



City of Farmington
354 W. Main Street
P.O. Box 150
Farmington, AR 72730
479-267-3865
479-267-3805 (fax)

PLANNING COMMISSION AGENDA
March 25, 2019

**A meeting of the Farmington Planning Commission will be held on
Monday, March 25, 2019 at 6:00 p.m. at City Hall
354 W. Main Street, Farmington, Arkansas.**

1. Roll Call
2. Approval of the minutes - February 25, 2019
3. Comments from Citizens – the Planning Commission will hear brief comments at this time from citizens. No action will be taken. All comments will be taken under advisement.
4. **PUBLIC HEARING**
 - A. **Variance:** request variance on lot splits
Property owned by: Mark Silva
Property Location: 12293 Little Elm Rd. (WC19)
Presented by: Justin Silva

Planning Commission Minutes
February 25, 2019

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

PRESENT

Robert Mann, Chair
Gerry Harris
Howard Carter – arrived at 6:15 PM
Chad Ball
Bobby Wilson
Judy Horne
Jay Moore

ABSENT

Toni Lindsey

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

2. **Approval of Minutes:** January 28, 2018 Minutes were approved as written.
3. **Comments from Citizens:** No comments from the Public.

Public Hearing:

4. Preliminary Plat for Red Canyon Subdivision presented by Jorgensen & Associates for property located north of Goosecreek Road and west of Double Springs Road:

Jared Inman of Jorgensen & Associates was present to discuss the request. He said the first phase in the east section located on Double Springs Road will be 50 residential units. Street improvements are planned for the far side of Double Springs. Mr. Inman had no objections to the conditions listed in City Engineer Chris Brackett's memo which stated:

“The Preliminary Plat for the Red Canyon 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. 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.
3. Payment in lieu of Park Land Conveyance will be required for this subdivision. This fee will be \$600 per single family unit (\$30, 600). If Park Land Dedication is requested prior to final plat, then the dedication must be approved by the Planning Commission.

4. A completed Grading Permit Application and fee must be submitted 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.
5. 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.”

Mr. Inman stated that this presented no issues. When asked by Chad Ball about their plans for a park, Mr. Inman stated that in the first phase they will be paying the fees rather than proceeding with land dedication. In future phases they will dedicate land for a park, due to the expense of the fees.

Public Comment – (16 adjacent property owners were in attendance):

Michael Craig -452 Goldfinch Drive, represented Silverthorne II Subdivision POA. Traffic is one the main concerns since the plat shows McLeod serving as one entrance into the new Red Canyon development and they believe that would create speeding drivers on McLeod. He explained that many children and elderly residents live in their subdivision. Chris Brackett explained that for each 25 or more houses in a subdivision Fire Code requires two entrances. Rick Brammall said there are methods, such as narrowing a street, to slow down traffic.

In addition the residents fear their property values will decrease because of the new subdivision having smaller lots and houses while their average home size is 2,800 square feet.

Michelle Decano - 297 N. Double Springs Road: (Farmington Land Holdings)

She had many questions which were answered after the Public Comment concluded.

When will construction begin? Mr. Inman said it is always difficult to estimate start dates because of numerous requirements being met and weather issues. Hopefully, they will begin first land work in six to twelve months.

Lot size/ house size? Rick Brammall said the R-1 requirements are 1,800 square foot house and lots a minimum of 10,000 square feet. Later in the meeting, a covenants section of the warranty deed document for this subdivision was produced which included:

“Deed Restriction: Any subdivision developed upon the aforementioned lands by the Grantee, its successors or assigns shall be accompanied by recorded protective covenants for said subdivision requiring at least 70% of any homes built thereon to be no less than 2,000 square feet with the remaining 30% of any homes built thereon to be no less than 1,850 square feet...”

This document will be referred to City Attorney Steve Tennant for his review.

Utilities construction? It was noted that the developer must meet all codes and utility requirements.

Phases? Mr. Inman explained that the startup of a new phase will depend upon how quickly the homes sell. He could not give any estimate of how many phases or when they would be started.

Size of setbacks? Robert Mann said the R-1 zone sets the requirements at 10 feet side and 20 feet rear (plus there could be an additional utility easement in rear.)

