

**Planning Commission Minutes
February 26, 2024 at 6 PM**

1. **ROLL CALL** – The meeting was called to order by Chair Robert Mann. A quorum was present.

PRESENT

Robert Mann, Chair
Bobby Wilson
Chad Ball
Gerry Harris
Judy Horne
Keith Macedo
Norm Toering
Howard Carter

ABSENT

City Employees Present: Melissa McCarville, City Business Manager; Jay Moore, City Attorney; Rick Bramall, City Building Inspector; Chris Brackett, City Engineer; Bill Hellard, Fire Chief; Ernie Penn, Mayor

2. **Approval of Minutes:** The January 22, 2024 minutes were approved, with the correction of Mr. Shepard’s last name.

3. **Comments from Citizens: None**

Public Hearings

1.A. Final Plat – Goose Creek Ph. 4; Property Owned by DR Horton; West of Goose Creek Ph. 3; Presented by Jorgensen & Associates

The City representatives had no comments regarding the Final Plat.

Chris Brackett, City Engineer, read his memo with conditions for approval of final plat:

“The Final Plat for the Goose Creek Village Subdivision Phase IV has been reviewed and it is our opinion that the Planning Commission’s approval should be conditional on the following comments.

1. The required Payment in Lieu of Park Land Conveyance must be paid prior to the signatures on the final Plat. This fee will be \$900 per single family unit. The fee will be \$53,100 for 59 single family lots.
2. All public improvements must be completed, and a Final Inspection scheduled. All punch list items must be completed and accepted prior to final approval of the final plat.
3. A one-year Maintenance Bond to the City of Farmington for all public improvements except for the water and sanitary sewer improvements must be provided prior to the signatures on the Final Plat. The engineer must submit an itemized cost of these improvements for approval prior to obtaining the bond.
4. If the sidewalk construction is to be delayed until the home construction, then the developer shall provide an escrow account in accordance with Ordinance 9.20.03 (a.). The engineer shall provide a cost estimate for the construction of the sidewalk for approval.
5. If the installation of the street lights has not been completed at the time of Final Plat signatures, then the developer shall provide the paid invoice from the electric company for these lights.

6. Provide one original and 6 copies of the recorded plat to the City.”

Jared Inman, of Jorgensen & Associates, agreed to the conditions set forth.

Gerry Harris pointed out that the plat should be changed to Ph 4, not Ph 3. She asked who would maintain the large pond which currently is a mess. Mr. Inman said the POA would be responsible for maintaining it. Jay Moore said if the POA did not maintain it, the City could take civil action.

Mr. Inman said the orange tape on trees indicates trees that will remain.

Gerry Harris reminded that there is supposed to be a park and at the present time it was not clear it was being created. Mr. Inman said it would be.

Keith Macedo pointed out that one street was named “Gaggle”. It will be named “Gaggle Way.”

There will only be a small amount of right-of-way on Goose Creek to be dedicated.

Comments from Citizens:

Phyllis Young, 546 Goose Creek, expressed concern that even more water from this proposed Phase 4 will flow down onto her land which is already being eroded much more than before the development was begun. In addition, there are places on her land where trash and debris are two feet high.

City Attorney Moore said she would have to let the court decide what would happen with her concerns.

Ms. Young said that parties involved in her lawsuit have asked for a continuance. She concluded by saying the Commission should do what is right and not approve Ph 4 and then Ph 5 until her lawsuit is decided. She said again that the water runoff is destroying her property, with much more water than before the subdivision construction began.

It was asked if a ditch could be dug on her land. She said given the amount of water that pours down, a ditch would have to be at least 10 feet wide.

Mr. Inman said they would take care of cleaning up the trash and debris the first thing tomorrow.

City Attorney Moore said that the Commission can't make decision based upon Ms. Young's legal case. He had checked on the status and saw that Ms. Young's lawyer, Mr. Dixon, had filed an amended complaint two weeks ago, but there had been no motion to continue.

Judy Horne moved to table this Final Plat request until the March 2024 meeting to ensure the trash and other debris are cleaned up. Upon roll call vote, motion passed 5-2 with Bobby Wilson and Chad Ball voting “No”.

