



City of Farmington
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PLANNING COMMISSION AGENDA
June 24, 2019

**A meeting of the Farmington Planning Commission will be held on
Monday, June 24, 2019 at 6:00 p.m. at City Hall
354 W. Main Street, Farmington, Arkansas.**

1. Roll Call
2. Approval of the minutes - May 28, 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. Discuss Planned Unit Development (PUD).

Planning Commission Minutes
May 28, 2019

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

PRESENT

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

ABSENT

Toni Lindsey

City Employees Present: Melissa McCarville,
City Business Manager; Rick Bramall, City
Inspector; Steve Tennant, City Attorney

2. **Approval of Minutes:** April 22, 2019 Minutes were approved as written. Jay Moore abstained, having been absent at the meeting.

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

General Discussion:

The Commission recognized Chad Ball for the work he had put into the draft of the new PUD. Melissa and Judy had gone through some proposed changes. Chris Brackett had also reviewed the PUD draft as well.

Melissa explained that a specific list of what the developer had to do was not needed in the ordinance because the city will provide a required PUD application and checklist to the developers. The City Engineer stated that part of the required documents need to include drainage plans.

Judy Horne wanted a statement to ensure minimal impact to the surrounding areas adjacent to a PUD; however, the City cannot ensure it. This falls within property values which the Planning Commission cannot determine or change. She felt that was one of the reasons for having a PUD zoning classification.

5. **Adjournment:** Since further discussion of the proposed PUD ordinance was the only item of business, meeting was adjourned, and the commissioners then continued to give their input regarding the proposed ordinance in an informal work session.

Judy Horne - Secretary

Robert Mann - Chair

PUD—Planned Unit Development District.

A. PURPOSE.

1) The overall purpose of the Planned Unit Development (PUD) zoning district is to achieve a more functional and aesthetically pleasing plan that assures compatibility with all existing and future surrounding land uses.

2) In addition, the planned unit development district (PUD) is established to permit the subdivision of land and zoning review into one process. The combination review permits a development proposal to be acted upon simultaneously by the developer and the city. This system is advantageous when the developer that plats the land and provides access and utilities also provides the amenities that make the overall project marketable. An additional advantage is that the approved PUD plan remains intact even if transfer in ownership occurs. The approved PUD plan represents a commitment by both the developer and the city.

The PUD process permits more flexibility in the choice of building types, the arrangement of varied land uses, and the use of generalized rather than specific development regulation. By permitting and encouraging the use of Planned Unit Developments, the Planning Commission and the city council will be able to make more informed land use decisions and thereby guide development more effectively in the best interest of the city.

B. INTENT

The Planned Unit Development should:

- a. Facilitate and encourage a maximum of social and community interactions and activity among those who live, work, **shop**, and play there.
- b. Provide open space not only for traditional private use in setbacks and yards surrounding structures, but also conveniently located **open space in residential and commercial areas** for the benefit of the community and public as places for relaxation, recreation and social **interaction**.
- c. Achieve a pattern of development which preserves **and enhances** natural features **and native vegetation**, prevents soil erosion, and protects water quality.
- d. Allow a creative approach to the use of land and related physical development.
- e. Encourage an efficient use of land resulting in smaller networks of utilities and streets, and thereby lowering costs.

The PUD regulations are designed to provide for small- and large-scale developments incorporating a single type or a variety of residential, commercial, and related uses that are planned and developed as a unit. Such development may consist of individual lots or it may have common building sites.

C. GENERAL ELIGIBILITY AND PHASING REQUIREMENTS

1. Ownership control.

The land in a PUD shall be owned, leased, or otherwise controlled by a person, firm, group of individuals, partnership, corporation, or trust, provided assurances are given through the procedures contained herein that the project can be successfully completed. A copy of the current deed will be required as a part of the application process. The approved final development plan shall be binding on all subsequent owners of the land until revised or repealed as authorized in this ordinance.

2. Minimum district area.

The minimum area for a PUD district shall be four acres. In calculating the minimum area for a PUD district, the measurements shall include the area of all dedicated streets entirely within the boundary of the proposed PUD, and one-half of the area of all boundary or perimeter streets.

