

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

8/21/2012

City Council Meeting Date
Agenda Items Only

Quin Thompson
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 12-4166: Rezone S. of Brookbury Crossing & E. of Candlewood SD, 294; Submitted by Engineering Services Inc. for property located South of BROOKBURY CROSSING and East of CANDLEWOOD developments. The Property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 20.99 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE. The Planning commision recommended the property by rezoned to RSF-.5, Single-family Residential, ONE HALF UNIT PER ACRE.

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

Budgeted Item

Budget Adjustment Attached

WMC Pate
 Department Director 08.03.2012 Date
would say one unit per 2 acres. We don't
Actual half-unit to be built.
R. [Signature]
 City Attorney 8-3-12 Date

Previous Ordinance or Resolution # _____
 Original Contract Date: _____
 Original Contract Number: _____

Paul a. Beck
 Finance and Internal Services Director 8-3-2012 Date

Received in City Clerk's Office
 08-03-12 P01:30 RCVD
[Signature]

Don Mar
 Chief of Staff 8-3-12 Date

Received in Mayor's Office
 ENTERED
 8/3/12
[Signature]

Kevin Jordan
 Mayor 8/6/12 Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Quin Thompson, Current Planner

Date: July 25, 2012

Subject: RZN 12-4166 (South of Brookbury Crossing & East of Candlewood Developments/Riggins)

RECOMMENDATION

The Planning Commission recommends approval of an ordinance to rezone the subject property from R-A, Residential Agricultural to RSF-.5, Single-Family Residential, one half unit per acre. The applicant originally requested that the property be re-zoned to RSF-4, Single-Family Residential, 4 units per acre. This item was discussed at the Planning Commission meeting on July 23, 2012.

BACKGROUND

The subject property is located south of Skillern Road and east of Highway 265. The property is an undeveloped pasture and woodland with Flynn Creek traversing north to south on the east boundary of the site. The overall parcel contains approximately 20.99 acres. The applicant proposes to rezone the 20.99 acres, in its entirety, from R-A, Residential Agricultural to RSF-4, Single-Family Residential, 4 units per acre.

DISCUSSION

This item was heard at the Planning Commission meeting July 23, 2012. Staff recommended in favor of the proposed zoning. This site is designated as Residential Neighborhood on City Plan 2030 Future Land Use Plan. The property is surrounded on three sides by existing neighborhoods currently zoned RSF-4, Single-Family Residential, 4 units per acre. In staff's opinion the requested zoning is compatible with surrounding land use & density.

After significant public comment, primarily in opposition to the density & accompanying traffic through the Brookbury neighborhood, the Planning Commission forwarded the request to City Council with a recommendation to re-zone the property to RSF-.5, Single-Family Residential, with a maximum density of 1 unit per two acres. This lower density is equivalent to the maximum density requirement of the current R-A zoning on the property, but removes certain of the existing agricultural rights that come with an R-A zone. The primary concern of the Planning Commission was the lack of a second point of access to this property, which would place all additional traffic load onto the Brookbury neighborhood and Skillern Road.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 12-4166, FOR APPROXIMATELY 20.99 ACRES, LOCATED TO THE SOUTH OF SKILLERN ROAD FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-0.5, ONE HALF SINGLE-FAMILY UNITS PER ACRE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-A, Residential Agricultural to RSF-0.5, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and **APPROVED** this day of , 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

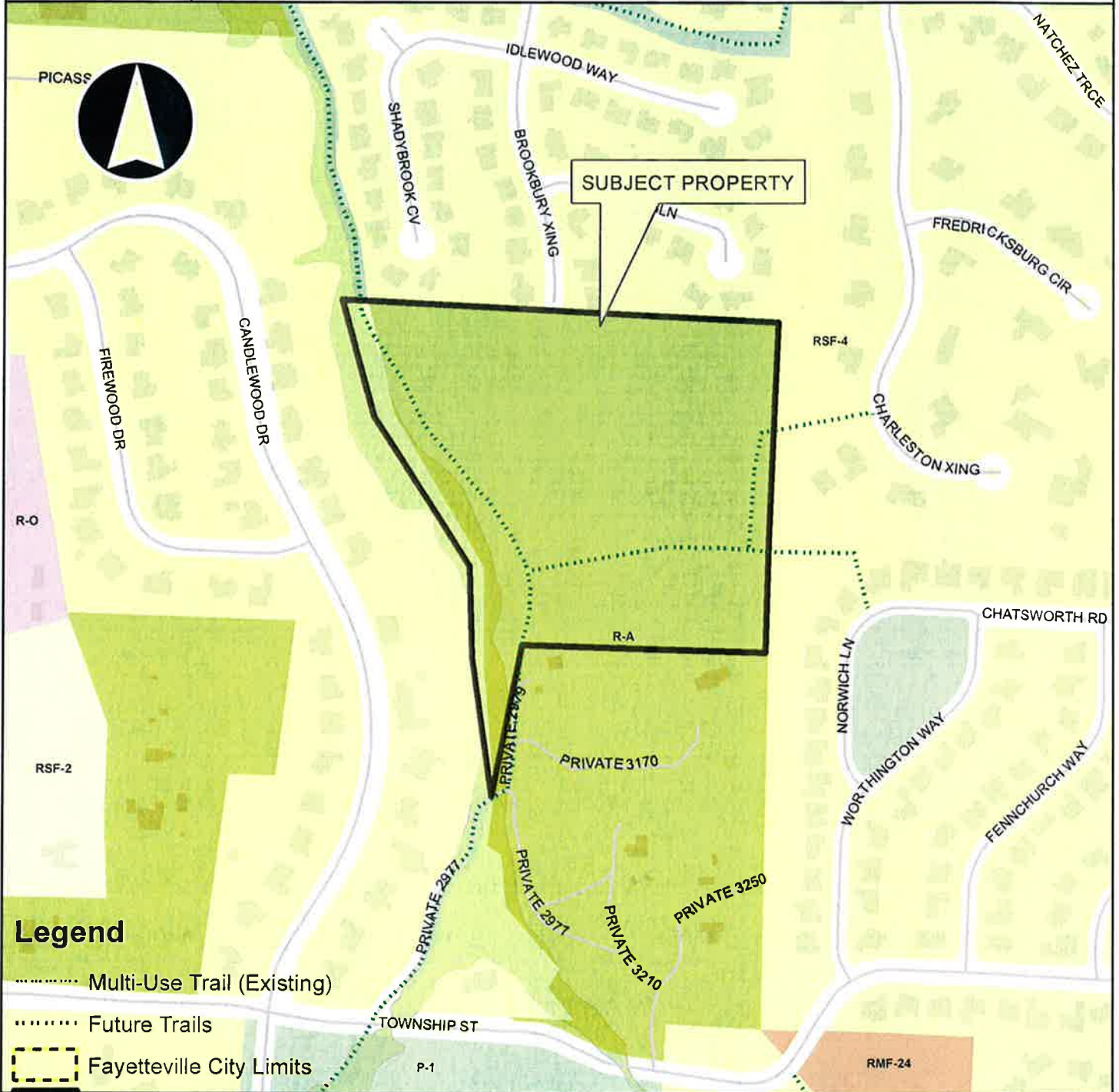
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN12-4166

