

Planning Commission Minutes November 26, 2018

1. **ROLL CALL** – Meeting was called to order by Chairman Robert Mann. A quorum was present.

PRESENT

Robert Mann, Chair
Gerry Harris
Judy Horne
Howard Carter
Chad Ball
Bobby Wilson
Jay Moore

ABSENT

Toni Lindsey

City Employees Present: Ernie Penn, Mayor;
Melissa McCarville, City Business Manager; Steve
Tennant, City Attorney; Rick Bramall, City
Inspector, Chris Brackett, City Engineer

2. **Approval of Minutes:** October 22, 2018 Minutes were approved as written.

3. **Comments from Citizens:** Jim Duffy - 11324 Frisco Dr. (Valley View) - Mr. Duffy was concerned that flooding will be made worse on his property that is adjacent to land recently rezoned R-1 for a new development. He also was concerned for residents on Riviera where flooding has occurred before. There is a detention pond in the area that is not being maintained and “is a mess.” The City has received a grant for a water study to be done in that area and he asked the City to not approve any developments in that area until the flooding issues are fixed. Property values have decreased because of repeated flooding.

When Gerry Harris asked if the golf course owner had been contacted about the pond, Mr. Duffy said owner had been contacted but did nothing about it.

Jeff Oxford - 79 Jeannie: Mr. Oxford is president of the Farmington School District. He stated that he appreciates the City for the job they are doing. The school district is expanding and there are needs for new housing. Any growth in new school students means an increase in revenue for the school district.

Public Hearing:

4A. Final Plat for Farmington Heights Phase I, located at W. Sellers Rd.; property owned by Indian Territories, LLC presented by Ferdie Fourie of Civil Design Engineers, Inc.

Ferdie Fourie said the preliminary plat had been previously and there are no changes.

Public Comment: None

Comments from the City: Chad Ball was concerned about postponing the park construction of Phase I until Phase II is constructed since its completion time is unknown. Mr. Fourie estimated first homes in this development will be built by June or July 2019. As soon as Phase I is completed, they hope to begin Phase II.

Melissa McCarville noted that they must post bond before work begins on Phase I and if they do not complete the park work, City can do it. After much discussion it was mutually agreed that developer will go ahead and put in minimum requirements for the Phase I park area now.

Chad Ball inquired about street lights and Melissa said maintenance will be the City's responsibility; Melissa also said City can place "no parking" signs to restrict street parking.

City Engineer Chris Brackett presented a memo with conditions that must be met for Commission approval:

1. The required essential landscaping and infrastructure for the park must be completed prior to signature on the final plat or these improvements must be bonded.
2. The park must be deeded over to the city prior to any building permits being issued for the subdivision.
3. The developer has naming rights for the park, subject to the approval of the Planning Commission.
4. A one-year Maintenance Bond to the City of Farmington for all public improvements with the exception to 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.
5. If the sidewalk construction is to be delayed until the home construction, then the developer shall provide an escrow account in accordance with Ordinance No. 8.1(C), 3(A). The engineer shall provide a cost estimate for the construction of the sidewalk for approval.
6. 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.
7. Provide one original and 6 copies of the recorded plat to the City.

Robert Mann called the question to approve the Final Plat for Farmington Heights Phase I. Upon roll call, the ayes were: Howard Carter, Jay Moore, Bobby Wilson, Judy Horne, Gerry Harris and Chad Ball absent; Toni Lindsey. Motion passed unanimously.

4B. Rezone request from R-1 to R-3 for 65 N. Double Springs Rd (Engles Park Subdivision); property owned by D & B of Northwest Arkansas as presented by Geoff Bates:

Wade Williams- Attorney for D & B of Northwest Arkansas was present to discuss the request. Robert Mann opened with the clarification that at this time they are only considering the rezoning of the land, not the preliminary plat.

Bobby Wilson noted that this had been presented to the Planning Commission before, was approved, and then sent to the City Council where the rezoning request died for lack of motion by the Council.

Gerry Harris expressed concerns about the 35' frontage requirement and although that is not what is being proposed by this developer, if development was not done and another developer put R-3 homes on this property, they could use the 35' requirement. She reminded Commissioners that there have been times where property was rezoned and then the development was not done and something completely different was put in the rezoned area.

Public Comment: Barbara O'Brien - 336 Ridgedale pointed out that the first notification was not correct, but was corrected later; she felt this mistake was not appropriate. She said a rezoning is to act as a buffer or transition to a different zoning. However, this rezone will be spot-zoning by putting R-3 in the middle of R-1. There is no harmony with that change in zoning. She was very concerned that traffic and noise will become part of this new development while people living in the area wish for quiet and stability. That is why they chose to live in Farmington. This was verified when the Enterprise Leader did a survey of residents in that area last year. It was unanimous that the citizens wanted to preserve the country feel and asked for it to stay R-1. This rezoning will change the character of the neighborhood.

Jessica Collins - 63 Sugar Pine: stated that added growth for the sake of growth is not what Farmington needs. She chose to move to Farmington to enjoy the country feel and it “feels like home”. She was also very concerned her yard will no longer be safe for her children to play without supervision. Finally, she also had great concerns about traffic congestion.

Lee Lind - 97 Kimberly: He suggested that if this R-3 proposal was so nice, the developer and others representing this rezoning request should build and live there. Another concern was that with such small lots there would be a big increase in water runoff which would cause flooding. Also, he was concerned about people parking in the street which would restrict emergency vehicles and could be dangerous for children trying to cross the street.