Would developer be required to provide privacy fencing? No. The City's subdivision requirements do not require privacy fencing for subdivisions.

Phyllis Young - 5462 Goose Creek- Drain Rd: She was very concerned about additional flooding that could be created. She said there is already road flooding on Goose Creek Road. Chris Brackett explained that the development would not necessarily improve the drainage and flooding problem presently experienced. However, the development cannot increase the flooding problem. If it does, they injured parties could deal with the engineer on the project because they are responsible for careful engineering to prevent additional runoff. Mr. Inman said there will be a very large detention pond and a small pond in the subdivision which should contain all the runoff created by the subdivision. At first, the detention ponds will be maintained by the developer, and then it will be turned over to the POA for maintenance.

Chad Ball expressed concern with the fact that detention pond maintenance seems to always be a challenging problem.

David Mahan - 412 Goose Creek: He had environmental concerns if they will be installing an elevated sewer crossing which he believed would affect the hydrology of drainage in the area. Without this new subdivision, he has seen "scouring" and farmers have had to pull rocks and gravel from their fields. It was noted that there are 4 creek crossings on the proposed plan.

Another concern was the potential for traffic wrecks because the south entrance/exit of the subdivision is located on a blind curve on Double Springs Road. He suggested a lower speed limit through that area.

Also, he appealed for protection of a large stand of trees on the land because of their beauty and because they provide a much-needed corridor of wildlife in the area.

Leslie Gibson – 690 McCloud: She said there are several other entrances planned in addition to the connection with McLeod in Silverstone Subdivision. She says cars already drive too fast on McLeod now and can visualize a worse problem if that becomes the north entrance into Red Canyon Subdivision.

City Comment:

Chairman Robert Mann reminded the group that tonight all that is being considered is the first phase which consists of 51 lots. Also, Mr. Inman said that at Chris Brackett's request they had shown how the entire development *might* appear so they could show general location of drainage and other improvements such as Double Springs widening, curb and gutter and utilities. Also, the plan shown this evening is just the Preliminary Plat. They will be required to come back to the Planning Commission again with their Final Plat.

Chad Ball asked if the developer would be required to meet both Fayetteville and Farmington's standards and the answer is yes. Also discussed was sewer capacity for this subdivision and future ones that might be built in the area. Melissa McCarville noted that it is economically sound to have more homes connected to the sewer system since this helps pay for Farmington's sewer system and lowers the cost burden to the City.

Another resident asked if Double Springs would be closed at any time during construction on that road. He was assured that the road could not be completely closed although one lane might have to be closed occasionally.

Judy Horne asked Mr. Inman to be sure to express the commissioners' and Silverstone residents' various strong concerns to developer such as the proposed road connection to McLeod, environmental concerns and drainage issues.

Robert Mann called the question to approve the Preliminary Plat for Red Canyon Subdivision Phase I, with conditions from City Engineer Chris Brackett and also the request for an opinion from City Attorney Steve Tennant regarding the Covenant specifications. Upon roll call, the motion passed unanimously.

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

Judy Horne - Secretary

Robert Mann - Chair

City of Farmington, Arkansas Application for Variance/Waiver



Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Planning Commission/Board of Adjustment until all information is furnished.

Applicant: Mark Silva Day phone: 479-236-6456

Address: 12198 Little Elm Rd Farmington Fax: _____

Representative: Justin Silva Day phone: 479-530-7342

Address: 1247 Valle LN Springdale, AR Fax: _____
72762

Property Owner: Mark Silva Day phone: 479-236-6456

Address: Same AS above Fax: _____

Indicate where the correspondence shall be sent (circle one): Applicant Representative Owner

Describe Proposed Property In Detail (Attach additional pages if necessary)

Property description: Attached - Tract 2

Site address: 12293 Little Elm (wc 19) RD

Current zoning: Agri/Res Farmington, AR 72730

Attach legal description and site plan (a scaled drawing of the property showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow is required.) Attach photos if they are helpful in describing your request.

Type of variance requested and reason for request:

Lot split 6 times for 2 Acre tracks. Not many places to build in Farmington. Three family members who would like to build on those 2 Ac tracks (including myself) to be close to my father.

