Friday, November 13, 2020 3:02 PM  
**To:** Masters, Jessica  
**Subject:** 3435 E Zion Rd related items - planning commission meeting 11/9 and upcoming 11/23

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Masters, please include the following letter in the commissioner's packet for the next meeting.

Mr. Boccaccio had a question in the last meeting about where the catchment pond was as referenced by Mrs. Griggs. The only flood catchment pond I know of on this side of Copper Creek is located adjacent to David Lashley park on the East side, and it does not appear to be catching runoff from that neighborhood. It is a separate entity from what the developers are proposing for this property.

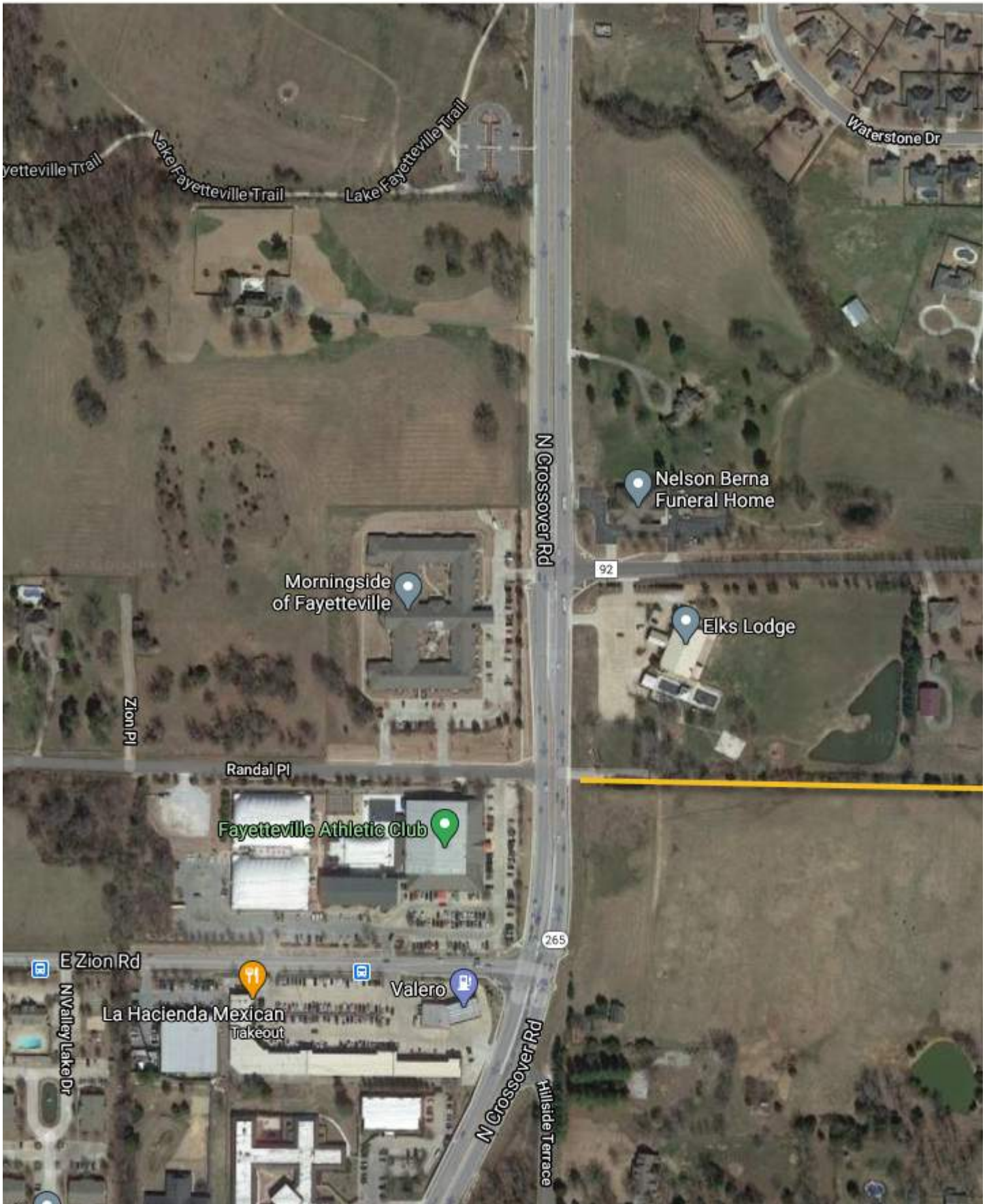
Commissioner Paxton asked near the end of the meeting about the exact location of the low-water bridge (and fencing that currently contributes to flooding) also mentioned by Mrs. Griggs. That bridge **is** on the property being discussed in these annexation and rezoning proposals. It sits adjacent to my and Mr. Anthony's property line.

### 2020-0959 ANX 2020-000001 (3435 E. Zion Rd./Burge)

The Northern portion of the 'L' shape of this annexation request - if approved - would cause my land to be encircled by the city. I am afraid that approval of the annex as-is would be taking away my choice of whether or not to remain in the county. At the very least, it would cause confusion for emergency services.

By annexing this land, are we **enabling** development that would otherwise be avoided at the density proposed? It could very well lead to increased flooding and have the opposite effect of conservation that you would like.

Annexation and subsequent development of this property - in my opinion - would lower my property value because of increased flood risk, and the traffic & safety concerns we have already raised. Annexing makes more sense near the proposed future Zion to Oakland Zion connection. It does not make sense on the section mostly North of Hilton Creek where it would cause 12 homes (13 properties) to remain in the county yet be encircled by the city as seen by careful examination of the next to last map that includes satellite imagery. These homes lie West and North of the Burge's property being discussed. I have included a screenshot from Google maps to illustrate which houses would remain County while being surrounded by Fayetteville boundaries.



2020-0960 RPZD 2020-000002 Planned Zoning District (3435 E. Zion Rd./Chandler Crossing Rd)

If this land must be developed, I would prefer to see 2-3 acre lots with single family homes if at all possible which would be in keeping with the current housing on Zion in this section. We purchased our homes because this is the size and style of neighborhood where we want to live. We want owner occupied housing to produce the highest quality long-term housing market. Ideally, we would have a greenway path connecting to or near the David Lashley park integrated with sufficient flood control measures. The proposed catch ponds cover areas that already flood prior to any development so I find it very hard to believe they would be sufficient. Flood risk is a primary concern.

One solution to other concerns regarding vehicular traffic and the existing road/bridge is to **not** allow a neighborhood connection between development on the two sides of Hilton Creek. This step would mitigate construction traffic concerns, future vehicular use traffic, and avoid future issues with bridge/culvert stoppages. It would also address the concern raised about the safety of placing an extra neighborhood exit near a hilltop, a 90-degree curve, and an opposing neighborhood exit - as this additional exit would no longer be needed.

Thank you for your consideration,

Joseph Robertson  
3397 E. Zion Rd.

## Masters, Jessica

---

**From:** Kari Griggs <kgriggs@nilfisk.com>  
**Sent:** Monday, November 9, 2020 11:50 AM  
**To:** Masters, Jessica; Michele Lang (mlang9669@gmail.com); kellierobe@gmail.com  
**Subject:** E. Zion

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Ms. Masters and Fayetteville City Planning Commissioners,

I won't rehash our previous concerns, such as our property flooding every year since 1998, the fact that we did not even recover and finish rebuilding our flooded out home before we were hit by another flood, the fact that we have asked for help from the City and County for years – but only succeeded in starting a finger pointing war, that we continue to deal with a very dangerous bridge and road just to get to our property, but please don't mistake this stance as a lack of commitment and concern for our neighborhood on E. Zion Rd.

We are very disturbed that the annexation of the former Burge farm on E. Zion Rd. continues to be discussed without the resolution of flooding and traffic problems that have affected our properties for far too long.

I do, however, understand that the owner of the Burge property considers herself to be in desperate need to sell the property for financial reasons. This comes from also being forced into financial straits, due to the yearly flooding of our property, home and shop. This flooding does not come every few years. We, instead, have had to manage it every year since purchasing our property in September of 1998. We have tried every avenue possible to force the problems to be corrected, but due to the City of Fayetteville and Washington County refusal to take responsibility to help the situation, we continue to try to stay on top of the new damage. It would be nice to invest in upgrades to our property, but that is well beyond us now.

The troubling aspect of this flooding issue on E. Zion is that the flood waters do not often leave the Hylton Branch/Creek banks, but instead come out of the creek on the Burge property. Unfortunately, the situation only worsened after someone approved Copper Creek's dumping all of their run-off water into the branch on Burge property. To compound the situation, Robert Burge had built a bridge over the creek so that his animals could cross to the back pasture. The bridge has a grate in front of it, which allows the structure to effectively dam the creek and push water out of the banks and on to the surrounding property.

After many discussions with Mr. Burge, it was apparent that he had no intension of working with the neighbors at all.

Now that Mr. Burge has passed, we had hoped that his family would attend to his property in a way that did not cause damage to the neighbor's properties. The new owner may be suffering financially, but she has access to her air-conditioned cab-over John Deere tractor, which could remove the dam. In the past, several neighbors have offered to help rebuild the bridge for the Burge farm animals in a way that does not cause damage to downstream properties. I dare say that helping to prevent further damage to our own property would interest the neighbors in pitching in to clean the creek bed while the Burge property owner ensures that her bridge is no longer a dam. While that was taking place, I see no reason why some regrading and creek bed development on the Burge property could be done as a good neighbor helping others, which would be a great help in protecting the neighbor's properties.

We believe that the neighbors on E. Zion should be provided with information on the potential annex area development plans before they are put in place. Case in point, when HWY 265 was upgraded, the covert pipe that was scheduled to be installed under HWY 265 was undersized and would have led to an even worse flooding problem. The E. Zion neighbors, at the time, attended a planning meeting in Fayetteville and brought up this issue. It was decided that the culvert pipe should be larger. My question is why on earth the neighbors have to call foul on shortcomings of city design plans. We should not be the experts or the watchdogs, but we are forced to do this.

To you Ms. Masters and to the Fayetteville Planning Commission members, how do you intend to look at this situation and resolve the existing problems before moving forward? You can't have a water drainage system designed for Copper Creek, one for the Burge property, and let the E. Zion neighbors deal with the flooding fallout. The system has to be all inclusive and designed with all of the input and outputs accounted for understood over time. Consider the area as one and plan for the entire area. It is not enough for an engineer to walk out to our properties, look around and proclaim that "I don't see no problem", as we have experienced before.

This is a very threatening situation for my family and for the families around us. We do not want to be ignored or told that land owners can do what they will with their property, without regard to devastating effects caused to others. We do not want to be caught between the City of Fayetteville and Washington County in a way that assures we are not represented or helped.

You need to resolve the flooding issues in the E. Zion area and insure the people of this area are not fighting an uphill battle.

You should also review the traffic situation on E. Zion. The bridge is falling apart, people think of this road as the E. Zion speedway, the shoulders are nearly nonexistent and the ones that do exist have gaping holes that can easily shoot a vehicle out of control.

We urge you to stop letting the tax dollar signs cloud your judgement for long enough to address our problems first. There is no way in good conscience that you can move forward with this annexation before ensuring that current, long term residents are being protected.

We are sincerely asking for your help in getting the City and County Planners to work together and resolve these long-standing issues once and for all.

Best regards,

Kari Griggs  
3349 E. Zion Rd.  
Fayetteville, AR 72764  
(479)466-7756

## Masters, Jessica

---

**From:** K Robertson <kellierobe@gmail.com>  
**Sent:** Wednesday, November 18, 2020 10:19 AM  
**To:** Masters, Jessica  
**Subject:** Re: Annexation and development of 3435 E Zion Rd

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Commissioners and Ms. Masters,

Thank you again for taking the time to review this proposal carefully. As I have stated previously, we are not anti-development, we are against poorly thought out developments that increase the risk for property damage from increased flooding, increase the risk for damage to our natural resources, and change the dynamics of our neighborhood.

One issue not heavily discussed is how the annexation will leave out about 12 homes, creating almost a doughnut of county, surrounded by city. I believe your own planning guidelines state this situation should be avoided. I am concerned about how this doughnut would affect the residents access to police and fire services. We would also be affected by city rules, but have no say and no representation within the city government. Others have presented recommendations to address our concerns. I hope you will consider them carefully. My family is against this proposal as it is currently written.

Many of us, and you, are overwhelmed with the complexities of life with COVID. Continuing to push forward and carefully considering long term effects can be a challenge. The planning team has shown, while not always in agreement, that their intent is for the success of Fayetteville. Please don't let fatigue stop you from following your city goals. Discourage urban sprawl. Infill where it makes sense (not prime farm land).

Thank you again for the work you do.

Regards,

Kellie Robertson  
3397 E Zion Rd.

## Masters, Jessica

---

**From:** Kelly Stewart <kestewart@mayborngroup.com>  
**Sent:** Wednesday, November 18, 2020 9:21 AM  
**To:** Masters, Jessica  
**Subject:** Zion rd Annex/Rezone Request Questions

**Importance:** High

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessica-

A couple of questions...

- How is the development designed to mitigate the increase in rainfall runoff?
- Initial construction can result in large sediment loads to downstream creeks and lakes, so what are the construction BMPs that will be used?
- Who is the regulatory authority responsible for enforcement, compliance, and complaints??

Thanks!!!

Also, is it helpful for me to send additional flooding videos?? Which is a result of the already insufficient Stonewood /Copper Creek water retention and runoff plan....

Kelly Stewart

**Kelly Stewart**

Category Management Manager - Walmart  
479-841-9095  
kestewart@mayborngroup.com



If you've received this email by mistake, we're sorry for bothering you. It may contain information that is confidential, so please delete it and any attachments without sharing. And if you let us know, we can try to stop it from happening again. Thank you.

We may monitor any emails sent or received by us, or on our behalf. If we do, this will be in line with our own policies and relevant law.

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## Masters, Jessica

---

**From:** Planning Shared  
**Sent:** Thursday, November 5, 2020 4:06 PM  
**To:** Masters, Jessica  
**Subject:** FW: Annexation proposal south of Zion Road

Sorry, just saw this.

Andy Harrison  
Development Coordinator  
Planning Division  
125 W. Mountain  
City of Fayetteville, Arkansas 72701  
aharrison@fayetteville-ar.gov)  
T 479.575.8267 | F 479.575.8202  
Website | Facebook | Twitter | Instagram | YouTube

-----Original Message-----

**From:** Kevin Boote [mailto:bootekevin@gmail.com]  
**Sent:** Thursday, November 05, 2020 11:54 AM  
**To:** Planning Shared <planning@fayetteville-ar.gov>  
**Subject:** Annexation proposal south of Zion Road

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

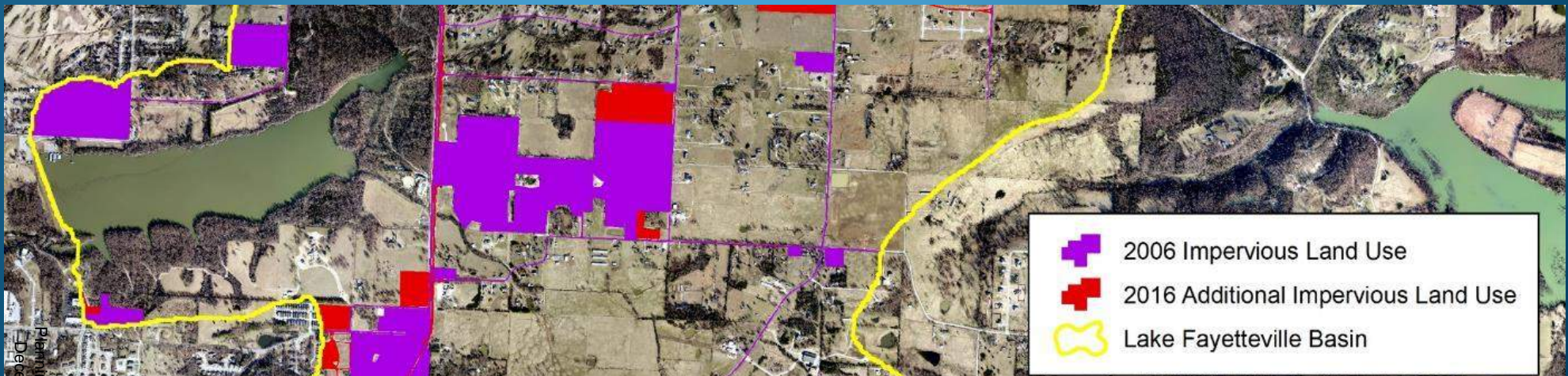
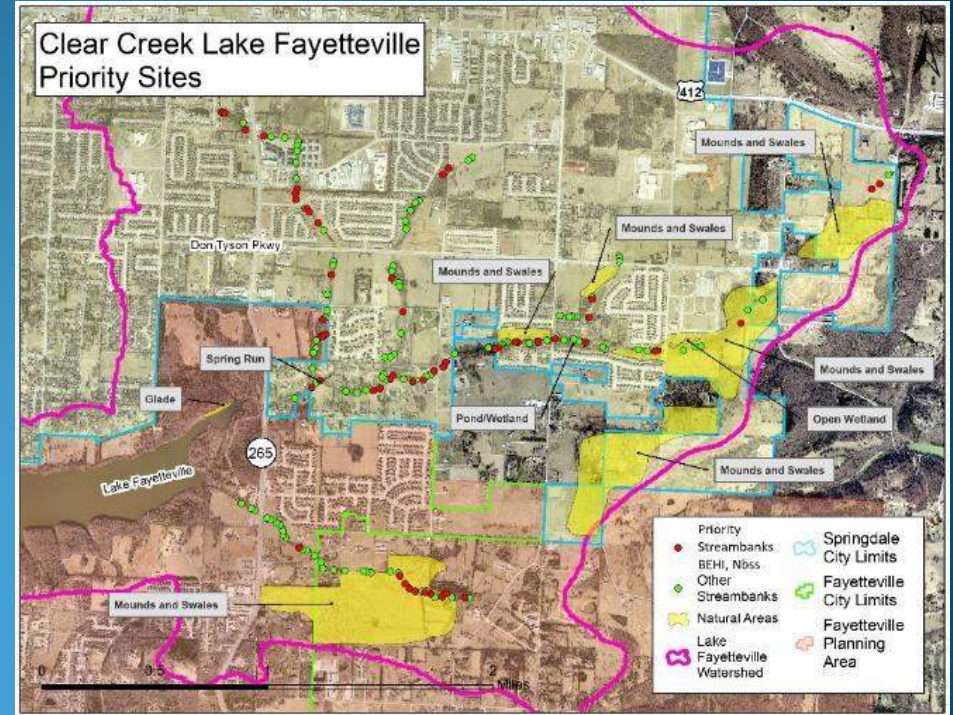
Planning Commission Members: As a Fayetteville resident who lives on Copper Creek Drive just off of Zion road I have a few thoughts on the neighborhood being proposed south of Zion and the traffic situation that would follow. The proposed entrance to the new neighborhood includes two spots on Zion where intersections would be added. Presently not only is the one lane bridge a problem before and after work, but taking a left turn from Zion to going south on Crossover is just plain dangerous.

Traffic would probably end up going down to Hearthstone to use the stop light access instead of Zion. I really feel any additional housing south of Zion would need a new road that will go west across Crossover to Zion. Entrance from the new neighborhood to Zion should be very limited, to encourage people to use the stoplight corner on Crossover. That will be safe for everyone, and keep Copper Creek Drive and Hearthstone from being jammed with commuters every day. Zion road will need major work, widening and bridge expansion. A new entrance/exit road would be better for all involved. Please don't start a large expansion south of Zion until a new road is built. Thank you for your time and consideration of my comments. Sincerely, Kevin Boote 711-441-0308

Sent from my iPhone



# Riparian and Streambank Erosion Assessment of Clear Creek Lake Fayetteville Watershed Partnership Zoom Session



Sandi J. Formica, Watershed Conservation Resource Center  
June 9, 2020

# Watershed Conservation Resource Center

## Who Are We?

- 501 (C)(3) Non Profit Organization
- Specialize in
  - Watershed Assessment
  - Watershed Planning
  - Stream and River Restoration
- Provide assistance to Government Agencies, Local Municipalities, Watershed Groups, Landowners, Water Districts, other NGOs, and more
- 15 years old with 11 staff persons



# Riparian and Streambank Erosion Assessment of Clear Creek

## Partners

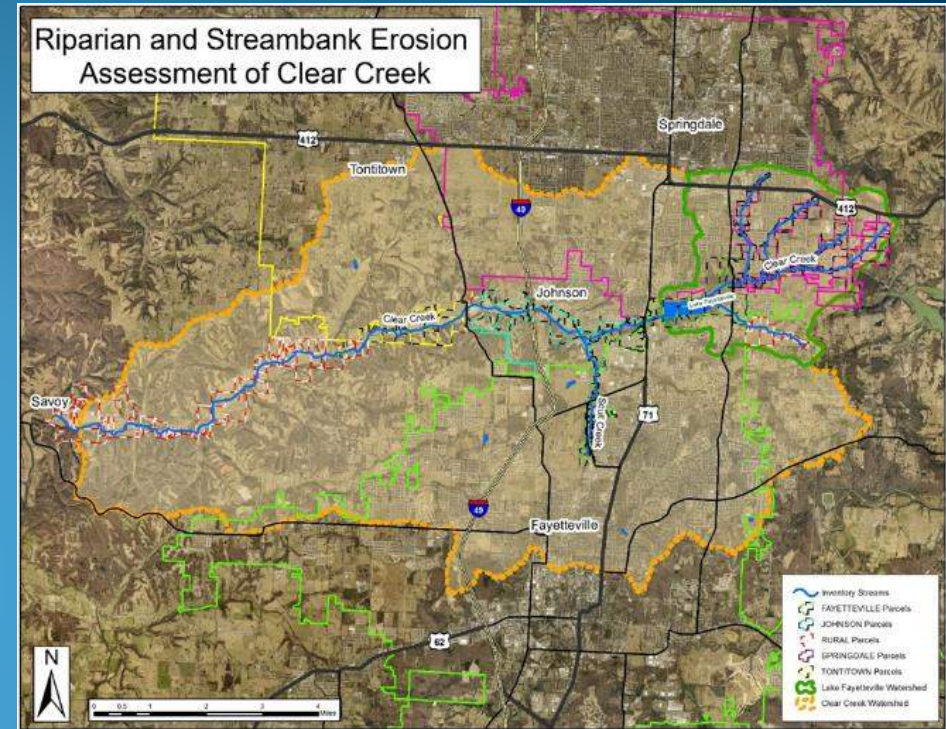
- Provided Funding
  - USDA Natural Resource Conservation Service
  - Watershed Conservation Resource Center (Lead)
  - City of Fayetteville
  - City of Springdale
- Provided In-kind Match, Assistance, or Participation
  - Washington County Cooperative Extension Service
  - Lake Fayetteville Watershed Partnership
  - Illinois River Watershed Partnership
  - Cities of Tontitown & Johnson



# Riparian and Streambank Erosion Assessment of Clear Creek

## Project Overview

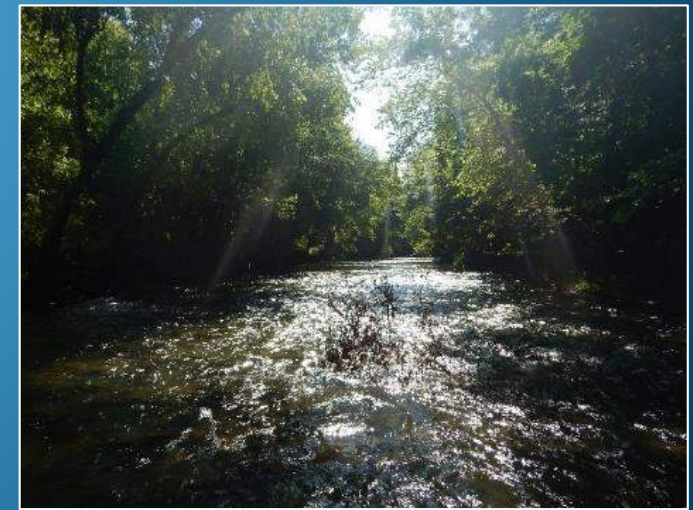
- Results of Assessment Work
  - Streambank Erosion
  - Natural Areas
  - Riparian
- Lake Fayetteville Watershed
  - Land Use and Impervious Surface
  - Priority Sites
- Invasive removal techniques guide



# Riparian and Streambank Erosion Assessment of Clear Creek

## Assessment Results

- Results of Assessment Work
  - Streambank Erosion
  - Natural Areas
  - Riparian
- Data and Information Useful for Local Planning
  - Help to select future project sites
    - To reduce Sediment, Phosphorus, and Nitrogen within the Illinois River Watershed
  - Help Fayetteville, Springdale, Tontitown, & Johnson to
    - Evaluate proposed development that could potentially impact streams, wetlands, and springs
    - Select stream restoration sites where infrastructure is threatened
  - Provide information on unique areas that could potentially be protected, such as, wet prairies, wetlands, rare plant habitat, rare aquatic species habitat, and stable sections of stream.



# Riparian and Streambank Erosion Assessment of Clear Creek

## Results: Streambank Inventory and Erosion

### Inventory of Eroding Streambanks

- Evaluated Erodibility of 413 Streambanks over 26 miles of Stream
- Bank Erosion Hazard Index (BEHI)
  - Bank Height Ratio
  - Bank Angle
  - Root Density
  - Root Depth
  - Surface Protection
  - Bank Material
  - Stratification
- BEHI range: 0 (low) to 48 (extreme) points
- Near Bank Shear Stress (NBSS) ranges low to extreme
- Measured Streambank
  - Height
  - Length



Very High  
BEHI & NBSS



Low  
BEHI & NBSS

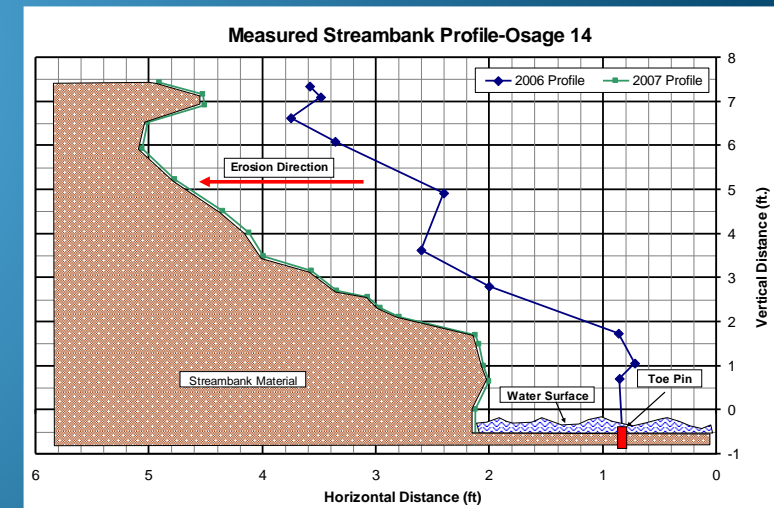
# Riparian and Streambank Erosion Assessment of Clear Creek

## Results: Streambank Inventory and Erosion

Evaluated erosion over a one-year period at 42 sites with a variety of BEHI/NBSS combinations

- Developed Streambank Erosion Prediction Curves
- Can calculate volume of bank material lost annually
- Use to prioritize sites for restoration

Bank ID	BEHI	NBSS	Bank ID	BEHI	NBSS	Bank ID	BEHI	NBSS
NECC 8	MODERATE	Low	CC 186	VERY HIGH	Very High	CC 321	VERY HIGH	Extreme
NECC 12	HIGH	Moderate	CC 196	MODERATE	Low	CC 327	EXTREME	Extreme
NECC 20	HIGH	Moderate	CC 204	MODERATE	High	CC 328	MODERATE	High
NECC 33	HIGH	Moderate	SC 208	MODERATE	High	CC 343	HIGH	Moderate
NECC 56	MODERATE	Low	SC 213	HIGH	High	CC 352	VERY HIGH	Moderate
NECC 73	MODERATE	Low	SC 214	HIGH	Moderate	CC 355	MODERATE	Extreme
NECC 81	HIGH	Moderate	SC 227	MODERATE	Moderate	CC 356a	EXTREME	Very High
NECC 106	HIGH	Very High	MC 249	HIGH	High	CC 356b	EXTREME	Extreme
NECC 110	HIGH	High	CC 254	EXTREME	Very High	CC 387	VERY HIGH	High
NECC 115	HIGH	Moderate	CC 260	MODERATE	High	CC 388	HIGH	Very High
NECC 119	VERY HIGH	Very High	CC 280	MODERATE	High	CC 389	HIGH	Moderate
NECC 122	HIGH	Moderate	CC 281	MODERATE	High	CC 411	HIGH	High
SECC 150	LOW	Low	CC 283	HIGH	Moderate	CC 412	MODERATE	Moderate
SECC 152	HIGH	Low						
SECC 157	HIGH	Moderate						
SECC 164	HIGH	Low						



# Riparian and Streambank Erosion Assessment of Clear Creek

## Results: Streambank Inventory and Erosion

### Streambank Material Sampling Results

Used to Calculate Streambank Material Loadings

- Twenty two samples were collected at various locations throughout the Clear Creek watershed
- Ten were obtained from streambanks composed of fine material
- Twelve were obtained from streambanks composed of coarse material

Soil Type	TN	TP	Bulk Density
	lb/ton	lb/ton	ton/yd <sup>3</sup>
Fine	1.38	0.54	1.18
Gravel	0.43	0.24	1.91
Cobble	0.27	0.2	1.87

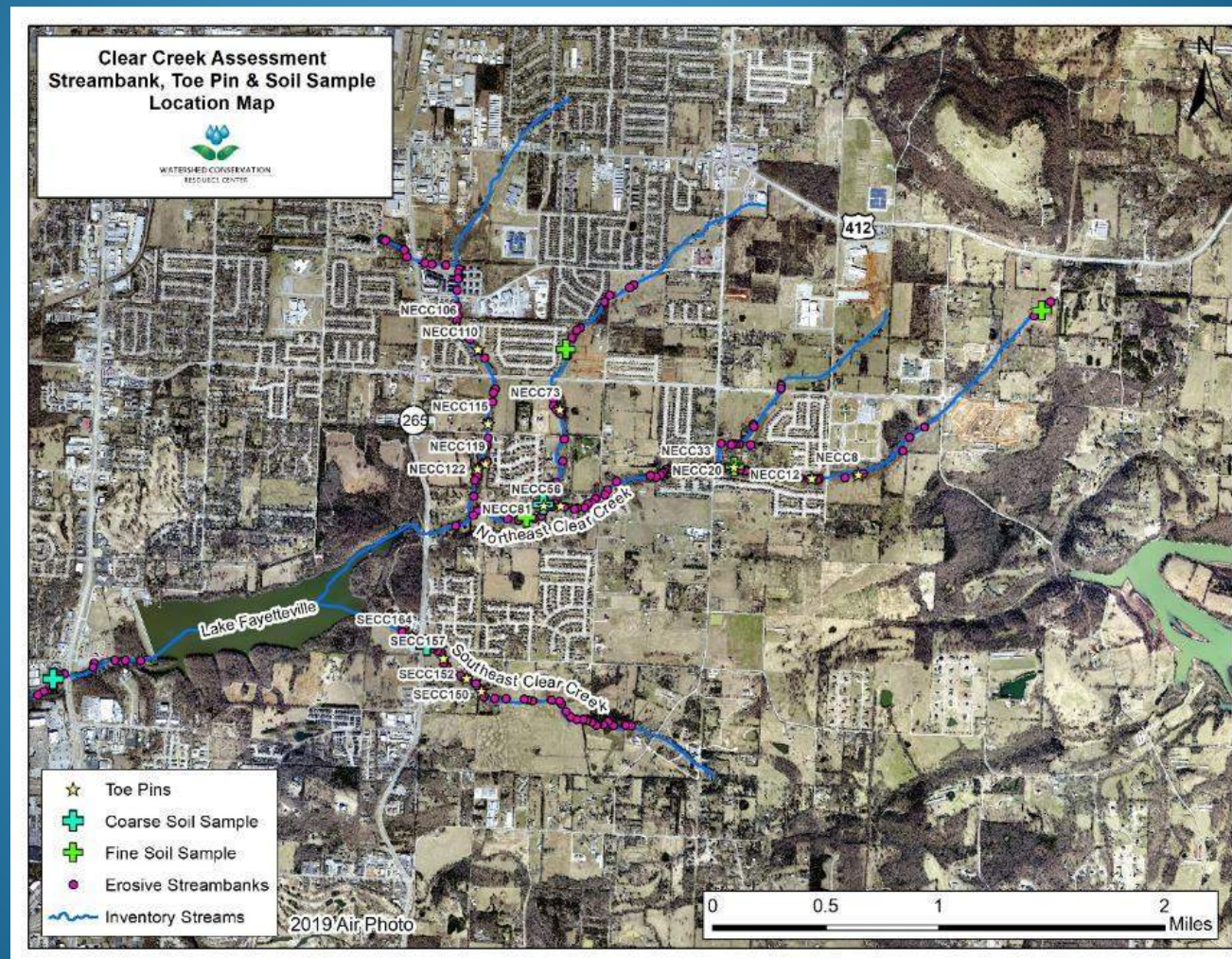




# Riparian and Streambank Erosion Assessment of Clear Creek

## Results: Streambank Inventory and Erosion

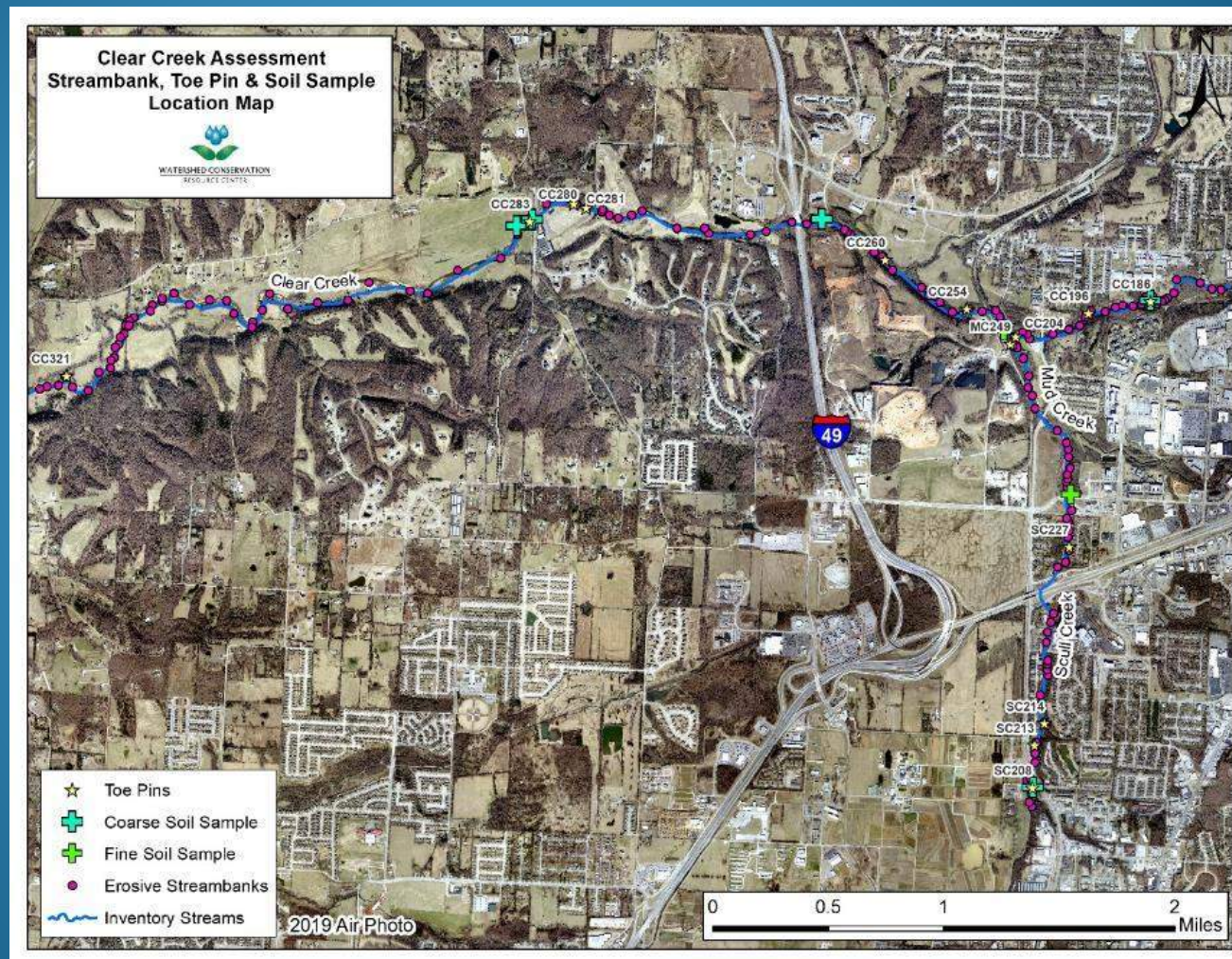
413 Streambanks Evaluated Over 26 miles;  
42 Erosion Monitoring Sites; 22 streambank sampling sites



# Riparian and Streambank Erosion Assessment of Clear Creek

## Results: Streambank Inventory and Erosion

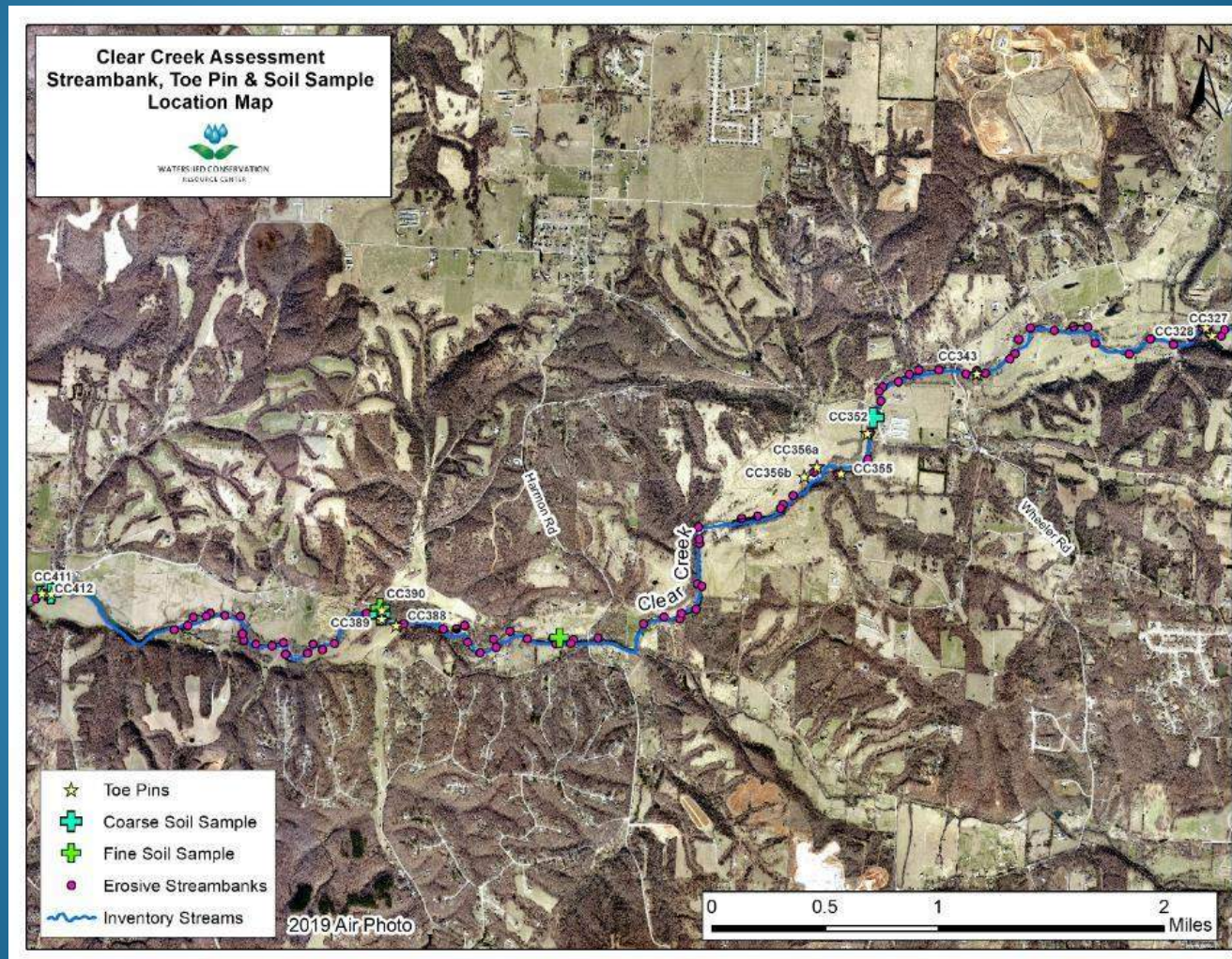
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# Riparian and Streambank Erosion Assessment of Clear Creek

## Results: Streambank Inventory and Erosion

413 Streambanks Evaluated Over 26 miles;  
42 Erosion Monitoring Sites; 22 streambank sampling sites



# Riparian and Streambank Erosion Assessment of Clear Creek

## Results: Natural Area Inventory

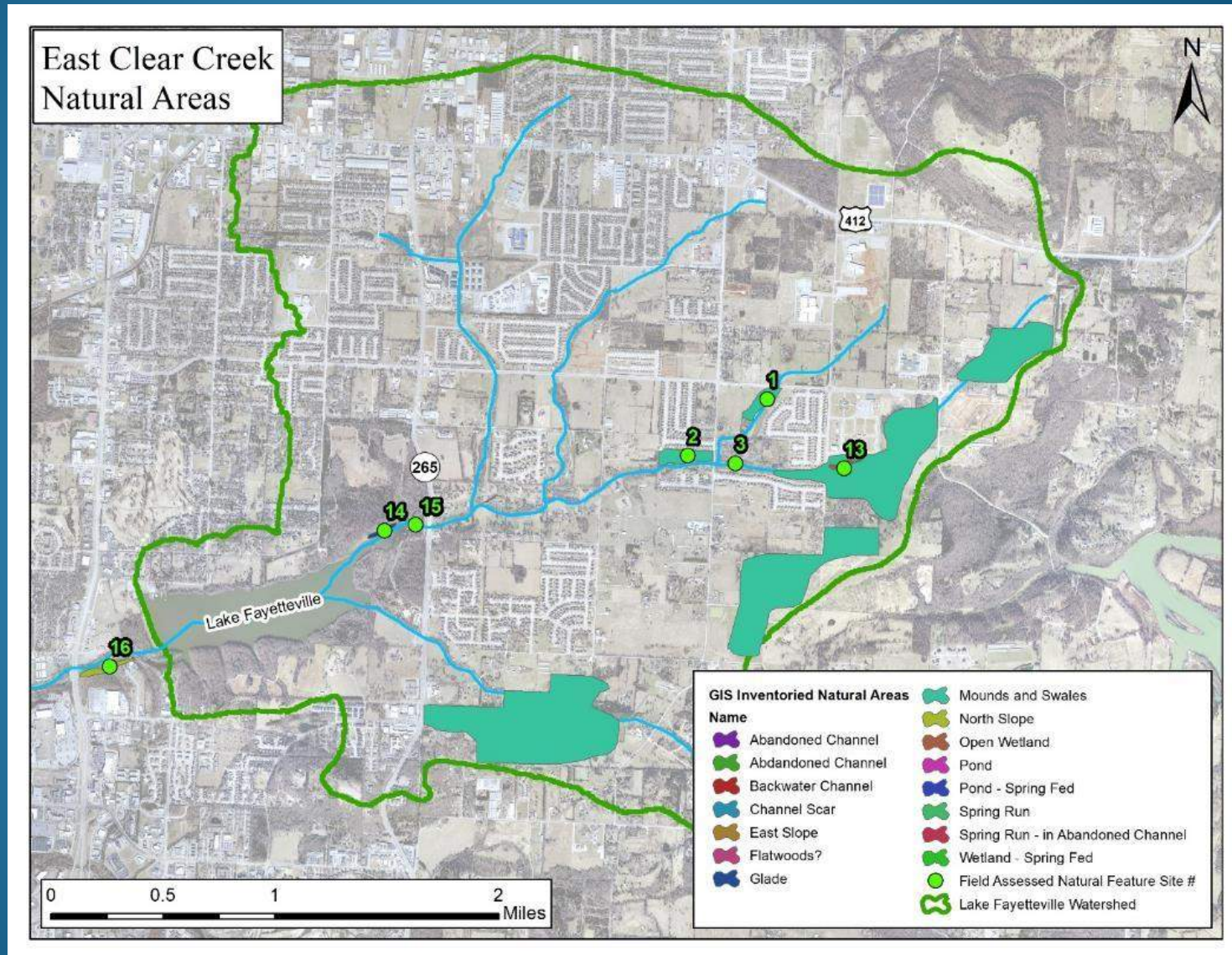
### Features Identified

- Abandoned Channels
- Backwater Channels
- Channel Scars
- East Slopes
- Flatwoods
- Glades
- Mounds and Swales
- North Slopes
- Open Wetlands
- Ponds/Wetlands
- Spring Fed Ponds
- Spring Runs
- Spring Fed Wetlands
- Spring Runs in Abandoned Channels