3. Uses permitted.

In order to increase creativity and flexibility in the development of areas suitable for a planned unit development, there are no specifically prescribed uses required within the boundaries of a planned unit development. However, proposed zoning uses and locations shall be appropriate to protect, enhance and reasonably conform to surrounding land uses.

The developer shall be responsible for preparation of a specific list of permitted uses within the specific planned unit development requested. The development list shall also include all specific information required by this ordinance.

All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, temporary farmers markets and craft fairs, promotional events, and normal pump island fuel services.

4. Screening and Landscaping.

In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the planning commission shall require landscaping and screening as part of a PUD. The nature and extent of screening and landscaping shall be determined by the planning commission in relation to the overall character of the development and its specific location. The required screening shall be

submitted to the planning commission as part of the final development plan. Landscape plans shall show the general location, type and quality (size/age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

5. Parking and off-street loading.

All uses established with a planned unit development district shall comply with the off-street parking and loading requirements as established in the city's zoning regulations. However, the requirements for individual structures or lots may be met through either provision of adequate parking on the lot on which such structure is so located, or upon adjacent property which is under the control of a property owners' association, to which said lot is an automatic participant. In no case, however, shall the cumulative requirements of all parking and off-street loading requirements be less than if said uses were individually established and located in any other zoning district within the city.

6. Open Space.

Due to the flexibility allowed in development density, well-designed open space is an important factor in providing for innovative design and visual attractiveness. A minimum of ten (10) percent of gross residential areas shall be designated as common usable open space.

7. Phasing. Submissions of proposals of entire ownerships is encouraged, however, applicants may submit a phased development plan for incorporating incremental final and plats for subareas of the entire ownership. Phased development must indicate the entire ownership on a boundary survey with all proposed streets and drainage. Where this is done, the applicant shall adhere to the approved development schedule for the phased submission of final development plan and plat.

If the applicant cannot adhere to the time period approved, a written request for extension may be submitted to the planning commission for approval of a maximum of two (2) one-year extensions. Additional extensions shall require approval of the city council.

The development of the PUD may be planned in phases; provided, that as part of the general submission, a development schedule is approved which describes:

A. The parcels that are to be constructed upon in each phase, and the date of each phase submission.

B. The number of units to be built in each submission.

C. Each stage within the PUD shall be so planned and related to existing and/or planned services and facilities, including commercial space, such that each phase is self-sufficient

and not dependent on later phases and so that failure to proceed to the subsequent stages will not have any adverse impacts on the PUD, its surroundings, or the community in general. Each stage shall also be planned so as to ensure that green space and any other amenities will be provided along with proposed construction at each phase of construction.

D. PUD APPLICATION REVIEW PROCEDURES.

The application procedure shall consist of three (3) phases:

1. *Pre-application Conference with City Staff*
2. *Preliminary Development Plan Review*
3. *Final Plat*

1. Pre-application Conference with City Staff

Before submitting an application, the landowner or authorized agent shall confer with city staff in order to become familiar with the development review process. The staff shall inform the applicant of any perceived problems that may arise. A further purpose of the pre-application conference is to make sure that the applicant has, or will be able to, submit the necessary information for filing the application. The intent of this conference is to provide guidance to the applicant prior to incurring substantial expense in the preparation of plans, surveys and other data required in a preliminary plan.

At the time of the conference the developer should provide the following information on a map or aerial photograph:

1. Street pattern proposed and existing street or right-of-way.
2. Location of all bordering streets.
3. General size and shape of lots.
4. Topography.
5. Legal description of property.
6. Proposed land uses and identify of adjacent land owners.
7. Location of existing utilities.
8. Existing water courses and flood plains.
9. Existing and/or proposed tree cover.
10. Existing adjacent developments.
11. Any additional information the developer feels is pertinent.
12. Name and address of owner(s) and developer(s).