RIGGINS

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN12-4166

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



EXHIBIT "B"
RZN 12-4166

Legal Description to Accompany Rezoning Application for Parcel No. 765-13292-001

LEGAL DESCRIPTION - FROM DEED BOOK 94 PAGE 21919:

Part of the East Half (E 1/2), Southwest Quarter (SW 1/4) of Section Thirty-One (31), Township Seventeen North (T-17-N), Range Twenty-nine West (R-29-W), of the Fifth Principal Meridian in Washington County, Arkansas and being more particularly described as follows:

Commencing at the Southeast Corner of said East Half (E 1/2), Southwest Quarter (SW 1/4), thence North 01°14'02" East - 1,016.00 feet to the POINT OF BEGINNING, thence South 88°45'10" West - 658.17 feet, to the center of a road thence down the center of said road South 08°25'23" West - 420.00 feet to the center of a creek, thence along the center of said creek as follows: North 11°02'24" West - 381.44 feet, North 04°18'44" West - 246.70 feet, North 35°40'24" West - 480.96 feet, North 17°31'31" West - 330.46 feet, thence East - 1,179.15 feet, thence South 0°31'45" East - 596.50 feet, thence South 01°14'02" East - 300.00 feet to the POINT OF BEGINNING Containing 20.99 acres more or less subject to easements and rights-of-way of record.

RECEIVED
JUL 30 2012
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

HUGH JARRATT*
ATTORNEY AT LAW
1200 EAST JOYCE BLVD., 6TH FLOOR
FAYETTEVILLE, ARKANSAS 72703
TELEPHONE 479.521.6686 / FACSIMILE 479.527.8870

* Licensed in Arkansas, Oklahoma
& Missouri

July 30, 2012

City of Fayetteville, Arkansas
ATTN: City Clerk
113 W. Mountain Street
Fayetteville, AR 72701

RE: RZN 12-4166
South of Brookbury Crossing

Dear City Clerk:


Please treat this letter as a formal request on behalf of the applicant, Riggins Contruction, to appeal the Fayetteville Planning Commission decision regarding RZN 12-4166, a rezoning south of Brookbury Crossing.

Please place RZN 12-4166 on the agenda for consideration by the Fayetteville City Council on the first available meeting.

If there are any additional materials or information which you require, please let me know.

Thank you.

Sincerely,



Hugh Jarratt,
Attorney at Law

cc: Client



PC Meeting of July 23, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Quin Thompson, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~July 12, 2012~~ *Updated July 25, 2012*

RZN 12-4166: Rezone S. of Brookbury Crossing & E. of Candlewood SD, 294: Submitted by Engineering Services Inc. for property located South of BROOKBURY CROSSING and East of CANDLEWOOD developments. The Property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 20.99 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE.

Planner: Quin Thompson

BACKGROUND:

Background and property description: The property is zoned Residential-Agricultural and contains 20.99 acres located south of Skillern Road and the Brookbury development. The site is undeveloped pasture and wooded lot with access from Brookbury Crossing. The surrounding zoning and land use is depicted in *Table 1*. The western portion of the property adjacent to the Candlewood development is bordered by Flynn Creek.

Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Single-family residential (Brookbury)	RSF-4
South	Single-family residential	R-A
East	Single-family residential (Savannah)	RSF-4
West	Single-family residential (Candlewood)	RSF-4

Proposal: The owners of the 20.99 acres propose to rezone from R-A (Residential-Agricultural) to RSF-4, Residential Single-family/4 units per acre.

Public Comment: Staff has received significant comment from residents of surrounding neighborhoods concerning the rezoning request as well as the presumed development of this property. A copy of all written comments and e-mails are attached to this report. Many of the comments concern the limited access to the property through existing neighborhoods & traffic/streets in the area.

RECOMMENDATION:

Staff recommends forwarding **RZN 12-4166** to the City Council with a recommendation for **approval** based on the findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>July 23, 2012</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: <u>Pennington</u>	Second: <u>Hoskins</u>	Vote: <u>8-1-0 (Chesser voted 'no')</u>	
CITY COUNCIL ACTION: Required <u>YES</u>			
	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Date: <u>August 7, 2012</u>			

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as Residential Neighborhood Area. Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scales and context, including single-family, multifamily, and row-houses. It encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood.*

INFRASTRUCTURE:

Streets: The site has access to Brookbury Crossing. Brookbury Crossing is a fully improved two lane city street which accesses Skillern road and Highway 265. Based on current development patterns, Brookbury Crossing can easily accommodate additional traffic without further improvements. Skillern Rd is relatively unimproved between Brookbury Crossing and Highway 265. Highway 265 is currently being widened to a 5-lane section in this vicinity. Street improvements will be evaluated at the time of development, and may include off-site improvements or the provision of additional points of access.

Water: Public water is available to the property. There is an 8" water main along Brookbury Crossing on the north side of this location. Public water main improvements will be necessary to provide fire flow for domestic service for any proposed development.

- Sewer:** Sanitary sewer is available to the site. There is an 8" main along Brookbury Crossing on the north side of this property. Public sewer main improvements will be necessary to provide service for any proposed development.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is affected by the 100-year floodplain and the Streamside Protection Zones.
- Police:** The Police Department does not find that this rezoning will affect calls for service or response times. A copy of the Police Department memo is attached.
- Fire:** This property will be protected by Engine No. 5, located approximately 2 miles away at the intersection of Crossover and Old Wire roads. Response time is expected to be 3 minutes to the property. The anticipated development of the property with more than 30 single family homes will require separate and approved fire access roads. The Fire Marshal has expressed concern over the limited access to this property related to future development plans. A copy of the memo from the Fire Marshal is attached, explaining Fire Code requirements pertinent to future development phase for this site.

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: Although a higher density zoning such as RSF-8 could be appropriate within the Future Land Use designation of Residential Area on the property, staff find that RSF-4 is consistent with the existing and surrounding land uses and infrastructure, particularly given the difficulty in access for this property. The property is surrounded to the East, West, & North by neighborhoods with RSF-4 zoning. The zoning will allow the owners to develop the property to a density and with a pattern similar to surrounding developments, if adequate access can be provided.

A primary guiding principle in the City Plan 2030 for new neighborhood development is to provide 'complete, compact, and connected' neighborhoods. The most difficult of these to achieve for this property is for it to be adequately connected, which is a result of previous decisions to not provide 'stub-out' streets from other properties as they developed. In fact, this condition may make it more difficult for the development to achieve desired density and still meet City requirements for access.

