

City of Fayetteville Staff Review Form

2022-0553

Legistar File ID

7/5/2022

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

Jonathan Curth

6/17/2022

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2022-0022: Rezoning (3061 E. SKILLERN RD./BEARDEN, 255): Submitted by DANIEL BEARDEN for property located at 3061 E. SKILLERN RD. in WARD 3. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 2.99 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

\$ -

Budget Adjustment Attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20210527

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



**MEETING OF JULY 5, 2022**

**TO:** Mayor; Fayetteville City Council

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

**FROM:** Ryan Umberger, Senior Planner

**DATE:** June 17, 2022

**SUBJECT: RZN-2022-0022: Rezoning (3061 E. SKILLERN RD./BEARDEN, 255):**  
Submitted by DANIEL BEARDEN for property located at 3061 E. SKILLERN RD. in WARD 3. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 2.99 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE.

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**RECOMMENDATION:**

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

**BACKGROUND:**

The subject property is in east Fayetteville approximately 0.10 miles east of the intersection of N. Old Wire Road and N. Crossover Rd. The property is zoned R-A, Residential Agricultural and contains approximately 2.99 acres. According to Washington County records, a roughly 1,897 square foot residence which was built in 1963 occupies the site. Tree canopy covers much of the property, especially the southern half, and a roughly 6% grade is present, sloping from the east property line, down towards the west property line. The property, however, does not lie within the Hillside Hilltop Overlay District and neither hydric soils nor floodplain are present.

**Request:** The request is to rezone the property from R-A, Residential Agricultural to RSF-4, Residential Single-family, 4 Units per Acre.

*Public Comment:* Staff has received a substantial number of inquiries and comments in opposition to the rezoning request. Comments and questions have largely involved drainage and stormwater runoff, bulk and area requirements in RSF-4 zoning, and density. Written comment in opposition to the request is attached to the Planning Commission report herein. At the June 13<sup>th</sup> Planning Commission meeting several neighbors spoke in opposition to the request. They reiterated concerns about drainage, density, insufficient street infrastructure, and indicated a desire to see a development plan.

*Land Use Compatibility:* Staff finds that the request is compatible with current surrounding land uses. Staff finds the proposed RSF-4 zoning has setbacks, bulk and area, and use allowances

that are very compatible with the surrounding properties. Properties in the near vicinity are mostly zoned RSF-4, Residential Single-Family, 4 Units per Acre. The Jackson Place subdivision, adjoining immediately to the west, is a Residential Planned Zoning District which allows lots at a size specified on an exhibit document and single-family uses that mirror the now-defunct R1 zoning district. These lots are generally about 90 feet wide and range from roughly 12,500 to 21,700 square feet in size. The subject property has roughly 130,244 square-feet of area and 200 feet of frontage onto E. Skillern Road. Under RSF-4 zoning, the property could be subdivided into resultant lots with 8,000 square-feet in area and 70-foot widths. Should the property be successfully rezoned, the lot could only be split to create two legal, conforming lots along E. Skillern Road. Each resultant lot would have entitlements to be developed with one single-family home and a customary accessory dwelling. In a maximum build-out scenario where a new public street is not constructed, a total of four lots could potentially be created. Each conforming lot could subdivide the rear of their property as a tandem lot. Tandem lots can only be created behind a legal, conforming lot and cannot be located behind another tandem lot. Given the character of the surrounding area and the current dimensions of the subject property staff finds the proposed zoning to be compatible. Staff maintains this position with due consideration of the maximum developable potential of the property.

*Land Use Plan Analysis:* Staff finds the request is generally consistent with adopted land use policies, the Future Land Use Map, and the goals of City Plan 2040. This subject property is designated as a Residential Neighborhood Area, which encourages a mix of housing types and gridded street patterns. While the single-use nature of the proposed district is not generally consistent with the aims of the future land use designation it helps to ensure that development of the site is of an appropriate scale and context with the adjoining properties. Further, there is also little, if any, opportunity for vehicular cross-connectivity to adjoining properties; suggesting that RSF-4 better aligns with the City's goals, from an infill standpoint, than a district where more diverse residential uses are allowed. Lastly, the infill score of the site is relatively low. The property has access to essential City services including water, sanitary sewer, and adequate fire response but lacks proximity to schools, groceries, and transit. Staff finds that access to these essential services supports additional density, to a degree, but only an incremental increase is appropriate. Finding that the proposed RSF-4 district represents only an incremental increase to zoning entitlements, staff is supportive of the request.

**CITY PLAN 2040 INFILL MATRIX:** City Plan 2040's Infill Matrix indicates 4-5 attributes for this site that may contribute to appropriate infill. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #5, 2979 N. Crossover Rd.)
- Near Sewer Main (8" sewer main, E. Skillern Rd.)
- Near Water Main (4" water main, E. Skillern Rd.)
- Near City Park (Sweetbriar Park)
- Near Paved Trail (Niokaska Creek Trail)

## **DISCUSSION:**

At the June 13, 2022, Planning Commission meeting, a vote of 7-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Winston made the motion and Commissioner Brink seconded. Commissioner Sparkman noted that the proposal was a land use determination and agreed with the reasons established by staff in the report. Commissioner Madden said she wanted the request to be represented honestly, including a discussion of the conditional uses that would be allowed under the proposed zoning in addition to the permitted by-right uses. Many neighbors offered public comment in opposition to the request at the meeting. Their concerns involved issues with stormwater drainage, density, insufficient street infrastructure, and indicated a desire to see a development plan.