2. Preliminary Development Plan Review

An application seeking a PUD rezoning of a parcel of property shall be submitted to the City of Farmington, including all necessary documents and fees. This will include: site plan, drainage plan and a completed checklist. The following must be included as well as any other information required by the Planning Commission:

1. Completed application form which includes: name and address of person preparing application, name and address of property owner, including written, notarized documentation to verify that the applicant has permission to locate on property, zoning district, size of property, postal address and tax parcel number.
2. Payment of application fee.
3. A descriptive statement of the objective(s) for the new facility or material modification and the need for the type of facility and/or capacity requirements.
4. Fifteen (15) copies of the site plan **folded** to a size of no greater than 10" X 10 ½ ".
5. List of adjacent property owners and copy of notification letter that will be sent.
6. White receipts from post office and green cards from registered letters (at least 7 days prior to the meeting).
7. Proof of publication of public hearing notice, should be published a minimum of 10 days prior to planning commission meeting (proof must be provided at least 7 days prior to the meeting).

The Following Shall Appear on the Site Plan:

1. Names, addresses and telephone numbers of the record owners, applicant, surveyor, architect, engineer and person preparing the plat.
2. Names, addresses and property lines and zoning of all property owners adjacent to the exterior boundaries of the project including across streets and rights of way shall be located at the general location of their property.*
3. North arrow, graphic scale, acreage, date of preparation, zoning classification and proposed use.
4. Complete and accurate legend.
5. Title block located in the lower right hand corner indicating the name and type of project, scale, firm or individual preparing drawings, date and revision.
6. Note regarding wetlands determination, if any. Note if Army Corps of Engineers determination is in progress.
7. Written legal description. (If the project is in more than one tract the legal for each individual tract must be provided.)
8. P.O.B. from a permanent well-defined reference point, P.O.B. must be clearly labeled.

9. Clear representation of the FEMA Designated 100-year Floodplain and or Floodway and base flood elevations. Reference the FIRM panel number and effective date and the Corps of Engineers Flood Hazard Study.
10. Status of regulatory permits:
 - a. NPDES Storm water Permit
 - b. 404 Permit
11. Provide a benchmark, clearly defined with a precision of 1/100th of a foot. This benchmark must be tied to NAVD 88 datum; Benchmarks include but are not limited to, the following: fire hydrant, manhole rim, drainage structure abutment, etc.
12. Spot elevations at grade breaks along the flow line of drainage swales.
13. A general vicinity map of the project at a scale of 1" = 2000'
14. The location of all existing structures. Dimensions of buildings and setbacks from the building to property lines.
15. Street right-of-way lines clearly labeled. The drawing shall depict any future ROW needs as determined by the AHTD and/or Master Street Plan. Future ROW as well as existing ROW and center lines should be shown and dimensioned.
16. Existing topographic information with source of the information noted. Show:
 - a. Two foot contour for ground slope between level and ten percent.
 - b. Four foot contour interval for ground slope exceeding 10%.
17. Preliminary grading plan.

Existing Utilities and Drainage Improvements (Copy of the Drainage Criteria Manual can be obtained from the City of Farmington)

1. Show all known on-site and off-site existing utilities, drainage improvements and easements (dimensioned) and provide the structures, locations, types and condition and note them as "existing" on the plat.
2. Existing easements shall show the name of the easement holder, purpose of the easement, and book and page number for the easement. If an easement is blanket or indeterminate in nature, a note to this effect should be placed on the plan.

Proposed Utilities

1. Regarding all proposed storm sewer structures and drainage structures:
 - a. Provide structure location and types.
 - b. Provide pipe types and sizes.
2. Regarding all proposed sanitary sewer systems
 - a. Provide pipe locations, sizes and types.
 - b. Manhole locations.
3. Note the occurrence of any previous sanitary sewer overflow problems on-site or in the proximity of the site
4. If a septic system is to be utilized, note that on the plat. Show the location and test data for all percolation tests.
5. Regarding all proposed water systems on or near the site:
 - a. Provide pipe locations, sizes and types.
 - b. Note the static pressure and flow of the nearest hydrant.
 - c. Show the location of proposed fire hydrants, meters, valves, backflow preventers and related appurtenances.
6. All proposed underground or surface utility lines if determined: (this category includes but is not limited to telephone, electrical, natural gas and cable.)
 - a. Locations of all related structures.
 - b. Locations of all lines above and below ground.
 - c. A note shall be placed where streets will be placed under the existing overhead facilities and the approximate change in the grade for the proposed street.
7. The width, approximate locations and purposes of all proposed easements or rights-of-way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project.