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

Finding: The proposed zoning is needed at this time in order for the property to be developed at the higher density requested by the applicant. It is not a reasonable expectation that this property remain with R-A zoning, allowing for typical agricultural uses, when surrounded on three sides by developed neighborhoods that are zoned RSF-4. In fact, staff finds the current agricultural zoning could become highly incompatible to surrounding neighborhoods if developed with many of the uses currently allowed in the R-A district. As discussed in Finding No. 1, the proposed zoning is justified as it is compatible with the surrounding zoning and land uses and consistent with the City's Future Land Use Plan.

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

Finding: The proposed rezone would not significantly increase traffic or congestion in the area. Highway 265 is currently being expanded to higher capacity. Skillern Road, which serves this property as primary access, is unimproved and currently experiences some congestion during peak periods. Improvements to this road would need to be evaluated with future development plans, so as not appreciably create or compound any dangerous traffic condition or congestion.

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: Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments and are included in this report. The proposed zoning change to RSF-4 should have no discernable impact on public services as the site is directly adjacent to public infrastructure, however future development will require improvements to public infrastructure with potential requirements for off-site improvements.

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: **Not applicable. Staff recommends in favor of the re-zoning request, with the understanding that development of this property is not being considered at this time. Concerns expressed both by the Fire Marshal and comments received from the public will be more appropriately considered during the [presumed] development phase to follow re-zoning, if the request is granted. It should be noted, specifically, that the single access point to the property may limit density to well below the four units per acre granted by the RSF-4 zoning district, due to safety & connectivity requirements.**

161.07 District RSF-4, Residential Single-Family – Four 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

(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 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

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

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

Building Height Maximum	45 ft.
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Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

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

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

(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
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(D) *Bulk and area regulations.*

E) *Setback requirements.*

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required

setback lines.

(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. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09; Ord. 5479, 2-7-12)

Zoning Review

To: Quin Thompson
From: Harley Hunt, Fire Marshal
Date: July 17, 2012
Re: RZN 12-4166

This development will be protected by Engine 5 located at 2979 N. Crossover. It is 2 miles from the station with an anticipated response time of 3 minutes to the beginning of the development. The anticipated development of this property with more than 30 single family homes will require separate and approved fire apparatus roads as stated in AFC D107.1. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Battalion Chief Harley Hunt
479-718-7639
Fayetteville Fire Department



MEMORANDUM

To: Jeremy Pate
From: Captain Kenny Yates
Date: 7/13/12
Subject: RZN 12-4166

This document is in response to the request for comments on proposed RZN 12-4166 (S. of Brookbury Crossing / Riggins, 294) submitted by Engineering Services, Inc. for property located at south of Brookbury Crossing.

It is the opinion of the Fayetteville Police Department that this RZN (12-4166), will not substantially alter the population density. This RZN will not create an appreciable or undesirable increase in the load on police services and will not create an appreciable increase in traffic danger and congestion.

From: "Kathleen Leatherby" <dkleatherby@cox.net>
To: <qthompson@ci.fayetteville.ar.us>
CC: "Charlie Collins" <clcollins6@cox.net>, "Jerilyn Nicholson" <jernic3@att...>
Date: 7/6/2012 7:14 AM
Subject: surrounding Density - Proposed Riggins Development

Quin -

In response to the question I asked by email on 7/1 concerning whether the city had done an actual density study on the neighborhoods surrounding the property that Riggins Construction would like to have rezoned and then develop (your answer was "no"), I have spent some time at the Circuit clerk's office researching plats filed with the city. Here is what I've discovered:

Brookbury - 1.96 homes / acre

Covington - 2.2 homes / acre

Savanna - 1.2 homes / acre (Phase II Plat shows zoned R-1)

Candlewood - 1 home / acre (Plat shows zoned R-1)

Point: Compatability with surrounding neighborhoods would seem logical to zone at RSF-2 rather than RSF-4 to ensure the developer is consistent with surrounding development.

I would greatly appreciate it if you would pass this information on the the Planning Commissioners as I think it makes a strong point.

Sincerely,

Kathleen Leatherby

Brookbury Woods POA Treasurer

2731 N. Brookbury Crossing

Fayetteville, AR 72703

(479) 444-6551 (h)

From: "Jerilyn Nicholson" <jernic3@att.net>
To: <qthompson@ci.fayetteville.ar.us>
CC: "Kathleen Leatherby" <dkleatherby@cox.net>, "Charlie Collins" <clcollins...
Date: 7/7/2012 12:01 PM
Subject: requested rezoning at end of Brookbury Crossing

Mr. Thompson, my husband and I are residents of Brookbury subdivision & would like to offer the following comments in opposition to the proposed rezoning adjoining our neighborhood with access provided through our neighborhood.

Zoning: There is a discrepancy in the initial information we received on the existing zoning of the surrounding neighborhoods. The information was that all adjoining neighborhoods were zoned RSF-4. The final plat for Candlewood shows the zoning is RSF-1. Regardless of the existing zoning, what is "on the ground" is far more significant. The following is the actual density of the surrounding neighborhoods:

Brookbury: 1.96 homes/acre
Covington: 2.2 homes/acre
Savanna: 1.2 homes/acre
Candlewood: 1 home/acre

As is apparent, the requested rezoning would more than double the surrounding densities. The developer could develop the property today as it is currently zoned and be compatible with the adjoining neighborhoods. No one is disputing the right to develop.

Traffic/Density: The proposed rezoning would permit up to 80 homes on this property. Using the nationally accepted statistics on average daily trips (ADT), 80 homes would generate an additional 800 trips per day onto Brookbury Crossing, to say nothing of the construction traffic that would result. If you look at a Brookbury plat or an aerial photograph, you will see that all of the streets in Brookbury take access into and out of the subdivision via Brookbury Crossing. Brookbury has 97 homes. Thus, what the proposed rezoning would allow comes very close to doubling the traffic count on Brookbury Crossing. You will further note by looking at our plat that Brookbury Crossing is a relatively straight street from the entry to the subdivision to its present termination point, a cul-de-sac, where access is proposed into the undeveloped 20 acre tract. The entry to Brookbury is a landscaped boulevard and the streets are only 13.9' wide. House setbacks in this area are fairly minimal with the exception of one. The boulevard intersects with Skillern, also a narrow street with sight distance problems.

Brookbury is a neighborhood filled with children, joggers, walkers and bicyclists. To add the amount of traffic which the proposed rezoning would allow is not only dangerous and disruptive but "boggles the mind" in terms of quality of planning.

Our Property Owners Association (POA) is diligent about reminding the membership via email to maintain a safe speed on Brookbury Crossing since it is such a straight street and makes high speeds very possible. We will have no influence on any traffic coming from this proposed development since it will not be a part of our POA and our internal communication system.