City Attorney Steve Tennant said parking issues could be resolved if there is a POA and if there are restrictive covenants that prohibit street parking.

Melissa McCarville explained that “no parking” signs could be installed and police can then enforce street parking.

Ladeana Mullinix - 270 Wolfe Lane: She said Double Springs Road will not be able to handle this large increase in traffic because it is becoming increasingly congested and dangerous now.

Beau Collins – 63 Sugar Pine: stated he had moved back to Farmington for the quiet, “feels like home” atmosphere. He believes R-3 zone is totally inconsistent with surrounding area surrounded by R-1 homes in all directions. He agreed that traffic problems will be dangerously increased by this rezoning.

Mr. Geoff Bates said there are duplexes down the hill, north, on Double Springs. He mentioned that a PZD (Planned Zoning Development) would better determine what could be put into a development.

Comments from the City: Melissa stated that they have submitted everything required of them.

Gerry Harris expressed concerns about the 35’ frontage requirement and although that is not what is being proposed by this developer, if development was not done and another developer put R-3 homes on this property, they could use the 35’ requirement. She reminded Commissioners that there have been times where property was rezoned and then the development was not done and something completely different was put in the rezoned area.

Chad Ball mentioned that Double Springs will be a problem until improved and thought perhaps street improvements should be done first, before further development . He questioned why developer had to have R-3 zoning instead of R-1 or R-2. Developer said the size of land and land costs prohibited building R-1 and R-2 size homes.

Judy Horne stated she had done a lot of research into locations considered appropriate for R-3 type zoning. Consistently, R-3 type of zoning is recommended for urban renewal areas, urban core of a large metropolitan area, or other tightly circumscribed, high density areas . But Farmington is not considered “high density” or “urban”.

Robert Mann called the question to approve the Rezone request for 65 N. Double Springs Rd. Upon roll call, the ayes were: Jay Moore, Chad Ball, Bobby Wilson; the no’s were: Howard Carter, Judy Horne, Gerry Harris and absent; Toni Lindsey. With a 3 – 3 tie vote, Chairman Robert Mann voted “Yes” and the motion passed by a 4 – 3 vote.

4C. Preliminary Plat for Engles Park Subdivision located at 65 N. Double Springs property owned by D & B of Northwest Arkansas as presented by Geoff Bates:

After passage of the rezoning request in 4C., the Preliminary Plat for Engles Park was considered.

Bleaux Barnes – 1008 Blue Sky Road described the 25-lot subdivision plan which will be single-family homes but placed on lots with the smaller-size setback requirement of R-3. The smallest lot will be 5,403 square feet and the largest lot will be 12,510 square feet. Homes would be a minimum of 1700 – 1800 square feet. The resulting density will be 5.29 units per acre. He said the exterior of the homes would be 75% masonry, would have architectural shingles and 2-car garage. He estimated the price would be in the \$225,000 range. Mr. Barnes is willing to put up a Bill of Assurance for what he plans to do.

Public Comment: Barbara O'Brien - 336 Ridgedale: asked if these would be owner occupied or lease/rentals? Robert Mann explained that this cannot be determined by city. Bleaux Barnes said the homes were not intended for lease but they would have no control over someone buying a house and leasing it.

Comments from the City:

Gerry Harris asked about sidewalks. The developer was planning sidewalks on one side of street only and would be willing to then put sidewalk on one side of Double Springs Road, but the commissioners indicated sidewalk should be on both sides of the street within the development.

Chad Ball did wish to see a bill of assurance and protective covenants included with the final plat. Also, he asked that the landscaping on Double Springs be low for pedestrian and driver visibility and safety. Wade Williams, who was also present for Engles Park proposal, said they will set the landscaping back for safety.

Chad Ball inquired about the detention pond located in southeast corner of the development and it will be responsibility of the POA to maintain. It will be fenced and landscaped per the city's ordinance.

Judy Horne requested that construction crews be asked to leave as much of existing trees and understory as possible to provide an additional buffer to the people on Ridgedale Drive and other existing homes.

City Engineer Chris Brackett said the Preliminary Plat for the Engles Park Subdivision has been reviewed and it is our opinion that the Planning Commission's approval should be conditional on the following comments:

1. The fire hydrant locations shown on the plat and the utility plans must be reviewed and approved by the Fire Department.
2. No on-street parking will be allowed within the subdivision.
3. 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 any further construction activities.
4. Payment in lieu of Park Land Conveyance will be required for this subdivision. This fee will be \$600 per single family unit. (\$14,400).
5. A completed Grading Permit Application and fee must be submitted prior to final approval of the plans. A preconstruction conference will be required prior to any mass grading on the site. The owner, their engineering consultant, and their 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 has been approved by Olsson, the applicant should submit to the City three (3) sets of full-size plans and two (2) sets of half-size plans, and two (2)

more copies of the final drainage report that have been sealed by the engineer for final approval and distribution.

Robert Mann called the question to approve the Preliminary Plat for 65 N. Double Springs Rd contingent upon Chris Brackett's memo and Bill of Assurance. Upon roll call, the ayes were: Jay Moore, Chad Ball, Bobby Wilson, Howard Carter, Judy Horne, Gerry Harris and absent; Toni Lindsey. Motion passed unanimously.

Melissa McCarville reminded everyone that although this preliminary plat was approved at this meeting, it is still contingent upon the decision by the City Council at its December 10, 2018 meeting.

5. Adjournment: Having no further business, meeting was adjourned.



Judy Horne - Secretary



Robert Mann - Chair