Proposed and Existing Streets, Rights-of-way and Easements

1. The location, widths and names (avoid using first names of people for new streets) of all existing and proposed streets, allies, paths and other rights-of-way, whether public or private within and adjacent to the project; private easements within and adjacent to the project; and the centerline curve data; and all curb return radii. Private streets shall be clearly identified and named.
2. A layout of adjoining property sufficient detail to show the effect of proposed and existing streets (including those on the master street plan), adjoining lots and off-site easements. This information can be obtained from the Master Street Plan.
3. The location of all existing and proposed street lights (at every intersection, cul-de-sac and every 300 feet, and associated easements to serve each light.)

Site Specific Information

1. Provide a note describing any off-site improvements.
2. The location of known existing or abandoned water wells, sumps, cesspools, springs, water impoundments and underground structures within the project.
3. The location of known existing or proposed ground leases or access agreements, if known. (e.g. shared parking lots, drives, areas of land that will be leased.)
4. The location of all known potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas and the means of mitigating the hazards (abatement wall, signage, etc.)
5. The boundaries, acreage and use of existing and proposed public area in and adjacent to the project. If land is to be offered for dedication for park and recreation purposes it shall be designated.
6. For residential development, indicate the use and list in a table the number of units and bedrooms.
7. For non-residential use, indicate the gross floor area and if for multiple uses, the floor area devoted to each type of use.
8. The location and size of existing and proposed signs, if any.
9. Location and width of curb cuts and driveways. Dimension all driveways and curb cuts from side property line and surrounding intersections.

10. Location, size, surfacing, landscaping and arrangement of parking and loading areas. Indicate pattern of traffic flow; include a table showing required, provided and handicapped accessible parking spaces.
11. Location of buffer strips, fences or screen walls, where required (check the zoning ordinance).
12. Location of existing and purposed sidewalks.
13. Finished floor elevation of existing and purposed structures.
14. Indicate location and type of garbage service (Large Scale Developments only.) Dimension turnaround area at dumpster location.
15. A description of commonly held areas, if applicable.
16. Draft of covenants, conditions and restrictions, if any.
17. Draft POA agreements, if any.
18. A written description of requested variances and waivers from any city requirements.
19. Show required building setbacks for large scale developments. Provide a note on the plat of the current setback requirements for the PUD. A variance is necessary from the Board of Adjustment for proposed setbacks less than those set forth in the zoning district.
20. Preliminary drainage plan as required by the consulting engineer.

*All applicants submitting requests for PUD zoning before the Farmington Planning Commission shall provide written notice of the time and place of the regular or special meeting to the owners of all real property adjacent to the project. The notice shall include the name and address of the applicant, location of the project, and the time and place of the scheduled meeting. Notices shall be sent by certified mail, return receipt requested, to the last known address shown on the most recent tax records at the Washington County Tax Collector's Office. Applicants must submit a verified affidavit attesting to the delivery of the notice to all owners of real property adjacent to the project, a copy of the notice to each property owner, and copies of receipts evidencing pre-paid postage for each notice. The affidavit and supporting documents referred to above must be submitted fourteen (14) days prior to the regular or special meeting of the planning commission.

The application and plan will be submitted to the Technical Plat review committee. Any requirements of this committee shall be passed on to the planning commission for review and approval. Compliance with these requirements will become a part of the record and must be completed prior to approval.

A public hearing for the preliminary plan shall be set no later than sixty (60) days after filing and shall be legally advertised and adjacent property owners will be notified, as specified in the zoning ordinance.

At the public hearing before the planning commission, the applicant and interested citizens will have the opportunity to discuss the merits of the development proposal. The planning commission will assess the proposal in light of ordinance guidelines and will take action after weighing the recommendations of staff, the developer's presentation and the community response. The commission shall approve, grant approval with conditions on specified modifications, or disapprove the development proposal.