Infill Development and Higher Density: I understand from the City that its goal is to encourage infill development at higher densities. Encouraging infill development is certainly understandable although higher density infill development is normally focused on the inner city level and we are clearly in the suburbs. In the case of this proposed rezoning, this approach seems somewhat short sighted and ignores the impacts of such an approach. If such higher density development severely impacts an existing neighborhood, it runs the risk of destabilizing attractive and very viable areas such as Brookbury. I think that might be called, "shooting yourself in the foot". The City has also espoused "green goals" such as preservation of trees and encouragement of wildlife habitat. The proposed rezoning would allow up to 80 homes on this tract. Such density seems very incompatible with such green goals. The 20 acres will be all but denuded.

Thank you for your thoughtful attention. These are critical issues to those of us who live here and we trust that you can appreciate our strong objections to the proposed rezoning.

Richard and Jerilyn Nicholson
3101 E. Summershade Drive
Fayetteville, AR 72703

From: "Kathleen Leatherby" <dkleatherby@cox.net>
To: <qthompson@ci.fayetteville.ar.us>
CC: "Charlie Collins" <ccollins6@cox.net>, "Scott and Meggan Bell" <scottme...
Date: 7/5/2012 11:20 PM
Subject: Rezoning - Riggins development
Attachments: DSCN4731.JPG; DSCN4730.JPG; DSCN4729.JPG

Quin -

I am submitting the attached photos as documentation of what has happened in the past when large commercial vehicles enter onto Brookbury Crossing. Not only is the landscaping disturbed, but the sprinkler heads close to the street are easily broken when run over. The turn onto Brookbury Crossing from a large vehicle that is east bound on Skillern can be difficult because of the sharp turning radius. Skillern is a narrow 2-way road with no shoulder and steep drop offs in some areas. If there is oncoming traffic, it's impossible for a large vehicle to swing out into the other lane to gain the wider radius it needs. Once school starts, traffic is often backed up on Skillern headed west (towards Crossover/265) all the way to Brookbury Crossing. Many of the construction vehicles will be arriving each morning about this same time. I will address the traffic issue further in a separate email.

If the proposed rezoning request by Riggins Construction is passed (from RA to RSF-4) and construction begins using Brookbury Crossing as the access point; we expect a great deal more of this type of damage to the Brookbury POA landscaping for years to come. The Brookbury POA is not in a position financially to continually pay for repairs done by the ongoing construction of both the needed infrastructure and homes. It would be difficult to prove any damage done was associated with the ongoing Riggins construction unless we have an eye-witness each time that has the time to follow the vehicle to determine what it entered the neighborhood for. This then puts the financial burden on the POA. I am currently the Treasurer of the Brookbury POA and am the former Landscaping Chair so I'm familiar with all that is involved in both the landscaping and the financial end of maintaining our neighborhood.

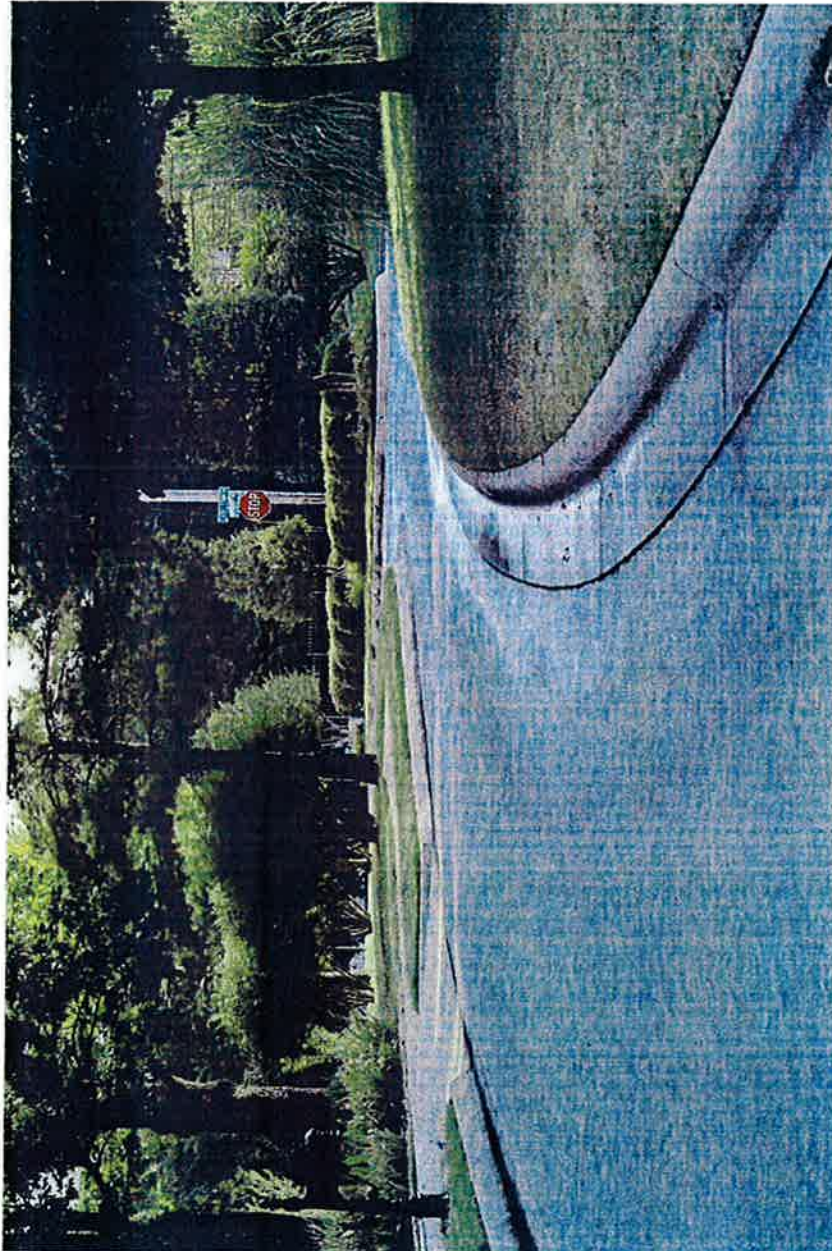
We hope the Planning Commission will take these concerns into consideration when considering the possible rezoning and development plans of Riggins.