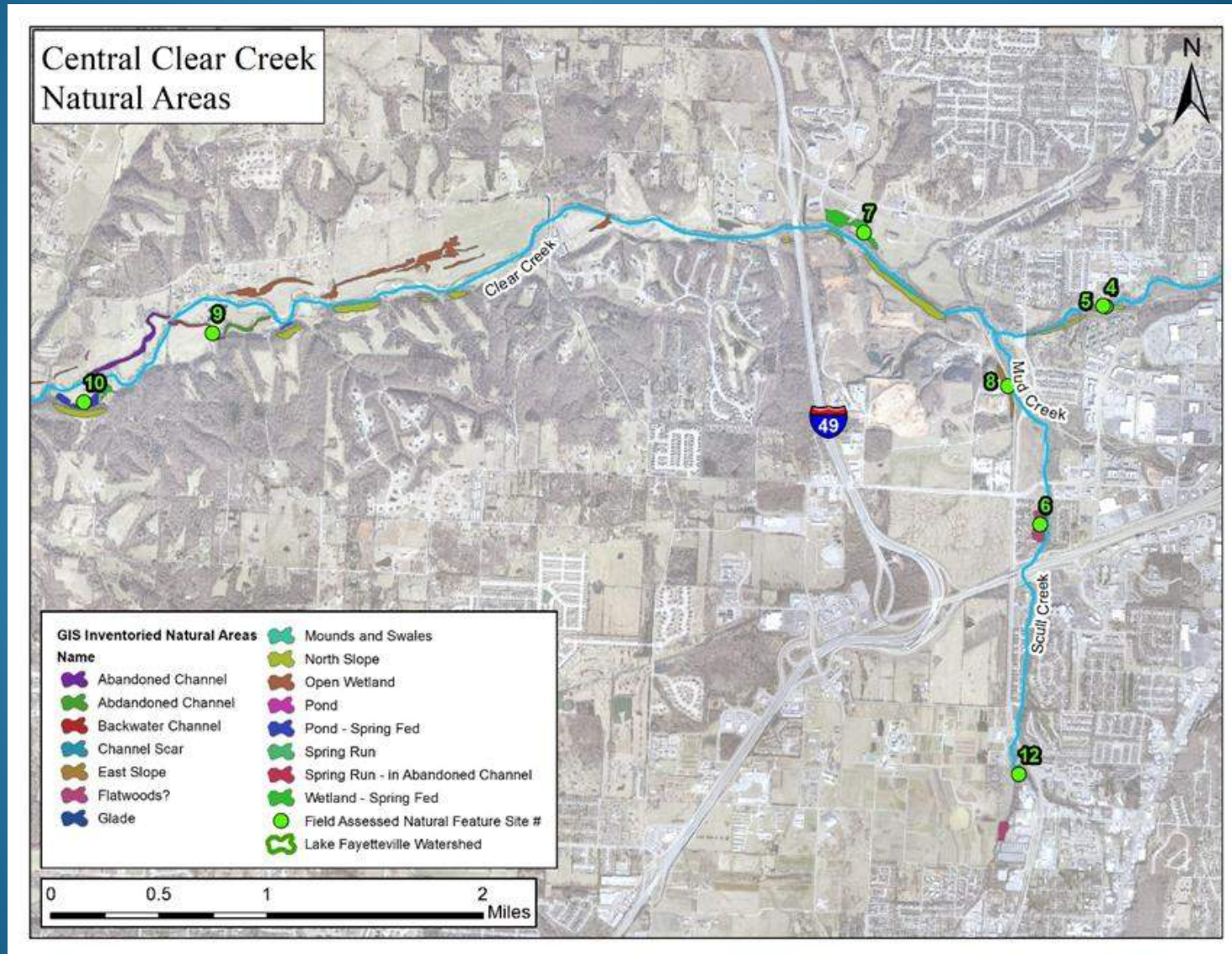
# Riparian and Streambank Erosion Assessment of Clear Creek

## Results: Natural Area Inventory



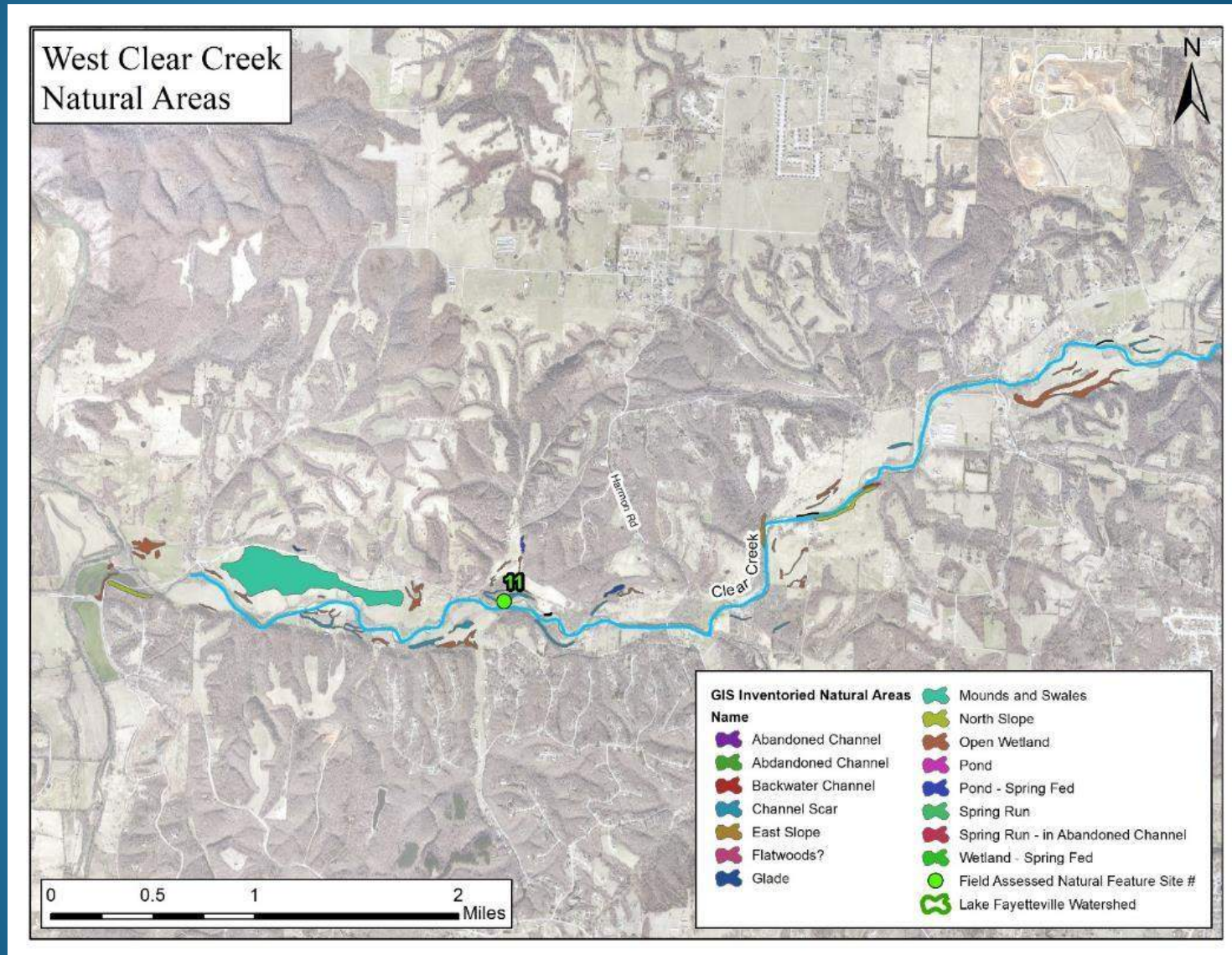
# Riparian and Streambank Erosion Assessment of Clear Creek

## Results: Natural Area Inventory



# Riparian and Streambank Erosion Assessment of Clear Creek

## Results: Natural Area Inventory



# Riparian and Streambank Erosion Assessment of Clear Creek

## Collaboration & Natural Area Inventory Resulted in Discoveries

- WCRC worked with Arkansas Natural Heritage and Arkansas Game & Fish who were searching for Least and Arkansas Darters
  - The two state agencies visited several natural areas identified through this study and found:
    - 48 Least Darters on a Clear Creek tributary near Wheeler, AR
    - Similar work (Fayetteville Assessment) resulted in finding
      - 17 Arkansas Darters found on Clabber Creek

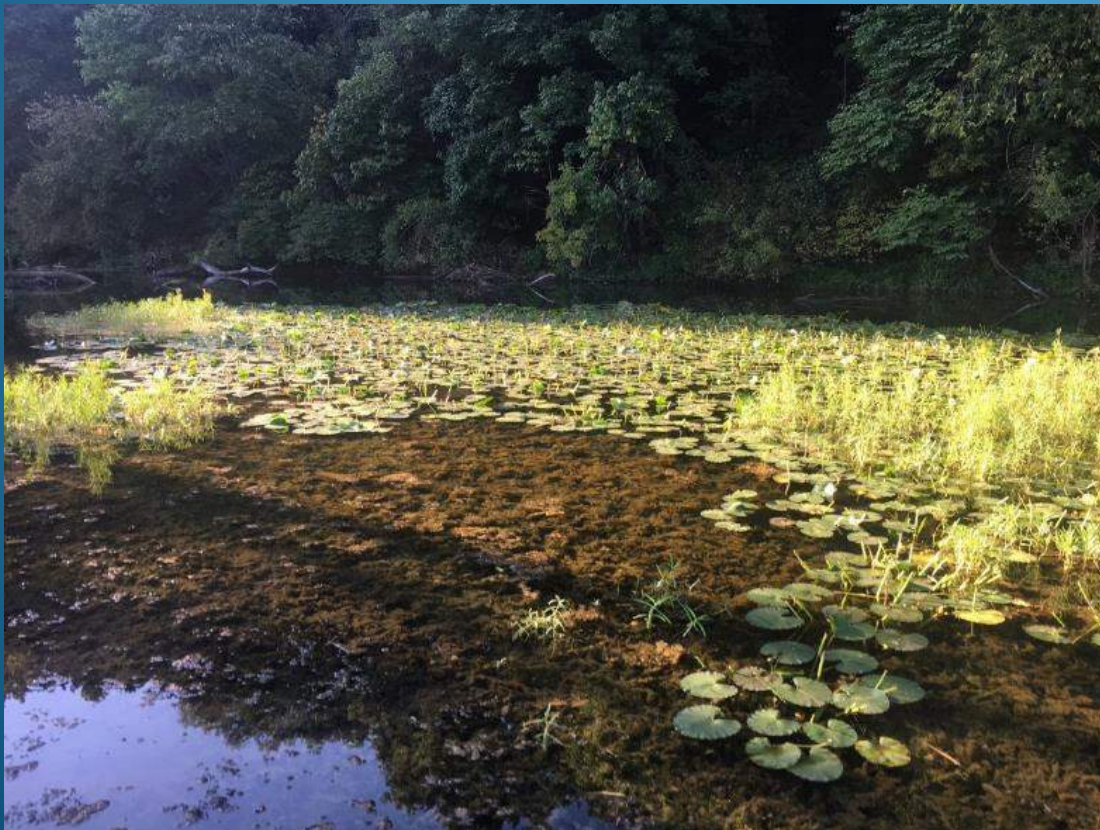




# Riparian and Streambank Erosion Assessment of Clear Creek

## Collaboration & Natural Area Inventory Resulted in Discoveries

- Found on a terrace feature of Clear Creek:
  - A Spring-fed march and oxbow pond
  - Rare feature in the Ozark, where an oxbow is spring-fed
  - Only one other identified at this time (Theo Witsell)



# Riparian and Streambank Erosion Assessment of Clear Creek

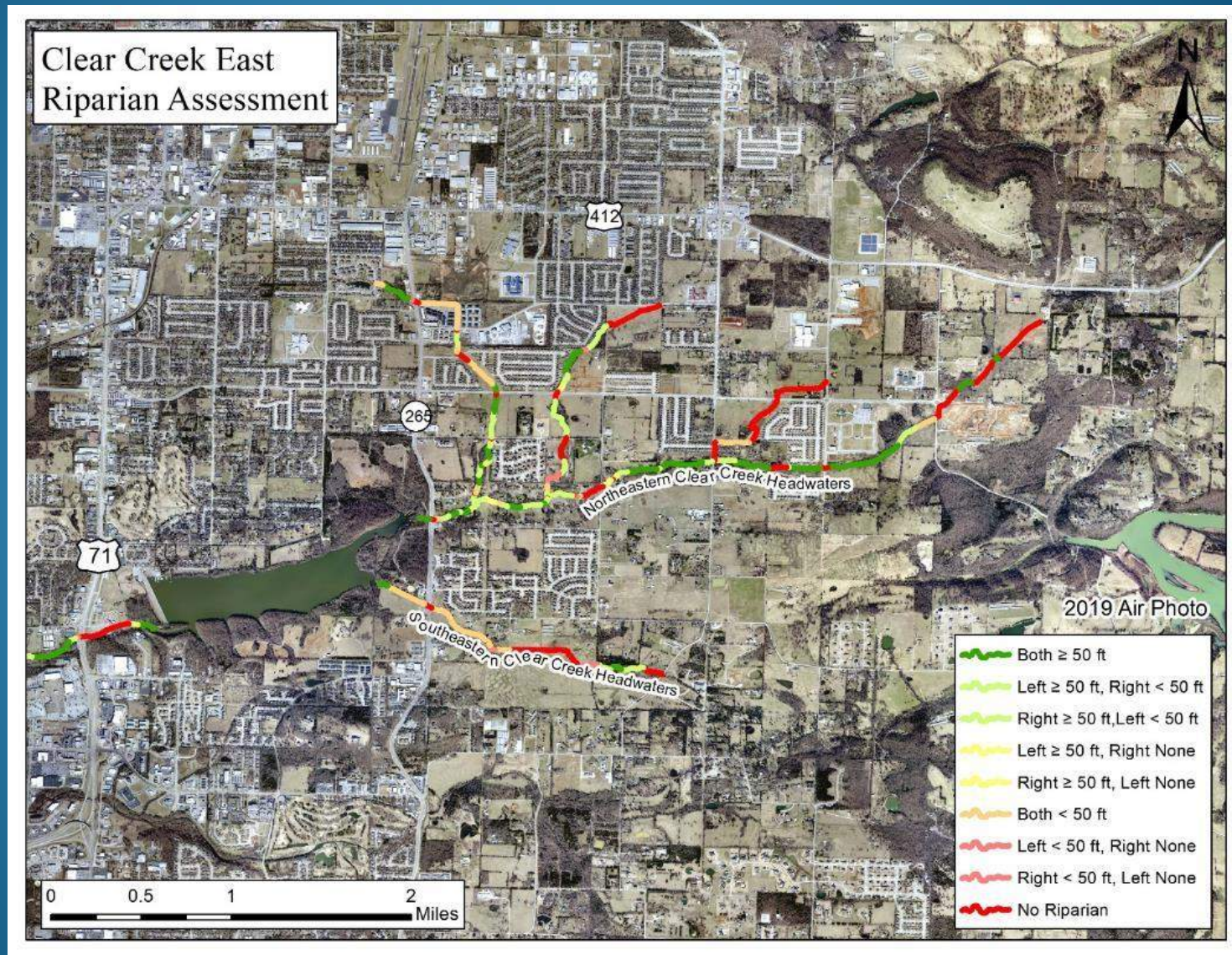
## Results: Riparian GIS Evaluation

Utilizing Aerial Imagery, 26 miles of stream riparian area condition and width was evaluated.

Riparian Condition	North East Clear Creek	South East Clear Creek	Scull Creek	Clear Creek
	% of basin	% of basin	% of basin	% of basin
Riparian Both Sides ≥ 50 ft	26.9%	7.0%	40.4%	62.7%
Left Riparian < 50 ft, Right Riparian ≥ 50 ft	12.1%	11.7%	32.2%	6.1%
Left Riparian ≥ 50 ft, Right Riparian < 50 ft	12.1%	0.0%	11.2%	6.7%
Left Riparian ≥ 50 ft, No Right Riparian	13.3%	40.9%	6.3%	12.5%
Right Riparian ≥ 50 ft, No Left Riparian	0.0%	6.0%	0.0%	0.0%
Riparian Both Sides < 50 ft	0.0%	0.0%	0.0%	0.9%
Left Riparian < 50 ft, No Right Riparian	2.8%	2.2%	1.2%	3.7%
Right Riparian < 50 ft, No Left Riparian	2.4%	0.0%	0.0%	0.9%
No Riparian Both Sides	30.3%	32.2%	8.7%	6.5%

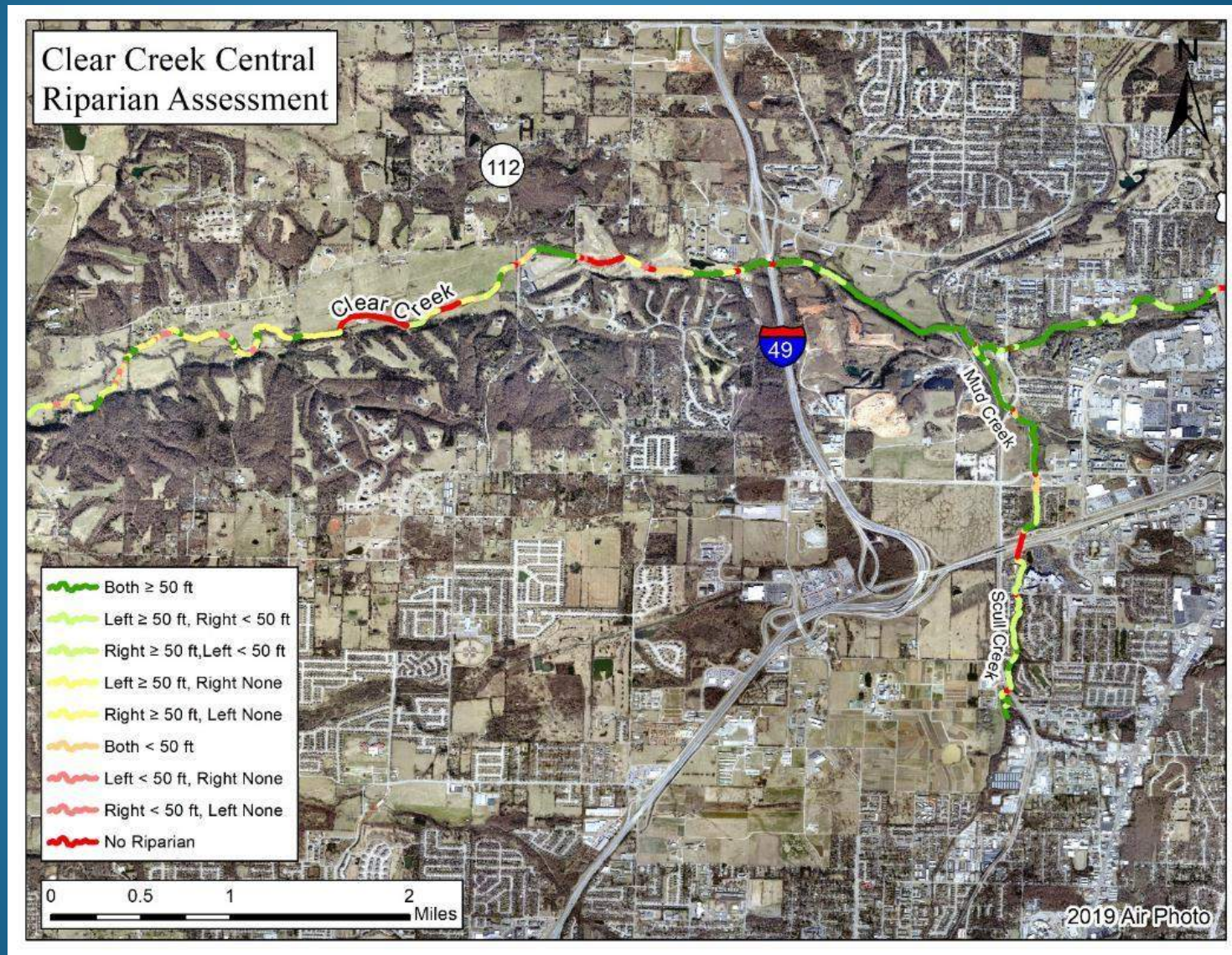
# Riparian and Streambank Erosion Assessment of Clear Creek

## Results: Riparian GIS Evaluation



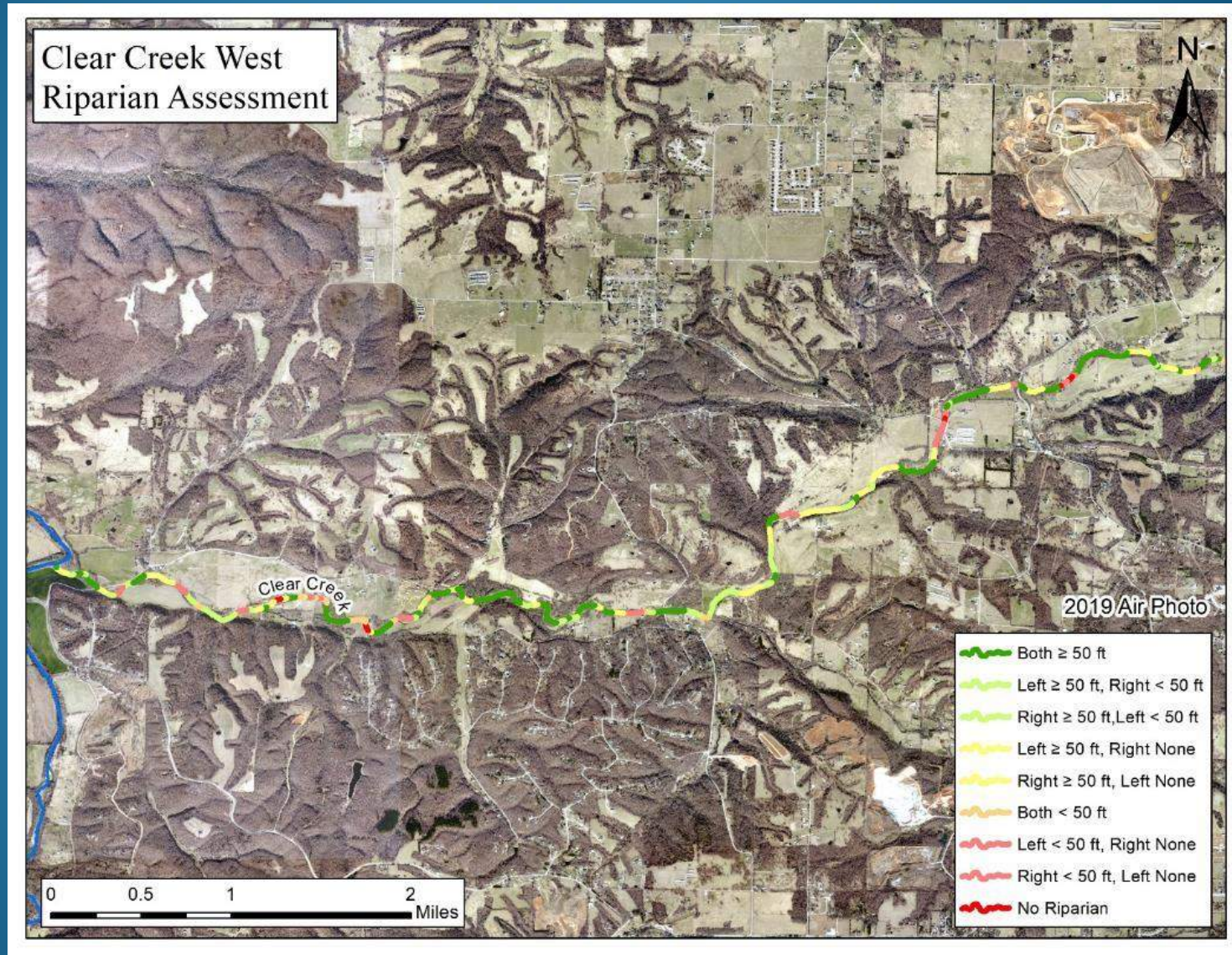
# Riparian and Streambank Erosion Assessment of Clear Creek

## Results: Riparian GIS Evaluation



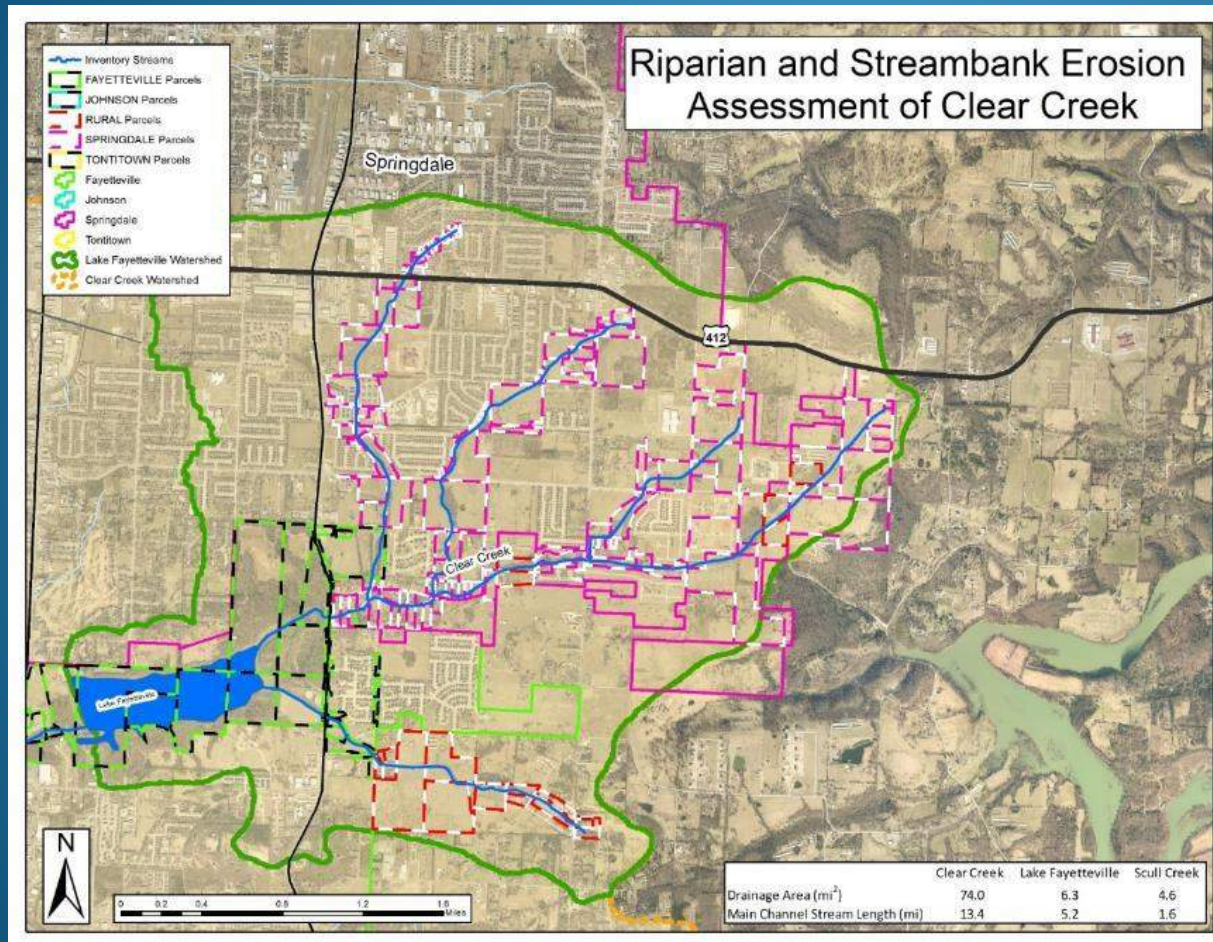
# Riparian and Streambank Erosion Assessment of Clear Creek

## Results: Riparian GIS Evaluation



# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed



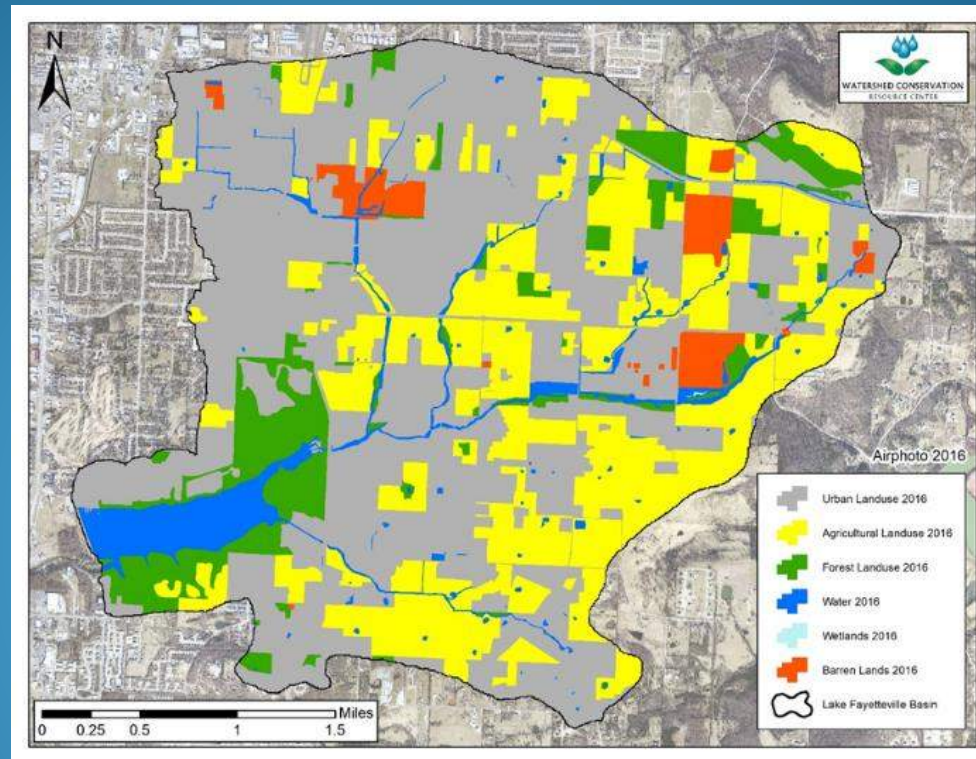
### Assessment Results

- Land Use Changes
- Impervious Surface
- Sources of Sediment & Phosphorus
- Priority Sites for Restoration and/or Conservation
- Recommendations

# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

### Level I Land Use for 2016 and Land Use Change Over 10 years

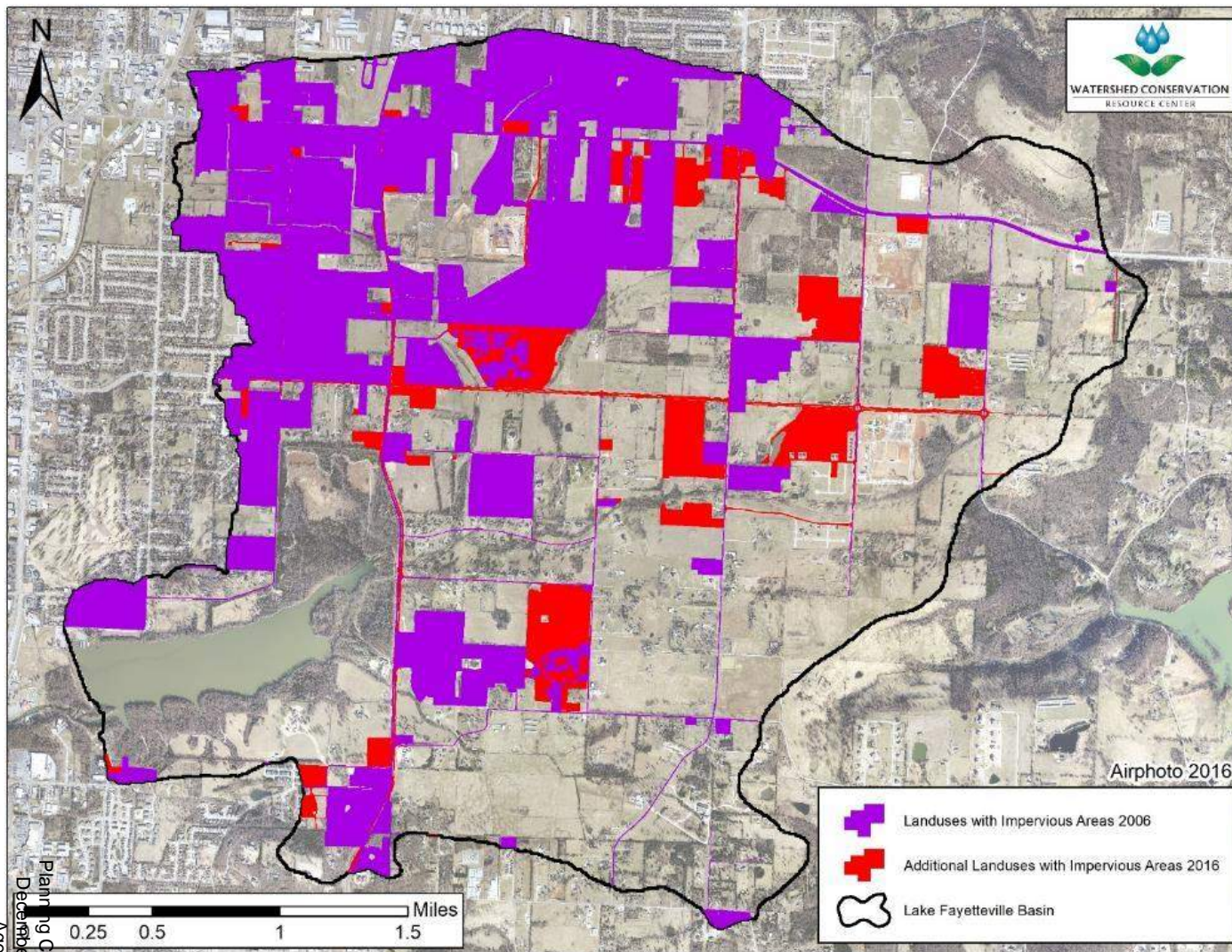


Land Use Level I	2006	Percent of Total	2016	Percent of Total	Change	Change of Basin
	Acres	%	Acres	%	Acres	%
Urban	2895	48.2%	3243	54.0%	348.4	5.8%
Agricultural	2184	36.4%	1720	28.7%	-464.1	-7.7%
Forest-land	425	7.1%	523	8.7%	97.9	1.6%
Water	293	4.9%	328	5.5%	35	0.6%
Wetlands	1	0.0%	1	0.0%	0	0.0%
Barren Lands	203	3.4%	186	3.1%	-17.2	-0.3%
<b>Total</b>	<b>6001</b>		<b>6001</b>			

# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

### Impervious Surface Change over 10 years



#### Assumed:

#### Impervious Land Use

- Roads
- Sidewalks
- Dense residential
- Businesses

#### Non-impervious

- Forests
- Farmland
- Pastures
- Rural housing
- Park space

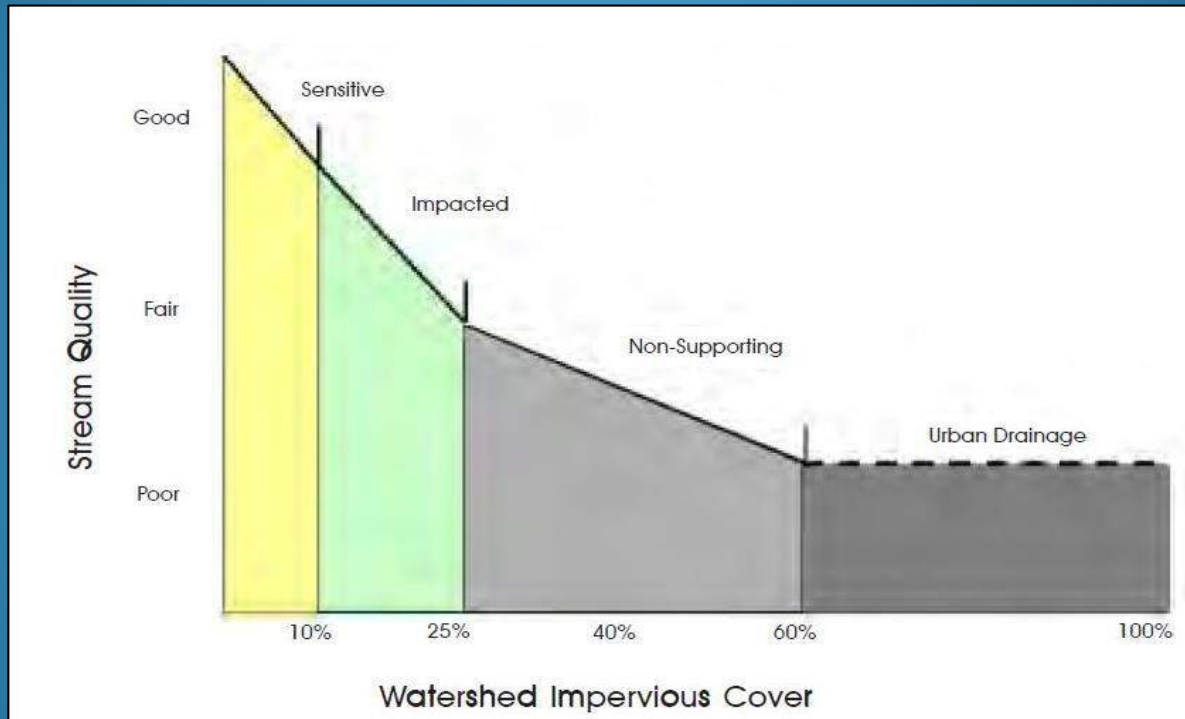


# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

### Impervious Surface Change over 10 years

	2006	Percent of Basin	2016	Percent of Basin	Change	Change of Basin
	Acres	%	Acres	%	Acres	%
<b>Impervious Land Use</b>	767	12.8%	936	15.6%	169	2.82%



Schueler, Tom, An Integrated Framework to Restore Small Urban Watersheds, Center for Watershed Protection 2005

The Lake Fayetteville Watershed falls under the “Impacted” category based on the Schueler Index with 15.6% Impervious Land Use in 2016.

# Riparian and Streambank Erosion Assessment of Clear Creek

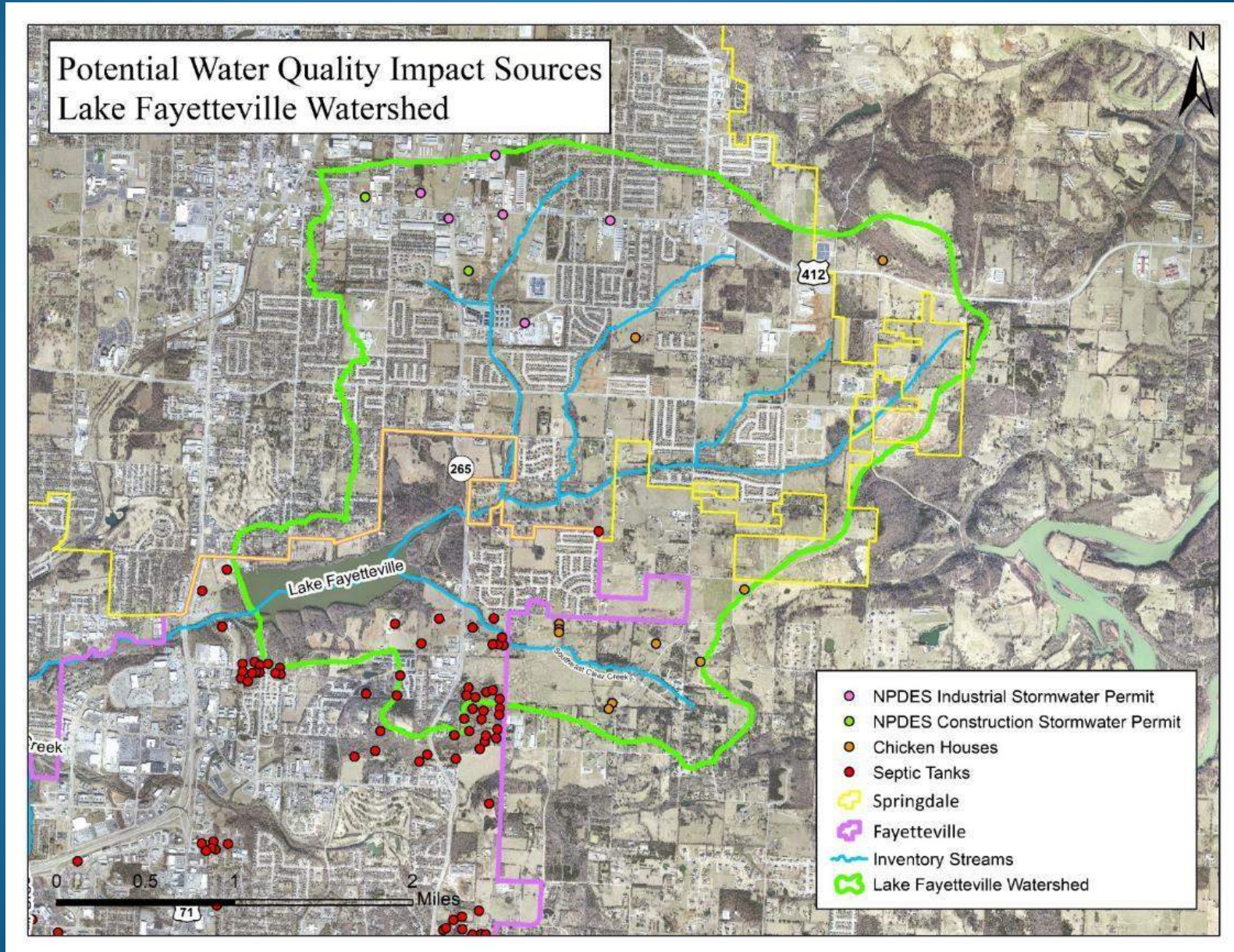
## Lake Fayetteville Watershed Sources of Sediment and Phosphorus

Source	Sediment	Phosphorus
Accelerated Streambank Erosion	Yes	Yes
Pasture <ul style="list-style-type: none"><li>• Hay Production</li><li>• Livestock<ul style="list-style-type: none"><li>• Cattle</li><li>• Poultry</li><li>• Horses, goats, etc.</li></ul></li></ul>	Yes	Yes
Septic Tanks	No	Yes
Urban - Stormwater runoff <ul style="list-style-type: none"><li>• Industrial</li><li>• Commercial</li><li>• Residential</li><li>• Park lands</li></ul>	Yes	Yes
Construction	Yes	Yes
Other Sources <ul style="list-style-type: none"><li>• Forest</li><li>• Roads</li><li>• Undeveloped land</li><li>• Barren land</li><li>• Farmsteads</li></ul>	Yes	Yes

# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

### Permitted Sources



# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

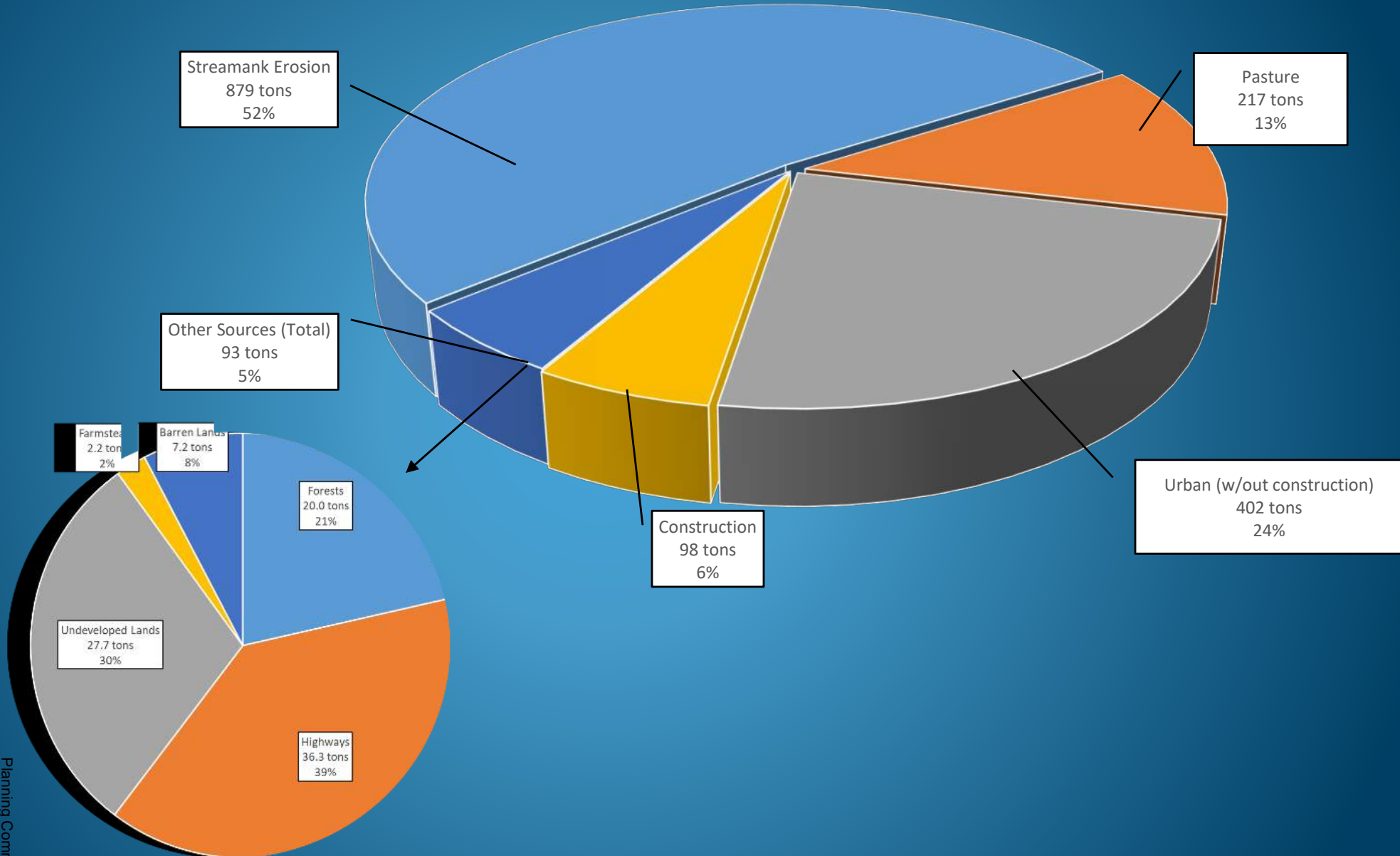
### Total Sediment Production to Lake Fayetteville