Responsibilities of the Applicant:

1. Complete application and pay a \$25.00 application fee.
2. Provide a copy of the deed for the property. If the property is rented, provide written permission from the owner that the variance is allowable.
3. Written authorization from the property owner if someone other than the owners will be representing the request.
4. Publish the following notice in a newspaper of general circulation in the City no later than 7 days prior to the meeting, A copy of the proof of publication from the newspaper must be provided to the City 3 days before the meeting:

NOTICE OF PUBLIC MEETING

A petition for a variance at the property described below has been filed with the City of Farmington on the 19th day of February, 2019.

PLACE LEGAL DESCRIPTION HERE AND DESCRIPTION OF THE VARIANCE HERE

A public meeting to consider this request for variance at the above described property will be held on 25th day of March, 2019, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

Applicant/Representative: *I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City of Farmington may not approve my application or may set conditions on approval.*

Marly Silvia Date 2/19/19
Applicant Signature

Property Owner/Authorized Agent: *I certify under penalty of perjury that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating the agent is authorized to act on their behalf.)*

Marly Silvia Date 2/19/19
Owner/Agent Signature

RECEIPT

DATE 2-19-19

No. 625932

RECEIVED FROM Justin Silva

\$ 25.00

Twenty five and no/100

DOLLARS

FOR RENT

FOR Variance

ACCOUNT	
PAYMENT	<u>25.00</u>
BAL. DUE	<u>0</u>

CASH

CHECK

MONEY ORDER

CREDIT CARD

FROM

TO

BY Coleman

File# 2019-00001892

After recording please return to:
Waco Title Company
2592 S. 48th St.
Springdale, AR 72762

**WARRANTY DEED
(TRUSTEE)**

File #: 1900171-103

KNOW ALL MEN BY THESE PRESENTS:

That, Robert Anthony Cunningham and Charlotte Ann Cunningham Fisher, Trustees of The Joyce R. Cunningham Revocable Trust, date August 18, 2010, hereinafter called GRANTOR, for and in consideration of the sum of ---ONE AND 00/100--- DOLLARS---(\$1.00)---and other good and valuable consideration in hand paid by Silva Properties LLC, an Arkansas limited liability company, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Silva Properties LLC, an Arkansas limited liability company, hereinafter called GRANTEE(S), and unto its successors and assigns forever, the following lands lying in Washington County, Arkansas to-wit:

SEE AS ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the same unto the said Grantee(s) and unto its successors and assigns forever, with all appurtenances thereunto belonging. And the Grantor hereby covenant with said Grantee(s) that the Grantor will forever warrant and defend the title to the said lands against all claims whatsoever.

Prepared under the supervision of
Brian Blackman, Attorney
2592 S. 48th St.
Springdale, AR. 72762