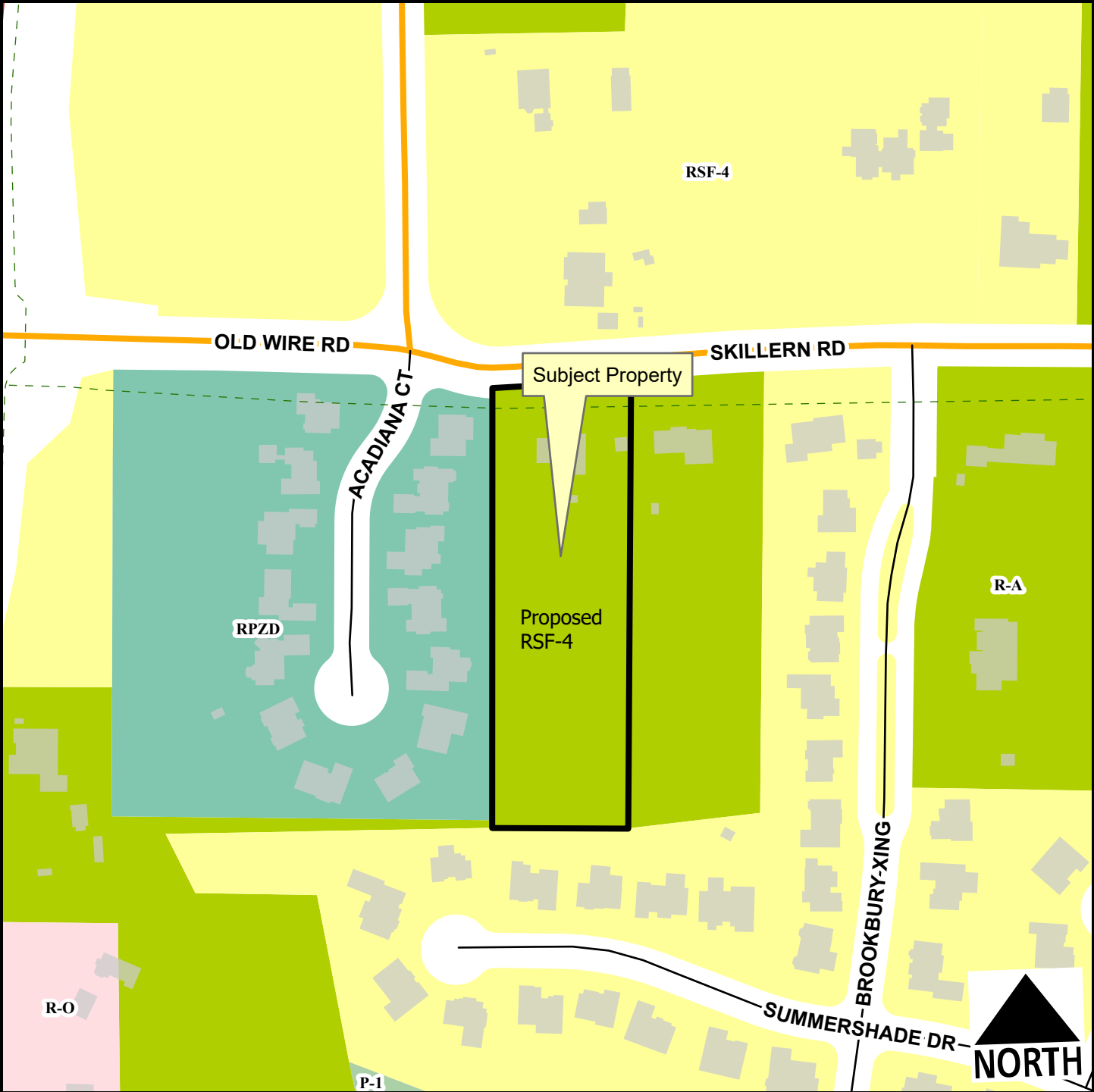
**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

- Exhibit A
- Exhibit B
- Planning Commission Staff Report





<div> <div></div>Regional Link </div> <div> <div></div>Neighborhood Link </div> <div> <div></div>Residential Link </div> <div> <div></div>Trail (Proposed) </div> <div> <div></div>Planning Area </div> <div> <div></div>Fayetteville City Limits </div>	<div> <div>Feet</div> <div> <div>0</div> <div>75</div> <div>150</div> <div>300</div> <div>450</div> <div>600</div> </div> <div>1:2,482</div> </div>	<div>Zoning</div> <div>Acres</div>
		<div>RSF-4</div> <div>2.99</div>
		<div>Total</div> <div>2.99</div>

**EXHIBIT 'B'**  
**RZN-2022-0022**

PT SE NW 3A

FURTHER DESCRIBED FROM 2012-10608 AS:

Part of the Southeast Quarter (SE1/4)  
of the Northwest Quarter (NW1/4) of  
Section

Thirty one (31) in Township Seventeen  
(17) North of Range Twenty-nine (29)  
West,

described as follows, to-wit: Beginning  
130 feet East and 30.34 feet South of  
the

Northwest corner of said forty acre  
tract in the center line of Public  
Road, and running

thence South 646.14 feet, thence East  
200 feet, thence North 660.66 feet,  
thence Westerly

with the center-line of said road to  
the point of beginning, containing

Three (3) acres,

more or less, Washington County,  
Arkansas.