Sediment Source	Area or Length	Estimated Average Annual Sediment Load		
		Sediment (tons)	Percent of Total	Loading Rate
<b>Streamank Erosion</b>	<b>2.38 mi</b>	<b>879</b>	<b>52.0%</b>	<b>369.23</b>
<b>Pasture</b>	<b>1567 ac</b>	<b>217</b>	<b>12.8%</b>	<b>0.14</b>
<b>Urban (w/out construction)</b>	<b>2750.4 ac</b>	<b>402</b>	<b>23.8%</b>	<b>0.15</b>
<b>Construction</b>	<b>139 ac</b>	<b>98</b>	<b>5.8%</b>	<b>0.71</b>
<b>Other Sources (Total)</b>	<b>929 ac</b>	<b>93</b>	<b>5.5%</b>	<b>0.10</b>
Forests	523 ac	20.0	1.2%	0.04
Highways	163 ac	36.3	2.1%	0.22
Undeveloped Lands	182 ac	27.7	1.6%	0.15
Farmsteads	14 ac	2.2	0.1%	0.16
Barren Lands	47 ac	7.2	0.4%	0.15
<b>Total</b>		<b>1690</b>	<b>100.0%</b>	

# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

Total Sediment Production to Lake Fayetteville



Sediment Production from Other Sources

# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

### Total Phosphorous Production

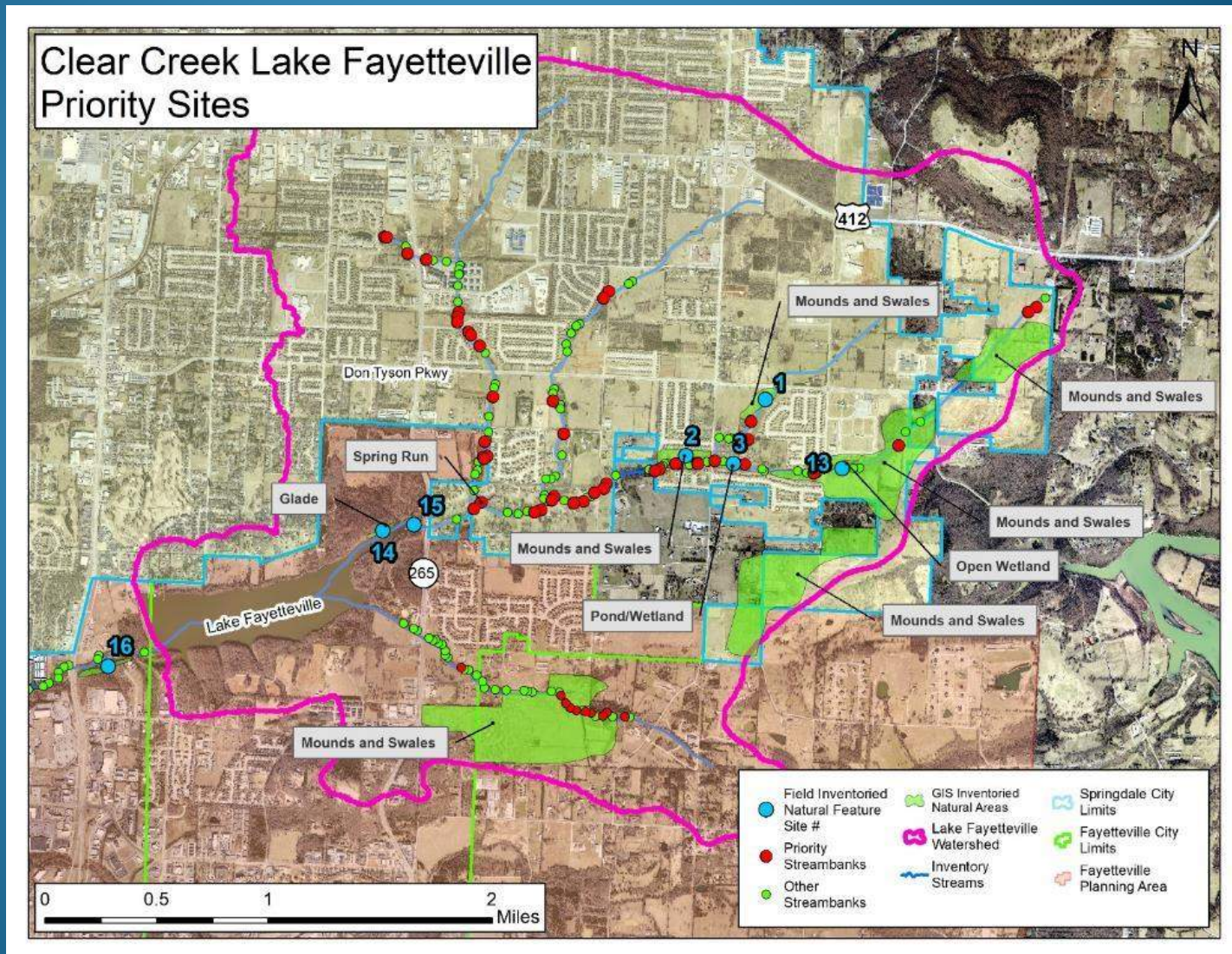
Phosphorous Source	Area or Length	Estimated Average Annual Phosphorous Load		
		TP (lb/yr)	Percent of Total	Loading Rate
Streamank Erosion	2.38 mi	208	7.9%	87.56
Pasture	1567 ac	718	27.3%	0.46
Septic Tanks	n/a	256	9.7%	n/a
Urban (w/out construction)	2750.4 ac	1170	44.5%	0.43
Construction	139 ac	33	1.3%	0.24
<b>Other Sources (Total)</b>	<b>929 ac</b>	<b>241</b>	<b>9.2%</b>	<b>0.26</b>
Forests	523 ac	52.3	2.0%	0.10
Highways	163 ac	159.3	6.1%	0.98
Undeveloped Lands	182 ac	21.8	0.8%	0.12
Farmsteads	14 ac	1.7	0.1%	0.12
Barren Lands	47 ac	5.6	0.2%	0.12
<b>Total</b>		<b>2626</b>	<b>100.0%</b>	

# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

### Priority Sites for Restoration and/or Conservation

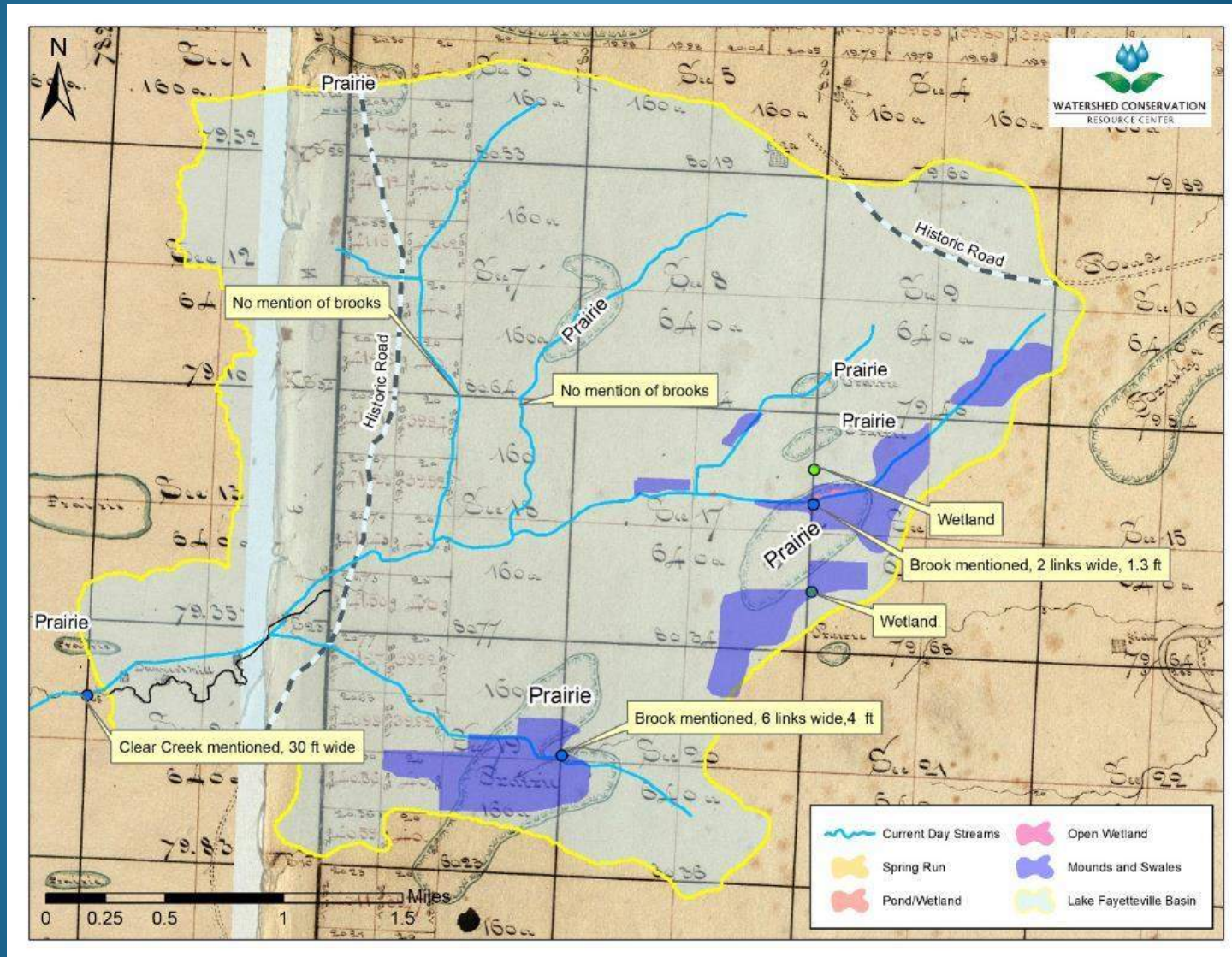
Priority Streambank– Both BEHI and NBSS are defined as High, Very High or Extreme, and if NBSS is Very High or Extreme



# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

### 1834 Survey Map Overlaid with Features from the Natural Areas Inventory

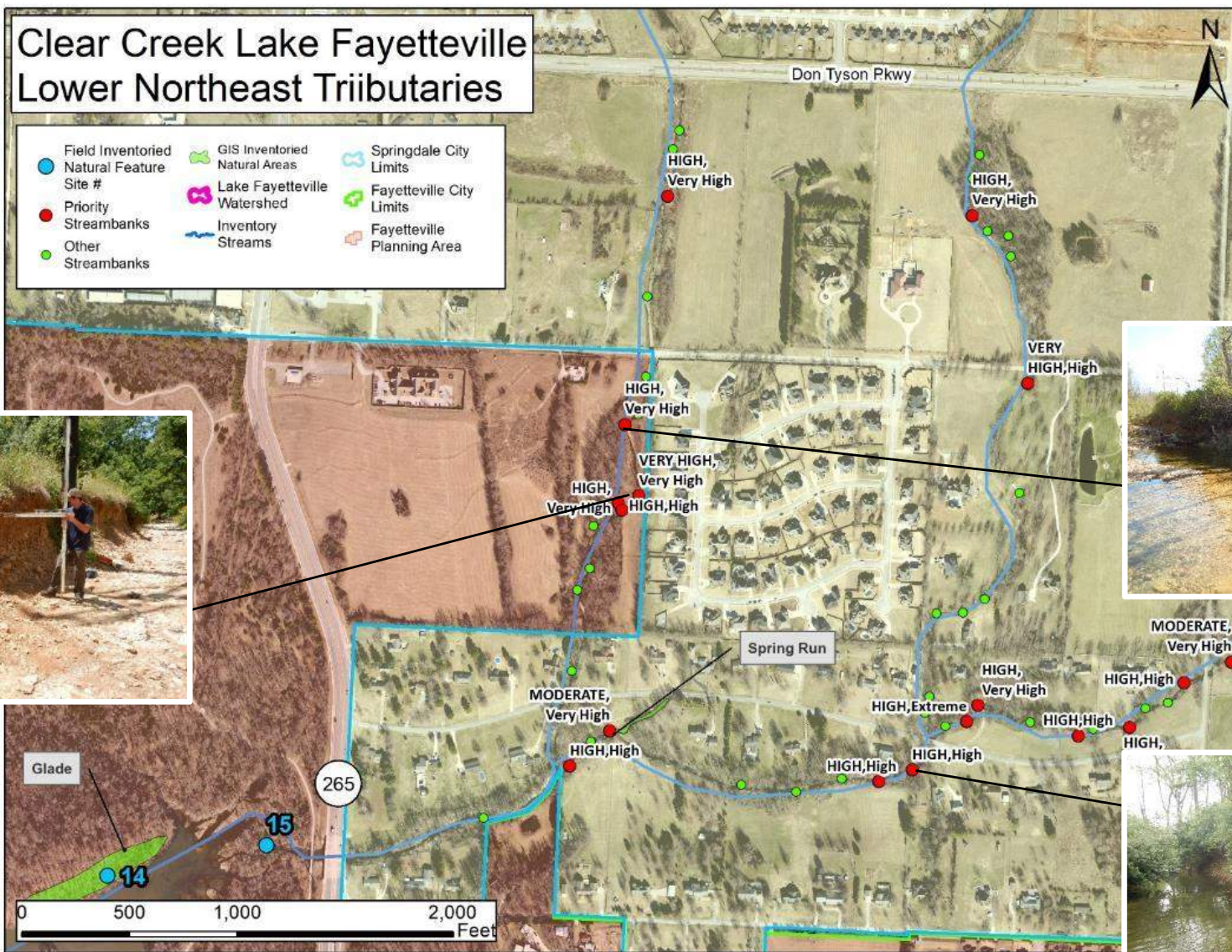




# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

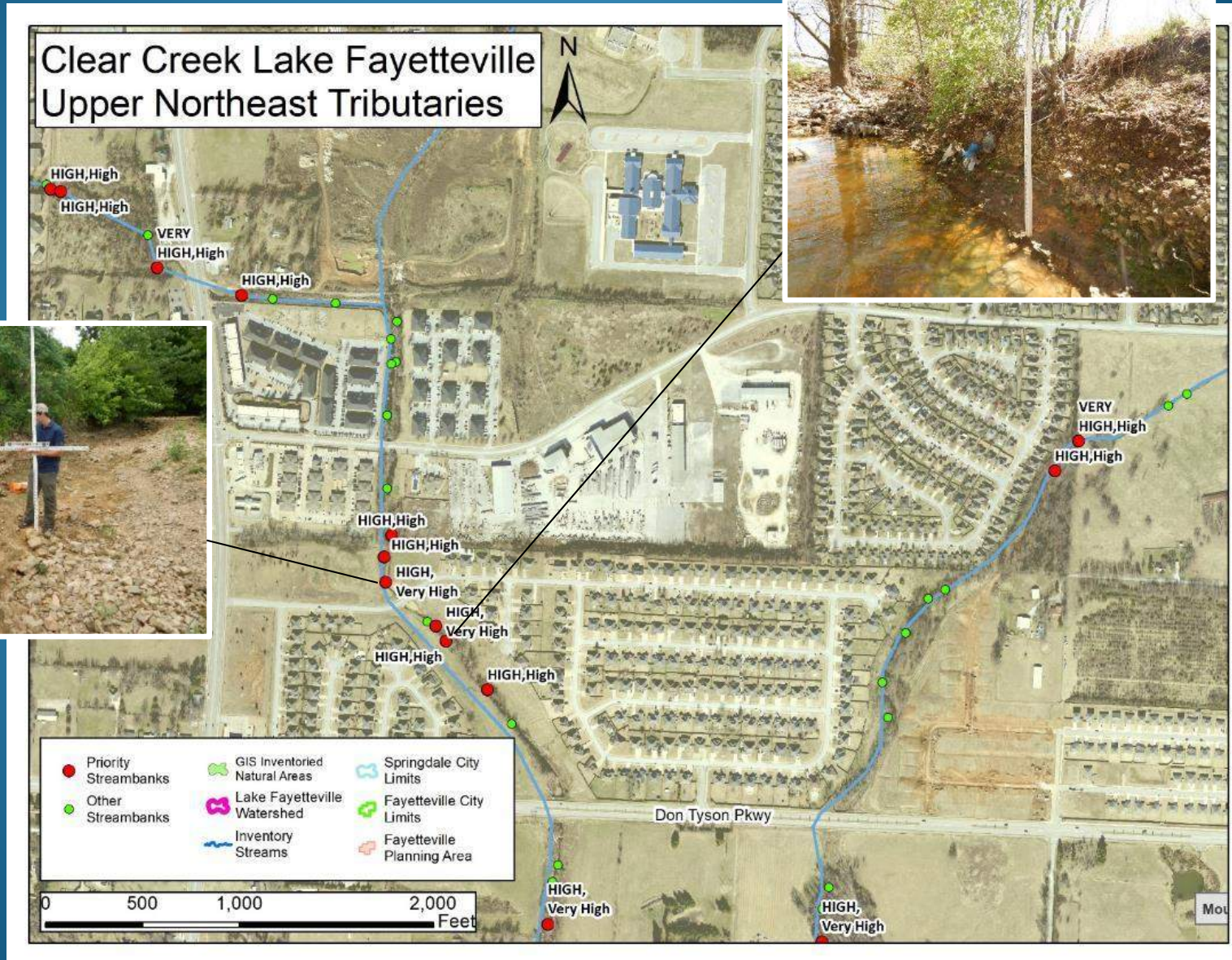
### Priority Sites for Restoration and/or Conservation



# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

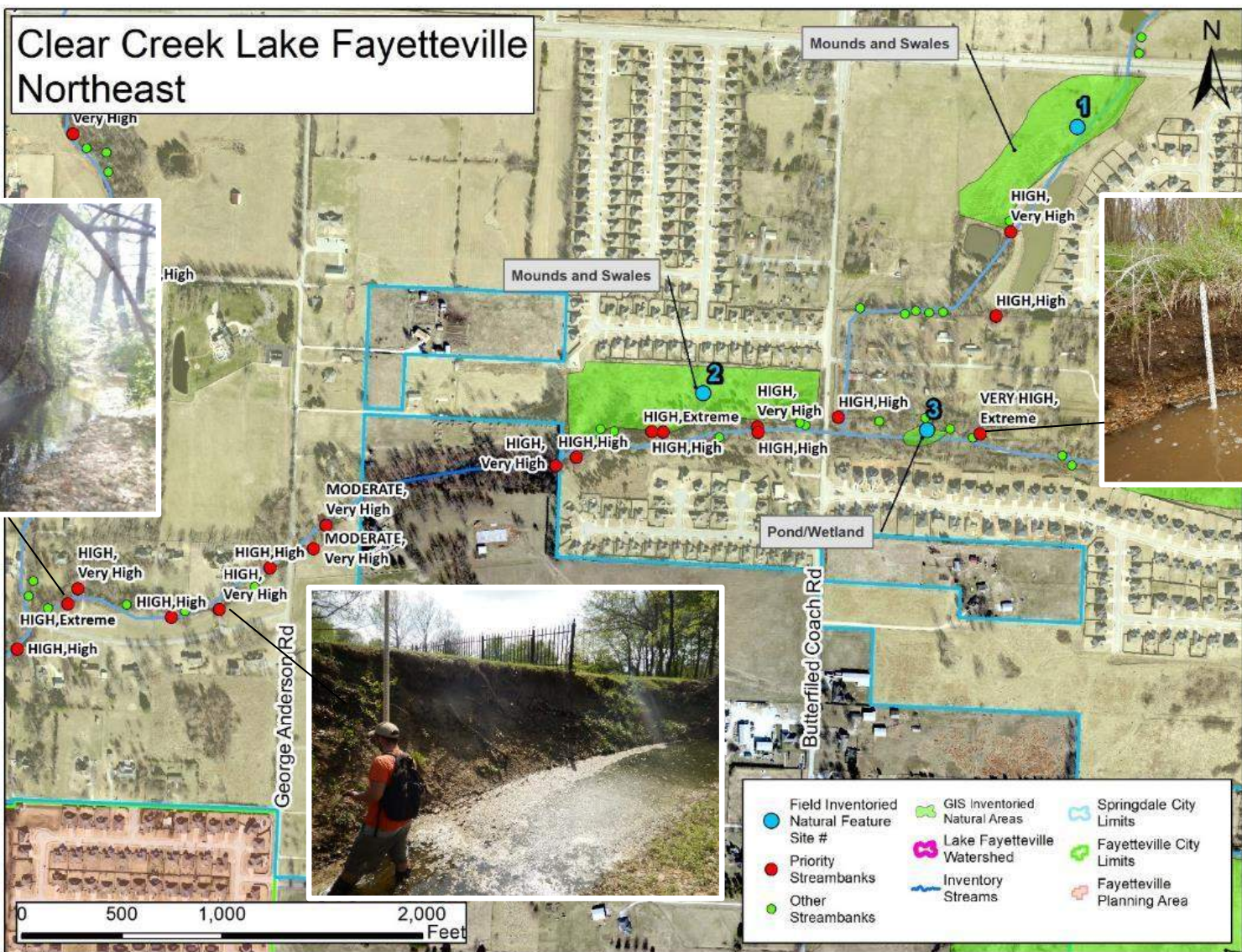
### Priority Sites for Restoration and/or Conservation



# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

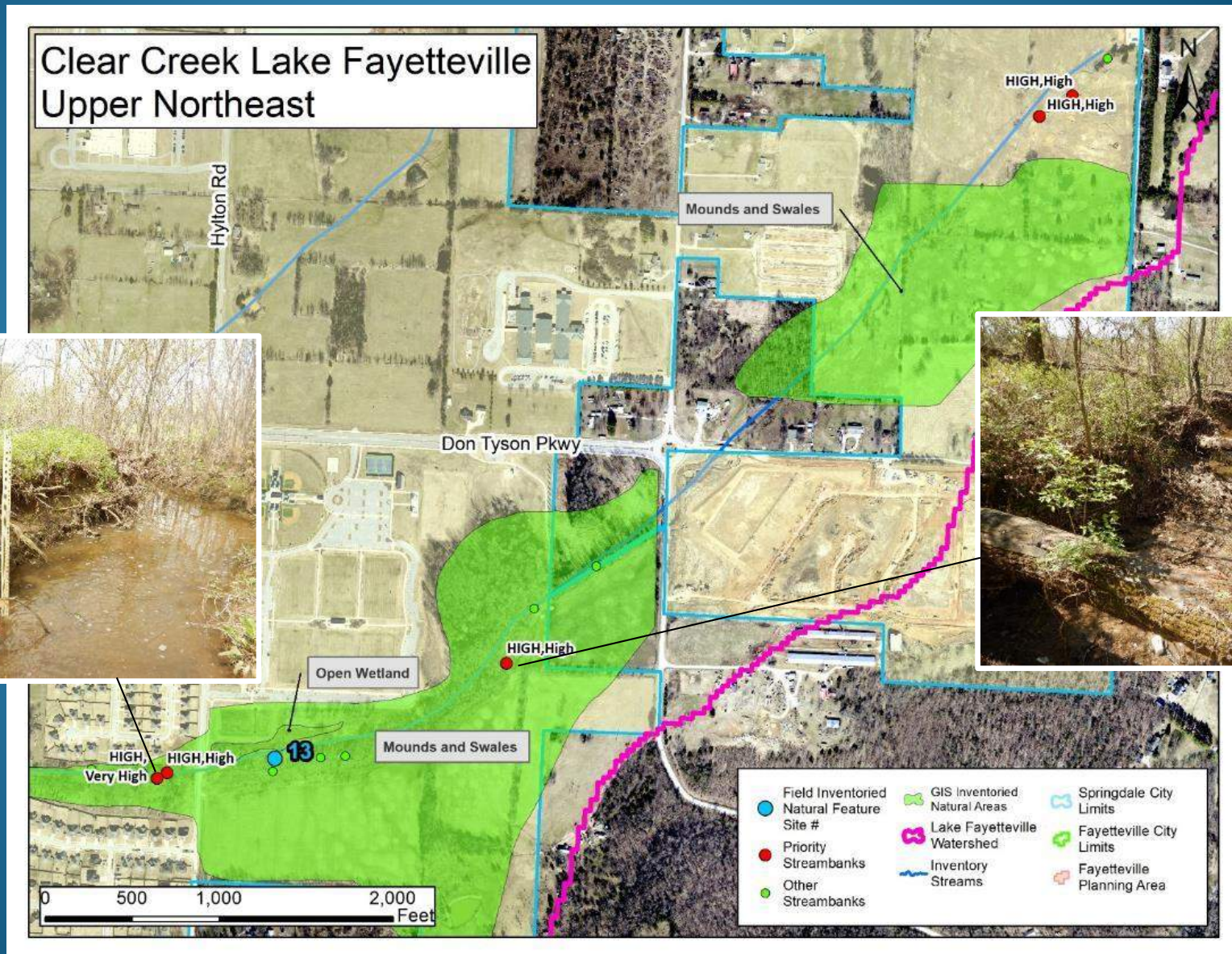
### Priority Sites for Restoration and/or Conservation



# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

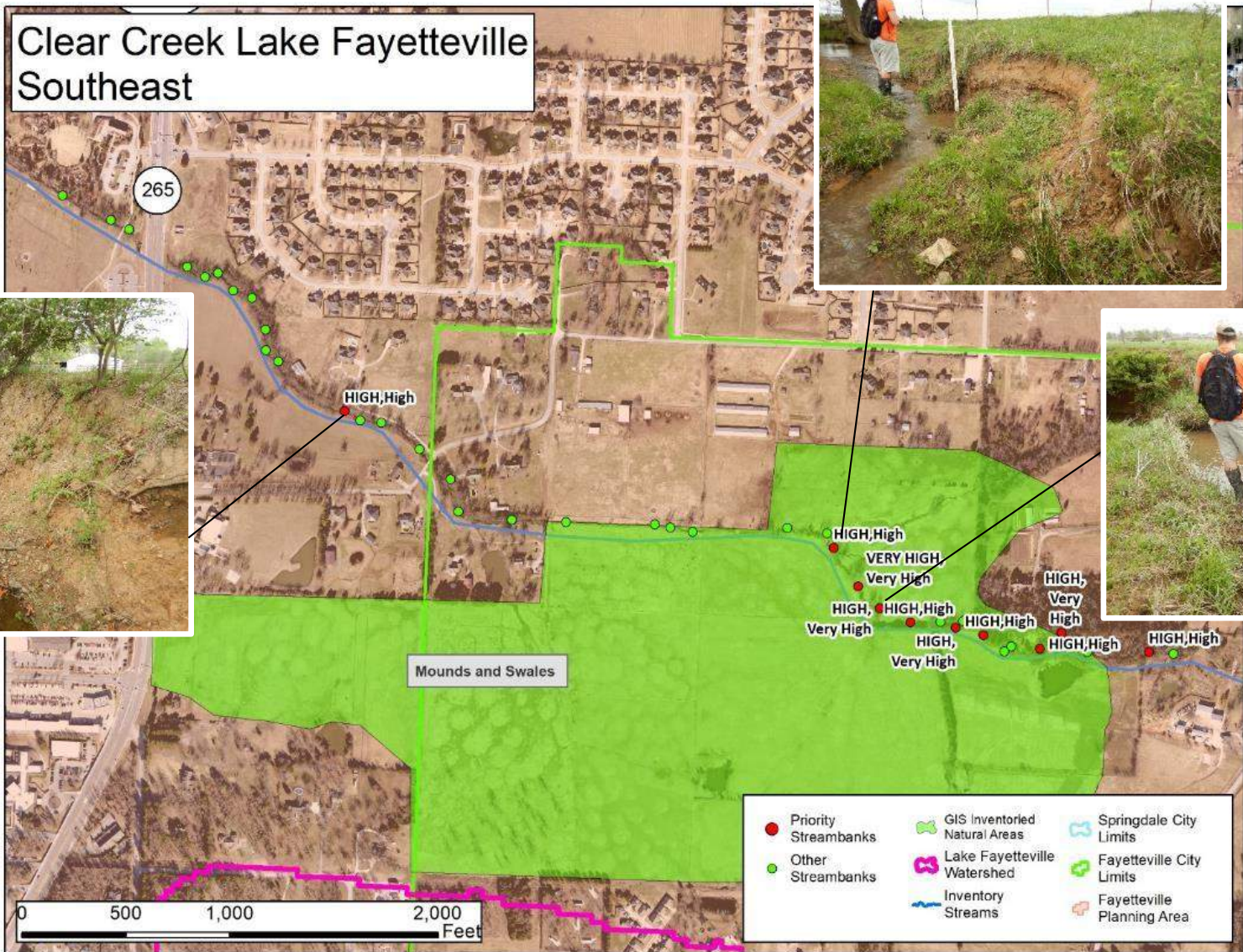
### Priority Sites for Restoration and/or Conservation



# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

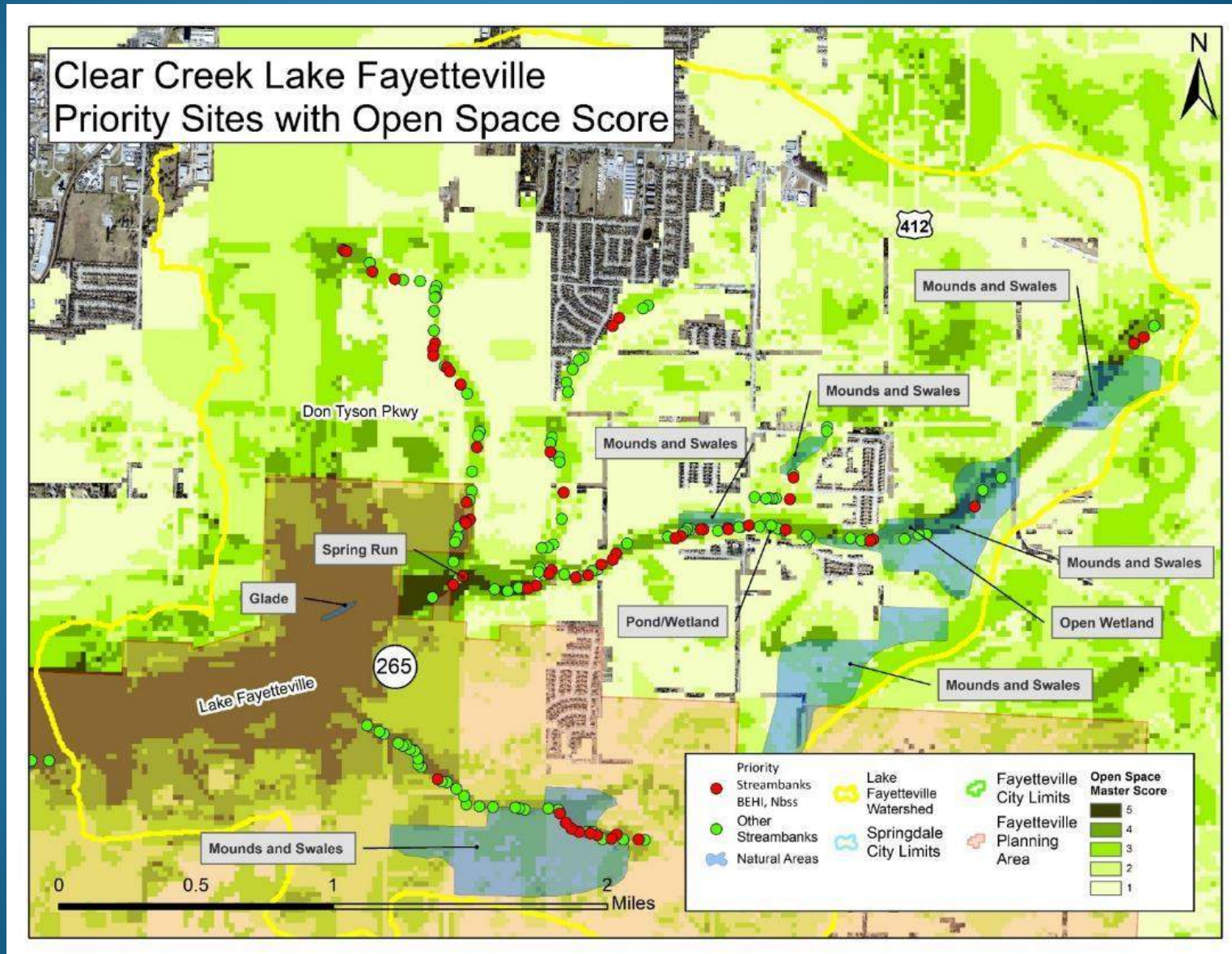
### Priority Sites for Restoration and/or Conservation



# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

### Priority Sites with Open Space Plan Areas



# Riparian and Streambank Erosion Assessment of Clear Creek Lake Fayetteville Watershed

Natural Area Priority – Head Water Swale in Former Prairie



# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed

### Recommendations

- Address Sediment and Phosphorus
  - Conserve and/or restore with native vegetation 50 feet of riparian along both sides of the stream channels
  - Restore priority streambanks or reaches of stream
    - Include 50 ft riparian buffer
  - Conduct residential and commercial outreach on fertilizer usage.
  - Agriculture producers participate in EQIP
  - Cities should consider putting the streambank erosion data and information from this study into a GIS based program that can be accessed by staff when evaluating new development, watershed planning, and infrastructure projects
  - Six natural feature sites were located in the Lake Fayetteville watershed should be considered a priority for conservation or at a minimum be protected as much as possible if development were to occur
    - GIS assessed features should be further evaluated on the ground
- Address Impervious Surface
  - Incorporate low impact development or LID techniques into future development
  - Retrofit to LID existing impervious sites
  - Conserve family farms as working farms where there is interest
  - Restore natural areas to appropriate historic habitat
- Using this assessment and stakeholder participation, develop a watershed restoration plan to address concerns and protect water and natural resources
  - Seek funding to implement the plan



# Invasive Plants of Northwest Arkansas: A Field Management Guide

A practical, educational guide for land managers, stewards, homeowners, and volunteers for the removal and replacement of invasive plants in natural spaces

Revised: December, 2019

Prepared in cooperation with:

Watershed Conservation Resource Center, University of Arkansas Cooperative Extension,  
and City of Fayetteville



# Invasive Plants of Northwest Arkansas: A Field Management Guide

## Overview

- **Target Audience:** land owners and managers concerned with:
  - Spread of invasive plants
  - Ecological impact
  - Protection of property and wildlife habitat
- **Purpose of Guide:**
  - Help land stewards identify
  - Slow spread of invasive plants
  - Raise awareness
  - Promote use of native plants
- **Criteria for selection of 15 invasive species:**
  - Federally designated noxious weeds
  - Land managers, residents, local experts report them as significant problems
  - Science-based organizations have documented their negative ecological impacts on plant and wildlife habitat



# Invasive Plants of Northwest Arkansas: A Field Management Guide

## Guide Contents

- Planning a Management Strategy
- Safety
- Control & Removal Methods
- Plant Profiles
  - Trees
  - Shrubs
  - Vines
  - Herbaceous forbs
  - Grasses



# Invasive Plants of Northwest Arkansas: A Field Management Guide

## Planning a Management Strategy and Safety

- Management Strategy
  - Prevent Invasives From Establishing
  - Identify Plant Species & Area to Be Managed
  - Practice Safety
  - Divide Area
  - Seek Assistance From Local Professionals
  - Revegetate/Encourage Native Plants
  - Schedule Maintenance Seasonally
- Safety
  - Chemical Herbicide: The Label is the Law
  - Dress Appropriately and Use Proper PPE
  - Use Caution with Sharp or Heavy Tools
  - Be Aware of Surroundings
  - Work Areas May Not Be Easily Accessible
  - Be Aware of Wildlife
  - Take Breaks
  - Stay Hydrated



*Clematis terniflora*

# Invasive Plants of Northwest Arkansas: A Field Management Guide

## Control and Removal Methods

- Mechanical
  - Cutting
  - Stump pulling
  - Machinery
- Cultural
  - Prescribed burns
  - Mulching
- Chemical
  - Foliar spray
  - Stump treatment
  - Basal bark treatment
  - Frill (a.k.a. “hack-and-squirt”)
  - The Label is the Law. Always Read and Follow Herbicide Label Instructions and Precautions



# Invasive Plants of Northwest Arkansas: A Field Management Guide

## Invasive Plant Species Covered

- Trees
  - *Ailanthus altissima* – Tree-of-heaven
  - *Albizia julibrissin* – Silktree, Mimosa
  - *Pyrus calleryana* – Callery (Bradford) pear
- Shrubs
  - *Ligustrum sinense* Lour – Chinese privet
  - *Lonicera maackii* – Bush honeysuckle
  - *Rosa multiflora* – Multiflora rose
- Vines
  - *Celastrus orbiculatus* – Oriental bittersweet
  - *Clematis terniflora* – Sweet Autumn virginibower
  - *Euonymus fortuneii* – Wintercreeper
- Herbaceous Forbs
  - *Alliaria petiolate* – Garlic mustard
  - *Conium maculatum* L. – Poison hemlock
  - *Lespedeza cuneate* – Sericea lespedeza
  - *Perilla frutescens* L. – Perilla mint
- Grasses
  - *Sorghum halepense* – Johnsongrass



Mimosa



Callery (Bradford) pear

# Invasive Plants of Northwest Arkansas: A Field Management Guide

## Example Tree Species: Tree-of-Heaven (*Ailanthus altissima*)

- Status
  - Introduced ornamental c. 1784 from Europe
  - Originated in China
  - Highly invasive
- Distribution
  - Present in most lower 48 states
  - Well established in NWA
  - Forest edges as well as disturbed and undisturbed sites
  - Large groves now reported along Hwy. 71 in Ozark National Forest
- Impact
  - Rapid growth forming dense thickets, suckering from roots
  - Prolific seeder spread by wind
  - Alleopathic
- Identification
  - Tall deciduous tree with shallow roots
  - Mature tree often lack lower branches
  - Alternate, pinnately-compound leaves with reddish stems near new growth
  - Circular glands under leaf base
  - Brown to tan bark
  - Leaves emit unpleasant odor when crushed
  - Resembles hickory, walnut, and sumac
- Control
  - Remove entire seedling
  - Basal bark or frill herbicide application
  - DO NOT use cut-stump method as it will encourage suckering



# Invasive Plants of Northwest Arkansas: A Field Management Guide

## Example Shrub Species: Bush Honeysuckle (*Lonicera maackii*)

- Status
  - Invasive ornamental introduced from China
- Distribution
  - Widely present in southern U.S.
  - Invades forest understory, fence-rows, along streams, and right-of-ways
- Impact
  - Aggressive, shade-tolerant shrub, forming dense thickets
  - Poor wildlife food source
  - May contribute to increased tick populations
- Identification
  - Multi-stemmed upright shrub
  - Bark light brown with striations
  - Opposite leaves, ovate to oblong
  - Yellow flowers in spring and summer
  - Glossy red berries when ripe
- Control
  - Remove entire plant
  - Cut stump in fall and apply 50% glyphosate
  - Repeat seasonally until suckers no longer present





# Invasive Plants of Northwest Arkansas: A Field Management Guide

## Invasive Grass Species: Johnsongrass (*Sorghum halepense*)

- Status
  - Native to Africa
  - Introduced in 1800's as drought-tolerant forage
- Distribution
  - Has become widely naturalized throughout the south
  - Present in pastures, greenspace, right-of-ways, and along fence rows
- Impact
  - Forms dense colonies in fields, forest edges
  - Height allows this species to competitively exclude other species
  - Seeds and rhizomes viable in soil for years
  - Certain environmental conditions can cause grass to become toxic to grazing animals
- Identification
  - Tall, perennial, warm-season grass
  - 1.5" wide leaf blades with white stripe mid-vein
  - Flowers/seedhead form prominent panicle
- Control
  - Spray with Outrider at 18"
  - Rhizomes make pulling difficult
  - Repeated mowing can reduce populations



# Riparian and Streambank Erosion Assessment of Clear Creek

## Lake Fayetteville Watershed Zoom Presentation

### Questions?

Sandi J. Formica, Executive Director  
Watershed Conservation Resource Center  
Fayetteville, Arkansas, (501) 352-5252  
[formica@watershedconservation.org](mailto:formica@watershedconservation.org)



West Fork White River Restoration  
August 2019



## Masters, Jessica

---

**From:** Linda Ferguson <lferguson@mstonecc.com>  
**Sent:** Friday, November 6, 2020 2:31 PM  
**To:** Masters, Jessica  
**Subject:** RE: Chandler Crossing

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessica, I am at 3258 E Valerie Dr, Fayetteville, AR. I oppose the Chandler Crossing Subdivision, I spoke with Bryon Moore today and he assured me that there would not be duplexes or apartments, which are clearly visible with pictures on your planning commission link. He said it was not low income housing and actually laughed when I suggested it to him. The pictures tell a different story. I am surrounded on 2 sides of my property with the whole development. I called to get an honest answer and was made to visualize a beautiful subdivision. My property was very beautiful and I live on 3 acres and I am now pretty much ruined!

---

**From:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Sent:** Thursday, November 05, 2020 1:15 PM  
**To:** [lferguson@mstonecc.com](mailto:lferguson@mstonecc.com)  
**Subject:** RE: Chandler Crossing

Good afternoon, Linda,

Thank you for the inquiry regarding the Chandler Crossing subdivision proposal. This item will be heard on November 9 Planning Commission meeting beginning at 5:30 PM. The meeting will be held virtually due to the ongoing health crisis, and the link for participation can be found [here](#). Information is typically posted 24 hours ahead of time.

Please let me know if you have any questions in the meantime. Many thanks,

Jessie

**Jessie Masters**  
Senior Planner  
City of Fayetteville, Arkansas  
(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)  
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

Planning Commission  
December 14, 2020  
Agenda Item 7  
ANX 20-000001 Burge  
Page 92 of 278



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**From:** Linda Ferguson [<mailto:lferguson@mstonecc.com>]  
**Sent:** Wednesday, November 04, 2020 1:47 PM  
**To:** Planning Shared <[planning@fayetteville-ar.gov](mailto:planning@fayetteville-ar.gov)>  
**Subject:** Chandler Crossing

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, I have some questions regarding the planning of the Chandler Crossing Subdivision and would like to attend the zoom meeting, can you help me and give me a call?  
4793877656

Linda Ferguson  
Office Manager



2002 S. 48th Street, Ste. A / Springdale, AR 72762

W: 479.751.3560 / C: 479.387.7656 / F: 479.751.4841

[www.mstonecc.com](http://www.mstonecc.com)

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## Masters, Jessica

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**From:** Maya Porter <mayaporter479@gmail.com>  
**Sent:** Friday, November 6, 2020 9:02 AM  
**To:** Masters, Jessica  
**Subject:** Chandler Crossing development

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Masters,

I'm writing to urge you to deny the proposed development at Chandler Crossing. I understand the intention to provide needed housing, but please do not allow it to take place in areas that will affect all our quality of life for decades to come. This development will affect the water quality of Lake Fayetteville, which is an important part of the attraction of the area. Not only is it a destination for much recreation, it is also our fall-back source of drinking water.

We need to increase the lake's water quality, not degrade it further. Please consider long-term consequences and not allow this development to be built in that area.