1.B. Variance – Domino’s Pizza; Property owned by A & M Pizza Real Estate; Property Located on Highway 62, Farmington; Presented by Bates & Associates

Mr. Bates explained that A & M Pizza Real Estate is requesting a variance for the north portion of the property because that landscaping would be destroyed when Phase 2 is developed. In addition, they

asked for a variance from section 14.04.21 requiring landscaping adjacent to the building frontage. They propose to put that additional 50 square feet of landscaping elsewhere on the property instead.

Public Comment:

Several homeowners to the north who are adjacent to the property, including Kathy Hutchins – 297 Willow Avenue, complained about large amounts of trash that blow onto their fences and asked who is responsible for cleaning it up. Ronnie Deese - 83 and 85 S. Double Springs Road said his property is next to Domino's and agreed that the dumpster piles up and overflows.

Jay Moore said the trash complaint should go to the City or City Code Enforcement if Domino's refuses to improve trash control.

Mr. Deese was concerned about the safety of students beginning at 3 PM on the driveway behind Domino's that extends to the Dairy Queen property. Students come over there after school, people park everywhere to pick up children, workers park there, and the pizza delivery vehicles speed through there too fast.

Chad Ball asked about perhaps using large boulders as part of the landscaping in the back that would be a traffic deterrent. It was noted that the new construction and landscaping will prevent cars traveling through as they do now.

Wes Marshall - 293 Willow has solar panels on the roof and does not want trees planted behind his home that might eventually block the sun.

Judy Horne suggested that Bates & Associates look carefully at the landscaping requirements because from the plat, it appeared that they are planting more vegetation than the ordinance requires. Also she asked Mr. Bates to work with the adjacent neighbors regarding screening next to their back fences, except not planting near the solar panels.

Chairman Mann called for question and upon roll call vote, the variance regarding landscaping passed unanimously.

1. C. Large Scale Development – Domino's Pizza; Property owned by A & M Pizza Real Estate; Property Located on Highway 62, Farmington; Presented by Bates & Associates

Geoff Bates had seen the memo listing conditions for approval of the LSD and was OK with the conditions. Mr. Brackett read the memo:

“The Large Scale Development for the Domino's Pizza has been reviewed and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. The fire flow, fire hydrant and fire lane locations must be reviewed and approved by the Farmington Fire Department prior to construction plan approval.
2. The water and sewer improvements must be reviewed and approved by the City of Fayetteville Engineering Department and the Arkansas Department of Health prior to construction plan approval.
3. Submit two (2) copies of the filed easement plat prior to construction plan approval. A copy of the proposed easement plat shall be submitted to KMS for review and approval prior to signatures.

4. A sign permit will be required for the construction of the signage for this project.
5. A completed Grading Permit Application and fee must be submitted to the City prior to final approval of the construction plans. A preconstruction conference will be required prior to any grading on the site. The owner, their engineering consultant, and the contractor responsible for the best management practices will be required to attend this conference.
6. After a final review set of plans and drainage report have been approved by KMS, the applicant shall submit to the City one (1) set of the full-size plans and two (3) sets of the half-size plans, and one (1) copy of the final drainage report that have been sealed by the engineer of record for final approval and distribution.
7. This approval of this large scale development is effective for a period of one year and thereafter as long as work is actively progressing on the installation of the required improvements.

Chad Ball noted that a crosswalk leads directly to the drive-through area and this will be changed. He also reminded that there needs to be a sidewalk on Kelli Avenue, just west of the development that connects to the Highway 62 sidewalk.

Public Comment:

Wes Marshall, 219 Willow Avenue – He repeated his concerns about the solar panels on the back roof of his house, stating he did not want trees planted that would eventually shade the panels.

Jill Toering, 306 Claybrook – She inquired about the gravel drive and that area will be paved.

Regarding queries about the yet-to-be developed land north of Domino's, access and shielding from residential property owners will be considered at that time.

Chairman Mann called for question to approve the LSD, contingent upon meeting conditions in the City Attorney Brackett's memo. The vote was 6 – 1 with Keith Macedo voting "No."

Consideration of Changes to Ordinances

City Attorney Moore recommended that Commissioners decide upon any and all changes they would like to see made to ordinances. Then the changes could be made at one time instead of "piece-meal."

Election of Officers will be held at the March 2024 meeting.

Adjournment: Having no further business, motion was made and seconded to adjourn; it was approved unanimously, and meeting was adjourned.



Judy Horne, Secretary



Robert Mann, Chair