1900171-103

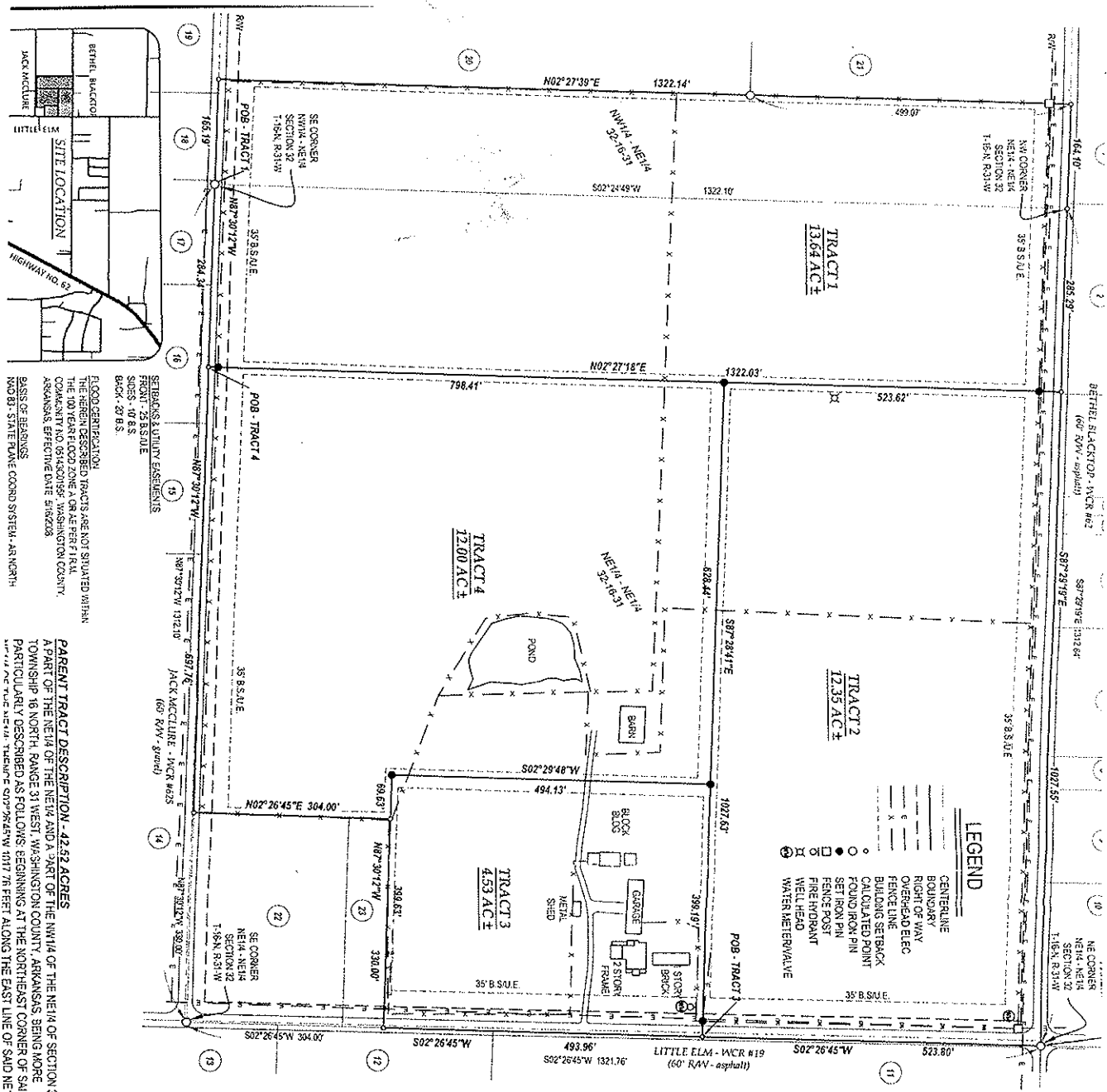
EXHIBIT "A"

The Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) and the East One-Eighth ($\frac{1}{8}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), less and except one and one-half acres described as beginning at the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) and running thence North 12 rods; thence West 20 rods; thence South 12 rods; thence East 20 rods to the place of beginning, all in Section Thirty-two (32), Township Sixteen (16) North of Range Thirty-one (31) West of the Fifth Principal Meridian, Washington County, Arkansas, the property herein conveyed containing 43.5 acres, more or less.

Less and Except: A part of Section 32, Township 16 North, Range 31 West, Washington County, Arkansas, described as beginning at the Southeast corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32 and running thence North 12 rods for a place of beginning; thence West 20 rods; thence North 4 rods; thence East 20 rods; thence South 4 rods to the place of beginning, containing 0.5 acres, more or less.

Also Less and Except: A part of Section 32, Township 16 North, Range 31 West, Washington County, Arkansas, described as beginning at the Southeast corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32 and running thence North 264 feet for a place of beginning; thence West 330 feet; thence North 40 feet; thence East 330 feet; thence South 40 feet to the place of beginning, containing less than 0.5 acres, more or less.

Subject to easements, rights-of-way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.



LEGEND

- CENTERLINE
- BOUNDARY
- RIGHT OF WAY
- OVERHEAD ELEC
- FENCE LINE
- BUILDING SETBACK
- CALCULATED POINT
- FOUND IRON PIN
- FENCE POST
- FIRE HYDRANT
- WELL HEAD
- WATER METER VALVE

SURVEY DESCRIPTION - TRACT 1 - 13.64 ACRES
 A PART OF THE NE 1/4 AND A PART OF THE NW 1/4 OF SECTION 32, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIN AT THE NORTH CORNER OF SAID NE 1/4, THENCE S87°29'19"E 1322.10 FEET ALONG THE EAST LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING, CONTAINING 13.64 ACRES, MORE OR LESS.