**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Ryan Umberger, Senior Planner

**MEETING DATE:** June 13, 2022 (Updated with Planning Commission Results)

**SUBJECT:** **RZN-2022-0022: Rezoning (3061 E. SKILLERN RD./BEARDEN, 255):**  
Submitted by DANIEL BEARDEN for property located at 3061 E. SKILLERN RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 2.99 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE.

**RECOMMENDATION:**

Staff recommends forwarding **RZN-2022-0022** to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

"I move to forward **RZN-2022-0022** to City Council with a recommendation of approval."

**BACKGROUND:**

The subject property is in east Fayetteville approximately 0.10 miles east of the intersection of N. Old Wire Road and N. Crossover Rd. The property is zoned R-A, Residential Agricultural and contains approximately 2.99 acres. According to Washington County records, a roughly 1,897 square foot residence which was built in 1963 occupies the site. Tree canopy covers much of the property, especially the southern half, and a roughly 6% grade is present, sloping from the east property line, down towards the west property line. The property, however, does not lie within the Hillside Hilltop Overlay District and neither hydric soils nor floodplain are present. 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	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Jackson Place RPZD	RPZD, Residential Planned Zoning District

**Request:** The request is to rezone the property from R-A, Residential Agricultural to RSF-4, Residential Single-family, 4 Units per Acre.

**Public Comment:** Staff has received a substantial number of inquiries and comments on the rezoning request. Comments and questions have largely involved drainage and stormwater runoff, bulk and area requirements in RSF-4 zoning, and density. Written comment in opposition

to the request is attached herein.

## INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

- Streets:** The subject area has frontage along South side of E. Skillern Road. E. Skillern Road is a partially improved Neighborhood Link Street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is available to the Subject area. An existing 4-inch water main is present along the north side of E. Skillern Road.
- Sewer:** Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present in the northwest corner of the subject property.
- 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 Rd., protects this site. The property is located approximately 1.8 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 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.
- Police:** The Police Department expressed no concerns with this request.
- Drainage:** The property is not within the Hillside-Hilltop Overlay District. There are no protected streams present in the subject area. No portion of the subject property lies within a FEMA floodplain, nor are there any hydric soils present on the site. Any additional improvements or requirements for drainage will be determined at time of development.

### Tree Preservation:

The proposed zoning district of RSF-4, Residential Single-family, 4 Units per Acre requires **25% minimum canopy preservation**. The current zoning district of R-A, Residential Agricultural requires **25% minimum canopy preservation**.

**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**.

**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.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 4-5 for this site, with a weighted score of 4.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #5, 2979 N. Crossover Rd.)
- Near Sewer Main (8" sewer main, E. Skillern Rd.)
- Near Water Main (4" water main, E. Skillern Rd.)
- Near City Park (Sweetbriar Park)
- Near Paved Trail (Niokaska Creek Trail)

#### FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding:** ***Land Use Compatibility:*** Staff finds that the request is compatible with current surrounding land uses. Staff finds the proposed RSF-4 zoning has setbacks, bulk and area, and use allowances that are very compatible with the surrounding properties. Properties in the near vicinity are mostly zoned RSF-4, Residential Single-Family, 4 Units per Acre. The Jackson Place subdivision, adjoining immediately to the west, is a Residential Planned Zoning District which allows lots at a size specified on an exhibit document and single-family uses that mirror the now-defunct R1 zoning district. These lots are generally about 90 feet wide and range from roughly 12,500 to 21,700 square feet in size. The subject property has roughly 130,244 square-feet of area and 200 feet of frontage onto E. Skillern Road. Under RSF-4 zoning, the property could be subdivided into resultant lots with 8,000 square-feet in area and 70-foot widths. Should the property be successfully rezoned, the lot could only be split to create two legal, conforming lots along E. Skillern Road. Each resultant lot would have entitlements to be developed with one single-family home and a customary accessory dwelling. In a maximum build-out scenario where a new public street is not constructed, a total of four lots could potentially be created. Each conforming lot could subdivide the rear of their property as a tandem lot. Tandem lots can only be created behind a legal, conforming lot and cannot be located behind another tandem lot. Given the character of the surrounding area and the current dimensions of the subject property staff finds the proposed zoning to be compatible. Staff maintains this position with due consideration of the maximum developable potential of the property.