Thank you,  
Maya Porter

--

Maya M. Porter  
2418 W. Mary Dr.  
Fayetteville, AR 72704  
479-387-0030

[Click here to get my memoir](#)  
[www.mayaporter.com](http://www.mayaporter.com)

Date: 11/18/2020

To: The Planning Commissioners

Re: 3435 E Zion Rd Annexation and PZD request

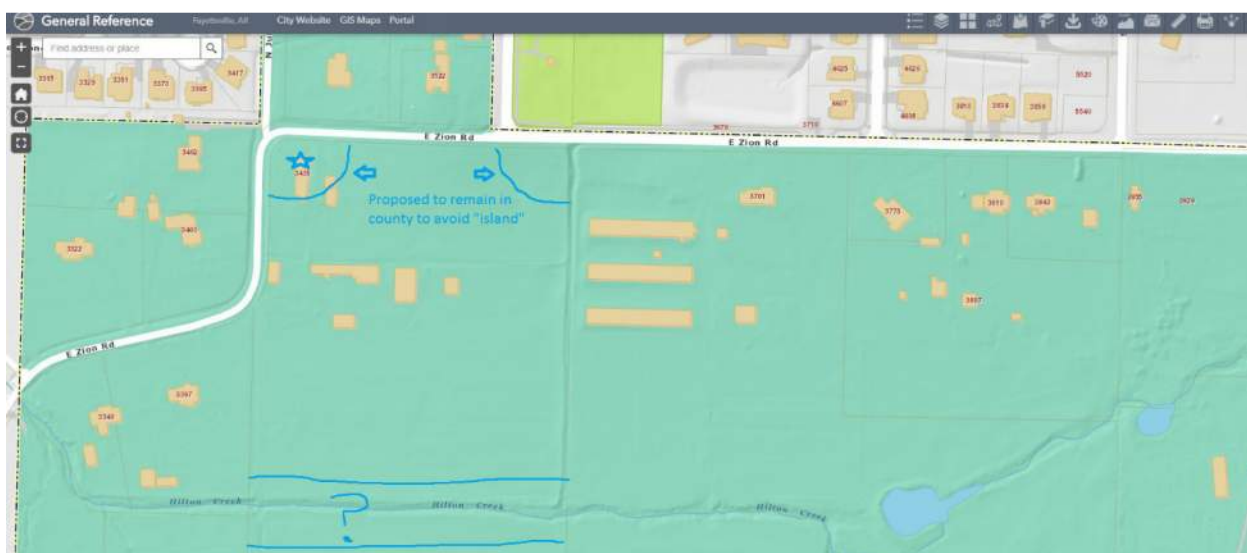
In previous meetings, there were significant comments that the above requests simply did not meet the vision of the commission. In fact, the comments that resonate most are that the only benefit to annexation is for the developer to gain access to city utilities for increased density, and the proposed annexation and subsequent rezoning request is not something to support.

Commissioners have made very valid points, listened to neighbors, and provided opportunity to the applicant to discuss their reasoning. It is apparent that the flooding issues, water quality issues, access issues, safety issues, and traffic issues all lead to a prudent decision to deny the request.

### **Sprawl and Creation of an Island:**

This should definitely be considered sprawl and is not within the vision of the City Planners. The subject property is surrounded by hundreds of acres of land that shall remain in the county. As a point of fact, the proposed annexation does not actually include the physical address on the notice nor where the public hearing signs have been located. It is “carved” out of the annexation request.

The developer has eliminated two corners of the entire tract of land (one including the residence with the physical address) from annexation with the only foreseen purpose to “not create an island,” which is prohibitive for annexation.



### **Who's Responsible – County versus City Economics:**

The subject property is not only surrounded by property that shall remain in the county but it also lies within the Springdale School District. Under the millage agreement, a large percentage of the property taxes shall be paid to Springdale; however, the City of Fayetteville will be charged with continuous maintenance on the county road. The county also receives a portion of the millage, but with multiple sections of Zion Road required for access to the proposed development and under the jurisdiction of both the county and city, who will actually keep the road in a safe condition?

The existing one lane bridge will bear a considerable amount of new and additional traffic. A damaged bridge will significantly increase the time for service from fire and rescue vehicles, in addition to becoming an inconvenience to the adjacent neighbors. Who will improve and maintain the bridge?

To modify the bridge to accommodate appropriate traffic would not only cost millions but also require significant improvement to the street system. With the subject property creating an island, will the city or county (or nobody) improve County Road 92 / Zion Road from Highway 265 to Butterfield Coach?

### **Traffic and Safety:**

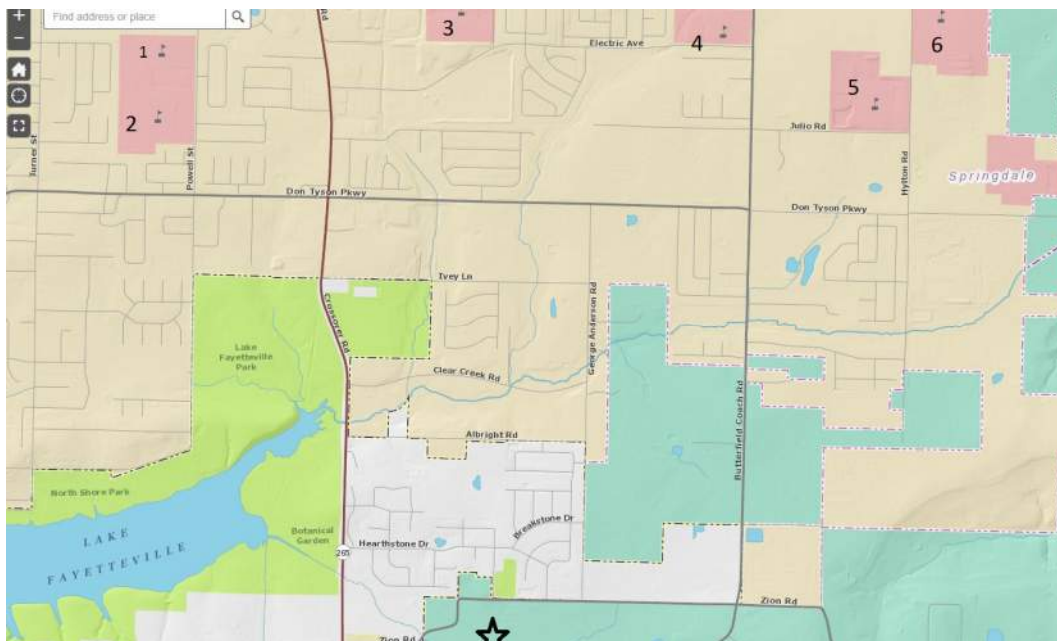
It is understandable that a traffic study may not be part of the requirement for annexation, but it MUST be done prior to approval of rezoning for such requested density.

Also, if annexation is approved, it MUST be confirmed if the connectivity section to Highway 265 is FUTURE or a requirement prior to development. For all the reasons outlined and discussed, the adjoining connectivity simply cannot handle the additional demands

There is already considerable traffic that traverses from the east (Highway 45, Oakland Zion, etc...) that cut through this section to connect to Highway 265 to navigate north. Because the Zion Road /Highway 265 intersection is too unsafe for a left turn, many vehicles daily cut through Copper Creek to "catch the light" and navigate south on 265.

From the next attached image, one can see that there are numerous Springdale Schools located east and northeast of the subject property. Although the developer is proposing that primary traffic will enter/exit the project using the future Zion Rd extension to Crossover, the southern entrance will be much less utilized than proposed because the schools are located east and northeast.

Along the northern border of the subject property and continuing east, County Road 92 (aka Zion Road) is a narrow 2-lane road with no curb and guttering on either side for the majority of the distance to Butterfield Coach Road. There is simply no safe way to bike or walk to those schools along the dangerous county roads.



When Zion Road is unable to handle the increased traffic, the residents of Chandler Crossing will automatically cut through Copper Creek subdivision, nearly doubling the traffic on the residential streets. This is one more confirmation it is sprawl. The infrastructure is not in place or at the City's discretion to improve because the main ingress and egress points will remain in the county. From Highway 265 to Copper Creek Drive, which T's into the subject property, there is not a single stop sign or traffic signal. Also, David Lashley Park is on the NE corner of the intersection. It does not have on-site parking, so there are customarily cars parked on the street, thus narrowing the passing lanes.

As mentioned by adjacent land owners in the recent public hearing, the proposed entrance from Chandler Crossing to Zion Road is at the top of a blind hill just east of a 90-degree corner with no curb, gutters, or sidewalks. Two large trucks will struggle to pass in addition to the blind entrance exiting the proposed annexed land.

To the west of the property, the one lane bridge has been discussed numerous times. It is in poor repair at this time, with a weight limit of 5 tons (10,000 pounds). Researching typical fire engines, they are commonly known to exceed this limit by five times. A typical ambulance can weigh 12,000 – 15,000 pounds, which also exceeds the limit.



**Summary:**

A simple 30 minute site inspection will have each planning commissioner understand and agree that this is sprawl and annexation is not the correct decision for the residents of the City of Fayetteville. The only benefit of the annexation is to facilitate the PZD for 200+ homes for the developer. There are so many reasons to deny the annexation:

- Creates an island
- Potential for existing drainage and water quality issues – both for neighboring land owners and Lake Fayetteville
- Jurisdiction – county or city? Who is responsible for improvements and economic impact?
- Safety – School-aged children, neighboring subdivisions, blind curves, inferior county road as connectivity points, deteriorating one lane bridge.

The infrastructure and improvements to the surrounding area must be addressed prior to any annexation and subsequent rezoning or development.

Lastly, the annexation and rezoning do NOT meet the goals set by the City:

- Enduring Green Network goals
- Reducing Urban Sprawl goals
- the Mayor's Box

Thanks for your time and consideration.

Michele Lang

3322 E. Zion Road

## Masters, Jessica

---

**From:** Nancy Vaughn <vaughnnancy92@gmail.com>  
**Sent:** Friday, November 6, 2020 9:03 AM  
**To:** Masters, Jessica  
**Subject:** Environment

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Masters

Please ask for an environmental impact statement before something is passed concerning the area of Crossover and Zion Road development.

Thank you,  
Nancy Vaughn, concerned citizen

## Masters, Jessica

---

**From:** Nick Anthony <nanthony@uark.edu>  
**Sent:** Monday, November 9, 2020 8:31 AM  
**To:** Masters, Jessica  
**Subject:** Additional information (3435 Zion Rd Annexation)  
**Attachments:** Lake Fayetteville Presentation 6-9-2020 - compressed photos.pdf

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jessica, here is a powerpoint presentation that does a nice job describing additional concerns regarding the downturn of Lake Fayetteville due to reckless placement of housing developments with poor water removal planning. I understand that this will not be included with the packet but should be provided to the committee members, so they are aware of this additional information.

Take care, Nick

## Masters, Jessica

---

**From:** Nick Anthony <nanthony@uark.edu>  
**Sent:** Wednesday, November 18, 2020 5:03 PM  
**To:** Masters, Jessica  
**Subject:** Zion Rd Annexation and Rezone

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

11/18/20

Members of the Fayetteville Planning Commission,

This letter is a request for you to reject the proposed annexation and rezone of the Burge property on Zion Rd. This item has come up now for the third time and it is time to take a significant stand as to why this decision is not in the best interest of the City of Fayetteville.

Early in the discussions regarding the Burge farm, the residents expressed concerns regarding the current water runoff issues associated with this property and the additional water that is being delivered from the Copper Creek subdivision. The addition of high-density housing, as proposed by the developer, does not seriously consider the water challenge that this development would have on the region. Prior to the last meeting on this topic, I submitted a powerpoint presentation that clearly reveals the water related challenges in the Fayetteville Clear Creek Watershed. I don't think anyone can deny that when you look at slide 31 "Priority Sites for Restoration and /or Conservation" you will find that areas that have undergone neighborhood development, like what is proposed, are the highest priority areas for restoration. One would have to assume that lack of attention to water control is the main contributor to this deterioration of these waterways. Poorly planned developments, regarding water management, caused this problem. Why should the current residents around the proposed development on the Burge farm expect anything different? Nothing that I have heard through 2 meetings has put me at ease regarding water management.

In the first meeting there was concern that this annexation would create a doughnut with people within county being surrounded with city of Fayetteville. This problem remains with the current proposal. So, the people that live within this doughnut hole and are still in the county are afraid that there will be no support for water management. Water will come from this new development into the "county" with no fear of regulation because it is out of their jurisdiction. What guarantees do we have that this will not happen? Again, nothing has been presented by the developer to address this concern. Is it proper for the City of Fayetteville to create these awkward doughnut hole situations?

There has been no clarity as to who will deal with narrow road and the one lane bridge on Zion Rd. Half of the bridge is City of Fayetteville and the other half in the county. It is fine to say that most of the traffic will exit the development on the 265 side but how do you know? Why would people living on the northern side of the development drive south then west through the whole development to exit on to 265? What about the people that work north of Fayetteville? Access to 540 from this location is not easy. Again, the developer has put little thought into this community concern.

The land in question is within the Fayetteville Clear Creek Watershed which means that water from this land makes its way to Lake Fayetteville and beyond. Current concerns regarding the deterioration of water quality of this lake has been presented. Concerns regarding the deterioration of the stream banks that lead into Late Fayetteville are described in the powerpoint presentation. Relevant information regarding the unique features on this land have been presented. In fact, the Burge farm contains one of the only undisturbed "mound and Swales" feature in the Fayetteville Clear Creek Watershed that serves as a water filtration system for the watershed. In addition, a large "prairie" is embedded in the

mound and swales region. It would be environmentally responsible to reestablish this region to support the future integrity of Lake Fayetteville, as an addition to the Botanical Gardens. Do we simply ignore the science-based research that clearly describes this region and the impact that its destruction would have on the future of Lake Fayetteville?

There is a clear dichotomy between the developers proposed plan for urban sprawl in the form of high-density housing and the protection of the property of residents living close to the streams feeding Lake Fayetteville as well as the Fayetteville Clear Creek Watershed. For me the decision is straight forward. I wait to see the science that says building this development specifically on the Burge farm will have a significant positive impact on the City of Fayetteville. I think there is clear evidence that building this development specifically on the Burge farm will have a negative impact on the residents living close to the streams feeding Lake Fayetteville and the Lake Fayetteville Clear Creek Watershed. Since the developer has ignored the concerns of the people impacted by this decision, he should not be rewarded for the plan.

Best Regards

Nick Anthony

## Masters, Jessica

---

**From:** shelley buonaiuto <goodhelp@cybermesa.com>  
**Sent:** Friday, November 6, 2020 3:21 PM  
**To:** Masters, Jessica  
**Subject:** Concern about Chandler Crossing Development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I want to express my concern about the proposed Chandler Crossing development. It risks negative impact on the water quality of Lake Fayetteville, already contaminated by Microcystin Toxins. The Development would cause building of road, roof and sidewalk surfaces that would channel sediment and Phosphorous into adjoining creeks. There has been recent flooding.

I like to kayak on the lake, as well as hike the trails, and I see the great ecological benefits for birds, turtles and fish. Lake Fayetteville is also a back up water supply for the City of Fayetteville. In addition, I live on Clear Creek, west of the Lake and am concerned about contaminated water flows to my area.

I believe it is possible and crucial to plan for development without endangering precious, imperiled ecological treasures, especially those that may serve also as our human and wildlife water supplies.

Thank you,  
Shelley Buonaiuto  
13866 Pin Oak rd.  
Fayetteville AR 72704  
479-445-6567

## Masters, Jessica

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**From:** Stephanie Jones Jordan <barnes.jones@gmail.com>  
**Sent:** Friday, November 6, 2020 10:39 AM  
**To:** Masters, Jessica  
**Subject:** Development near Lake Fayetteville

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please reconsider, and do NOT develop the subdivision above Lake Fayetteville. As an avid bird watcher, I visit the area frequently during migration season. The only place I've ever seen a painted bunting.

Water quality is so important for our own health as well as the species we share this earth with.

Thanks

Stephanie Jordan  
206-947-3922

## Masters, Jessica

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**From:** Sue Mayes <sbmayes@cox.net>  
**Sent:** Sunday, November 8, 2020 9:21 PM  
**To:** Masters, Jessica  
**Subject:** Zion Road Property Annexation and Rezoning proposal

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessica,

My husband Ben and I would like to weigh in the Zion Road property being proposed for annexation on Nov. 9.

We have lived in our neighborhood on Valerie Road for 35 years. There are four of us live on lots bordering this proposed development that built our homes at the same time, then raised our families in these homes. Now our grandchildren come to our homes to enjoy the atmosphere of our neighborhood and the homes and yards their parents grew up in. Ben and I shared a barbed wire fence with Robert and Ellen Burge and their cattle, donkeys and llama, and they were great neighbors! We have always known that someday the farm might be sold, and a housing development might ensue. But none of us were prepared for the high-density, multi-use, cram-as-many-dwellings-as-you-possibly-can scenario, which is currently before the Fayetteville Planning Commission. I'm sure that our story is similar to the stories of many people who own homes in this area that will be affected by a development such as one proposed.

Several of us have visited one of the most recent neighborhoods that this developer has done, which included duplexes and single family homes. The neighborhood is less than a year old, and is already quite run-down and something that would definitely negatively affect the value of any home surrounding it. Most of the homes have already converted from single family homes inhabited by their owner to investment properties (rentals).

Our quality of life is sure to be negatively impacted by the dramatic increase in traffic and the noise and light pollution that will accompany so many people living in such close proximity after being in our idyllic setting for the majority of our adult lives. That being said, at the very least the proposed development is completely incompatible and almost conflicting with the immediately surrounding neighbors.

We have spent the last 35 years caring for and investing in our property, with literal blood, sweat and tears, hoping it would provide for us in our retirement years. The proposed development will surely significantly decrease the value our home, greatly impacting our ability to survive our retirement years.

Please know we are not opposed to the land being developed in a manner more consistent with the neighboring homes. We would like for any development to enhance and not devalue the neighboring properties and our ability to continue to love where we live. Just because a development meets the criteria of a plan doesn't mean it is appropriate for a particular community within our city, such as in this case.

Therefore we would like the Planning Commission only approve a development of much less density and single family homes, something similar to the Copper Creek neighborhood to the north of the Burge property.

Thank you for your consideration and time. Please send me a link for the Zoom meeting on Nov. 9<sup>th</sup>.

Ben and Sue Mayes  
3266 E Valerie Dr  
Fayetteville AR





## Masters, Jessica

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**From:** Susan Drouilhet <susan.drouilhet@gmail.com>  
**Sent:** Friday, November 6, 2020 5:10 PM  
**To:** Masters, Jessica  
**Subject:** Development Plans in the Lake Fayetteville Watershed

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Jessie - I have just learned of the proposed Chandler Crossing development and its potential impact on the Lake Fayetteville watershed.

As a frequent user of the lake and its surroundings - rowing, kayaking, hiking, running, biking - I am very concerned about the potential impact of the proposed development on the health of the watershed. It seems that the efforts to not only maintain but *improve* the watershed health and vitality as promoted by the Lake Fayetteville Watershed Partnership would be greatly impeded by this development.

This lake is a precious water resource in Fayetteville and needs to be protected and improved, not just for recreation, but for the preservation of a valuable and irreplaceable resource. *Sound and sustainable development practices that provide for protecting the watershed* make good sense for all, economically, environmentally, and aesthetically.

I would ask that you please take these concerns into consideration as the plans for the development are reviewed.

Thank you,

Susan Drouilhet  
1119 N Shady Lane  
Fayetteville, AR 72703  
(479) 236-2341

## Masters, Jessica

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**From:** victoria mcclendon <viktorialeigh@gmail.com>  
**Sent:** Friday, November 6, 2020 1:25 PM  
**To:** Masters, Jessica  
**Subject:** Concern for water quality impact of proposed development

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello J. Masters,

I am a Fayetteville citizen who enjoys Lake Fayetteville in many ways and who volunteers for the Lake Fayetteville Watershed Alliance lake cleanups and invasive plant removal efforts..

I am aware of the posted algae bloom warnings this year and the lake assessments with concerns for runoff to the lake.

It seems that it is clear that the city should have a position of protecting Lake Fayetteville, and committing to its long term improvement , as a backup water source, and as an asset for public recreation.

There are so many reasons that Lake Fayetteville has great appeal and potential. It so naturally works with the greenway, expansion of biking and hiking trails, Botanical Garden, birding, fishing, and family enjoyment.

And the city's commitment and support to new recreation areas, the south Fayetteville river development for example, should not bely the existing underdeveloped natural jewels- Lake Fayetteville the predominant one.

I would like to see this long term commitment to improve the water quality and public enjoyment of the Lake in formal city planning, and ask in this present moment that any nearby building development plans be required to assess the impact on Lake Fayetteville., and the Planning Commission bring that serious consideration to their decision making.

Respectfully,  
Victoria McClendon  
146 West Prospect  
Fayetteville AR

## Masters, Jessica

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**From:** A P <adampinion@gmail.com>  
**Sent:** Tuesday, November 3, 2020 9:46 PM  
**To:** Masters, Jessica  
**Subject:** Re: City Planning  
**Attachments:** image001.png

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for the information. I would like the following include in the comments for the meeting.

My name is Adam Pinion and my family and I live at 3522 E Zion, the most northern section of the proposed plan. If this proposal is approved, I will be on a land island on my own property. I have Fayetteville utilities (except no sewer) and mailing address, but a Springdale zip code of 72764. This worries me.

Additionally, traffic and flooding are of great concern. The nature of the proposed property isn't consistent with the feel of the land in this area. The soil is prime farmland. Use the land for what it's best intention should be.

I am against this development and the threat of a land island that this possess to myself and my family.

Adam Pinion

On Mon, Oct 26, 2020, 8:55 AM Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)> wrote:

Good morning, Adam,

The developer is bringing back the same annexation request that was previously tabled, and is now requesting to rezone the property that is being annexed and a portion of adjacent land along N. Crossover to a PZD, or a Planned Zoning District. The proposal indicates some commercial zoning along the property's Crossover frontage, and residential zoning throughout the rest of the property.

For a quick visual, I recommend taking a look at the [Planning Projects Map](#) to show the land in question. The project numbers are as follows:

- ANX-2020-000001
- PZD-2020-000002

The plans can be viewed at [this link here](#). This link includes both information on the annexation, and information regarding the proposed PZD zoning. The entire project is still under staff's review, and final comments on both will be available by Thursday, November 5 ahead of the November 9 Planning Commission meeting. The meeting will begin at 5:30 PM.

The meeting is likely to be held virtually due to the pandemic and information about how to participate can be found [at this link](#). The meeting specifics are typically posted around 24 hours ahead of time. If you would like to issue comments and want to make sure they are included in staff's report, please have them to me by Wednesday, November 4 so I can make sure to include them all. Members of the public can issue comments to me via email, phone, (or mail!), and you can also provide comments at the meeting. (You can continue to submit comments to me after that deadline, but they will not be included in the packet).

I am happy to answer any additional questions you might have. Many thanks,

Jessie

**Jessie Masters**

Senior Planner

City of Fayetteville, Arkansas

(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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**From:** A P <[adampinion@gmail.com](mailto:adampinion@gmail.com)>  
**Sent:** Monday, October 26, 2020 8:36 AM  
**To:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Subject:** City Planning

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning.

I'm attempting to locate more information about the site plan or submitted proposal for the requested annexation and rezoning of the 3435 East Zion property.

I live at 3522 e zion and this directly impacts myself and my family. I've attempted to use the City of Fayetteville planning website but the instructions to the dropbox for current items doesn't exist anymore.

Any information is appreciated. I attended the virtual meeting in September for the same property where it was tabled indefinitely, so I'm looking to see if there's anything different and I appreciate your time.

Adam Pinion

## Masters, Jessica

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**From:** Allen Carney <acarnack@gmail.com>  
**Sent:** Monday, October 26, 2020 11:41 AM  
**To:** Masters, Jessica  
**Subject:** East Zion road zoning

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,  
I'm writing to ask the city to contemplate opening the extension of Zion Road to the east at it's juncture with Crossover Rd before allowing additional property to the east of that intersection to be developed.

This would allow planning to take a future look at traffic and water flow before allowing additional development work to be done.

Problems that could be overcome before they become massive:

- 1) flooding in the area
- 2) diverted traffic through an established neighborhood
- 3) replacement of a small bridge

By extending the current Zion Road to the east across Crossover Road, master planners could alleviate these as well as other problems.

Thanks for your consideration.

Allen Carney  
3747 E Lexus Dr, Fayetteville, AR 72764  
479-871-7042

## Masters, Jessica

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**From:** whiterl@cox.net  
**Sent:** Wednesday, November 4, 2020 8:50 AM  
**To:** Masters, Jessica  
**Subject:** Zion Road Development

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Masters,

My husband and I want to object to the large development that is proposed for Zion Road. We bought a house in Stonewood/Copper Creek in late 2018. We live at 3145 Ladelle Place. You cannot imagine the disappointment to find out that a developer is trying to put in a huge, crowded complex next to our neighborhood. This is a quiet neighborhood with so many older folks who walk and so many children on bikes, etc. There is no major road plan to carry the traffic load for the proposed huge development. Our neighborhood .... nor the surrounding rural neighborhoods .... does not deserve to have this. Our whole area is quiet, somewhat rural, and with higher end homes. East Fayetteville is wonderful. We have all heavily invested in our homes.

A developer wants to “sandwich in” a crunched and crowded neighborhood with no major road development to handle that traffic level. This type of neighborhood DOES NOT FIT INTO EAST FAYETTEVILLE. EAST FAYETTEVILLE IS MADE UP OF QUIET AND SAFE FAMILY NEIGHBORHOODS. Not only traffic but flooding is a major concern for many of our neighbors.

Please help us to preserve our wonderful family neighborhoods in East Fayetteville. Dr. Charles and Rebecca White



Virus-free. [www.avast.com](http://www.avast.com)



## Masters, Jessica

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**From:** Darryl Calvert <calvert42@gmail.com>  
**Sent:** Saturday, October 31, 2020 11:22 PM  
**To:** Masters, Jessica  
**Subject:** Chandler Crossing

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The development of Chandler Crossing on East Zion Road will be detrimental to the existing neighborhoods. Buildings with no maximum height limitations could lead to apartment houses rivaling those downtown, on campus, and on Dickson. The flooding problems already in existence in the area will get worse and the water flowing into the Botanical Garden and Lake Fayetteville will be heavily polluted from the development runoff. Finally traffic congestion during and after construction will cause personal and property damage, not to mention increased air pollution.

I respectfully ask the City Planning Commission to reject completely this awkward proposal that will spoil the environment and ambience of northeast Fayetteville.

Sincerely,

Darryl Calvert

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D

## Masters, Jessica

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**From:** Deborah Ogg <deborahgogg@hotmail.com>  
**Sent:** Tuesday, November 3, 2020 6:38 PM  
**To:** Masters, Jessica  
**Subject:** Zion Road Rezone/Annex

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express my deep concern about the proposed development on Zion Road. I do understand that the beautiful property off East Zion will not always stay the same. However, what does concern me is the city allowing this project to go forward without first resolving the issues of traffic and flooding which no doubt will be a problem. We live in Copper Creek and our neighborhood along with Stonewood and Embury Acres will be just a few areas affected by your decision.

Thanking you in advance for your consideration and thoughtfulness on this matter.

Debbie Ogg

Sent from my iPad

## Masters, Jessica

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**From:** Debra Aasmundstad <dka5065@att.net>  
**Sent:** Tuesday, November 3, 2020 3:46 PM  
**To:** Masters, Jessica  
**Subject:** 3435 E. Zion Road Annexation and Zoning Request-- Citizen Comments

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Masters,

My name is Debra Aasmundstad and I live at 4701 Copper Creek Drive, Fayetteville, in the Copper Creek Subdivision.

I see that the Fayetteville City Planning Commission is, again, having a hearing on the above-noted matter.

I've reviewed the proposed annexation, and the revised detailed map of the proposed development of this land.

Sad to say, the proposed development is the epitome of badly designed urban sprawl. The density and type of housing, and access, is almost comical in its design.

Urban Sprawl is generally characterized by discontinuous, haphazard, uncoordinated, unplanned or poorly planned urban development. It is characterized by low density, excessive consumption of land, automobile dependence, separation of land-uses, social segregation and displeasing aesthetics. This should not become the face of Fayetteville.

Clearly the land will eventually be sold and developed. Preserving natural resources such as farmland, parks, open spaces and unused land is one way to reduce urban sprawl.

I wish to continue to be proud and boast of being a resident of Fayetteville.

Please practice your due diligence as city planners in considering this proposed land annexation and this development plan. They do not meet the standards set by Fayetteville in stellar community design. Surely thoughtfulness, with high standards in mind, need to be at the core of your deliberations.

Thank you for your consideration. I trust you will act in a manner which keeps Fayetteville a wonderful place in which to live.

Debra Aasmundstad

## Masters, Jessica

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**From:** Dennis Graves <denem5051@yahoo.com>  
**Sent:** Monday, November 2, 2020 11:51 AM  
**To:** Masters, Jessica  
**Subject:** Zion Rd rezoning proposal

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good day

After reviewing the available plans for this project we are even more concerned about multiple things.

- \*Water exiting the retention ponds, one of them exits right into our back yard.
- \* Drainage concerns. (Can't stress this one enough)
- \* Since some of the drainage in this proposal is down their right-away, what part will SWEPCO play?
- \* Density and style of homes.
- \*Fence type, if any, along property lines.
- \*Green-spaces, or lack of, within each planned area.
- \*Potential loss of property values.
- \*Zion road safety issues...( narrow road, increased traffic)
- \* Dangerous one lane bridge with 5 ton weight limit (which is currently only a suggestion to heavy traffic.)

## Masters, Jessica

---

**From:** Planning Shared  
**Sent:** Wednesday, November 4, 2020 11:21 AM  
**To:** Masters, Jessica  
**Subject:** FW: Annexation and Rezoning, Patricia Severino property

**Andy Harrison**

Development Coordinator  
Planning Division  
125 W. Mountain  
City of Fayetteville, Arkansas 72701  
[aharrison@fayetteville-ar.gov](mailto:aharrison@fayetteville-ar.gov)

T 479.575.8267 | F 479.575.8202

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



**CITY OF  
FAYETTEVILLE  
ARKANSAS**

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**From:** Malcolm [mailto:dmalcolm.mcnair@gmail.com]  
**Sent:** Wednesday, November 04, 2020 11:01 AM  
**To:** Planning Shared <planning@fayetteville-ar.gov>  
**Cc:** Malcolm McNair <dmalcolm.mcnair@gmail.com>  
**Subject:** Annexation and Rezoning, Patricia Severino property

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As an adjacent property owner to the Patricia Severino property, with layman description of 3435 E Zion Road, Washington County, Arkansas, my sister and I are very much in favor of the Annexation into the City and requested rezoning of the 59 acres. This Annexation and Rezoning request comes before the Planning Commission on November 9, 2020 at 5:30pm.

Thank You for your consideration of our support.

ECT Farmland, LLLP  
D Malcolm McNair, Jr.  
Lucy McNair Jones

## Masters, Jessica

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**From:** Planning Shared  
**Sent:** Tuesday, November 3, 2020 8:11 AM  
**To:** Masters, Jessica  
**Subject:** FW: Resining of E. Zion & North Crossover

ANX and PZD on Zion Rd.

**Andy Harrison**  
Development Coordinator  
Planning Division  
125 W. Mountain  
City of Fayetteville, Arkansas 72701  
[aharrison@fayetteville-ar.gov](mailto:aharrison@fayetteville-ar.gov)  
T 479.575.8267 | F 479.575.8202  
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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**From:** nfuller12@aol.com [mailto:nfuller12@aol.com]  
**Sent:** Monday, November 02, 2020 5:57 PM  
**To:** Planning Shared <planning@fayetteville-ar.gov>  
**Subject:** Resining of E. Zion & North Crossover

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My home at 4260 N Hillside Terrace is adjacent to this development. I am concerned about what is going to be built next to our fence. I hope there will be no large apartment complex butted up against our fence for us to look at from our deck. I would hope there is a design available for the people to look over before this is passed. Single family homes with privacy fences would be something that would keep our property values from going down.

Ray & Nancy Fuller  
4260 N Hillside Terrace  
Fayetteville, AR 72703

479-530-2924  
[nfuller12@aol.com](mailto:nfuller12@aol.com)

Sent from AOL Mobile Mail  
Get the new AOL app: [mail.mobile.aol.com](http://mail.mobile.aol.com)

## Masters, Jessica

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**From:** Georgia Ross <georgiahross@icloud.com>  
**Sent:** Monday, October 26, 2020 3:51 PM  
**To:** Masters, Jessica  
**Subject:** Proposed development on Zion/Crossover

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I write in concern for the development proposal at Zion/Crossover. My concern pertains to drainage. Will this proposal slow water getting out of the neighborhood by increasing flow from the development into Hilton Creek? Several yards in Stonewood already flood during heavy rain. Also, I am concerned about the effect on The Botanical Garden of the Ozarks which has flooded on occasion and suffered damage to plant and signage. The garden is a popular spot for many people and is supported largely by memberships and fees from activities. The Garden is a big draw to our area from all of NWA and indeed from all over the USA. Its importance to the economy, to family life, and to recreation and relaxation should never be overlooked. Thank you for considering the concerns mentioned here.

Sent from my iPad  
Georgia Ross  
3741 Hearthstone Dr  
Fayetteville AR 72764  
870 208 3396

## Masters, Jessica

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**From:** James Cooper <DrCooper77@cox.net>  
**Sent:** Thursday, October 29, 2020 1:43 PM  
**To:** Masters, Jessica  
**Subject:** Zion road proposal

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We reviewed the amended proposal by the developer. Once again, where is the drainage feasibility study, and once again, there is no mention of the narrow road or inadequate bridge, not to mention the problems with county ownership or maintenance. It is our understanding that the extension of Zion Road south past the traffic light is a possible future project that would entail the city purchasing that land and paying for the extension. Since our property is downhill from a proposed extension, again where is the drainage feasibility study?

We appreciate the desires of the developer, however, to extend Zion beyond the traffic light to facilitate his desire for commercial expansion along Zion plus apartments and homes seems inappropriate at this time. Zion road from 265 to his property can not accommodate continuous traffic involving heavy dump trucks and construction materials. I see nothing in his proposal that resolves the issue with the county. We are adamantly opposed to the city approving this proposal.

Dr. James Cooper  
3209 East Zion Road  
Fayetteville 72764  
479-872-6558

Sent from my iPhone



## Masters, Jessica

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**From:** Jessica Farmer <jjfarmer1234@gmail.com>  
**Sent:** Tuesday, November 3, 2020 8:36 PM  
**To:** Masters, Jessica  
**Subject:** Zion Road Annexation/Rezoning Concerns  
**Attachments:** Video.mov; image1.jpeg; image4.jpeg; image2.jpeg; image3.jpeg

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Jessie,

My name is Jessica Booth and I live on E Zion road. I would like to request that this email be included for the planning commissioners review.

Thank you!

Planning Commissioners,

I am writing today to express concerns regarding the E Zion Road rezoning request, annexation, and plans for development. Before I jump into my concerns, I'd like to urge each of you to take a drive out to our neighborhood. Take a walk all around and watch the traffic. Note the condition of the road and the bridge in relation to the proposed plans. Check out the several 90 degree turns of the road in relation to where the plan wants to put entrances/exits. Check out our livestock and gardens (although they looked much more alive this summer, the gardens I mean...the livestock is still alive and well). You're more than welcome to park at our house, as parking on the street is not a great idea due to the narrow road. Survey the character of our neighborhood. I can assure you, what is being proposed is absolutely not in line with the character of the surrounding neighborhood.

As was discussed in the last meeting in August, a very large percentage of the proposed property was described as "prime farmland." Why is this prime farmland being wasted? The properties adjacent to the proposed property are a semi-agricultural type community. As mentioned before, many neighbors raise livestock, drive tractors, maintain ponds, and grow gardens to feed their families and neighbors. Most of the homes surrounding the proposed development area are on 1-3+ acre lots, with plenty of distance between neighbors to maintain our hobby farms or hobby gardens.

We voiced our concerns at the last meeting regarding road safety, bridge safety, and increased traffic problems that E Zion Road can hardly sustain as is. Also, not discussed as much is the intersection of E Zion road and 265. It is already incredibly dangerous (especially turning left!). Additional traffic would compound the problem. A stoplight would be direly needed to prevent even more accidents at that dangerous intersection if traffic increases.

I will attach photos of the sketchy one lane, 5 ton limit bridge that has come up so often in our concerns (which is half in the city, half in the county). There is also a video attached of the bridge guardrail that is attached by one single bolt. For reference, google says that an ambulance weighs 5 tons, a cement truck weighs 16-24 tons, a fire truck can weigh 40 tons, and the legal weight of a semi truck is 40 tons. I have personally seen several of these vehicle types cross our tiny little bridge. I fear that with this type of development, illegal(?) crossings of overweight vehicles will increase and eventually the bridge will fail.

We talked about flooding that already damages and impacts our property even without an incredibly dense development upstream. Roofs and asphalt, especially hundreds and hundreds of them will not absorb rainwater. This

type of development will make it much worse for those downstream, including potentially polluting runoff into Lake Fayetteville.

None of these concerns that we have expressed previously (or currently) have been alleviated. In fact, with the addition of the developer's plans for this proposal, my concerns have gotten much worse.

The proposed plans for the property in question are a blatant, almost comical attempt to make as much money as possible without regard to the current members of the community or the character or the area. As others have surely said, we are not against development. We would love to welcome new neighbors to this community. At the last meeting in August, a commissioner suggested that the developer come out and talk and work with the neighbors regarding this proposed development. I can assure you that not a single attempt was made to communicate with us. We are friendly folks and would have welcomed a chance to work together to safely (and without creating additional flooding) expand the area while preserving the character of the neighborhood (6 feet apart and masked, of course).

The developers have made it clear that their priority is not to preserve the character, safety, or wellbeing of the community, but to stuff as many dwellings into as small an area as possible so as to make the most money possible.

Thank you for your time and your consideration,

Jessica Booth  
3400 E Zion Rd









## Masters, Jessica

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**From:** Joseph Robertson <joseph.robertson@outlook.com>  
**Sent:** Wednesday, November 4, 2020 9:40 AM  
**To:** Masters, Jessica  
**Subject:** Chandler Crossing / 3435 E Zion Rd annexation and rezoning

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Masters and Commissioners,

The latest annexation proposal does not meet the city's guiding policies on what should be annexed. Please reference my previous letter below (8/24) reviewing the report released just before our last meeting.

All of the previously voiced concerns still apply. Neighbors have issue with increased traffic on Zion, pedestrian safety, bridge (load and flow) capacity, existing and future storm water runoff, sprawl, emergency services access, and impact to the Lake Fayetteville water quality.

Last time annexation of this property was discussed, one commissioner pointed out that the lines do not follow any natural corridor (not even property lines). This proposal does not attempt to correct that issue.

I hope that you carefully consider Mr. Lang's report about the current water runoff capacity of this area and the dramatic increase in flooding that will occur from added roofing and paved areas. It is in the city's best interest to avoid floods as the property damage leads to lower home values and water pollution that flows directly into Lake Fayetteville. Extending the city's borders to facilitate more development affects not only the established homes and the lake, but it also impacts our wonderful Botanical Gardens.

Please reject the current proposal and consider only annexing and zoning property localized to the 265/Zion light intersection while requiring significant storm water runoff steps be implemented and verified. Even working systems will degrade and fail over time without proper maintenance.

Joseph Robertson  
3397 E. Zion Rd.

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**From:** Masters, Jessica <jmasters@fayetteville-ar.gov>  
**Sent:** Monday, August 24, 2020 3:18 PM  
**To:** Joseph Robertson <joseph.robertson@outlook.com>  
**Cc:** kellierobe@gmail.com <kellierobe@gmail.com>  
**Subject:** RE: 8/24 Fayetteville Planning Commission Memo - New Business items 6 & 7

Joseph,

Thank you for your input, and again, apologies for the oversight on the email we received from Kellie. I have forwarded both yours and Kellie's emails to the Planning Commission.

I encourage you to attend the meeting this evening. Information about how to sign in can be found at [this link](#), and I encourage you to register ahead of time.

Many thanks,

Jessie

**Jessie Masters**

Senior Planner

City of Fayetteville, Arkansas

(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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**From:** Joseph Robertson <joseph.robertson@outlook.com>  
**Sent:** Monday, August 24, 2020 1:38 PM  
**To:** Masters, Jessica <jmasters@fayetteville-ar.gov>  
**Cc:** kellierobe@gmail.com  
**Subject:** 8/24 Fayetteville Planning Commission Memo - New Business items 6 & 7

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mrs. Masters,

I was disappointed to see that our letter – sent 8/17 - was not included in the planning commission report for this evening's meeting. We tried to keep it to a single page so that it would be easy to read and include. I see that you responded this morning and said it would be provided to the council, but it worries me that they will not have adequate time to read ours and other letters that were missed.

After reading through the report, I wanted to provide my feedback and questions on that content in case I am not given a chance this evening.

1. On page 2 under Infrastructure, you state that any required street and drainage improvements would be established at the time of development.
  - a. Is the total cost of those improvements to be borne by the developer? If not, how can the city make an informed decision without knowing the financial impact?
  - b. Page 9 describes Annexation policies as guidelines "designed to ensure that public services, infrastructure, and utility extension is properly addressed in order to manage growth". Based on that definition, it sounds like annexation is exactly the time to address those services and not at development.
  - c. Can we get the ball rolling on having a flood study done in the section that is already under city jurisdiction (between the 1-lane bridge and 265)? Flooding is already a concern without changes, it makes sense that we first determine what is happening before adding additional development.
2. Fire response time is longer than their 6 minute goal. To meet their goal to cover this undeveloped neighborhood, would the city need to add another fire station and at what expense? Would that also be covered by the developer or the taxpayer?
3. Page 3 shows scores from the City Plan 2040 Infill Matrix with one of the elements that contributes to that score as a "4 minute fire department response time" yet it was stated the response time is actually 7.2 minutes.



4. Annex Guiding policy 12.3.5.a states that the city should “not annex areas that create an island or peninsula”. The finding text explains that this annex would not create an island. It does however create a peninsula of county land wrapped by Fayetteville City limits. This fact counters the guideline.
5. Annex Guiding policy 12.3.5.d says that the “annexed areas should follow natural corridors”.
  - a. Can you please define “natural corridors”?
  - b. The findings state that “annexation boundaries almost follow the property lines... [but] does not necessarily follow any natural, already existing corridors”. This seems to counter the guideline.
6. Annex Guiding policy 12.3.5.f about environmentally sensitive areas
  - a. The finding section seems to argue that city oversight is needed to address flooding issues, but most of the land between the named property and Lake Fayetteville is already in the City. This has not helped matters in the ~6 years that we have owned our property. I got to speak with Alan Pugh on these matters this morning and it sounds like it is currently the property owner’s responsibility for keeping the stream clear of debris. Beyond making sure every property owner understands that, I believe a flood study could help root out the cause(s).
  - b. The findings also mention development will be subjected to the City’s streamside protection standards. How will those standards protect current residents and how will they address preexisting issues?
7. Annex Guiding policy 12.3.5.g “Public services must be provided efficiently in newly annexed areas.”
  - a. While the Police Department has no concerns with the additional load, we have experienced delays with the current boundary lines because both City Dispatch and County Dispatch are quick to defer to the other. Muddying the waters by making an irregular boundary will make this a bigger issue.
  - b. With the estimated response times for Fire protection service not meeting the current standard, what is the current plan to address this policy?
8. Annex Guiding policy 12.3.5.h Annexed areas should receive the same level of service – While this address already receives Water and Trash/Recycling pickup, what additional cost will be incurred by the city to add Fire Protection (to standards) and Sewer service? I see no estimates in this report. Is there another report that has those numbers?
9. Annex Guiding policy 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.
  - a. Engineering states upgrades will be needed. This statement counters the guideline.
  - b. Planning states significant infrastructure improvements would need to be made. This also counters the guideline.
  - c. There was no mention of capacity for gas.
10. Annex Guiding policy 12.3.5.m Planning with adjacent jurisdictions – Is Washington Count a jurisdiction? Has it been discussed with them? Do they want the city to take on Zion Rd. as part of their street plan?
11. Annex Guiding policy 12.3.5.n “Establish agreements to address regional concerns, such as water, stormwater, and sewer.”
  - a. How are these agreements established? The finding text only mentions discussions and does not define the procedure or included parties.
  - b. What if neighbors do not agree with the plan? What recourse is available?
12. Annex Guiding policy 12.3.5.p “Designate zoning districts for the property **during** the annexation process.”
  - a. I understand that Item #7 on tonight’s agenda was rescinded. It sounds like the plan is to move forward with annexation discussion which counters this guideline. It is very concerning to me that the city would take this step without proper public input and potentially deciding on it behind closed doors. It is especially concerning if it potentially affects our ability to continue using our own land consistent with how we have since we purchased the property.
13. Annex Guiding policy 12.3.5.q “An annexation study should be completed on **all** annexation proposals.”
  - a. The finding states that responses with other departments were included in this report. The only data I see included is the Fire Department response time estimate which counters guidelines already discussed above. Please define what an annexation study entails.
  - b. Where is the cost estimate that will be placed on the taxpayers?

14. Annex Guiding policy 12.3.5.r “Development proposals require a separate review from the annexation proposals.”
  - a. Will that proposal be public and open for comment?
15. Annex Guiding policy 12.3.5.t “Encourage larger annexations to create acceptable boundaries.”
  - a. It seems very ambiguous what is considered a large vs moderate size annexation.
  - b. The finding text seems to skirt over the issue that annexing the portion North of Hilton creek would create a distinct peninsula as previously mentioned with item 12.3.5.a.
16. Annex Guiding policy 12.3.5.u “Conduct a fiscal impact assessment on large annexations.”
  - a. Given finding that “annexing land toward the northeastern extent... can pose financial challenges for the City to maintain the public infrastructure in a fiscally sustainable manner”, should we not therefore require an impact assessment so that the council can make an informed decision?
17. Is the land in question for this annex to be used to establish Title IV (Housing and Urban Development Act of 1968) or Title VII (Housing and Urban Development Act of 1970) housing?
18. Will this item get placed on the next election if passed by the city council?

Based on the findings in this report countering guidelines and no hard data backing up the decision, I cannot understand why the staff recommends approving this annex request.

Joseph Robertson  
3397 E. Zion Rd.