If the planning commission approves the preliminary plan, it will be forwarded to the city council for their review. The city council may grant or deny as submitted or as amended, defer for requested changes or information, or return the application to the planning commission for further study. The council may direct the planning commission to reconsider specific aspects of the preliminary plan. If the preliminary plan is approved, an ordinance shall be prepared which incorporates the plan or conditions. The developer shall provide construction plans to be approved by the City Engineer prior to issuance of a grading permit.

If a preliminary plan is conditionally approved, the applicant shall have ninety (90) days from the date of planning commission action granting approval to submit a revised preliminary plan. If City Staff determines such revisions are in conformance with the planning commission's specific recommendations, it shall be forwarded to the city council for disposition. If the revisions are determined not to be in conformance with the intent of the conditional approval, the revised development plan will be resubmitted to the planning commission for public hearing.

Appeals from the action of the planning commission shall be filed with the city clerk. The content of the of the appeal filing shall consist of (1) a cover letter addressed to the mayor and city council setting forth the request; (2) a copy of the application indicating the planning commission action and property executed by the staff. This filing shall occur within thirty (30) calendar days of the action of the planning commission.

3. *Final Plat*

Final Plat approved as a whole or in phases by the planning commission and city council following its review for conformity with the preliminary development plan. The final plat shall be approved prior to the issuance of any building permits within any portion of the planned unit development. The final plat shall be recorded prior to the issuance of a building permit.

In cases where a phased preliminary development plan is approved, an approved submission schedule for incremental final plat shall be followed. Requests for extensions shall be submitted in

writing to the planning commission, which shall not unreasonably withhold approval. A maximum of two (2) one-year extensions may be granted by the planning commission. Additional extensions shall require approval by the city council. Extensions must be applied for before the time elapses on preliminary approvals.

The final plat review shall be conducted by the planning commission and staff. They will review the final plat to determine that no substantial changes were made to those elements of the plan agreed upon in the preliminary development plan. If substantial changes are found to have been made to the agreed elements, then the application must be resubmitted for preliminary development plan review.

The final plat shall be deemed to be in substantial compliance, after review by City staff, with the preliminary development plan provided the plan does not:

- a. Increase proposed floor area for nonresidential use by more than five (5) percent.
- b. Increase total building coverage by more than five (5) percent.
- c. Increase total number of dwelling units by more than five (5) percent within a given phase. Fluctuation shall be permissible, provided overall density is maintained.

A public hearing need not be held to consider modifications on location and design of infrastructure improvements as detailed in the subdivision regulations.

If the planning commission finds only minor differences exist in the final plat, then the commission shall approve final disposition.

Approval or disapproval of a final plat by the planning commission shall occur within sixty (60) days of the filing of the plat. If the plan as submitted contains deviations of substance from the previously approved preliminary development plan the planning commission may, after meeting with the landowner, refuse to grant final approval and shall so advise the landowner of said refusal, giving the reasons such deviations are not in the public interest.

The landowner may either submit a final plat in conformance with the preliminary plan or file a written appeal with the city council within thirty (30) days of the refusal date. The city council shall consider the appeal at its next regularly scheduled meeting.

After the approval of the preliminary plat but before improvements are started, the developer shall submit engineering plans, a final drainage report, and specifications for the streets, grading, and storm drainage improvements including, but not limited to, profiles, specifications, and cross-sections along with grading and storm drainage plans and computations, pursuant to and in compliance with storm water drainage standards to City Staff for review and written approval prior to commencement of improvements. During the same period, the developer shall submit water and sewer plans and specifications to the appropriate water and sewer personnel. No work shall begin without prior approval of City Staff.

All streets which are to be dedicated to the city as public streets within the planned unit development boundaries shall be dedicated and constructed in conformance with the street construction regulations of the City of Farmington and must adhere to the city's master street plan.