***Land Use Plan Analysis:*** Staff finds the request is generally consistent with adopted land use policies, the Future Land Use Map, and the goals of City Plan 2040. This subject property is designated as a Residential Neighborhood Area, which encourages a mix of housing types and gridded street patterns. While the single-use nature of the proposed district is not generally consistent with the aims of the future land use designation it helps to ensure that development of the site is of an appropriate scale and context with the adjoining properties. Further, there is also little, if any, opportunity

for vehicular cross-connectivity to adjoining properties; suggesting that RSF-4 better aligns with the City's goals, from an infill standpoint, than a district where more diverse residential uses are allowed. Lastly, the infill score of the site is relatively low. The property has access to essential City services including water, sanitary sewer, and adequate fire response but lacks proximity to schools, groceries, and transit. Staff finds that access to these essential services supports additional density, to a degree, but only an incremental increase is appropriate. Finding that the proposed RSF-4 district represents only an incremental increase to zoning entitlements, staff is supportive of the request.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

**Finding:** Staff finds that a rezone from R-A to RSF-4 is consistent with long-term land use plans and aligns with City Plan 2040 as a Residential Neighborhood area, therefore making this request justified from the city's perspective.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

**Finding:** Rezoning the property to RSF-4 carries an associated potential to increase the allowable density on the site. However, given the dimensions of the subject property and the limited number of additional units that could be created, staff does not find that this would negatively affect or appreciably increase traffic danger or congestion at this site.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

**Finding:** Staff finds that rezoning the property from R-A to RSF-4 would have a negligible impact on the site in terms of population density and therefore would not undesirably increase the load on existing public services.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
  - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
  - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

**Finding:** N/A

**RECOMMENDATION:** Planning staff recommends approval of RZN-2022-0022.

<b>PLANNING COMMISSION ACTION:</b>				<b>Required</b>	<b><u>YES</u></b>
<b>Date:</b>	<b><u>June 13, 2022</u></b>	<input type="checkbox"/> <b>Tabled</b>	<input checked="" type="checkbox"/> <b>Forwarded</b>	<input type="checkbox"/> <b>Denied</b>	
<b>Motion:</b>	<b>Winston</b>				
<b>Second:</b>	<b>Brink</b>				
<b>Vote:</b>	<b>7-0-0</b>				

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**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.03 District R-A, Residential Agricultural
  - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
- Applicant Request Letter
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map
- **Public Comment Received After Publication (added June 14, 2022)**

### 161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.



(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. 5945, §3, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6427, § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

**161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre**

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area*. On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6427, § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

**To Whom it may concern,**

**I write to you today to request a Rezoning at 3061 E Skillern Rd.**

**Current Zoning: R-A, Res. Agricultural**

**Proposed Zone Change: RSF-4, Res. Single Family, 4 units per acre**

**The zone change would be consistent with the City Plan 2040 and the property is identified in the Future Land Use Map as a Residential Neighborhood Area. Neighboring Properties on the West & South sides of property are Residential Neighborhood Area's.**

**Thank you for your time and consideration.**

**Daniel Bearden**

## Umberger, Ryan

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**From:** PetruconisFamily <srpconis@yahoo.com>  
**Sent:** Tuesday, June 7, 2022 4:04 PM  
**To:** Umberger, Ryan  
**Subject:** 3061Skillern Rd. Proposed 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.

My name is Stephen K. Petruconis, a resident of the Brookbury Crossing subdivision east of the 3061 Skillern Rd. property in Fayetteville, AR that will be considered for rezoning from the current designation of Distract R-A to District RS-4 by the planning commission at its June 13th, 2022 meeting. I am writing to express my opposition to this rezoning request.

My opposition to this rezoning request centers on the small size (2.99 acres) of the property and the potential to construct up to twelve single family residences on same. Because of the unknown intent of the rezoning applicant I foresee the potential for the following issues that will come to play if a congested plan is submitted:

1. Skillern Rd. is a heavily trafficked roadway Monday through Friday, especially so during the 8 a.m. and 5 p.m. commute times. Traffic regularly backs up from the intersection of Old Wire and Crossover Roads following traffic light changes at this intersection. Traffic frequently backs up beyond the Brookbury Xing entrance and exit routes to the east on Skillern Rd. Adding a new entry/exit lane onto Skillern at the 3061 address would add to the current problem.
2. Skillern Rd. is currently only 22 feet wide at the address of this property, 11 feet in the east and west lanes preventing vehicular traffic from passing walkers and bicycle riders, usually delaying traffic. Adding a new entry/exit lane onto Skillern at this address would compound the issue. It is my understanding that Skillern Rd. is planned for widening by the city in the near future.
3. The new neighborhood roadway would likely require a turn around circle at the south end of the roadway for school buses, fire department vehicles and larger truck traffic to exit the new development. This would likely limit development density.
4. The extensive removal of trees to develop the new neighborhood and the additional rooftop and driveway surface additions would greatly reduce natural water soil absorption and likely affect east to west drainage onto the Arcadiana neighborhood properties.
5. Fayetteville currently has an east/west bike trail planned for the south side of Skillern Rd. This trail would necessarily require twelve feet of additional frontage road property, would reduce the developmental acreage available for development, and would likely add to development entry/exit access to Skillern Rd.

Ryan, thank you for your assistance in helping me understand the review process and answering my questions regarding developmental plan submittal. You have been very helpful and are very much appreciated.

## Umberger, Ryan

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**From:** Amber Evins <amberevins03@gmail.com>  
**Sent:** Tuesday, June 7, 2022 10:30 PM  
**To:** Umberger, Ryan  
**Subject:** Rezoning the 3 acre property 3061 Skillern 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.

I am worried about drainage issues if this property is develop. We have horrible drainage issues on Summershade Drive. I live on Summershade drive in Brookbury subdivision.  
I feel like this needs to be addressed and researched before the land is rezoned.

Thank you,  
Amber Evins

Sent from my iPhone

## Umberger, Ryan

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**From:** Meggan Bell <megganbell1@gmail.com>  
**Sent:** Wednesday, June 8, 2022 9:35 PM  
**To:** Umberger, Ryan  
**Subject:** Rezoning of 3163 Skillern 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.