## Masters, Jessica

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**From:** Kellie Robertson <kellierobe@gmail.com>  
**Sent:** Saturday, October 31, 2020 1:47 PM  
**To:** Joseph Robertson; Masters, Jessica  
**Subject:** Re: Concern about 3435 E. Zion Rd rezoning request

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Commissioners and Ms. Masters,

I appreciate the information sent out concerning the proposed Chandler Crossing development. As our family stated back in August, we have many concerns with this development. Foremost are flooding and safety. The proposal mentions that a drainage report and traffic study will be submitted. Who will be responsible for organizing these studies? What is the timeline for them? Are there any requirements that the studies be completed and someone approve them prior to the development work beginning? What recourse will current property owners have to combat damages from poorly planned developments?

Since we moved into our home 6 years ago, at 3397 E. Zion Rd, flooding from Hilton Creek has been a constant concern. We have seen nothing done to alleviate the drainage issues. There are many factors at play including unmaintained existing retention ponds, undersized culverts along Zion, and excessive vegetation in Hilton Creek all the way to Hwy 265. During a hard rain, the back of our property often turns into a river, flowing straight into our neighbor's home to our west. Another contributing factor is the low water bridge on the Burgess property. They have placed fencing across the creek, which catches debris and forces the pooling water on their property outside of the creek bed and eventually reroutes through our property.

The ditches along Zion Road fill up quickly with the excessive runoff and undersized culverts cause it all to spill over the road. The one lane bridge becomes impassable and a safety hazard as water covers the road and bridge. We have attempted removing brush up to the one-lane bridge ourselves, but for it to be effective, that action must be carried through to the larger culverts at Hwy 265. If new development is put in place, without very careful planning and ongoing maintenance, we are concerned this flooding problem will only become worse. We are attaching pictures from the flooding so far in 2020. We can provide pictures from previous years that look very similar. Our hope is that the city and county can find a way to finally address the cause before adding more homes and development in this area.

We would very much like to remain in the county and at the very least remain zoned agriculture so we can continue to use our land as a family farm. Can you provide us any information about how regulations or requirements might change for our property if the area is rezoned?

As mentioned above, the one lane bridge is a safety problem. There are issues with visibility, load carrying capacity, and traffic flow, and it may also be acting as a choke point for water during heavy rains. An increase in population on this section of road increases the chance of pedestrian accidents, as there are no sidewalks or bike lanes, except for a small section of sidewalk at Hwy 265 and another section at Copper Creek. People drive through the area with little regard to children playing in the yard or people exercising on the road. Our family enjoys the playground in Copper Creek. It is within easy walking distance, but due to the way people drive and the current state of the road, we usually choose to drive for safety.

We have not seen any information on how the city will support the families in the new development area. Where will they go to school? Will current residents be moved to a different school? What emergency support systems will cover this area? The few times we have needed either police or ambulance, the dispatch wastes time sending us back and forth between Fayetteville City and Washington County. It seems they do not know where we belong either and care was delayed. What will happen if the area doubles or triples in families? How will their services be provided in a timely and safe manner?

The proposal mentions the development will be similar to the Lakewood Subdivision. That subdivision is very dissimilar from the current Copper Creek neighborhood and surrounding rural area. I don't see how the developers can state this new neighborhood will be "similar" to surrounding neighborhoods.

The proposed development will require the creation of infrastructure. Why should the City of Fayetteville be left with this bill? The City has already stated it wants to prevent sprawl. How is this development not sprawl?

My family loves our neighborhood. We love the access we have to both Fayetteville and Springdale. We hope any future development will work to preserve our environment, not create more problems for flooding or property damage due to poor planning. We hope developers will carefully consider how their work will affect not only the surrounding homes, but the Botanical Garden of the Ozarks and nearby roadways that can be impacted by increased flooding. We aren't shying away from new neighbors. We love the area and understand why others will too. We hope any new families will find a similar, well cared for environment, with easy access to services. We do not want to see a neighborhood thrown together quickly with no regards for the timing of fire or police, with no regards to the impact to local schools or nearby property.

I would encourage the planning commission to come out and view the area for themselves. Maybe seeing will help everyone better understand our concerns. As mentioned above, I am attaching pictures of flooding from this year. We would welcome discussion on how to prevent this in the future.

Regards,

Kellie Robertson  
3397 E. Zion Rd.  
479-283-6182











## Masters, Jessica

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**From:** Kristin Collins <kristin.collins65@gmail.com>  
**Sent:** Monday, October 26, 2020 2:10 PM  
**To:** Masters, Jessica  
**Subject:** 3435 E. Zion Rd.

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Masters,

I live in a nearby subdivision, Copper Creek. The 85 acres behind us can Not sustain a multi family and commercial properties. There are drainage and flooding issues, traffic issues, not to mention a complete change to the environment!

We do not want this in our beautiful rural setting. You need to hear what we have to say as residents of this area. Our area can not sustain more development and keep Fayetteville a desirable place to live. There is too much already! This is not the area for development for many reasons. I have lived in Fayetteville for 20 years and want my local government to continue to listen to its residents.

--

**Kristin Collins, B.F.A., M.S.**  
Counselor  
Heritage High

## Masters, Jessica

---

**From:** mmbritain@gmail.com  
**Sent:** Wednesday, November 4, 2020 11:47 PM  
**To:** Masters, Jessica  
**Subject:** Chandler Crossing concerns

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessie,

As a Fayetteville resident who is frequently rowing on Lake Fayetteville, I am very concerned with the proposed Chandler Crossing development. As I'm sure you are aware, the water quality of Lake Fayetteville is not good, with sediment and P coming in from Clear Creek clearly the culprit. The lake has experienced repeated dangerous blue-green algal blooms (microcystin toxin), which correlate to the eutrophic conditions in the lake.

The lake has become an important outdoor destination for hikers, bikers, rowers, kayakers, and fisherman. It's on the square to square bike route, and therefore has visitors from throughout the region. The lake deserves to be protected.

I'm afraid that the Chandler Crossing development, with ~400 houses within the lake's nearby watershed, will negatively impact the lake's water quality. The plan includes miles of impervious surfaces: roofs, roads, sidewalks--all surfaces that will move sediment and P laden run-off directly into the adjoining creeks without the natural filters that a plant rich riparian zone can provide. Neighbors have provided photos to you demonstrating recent flooding.

I'm sure the planning commission is also aware that Lake Fayetteville is the City's back-up water supply. For that reason alone, we should be careful of developments in the watershed.

One of the recommendations in the Watershed Conservation Resource Center's report (funded in part by the City of Fayetteville) was to "Conserve family farms as working farms . . ." This ~80 acre plot was until recently a working farm.

I realize that we cannot stop growth completely in an area where the population is increasing, but I would ask that you pause and reconsider this development with the health of the lake in mind. Can the land be preserved or developed in a way that will have less of an impact on our water supply?

Thank you for your consideration.

Where can I optain the Zoom link for the Planning Meeting where this will be addressed? And, are citizens allowed to speak?

Sincerely,

Margaret Britain  
1931 N. Wheeler Ave.  
Fayetteville, AR 72703  
479 236 0926

## Masters, Jessica

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**From:** Margret Walker <wmargret09@gmail.com>  
**Sent:** Tuesday, October 27, 2020 1:03 PM  
**To:** Masters, Jessica  
**Subject:** 3435 E Zion rezoning proposal concerns  
**Attachments:** Planning Commission Members and City Staff.docx

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Jessica, I have attached my concerns to be presented to the November meeting of the Planning Commission.

Thanks for your assistance,

Margret M. Walker

3441 Peppermill Pl, Fayetteville, AR 72764

Planning Commission Members and City Staff:

Subject: Annexation 3435 E. Zion RD, Chandler Crossing Proposed Annexation

From: Margret M. Walker, resident of Copper Creek Subdivision, adjacent to proposed annexation

My concerns:

1. Traffic access and flow out of a proposed high-density dwellings' area

The proposed street connections:

- Two new streets onto Zion Rd from the proposed site going west over a one-lane bridge to HWY 265 with no stop lights on HWY 265 at that intersection.

Not mentioned is for the more likely scenario of these two new accesses onto E. Zion Rd to flow into Copper Creek Subdivision onto Hearthstone Drive a more likely route for a subdivision of multi-family constructions. Copper Creek has struggled with existing traffic speeding in a residential area along this street. On many occasions speed alerts have been installed at the request of the POA to protect children and residents from speeding cars some of which use it as a short cut from Butterfield Trail onto HWY 265.

- Also, include as a future street connection is a street in the Fayetteville Master Plan should a future additional row of lots be built to feed into a proposed street near the eastern property.

As proposed pushing traffic through the Copper Creek Subdivision on Hearthstone Drive or across a one-lane bridge.

2. Devaluing of existing property in the Copper Creek Subdivision. The 35' and 50' wide lots listed for townhouses or multifamily residences adjacent to Copper Creek Subdivision will diminish the value of existing homes due to the density and traffic flow expected.
3. The homeowners in the existing flood zone:  
Without addressing existing limited street flow out of Zion across a one-lane bridge, the existing drainage/flooding issue from Hylton Branch (not including the proposal of 260 lots east of these homes), would that not invite a lawsuit? I do not mention such as anything other than these homes are at risk as it is. Videos and photos of frequent flooding up to and into these homes and buildings is easy to provide. To disregard the issues and further acerbate their concerns for these homeowners simply could not be accepted. Their investments in their home and property would compel them to protect their investments.

Issues I would hope the Commission would address:

1. Existing drainage and flooding from Hylton Branch.
2. Denying annexation of a high density residential proposal in an area not suited to multi-family construction.

## Masters, Jessica

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**From:** Michele <mlang9669@gmail.com>  
**Sent:** Thursday, October 22, 2020 1:41 PM  
**To:** Masters, Jessica  
**Subject:** 3435 E Zion Rd annexation and rezoning requests

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Masters,

Our neighborhood has seen the new signs posted at this property, giving notice of annexation and rezoning requests again. As the semi-official spokesperson for a group of neighbors, I am requesting a copy of the proposed plat, description of developer's plans, or any other information you have relating to this subject. If you are able to send all this by email, that would be great. Then I can share it with the others.

Thanks for your assistance.

Sincerely,  
Michele Lang  
3322 E. Zion Rd  
[Mlang9669@gmail.com](mailto:mlang9669@gmail.com)

Sent from [Mail](#) for Windows 10

## Masters, Jessica

---

**From:** Michele Lang <mlang9669@gmail.com>  
**Sent:** Monday, October 26, 2020 1:30 PM  
**To:** Masters, Jessica  
**Subject:** Re: 3435 E Zion Rd annexation and rezoning requests

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessie, two quick questions for you ...

Will the emails/comments that were included in the first staff report be included in this second report, or are we starting over with just new emails?

Are we allowed to know the name of the developer or company? We would like to see any of his previous projects, which seems only fair.

Thanks,  
Michele Lang

Sent from my iPad

On Oct 22, 2020, at 3:02 PM, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

Michele,

Thank you for reaching out. The developer is bringing back the same annexation request that was previously tabled, and is now requesting to rezone the property that is being annexed and a portion of adjacent land along N. Crossover to a PZD, or a Planned Zoning District. The proposal indicates some commercial zoning along the property's Crossover frontage, and residential zoning throughout the rest of the property.

For a quick visual, I recommend taking a look at the [Planning Projects Map](#) to show the land in question. The project numbers are as follows:

- ANX-2020-000001
- PZD-2020-000002

The plans can be viewed at [this link here](#). This link includes both information on the annexation, and information regarding the proposed PZD zoning. The entire project is still under staff's review, and final comments on both will be available by Thursday, November 5 ahead of the November 9 Planning Commission meeting. The meeting will begin at 5:30 PM.

The meeting is likely to be held virtually due to the pandemic and information about how to participate can be found [at this link](#). The meeting specifics are typically posted around 24 hours ahead of time. If you and your fellow neighbors would like to issue comments and want to make sure they are included in staff's report, please have them to me by Wednesday, November 4 so I can make sure to include them

all. Members of the public can issue comments to me via email, phone, (or mail!), and they can also provide comments at the meeting. (You can continue to submit comments to me after that deadline, but they will not be included in the packet).

Please feel free to reach out if you have any questions. Many thanks,

Jessie

**Jessie Masters**

Senior Planner

City of Fayetteville, Arkansas

(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

<image001.png>

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**From:** Michele <mlang9669@gmail.com>

**Sent:** Thursday, October 22, 2020 1:41 PM

**To:** Masters, Jessica <jmasters@fayetteville-ar.gov>

**Subject:** 3435 E Zion Rd annexation and rezoning requests

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Masters,

Our neighborhood has seen the new signs posted at this property, giving notice of annexation and rezoning requests again. As the semi-official spokesperson for a group of neighbors, I am requesting a copy of the proposed plat, description of developer's plans, or any other information you have relating to this subject. If you are able to send all this by email, that would be great. Then I can share it with the others.

Thanks for your assistance.

Sincerely,

Michele Lang

3322 E. Zion Rd

[Mlang9669@gmail.com](mailto:mlang9669@gmail.com)

Sent from [Mail](#) for Windows 10

To: Fayetteville Planning Commission

Re: Proposed Annexation and Rezoning 3435 E. Zion Rd

Thank you for listening and considering the area residents' previous comments on annexation in August. Now that the developer has submitted plans for rezoning into a mixed use project of high density, the neighborhood is even more upset at this proposal. Our major concerns are drainage, increase in traffic, and maintaining the quality of our neighborhood.

Flood control and water drainage MUST be addressed prior to any development. Those of us who live just west and north of the subject property already have to contend with flooding every time there are heavy rains. Some owners have had their homes flooded multiple times. Requests for solutions to the city and county over the years have been brushed off. The stream channel of Hilton Creek is not adequate to handle the amount of runoff currently from unimproved land. The city and county need to work together on the ongoing drainage problems before allowing more vacant land to be paved over and greatly increasing the flooding problems.

The developer's plan for access to the project includes a new east-west street from Crossover. Who will pay to build this street ... the developer or the city? When would it be built? This planned street, as a continuation of Zion Rd from the west, is on the city's Master Plan. Those of us who live on the eastern section of Zion Rd would be thrilled for this street to be constructed, from Crossover to Butterfield Coach Rd, thereby reducing the amount of through traffic that we currently have.

But without this new street, the only access to the project is via not one but TWO entrances from Zion Rd, per the submitted plan. This part of Zion Rd is curvy, with no shoulders, and so narrow in places that vehicles have to drive off the pavement in order



to pass each other. The number of vehicles using this road already strains safety limits, especially during commuting hours. Adding hundreds of additional users from this high-density development, not to mention all the construction traffic, is poor planning. Zion Rd started as a narrow country road, winding through the countryside ... it was never intended to be a thoroughfare street.

Additionally, the one-lane bridge over Hilton Creek is on Zion Rd, between the proposed project entrances and Crossover. The bridge is located in a curve and has been the site of multiple accidents and almost daily near-misses . The bridge has a 5-ton load limit which is frequently ignored by heavy trucks hauling gravel, cement, bricks, etc. The bridge definitely could not safely handle an increase in traffic.

The planning booklet states that a drainage report and a traffic study will be done. Who is responsible for performing and interpreting these studies? Will it be an independent and impartial party? When would the results be available to the public?

The proposal's descriptions of the zoning districts and surrounding properties of the development are inaccurate or misleading. The subject site is adjacent to only R-A and RSF-4, plus unincorporated areas. Zones C-1 and P-1 are not adjacent to the subject, but are west of a four-lane highway (Crossover). Rezoning of the subject parcel from R-A to a mixed use PZD is NOT within the zoning of the adjacent properties zoning districts and densities, contrary to this statement in the planning booklet. The neighborhood is composed of single-family homes on sites ranging from 1.3 acres to 29 acres. The average parcel size is 3.73 acres. How is a high-density project similar to this?

The proposal states: "*This development has been proposed to relate directly to the Lakewood Subdivision to the East of the site, while staying within a similar density to the Lakewood Subdivision. Furthermore, the land use of this development fits well within the residential surroundings currently built along E. Zion Road, all while remaining similar in*

*appearance to the Lakewood subdivision and the Woodbury Townhomes along E. Zion Road. The appearance of this PZD shall compare to the surrounding subdivision and developments with its similar lot size, alley fed access, smaller setbacks, and neighborhood character."*

The developer is currently building Sagely Place, another housing project located on Zion Rd, but farther west in another neighborhood. Apparently the information describing Sagely Place was copied for the proposed subject project. The referenced Lakewood and Woodbury projects are NOT located in the subject neighborhood. The appearance of the proposed high-density project does NOT compare in any respect to the neighborhood surrounding the subject parcels.

After reading carefully through the 20-page proposal booklet several times, my conclusion is that the developer is attempting to "check" all the boxes for urban planning in order to receive approval by city planners. Otherwise, what would be the purpose of promoting a high-density project of multi-family buildings, duplexes, and small-site homes ... all crammed into a semi-rural area on the city outskirts, where 3-acre lots are the norm? Where drainage and flooding problems already exist, and will be exacerbated by hardscape and buildings? Where the amount of traffic on a narrow road and one-lane bridge is already unsafe, and several hundred additional vehicles each day will only make the problem worse?

During my 30+ years in residential real estate, with 21 years as a Certified Residential Appraiser, I inspected, viewed, or appraised thousands of properties. In my experience, high-density developments deteriorate more quickly than any other type property, no matter how "attractive" they are originally. Multi-family buildings and duplexes tend to be rental or investment properties, i.e. non-owner occupied. This lack of onsite attention and care leads to deferred maintenance issues, overall neglect, and a decline in value, which soon transfers to the surrounding area. This is not the type of development that I want to see in our neighborhood.

To the commissioners, please carefully consider the future of this area. Currently the subject site looks like this:



We don't want this beautiful land to end up looking like this. There is no going back.



Michele Lang

Certified Residential Appraiser , CR #1058 (Retired)

3322 E. Zion Road

## Masters, Jessica

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**From:** Mona Calvert <mjwc82@yahoo.com>  
**Sent:** Saturday, October 31, 2020 11:08 PM  
**To:** Masters, Jessica  
**Subject:** Zion road project

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern:

As a resident of the city of Fayetteville who lives on East Zion Road I am extremely interested in the proposed annexation and development on farmland east on Zion. The scope of this development and the apparent focus on crowded housing lots, smaller units, and multi-story buildings, not to mention shopping centers lends this the entire endeavor an aura of greed-driven, low-quality urban sprawl.

Recent documentation provided by the developers does not adequately address the two primary issues which cause great concern to me and my neighbors: flooding and traffic. As a matter of fact, the new documentation seems to be nothing but a paper blizzard to snow the city as they don't even use the correct name of the waterway that is sourced on the land in question. They refer to it as Hilton Creek. It is named Hylton Branch. Such an oversight makes one wonder if they even reviewed the water issues we brought up or looked at a map.

The traffic issues are another matter altogether. The roadway of Zion to the entrance of the proposed development is not suited to construction traffic from either direction - east or west. I foresee the driveway to my house blocked from emergency vehicles, much less friends, family, and the mail carrier, when the first loaded dump truck crashes through the weak one-lane bridge on Zion.

I know money talks and my neighbors and I don't have the funds to fight a foreign developer, but the city and county citizens who will be most affected by this proposed development are going to suffer in more ways than financially if this overgrown apartment and mini-mall complex is instituted. The following is a full-blown NIMBY comment: I don't want my side of town to look like Martin Luther King Blvd. as it heads west towards Farmington. While I am not opposed to development in northeast Fayetteville, it should be consistent with the beautiful neighborhoods and acreages that already exist here.

Sincerely,

Monetha Calvert  
3312 E Zion Rd  
Fayetteville, AR 72764  
mjwc82@yahoo.com

P.S. Where the heck is N. Zion Road as referenced multiple times in the planning documents? Do these greedy people not know that the neighborhood road they are trying to destroy runs east and west? Again, did anyone check the map?

Who is ECT Farmland LLLP listed as one of the owners? I can find no information about them on the internet? Plus, what is an LLLP?

## Masters, Jessica

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**From:** Nick Anthony <nanthony@uark.edu>  
**Sent:** Thursday, November 5, 2020 11:47 AM  
**To:** Masters, Jessica  
**Subject:** Fw: Anthony Flooding Zion Rd  
**Attachments:** IMG\_2361.JPG; IMG\_2427.JPG; IMG\_1824.JPG; IMG\_2426.JPG; IMG\_5881.jpg; IMG\_2424.JPG; IMG\_2423.JPG; IMG\_5824.jpg; IMG\_5792.jpg; IMG\_2425.JPG; IMG\_5825.jpg; IMG\_5823.jpg; IMG\_5491.jpg

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Dear Jessica, please consider this letter a complete rejection of the developers plans to build a high concentration neighborhood on the land designated to be annexed and rezoned. I appeal to the Fayetteville Planning Commission to take a serious look at this request and consider the damage that this project will do to the surrounding neighborhood as well as Lake Fayetteville. In my worst nightmares did I ever envision a development going on to the Burge farm that totally rejected the passion that he had for the land. In fact, Robert Burge rejected \$4.5 million offers for this land because he just could not allow his farm to be turned into what is being proposed in this request. There are many aspects of this request that must be considered. First is the water runoff issue that I address in the letter submitted to the Planning Commission in August 2020. Based on what I see from the submitted materials this has not been addressed. Sure a few detention ponds are proposed and a green space around what is referred to as Hilton Creek. Neither of these suggestions consider what will happen to water flow from the neighborhood through my property. In fact, the proposal considers the land to be flat which is clearly not the case. In the most recent rain event (7.5 inches over 4 days), I estimated that the runoff through my pond was 200K gallons per hour. This was a minor flood event since the rain came over a 4-day period. I invite members of the Fayetteville Planning Commission members to come to my house and explore the land in question. They will see that the developers did not consider reality when submitting the proposed development.

The second thing that I want the Planning Commission to consider is if there is a demand for this type of housing project in this of Fayetteville. Just south of the land that is in question is a small 29 house development that is of the same style as houses proposed in the developers plan. The concrete road running through the neighborhood is N. Rolling Meadows Drive. I visited with a resident in this neighborhood and simply asked what she liked about renting in this neighborhood. She said that it was quiet. This surprised me since the houses were so close together, so I asked why, and she said that most of the houses in the neighborhood are empty or used as short-term rentals like you would find on Airbnb listings. Right now, several of the houses are for sale. I asked her what the greatest problem was with the neighborhood and her answer was "flooding, flooding, flooding". This is a small development that butts up against the Burge land. It is flat and it is drowning in water every time it rains. Narrow concrete roads with no drainage except for a small trench dug next to one of the road is the only water relief that they have. Water was flowing on the road when I visited the neighborhood 2 days after our most recent rain event last week.

The bottom line is that I have no confidence that the developer chose to do this project cares a second for those that will be impacted. I know that there are other developers interested in the land in question. One of the other developers will be more respectful to the surrounding neighbors, the lake Fayetteville-Clear Creek water shed and (important to me) the legacy of Robert Burge. I ask that you reject the request for annexation and rezoning of this land until a reasonable development plan is presented that is in line with the spirit of Fayetteville's future growth and environmental responsibility. Thank you for your time and look forward to discussing this further on November 9th.

Best Regards,  
Nick Anthony

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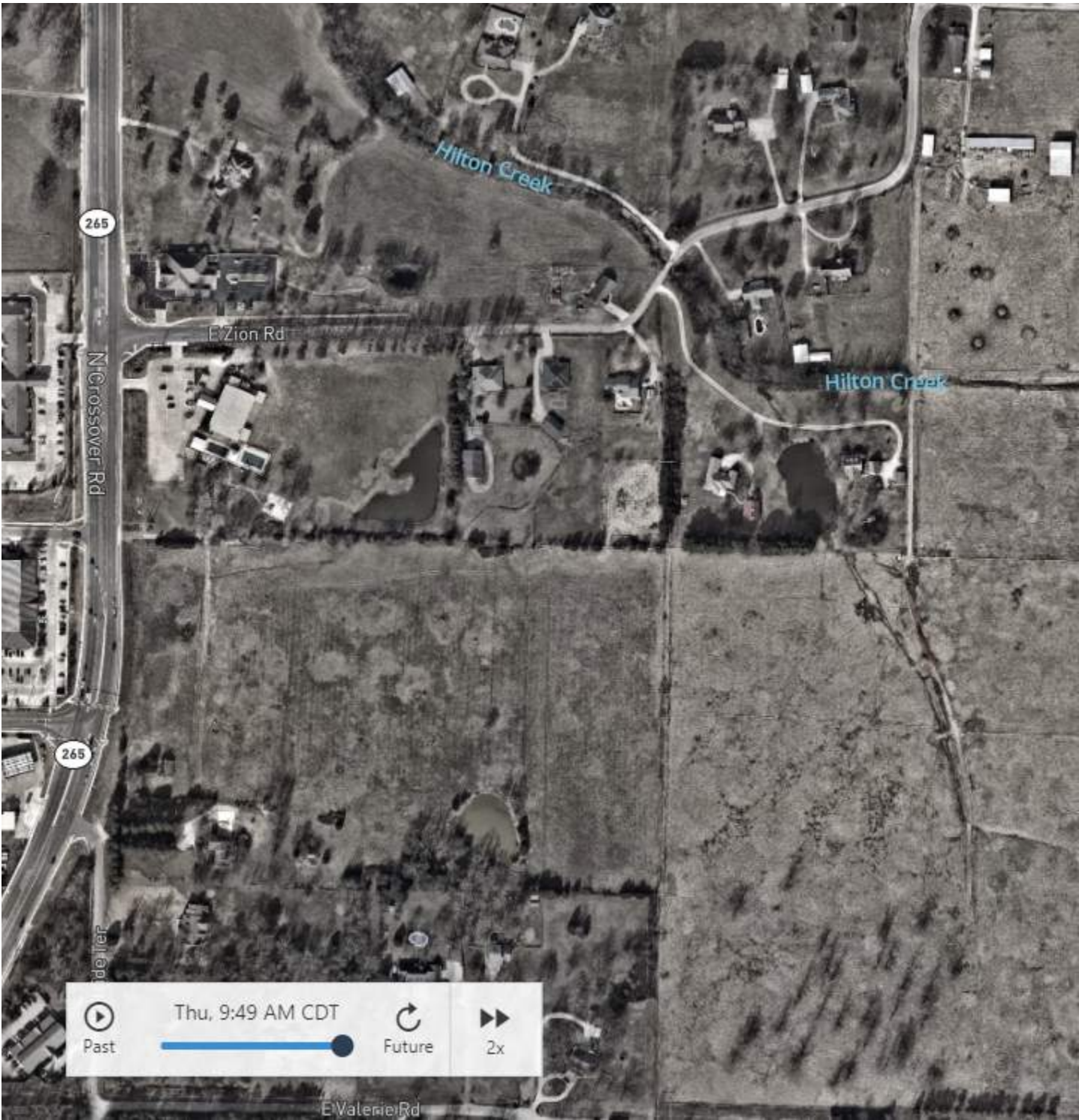
**From:** Nick Anthony  
**Sent:** Thursday, August 20, 2020 11:05 AM  
**To:** jmasters@fayetteville-ar.gov <jmasters@fayetteville-ar.gov>  
**Subject:** Anthony Flooding Zion Rd

Hi Jessica, Attached please find photos that support my concerns about flooding associated with the runoff from 3435 E. Zion Rd. I included photos attempting to show before and after scenarios for different locations in my yard. My concerns with this rezone of 3435 E. Zion Rd is consistent with most of the neighbors concerns. How will development of this property impact surrounding land owners with regard to water flow? My concerns are multifaceted. I need water flow from the land runoff to support the 3/4 acre pond on my land. Clearly, from the map included below, the flow of water from the land in question is a tributary of Hilton Creek that originates from the 3435 Zion Rd property and funnels water through my property. Without the runoff my pond will be lost and there will be significant cost to fill it in. There are several scenarios that could happen if a neighborhood is built on this land. Runoff could be diverted and ruin (dry up) my pond or I will get way too much water flow along with pollutants associated with a neighborhood (trash, oils, fertilizers and pesticides). The water flow is to Lake Fayetteville thus putting more pressure on the lake water quality. Flooding issues will have to be addressed downstream removing choke points that impact smooth movement of excessive water to Lake Fayetteville. One of these choke points include inadequate flow under Highway 265. There are other choke points associated with the lack of maintenance of the Hilton Creek easement.

Approval of this annex and rezoning plan without understanding the development plan for this land is difficult to understand. In a way, approval without understanding sets a negative tone for the City of Fayetteville because it shows lack of empathy for the landowners that will remain in the county on a doughnut hole surrounded by city limits. The infrastructure for access to the land is inadequate to say the least; one lane bridge with weight limit, narrow road poor access to Highway 265. Finally, the cut-outs for the section in RI-U is really odd and creates unnecessary clutter to the map. I had plenty of fence-side chats with Mr. Robert Burge prior to his death. He loved this land and had always dreamed that his farm would continue in the family. He had plenty of opportunities to sell the land and could have lived a much easier life. Robert chose to keep the farm. I will be sad to see this change, not just because of the obvious reasons, but also because of the loss of a legacy of someone who loved to farm. He loved the land.

Sincerely, Nick Anthony













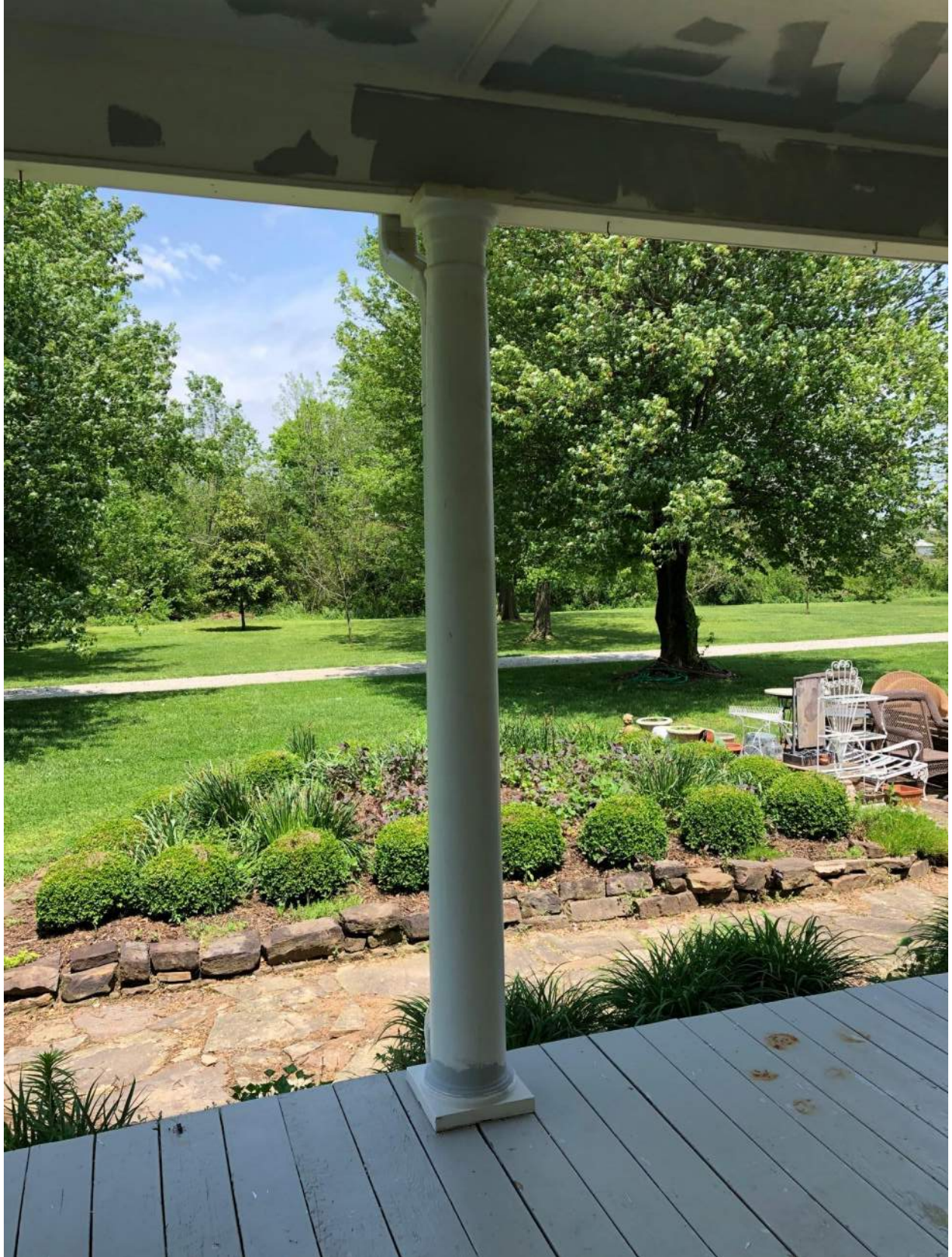




















## Masters, Jessica

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**From:** birdhs57 <birdhs57@yahoo.com>  
**Sent:** Tuesday, November 3, 2020 3:35 PM  
**To:** Masters, Jessica  
**Subject:** EAST ZION ROAD CHANGES

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please make sure to keep our neighborhood safe. The proposed changes do not appear to take into account the this adjacent to thus area. We are very concern that all aspects of changes are not to benefit all. Our property values are important too. Safety of runoff, narrow road with increased traffic are several factors.

Respectfully  
Teresa Pace Willard  
4668 Rockledge Drive.  
Fayetteville Arkansas

Sent from phone

## Masters, Jessica

---

**From:** nbooth479@gmail.com  
**Sent:** Monday, October 26, 2020 4:32 PM  
**To:** Masters, Jessica  
**Subject:** RE: Zion Rd Annex and rezone proposal

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jessie,

It looks like this project is back on the docket again, and I have two questions that I was going to see if you could answer for me

- The development plans show the main access to the property via connection with Crossover/265. I know it was discussed previously that this road was on the Cities Master street plan. In this proposal, who would be responsible for building this road?
- The developer notes that there will be a drainage and traffic study submitted. Will this be available before the meeting?

Thanks Jessie,

Nick Booth  
[Nbooth479@gmail.com](mailto:Nbooth479@gmail.com)  
479-879-5520

---

**From:** Masters, Jessica <jmasters@fayetteville-ar.gov>  
**Sent:** Monday, August 24, 2020 9:07 AM  
**To:** nbooth479@gmail.com  
**Subject:** RE: Zion Rd Annex and rezone proposal

Nick,

Thank you for your comments. I did want to bring to your attention that the applicants have requested to table the associated rezoning request at this time. While Planning Commission may take public comment on the item, they will likely not discuss it since the applicant has requested that the item be tabled. So all that will be up for consideration is the annexation request. If the annexation passes, the property will be automatically zoned R-A.

For instructions on how to participate in this evening's meeting, please follow [this link](#). Below are some screen shots to help walk you through the process. Please let me know if you have any questions.



## Learn About Zoom Meetings: Instructions

### HOW TO FIND AND JOIN A VIRTUAL (ZOOM) MEETING:

1. Find the meeting in [the public meeting calendar](#)
2. Copy and Paste the meeting's Zoom info into your browser
3. Complete the Zoom meeting registration - If you want to speak at the meeting, include what item you'd like to speak about when you register (not available for all meetings)
4. Watch for an email confirmation with Zoom web login OR phone dial-in details
5. Use the "raise your hand" feature in Zoom to speak when public comment is allowed

Get advance notice of all public meetings by subscribing to the City Clerk's Public Meetings Calendar. [Sign up here.](#)  
The City Clerk publishes each week's scheduled public meetings on the Friday previous.

### Zoom Meeting Directions

- To register for the meeting, click on the Zoom meeting link in the Public Meeting calendar listing for the meeting you wish to attend.
- When prompted, enter the Meeting ID number as provided in the Public Meeting calendar info.
- Use your full name as screen name
- All participants will be muted automatically when joining the meeting. Remember to un-mute your microphone before speaking.

To join by phone only, toll-free, dial: +1 (877) 853-5257 or +1 (888) 475-4499

When prompted, key in your Meeting ID number. If you do not have a Participant Number, press #  
Phone numbers used to dial in to meeting will be masked for privacy

### To comment:

- Use "Raise hand" function when comment for an item is requested
- For phone, raise hand to be recognized with \*9



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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

#### Public Meetings

##### Civil Service Commission - Police Officer Interviews

August 24, 2020, 10:00 AM - 10:30 AM @ Drake Field Airport.

[More Details](#)

##### Planning Commission

August 24, 2020, 5:30 PM - 10:30 PM @ Zoom Link Information [https://zoom.us/join/zoom/register/WN\\_J0i5F63t5ZmmGf\\_CYGpYyw](https://zoom.us/join/zoom/register/WN_J0i5F63t5ZmmGf_CYGpYyw) Meeting ID# 984 9303 8966

[More Details](#)

##### Ward 3 Meeting

August 24, 2020, 5:30 PM - 11:30 PM @ Zoom Information [https://zoom.us/join/zoom/register/WN\\_Opm8Na5WR-6g9uCS2wsg](https://zoom.us/join/zoom/register/WN_Opm8Na5WR-6g9uCS2wsg) Webinar ID 951 8626 1657

[More Details](#)

##### Bid Opening: Bid 20-69, Construction – Head Start Roof Replacement

August 25, 2020, 2:00 PM - 6:00 PM @ YouTube Link <https://www.youtube.com/user/cityoffayettevillear>

[More Details](#)

##### Deadline: RFP 20-11, Lake Sequoyah Boat Dock Operator

August 25, 2020, 2:00 PM - 5:00 PM @ Due on Bonfire [www.fayetteville-ar.gov/bids](http://www.fayetteville-ar.gov/bids)

[More Details](#)

##### Fayetteville City Council Agenda Session

August 25, 2020, 4:30 PM - 9:00 PM @ zoom Information [https://zoom.us/join/zoom/register/WN\\_dXef7nWQjuANhs0z2Dmw](https://zoom.us/join/zoom/register/WN_dXef7nWQjuANhs0z2Dmw) ID#: 958 2506 2305

[More Details](#)

##### Transportation Committee \* 5:30 or immediately following Agenda Session

August 25, 2020, 5:30 PM - 10:30 PM @ zoom Link Information : [https://zoom.us/join/zoom/register/WN\\_2DV1ZeXdr7q7i1I2zuMMHw](https://zoom.us/join/zoom/register/WN_2DV1ZeXdr7q7i1I2zuMMHw) webinar ID#: 993 6742 1625


[More Details](#)

##### Bid Opening: Bid 20-71, Construction – Palmer Ave Drainage Rebid

Jump To:

Public Meetings (15)

**Featured Events**



**Blood Drive**  
September 16, 2020  
[Event Details](#)

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not-for-profit organization

Blood Drive  
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**Planning Commission**  
Monday, August 24, 2020

**Date:** August 24, 2020  
**Time:** 5:30 PM - 10:30 PM  
**Location:** Zoom Link Information  
[https://zoom.us/webinar/register/WN\\_jDI5F](https://zoom.us/webinar/register/WN_jDI5F)  
Meeting ID# 984 9303 8966  
**Address:** Fayetteville, AR 72701  
**Link:** [Meeting ID# 984 9303 8966](#)

[f](#) [t](#) [m](#)

**Jessie Masters**  
Senior Planner  
City of Fayetteville, Arkansas  
(479) 575-8239  
[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)  
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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**From:** [nbooth479@gmail.com](mailto:nbooth479@gmail.com) <[nbooth479@gmail.com](mailto:nbooth479@gmail.com)>  
**Sent:** Monday, August 24, 2020 8:14 AM  
**To:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Subject:** RE: Zion Rd Annex and rezone proposal

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jessica,

We are anxious for the meeting this evening. I wanted to make a few last minute remarks with respects to the agenda this evening in case I am not able to speak, so I hope that these can still be thrown in the discussion.

- In the 2030 City Plan for Fayetteville, Goal #2 is states that “We will discourage suburban sprawl”. We feel that allowing the rezoning to RI-U contradicts this goal, by allowing 3+4 family dwellings, as well as cluster house development.
- The rezoning of the southern-most portion of the lot to NC contradicts the 2030 Future land use plan, which labels the entire area as “Residential Neighborhood”.
- We feel like this rezoning would not be consistent with the surrounding area of Copper Creek which has RSF-4 zoning.
- Based on the infill scoring map available on the cities website, our area has a score of 1-3 which should indicate a low development potential.

I hope that these points can make it in to the conversation tonight, as well as the many other concerns presented by our neighbors!

Thanks,  
Nick Booth  
3400 E Zion Rd  
[Nbooth479@gmail.com](mailto:Nbooth479@gmail.com)

---

**From:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Sent:** Monday, August 10, 2020 2:52 PM  
**To:** [nbooth479@gmail.com](mailto:nbooth479@gmail.com)  
**Subject:** RE: Zion Rd Annex and rezone proposal

Nick,

Thank you for your input on the proposed annexation and associated rezoning. We always appreciate feedback from the public. We have saved your comment and it will be included in staff’s report on the rezoning item, which will be in front of Planning Commission on August 24 at 5:30 PM. We do anticipate that the meeting will still be held virtually at that time. For information about how to participate, you can visit [this link](#). More specific information regarding the August 24 meeting is typically posted a couple days ahead of time.

As far as your questions regarding a specific development proposal, we have not yet received one. As staff evaluates the appropriateness of the request, we will look at available infrastructure and report on it for the Planning Commission and subsequently City Council to consider. Should they receive their development entitlement (meaning, the annexation and

rezoning passes), once they provide a specific development proposal, staff will evaluate what specific infrastructure improvements may need to be made on the site that meet the proposed impact.

It may be helpful to look into what is available “by-right”, or what the developer would have the entitlement to do by looking at the zoning ordinances specifically. In this instance, they are requesting a portion of the site to be [NC, Neighborhood Conservation](#), and [RI-U, Residential Intermediate - Urban](#). They are also requesting to leave the portion of the site that is around Hilton Creek as [R-A, Residential-Agricultural](#) to minimize development impact in that floodplain.

I am happy to answer any additional questions to the best of my ability – I also recommend attending the meeting through the link provided above.

Many thanks,

Jessie

**Jessie Masters**

Senior Planner

City of Fayetteville, Arkansas

(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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**From:** [nbooth479@gmail.com](mailto:nbooth479@gmail.com) <[nbooth479@gmail.com](mailto:nbooth479@gmail.com)>

**Sent:** Monday, August 10, 2020 1:52 PM

**To:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>

**Subject:** RE: Zion Rd Annex and rezone proposal

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jessie,

My name is Nick Booth and I live at 3400 E Zion, adjacent to the property that is up for re-zoning and annexation into the city. I know that there has been correspondence from most of my neighbors, so I am sure that you are aware of our concerns with our road and flooding issues. Due to the fact that the planning commission/city council meeting will be virtual and there is a chance that we will not be able to adequately voice our concerns over the project, I just wanted to indicate our apprehensions to you as well just in case that will help our cause.

I was also wondering if there was any sort of development proposal from the buyers yet? I think it would help ease some worry from everyone if we had an idea as to what exactly they have planned.

Thanks!

Nick Booth

[Nbooth479@gmail.com](mailto:Nbooth479@gmail.com)

479-879-5520

---

**From:** Harrison, Andy <[aharrison@fayetteville-ar.gov](mailto:aharrison@fayetteville-ar.gov)>

**Sent:** Tuesday, August 4, 2020 3:07 PM

To: [nbooth479@gmail.com](mailto:nbooth479@gmail.com)

Subject: Zion Rd Annex and rezone proposal

Nick,

Attached is the exhibit that shows how the property is broken out by zoning request. Jessie Masters is the planner on this one and she can be reached at [jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)

**Andy Harrison**

Development Coordinator

Planning Division

125 W. Mountain

City of Fayetteville, Arkansas 72701

[aharrison@fayetteville-ar.gov](mailto:aharrison@fayetteville-ar.gov)

T 479.575.8267 | F 479.575.8202

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



CITY OF  
**FAYETTEVILLE**  
**ARKANSAS**

## Masters, Jessica

---

**From:** nbooth479@gmail.com  
**Sent:** Tuesday, October 27, 2020 4:00 PM  
**To:** Masters, Jessica  
**Subject:** RE: Zion Rd Annex and rezone proposal

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Jessie,

Thanks for the answers. As a resident living on E Zion Rd immediately across from one of the proposed entrances for this development, I would like to submit some refutations from the developers booklet. I hope these items can make it into the verbiage for review by the planning commission. My responses are in red below the developers statements.

J) Relation to existing and surrounding properties: This development has been proposed to relate directly to the Lakewood Subdivision to the East of the site, while staying within a similar density to the Lakewood Subdivision. Furthermore, the land use of this development fits well within the residential surroundings currently built along E. Zion Road, all while remaining similar in appearance to the Lakewood subdivision and the Woodbury Townhomes along E. Zion Road.

Lakewood subdivision is WEST of the proposed property, on the other side of the Highway 265. We should compare this lot to the ones **immediately** adjacent to it, not on the other side of a major highway. The homes they mention on E Zion Road are all single family homes that sit on lots of 1+ acre each. The Copper Creek subdivision is the neighborhood that sits the closest to this property just to the north, and shares a road with this property. This is an upscale neighborhood of homes in the \$300-450K range on .25 acre lots that are not consistent with the proposed houses. This development does not relate to any property in its immediate surroundings.

The appearance of this PZD shall compare to the surrounding subdivision and developments with its similar lot size, alley fed access, smaller setbacks, and neighborhood character. The proposed PZD will consist of Single Family, 2-4 family, and Multi-Family buildings.

As proposed, this PZD does not compare to the surrounding development. There are no multifamily buildings, small setbacks, or small lot sizes anywhere adjacent to this property.

Residents of the subdivision will primarily exit along the access point to Highway 265. Additional connections to E Zion Road are also available but much less likely to be used by residents.