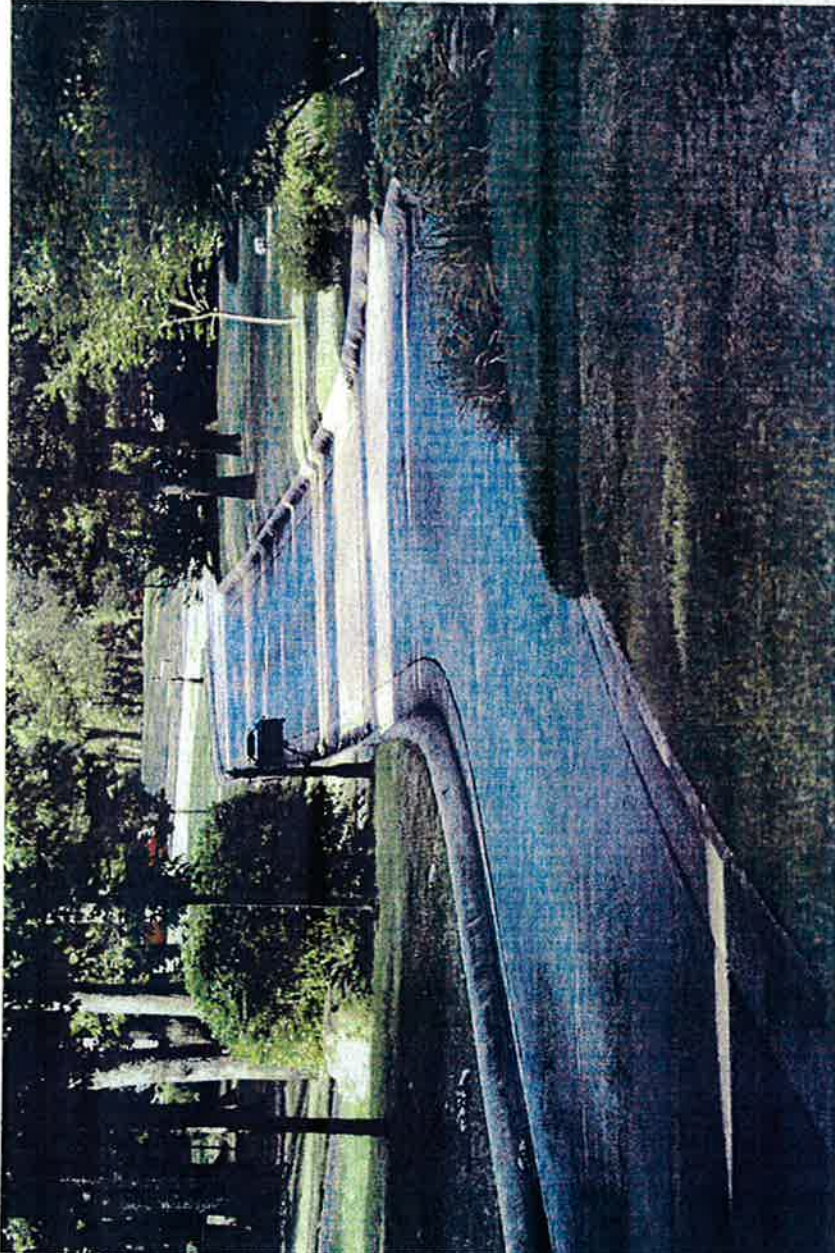
Kathleen Leatherby

Treasurer, Brookbury Woods POA

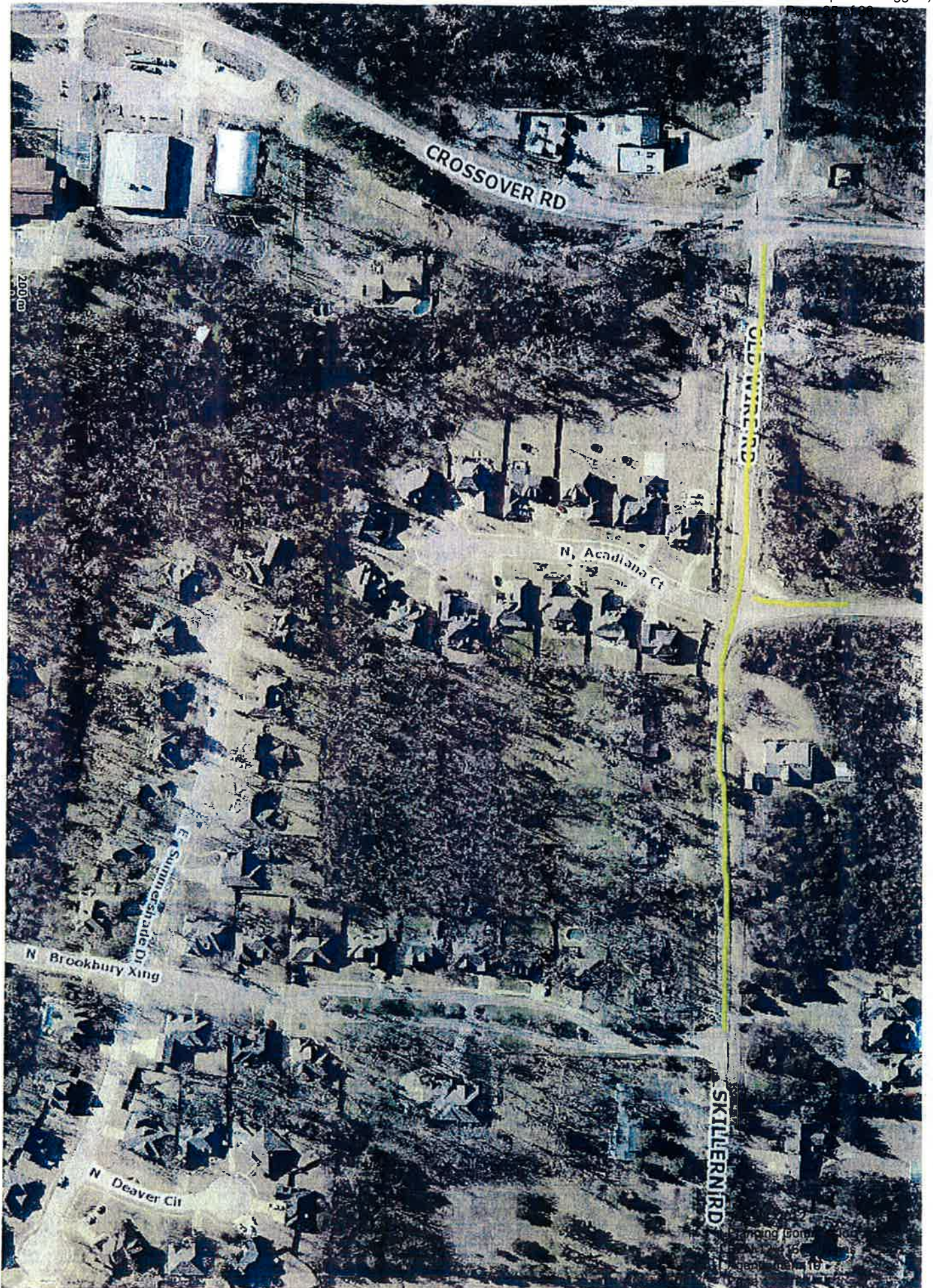
2731 N. Brookbury Crossing

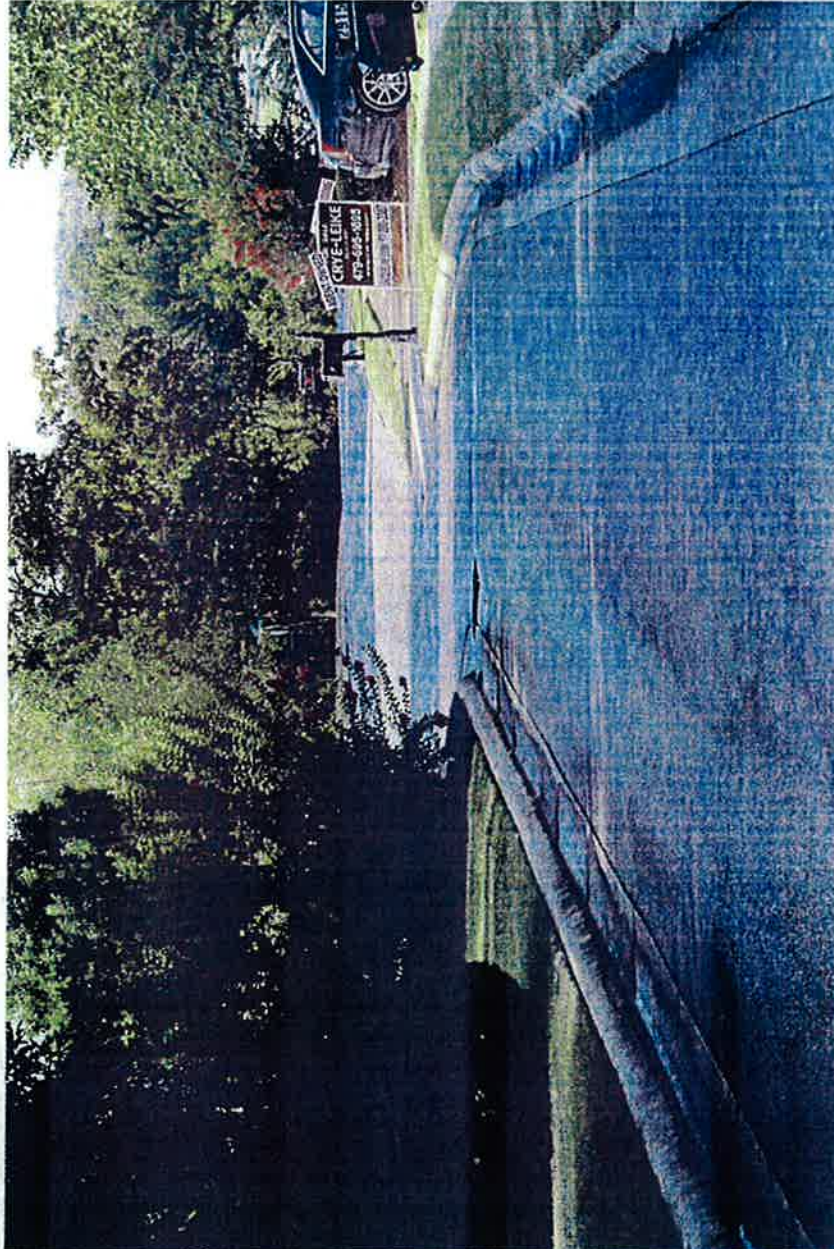












From: hogcrazy <hogcrazy_2000@yahoo.com>
To: <qthompson@ci.fayetteville.ar.us>
Date: 7/7/2012 7:36 AM
Subject: 20 acres Near Brookbury Subdivision

Dear Mr. Thompson:

As a landowner in Brookbury and one whose lot is right next to the 20 acres, I wanted to let you know of my thoughts.

As far as the zoning request for RSF-4, I realize the surrounding neighborhoods were zoned the same, this I was told, but they weren't built to those specifications. That is my concern. I would like this land to be developed in similar fashion to the surrounding neighborhoods. Both for continuity of the area and traffic concerns thru Brookbury.

I would like to let you know that I would be against RSF-4 zoning being approved and that a lower density zoning be approved instead. Why approve a zoning request that would allow up to 4 homes per acre when none of the surrounding neighborhoods were built to that density?

I also think the entrances to this area need to be addressed as Brookbury at this point will handle all the extra traffic.

Thank you very much.

Sincerely,

Linda Rogers

3285 E. Piper Glen

Fayetteville, AR 72703

From: "Kathleen Leatherby" <dkleatherby@cox.net>
To: "Quin Thompson" <qthompson@ci.fayetteville.ar.us>
Date: 7/8/2012 10:38 PM
Subject: Traffic back-up photo - Brookbury
Attachments: brookbury aerial.jpg; Brookbury-028.JPG; Brookbury-048.JPG; Brookbury-049.JPG; Brookbury-056.JPG; Brookbury-026.JPG

RE: Riggins rezoning request - South end of Brookbury Crossing

Quin -

As a member of the board of Directors for the Brookbury POA, I've had many neighbors share their concerns about the proposed rezoning and development at the south end of our neighborhood. One of the primary concerns that's been voiced is the volume of traffic that will be added - both from construction and the added homes. We have one entry / exit for the neighborhood that serves 96 homes. This one entry / exit presents a problem in the mornings once school starts. I have attached an aerial shot