My family lives in Brookbury near the 3163 Skillern Rd property that the buyer wants to rezone to RSF-4. I think this zoning allows too many houses in that area due to our current road situation and flooding issues along the stream / creek through Brookbury.

Traffic - Currently traffic is already a major issue in the mornings leaving our neighborhood in the mornings. Cars are backed up daily to at least the Savanna neighborhood and sometimes farther than that due to the influx of homes to our east. 12 homes could potentially add approx 24 more cars which is excessive / 2 homes would add approx 4 more which is reasonable

Flooding - More roofs when it rains add to our already taxed stream / creek area. Each spring and sometimes in the fall our neighbors along the creek experience flooding. Neighbors have had their fences washed out and water inches from their homes. We understand that the city is trying to get funding to redo at least one of our creek sections soon to help the flow but even with that improvement adding more roofs will add more water to this area. The water from these homes will add to the water that gets backed up going under the bridge before crossover.

Jackson Place was added as a planned community with I believe RSF-4 zoning but it was closer to crossover and there was not as much traffic cutting through on Skillern as there is now from the east.

Meggan & Scott Bell  
2757 N Brookbury Xing  
Fayetteville, AR 72703  
479-422-6548



**RZN-2022-0022**

**3061 E SKILLERN RD**

**One Mile View**

**NORTH**

0 0.13 0.25 0.5 Miles

**Subject Property**

**CROSSOVER RD**

**OLD WIRE RD**

**SKILLERN RD**

**OAK BAILEY DR**

**NC**

**RST-4**

**P-1**

**CS**

**RI-12**

**R-A**

**RPZD**

**R-O**

**NS-L**

**Zoning**

**RESIDENTIAL SINGLE-FAMILY**

- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

**RESIDENTIAL MULTI-FAMILY**

- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

**INDUSTRIAL**

- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

**EXTRACTION**

- E-1

**COMMERCIAL**

- C-1 Residential-Office
- C-2
- C-3

**FORM BASED DISTRICTS**

- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

**PLANNED ZONING DISTRICTS**

- Commercial, Industrial, Residential

**INSTITUTIONAL**

- P-1

**Planning Area**

**Fayetteville City Limits**

**Planning Commission**

**June 13, 2022**



### One Mile View

**3061 E SKILLERN RD**

0                      0.13                      0.25                      0.5 Miles

**P-1**

0.13

0.25

0.5 Miles

**R-A**

**OLD WIRE RD**

## Subject Property










**CROSSOVER RD**

**OAK  
BAILEY DR**

RSF-4

**R-O**

NS-I

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

## Planning Area

 Fayetteville City Limits

**Zoning**

- I-2 General Industrial

**RESIDENTIAL SINGLE-FAMILY**

- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

**RESIDENTIAL MULTI-FAMILY**

- RMF-6
- RMF-12
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- C-1
- C-2
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**FORM BASED DISTRICTS**

- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
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- Neighborhood Conservation

**PLANNED ZONING DISTRICTS**

- Commercial, Industrial, Residential

**INSTITUTIONAL**

- P-1

Planning Commission  
June 13, 2022

Agenda Item 10

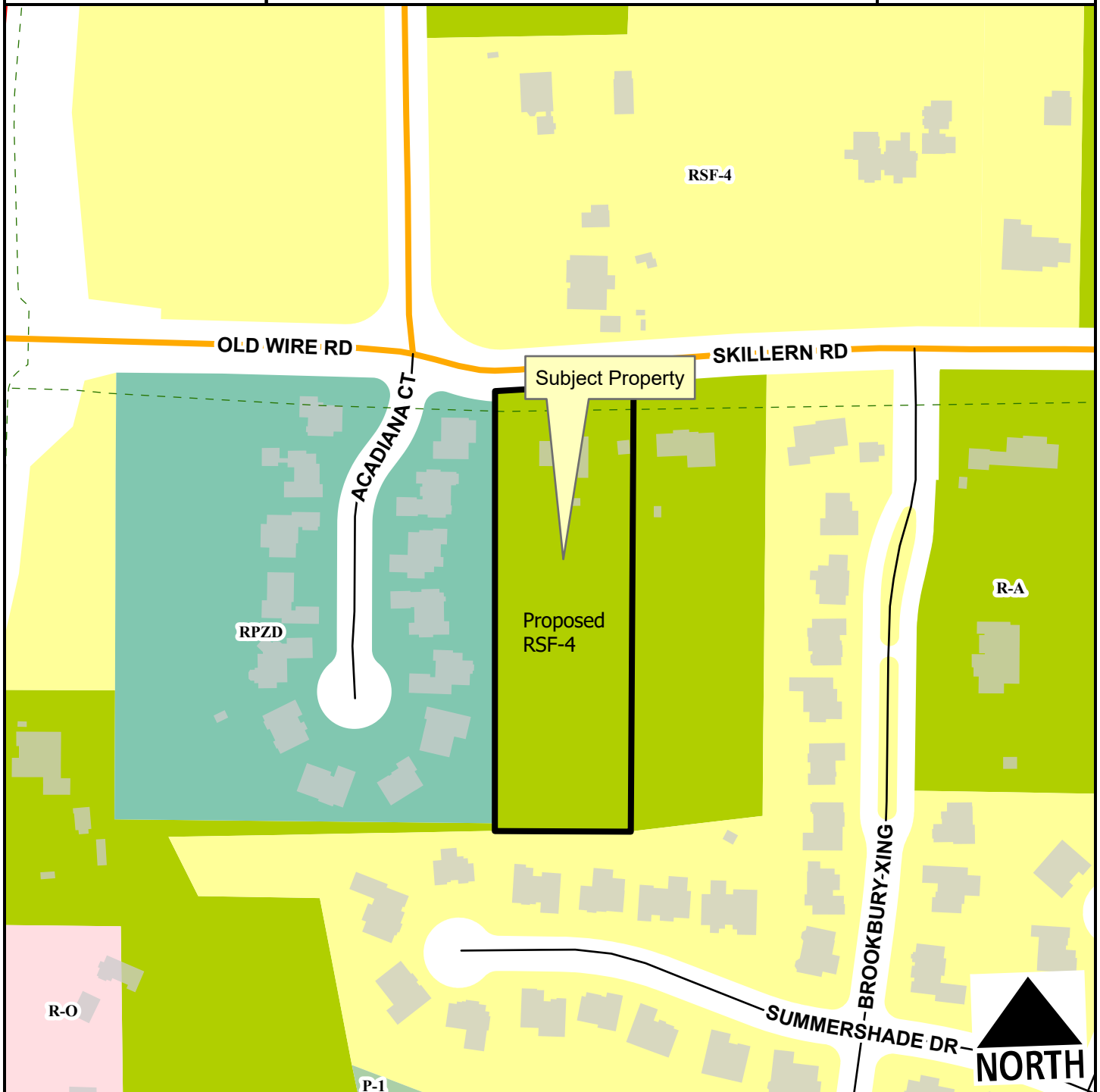
RZN-2022-0022 (BEARDEN)