As it stands, E Zion Rd is a county road with a deteriorating single lane bridge. It cannot support any increase in traffic without significant improvements to the road. The entire proposed section that sits north of Hilton creek will likely exit to the north on E Zion, causing a significant increase in traffic on this road. This road is out of city limits, which means the city will not be making the necessary improvements to support this increase in traffic. In addition, the single lane bridge has a weight limit of 5 tons which will force emergency response as well as construction vehicles to enter from a different road. Driving on this road is dangerous. I drive a full size

truck, and I have hit mirrors with other trucks going the opposite direction because the road is so narrow. I am in near-accidents on a monthly basis navigating the one lane bridge.

### **CITY OF FAY 2024 PLANNING GOALS**

**Goal 1:** We will make appropriate infill and revitalization our highest priorities. - 17 - The proposed development fits in with Part D of this goal, the development will promote the densest development around logical future transit stops at the central spine and highway 265. There are already a significant number of residential dwellings in this area and developing this piece with a denser development near the existing Route 30 of the Ozark transit system is in line with this goal. The planning area closest to 265 is proposed to be commercial or denser residential to revitalize and infill with more dense developments.

This is not infill. The property sits on the very edge of the city limits. This is also not revitalization, the property is currently prime farm land.

**Goal 2:** We will discourage suburban sprawl. This proposed development is in compliance with Goal 2, discouraging suburban sprawl, as it is just 1.5-miles from the middle of North Fayetteville. Additionally, the development follows objective B by developing a more compact and mixed-use development at the edge of the city, and Objective D, by allowing city influence in an unincorporated area of the city.

This is the definition of suburban sprawl. 1.5 miles to "middle of north fayetteville" is not a city center, nor is it close enough to justify. This is not close to the Fayetteville city center, and the property is on the very edge of the current city limits.

**Goal 6:** We will create opportunities for attainable housing The proposed PZD will embody Goal 6 by creating a mixture of housing opportunities through the development. Housing opportunities will range from single, two-family, and multifamily uses. Furthermore, The density of planning areas will range from 4 units per acre to 8 units per acres - 18 - while also creating opportunities for Multi-family housing that will create a mix of densities and housing availability

There are tons of these types of developments going up in West Fayetteville, this style of development does not fit in with the area. This seems like a blatant attempt to cram as much as possible into this lot for maximum profit without considering the surrounding area.

**L) Traffic study:** After meeting with a representative from the City of Fayetteville Planning department, a traffic study will be performed with development plans to find the impact on existing Zion and Crossover intersection and N. Zion rd.

What would change in the development with the results of the traffic study? Shouldn't this study be done before the planning commission can vote on approval?

**9) Streets and drainage:** Streets shall conform to City of Fayetteville minimum street standards. Street design shall be reviewed by the Engineering department from the City of Fayetteville. Drainage and storm design will be provided on the attached site design/master plan. Drainage and storm design will be reviewed by the Engineering Department from the City of Fayetteville.

The current state of Hilton creek cannot support the amount of rainwater we get **without** the addition of streets and rooftops. Shouldn't this drainage and storm design study be done before the development is approved to make sure the design will work?

### **ANNEXATION**



Annexing this property will make the city/county issue for us residents on East Zion Road even worse. Emergency services don't know if we are city or county, and our road will never be improved if it stays in the county. Residents on E Zion road are in the Springdale school district. If this property gets annexed, what will be the assigned school district?

Thanks for your time,  
Nick & Jessica Booth  
[Nbooth479@gmail.com](mailto:Nbooth479@gmail.com)  
479-879-5520

---

**From:** Masters, Jessica <jmasters@fayetteville-ar.gov>  
**Sent:** Tuesday, October 27, 2020 1:00 PM  
**To:** nbooth479@gmail.com  
**Subject:** RE: Zion Rd Annex and rezone proposal

Nick,

Thank you for the questions.

It is very likely in this instance that the developer will be responsible for making any connections that are outlined in our Master Street Plan, and they would be required to build these streets to meet city standards. As far as your question about drainage and traffic, drainage and traffic studies are typically provided at the time of a proposed development. Right now, the developer is proposing what is called a Planned Zoning District, which typically provides basic guidelines for how a proposed development should look and feel, but they have not submitted any associated development plans (such as a preliminary plat, or large-scale development). Drainage and specific traffic requirements would come into play once they begin to solidify and move forward with development plans.

I am happy to help clarify this – I also, as always, encourage you to attend the meeting for these items on Monday, November 9 at 5:30 PM. [Here are the instructions](#) for your reference.

Please let me know if you have any additional questions. Many thanks,

Jessie

**Jessie Masters**  
Senior Planner  
City of Fayetteville, Arkansas  
(479) 575-8239  
[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)  
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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**From:** [nbooth479@gmail.com](mailto:nbooth479@gmail.com) <[nbooth479@gmail.com](mailto:nbooth479@gmail.com)>  
**Sent:** Monday, October 26, 2020 4:32 PM  
**To:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Subject:** RE: Zion Rd Annex and rezone proposal

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Hello Jessie,

It looks like this project is back on the docket again, and I have two questions that I was going to see if you could answer for me

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- The developer notes that there will be a drainage and traffic study submitted. Will this be available before the meeting?

Thanks Jessie,

Nick Booth

[Nbooth479@gmail.com](mailto:Nbooth479@gmail.com)

479-879-5520

---

**From:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>

**Sent:** Monday, August 24, 2020 9:07 AM

**To:** [nbooth479@gmail.com](mailto:nbooth479@gmail.com)

**Subject:** RE: Zion Rd Annex and rezone proposal

Nick,

Thank you for your comments. I did want to bring to your attention that the applicants have requested to table the associated rezoning request at this time. While Planning Commission may take public comment on the item, they will likely not discuss it since the applicant has requested that the item be tabled. So all that will be up for consideration is the annexation request. If the annexation passes, the property will be automatically zoned R-A.

For instructions on how to participate in this evening's meeting, please follow [this link](#). Below are some screen shots to help walk you through the process. Please let me know if you have any questions.

## Learn About Zoom Meetings: Instructions

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23	24	25	26	27	28	29
30	31	1	2	3	4	5

#### Public Meetings

##### Civil Service Commission - Police Officer Interviews

August 24, 2020, 10:00 AM - 10:30 AM @ Drake Field Airport.

[More Details](#)

##### Planning Commission

August 24, 2020, 5:30 PM - 10:30 PM @ Zoom Link Information [https://zoom.us/join/zoom/register/WN\\_J0i5F63i5ZmmGf\\_CYGPyw](https://zoom.us/join/zoom/register/WN_J0i5F63i5ZmmGf_CYGPyw) Meeting ID# 984 9303 8966

[More Details](#)

##### Ward 3 Meeting

August 24, 2020, 5:30 PM - 11:30 PM @ Zoom Information [https://zoom.us/join/zoom/register/WN\\_Opm8Na5WR-6g9uCS2wsg](https://zoom.us/join/zoom/register/WN_Opm8Na5WR-6g9uCS2wsg) Webinar ID 951 8628 1657

[More Details](#)

##### Bid Opening: Bid 20-69, Construction – Head Start Roof Replacement

August 25, 2020, 2:00 PM - 6:00 PM @ YouTube Link <https://www.youtube.com/user/cityoffayettevillear>

[More Details](#)

##### Deadline: RFP 20-11, Lake Sequoyah Boat Dock Operator

August 25, 2020, 2:00 PM - 5:00 PM @ Due on Bonfire [www.fayetteville-ar.gov/bids](http://www.fayetteville-ar.gov/bids)

[More Details](#)

##### Fayetteville City Council Agenda Session

August 25, 2020, 4:30 PM - 9:00 PM @ zoom Information [https://zoom.us/join/zoom/register/WN\\_dXef7nWQjuANhs0z2Dmw](https://zoom.us/join/zoom/register/WN_dXef7nWQjuANhs0z2Dmw) ID#: 958 2506 2305

[More Details](#)

##### Transportation Committee \* 5:30 or immediately following Agenda Session

August 25, 2020, 5:30 PM - 10:30 PM @ zoom Link Information : [https://zoom.us/join/zoom/register/WN\\_2DV1ZeXdr7q7i1iZzuMMHw](https://zoom.us/join/zoom/register/WN_2DV1ZeXdr7q7i1iZzuMMHw) webinar ID#: 993 6742 1625

[More Details](#)

##### Bid Opening: Bid 20-71, Construction – Palmer Ave Drainage Rebid

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Public Meetings (15)

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not-for-profit organization

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---

**Planning Commission**  
Monday, August 24, 2020



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**Date:** August 24, 2020  
**Time:** 5:30 PM - 10:30 PM  
**Location:** Zoom Link Information  
[https://zoom.us/webinar/register/WN\\_jDI5F](https://zoom.us/webinar/register/WN_jDI5F)  
Meeting ID# 984 9303 8966  
**Address:** Fayetteville, AR 72701  
**Link:** [Meeting ID# 984 9303 8966](#)

[f](#) [t](#) [m](#)

**Jessie Masters**  
Senior Planner  
City of Fayetteville, Arkansas  
(479) 575-8239  
[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)  
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



---

**From:** [nbooth479@gmail.com](mailto:nbooth479@gmail.com) <[nbooth479@gmail.com](mailto:nbooth479@gmail.com)>  
**Sent:** Monday, August 24, 2020 8:14 AM  
**To:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Subject:** RE: Zion Rd Annex and rezone proposal

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jessica,

We are anxious for the meeting this evening. I wanted to make a few last minute remarks with respects to the agenda this evening in case I am not able to speak, so I hope that these can still be thrown in the discussion.

- In the 2030 City Plan for Fayetteville, Goal #2 is states that “We will discourage suburban sprawl”. We feel that allowing the rezoning to RI-U contradicts this goal, by allowing 3+4 family dwellings, as well as cluster house development.
- The rezoning of the southern-most portion of the lot to NC contradicts the 2030 Future land use plan, which labels the entire area as “Residential Neighborhood”.
- We feel like this rezoning would not be consistent with the surrounding area of Copper Creek which has RSF-4 zoning.
- Based on the infill scoring map available on the cities website, our area has a score of 1-3 which should indicate a low development potential.

I hope that these points can make it in to the conversation tonight, as well as the many other concerns presented by our neighbors!

Thanks,  
Nick Booth  
3400 E Zion Rd  
[Nbooth479@gmail.com](mailto:Nbooth479@gmail.com)

---

**From:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Sent:** Monday, August 10, 2020 2:52 PM  
**To:** [nbooth479@gmail.com](mailto:nbooth479@gmail.com)  
**Subject:** RE: Zion Rd Annex and rezone proposal

Nick,

Thank you for your input on the proposed annexation and associated rezoning. We always appreciate feedback from the public. We have saved your comment and it will be included in staff’s report on the rezoning item, which will be in front of Planning Commission on August 24 at 5:30 PM. We do anticipate that the meeting will still be held virtually at that time. For information about how to participate, you can visit [this link](#). More specific information regarding the August 24 meeting is typically posted a couple days ahead of time.

As far as your questions regarding a specific development proposal, we have not yet received one. As staff evaluates the appropriateness of the request, we will look at available infrastructure and report on it for the Planning Commission and subsequently City Council to consider. Should they receive their development entitlement (meaning, the annexation and

rezoning passes), once they provide a specific development proposal, staff will evaluate what specific infrastructure improvements may need to be made on the site that meet the proposed impact.

It may be helpful to look into what is available “by-right”, or what the developer would have the entitlement to do by looking at the zoning ordinances specifically. In this instance, they are requesting a portion of the site to be [NC, Neighborhood Conservation](#), and [RI-U, Residential Intermediate - Urban](#). They are also requesting to leave the portion of the site that is around Hilton Creek as [R-A, Residential-Agricultural](#) to minimize development impact in that floodplain.

I am happy to answer any additional questions to the best of my ability – I also recommend attending the meeting through the link provided above.

Many thanks,

Jessie

**Jessie Masters**

Senior Planner

City of Fayetteville, Arkansas

(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

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---

**From:** [nbooth479@gmail.com](mailto:nbooth479@gmail.com) <[nbooth479@gmail.com](mailto:nbooth479@gmail.com)>

**Sent:** Monday, August 10, 2020 1:52 PM

**To:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>

**Subject:** RE: Zion Rd Annex and rezone proposal

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jessie,

My name is Nick Booth and I live at 3400 E Zion, adjacent to the property that is up for re-zoning and annexation into the city. I know that there has been correspondence from most of my neighbors, so I am sure that you are aware of our concerns with our road and flooding issues. Due to the fact that the planning commission/city council meeting will be virtual and there is a chance that we will not be able to adequately voice our concerns over the project, I just wanted to indicate our apprehensions to you as well just in case that will help our cause.

I was also wondering if there was any sort of development proposal from the buyers yet? I think it would help ease some worry from everyone if we had an idea as to what exactly they have planned.

Thanks!

Nick Booth

[Nbooth479@gmail.com](mailto:Nbooth479@gmail.com)

479-879-5520

---

**From:** Harrison, Andy <[aharrison@fayetteville-ar.gov](mailto:aharrison@fayetteville-ar.gov)>

**Sent:** Tuesday, August 4, 2020 3:07 PM

To: [nbooth479@gmail.com](mailto:nbooth479@gmail.com)

Subject: Zion Rd Annex and rezone proposal

Nick,

Attached is the exhibit that shows how the property is broken out by zoning request. Jessie Masters is the planner on this one and she can be reached at [jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)

**Andy Harrison**

Development Coordinator

Planning Division

125 W. Mountain

City of Fayetteville, Arkansas 72701

[aharrison@fayetteville-ar.gov](mailto:aharrison@fayetteville-ar.gov)

T 479.575.8267 | F 479.575.8202

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CITY OF  
**FAYETTEVILLE**  
**ARKANSAS**



To: Fayetteville Planning Commission  
Re: Proposed Annexation and Rezoning 3435 East Zion Rd.

## HILTON CREEK STORM WATER RUNOFF

This report consists of observations as well as numerical calculations to provide information as to the current state of storm water runoff in the area downstream of the proposed Chandler Crossing development.

Typically, the design of a storm water drainage system will be most successful with the use of field data that support the design parameters. My objective is to collect as much information as is available in the time available to compare field data with a numerical model of limited size, but of similar density to the proposal. Stream flow data was collected at a point on Hilton Creek about 180 feet west of the Burge farm's western boundary.

Soils in the area are from weathered upper Fayetteville Shale and sandstone from the Wedington member of the Fayetteville Shale. The resulting soils have low permeability and porosity. This reduces the rate of water infiltration into the subsurface, increasing the runoff potential.



Photo 1: GAUGING SITE, Hilton Creek, Oct. 26,2020  
Average depth is about 6 inches.

Recent rainfall has provided the opportunity to check the stream depth and flow after a rainfall event. The total for the preceding 24 hours was 2.75 inches (on site rain gauge at 3322 E Zion). The stream channel is completely covered to an average depth of about 6 inches across the test area. The stream velocity was measured using the Velocity Head Rod method to get a value of 1.63 feet per second. Since the velocity is highest at the surface, the 1.63 will be reduced to 1.0 feet per second to account for change in velocity with depth. With the average depth of 6 inches and width of 10 feet, the cross sectional area is 5 square feet. The cross section will be reduced by 30% vertically and 20% horizontally to

further refine the model. The resulting flow is about 2.8 cubic feet per second, or 20 gallons per second. The hourly total is estimated to be around 72,000 gallons.

The main purpose of this exercise is to provide a visual reference for a numerical calculation of stream volume. Photo 1 shows how the stream looks with about 2.8 cubic feet per second of water volume. This is about half of the flow predicted by the model using the Rational Formula Method.

### Rational Formula Method \*

The formula is:  $Q = (C)(i)(A)$

Where

- Q - is peak runoff in cubic feet per second (cfs).
- C - is a dimensionless unit for runoff coefficient. Usually stated as .1 to .9; lower means less runoff, higher means greater runoff.
- i - is average rainfall intensity in inches per hour (in/hr).
- A - is watershed in acres.

- For purposes of the model, the drainage basin is limited to 50 acres.
- The runoff coefficient is set at .3 representing the 2-7% sloped terrain consisting of pasture, grass, and/or farmland, all with clay soil.
- Rainfall intensity is set at ½ inch per hour

The result of applying these parameters to the formula is a Q of 5 cubic feet of water per second, or 37 gallons per second. If a peak runoff for one hour is assumed, the volume from the 50 acres is approximately 6,660,000 gallons of water. Visualize a line of about 1,300 tanker trucks carrying 5000 gallons each to give an idea of the volume of water involved.

The additional runoff generated by the proposed development is calculated using this same formula.

- The drainage basin is limited to 50 acres.

- The runoff coefficient is set at .6 representing the 2-7% sloped terrain consisting of single family homes on small lots, with clay soil.
- Rainfall intensity is set at ½ inch per hour

The resulting Q value is 15. Multiply this by .8 to account for the green space and undeveloped areas, resulting in a Q of 12 cubic feet per second or 89 gallons per second. The new totals are 16,000,000 gallons of water or about 3000 tanker trucks per hour.

The main point of this part of the exercise is to show that changing from pasture land to single family homes on small lots may cause the runoff to increase by 60% or more. The higher density parts of the development will experience even more runoff.



Photo 2: Oct. 28, 2020  
Average depth is about 12 inches.

### STORY POLE

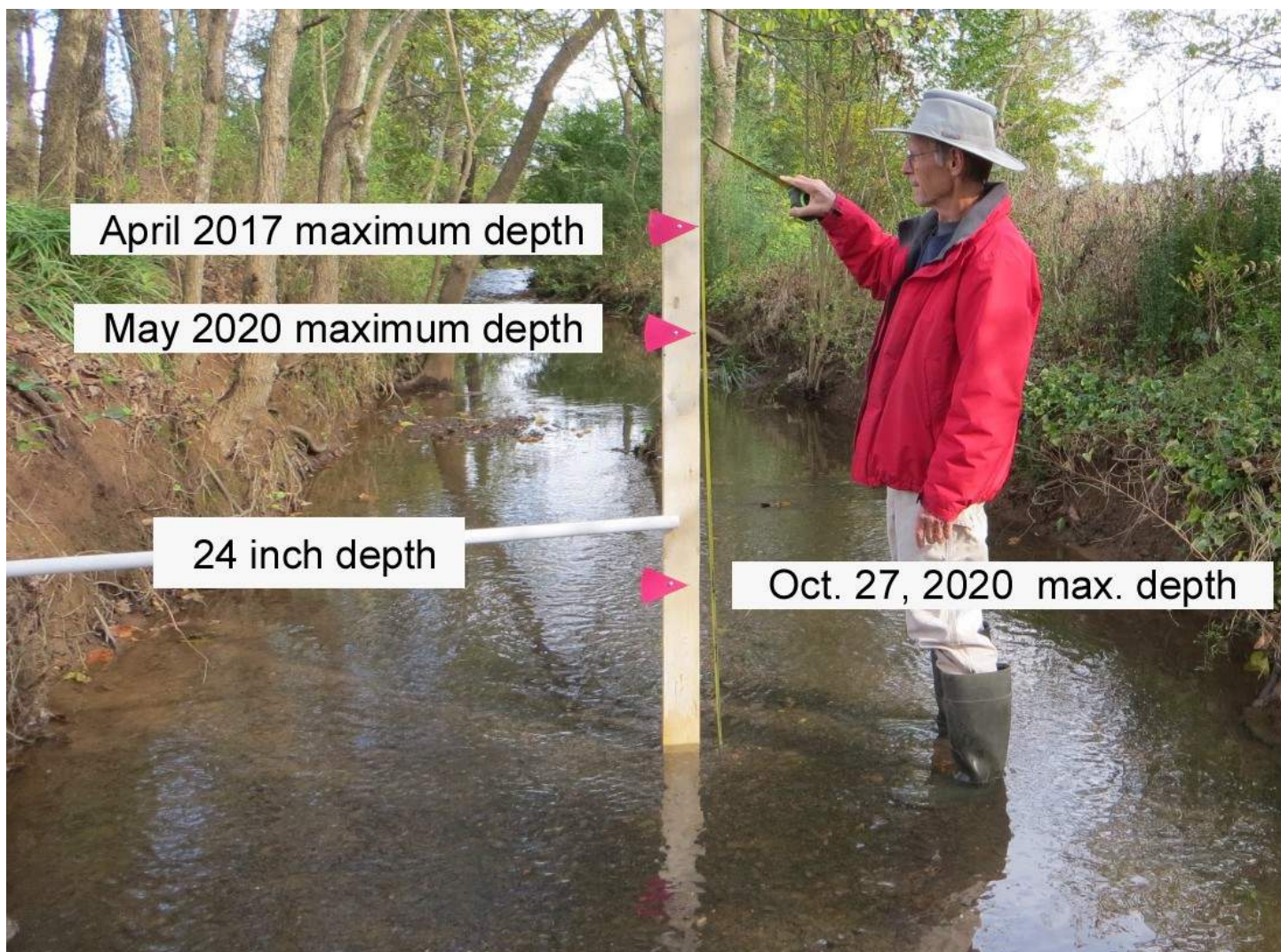


Photo 3  
Story pole, figure for scale.

The story pole was constructed and installed at the gauging site on Hilton Creek to show the following:

- The relative depths of several rainfall events.
- The maximum depth of **contained** stream flow (24 inches) at the gauging site.
- The depths of two events where the flow was above the stream channel.

There is some distortion from the camera angle, but overall this is an accurate depiction of the relative differences between the stream depths. The horizontal marker appears to be at a slope, but it was set with a builders' level to within 1/16 inch of true horizontal.

It is important to remember that the levels at the gauging station represent the water depth from **upstream** sources. This means that the flow comes primarily from the Burge farm and the Copper Creek detention pond on East Zion Road. Other sources of runoff will contribute to the total flow further downstream.

### STORM HYDROGRAPH

A hydrograph is simply the visual representation of the flow of water at a single point over time. A graph of the most recent rainfall event would appear as an inverted "V". The line would angle upward to a maximum point, then decline back down to a minimum. The recent rainfall event would look something like Figure 1.

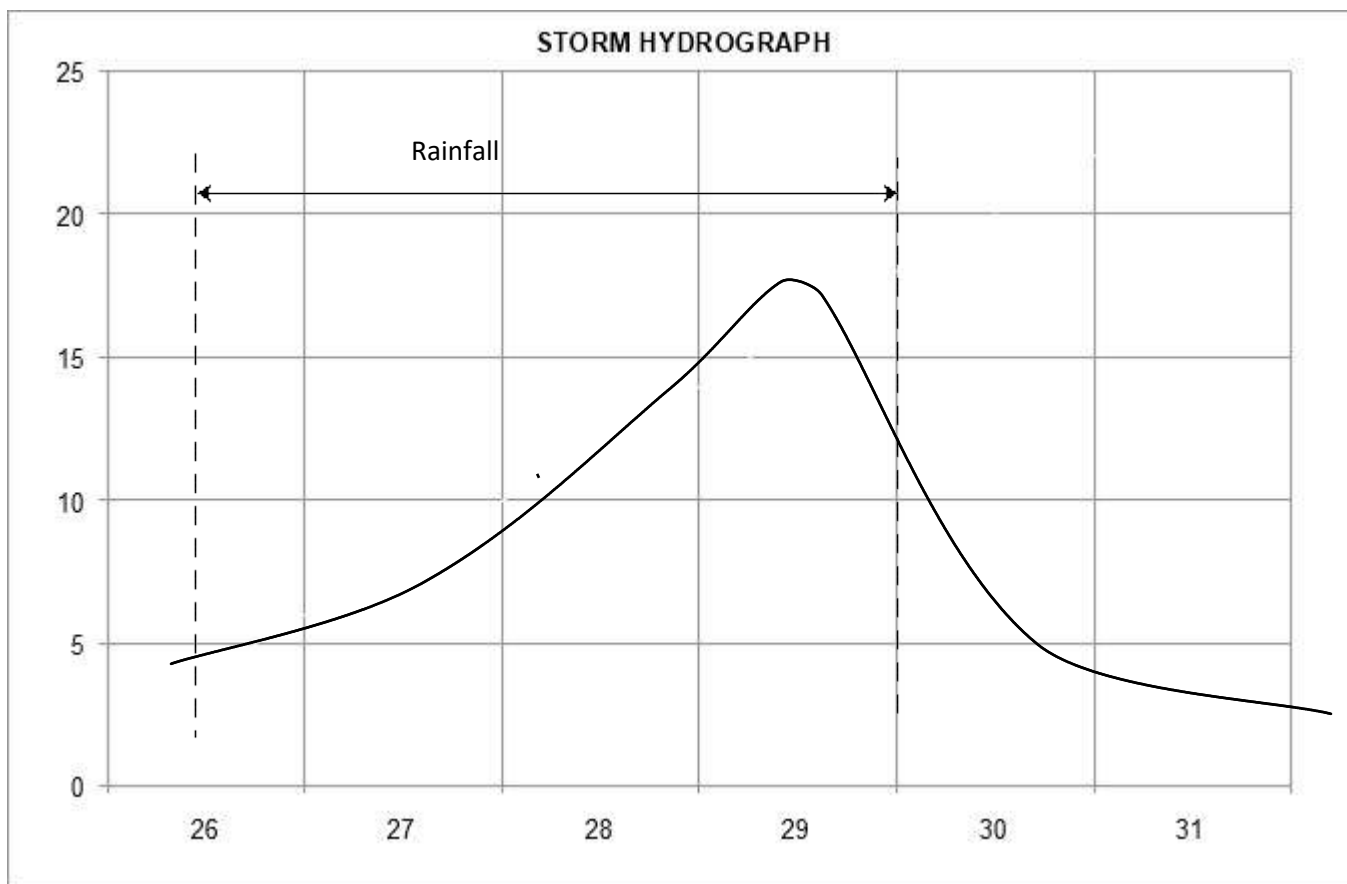


Figure 1

The vertical axis represents inches of elevation from the bottom of the stream channel. The horizontal axis is marked with the dates from beginning of rainfall until stream depth returns to baseline. The space between the two dashed lines represent the duration of the rainfall event.

The hydrograph shows a maximum water level of about 18 inches. This is just 6 inches below the level where the stream is above the channel, or the at beginning of flood stage. This illustrates how close this event came to flooding, even though the rainfall intensity was low to moderate over a period of about 3 1/2 days with a total of 6.5 inches of rainfall spread over that time period.

So, how much water is 6.5 inches? Converting to gallons from acre feet, that is about 176,500 gallons of water **per acre**. Over an area of 50 acres this would be about 8,825,000 gallons... And the runoff has only **one** outlet - Hilton Creek.

The land south and east of the boundary formed by Zion Rd. is in effect a crude detention pond. The bridge over Hilton Creek on Zion Rd. is the discharge point for the “pond”. When the flow rate exceeds the capacity under the bridge, water builds up and will flow over and around the bridge. This water short circuits the creek and flows over Zion Rd. and across our yard at 3322 East Zion Rd. as shown in the following photos:



Photo 4  
Overflow from Hilton Creek across front of 3322 East Zion Rd.  
May,2020





Photo 5

Water over Zion Rd. just east of the bridge flowing into the front yard of 3322 East Zion Rd.



Photo 6  
May, 2020

Following the water around the house, the stream runs more westerly. The overflow stream rejoins Hilton Creek on the west side of the neighboring property at a point not visible in Photo 5.

A rough estimate of the flow, based on observed flow velocity and the estimated cross section of the channel, would be around 4 to 5 cubic feet per second at the maximum. This is a significant volume of water passing through the yard.

## CONCLUSIONS

- This information should be viewed as observational regarding the existing system and does not address the question of dealing with flood events that could result from the development of Chandler Crossing as it is being proposed.
- The existing storm water runoff system has been demonstrated to work only with low intensity rainfall events and has failed to control flooding at least once per year in the last three years.
- The proposed development may increase the runoff by up to 60%. The actual runoff is directly dependent on the area covered by streets and housing. High density = High runoff.
- The importance of comprehensive field data for the design phase can not be overstated: If the projected runoff is **overestimated**, the detention ponds will prevent flooding, even with an atypical, extreme rainfall event. However, if the projected runoff is **underestimated**, flooding will **continue** to be a problem.

Roy L. Lang  
Registered Professional Geologist  
License #1426 (Retired)  
3322 E Zion Rd

\* Applied Hydrogeology by C.W. Fetter, Jr., pgs 44-47

## Masters, Jessica

---

**From:** Sandra Soderquist <sandysoderquist@yahoo.com>  
**Sent:** Wednesday, October 28, 2020 2:27 PM  
**To:** Masters, Jessica  
**Subject:** Rezoning property on Zion Rd

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it may concern,

Tell me this isn't happening.

My husband And I moved to, and were married in, our home at 4676 Copper Creek Dr 15 years ago. We retired from our hectic lives in Santa Fe and chose our home here because of it's tranquil location next to a park, open fields, lack of traffic, lack of noise, etc. We wanted peace and quiet in our golden years. And now we are faced with losing all of that because of the possible rezoning of the property across the street from us. PLEASE consider the safety of all the children walking, riding bikes, skate boarding to and from the playground and park here!

If this rezoning happens, it will ruin every reason why we chose our home. My husband now suffers from dementia and needs peace and quiet in his remaining years. Please don't take that away from him.

Regards.

Sandra Soderquist & Robert Guadagni  
4676 Copper Creek Dr.  
Fayetteville, Ar 72764  
479-287-6557

## Masters, Jessica

---

**From:** Scott Hancock <SHancock@my100bank.com>  
**Sent:** Wednesday, November 4, 2020 9:48 PM  
**To:** Masters, Jessica  
**Cc:** Curth, Jonathan  
**Subject:** RE: [EXTERNAL SENDER] RE: Zion Road Rezoning/Annexation

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessie & Jonathan:

I see that the tabled annexation as well as a PZD is proposed for approval on 11/9 for the Burge property on Zion Road. I would like to ask some follow-up questions that I do not think were directly answered during the previous meeting.

- 1) Property to be annexed. Jessie, you acknowledged the shape and proposal was “abnormal” and would probably be a topic of discussion. Can you explain how you recommend the request as proposed with the two “dog ears” intentionally omitted from the annexation?
- 2) Zion access. There was considerable discussion about flooding along the property, but the discussion along the bridge and public safety vehicles was left a bit unresolved. The bridge is 5 ton limit. What is the weight of all the fire trucks at the closest station that should service the proposed land?
- 3) Bridge – has anyone from the county or city inspected it and provided a cost estimate to rebuild it to current safety standards with sufficient capacity?
- 4) Traffic – has a traffic study been received or required? With the numerous issues discussed regarding Zion Road and no definitive timeline for the expansion to Crossover, one has to assume the controlled signal at Hearthstone and Crossover will lead a considerable amount of increased traffic N/S along Copper Creek and E/W on Hearthstone. Based on density of the proposed PZD, vehicular traffic could virtually double along Hearthstone and Copper Creek.
  - a. I noticed the police reported no issues previously. Have there been any requested reports for traffic accidents at Zion & Crossover?
  - b. David Lashley Park is a walk-up park with no on-site parking, so any cars must park on the street, thus narrowing the corridor for passing traffic.
    - i. Have any options for access to Joyce been explored?

I am confident the engineers and developers will complete a nice product; however, the safety and traffic patterns to the site shall be burdened by the county or city. Without definitive answers on the requirements for Zion Road, the one-lane bridge, and a traffic study for the existing Copper Creek subdivision, how do you recommend the zoning as presented?

Thank you for your time.  
Scott Hancock  
4661 Copper Creek Drive

---

**From:** Masters, Jessica <jmasters@fayetteville-ar.gov>  
**Sent:** Monday, August 24, 2020 3:05 PM  
**To:** Scott Hancock <SHancock@my100bank.com>

**Cc:** Curth, Jonathan <jcurth@fayetteville-ar.gov>  
**Subject:** RE: [EXTERNAL SENDER] RE: Zion Road Rezoning/Annexation

Scott,

Thank you for the follow-up. Staff acknowledges that the proposed boundary is abnormal, and it will likely be a topic of discussion for tonight's meeting. For more information, please feel free to read the staff report in full, which is published [here](#).

If you wish to attend tonight's meeting, please find the appropriate information at [this link](#). I recommend registering ahead of time, and those instructions are also available at the same link.

Many thanks,

Jessie

**Jessie Masters**  
Senior Planner  
City of Fayetteville, Arkansas  
(479) 575-8239  
[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)  
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



---

**From:** Scott Hancock <[SHancock@my100bank.com](mailto:SHancock@my100bank.com)>  
**Sent:** Monday, August 24, 2020 10:30 AM  
**To:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Cc:** Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>  
**Subject:** RE: [EXTERNAL SENDER] RE: Zion Road Rezoning/Annexation

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks again to both of you for your information and your reply. One question that I do not see an email response for is the structure of the annexation. If my information is correct, the annexation creates an island with existing and remaining property surrounding the subject property remaining in the county. Did you review the request for annexation in light of the two "outlying corners" as well as the border of the county road and adjacent properties on all sides still in the county? Isn't an island created?

I appreciate your efforts.

Scott

---

**From:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Sent:** Friday, August 21, 2020 4:44 PM  
**To:** Scott Hancock <[SHancock@my100bank.com](mailto:SHancock@my100bank.com)>  
**Cc:** Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>  
**Subject:** RE: [EXTERNAL SENDER] RE: Zion Road Rezoning/Annexation

Scott,

My apologies if I missed a response to you on this item. I do know that I received your initial comments and they are included in staff's report on the item.

That said, to answer your questions, any specific infrastructure improvements that would need to be made would be reviewed at the time of a specific development proposal. Staff certainly recognizes that the site currently is underdeveloped for an influx of new housing, and has mentioned current conditions in the report. I should also let you know that the associated rezoning request for this site has been tabled by the applicant at this time, so all that will be under consideration for Monday's Planning Commission meeting will be the annexation itself. Should the annexation pass, the land will be automatically zoned [R-A, Residential-Agricultural](#).

The item will be heard at the August 24 Planning Commission meeting, which will begin at 5:30 PM. This will be a virtual meeting due to the ongoing health crisis. If you would like to participate in the meeting you can do so at [this link](#). The agenda for the meeting can be found [here](#).

Again, apologies for missing your follow-up email. Please let me know if you have any additional questions.

Jessie

**Jessie Masters**

Senior Planner  
City of Fayetteville, Arkansas  
(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

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---

**From:** Scott Hancock <[SHancock@my100bank.com](mailto:SHancock@my100bank.com)>  
**Sent:** Friday, August 21, 2020 4:12 PM  
**To:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Cc:** Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>  
**Subject:** RE: [EXTERNAL SENDER] RE: Zion Road Rezoning/Annexation

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessie & Jonathan, I wanted to follow-up on the question below regarding the partial rezoning. I do not see that I received a response. Can you please provide some insight?

Thank you!  
Scott

---

**From:** Scott Hancock  
**Sent:** Wednesday, August 5, 2020 4:09 PM  
**To:** 'Masters, Jessica' <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Cc:** Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>  
**Subject:** RE: [EXTERNAL SENDER] RE: Zion Road Rezoning/Annexation

Thank you both for your prompt response. I am sure you have and will continue to receive comments from surrounding neighbors. I am curious as to how the traffic flow will be handled for 200+ residences on the exiting Zion Road, which I think is a county road. Also, is it customary for only a portion of the contiguous property to be considered for annexation and rezoning in a situation like this?

---

**From:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Sent:** Wednesday, August 5, 2020 12:04 PM  
**To:** Scott Hancock <[SHancock@my100bank.com](mailto:SHancock@my100bank.com)>  
**Cc:** Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>  
**Subject:** [EXTERNAL SENDER] RE: Zion Road Rezoning/Annexation

Scott,

Yes, I am happy to answer any additional questions you might have. It did come to my attention this morning that there was a typo on the initial public hearing sign that was posted. It has been corrected by city staff and a new sign was posted to accurately reflect the request. As Jonathan has indicated, the request is for RI-U and NC.

(Photos attached for reference).

Please let me know if you have any questions.

Jessie

**Jessie Masters**  
Senior Planner  
City of Fayetteville, Arkansas  
(479) 575-8239  
[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)  
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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**From:** Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>  
**Sent:** Wednesday, August 5, 2020 11:56 AM  
**To:** [shancock@my100bank.com](mailto:shancock@my100bank.com)  
**Cc:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Subject:** Zion Road Rezoning/Annexation

Scott,

Following-up on our phone conversation, I have attached the request letter, owner authorization, annexation exhibit, and rezoning exhibit for the proposed annexation and rezoning on Zion Road. The two zoning districts can be found [here](#) (RI-U) and [here](#) (NC) on our online ordinances for some added detail on the allowed uses.

Otherwise, I have also copied Jessie Masters, the planner working on the item. I am happy to continue helping where I can, but if questions reach a certain level of detail I may have to defer to her.

Thanks,



**Jonathan Curth, AICP**  
Development Review Manager  
City Planning Division  
City of Fayetteville, Arkansas  
[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)  
479.575.8308

[Website](#) | [Facebook](#) | [Twitter](#) | [Youtube](#)

## Masters, Jessica

---

**From:** Allen Carney <acarnack@gmail.com>  
**Sent:** Friday, August 7, 2020 8:31 AM  
**To:** Masters, Jessica  
**Cc:** Susan Mayes; mland9669@gmail.com  
**Subject:** Proposed rezoning

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessica,

How can I get a link to the virtual planning commission meeting for the 24th?

I'm concerned about the rezoning of the old Burke Farm property.

If multi family units are built on this property the amount of traffic through our neighborhood (Copper Creek) would be overwhelming. Hearthstone Dr is the only stop light access off of Crossover Road for this area. We already get through traffic from Zion and George Anderson.

In addition, the drainage in some parts of the subdivision is not great - primarily because of Hylton Creek.

If the portion of Zion Rd which lies west of Crossover was developed to run due east across Crossover all the way to Old Wire Road then the drainage could be fixed and access at that stop light could be utilized. As a bonus, the one lane bridge over Hylton would not have to be reconstructed.

Thank you,

Allen Carney

A walker and resident of Copper Creek/Embry Acres subdivision

## Masters, Jessica

---

**From:** Ann Haggard <ann.haggard@me.com>  
**Sent:** Monday, August 10, 2020 8:40 AM  
**To:** Masters, Jessica  
**Subject:** Re: Clear Creek

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

3788 Bluestone 72764

Sent from my iPhone

> On Aug 10, 2020, at 8:36 AM, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

>

> Ann,

>

> Thank you for your input. We have received your comment, and will include it in staff's report on the item. For clarity's sake, would you mind providing the associated address for your comment? We have several rezoning projects right now and I want to ensure that this is associated with the correct project. Is this regarding the annexation and proposed rezoning at 3435 E Zion Road?

>

> Many thanks,

>

> Jessie

>

>

> Jessie Masters

> Senior Planner

> City of Fayetteville, Arkansas

> (479) 575-8239

> [www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

> Website | Facebook | Twitter | Instagram | YouTube

>

>

> -----Original Message-----

> From: Ann Haggard <ann.haggard@me.com>

> Sent: Saturday, August 8, 2020 4:08 PM

> To: Masters, Jessica <jmasters@fayetteville-ar.gov>

> Subject: Clear Creek

>

> CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>

>

> I am against the rezoning for multiple dwellings. A development with nice homes would be good if the road and the flooding issues will be resolved. The road is basically one lane.

>

> Sent from my iPhone

## Masters, Jessica

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**From:** whiterl@cox.net  
**Sent:** Tuesday, August 11, 2020 12:06 PM  
**To:** Masters, Jessica  
**Subject:** Zion Road Development

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Masters,

We are Charles and Rebecca White, and we live at 3145 Ladelle Place, Fayetteville, AR 72764. We live in the Copper Creek and Stonewood neighborhood. We are close to the Botanical Garden and Zion Road. We are VERY UNHAPPY to hear about a large development on East Zion Road. We are unhappy that the plan will be 59 acres for small homes and 1-4 units buildings. We are unhappy about the flooding that already exists near our home. And, we are unhappy that the Zion Road development will bring traffic into or through our quiet neighborhood.

This development will GREATLY increase traffic through our neighborhood of Copper Creek and Stonewood. This is so unfair to us and our neighbors, because our neighborhood opens up onto East Zion Road in at least 2 places. There is no doubt that the traffic for us and our neighbors will be unbelievably increased. Copper Creek and Stonewood are very quiet neighborhoods with lots of older people who walk for exercise. And, we have a lot of bicyclists and dog walkers. Our neighbors make every effort to keep our homes nice, clean, safe, and quiet for all to enjoy.

Charles and I would like to protest the development on East Zion Road. We want to protest about flooding, about planned small homes and 1-4 units buildings, and the inevitable increased traffic that this development would create for our quiet and safe neighborhood of Copper Creek and Stonewood.

We would like to join by Zoon on August 24<sup>th</sup> to hear what will be discussed regarding the above planning. Thank you, Ms. Masters, for taking our email into consideration.

Sincerely,

Charles and Rebecca White  
479-295-9264



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

## Masters, Jessica

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**From:** Denise Jones <idjones52@gmail.com>  
**Sent:** Saturday, August 8, 2020 4:35 PM  
**To:** Masters, Jessica  
**Subject:** Burge Property Rezoning on Zion Road

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Masters,

We are writing to express our concern about the rezoning of the property at 3435 E. Zion Road *before* issues with flooding and traffic are addressed and plans made to remediate. Residents on East Zion have, for a number of years, requested help from the county and city to no avail. We cannot allow legitimate concerns from people who live in the area to fall on deaf ears, but so far that is all that has happened over the years.

We live in the nearby Copper Creek Subdivision, three houses north of East Zion. We have several acquaintances who live on East Zion, and we have witnessed the flooding issues that have occurred just in the 2.5 years since we moved back to Arkansas. We use Zion Road quite frequently and carefully, as it is a narrow road with a one lane bridge that will not accommodate heavy traffic. Once east of Nelson Berna Funeral Home, we either have to pull over to let oncoming traffic pass or pull in our side mirrors. Visibility around the bridge is minimal and not everyone approaches it carefully. We've had to make several sudden stops before crossing. Heavy trucks use the one lane bridge even though a weight limit is posted. Some will go around and through Copper Creek, which is not acceptable either.

We realize that development of this property will eventually happen and there are issues which will be addressed at that time, such as type of development and traffic flow. City council action on the rezoning should not happen until the city and county can work together, with residents' input, to solve the flooding and traffic issues and alleviate residents' concerns, rather than ignore them. It seems that the city and county always seem to point to each other as the problem, rather than coming together to solve the problem. Hopefully this will change.

Any action on the rezoning should be delayed until citizens can attend city council meetings in person. Zoom meetings don't allow for sufficient discussion and viewing of visual displays. We also hope that city council members will take the time to see this area in person and become familiar with the issues, rather than just passing something through that they have no real knowledge of.

We appreciate your time and attention.

George and Denise Jones  
4639 Rockledge Drive  
Fayetteville, AR 72764

## Masters, Jessica

---

**From:** denem5051@yahoo.com  
**Sent:** Sunday, August 23, 2020 3:16 PM  
**To:** Masters, Jessica  
**Subject:** Proposed annexation for 3435 East Zion Road

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Regarding the proposed annexation and development of the above mentioned property, drainage issues from run off of this properties are of great concern to us.

A large portion of run off from this property drains along the western edge (approximately 667 feet) and adjoining southern edge (approximately 237 feet) of our property causing great concern for flooding.

During periods of heavy rain, Hilton Creek backs up from the run off of this land and drainage from Copper Creek.

We fear that the paving of this area and additional houses with even more drainage will significantly increase the chance for flooding of our property.

Additionally, the increase in traffic flow along an already over used, not maintained and inadequate East Zion Road with a single lane bridge will have to be addressed.

Dennis & Emma Graves  
3293 East Zion Road

## Masters, Jessica

---

**From:** B Dieterly <largepox8@gmail.com>  
**Sent:** Saturday, August 15, 2020 5:01 PM  
**To:** Masters, Jessica  
**Subject:** 59 acra at 3435 E. zion rd

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We live at 3245 E Zion and have issues with back yard flooding after a rain and creates a swamp. Development would eliminate runoff and cause more flooding. What about the sewage system? Zion Rd is 1 1/2 lanes with a single lane bridge. The additional traffic would be a disaster. Thanks, Brian



## Masters, Jessica

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**From:** Kari Griggs <kgriggs@nilfisk.com>  
**Sent:** Friday, August 7, 2020 9:23 AM  
**To:** Masters, Jessica; Mayor; joseph.wood@co.washington.ar.us;  
ncrouch@co.washington.ar.us  
**Cc:** Pugh, Alan  
**Subject:** RE: 3435 E. Zion Rd Rezoning Request  
**Attachments:** Griggs Flood Pics - April 2017.pdf; FW: Re: 3435 E Zion Rd rezoning request

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Ms. Masters,

Please be assured our entire neighborhood is planning to attend the August 24<sup>th</sup> meeting. It is not assuring that the meeting is still planned when we cannot be in front of you when expressing our concerns. As we've requested previously, this meeting should be tabled until in-person discussion is possible. This may not seem important to you; but to us, it represents fighting against catastrophic property damage and loss.

I am very sorry that the City does not feel they have a solution for our flooding problem, short or long term. If you can't work with the County to immediately begin correcting the flooding problems that have already been caused by the City planning systems in a vacuum, then Judge Wood and Mayor Jordan should step in and force this collaboration. At the very least, City or County, should be on a tractor cleaning out and deepening Hylton Creek. It is raining as I am typing this email, and we are yet again in danger of flooding. This is completely unacceptable!!

