

**Planning Commission Minutes
December 18, 2017**

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

PRESENT

Howard Carter
Jay Moore
Matt Hutcherson
Toni Bahn
Robert Mann, Chair
Gerry Harris
Judy Horne

ABSENT

Bobby Wilson

City Employees Present: Melissa McCarville, City Business Manager; Rick Brammall, City Inspector; Steve Tennant, City Attorney; Chris Brackett, City Engineer

2. **Approval of Minutes:** November 27, 2017 Minutes were approved as corrected. (A statement made at that meeting was incorrect information and correct information was mentioned at this meeting.)

3. **Comments from Citizens:** No comments by citizens.

4. **Approval of 2018 Schedule of Farmington Planning Commission meetings/submission deadlines**

After review, the proposed 2018 Schedule was approved unanimously.

PUBLIC HEARING

- 5A. Variance Request from Front Setback Requirements at 246 E. Anabranh Court (Lot 5) by Alberta Investments, LLC**

Jessie Fulcher was present and stated that this is one of two remaining lots in this multi-family zoned property just off Alberta Street where the company wishes to build duplexes. However, the lots are irregular size because they are on a cul-de-sac. Also, because the lots are adjacent to an electric power transmission line and substation and also a natural gas transmission line, the utilities easements take up 35% of the land. Development of any structure is prohibited within 100 feet of the electric utility lines. Therefore, in order to build on this Lot 5, the company must have variance from the City's front setback requirement of 4.60 feet for a width of approximately 6 feet.

Rick Bramall did not think the request would be problematic.

Chairman Mann called for question to approve a variance request from front setback requirements at 246 E. Anabranh Court (Lot 5) by Alberta Investments, LLC. Passed unanimously.

5B. Variance Request from Front Setback Requirements at 262 E. Anabranh Court (Lot 6) by Alberta Investments, LLC

Jessie Fulcher explained that this variance request is needed because Lot 6 is “severally impacted by an existing 80-foot wide high-pressure gas line easement.” He further stated: “The easement eliminates approximately 6,400 square feet of usable area from the property, or about 43% of the property. The easement coupled with a 25-foot front setback results in 64% of the property being unbuildable. The gas company will not vacate any amount of the existing easement and no structures can be built within the easement.”

Therefore, Mr. Fulcher asked for a 1.32 foot variance of side setback and approximately 5 feet into the front setback.”

Judy Horne expressed concern for this lot being so close to the gas transmission line and the high-level electric transmission power utilities.

Chairman Mann called for question to approve a variance request from front and side setback requirements at 262 E. Anabranh Court (Lot 5) by Alberta Investments, LLC. Upon vote, Yes: Carter, Moore, Hutcherson, Bahn, Harris. No: Horne. Motion passed 5 – 1.

5C. Rezoning Request for 126.03 Acres on Double Springs Road from A-1 to R-1 (Single-Family Residential), by Red Canyon Development, LLC

Dave Jorgensen represented Riggins Construction Company and stated that this property is on the west side of Double Springs Road and south of the Silverthorne subdivision.

Public Comment:

Michelle Sellers, 297 Double Springs Rd (lives on west side, across street from proposed development.) She requested more information and was told that minimum lot size for R-1 is 10,000 but developer could make lots larger.

Phyllis Schein, 546 Goose Creek, asked about possible zoning change and was told it could not be changed, if approved at this meeting. The process of preliminary plat approvals, city engineer scrutiny of plats, and the final plat procedure were reviewed.

Chairman Mann called for question to approve rezoning request for property at Double Springs Road from A-1 to R-1 by Red Canyon Development, LLC. Motion passed unanimously.

NEW BUSINESS

6A. Preliminary Plat for Hillside Estates located on North Garland McKee, owned by Lots 101, LLC (Tom Sims) property owner

Jorge DuQuesne of Blew & Associates, PA, was present to answer questions.

Chairman Mann asked Mr. DuQuesne if he had seen the memo from City Engineer Chris Brackett. He stated that he had seen the memo. Mr. Brackett’s memo follows on the next page:

"The Preliminary Plat for the Hillside Estates has been reviewed and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. The owner has come to an agreement in principle with the City to pay money in lieu of the street improvements and detention pond. This money will be used by the City of (*sic*) make substantial improvements to the drainage capacity under Garland McKee Road. The final cost estimate must be accepted and payment must be paid prior to final plat approval.
2. The fire hydrant locations shown on the plat and the utility plans must be reviewed and approved by the Fire Department.
3. The water improvements must be reviewed and approved by Washington Water Authority and the Arkansas Department of Health prior to any construction activities."

Discussion followed regarding the change in design plan from what had been considered previously. That had been to build a very large detention pond on the land in question.

It was explained by Mr. Brackett that upon further study he believed the pond would not help mitigate flooding on Rosebay Drive and it would just be wasted money. He said the problem was that the drainage culverts' capacity is not high enough and that must be resolved for the Rosebay residents to see less floodwater.