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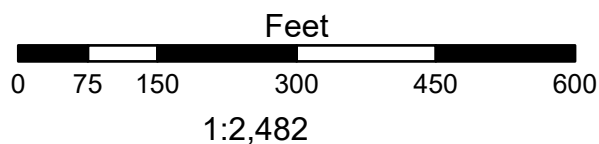
RZN-2022-0022

# 3061 E SKILLERN RD

Close Up View



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



Zoning	Acres
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RSF-4	2.99
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<b>Total</b>	<b>2.99</b>
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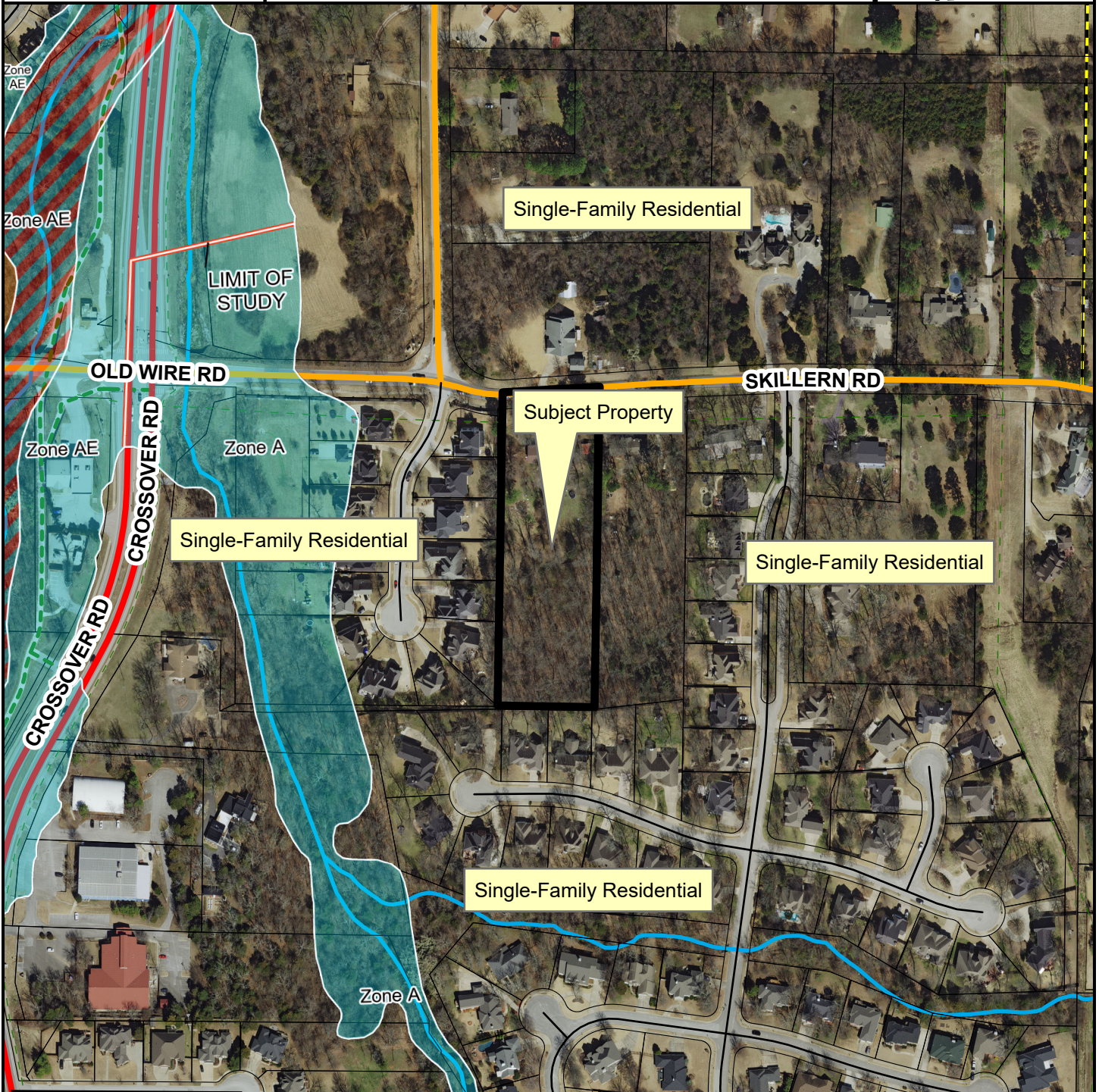
Planning Commission  
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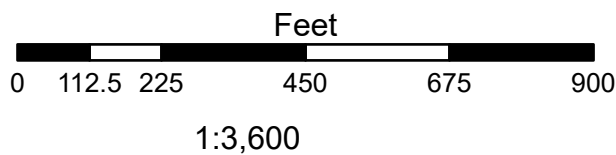
RZN-2022-0022