with the back-up of traffic at its worst highlighted in yellow. As you can see, it sometimes backs up all the way from Highway 265/Crossover to Brookbury Crossing. This makes it very difficult to get out of the neighborhood in the morning. If the RSF-4 zoning request is granted and Riggins is allowed to develop 70 additional homes (80 would be allowed but I'll be conservative given the need for easements, streets, etc.), based on the statistics you provided, this would add approximately 700 more trips per day on this single entry /exit. I have attached further photos to show the narrow split and curves at the entryway of Brookbury which add to the difficulty of seeing what's ahead (pedestrians, children, cars parked on the street, pets, etc.).

I've also had a neighbor share a story of having to wait over 10 minutes to exit Brookbury because of a large vehicle boxed in as it attempted to turn into Brookbury from Skillern without the proper turning radius. If this were an emergency situation, there is no alternative for a firetruck, ambulance or police.

We hope the Planning Commission will take all this into consideration when considering the number of homes that will be allowed to be built on the property in question and whether an alternative entry /exit is possible.

Sincerely,

Kathleen Leatherby

From: steve petruconis <srpconis@yahoo.com>
To: "cmonreal@ci.fayetteville.ar.us" <cmonreal@ci.fayetteville.ar.us>
CC: "qthompson@ci.fayetteville.ar.us" <qthompson@ci.fayetteville.ar.us>
Date: 7/1/2012 1:32 PM
Subject: Brookbury Crossing & Riggins Construction Land Development

Dear Ms. Monreal & Mr. Thompson:

Our names are Rosemary & Steve Petruconis and we reside at 2939 Brookbury Crossing, which is the third house on the west side of the boulevard as you enter the Brookbury development. We have learned that the City of Fayetteville will be considering changing the zoning status of the 21 acres of land immediately to the south of the Brookbury addition to allow Riggins Construction to develop homes under the RSF - 4 zoning designation. It is also our understanding that no entry/exit route is included in the proposed project other than the current Brookbury Crossing roadway.