A long discussion followed with some Commissioners thinking that adding 3 to 4 addition houses would not make that much difference in the amount of runoff going onto Rosebay while others felt that it would have a negative impact.

Also, Mr. Brackett was persistently asked about how long the already-approved engineering study would take and after that how long to put the drainage improvements into place. He estimated the study and design would take about 3 months and 4 to 6 months to construct. Final construction would not be finished until long after the spring rainy season. It is estimated the final cost will be at least \$500,000 to implement the drainage plan.

In addition, it was explained that no matter how the Planning Commission voted at this meeting, Mr. Sims the developer could go ahead and build the homes anyway and the City would not receive his monetary assistance with the project.

Matt Hutcherson said that it seemed inappropriate to give precedence to the developer's request to build 3 new homes above the serious flooding problems of existing residents downstream on Rosebay.

Some Commissioners felt the agreement with Tom Sims was vague and they wished to know an exact amount that would be paid by Tom Sims.

Mr. Sims reminded that he had been willing to donate 8 acres of land and building the detention pond.

At this point in the meeting Ms. Toni Bahn had to leave the meeting.

Public Comment:

Neil Barnes, 11034 Highway 170 (owner of all land south of Rosebay Avenue and south of the creek) was concerned that a new plan will dump water on his farm land. . He stated that he was in construction business and understands the effect of detention ponds. He strongly emphasized that a detention pond within Hillside Estates would work to alleviate flooding.

The culvert under Garland McKee was built about 9 or ten years ago and there was no flooding until 5 or 6 years ago. He stated that he had spent quite a bit of money on reinforcing his creek banks with broken up pieces of concrete paving last year.

He also stated no one has approached him about buying some of his land. He also wanted to know what downstream improvements will be included in the engineering plan. And finally, he was concerned about how many more lot splits and houses the developer could put on the property. Tom Sims, developer, said three houses can be built on Garland McKee and there are only two very large lots on the hill east of the house development.

Russell Pease, 10047 Rosebay, said these issues have been going on for several years now and now even more has changed since the last meeting on the subject which was July 2017. He urged Commissioners to look at a map to see where the creek flows because he does not believe larger drainage pipe will prevent Rosebay Lane from flooding on an annual basis. He said that he is 72 years old and his formerly \$200,000 asset is now worth only the property it sits on. He said others in the neighborhood were in similar circumstances.

He also suggested completely closing Rosebay at Garland McKee and engineering drainage to the creek there also.

City Engineer Chris Brackett said in the design study, they are looking at the problem of the 90 degree angle of Garland McKee Road. Melissa McCarville added that they are also looking at other options in addition to culvert improvements.

Nancy Harris, 11035 Rosebay Lane, was extremely upset, stating she could not sell her house and that she and spouse are 74 and 83 years old. She begged for action and wondered why no one (Commission, City staff, and City Council) will ever listen to the people who live there and yet allow the developer of Hillside Estates to continue building.

She said that other home owners have also had to spend large sums of money to repair their homes and there are people in the neighborhood who are now ill as a result of the flooding.

Judy Fazenda, 11043 Rosebay Lane said in flooding rains she had seen water up to the pole of the fourth house that Tom Sims is now building. She urged quick action from the City.

Dennis Moore, 11750 Garland McKee, said he lives up on the mountain east of the proposed subdivision. Being able to see the flooding, he said it is a major problem and the right angle turn is a problem. He wondered how it could be engineered because Washington Water Authority located at the corner would not sell their land.

When Public Comment ended, Chairman Mann encouraged the homeowners to attend the next City Council meeting which will be Monday, January 8, and during the comments section to express these concerns.

In final summary it was determined that the engineering design would take 3 months; then the funding request would go to City Council for approval; then it will take about 60 days to bid the project and 4 – 6 months to build it.

Further, with regard to this preliminary plat, if approved, then a Final Plat will go to the Plat Review Committee. After that is finalized, then the Final Plat goes to City Council for approval. Also with preliminary plat approval, no ground can be excavated. It was also noted that the developer would have to put in sidewalk on Garland McKee. And it was clarified that if the request by developer is not approved by Planning Commission, the Condition 1. in City Engineer's memo (that developer Tom Sims will pay money to City of Farmington instead of making street improvements and detention pond) would not have to be done by developer

Chairman Mann called for question to approve the Preliminary Plat for Hillside Estates located on Garland McKee Road, owned by Lots 101, LLC – Tom Sims, developer, conditional upon developer's meeting the three conditions that were presented in the memo from City Engineer Chris Brackett at this meeting.

Upon roll call: Yes - Carter, Moore, Harris, Horne. No – Hutcherson. (Toni Bahn was absent, having left the meeting earlier.) The vote was 4 – 1 and motion passed.

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



Judy Horne - Secretary



Robert Mann - Chair