Before the final plat has been approved, the applicant shall assure installation of required public improvements as required for final plat approval in the city subdivision regulations. After compliance has been reached with all provisions of the PUD regulation and subdivision regulation, the engineer of record shall present to the staff the original documents, which after application of proper signatures shall be recorded with the county clerk's office.

E. Submission requirements.

As part of the application process, the applicant shall be required to submit the following documents and information.

1. Preliminary development plan and plat.

- a. An application and checklist
- b. A copy of the deed for the property
- c. A statement describing the character of the development and including the rationale behind the assumptions and choices made by the application.
- d. A site plan as described in this regulation.
- e. A development schedule indicating the approximate date when construction of the development or stages of the development can be expected to begin and to be completed.
- f. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, including land areas, and dwelling units.
- g. A preliminary plat in accordance with the subdivision regulations for the city.

2. Final plat.

Information required on final plat: The following information, as well as any additional information the Planning Commission may require, shall be clearly shown on the final plat.

1. The name of the proposed PUD.
2. The boundary lines of the proposed PUD as determined by accurate field survey by a registered surveyor of the state of Arkansas. Length and bearings of courses shall be shown.
3. The total acreage of the proposed PUD.
4. Date of preparation, scale (1"=200', 1"=50') and north arrow.
5. Dimensions of all streets, alleys, easements, block, lot, parcel lines and buildings line and/or setback lines.

6. Location of monuments.
7. Location of railroad right-of-way and any other property owned by utilities.
8. Name of all streets.
9. Dedication by owner of all streets, alleys and lands for public use.
10. All easements and right-of-way granted by the owner.
11. Street curvature characteristics.
12. The following supporting data:
 - a. Certificate of ownership and dedication.
 - b. Certificate of accuracy – engineer and/or surveyor.
 - c. Certificate of approval of water and sewer system by State Health Department and/or the City of Fayetteville or the Washington Water Authority Water Superintendent.
 - d. Certificate of approval of streets and utilities by city official.
 - e. Certificate of approval of building set-back dimensions by City Building Inspector.
 - f. Certificate of approval for recording by the Planning Commission.
 - g. Certificate of plat acceptance by City Council and any other pertinent information or data.

Additional information to be submitted attached to final plat:

- A. Any restrictive covenants applicable to the lots intended for sale.
- B. Where the land to be developed abuts on the right-of-way of any existing or proposed state highway, the approval of the Arkansas State Highway Department shall be obtained and submitted attached to the final plat.
- C. Where the developer does not provide connections with municipal water and sewer systems, any and all water and sewer improvements must be approved by the Arkansas State Health Department. Such written approval shall be submitted attached to the final plat.
- D. Any plat lying outside the city limits of Farmington but within the planning area boundary shall be accompanied by a letter from the County Judge stating that the county has reviewed the plat and will accept the roads as part of the county system and the developer has agreed to comply with all county requirements.

Discrepancies: If boundary discrepancies are found the Planning Commission may require at the subdivider's expense a re-survey of the proposed PUD.

Approval: The Planning Commission shall approve or disapprove the final plat within ninety (90) days after its submission. If disapproved, the reasons therefore shall be recorded in the minutes of the Planning Commission. Failure of the Planning Commission to act within ninety (90) days from the date of the application shall be deemed approval of the plat. (Ord. No. 80-8.1, Sec. 2.) Building permits may be issued upon request by the owner or developer based on the approved final development plan and plat.

F. Modification of plan and plat.

Waivers or variances are not permitted. If, after the development of the PUD has commenced, it becomes either impossible or unconscionable for the applicant to adhere to the approved plan and plat, a modified plan and plat, consistent in intent, can be submitted to the planning commission for public hearing, with notice to adjacent property owners, and the city council for final approval. The modified plan and plat may be substituted for the original plan and plat upon approval by both the planning commission and the city council to the extent it is deemed just and proper so as to relieve the difficulty or hardship in question, provided that such relief may be granted without detriment to the public interest.

If the development of the PUD is abandoned by developer, the PUD zoning shall remain until a new developer brings a zoning request that is approved by City Planning Commission and City Council. This does not mean that the initial PUD developer can ask for rezoning after the PUD is approved.