# 3061 E SKILLERN RD

Current Land Use



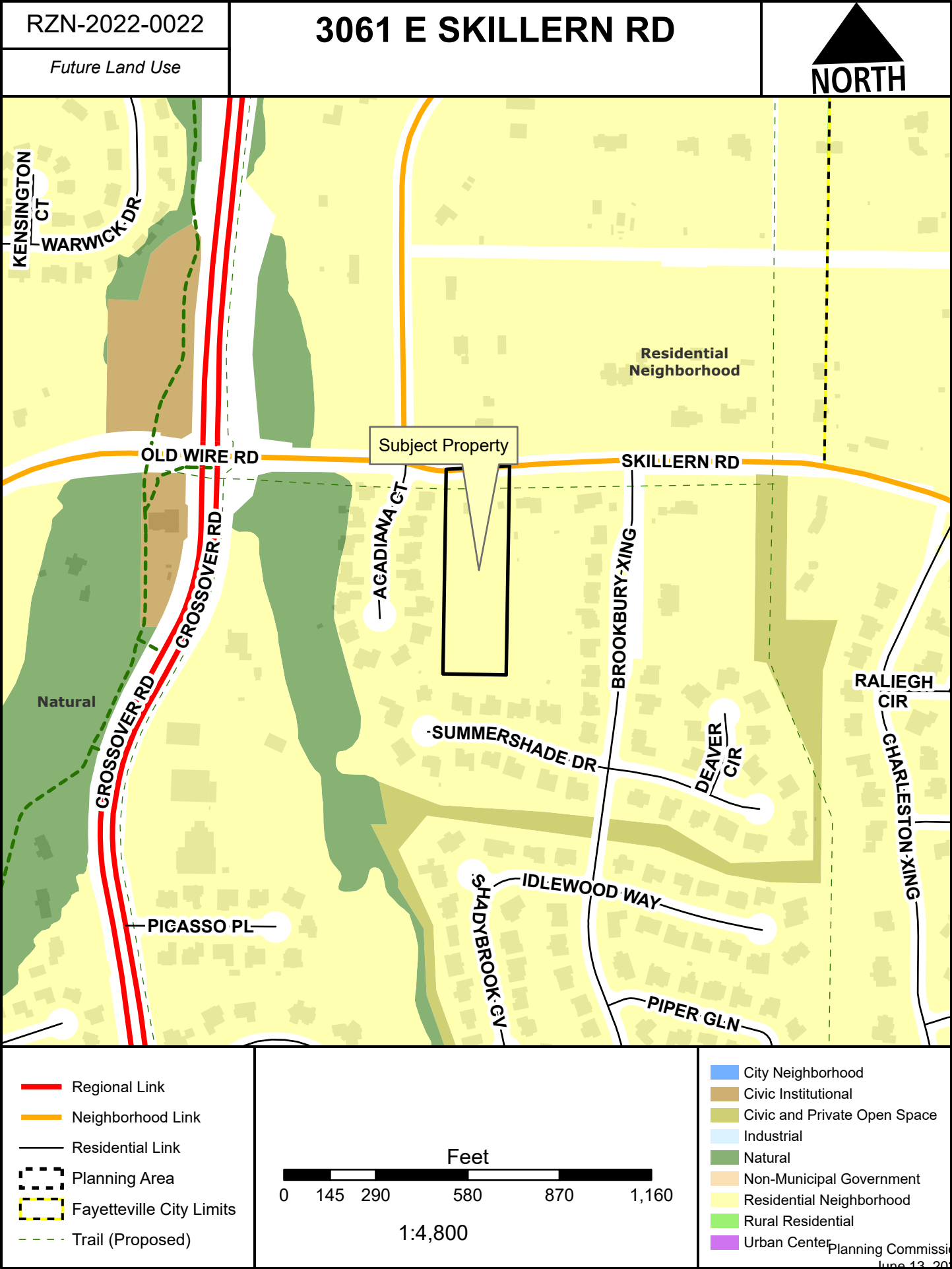
- Regional Link
- Neighborhood Link
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway





## Umberger, Ryan

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**From:** Erin Combs <erincombs2@gmail.com>  
**Sent:** Sunday, June 12, 2022 1:56 PM  
**To:** Pugh, Alan; Umberger, Ryan  
**Subject:** RZN-2022-0022

**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 am writing in reference to the rezoning request for the property located at 3061 E. Skillern Road. We live at 2957 N. Acadiana Ct, which is on the west side of the street adjacent to this property. We are very concerned about how rezoning this property would impact stormwater runoff for our street as a whole and for our property in particular. There are stormwater conduits located directly in front of our house. These conduits converge across the street and lead under our sidewalk and mailbox. The conduit then runs along our east boundary and turns and runs the length of our northern property line to a stormwater basin located directly west of our property. The stormwater basin drains into Flynn Creek. The intense storms over the past several months have filled the basin completely several times and water has reached very close to our property line. The stormwater conduit manhole cover on the north side of our house was displaced due to the volume of water during a severe storm in May.

The rezoning and development of the property at 3061 E. Skillern Road could lead to additional surface water runoff and greater flooding potential for not only our property but that of all the homes on the west side of North Acadiana Court.

The public hearing notice for this property indicates a meeting date of June 13. A neighbor that inquired about this issue was given a date of July 5th. Can you verify when this issue will be addressed by the Planning Commission? I realize this email may be late if the issue will be heard on June 13th, but we would like for our concerns to be included with the staff report if possible.

Thank you,  
Erin and John Combs  
2957 N. Acadiana Ct.  
601-520-0498

## Umberger, Ryan

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**From:** Audrey Laughlin <audreyd08@gmail.com>  
**Sent:** Sunday, June 12, 2022 6:28 PM  
**To:** Pugh, Alan; Umberger, Ryan  
**Cc:** Justin Michael  
**Subject:** Skillern Property - RZN-2022-0022

**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,

This is in regards to the rezoning request for the property located at [3061 E. Skillern Road](#). My husband, 2 kids (ages 3 and 1) and I live at [2969 N. Acadiana Ct](#), near the property on Skillern. We are very concerned about how rezoning this property would impact stormwater basin that backs up to our backyard, which has already overflowed in recent months with its current capacity. We have spoken with our neighbors across the street that have major flood problems when there is hard rain due to flooding coming from the Skillern property. Our next-door neighbors, the Combs, also saw the manhole cover that is between our homes was floated out of place after the recent rains in May, which is a serious concern for us with our small children. Because of these concerns, we ask that the request be denied or that the developer be required to build their own storm basin.

Thank you,

Justin and Audrey Laughlin  
2969 N Acadiana Court  
Fayetteville, AR 72703  
4173920117

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Audrey Laughlin

## Umberger, Ryan

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**From:** Calvin White Jr. <calvinwh@uark.edu>  
**Sent:** Monday, June 13, 2022 9:21 AM  
**To:** Umberger, Ryan  
**Cc:** Shatara D. Porchia-White  
**Subject:** RZN-2022-0022

**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.

Ryan,

Good morning, and I hope all is well. I again want to thank you for taking the time to speak with me about runoff-flooding issues that I and several of my neighbors current experience because of our homes on Acadiana CT backing up to a property on Skillian Road. After a storm or heavy rain, runoff water can run for days from the property through our back yards to the front onto the sidewalk which, after a while allow for algae to grow on the sidewalk that becomes slick and dangerous to walk on. As a result, the homes facing east on Acadiana CT back and side yards are washed out most of the year. Additionally, we have spent money on French drains with little to no success. Our fear is that the new development/rezoning request currently under consideration will further exacerbate the problem. Thus, we are asking for your help in solving the drainage issues with the property in question. Major infrastructure for drainage must be required for this proposed building project.

Best,

C. White, Jr.

## Umberger, Ryan

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**From:** Kristen Taylor <khenrytaylor@gmail.com>  
**Sent:** Monday, June 13, 2022 12:03 PM  
**To:** Umberger, Ryan; Pugh, Alan  
**Subject:** RZN-2022-022 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.

> To the Planning Commission:

> I am writing to express my concerns about the rezoning request that is before the commission tonight, June 13th, for the property located at 3061 E. Skillern Road.

> I live at 2991 N. Acadiana Ct, in Jackson Place, a neighborhood that borders the proposed new development on the west side. The storm drainage system drains directly into the land in my back yard, just past my property line, and then into the creek beyond. My back yard can be seen on the right from Old Wire if you're driving by toward Skillern. I am the first house on the right of Acadiana. I am very concerned about how rezoning this property would impact stormwater runoff for our street, or neighborhood, and my property in particular. I am currently facing having to remove a row of trees that were planted along my property line prior to my purchase of the home, as they are dead / dying due to root rot from the ground water / drainage issues. I have had a tree service working on them for over a year and ultimately they've determined that root rot is what is killing them. I worry that the rezoning and development of the property at 3061 E. Skillern Road could lead to additional surface water runoff and greater flooding potential.

>

> I am unable to attend the public hearing on June 13 but would like my concerns to be included for the commissions consideration.

> Sincerely,

> Kristen H. Taylor  
> (479) 236-9866

> 2991 N. Acadiana Ct.  
> Fayetteville, AR 72703