### Judge Wood and Mayor Jordan,

We respectfully ask that you require the City and County to work together on a closed-loop system that will allow storm water drainage from Fayetteville developments, without damaging properties on E. Zion Rd. The City is currently dumping storm run-off water into Hylton Creek, which is in the County. It is unconscionable that the City is not required to work with the County to ensure that long-term residents do not suffer increasing flooding problems because the City and County simply point fingers at one another. All the while, after 22 years in our home, we clean up after yet another flood. Please stop this long-term pattern and require the City of Fayetteville and Washington County to put forth and act on a plan that considers everyone in the E. Zion Rd. area.

Best regards,

**Kari Griggs**  
3349 E. Zion Rd.  
(479)466-7756

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**From:** Masters, Jessica [mailto:jmasters@fayetteville-ar.gov]  
**Sent:** Friday, August 7, 2020 8:45 AM  
**To:** Kari Griggs  
**Cc:** Pugh, Alan; Mayor; joseph.wood@co.washington.ar.us  
**Subject:** RE: 3435 E. Zion Rd Rezoning Request

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Ms. Griggs,

Thank you for your email and for bringing your concerns to us. As far as the annexation and associated rezoning request, there will be a public meeting on that item on August 24 at 5:30 PM. Due to the current health crisis, we do anticipate that it will be held virtually at that time. For information about how to participate, you can follow [this link](#). Specific information about how to join the August 24 meeting will be available at that page a couple days ahead of time. The item will first be heard by the Fayetteville Planning Commission, and if it passes, it will then go in front of Fayetteville City Council for consideration. I encourage you to participate at the August 24 Planning Commission meeting, and don't hesitate to reach out if you have any questions about how to join. Additionally, staff has received your comment below, and we will ensure that it is included in staff's report on the item.

As far as the flooding issues you've reported, I did circle back with our Floodplain Manager, Alan Pugh, who, unfortunately at this time, does not have a good short-term solution that the City can offer for you, especially since this property is located outside our jurisdiction. We can assure you that should the annexation and rezoning pass, any future development will be subject to an evaluation of necessary infrastructure improvements, and there may be an opportunity to partner with future development to oversize upstream detention areas to reduce the peak flow, but that is too far out to judge at this time, and obviously, a longer-term solution.

And finally, thank you for sharing your concerns about the one-lane bridge. At this point of the development process, staff is looking at available infrastructure on the site as we gather our information to make a recommendation on the item. Similarly to the flooding, any future infrastructure improvements that may need to be made based on development impact are evaluated more specifically once a development proposal is brought forth, which at this time, it has not.

Please let me know if you have any questions moving forward – I am happy to answer them to the best of my ability. Many thanks,

Jessie

**Jessie Masters**

Senior Planner

City of Fayetteville, Arkansas

(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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**From:** Kari Griggs <kgriggs@nilfisk.com>

**Sent:** Wednesday, August 5, 2020 9:10 PM

**To:** Masters, Jessica <jmasters@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>; joseph.wood@co.washington.ar.us

**Subject:** 3435 E. Zion Rd Rezoning Request

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Ms. Masters, Mayor Jordan and Judge Wood,

My husband and I have been advised to contact each of you in regard to the 3435 E. Zion Rd rezoning request. Several of our neighbors share similar concerns.

We have owned our home at 3349 E. Zion Rd. for the last 22 years. We have had to carry flood insurance for the same amount of time.

Our property is considered part of the County, even though my neighbors are in the City. Our property has flooded at least once in each of our 22 year residence, with recent years being much worse.

In fact, during the flood of 2017, we sustained catastrophic damage to our home and shop. Since the rebuild was completed, we have endured additional floods. Over the years, we have been to countless meetings, sent letters, emails, contacted anybody who might be able to help. Very seldom do we get any kind of response. We have yet to receive any actual help to resolve the problems.

Our issue is with the Copper Creek water collection ponds, Hylton Creek and the property potentially rezoning. The east run-off pond for Copper Creek dumps directly into Hylton Creek, which runs behind and beside our property. There are several areas, including on the potential rezoning property where the creek is only a foot deep and a foot wide. It is not possible for Hylton Creek to handle the volume of storm water that flows through it. The water leaves its banks on the property in question and puts us in danger in about 20 minutes or less. Also, due to a second run-off pond in the Copper Creek area, we also flood along E. Zion Rd. In many cases, the water is white capping as it flows down the street. Please see the attached pictures, as this represents our typical experience during a heavy rain.

I understand from my neighbor that Ms. Masters suggests we contact the Washington County Planning group, as the property is in the County. Please understand that I have contacted them many times. My most recent experience was disastrous, as the County Planner asked me if I realized how stupid I was to have purchased a home on a creek. He did try to get Mr. Burge to address the problem on his property, but was turned down flat, just as we were. After that experience, we asked the City Planner (not Ms. Masters) to our property. She came out on a hot August day, when no rain had fallen in weeks. She looked around, shrugged and said, "I don't see no problem". In the many times we have asked for help, we find that the City and County just point fingers at each other and no one takes responsibility for engineering a closed loop plan that does not damage property in our area. We need help! Our losses are excessive and continuing to shirking responsibility or assign it to someone else is unacceptable.

During the late 1990's, one of our neighbors routinely used his tractor to clean Hylton Creek from HWY 265 back to Mr. Burge's property line. This did help and should be done now, but again the City and County point fingers instead of acting. Please understand that all of this water eventually flows into Lake Fayetteville. We have received letters asking us to police the dog excrement in our yard, so that it does not make it to the lake. I fail to see how my dog is a problem when the water comes across a pasture with somewhere near one hundred head of cattle, 4 donkeys and a few llamas, into our pool and through our shop. Still, we tried to get someone associated with Lake Fayetteville to help. When we contacted Erin Scott at the LFWP, she thought that they could do something about our predicament. Unfortunately, she has not returned any of my subsequent emails since 2017.

We are very concerned that we will yet again be faced with an inexcusable situation if this rezoning is allowed to pass without being able to ask our questions and express our concerns at a city planning meeting. We ask that you table the decision on rezoning until a plan can be put in place that addresses our concerns and protects our properties from further damage.

Also, the one lane bridge on E. Zion Rd. is at the corner of our property. The increased traffic that we are now experiencing seems to think the road between the bridge and property in question is a racetrack. We have seen multiple wrecks at the bridge and countless near-accidents. As recently as last Friday, I was nearly hit head-on on the bridge. I did have the right-of-way and I also had my four grandchildren in the car. The bridge can't sustain the traffic we have now, so what will be done to ensure that it can handle increased traffic, while significantly reducing the current level of danger?

We are sincerely asking for your help in getting the City and County Planners to work together and resolve these long-standing issues once and for all.

Best regards,

Kari Griggs  
3349 E. Zion Rd.  
Fayetteville, AR 72764  
(479)466-7756

## Masters, Jessica

---

**From:** karib.griggs <karib.griggs@gmail.com>  
**Sent:** Wednesday, August 5, 2020 6:54 PM  
**To:** Kari Griggs  
**Subject:** FW: Re: 3435 E Zion Rd rezoning request

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent via the Samsung Galaxy S9+, an AT&T 5G Evolution capable smartphone

----- Original message -----

**From:** K Robertson <kellierobe@gmail.com>  
**Date:** 8/5/20 3:12 PM (GMT-06:00)  
**To:** "karib.griggs" <karib.griggs@gmail.com>  
**Subject:** Re: 3435 E Zion Rd rezoning request

Sounds good! I need to write up something as well. Home with the boys today, so not focusing much on anything! Ha!

Kellie

On Aug 5, 2020, at 1:28 PM, karib.griggs <karib.griggs@gmail.com> wrote:

I'll send mine later today and forward the response I get back.

Sent via the Samsung Galaxy S9+, an AT&T 5G Evolution capable smartphone

----- Original message -----

**From:** K Robertson <kellierobe@gmail.com>  
**Date:** 8/5/20 12:42 PM (GMT-06:00)  
**To:** Karib.griggs@gmail.com  
**Subject:** Fwd: 3435 E Zion Rd rezoning request

My aunt Michele (brown house across from you) sent the following email. Also includes the response.

Begin forwarded message:

**From:** Michele Lang <mlang9669@gmail.com>

**Date:** August 5, 2020 at 11:05:11 AM CDT

**To:** Denise <idjones52@gmail.com>, Margret Walker <wmargret09@gmail.com>, Kellie Robertson <kellierobe@gmail.com>, Joseph Robertson <jojonogogo@gmail.com>

**Subject:** Fwd: RE: 3435 E Zion Rd rezoning request

Sent from [TypeApp](#)

On Aug 5, 2020, at 10:43 AM, "Masters, Jessica" <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)> wrote:  
Michele,

Thank you for contacting me. My responses to your questions are below in **RED**. I am happy to discuss any additional questions you might have as well. My direct line is 479-575-8239 if you have any questions.

Jessie Masters  
Senior Planner  
City of Fayetteville, Arkansas  
(479) 575-8239  
[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)  
Website | Facebook | Twitter | Instagram | YouTube

-----Original Message-----

From: Michele Lang <mlang9669@gmail.com>  
Sent: Wednesday, August 5, 2020 9:34 AM  
To: Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
Subject: 3435 E Zion Rd rezoning request

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Masters,

Andy Harrison provided your name as the contact person on this rezoning request. **Correct!** On behalf of several neighbors, I am writing to you with our initial questions.

1. The sign says approximately 44.69 acres is requested to be zoned CS Community Services. However the proposed plat shows the request to be zoned NC, which I believe is Neighborhood Conservation. Which of these is correct? **Thank you for bringing this to our attention. It turns out the sign had a typo on it - the correct district is NC, Neighborhood Conservation. Staff should have a new sign out to the site by the end of today.**

2. How does the developer plan to provide adequate vehicular access to all the property? Currently, the only access is to Zion Road. This is a narrow road with no shoulders. Some parts of the road are so narrow that it's difficult for two vehicles to pass each other. The number of vehicles using this road already strains safety limits, especially during commuting hours. Adding additional users, without addressing the

road's condition, is poor planning. When evaluating rezones (and in this case, an associated annexation as well), staff will report on what is currently available as far as infrastructure. Further infrastructure needs and infrastructure improvements that may be needed are typically evaluated at the time of the specific development proposal. The Master Street Plan for this site does indicate that a future Neighborhood Link is planned for the site. While this may not address all needs, it will be something that staff will take into consideration. This is marked by the orange dotted line in the image below. The blue dotted line is a planned Residential Link. (More information below image, keep scrolling!)

Additionally, there is a one-lane bridge between the subject property and Crossover. Vehicles meeting each other at the bridge and screeching to a sudden halt is a common occurrence. Another concern is this bridge has a load limit of 5000 lbs, which is already frequently ignored by haulers of construction materials. Thank you for the input on this.

3. Flood control and water drainage MUST be addressed. Those of us who live just west of the subject property already have to cope with flooding every time there are heavy rains. Hilton Creek can not handle runoff that comes from Copper Creek, so it backs up and overflows into our property, even some houses. This has happened multiple times, complaints to the city and county have been made, but absolutely no results. Adding houses and pavement to what is now unimproved land is only going to make the situation much worse. Thank you for the input on this as well. I have asked our Floodplain Manager to look into this. For now, if you have specific issues, since the property is currently in the County, I do recommend reaching out to Washington County Planning at 479-444-1724. It is probably worth nothing that the applicant has requested that the area surrounding Hilton Creek to remain R-A.

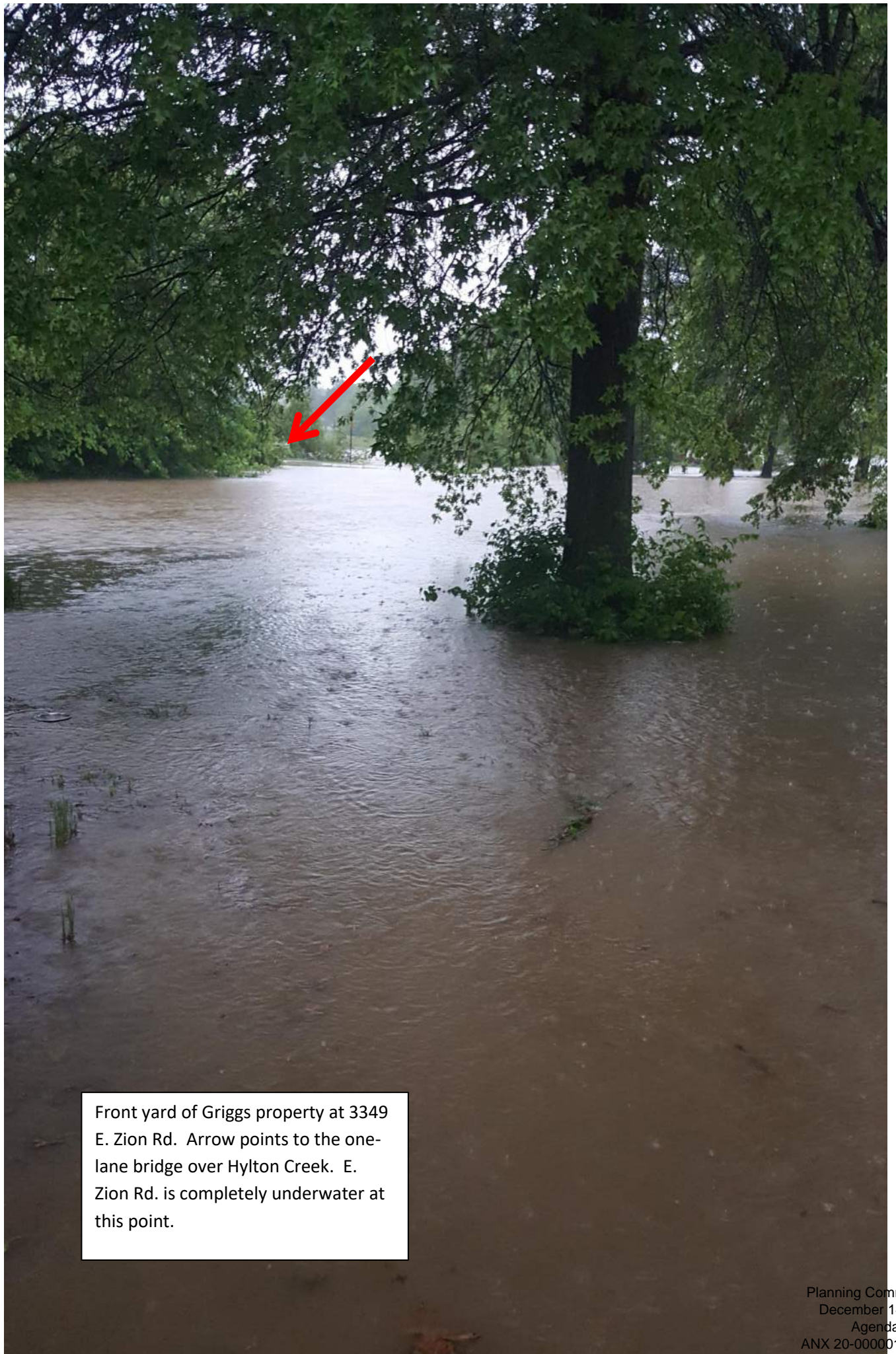
Since the city offices and meetings are closed to the public now, what is the best way for our neighborhood to make our concerns and objections known? I have been encouraging folks to contact staff ahead of the meeting, like you've done. We include all email comments in our reports to the Planning Commission, and mention all public comment in our reports as well. Additionally, this item will be going to Planning Commission on August 24 at 5:30 PM, and staff does anticipate that the meetings will still be virtual at that time. Specific information regarding how to attend virtually can be found at [this link](#). Full information regarding that specific meeting is typically posted a couple days ahead of time. I'm happy to help with any questions you might have regarding participation. I have saved your initial email in the file already, and you are welcome to submit additional.

I look forward to getting your response. If there are other persons that I should contact instead, please let me know.

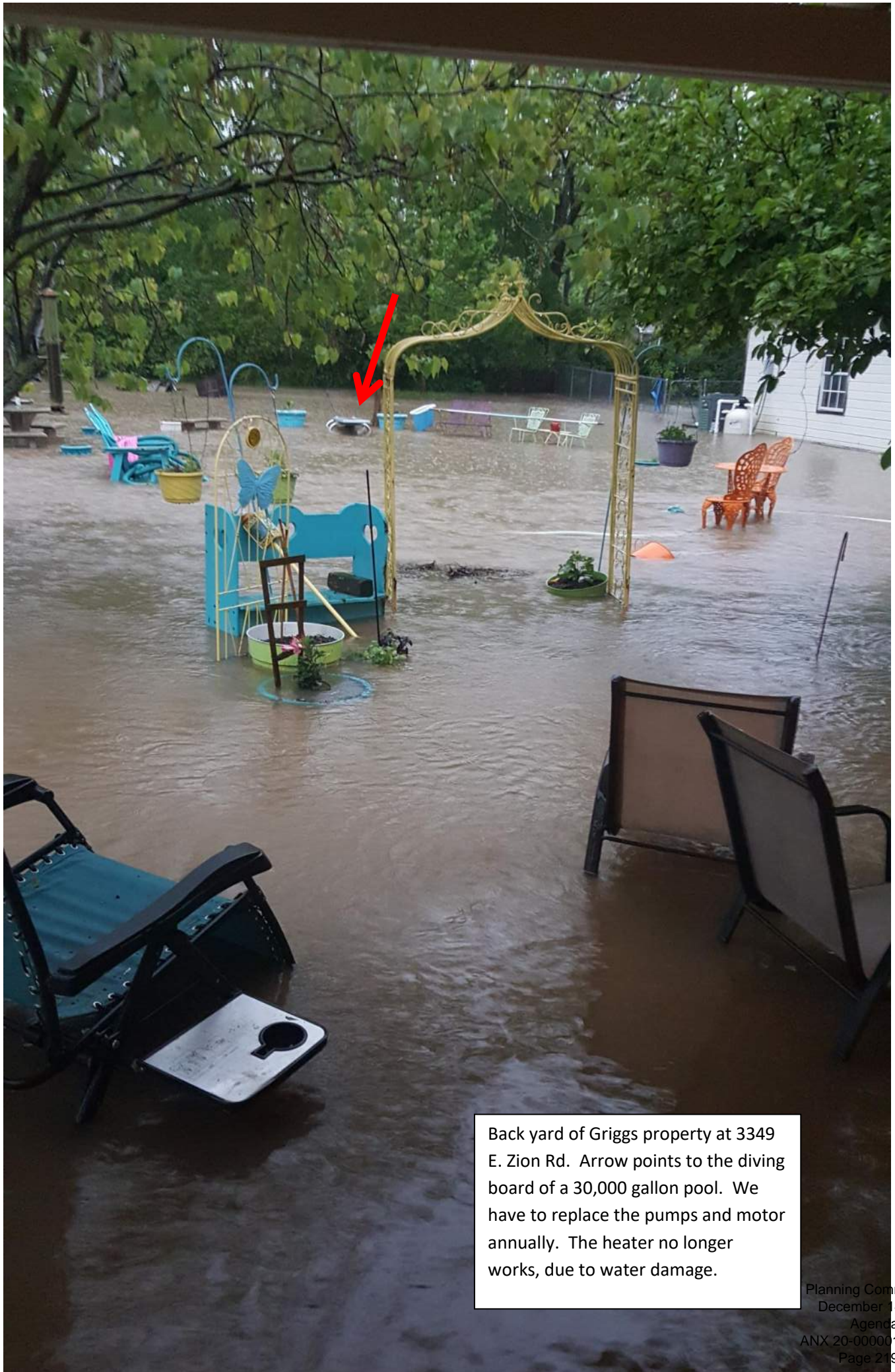
Thank you,  
Michele Lang  
3322 E Zion Rd  
Phone 501-282-3350  
[mlang9669@gmail.com](mailto:mlang9669@gmail.com)

<ATT10375 1.jpg>

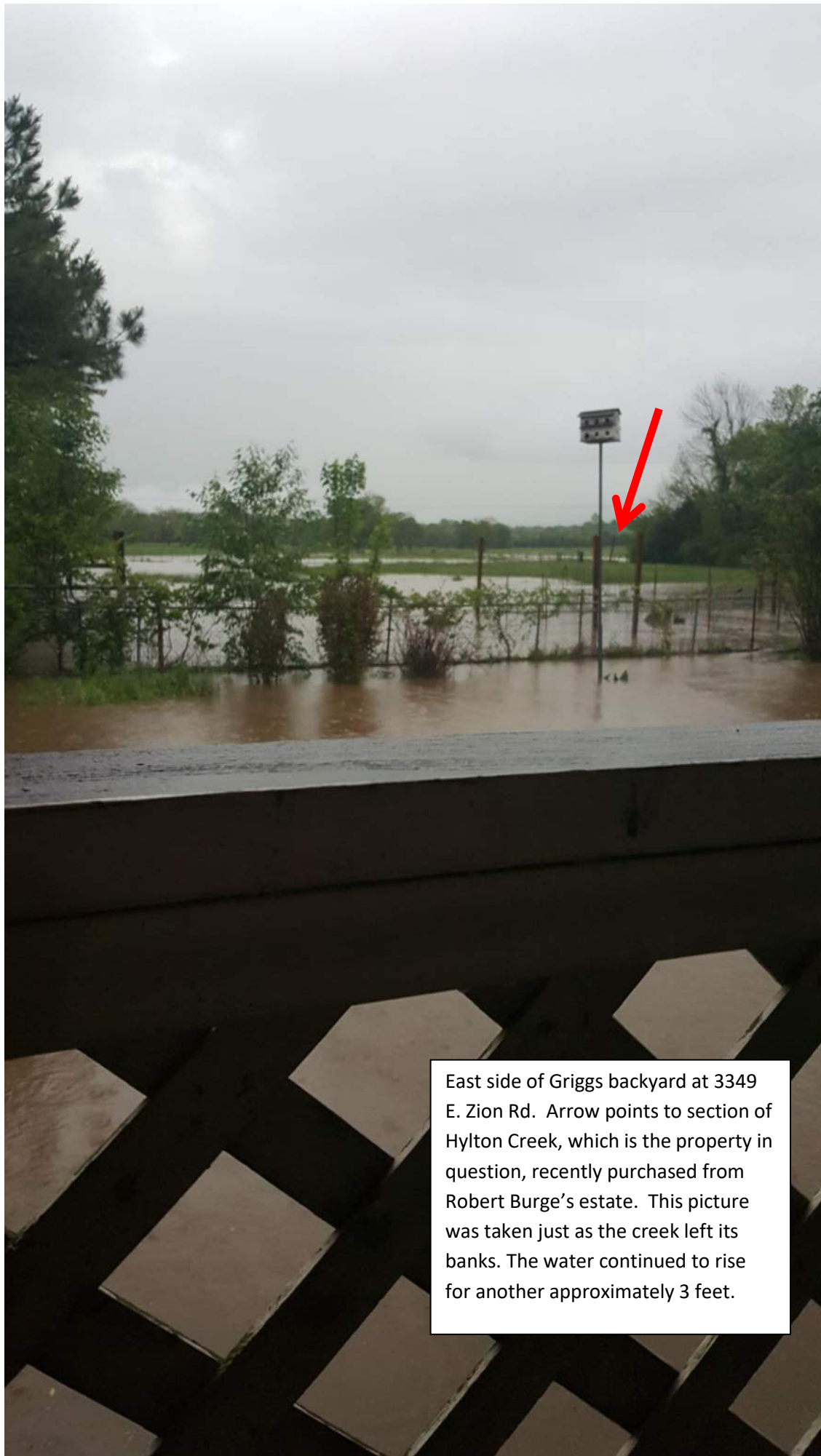




Front yard of Griggs property at 3349 E. Zion Rd. Arrow points to the one-lane bridge over Hylton Creek. E. Zion Rd. is completely underwater at this point.



Back yard of Griggs property at 3349 E. Zion Rd. Arrow points to the diving board of a 30,000 gallon pool. We have to replace the pumps and motor annually. The heater no longer works, due to water damage.



East side of Griggs backyard at 3349 E. Zion Rd. Arrow points to section of Hylton Creek, which is the property in question, recently purchased from Robert Burge's estate. This picture was taken just as the creek left its banks. The water continued to rise for another approximately 3 feet.



Griggs shop building at 3349 E. Zion Rd. With heavy rains, the water level in the shop gets as high as 4 feet.

## Masters, Jessica

---

**From:** Jeffrey Byrd <byrdj@hotmail.com>  
**Sent:** Monday, August 10, 2020 10:54 AM  
**To:** Masters, Jessica  
**Subject:** RE: 3435 E Zion Rd

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Jessie,

I think it's a great plan to maintaining the area that falls within the Hilton Creek floodplain as R-A. I assume that means larger plots in that zone?

Jeff Byrd

Sent from [Mail](#) for Windows 10

---

**From:** [Masters, Jessica](#)  
**Sent:** Monday, August 10, 2020 8:53 AM  
**To:** [Jeffrey Byrd](#)  
**Subject:** RE: 3435 E Zion Rd

Jeff,

Thank you for your input. We have received your comment and it will be included in staff's report on the item, which will be in front of Planning Commission on August 24 at 5:30 PM. For information about how to join and participate in that meeting, given that it will likely be held virtually due to the ongoing health crisis, please visit [this link](#). Specific information regarding that meeting will likely be posted a couple days ahead of time. Please let me know if you have any issues.

As far as your questions regarding flooding, while we do not know the full scope of what ultimately will be developed, the developers have proposed maintaining the area that falls within the Hilton Creek floodplain as R-A, Residential Agricultural [R-A, Residential-Agricultural](#), to minimize future development within the floodplain.

Again, I encourage you to participate in the meeting, and I am happy to answer any additional questions you might have in the meantime.

Many thanks,

Jessie

**Jessie Masters**  
Senior Planner  
City of Fayetteville, Arkansas

(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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**From:** Jeffrey Byrd <byrdj@hotmail.com>  
**Sent:** Saturday, August 8, 2020 6:37 PM  
**To:** Masters, Jessica <jmasters@fayetteville-ar.gov>  
**Subject:** 3435 E Zion Rd

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessica,

I'm concerned about the flooding that will occur from putting a subdivision in on the 59 acre parcel of land at 3434 E. Zion Rd. There is already flooding in the neighborhood next to it, and am worried that it would cause even more runoff. How do you plan on preventing this? Also, Some of the 59 acre plot floods and is underwater when it rains. How are houses going to be built in a flood plain? Is that part going to be left undeveloped?

Thank you,  
Jeff Byrd

Sent from [Mail](#) for Windows 10

## Masters, Jessica

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**From:** Joseph Robertson <joseph.robertson@outlook.com>  
**Sent:** Monday, August 24, 2020 1:38 PM  
**To:** Masters, Jessica  
**Cc:** kellierobe@gmail.com  
**Subject:** 8/24 Fayetteville Planning Commission Memo - New Business items 6 & 7

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mrs. Masters,

I was disappointed to see that our letter – sent 8/17 - was not included in the planning commission report for this evenings meeting. We tried to keep it to a single page so that it would be easy to read and include. I see that you responded this morning and said it would be provided to the council, but it worries me that they will not have adequate time to read ours and other letters that were missed.

After reading through the report, I wanted to provide my feedback and questions on that content in case I am not given a chance this evening.

1. On page 2 under Infrastructure, you state that any required street and drainage improvements would be established at the time of development.
  - a. Is the total cost of those improvements to be borne by the developer? If not, how can the city make an informed decision without knowing the financial impact?
  - b. Page 9 describes Annexation policies as guidelines “designed to ensure that public services, infrastructure, and utility extension is properly addressed in order to manage growth”. Based on that definition, it sounds like annexation is exactly the time to address those services and not at development.
  - c. Can we get the ball rolling on having a flood study done in the section that is already under city jurisdiction (between the 1-lane bridge and 265)? Flooding is already a concern without changes, it makes sense that we first determine what is happening before adding additional development.
2. Fire response time is longer than their 6 minute goal. To meet their goal to cover this undeveloped neighborhood, would the city need to add another fire station and at what expense? Would that also be covered by the developer or the taxpayer?
3. Page 3 shows scores from the City Plan 2040 Infill Matrix with one of the elements that contributes to that score as a “4 minute fire department response time” yet it was stated the response time is actually 7.2 minutes.
4. Annex Guiding policy 12.3.5.a states that the city should “not annex areas that create an island or peninsula”. The finding text explains that this annex would not create an island. It does however create a peninsula of county land wrapped by Fayetteville City limits. This fact counters the guideline.
5. Annex Guiding policy 12.3.5.d says that the “annexed areas should follow natural corridors”.
  - a. Can you please define “natural corridors”?
  - b. The findings state that “annexation boundaries almost follow the property lines... [but] does not necessarily follow any natural, already existing corridors”. This seems to counter the guideline.
6. Annex Guiding policy 12.3.5.f about environmentally sensitive areas
  - a. The finding section seems to argue that city oversight is needed to address flooding issues, but most of the land between the named property and Lake Fayetteville is already in the City. This has not helped matters in the ~6 years that we have owned our property. I got to speak with Alan Pugh on these matters this morning and it sounds like it is currently the property owner’s responsibility for keeping the stream clear of debris. Beyond making sure every property owner understands that, I believe a flood study could help root out the cause(s).

- b. The findings also mention development will be subjected to the City's streamside protection standards. How will those standards protect current residents and how will they address preexisting issues?
7. Annex Guiding policy 12.3.5.g "Public services must be provided efficiently in newly annexed areas."
  - a. While the Police Department has no concerns with the additional load, we have experienced delays with the current boundary lines because both City Dispatch and County Dispatch are quick to defer to the other. Muddying the waters by making an irregular boundary will make this a bigger issue.
  - b. With the estimated response times for Fire protection service not meeting the current standard, what is the current plan to address this policy?
8. Annex Guiding policy 12.3.5.h Annexed areas should receive the same level of service – While this address already receives Water and Trash/Recycling pickup, what additional cost will be incurred by the city to add Fire Protection (to standards) and Sewer service? I see no estimates in this report. Is there another report that has those numbers?
9. Annex Guiding policy 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.
  - a. Engineering states upgrades will be needed. This statement counters the guideline.
  - b. Planning states significant infrastructure improvements would need to be made. This also counters the guideline.
  - c. There was no mention of capacity for gas.
10. Annex Guiding policy 12.3.5.m Planning with adjacent jurisdictions – Is Washington Count a jurisdiction? Has it been discussed with them? Do they want the city to take on Zion Rd. as part of their street plan?
11. Annex Guiding policy 12.3.5.n "Establish agreements to address regional concerns, such as water, stormwater, and sewer."
  - a. How are these agreements established? The finding text only mentions discussions and does not define the procedure or included parties.
  - b. What if neighbors do not agree with the plan? What recourse is available?
12. Annex Guiding policy 12.3.5.p "Designate zoning districts for the property **during** the annexation process."
  - a. I understand that Item #7 on tonight's agenda was rescinded. It sounds like the plan is to move forward with annexation discussion which counters this guideline. It is very concerning to me that the city would take this step without proper public input and potentially deciding on it behind closed doors. It is especially concerning if it potentially affects our ability to continue using our own land consistent with how we have since we purchased the property.
13. Annex Guiding policy 12.3.5.q "An annexation study should be completed on **all** annexation proposals."
  - a. The finding states that responses with other departments were included in this report. The only data I see included is the Fire Department response time estimate which counters guidelines already discussed above. Please define what an annexation study entails.
  - b. Where is the cost estimate that will be placed on the taxpayers?
14. Annex Guiding policy 12.3.5.r "Development proposals require a separate review from the annexation proposals."
  - a. Will that proposal be public and open for comment?
15. Annex Guiding policy 12.3.5.t "Encourage larger annexations to create acceptable boundaries."
  - a. It seems very ambiguous what is considered a large vs moderate size annexation.
  - b. The finding text seems to skirt over the issue that annexing the portion North of Hilton creek would create a distinct peninsula as previously mentioned with item 12.3.5.a.
16. Annex Guiding policy 12.3.5.u "Conduct a fiscal impact assessment on large annexations."
  - a. Given finding that "annexing land toward the northeastern extent... can pose financial challenges for the City to maintain the public infrastructure in a fiscally sustainable manner", should we not therefore require an impact assessment so that the council can make an informed decision?
17. Is the land in question for this annex to be used to establish Title IV (Housing and Urban Development Act of 1968) or Title VII (Housing and Urban Development Act of 1970) housing?
18. Will this item get placed on the next election if passed by the city council?



Based on the findings in this report countering guidelines and no hard data backing up the decision, I cannot understand why the staff recommends approving this annex request.

Joseph Robertson  
3397 E. Zion Rd.

## Masters, Jessica

---

**From:** Judy Cunningham <judyergirl@gmail.com>  
**Sent:** Saturday, August 8, 2020 6:32 PM  
**To:** Masters, Jessica  
**Subject:** Development off of Zion road

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I greatly object to this development Zion is already dangerous . my son totaled a car . In a rainstorm on Zion he slid into that ditch off the side of the road the two cars behind him had a collision the tow truck Could barely Get thru. why can you not improve this road to begin with . How could you possible. Allow a development to be built where Zion is the only access To the development Please review these plans more carefully and make adequate adjustments or disallow the subdivision. Thanks for your futher Consideration of this matter Sincerely Judy cunninghan  
Sent from my iPhone

## Masters, Jessica

---

**From:** Kathy Cooper <DrCooper97@cox.net>  
**Sent:** Friday, August 21, 2020 12:07 PM  
**To:** Masters, Jessica  
**Subject:** Proposed plat for 59 acres, 3435 E Zion Rd

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Masters:

Prior to annexation and re-zoning of the above property, please consider study and data collection on the following areas of concern to current residents of the area.

1) Flooding and drainage is a current problem along E Zion Rd, frequently flooding the street, yards and homes during heavy rains. What do the drainage feasibility studies show the impact will be when additional paving and home construction is added at the end of the street? Is this area currently in a flood zone? With the additional structures, will the homes upstream be declared in a flood zone, potentially altering insurance alternatives available? I have video of my yard and the road during heavy rain if you would find that helpful.

2) Traffic on E Zion Rd currently moves at 20-25mph over the posted speed limit. Is there data on how many cars and trucks travel this area daily and at what speeds? What would be the safety impact of increasing the traffic, first for construction and then for the increase in new residents? Will a narrow road with no shoulders be able to accommodate this increase? Anecdotally, my brick mailbox has been knocked down 3 times and I have been injured dodging vehicles while getting my mail.

3) There is a one lane bridge located on a curve on Zion Rd. There is currently no signage to indicate the bridge is one lane or as a warning that it is ahead. There is a posted weight limit that is routinely ignored. This bridge, absent warnings, is the site of frequent traffic accidents and countless near misses. What is the safety impact of increasing the traffic over this bridge? What would be the expected increase in frequency and severity of traffic accidents?

Thank you for considering these safety concerns.

Dr. Kathy Cooper  
Dr. James Cooper  
3209 E Zion Rd  
>  
Sent from my iPad

## Masters, Jessica

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**From:** Kathy Cooper <DrCooper97@cox.net>  
**Sent:** Monday, August 24, 2020 2:09 PM  
**To:** Masters, Jessica  
**Subject:** Amendment to email

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Masters

This weekend we had occasion to go to the end of Zion. There are warning signs for the one lane bridge. However, on the west side, the sign is not visible until you are already rounding the curve. The fact that signs are present is even more troubling since there are so many accidents and near misses at this location.

Kathy Cooper

Sent from my iPad

## Masters, Jessica

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**From:** Kellie Robertson <kellierobe@gmail.com>  
**Sent:** Monday, August 17, 2020 9:01 PM  
**To:** Masters, Jessica; Pugh, Alan; joseph.wood@co.washington.ar.us; ncrouch@co.washington.ar.us  
**Subject:** Concern about 3435 E. Zion Rd rezoning request  
**Attachments:** IMG\_2792.jpg; IMG\_2795.jpg; IMG\_2793.jpg; IMG\_2791.jpg

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Subject: 3435 E. Zion Rd. rezoning request

Good morning,

We are reaching out to express our concerns about the annexation and rezoning request for the Burgess property at 3435 E. Zion Rd.

Since we moved into our home 6 years ago, at 3397 E. Zion Rd, flooding from Hilton Creek has been a constant concern. We have seen nothing done to alleviate the drainage issues. There are many factors at play including unmaintained existing retention ponds, undersized culverts along Zion, and excessive vegetation in Hilton Creek all the way to Hwy 265. During a hard rain, the back of our property often turns into a river, flowing straight into our neighbor's home to our west. Another contributing factor is the low water bridge on the Burgess property. They have placed fencing across the creek, which catches debris and forces the pooling water on their property outside of the creek bed and eventually reroutes through our property.

The ditches along Zion Road fill up quickly with the excessive runoff and undersized culverts cause it all to spill over the road. The one lane bridge becomes impassable and a safety hazard as water covers the road and bridge. We have attempted removing brush up to the one-lane bridge ourselves, but for it to be effective, that action must be carried through to the larger culverts at Hwy 265. If new development is put in place, without very careful planning and ongoing maintenance, we are concerned this flooding problem will only become worse. We are attaching pictures from the flooding so far in 2020. We can provide pictures from previous years that look very similar. Our hope is that the city and county can find a way to finally address the cause before adding more homes and development in this area.

The rezoning proposal would create an island of county land between parts of both Fayetteville and Springdale city limits on the west side of said property. We would very much like to remain in the county and at the very least remain zoned agriculture so we can continue to use our land as a family farm. Can you provide us any information about how regulations or requirements might change for our property if the area is rezoned?

As mentioned above, the one lane bridge is a safety problem. There are issues with visibility, load carrying capacity, and traffic flow, and it may also be acting as a choke point for water during heavy rains. An increase in population on this section of road increases the chance of pedestrian accidents, as there are no sidewalks or bike lanes, except for a small section of sidewalk at Hwy 265 and another section at Copper Creek. People drive through the area with little regard to children playing in the yard or people exercising on the road. Our family enjoys the playground in Copper Creek. It is within easy walking distance, but due to the way people drive and the current state of the road, we usually choose to drive for safety.

We have not seen any information on how the city will support the families in the new development area. Where will they go to school? What emergency support systems will cover this area? The few times we have needed either police or ambulance, the dispatch wastes time sending us back and forth between Fayetteville City and Washington County. It seems they do not know where we belong either and care was delayed. What will happen if the area doubles or triples in families? How will their services be provided in a timely and safe manner?

We appreciate the time you are taking to review our concerns and respond. If you have any questions for us, please let us know.

Regards,

Joseph and Kellie Robertson  
3397 E. Zion Rd.  
479-283-6182

## Masters, Jessica

---

**From:** K Robertson <kellierobe@gmail.com>  
**Sent:** Monday, August 24, 2020 9:18 AM  
**To:** Masters, Jessica  
**Cc:** Joseph Robertson; Michele Lang; Nick Booth; Christie M. Hancock  
**Subject:** Re: Latest information on Annexation and Rezoning

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Jessie,

I appreciate the quick response. Thank you for organizing all of the information and providing the links. Your help is much appreciated.

Regards,

Kellie Robertson

On Aug 24, 2020, at 8:58 AM, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

Kellie,

My apologies for the oversight on including your letter in the report. I received a few additional letters last week that will be forwarded individually to the Planning Commission today ahead of the meeting, and I will ensure yours will get to them prior to the meeting. Also, for the benefit of others on this email chain, please note that the associated rezoning request has been tabled indefinitely by the applicant. While Planning Commission may choose to take public comment on that item, they likely will not discuss the item, and will vote to table.

If you would like to participate in tonight's meeting, please find the instructions at [this link](#). I recommend that you register ahead of time, and below are some screen shots to help guide you through that process. Please let me know if you have any additional questions. Many thanks,

Jessie

<image002.jpg>

<image003.jpg>

<image004.jpg>

**Jessie Masters**

Senior Planner

City of Fayetteville, Arkansas

(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

<image001.png>

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**From:** Kellie Robertson <kellierobe@gmail.com>

**Sent:** Sunday, August 23, 2020 10:40 AM

**To:** Masters, Jessica <jmasters@fayetteville-ar.gov>; Joseph Robertson <jojonogogo@gmail.com>; Michele Lang <mlang9669@gmail.com>; Nick Booth <nbooth479@gmail.com>; Christie M. Hancock <christie.hancock@mana.md>

**Subject:** Re: Latest information on Annexation and Rezoning

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessica,

I am disappointed that our letter expressing concerns with the rezoning on E. Zion Road were not included in the report. Will there be an update by Monday so all parties can be heard?

Thank you,

Kellie Robertson

On Sun, Aug 23, 2020 at 10:36 AM Kellie Robertson <kellierobe@gmail.com> wrote:

They left out our letter.

On Sun, Aug 23, 2020 at 9:16 AM Michele Lang <mlang9669@gmail.com> wrote:

Zion Road neighbors --

The final agenda for tomorrow's Planning Commission meeting is posted online. Here is the

link: [https://accessfayetteville.granicus.com/GeneratedAgendaViewer.php?view\\_id=14&event\\_id=2373](https://accessfayetteville.granicus.com/GeneratedAgendaViewer.php?view_id=14&event_id=2373)

The Burge requests are items #6-7 under New Business. Attached are copies of the planning staff's reports. The rezoning memo is just one page, saying that the request for rezoning has been tabled indefinitely, at the request of the applicant.

The annexation report is 65 pages long, and includes some of the emails that were sent to Ms. Masters. Unfortunately, the planning staff is recommending approval of the annexation. Despite the problems and opposition, which they acknowledge, the staff seems to feel these can be handled *after* annexation. In other words, putting the cart before the horse.













## Masters, Jessica

---

**From:** Kelly Stewart <kestewart@mayborngroup.com>  
**Sent:** Tuesday, August 18, 2020 3:20 PM  
**To:** Masters, Jessica  
**Subject:** 3435 E Zion Rd rezoning concerns

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessica-

I reside on Zion road, 3306 East Zion.

I have two serious concerns regarding the annex and rezone request of the Burge farm at 3435 E Zion.

- 1) I'm deeply concerned that the annex then rezoning request for the Burge property will be detrimental to my home. We have lived in this house for over 10 years and have unfortunately flooded (property AND home) many times due to already insufficient runoff from the more recently developed Stonewood and Copper Creek neighborhoods. The rain runoff collects and runs downhill to our property. This already existing terrible runoff from those two neighborhoods coupled with further development (more cement and less green space) that most likely won't properly account for water volume will seal the fate of the homes West of the property in question. Flood control and water drainage must be addressed. Hylton/Hilton Creek cannot handle runoff either. This compounds the issue since it also backs up and overflows into surrounding property and homes. Complaints to both the city and county have been made, but absolutely no results. Adding houses and pavement to what is now unimproved land is only going to make the situation much worse.
- 2) The home value and traffic is a concern as well. Whomever is in the wings to buy the Burge farm clearly has a long-term plan which includes annexing into Fayetteville and rezoning to multiple tenant, mixed use development. Will this be Fayetteville Schools??? Because that certainly is already an issue. Our neighborhoods are in Fayetteville with all Fayetteville utilities, but Springdale schools. Traffic cannot be sustained on this portion of Zion. Much of it is hardly even two lane. Not to mention the tiny weight constraint bridge that fits 1 car.

Please consider all the emails and calls you are receiving. The later Robert Burge was adamant that this not happen to his land and it is extremely unfortunate that this is how its headed.

Who can I voice my annex and rezone concerns to with the County? Do you have a contact?

Thank you.

Call or email with any questions. We will Zoom the hearing next week.

Kelly Stewart  
479-841-9095

**Kelly Stewart**

Category Management Manager - Walmart

479-841-9095

kestewart@mayborngroup.com



If you've received this email by mistake, we're sorry for bothering you. It may contain information that is confidential, so please delete it and any attachments without sharing. And if you let us know, we can try to stop it from happening again. Thank you.

We may monitor any emails sent or received by us, or on our behalf. If we do, this will be in line with our own policies and relevant law.

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## Masters, Jessica

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**From:** Michele Lang <mlang9669@gmail.com>  
**Sent:** Wednesday, August 5, 2020 4:01 PM  
**To:** Masters, Jessica  
**Subject:** Re: 3435 E Zion Rd rezoning request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Jessie,

I appreciate your informative and quick response to my earlier email. I have a few additional questions for you.

Do you know how many and what type of dwelling units the developer plans for each zoning?

Is there a way to share photos and/or short videos of flooding episodes with the commission or planning staff?

Who is the city's Floodplain Manager and how do we contact that person? Part of Hilton Creek is located in the county currently, but the flooding problem originates inside the city limits. Hilton Creek, between the one-lane bridge on Zion Road and Crossover is not capable of handling the amount of run-off that occurs each time there is a heavy rain or several days of steady rain. So the water backs up on city property until it overflows the bridge on Zion, and subsequently floods the properties of adjacent owners.

Thanks for your continuing assistance.  
Michele Lang

**From:** Masters, Jessica  
**Sent:** Wednesday, August 5, 2020 10:43 AM  
**To:** Michele Lang  
**Subject:** RE: 3435 E Zion Rd rezoning request

Michele,

Thank you for contacting me. My responses to your questions are below in **RED**. I am happy to discuss any additional questions you might have as well. My direct line is 479-575-8239 if you have any questions.

Jessie Masters  
Senior Planner



City of Fayetteville, Arkansas

(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

Website | Facebook | Twitter | Instagram | YouTube

-----Original Message-----

From: Michele Lang <mlang9669@gmail.com>

Sent: Wednesday, August 5, 2020 9:34 AM

To: Masters, Jessica <jmasters@fayetteville-ar.gov>

Subject: 3435 E Zion Rd rezoning request

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Masters,

Andy Harrison provided your name as the contact person on this rezoning request. **Correct!** On behalf of several neighbors, I am writing to you with our initial questions.