SURVEY DESCRIPTION - TRACT 2 - 12.35 ACRES
 A PART OF THE NE 1/4 OF SECTION 32, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIN AT THE NORTH CORNER OF SAID NE 1/4, THENCE S87°29'19"E 1322.10 FEET ALONG THE EAST LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING, CONTAINING 12.35 ACRES, MORE OR LESS.

SURVEY DESCRIPTION - TRACT 3 - 4.53 ACRES
 A PART OF THE NE 1/4 OF SECTION 32, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIN AT THE NORTH CORNER OF SAID NE 1/4, THENCE S87°29'19"E 1322.10 FEET ALONG THE EAST LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING, CONTAINING 4.53 ACRES, MORE OR LESS.

SURVEY DESCRIPTION - TRACT 4 - 12.00 ACRES
 A PART OF THE NE 1/4 OF SECTION 32, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIN AT THE NORTH CORNER OF SAID NE 1/4, THENCE S87°29'19"E 1322.10 FEET ALONG THE EAST LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING, CONTAINING 12.00 ACRES, MORE OR LESS.

PARENT TRACT DESCRIPTION - 42.52 ACRES
 A PART OF THE NE 1/4 AND A PART OF THE NW 1/4 OF SECTION 32, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID NE 1/4, THENCE S07°26'45"W 1017.76 FEET ALONG THE EAST LINE OF SAID NE 1/4 TO THE POINT OF BEGINNING, CONTAINING 42.52 ACRES, MORE OR LESS.

APPROVED BY CITY OF FARMINGTON
 Approved by City of Farmington
 City Business Manager