Our primary concern is that Riggins would develop this property in a manner compatible with the adjoining neighborhoods and that it will consider adding an additional entry/exit route to help minimize the amount of traffic through our neighborhood. If an additional access route is not made a requirement in this project, all additional development traffic and residential owner traffic will pass directly in front of our home and others having an address on Brookbury Crossing. This will present a significant increase in the risk of potential motor vehicle accidents and personal injuries, in addition to wear and tear on the Brookbury Crossing roadway.

Brookbury Crossing is currently a very busy street because of only one entrance/exit route for the neighborhood. Adding potentially 80 more homes having one or more vehicles will unduly stress the current access route. We encourage you to require the additional or separate entry/exit route in this development if it is approved.

We thank you for your consideration of our request.

Sincerely,

Rosemary & Steve Petruconis
2939 N. Brookbury Crossing
Fayetteville, AR 72703

From: "Jerilyn Nicholson" <jernic3@att.net>
To: <qthompson@ci.fayetteville.ar.us>, <jpate@ci.fayetteville.ar.us>
Date: 7/19/2012 11:23 AM
Subject: rezoning request adjoining Brookbury Subdivision

I sent an email to Mr. Thompson a couple of weeks ago on this rezoning request, outlining some of my major concerns regarding this proposed rezoning. I wanted to get it to you early so that it would be included in the material given to the Planning Commissioners prior to the meeting. While I have contact information on the Planning Commissioners, there is only one person's email address listed and I hate to bother these folks by telephone with my added comments. Thus, I am sending this to you with the request that it be included in the information provided to the Commissioners, if there is still time to do so.

The feedback I am receiving from the city is that all of the issues that are of paramount concern to us will be addressed at the plat review stage if the requested RSF-4 zoning is approved. I would submit to you that the zoning dictates the parameters of the plat and should this rezoning be approved, the "die is cast". To not seriously consider the onerous effects this rezoning could have on Brookbury seems to be akin to putting one's head in the sand. I would add that the effects extend beyond Brookbury & include Skillern, Old Wire & Crossover. I would urge you and the Commissioners to face the issues head on now. I have always believed that it is better to be safe than sorry and I do indeed believe that such a rezoning, if approved, will provide ample opportunity to be sorry.

Thank you very much.

Jerilyn Nicholson
3101 E. Summershade

Public Comment for RZN 12-4166

Phone Message:

07-06-2012
Aaron Marooner
(479) 443-1997

Mr. Marooner(sp?), resident at Covington Park development stated that in his opinion the proposed rezone should be denied since the surrounding neighborhoods are not built to RSF-4 density.

Phone record:

07-07-2012
Manny Terminella
(479) 263-4749

Mr. Terminella had questions pertaining to city access requirements for new developments, specifically if the any future development on the subject property would be required to have more than one entry/exit. He owns property to the South and it would be necessary to cross his property if the developer wishes to have a South entry.

Staff responded that it is not a city requirement that a development have two entries/exits, but that once an entry/exit serves 80 homes, there are increased requirements according to fire code.

07-10-2012
Scott Stokenbury

Mr. Stokenbury is a resident of Brookbury development. He called with general questions regarding the re-zoning request.

07-18-2012
Christine Smith

Mrs. Smith called to voice opinion against the requested re-zone, citing concerns about increased traffic and the likelihood that existing problems with high traffic speeds on Brookbury Crossing will be made worse. She is concerned about already difficult conditions caused by congestion at Brookbury Crossing, Skillern Road, and Highway 265 during peak traffic times

RZN12-4166

RIGGINS

Current Land Use



Overview RZN12-4166

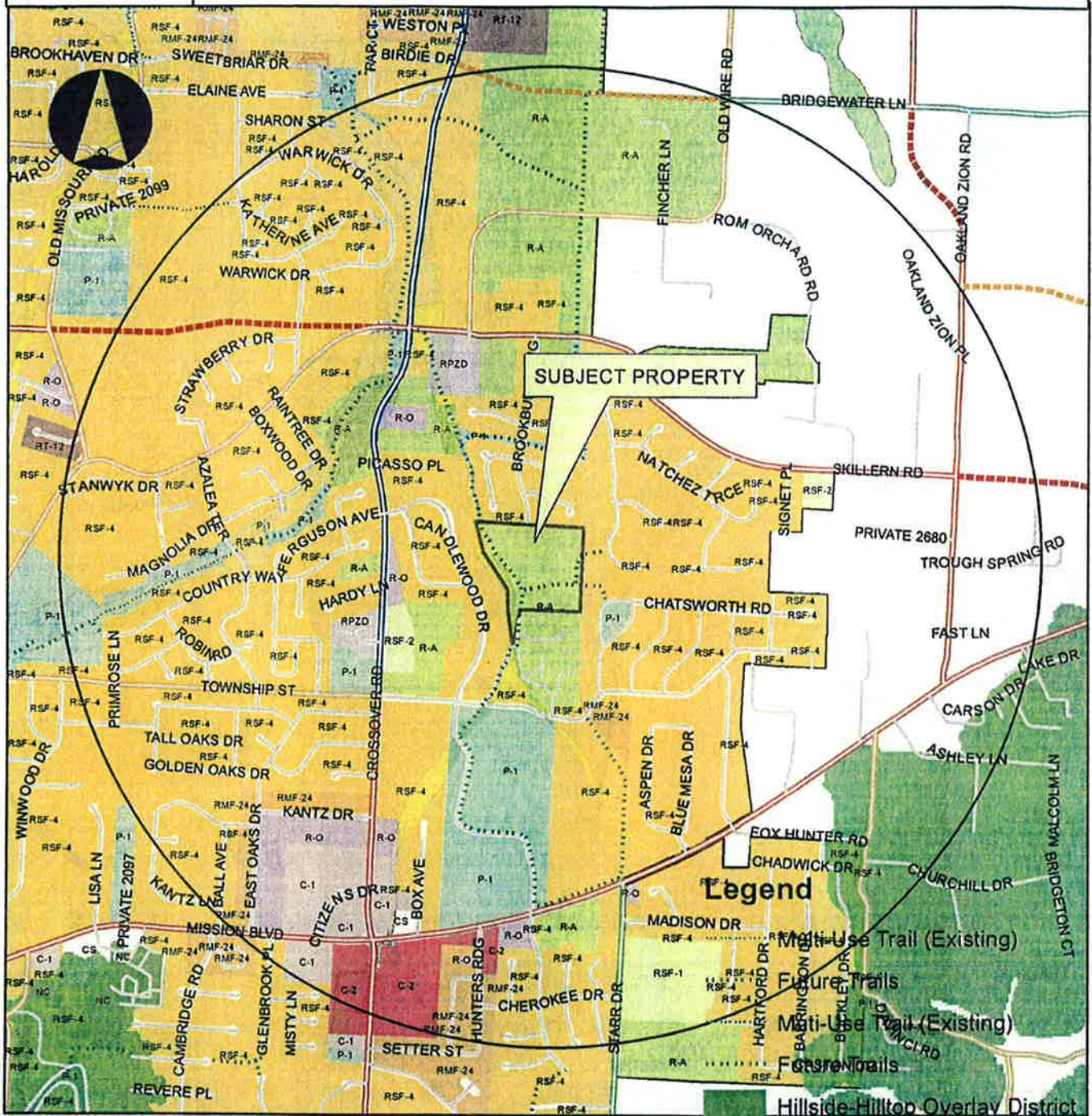
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