1. The sign says approximately 44.69 acres is requested to be zoned CS Community Services. However the proposed plat shows the request to be zoned NC, which I believe is Neighborhood Conservation. Which of these is correct? **Thank you for bringing this to our attention. It turns out the sign had a typo on it - the correct district is NC, Neighborhood Conservation. Staff should have a new sign out to the site by the end of today.**

2. How does the developer plan to provide adequate vehicular access to all the property? Currently, the only access is to Zion Road. This is a narrow road with no shoulders. Some parts of the road are so narrow that it's difficult for two vehicles to pass each other. The number of vehicles using this road already strains safety limits, especially during commuting hours. Adding additional users, without addressing the road's condition, is poor planning. **When evaluating rezones (and in this case, an associated annexation as well), staff will report on what is currently available as far as infrastructure. Further infrastructure needs and infrastructure improvements that may be needed are typically evaluated at the time of the specific development proposal. The Master Street Plan for this site does indicate that a future Neighborhood Link is planned for the site. While this may not address all needs, it will be something that staff will take into consideration. This is marked by the orange dotted line in the image below. The blue dotted line is a planned Residential Link. (More information below image, keep scrolling!)**



Additionally, there is a one-lane bridge between the subject property and Crossover. Vehicles meeting each other at the bridge and screeching to a sudden halt is a common occurrence. Another concern is this bridge has a load limit of 5000 lbs, which is already frequently ignored by haulers of construction materials. **Thank you for the input on this.**

3. Flood control and water drainage **MUST** be addressed. Those of us who live just west of the subject property already have to cope with flooding every time there are heavy rains. Hilton Creek can not handle runoff that comes from Copper Creek, so it backs up and overflows into our property, even some houses. This has happened multiple times, complaints to the city and county have been made, but absolutely no results. Adding houses and pavement to what is now unimproved land is only going to make the situation much worse. **Thank you for the input on this as well. I have asked our Floodplain Manager to look into this. For now, if you have specific issues, since the property is currently in the County, I do recommend reaching out to Washington County Planning at 479-444-1724. It is probably worth nothing that the applicant has requested that the area surrounding Hilton Creek to remain R-A.**

Since the city offices and meetings are closed to the public now, what is the best way for our neighborhood to make our concerns and objections known? I have been encouraging folks to contact staff ahead of the meeting, like you've done. We include all email comments in our reports to the Planning Commission, and mention all public comment in our reports as well. Additionally, this item will be going to Planning Commission on August 24 at 5:30 PM, and staff does anticipate that the meetings will still be virtual at that time. Specific information regarding how to attend virtually can be found at [this link](#). Full information regarding that specific meeting is typically posted a couple days ahead of time. I'm happy to help with any questions you might have regarding participation. I have saved your initial email in the file already, and you are welcome to submit additional.

I look forward to getting your response. If there are other persons that I should contact instead, please let me know.

Thank you,  
Michele Lang  
3322 E Zion Rd  
Phone 501-282-3350  
mlang9669@gmail.com

## Masters, Jessica

---

**From:** Michele Lang <mlang9669@gmail.com>  
**Sent:** Saturday, August 15, 2020 2:45 PM  
**To:** Masters, Jessica  
**Subject:** Proposed rezoning and annexation of 3435 E Zion Rd  
**Attachments:** flood 3.png; flood 2.png; flood 1.png

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Masters,

This is a follow-up email, reiterating my concern over the drainage and flooding problems currently experienced by residents of East Zion Road, just west of the proposed annexation. The flooding is an on-going problem that the city and county must address before allowing further development in the area.

I am attaching three photos that illustrate what we experience each time there is heavy rainfall, sometimes as little as 1-2 inches. Our property is located on the north side of Zion Road, not adjacent to Hilton Creek, yet we continually experience flooding issues.

Photos 1 and 2 are of Zion Road in front of our house. These are snapshots from a video taken in 2017. There is actually a 3-foot deep ditch between the road and telephone pole.

Photo 3 is our front yard during one of the high water events in 2019. This is moving water about 12 inches deep.

Thank you for including these in your report to the city.

Michele Lang  
3322 E. Zion Rd







## Masters, Jessica

---

**From:** Tina Moeller <tinawmoeller@gmail.com>  
**Sent:** Thursday, August 13, 2020 8:52 PM  
**To:** Masters, Jessica  
**Subject:** Zion Road

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessica,  
Hi.

I live in Fayetteville near Zion Road and I am concerned about the potential problems that would be associated with the development of the 59 acres located at 3435 E Zion Rd. There are drainage problems that need to be addressed and Zion Road is in extremely poor condition now and it doesn't seem like it could handle the increase in traffic that would come with a new development.

Thank you for hearing my concerns.

--

*Tina Moeller*  
*704-965-5230*

## Masters, Jessica

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**From:** Mona Calvert <mjwc82@yahoo.com>  
**Sent:** Wednesday, August 19, 2020 3:03 PM  
**To:** Masters, Jessica; Pugh, Alan  
**Cc:** Michele Lang  
**Subject:** Annexation and rezoning on Zion

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Masters and Mr. Pugh;

I live on Zion between Crossover and the farmland (old Burge property) to be annexed/rezoned. As we live downhill from the Copper Creek and Stonewood neighborhoods as well as the aforementioned farmland, we suffer from increasing flooding as the neighborhoods are built out and the climate changes. I attended pre-Covid city planning meetings when the fields to the southwest of us were zoned for a church, but to no avail. That church with its attendant large parking lots has yet to be built but will even more severely impact our flooding issues when it is completed.

Any recourse we might have to alleviate flooding on our property is hindered by the Fayetteville Stream Protection Ordinance as well. The stream in question - Hylton Branch - originates in the middle of the farmland in question. Minimal efforts were made to capture floodwaters from the Copper Creek development, but they are not effective. In fact they made the situation worse given that the detention pond overflows during heavy rains directly into the farmland. There are only a few houses affected by this flooding and some are in the city and some in the county, so our collective voice on this issue has been totally disregarded. And given that the Hylton Branch drainage was rezoned a few years ago, our access to flood insurance has gone to \$15,000 per year. Not a feasible thing for me or my neighbors.

Adding to these significant emotional and financial issues is the complication of a massive increase in traffic on Zion where there is a one-lane, 5000 lb. load limit bridge that already causes congestion. The likelihood of a construction truck weighing well over the weight limit and crushing this bridge due to ignorance on the part of the driver or the construction company is well within reason. Not to mention the future traffic on our narrow road when two or more large housing and multi-family developments are completed as well as possible retail uses.

If I could have any sense of responsibility and communication on the part of the city and the county relative to the flooding and traffic issues that will ensue when this land is developed, I would be happy to receive them and share with my neighbors. We are well aware that the city will expand whether we like it or not, but we would like for our concerns and financial issues to be considered as it does so...regardless of the fact that the quarantine for coronavirus is making it very convenient for the city to meet and proceed in virtual secrecy with any developers or other parties with financial interest and lawyers.

Sincerely,

Monetha Calvert  
3312 E Zion Rd  
mjwc82@yahoo.com



## Masters, Jessica

---

**From:** Nick Anthony <nanthony@uark.edu>  
**Sent:** Thursday, August 20, 2020 11:05 AM  
**To:** Masters, Jessica  
**Subject:** Anthony Flooding Zion Rd  
**Attachments:** IMG\_2361.JPG; IMG\_2427.JPG; IMG\_1824.JPG; IMG\_2426.JPG; IMG\_5881.jpg; IMG\_2424.JPG; IMG\_2423.JPG; IMG\_5824.jpg; IMG\_5792.jpg; IMG\_2425.JPG; IMG\_5825.jpg; IMG\_5823.jpg; IMG\_5491.jpg

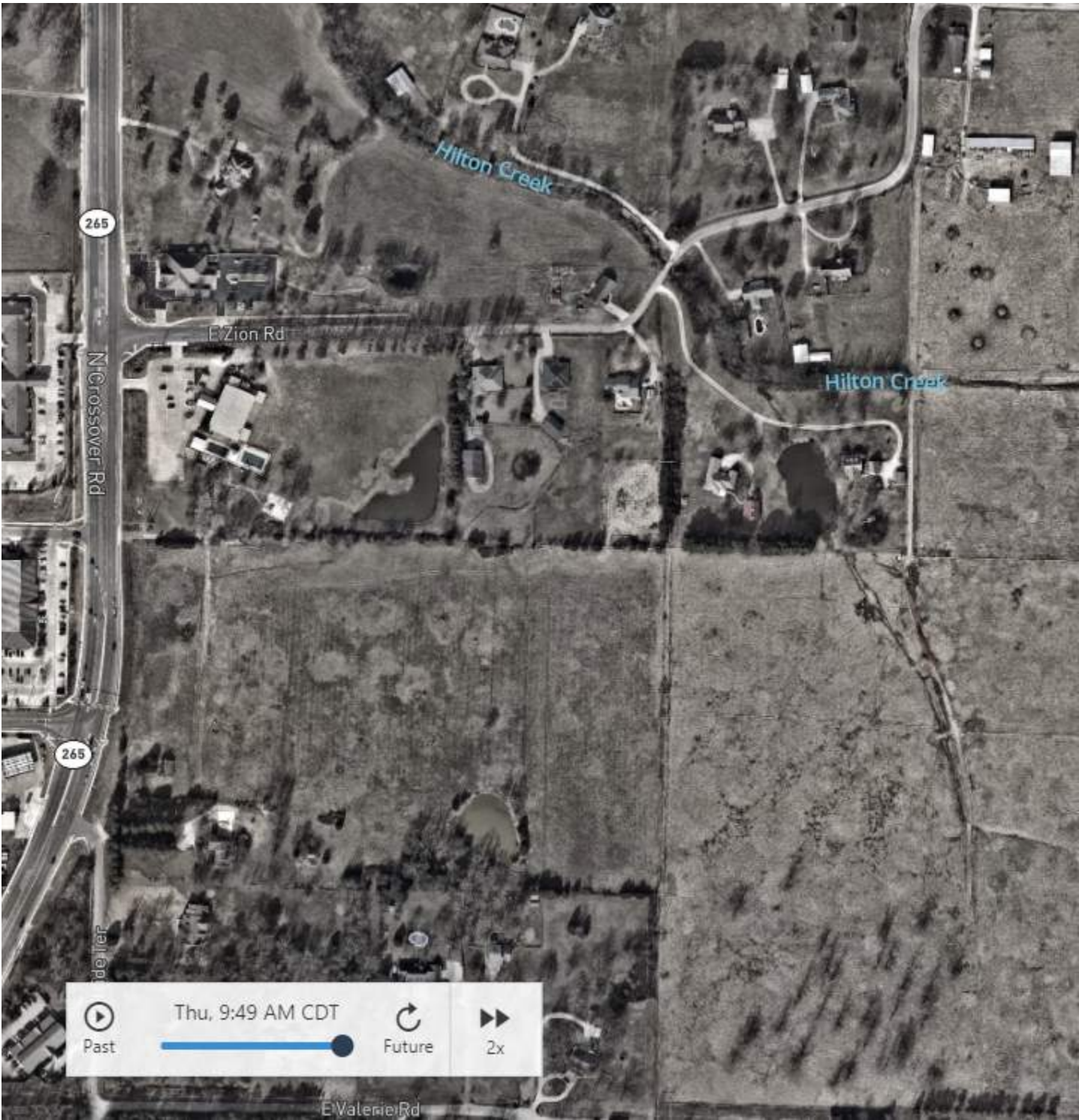
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jessica, Attached please find photos that support my concerns about flooding associated with the runoff from 3435 E. Zion Rd. I included photos attempting to show before and after scenarios for different locations in my yard. My concerns with this rezone of 3435 E. Zion Rd is consistent with most of the neighbors concerns. How will development of this property impact surrounding land owners with regard to water flow? My concerns are multifaceted. I need water flow from the land runoff to support the 3/4 acre pond on my land. Clearly, from the map included below, the flow of water from the land in question is a tributary of Hilton Creek that originates from the 3435 Zion Rd property and funnels water through my property. Without the runoff my pond will be lost and there will be significant cost to fill it in. There are several scenarios that could happen if a neighborhood is built on this land. Runoff could be diverted and ruin (dry up) my pond or I will get way too much water flow along with pollutants associated with a neighborhood (trash, oils, fertilizers and pesticides). The water flow is to Lake Fayetteville thus putting more pressure on the lake water quality. Flooding issues will have to be addressed downstream removing choke points that impact smooth movement of excessive water to Lake Fayetteville. One of these choke points include inadequate flow under Highway 265. There are other choke points associated with the lack of maintenance of the Hilton Creek easement.

Approval of this annex and rezoning plan without understanding the development plan for this land is difficult to understand. In a way, approval without understanding sets a negative tone for the City of Fayetteville because it shows lack of empathy for the landowners that will remain in the county on a doughnut hole surrounded by city limits. The infrastructure for access to the land is inadequate to say the least; one lane bridge with weight limit, narrow road poor access to Highway 265. Finally, the cut-outs for the section in RI-U is really odd and creates unnecessary clutter to the map. I had plenty of fence-side chats with Mr. Robert Burge prior to his death. He loved this land and had always dreamed that his farm would continue in the family. He had plenty of opportunities to sell the land and could have lived a much easier life. Robert chose to keep the farm. I will be sad to see this change, not just because of the obvious reasons, but also because of the loss of a legacy of someone who loved to farm. He loved the land.

Sincerely, Nick Anthony































## Masters, Jessica

---

**From:** Scott Hancock <SHancock@my100bank.com>  
**Sent:** Monday, August 24, 2020 10:30 AM  
**To:** Masters, Jessica  
**Cc:** Curth, Jonathan  
**Subject:** RE: [EXTERNAL SENDER] RE: Zion Road Rezoning/Annexation

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks again to both of you for your information and your reply. One question that I do not see an email response for is the structure of the annexation. If my information is correct, the annexation creates an island with existing and remaining property surrounding the subject property remaining in the county. Did you review the request for annexation in light of the two “outlying corners” as well as the border of the county road and adjacent properties on all sides still in the county? Isn’t an island created?

I appreciate your efforts.

Scott

---

**From:** Masters, Jessica <jmasters@fayetteville-ar.gov>  
**Sent:** Friday, August 21, 2020 4:44 PM  
**To:** Scott Hancock <SHancock@my100bank.com>  
**Cc:** Curth, Jonathan <jcurth@fayetteville-ar.gov>  
**Subject:** RE: [EXTERNAL SENDER] RE: Zion Road Rezoning/Annexation

Scott,

My apologies if I missed a response to you on this item. I do know that I received your initial comments and they are included in staff’s report on the item.

That said, to answer your questions, any specific infrastructure improvements that would need to be made would be reviewed at the time of a specific development proposal. Staff certainly recognizes that the site currently is underdeveloped for an influx of new housing, and has mentioned current conditions in the report. I should also let you know that the associated rezoning request for this site has been tabled by the applicant at this time, so all that will be under consideration for Monday’s Planning Commission meeting will be the annexation itself. Should the annexation pass, the land will be automatically zoned [R-A, Residential-Agricultural](#).

The item will be heard at the August 24 Planning Commission meeting, which will begin at 5:30 PM. This will be a virtual meeting due to the ongoing health crisis. If you would like to participate in the meeting you can do so at [this link](#). The agenda for the meeting can be found [here](#).

Again, apologies for missing your follow-up email. Please let me know if you have any additional questions.



Jessie

**Jessie Masters**

Senior Planner

City of Fayetteville, Arkansas

(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



---

**From:** Scott Hancock <[SHancock@my100bank.com](mailto:SHancock@my100bank.com)>  
**Sent:** Friday, August 21, 2020 4:12 PM  
**To:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Cc:** Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>  
**Subject:** RE: [EXTERNAL SENDER] RE: Zion Road Rezoning/Annexation

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessie & Jonathan, I wanted to follow-up on the question below regarding the partial rezoning. I do not see that I received a response. Can you please provide some insight?

Thank you!  
Scott

---

**From:** Scott Hancock  
**Sent:** Wednesday, August 5, 2020 4:09 PM  
**To:** 'Masters, Jessica' <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Cc:** Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>  
**Subject:** RE: [EXTERNAL SENDER] RE: Zion Road Rezoning/Annexation

Thank you both for your prompt response. I am sure you have and will continue to receive comments from surrounding neighbors. I am curious as to how the traffic flow will be handled for 200+ residences on the exiting Zion Road, which I think is a county road. Also, is it customary for only a portion of the contiguous property to be considered for annexation and rezoning in a situation like this?

---

**From:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Sent:** Wednesday, August 5, 2020 12:04 PM  
**To:** Scott Hancock <[SHancock@my100bank.com](mailto:SHancock@my100bank.com)>  
**Cc:** Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>  
**Subject:** [EXTERNAL SENDER] RE: Zion Road Rezoning/Annexation

Scott,

Yes, I am happy to answer any additional questions you might have. It did come to my attention this morning that there was a typo on the initial public hearing sign that was posted. It has been corrected by city staff and a new sign was posted to accurately reflect the request. As Jonathan has indicated, the request is for RI-U and NC.

(Photos attached for reference).

Please let me know if you have any questions.

Jessie

**Jessie Masters**

Senior Planner

City of Fayetteville, Arkansas

(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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**From:** Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>

**Sent:** Wednesday, August 5, 2020 11:56 AM

**To:** [shancock@my100bank.com](mailto:shancock@my100bank.com)

**Cc:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>

**Subject:** Zion Road Rezoning/Annexation

Scott,

Following-up on our phone conversation, I have attached the request letter, owner authorization, annexation exhibit, and rezoning exhibit for the proposed annexation and rezoning on Zion Road. The two zoning districts can be found [here](#) (RI-U) and [here](#) (NC) on our online ordinances for some added detail on the allowed uses.

Otherwise, I have also copied Jessie Masters, the planner working on the item. I am happy to continue helping where I can, but if questions reach a certain level of detail I may have to defer to her.

Thanks,

**Jonathan Curth, AICP**

Development Review Manager

City Planning Division

City of Fayetteville, Arkansas

[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)

479.575.8308

[Website](#) | [Facebook](#) | [Twitter](#) | [Youtube](#)

## Masters, Jessica

---

**From:** nbooth479@gmail.com  
**Sent:** Monday, August 10, 2020 1:52 PM  
**To:** Masters, Jessica  
**Subject:** RE: Zion Rd Annex and rezone proposal

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jessie,

My name is Nick Booth and I live at 3400 E Zion, adjacent to the property that is up for re-zoning and annexation into the city. I know that there has been correspondence from most of my neighbors, so I am sure that you are aware of our concerns with our road and flooding issues. Due to the fact that the planning commission/city council meeting will be virtual and there is a chance that we will not be able to adequately voice our concerns over the project, I just wanted to indicate our apprehensions to you as well just in case that will help our cause.

I was also wondering if there was any sort of development proposal from the buyers yet? I think it would help ease some worry from everyone if we had an idea as to what exactly they have planned.

Thanks!

Nick Booth

[Nbooth479@gmail.com](mailto:nbooth479@gmail.com)

479-879-5520

---

**From:** Harrison, Andy <aharrison@fayetteville-ar.gov>  
**Sent:** Tuesday, August 4, 2020 3:07 PM  
**To:** nbooth479@gmail.com  
**Subject:** Zion Rd Annex and rezone proposal

Nick,

Attached is the exhibit that shows how the property is broken out by zoning request. Jessie Masters is the planner on this one and she can be reached at [jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)

**Andy Harrison**

Development Coordinator

Planning Division

125 W. Mountain

City of Fayetteville, Arkansas 72701

[aharrison@fayetteville-ar.gov](mailto:aharrison@fayetteville-ar.gov)

T 479.575.8267 | F 479.575.8202

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



**CITY OF  
FAYETTEVILLE  
ARKANSAS**

## Masters, Jessica

---

**From:** nbooth479@gmail.com  
**Sent:** Monday, August 24, 2020 8:14 AM  
**To:** Masters, Jessica  
**Subject:** RE: Zion Rd Annex and rezone proposal

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jessica,

We are anxious for the meeting this evening. I wanted to make a few last minute remarks with respects to the agenda this evening in case I am not able to speak, so I hope that these can still be thrown in the discussion.

- In the 2030 City Plan for Fayetteville, Goal #2 states that “We will discourage suburban sprawl”. We feel that allowing the rezoning to RI-U contradicts this goal, by allowing 3+4 family dwellings, as well as cluster house development.
- The rezoning of the southern-most portion of the lot to NC contradicts the 2030 Future land use plan, which labels the entire area as “Residential Neighborhood”.
- We feel like this rezoning would not be consistent with the surrounding area of Copper Creek which has RSF-4 zoning.
- Based on the infill scoring map available on the cities website, our area has a score of 1-3 which should indicate a low development potential.

I hope that these points can make it in to the conversation tonight, as well as the many other concerns presented by our neighbors!

Thanks,  
Nick Booth  
3400 E Zion Rd  
Nbooth479@gmail.com

---

**From:** Masters, Jessica <jmasters@fayetteville-ar.gov>  
**Sent:** Monday, August 10, 2020 2:52 PM  
**To:** nbooth479@gmail.com  
**Subject:** RE: Zion Rd Annex and rezone proposal

Nick,

Thank you for your input on the proposed annexation and associated rezoning. We always appreciate feedback from the public. We have saved your comment and it will be included in staff’s report on the rezoning item, which will be in front of Planning Commission on August 24 at 5:30 PM. We do anticipate that the meeting will still be held virtually at that time. For information about how to participate, you can visit [this link](#). More specific information regarding the August 24 meeting is typically posted a couple days ahead of time.

As far as your questions regarding a specific development proposal, we have not yet received one. As staff evaluates the appropriateness of the request, we will look at available infrastructure and report on it for the Planning Commission and subsequently City Council to consider. Should they receive their development entitlement (meaning, the annexation and rezoning passes), once they provide a specific development proposal, staff will evaluate what specific infrastructure improvements may need to be made on the site that meet the proposed impact.

It may be helpful to look into what is available “by-right”, or what the developer would have the entitlement to do by looking at the zoning ordinances specifically. In this instance, they are requesting a portion of the site to be [NC, Neighborhood Conservation](#), and [RI-U, Residential Intermediate - Urban](#). They are also requesting to leave the portion of the site that is around Hilton Creek as [R-A, Residential-Agricultural](#) to minimize development impact in that floodplain.

I am happy to answer any additional questions to the best of my ability – I also recommend attending the meeting through the link provided above.

Many thanks,

Jessie

**Jessie Masters**

Senior Planner

City of Fayetteville, Arkansas

(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



---

**From:** [nbooth479@gmail.com](mailto:nbooth479@gmail.com) <[nbooth479@gmail.com](mailto:nbooth479@gmail.com)>

**Sent:** Monday, August 10, 2020 1:52 PM

**To:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>

**Subject:** RE: Zion Rd Annex and rezone proposal

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jessie,

My name is Nick Booth and I live at 3400 E Zion, adjacent to the property that is up for re-zoning and annexation into the city. I know that there has been correspondence from most of my neighbors, so I am sure that you are aware of our concerns with our road and flooding issues. Due to the fact that the planning commission/city council meeting will be virtual and there is a chance that we will not be able to adequately voice our concerns over the project, I just wanted to indicate our apprehensions to you as well just in case that will help our cause.

I was also wondering if there was any sort of development proposal from the buyers yet? I think it would help ease some worry from everyone if we had an idea as to what exactly they have planned.

Thanks!

Nick Booth

[Nbooth479@gmail.com](mailto:Nbooth479@gmail.com)

479-879-5520

---

**From:** Harrison, Andy <[aharrison@fayetteville-ar.gov](mailto:aharrison@fayetteville-ar.gov)>

**Sent:** Tuesday, August 4, 2020 3:07 PM

**To:** [nbooth479@gmail.com](mailto:nbooth479@gmail.com)

**Subject:** Zion Rd Annex and rezone proposal

Nick,

Attached is the exhibit that shows how the property is broken out by zoning request. Jessie Masters is the planner on this one and she can be reached at [jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)

**Andy Harrison**

Development Coordinator

Planning Division

125 W. Mountain

City of Fayetteville, Arkansas 72701

[aharrison@fayetteville-ar.gov](mailto:aharrison@fayetteville-ar.gov)

T 479.575.8267 | F 479.575.8202

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



TO: Fayetteville City Planning Commission

From: Roy L. Lang, Registered Professional Geologist, Arkansas License #1426 (Retired)

RE: Proposed annexation and rezoning of property at 3435 East Zion Rd.

Commissioners,

As returning residents of Fayetteville, my wife and I purchased our current home and property on East Zion Rd in 2017.

Professionally, most of my experience has been dealing with water issues in one form or another. I am very interested in the plans to provide flood control for the area down stream of the proposed annexation property as our home will potentially be affected by the development.

From my own observations, at least three times in the past three years, storm waters have covered the bridge over the creek on Zion Rd just to the west of the subject property. The storm rainfall amounts have varied between 4 and 7 inches. The depth of water over the bridge has been as much as 16 inches, at times probably more, but I was unable to take a direct reading due to the swift current.

Since that first storm event, I have taken the opportunity to review some of the basic information available about our area. According to the EPA Storm Water Calculator, there are three factors that should raise a caution flag concerning further development without fully considering flood control.

- The soil in the proposed annexation area is composed of high clay content soil-- this means the soil has little capacity to allow rainwater to infiltrate. The result is an increased rate of runoff as compared to a soil with very little clay.
- The land is nearly flat with very gradual slope from the north, south, and east-- all slope toward the creek that crosses the subject property, forming a natural basin.
- The property in question is currently used as pasture. The addition of streets and roofs will greatly increase the rate of runoff as compared to the present use.

To better understand the local storm water runoff system, we need to also consider the topography downstream as well as the stream channel condition. A USGS benchmark places the elevation of the Zion Rd bridge at 1258' MSL. The creek channel under the bridge is around 1251' MSL. The surface of Lake Fayetteville is shown as 1238' MSL on the topographic map. A straight line distance from the bridge to Lake Fayetteville is about 2950'. The vertical change in elevation is 13'. These numbers allow us to calculate the slope of 0.44% from the bridge to Lake Fayetteville. As a reference, house gutters slope about 0.41% to allow for adequate drainage of roof runoff, this is with the drainage flowing through a smooth gutter. In contrast, the stream channel is not smooth and actually has a very high channel roughness primarily caused by vegetation overgrowth. This roughness slows flow, increasing flooding of property

adjacent to the stream.

Based on my research and personal observations, the method of controlling storm water as it is now, does not prevent flood damage to nearby homes and property, or prevent the immediate danger posed to motorist attempting to cross the bridge covered by flood waters.

In conclusion it would seem that a prudent course of action would be to review the current system of flood control to identify, then implement, the needed changes before adding additional runoff to an already overwhelmed drainage system.

Sincerely,

Roy L. Lang



## Masters, Jessica

---

**From:** Sandra Soderquist <sandysoderquist@yahoo.com>  
**Sent:** Thursday, August 20, 2020 10:19 AM  
**To:** Masters, Jessica  
**Subject:** rezoning

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

Tell me this isn't happening.

My husband and I moved to, and were married in, our home at 4676 Copper Creek Dr. 15 years ago. We retired from our hectic lives in Santa Fe and choose our home here because of it's tranquil location next to a park, open fields, lack of traffic, lack of noise. etc. We wanted peace and quiet in our golden years. And now we are faced with losing all that because of the possible rezoning of the property across the street from us. What about the safety of the children walking, riding bikes, skate boarding to and from the park here?

If this rezoning happens, it will ruin every reason why we chose our home. My husband now suffers from dementia and needs peace and quiet in his remaining years. Please don't take that away from him.

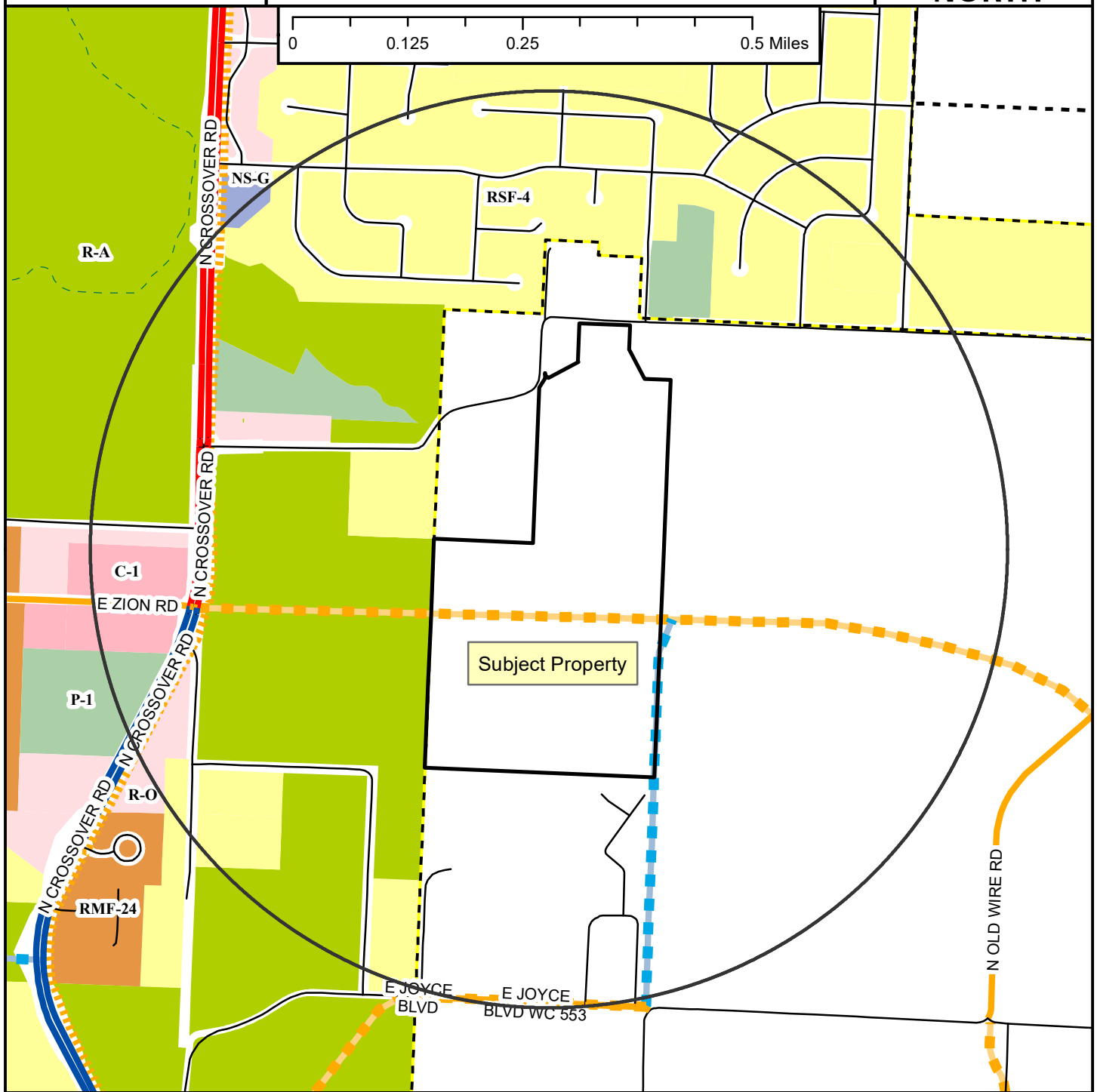
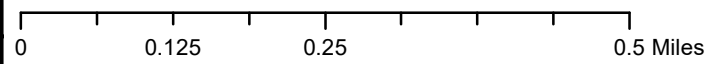
Regards,

Sandra Soderquist & Robert Guadagni  
4676 Copper Creek Dr.  
Fayetteville, Ar 72764  
479 287 6557

ANX-2020-000001

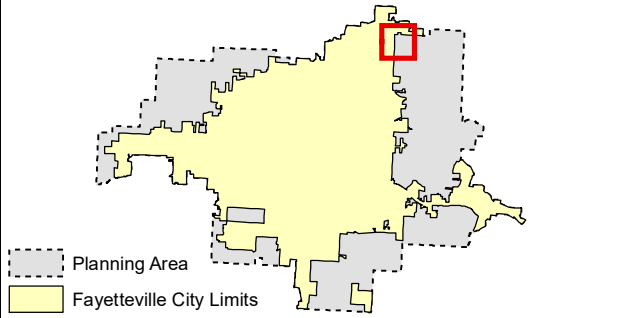
# BURGE

One Mile View

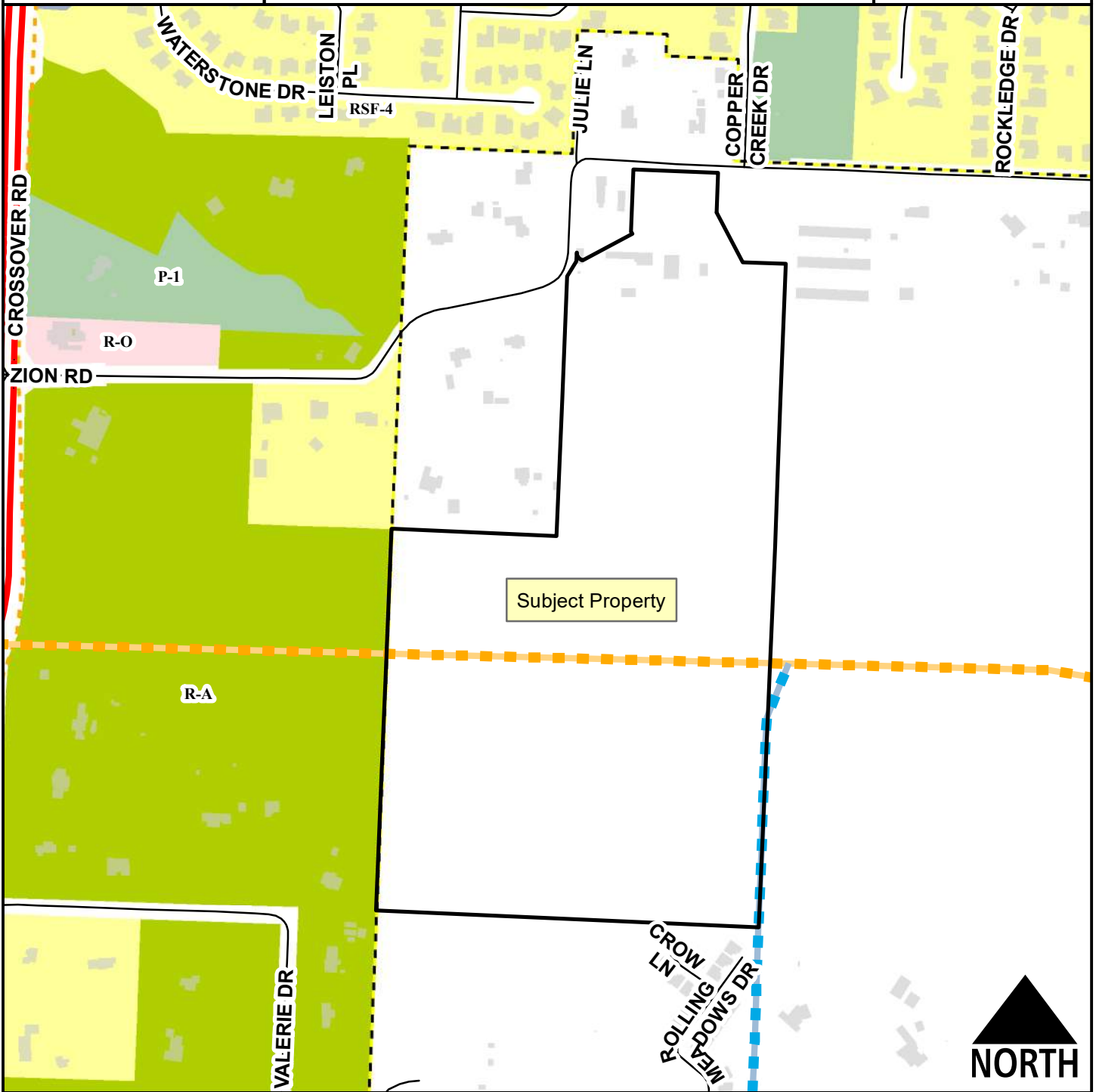


## Legend

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

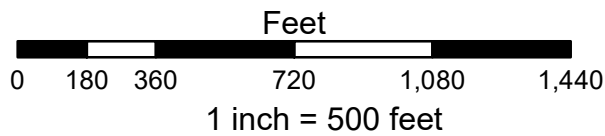


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
  - NS-G
  - RI-U
  - RI-12
  - NS-L
  - Residential-Agricultural
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
  - RMF-6
  - RMF-12
  - RMF-18
  - RMF-24
  - RMF-40
- INDUSTRIAL**
  - I-1 Heavy Commercial and Light Industrial
  - I-2 General Industrial
- EXTRACTION**
  - E-1
- COMMERCIAL**
  - Residential-Office
  - C-1
  - 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



### Legend

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

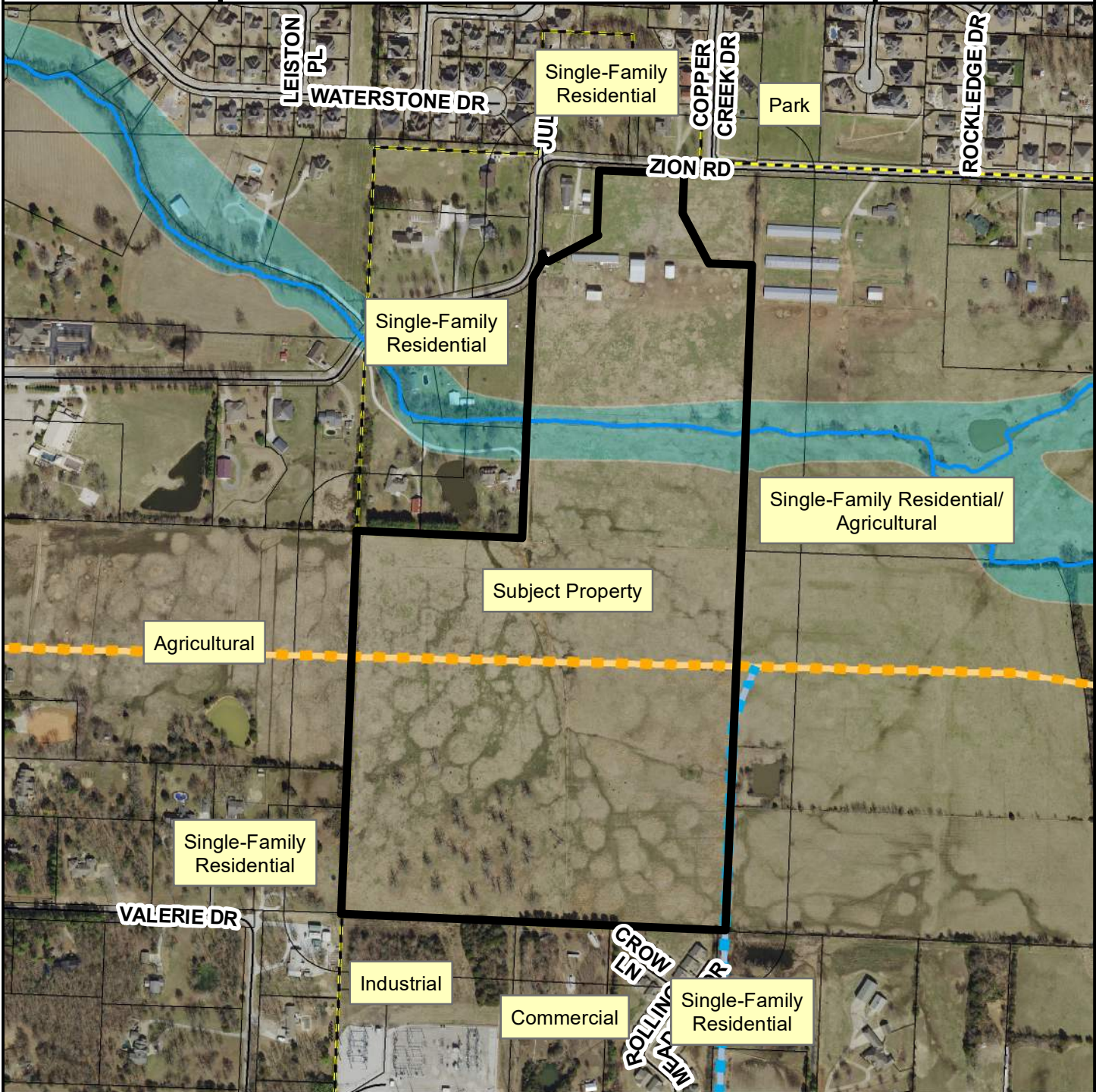




- Residential-Agricultural
- RSF-4
- Residential-Office
- Neighborhood Services - Gen.
- P-1

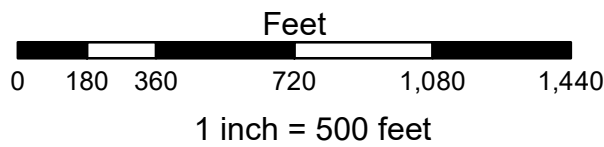
ANX-2020-1

Current Land Use



# BURGE



 Planning Area  
 Fayetteville City Limits



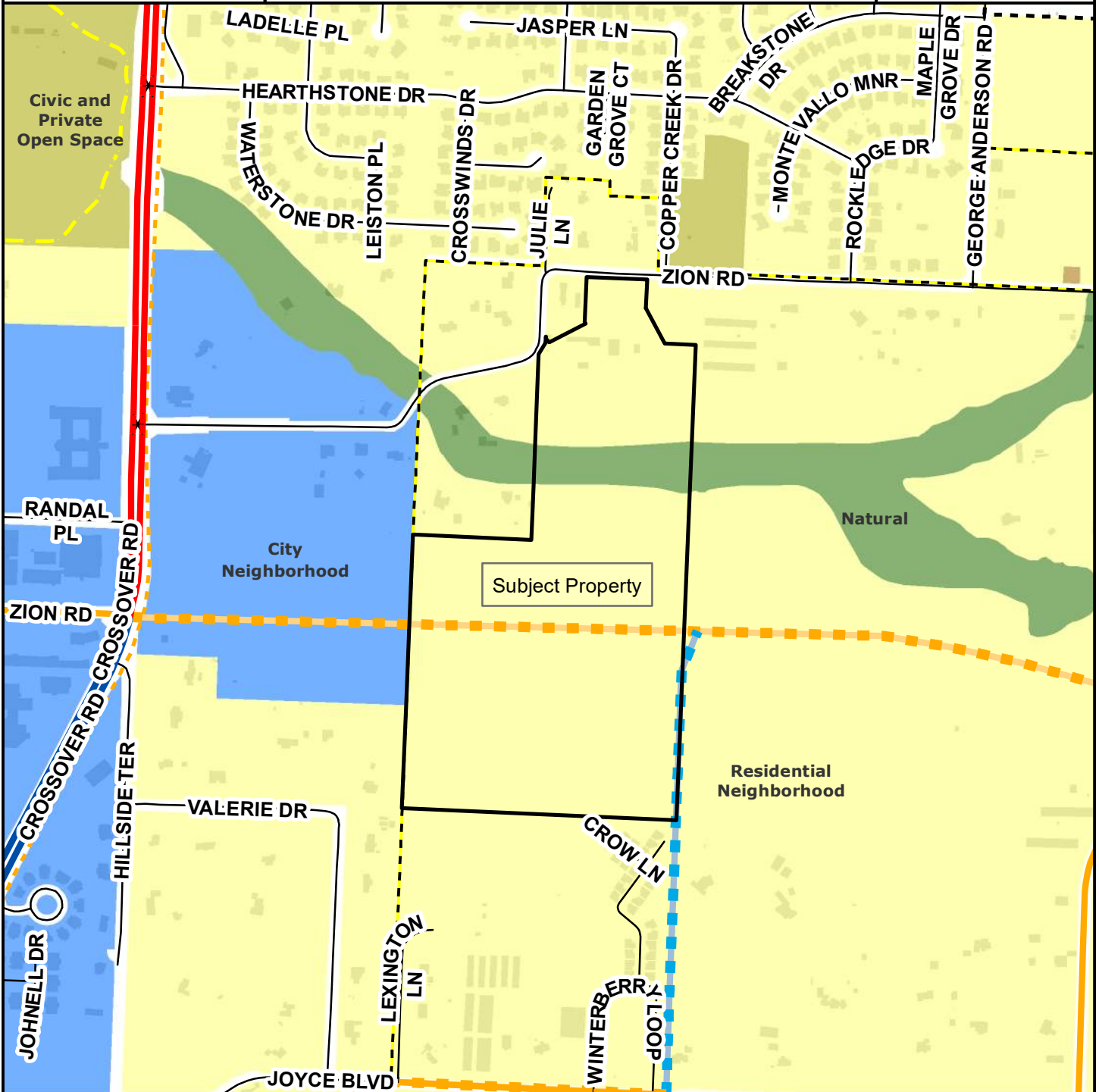
### FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

# BURGE

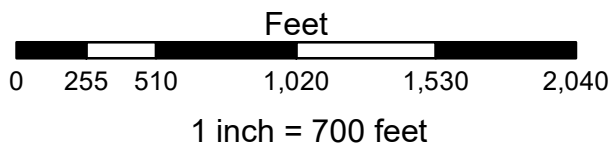


Future Land Use



## Legend

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



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