MARK SILVA
 12291 LITTLE ELM (WC 19) RD
 12293 LITTLE ELM (WC 19) RD
 FARMINGTON, AR 72730

TRACT MARK

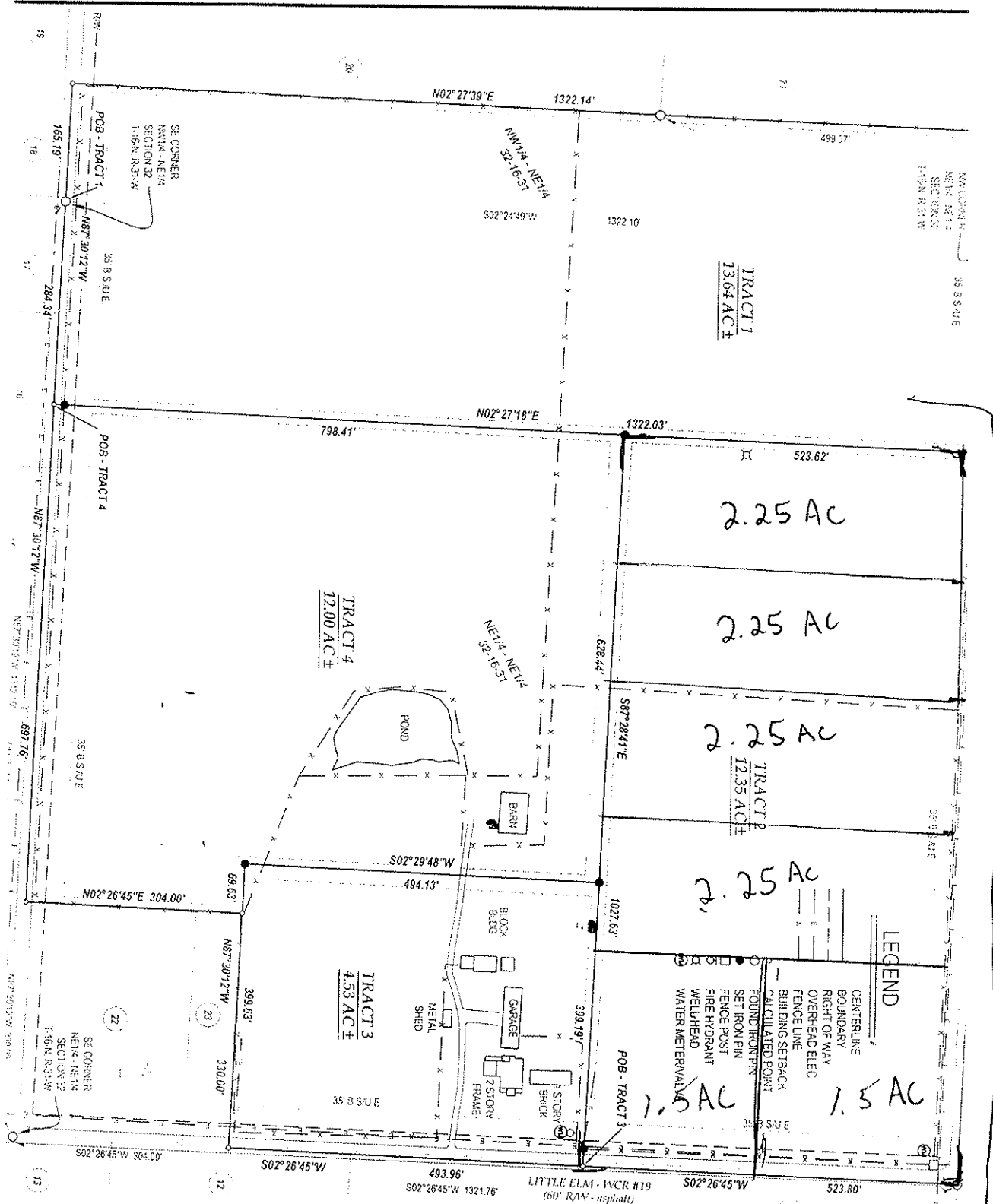
TRACT MARK



Doc ID: 019404710001 Type: REL
 Kind: Survey
 Recorded: 01/24/2019 at 09:55:05 AM
 Fee Amt: \$150.00
 Fee Rec: AR
 Map: Survey
 Clerk: Mark Silva
 Title: Surveyor
 011000002030

TRACT MARK

LEARNING CURVING



SURVEY DESCRIPTION - TRACT 1 - 13.
 A PART OF THE NE1/4 OF THE NE1/4 AND A PART OF THE NW1/4 OF THE NE1/4 AND A PART OF THE SE1/4 OF THE NE1/4 OF SECTION 32, T14N, R33W, FOLLOWING BEGINNING AT THE SOUTHEAST CORNER OF SAID NE1/4 OF THE NE1/4, THENCE S87°29'19"E 265.1 FEET ALONG THE SOUTH LINE OF SAID NW1/4 OF THE NE1/4, THENCE S87°29'19"E 265.1 FEET TO THE POINT OF BEGINNING, CONTAINING 13.64 ACRES, MORE OR LESS.

SURVEY DESCRIPTION - TRACT 2 - 12.
 A PART OF THE NE1/4 OF THE NE1/4 OF SECTION 32, T14N, R33W, BEING MORE PARTICULARLY THE NORTHEAST CORNER OF SAID NE1/4 OF THE NE1/4, THENCE N87°28'41"W 1322.03 FEET TO THE POINT OF BEGINNING, CONTAINING 12.35 ACRES, MORE OR LESS.

SURVEY DESCRIPTION - TRACT 3 - 4.53.
 A PART OF THE NE1/4 OF THE NE1/4 OF SECTION 32, T14N, R33W, BEING MORE PARTICULARLY THE NORTHEAST CORNER OF SAID NE1/4 OF THE NE1/4, THENCE N87°30'12"W 399.63 FEET TO A POINT OF BEGINNING, CONTAINING 4.53 ACRES, MORE OR LESS.

SURVEY DESCRIPTION - TRACT 4 - 12.00.
 A PART OF THE NE1/4 OF THE NE1/4 OF SECTION 32, T14N, R33W, BEING MORE PARTICULARLY THE SOUTHWEST CORNER OF SAID NE1/4 OF THE NE1/4, THENCE S87°28'41"E 628.44 FEET TO A POINT OF BEGINNING, CONTAINING 12.00 ACRES, MORE OR LESS.

APPROVED BY CH
 [Signature]
 JAN 2
 [Signature]
 BUSINESS