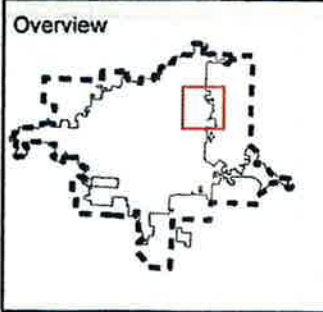
RZN12-4166

RIGGINS COMMERCIAL CONSTRUCTION

One Mile View



- Legend**
- Hillside-Hilltop Overlay District
 - Multi-Use Trail (Existing)
 - Figure Trails
 - Multi-Use Trail (Existing)
 - Figure Trails
 - Multi-Use Trail (Existing)
 - Figure Trails



Legend

- Subject Property
- RZN12-4166
- Boundary
- Design Overlay District
- Planning Area
- Fayetteville

0 0.25 0.5 1 Miles

MINUTES OF THE PLANNING COMMISSION HEARING OF RZN 12-4166; JULY 23, 2012

RZN 12-4166: Rezone (S. OF BROOKBURY CROSSING/RIGGINS, 294): Submitted by ENGINEERING SERVICES, INC. for property located SOUTH OF BROOKBURY CROSSING. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 20.99 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE.

Andrew Garner, Senior Planner, gave the staff report.

Mickey Harrington, attorney for the property owner, agreed with staff's comments.

Commissioner Winston requested the City Attorney mention the items that were allowed to be considered and discussed by the Planning Commission for a rezoning.

Kit Williams, City Attorney, discussed the items that were allowed to be considered in a rezoning and referred to a memo that he had prepared and distributed.

Public Comment:

Eva Madison, Candlewood Subdivision, spoke for the neighborhood. She discussed the proposal was inconsistent with the surrounding neighborhoods. She discussed the old R-1 zoning that is different than the current RSF-4 zoning. The proposed RSF-4 zoning is different than the surrounding properties.

Charlie Collins, 3225 Pipers Glen, POA President of Brookbury, discussed that it is virtually unanimous regarding the opposition to this rezoning by the surrounding neighborhoods.

Christin Bellcamp, President of Brookbury, agreed with the comments by Eva Madison. We have obtained 96 signatures to downzone our neighborhood to RSF-2. She discussed Brookbury Crossing was the sole means of access. She discussed that zoning and development are tied together. She discussed traffic flow problems, fire safety problems, and issues with density and compatibility. Skillern Road has traffic and site distance issues. Brookbury would not meet the fire code today as it has 95 homes on a dead end street. Adding approximately 40 more additional homes on this site, even with sprinkler systems, would be a problem. The private interest should not override the public interest for safety.

James McGinty, President of Savannah, discussed support for the residents of Brookbury and Candlewood. He discussed traffic on Skillern Road. Savannah will also proposal to downzone to RSF-2.

Jimmy Roy, 3074 Brookbury, read an exert from the City Attorney's memo, "public opposition that is ogical and reasonable" can be considered. He also discussed that traffic is a problem. There are too many homes.

Christine Smith, Brookbury and Idlewood Way, Brookbury is already in a dangerous situation. Children ar all crossing in a blind area. It is a 25 mph speed limit but people exceed the limit. It will be worse if Brookbury is extended. She discussed a dangerous intersection in the Brookbury neighborhood.

Jason Fourie, 3475 Township, asked if the actual density was considered.

Laurie Covell, teacher at McNair, discussed traffic issues that occurred when a truck for a pool construction blocked the round backing up traffic in Brookbury.

No more public comment was presented.

Commissioner Hoskins asked about the property owner information.

Micky Harrington responded that the owner is requesting the rezoning.

Commissioner Hoskins discussed that the lack of a street connection is a problem. A full-fledged connection is needed. This could potentially have 80 residences or 800 average daily trips. He is pro smart-development and until a complete connection is made he can't support this.

Commissioner Winston discussed the R-A is not appropriate as it is surrounded by neighborhoods.

Kit Williams, City Attorney, discussed that the old R-1 zoning was almost identical to the current RSF-4 zoning. It allowed up to four units per acre.

Commissioner Hoskins discussed surrounding properties have RSF-2 type density. He discussed the lack of cross connection.

Commissioner Winston discussed the need to disconnect the two things.

Commissioner Chesser referred to the City Attorney's memo and whether this request meets or does not meet those criteria. He requested all of the neighborhood representatives to come back up and answer a question. Would you be opposed to this if there were a second street connection?

Eva Madison responded that their arguments were made based on density.

Jimmy Roy discussed that safety, density, and traffic are their biggest issues.

Charlie Collins discussed that if it were only an additional 10 homes it would not be dramatically worse.

Commissioner Chesser asked the applicant about the proposed density and zoning.

Micky Harrington discussed that there are other issues besides density that require the RSF-4 zoning such as lot dimensions and lot size.

Commissioner Chesser asked about a connection Township.

Brian Moore, Engineering Services Incorporated, discussed that yes a connection to the south is our intent with a stub-out.

Commissioner Honchell thanked everyone one for participating and being here. He discussed that he won't be able to support RSF-4.

Jeremy Pate, Development Services Director, discussed the differences between RSF-4 and RSF-

2. He also discussed that if Brookbury were rezoned to RSF-2 it would create nonconformities because very few of the lots are large enough to meet the RSF-2 requirements.

Commissioner Hoskins discussed a need for RSF-4 zoning because of bulk and area regulations. He also discussed that a Bill of Assurance would be an option for the applicant to limit the overall density. He would support a rezone to RSF-0.5.

Micky Harrington discussed that they would offer a Bill of Assurance to limit the density to two units per acre.

Kit Williams, City Attorney, discussed that the Planning Commission cannot require a Bill of Assurance and that one has not been offered. It would have to be offered in writing and notarized.

Commissioner Pennington discussed that the rezoning would not be incompatible, but public safety is a concern and he would be in support of RSF-0.5.

Motion:

Commissioner Pennington made a motion to forward **RZN 12-4166 to City Council with a recommendation for RSF-0.5. Commissioner Hoskins** seconded the motion.

Commissioner Hoskins asked if RSF-0.5 would be considered a spot-zone.

Kit Williams, City Attorney, discussed that did not think an RSF-0.5 could be considered a spot-zone.

Commissioner Winston asked about fire code issues.

Harley Hunt, Fire Marshall, discussed the rationale behind the enforcement of fire access roads to this property and the existing condition that is already in place.

Upon roll call the motion passed with a vote of 8-1-0, with Commissioner Chesser voting no.

