



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

PLANNING COMMISSION AGENDA

September 22, 2014

**A meeting of the Farmington Planning Commission will be held on
Monday, September 22, 2014 at 6:00 p.m. at City Hall
354 W. Main Street, Farmington, Arkansas.**

1. Roll Call

2. Approval of the minutes – August 25, 2014

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 HEARINGS

A. Renewal of Conditional Use on Appeal Request – renewal of 62 Hwy. Gun & Pawn

Property owned by: Wallace Andrade (leased by Lee D. Dancer)

Property Location: 233 E. Main Ste. 18

Presented by: Lee Dancer

PLANNING COMMISSION MINUTES

AUGUST 25, 2014

1. ROLL CALL:

PRESENT

ABSENT

Bobby Wilson

Josh Clary

Judy Horne

Toni Bahn

Gerry Harris

Sean Schader

Matt Hutcherson

Robert Mann

2. APPROVAL OF THE MINUTES

The minutes for July 28, 2014 Planning Commission meeting were unanimously approved.

3. Comments from Citizens- No Comments.

4. **PUBLIC HEARINGS**

- A. Rezoning request: C & R Development-request rezoning from RE-1 to C-1.
Property owned by: Southwinds Land Co.
Property Location: 12514 N. Hwy 170.
Presented by: Jerry Coyle or Phil Robinson

Chair asked for comment from the city and there were none. He then requested comment from the petitioners. Phil Robertson spoke for the petitioners; he said they are planning a mini storage facility. The building would be brick and it would be an upscale facility with low traffic. Chair asked for questions from the commission, there were none. The chair asked how many people were in attendance regarding this issue. 16 people in attendance were concerned about this issue. The floor was opened for comments from the public regarding this rezoning. The chair made a cautionary statement indicating that individuals that wanted to speak should state their name and address for the record, be brief; less than three minutes and not repeat, he asked that they comment on the rezoning and address comments to the commission.

Joe Kilpatrick - 12568 Hwy 170: lives next to property. He is against the rezoning. He said it would decrease the value of his home. Mr. Kilpatrick sent a letter to the Chair that will be kept as a part of the record.

Geoff Bates -10824 Blue Sky Rd: If they build the property up 30' it will obscure their view; this property backs up to property against it. He also said it did not match future zoning – zoning in middle of residential.

Mike Dunigan - 2923 Archie Watkins RD: he was against it.

Travis Warren - 10976 Blue Sky Rd: his property backs up to property in question; he is concerned about light pollution.

Chair asked for more comment, no one came forward. Chair called for the question to approve the rezoning for 12514 Hwy 170. The vote was unanimously against; the item was rejected. They can appeal to Farmington City Council.

5. NEW BUSINESS

- A. Variance Request: 2 lots- reduce lot size to 1.47 acres instead of 2 acre minimum
Property owned by: Janie Steele
Property Location: 669 Rheas Mill
Presented by: James Gibson

Mr. Gibson indicated that there were two houses on the property and they would like to have separate ownership; minimal variance. City recommended approval. No public comment. Chair called for the question to approve; all voted in favor.

- B. Final Plat: Holland Crossing Commercial Subdivision
Property owned by Rausch Coleman Development Group
Property Location: Holland Drive and East Main
Presented by: Daniel Ellis Crafton Tull

Large lots – commercial subdivision. Chris Brackett went thru conditions that needed to be addressed for approval. The pond has to have grass before any development.

No Public Comment: The Final Plat was approved with one recusal subject to memo from Chris Brackett.

- C. Variance Request: Holland Crossing Duplexes – Side setback and lot width
Property owned by: Rausch Coleman Development Group
Property Location: 4735 Alberta Street
Presented by: Daniel Ellis – Crafton Tull

Chair asked for comment from the city, comments were made concerning the management of the zero lot line buildings, since we don't currently have this type of zoning in our city. City Attorney Steve Tennant discussed specific type of ordinance for this type of zoning, he had done some research and would like to have this classification in place before this type of building be approved. He did not like the idea of the mass variance that is being requested. He then requested comment from the petitioners. Mr. Ellis stated that there would be covenants and a POA. He also stated roof maintenance for homes would be up to the property owners, it would not be a city issue. Chair asked for questions from the commission, there were none. The chair asked how many people were in attendance regarding this issue. 26 people in attendance were concerned about this issue. The floor was opened for comments from the public regarding the variance. The chair made the same cautionary statement indicating that individuals that wanted to speak should state their name and address for the record, be brief; less than three minutes and not repeat, he asked that

comments be addressed to the commission. The floor was opened for public comment:

Brandy Samuels- 218 Christy: wants to make sure someone will manage the property.

Matthew Wright-4428 West Bungalow: concerned about project "buyer beware";

Beth Eagles - 4456 West Bungalow: Covenants only as good as POA.

Steve Tennant explained property rezoned in 2012 to multi-family has concern about the variance. We don't have ordinances to address this type of multi-family development. Bobby Wilson made a motion to table. Motion failed for lack of a second.

The Chairman called for the question regarding the variance and it was not approved; 5 voting against and one recusal.

- D. Large Scale Development/Preliminary Plat: Holland Crossing Duplexes
Property owned by: Rausch Coleman Development Group
Property Location: 4735 Alberta Street
Presented by: Daniel Ellis – Crafton Tull

Chair asked for comment from the City, Chris Brackett indicated that the engineer has his comments. Commissioner Schader was concerned with landscape plan; Chris indicated that we would see a landscape plan before final plat would be approved. Judy had question about dirt pile. Daniel said all dirt will be used. They have to put 3 to 4' of dirt over gas transmission line.

The floor was opened for public comment; same caution was given as before:

Linda Peters-5065 West Cofax Loop: Homeowner in the Coves Subdivision, she and her husband Huey own 3 properties. She spoke on behalf of all neighbors against duplexes. (She read her comments and they are attached.)

Matthew Wright- 4428 West Bungalow: lives in Fayetteville; was concerned about drainage.

Brandy Samuels- 218 Christy: Why is her house flooding? Concerned about flooding.

Huey Peters, spouse of Linda Peters, owns 4 properties and he wants only single family houses. He stated duplexes will be owned by investors and not kept up.

Sally Hennis- 4554 Alberta: in Walnut Crossing, Fayetteville has fear of property values going down.

Pam Delaney- 1293 S. Holland Dr.: has a concern of homes not taken care of –junky!

Public Comments Closed.

Daniel Ellis said drainage and zoning in compliance with Farmington ordinances Stephen Lieux from Rausch said the duplex site has overhead power lines and gas lines underground. Protective covenants and POA will be in place. Land use was discussed. Judy wants to see landscaping. Bobby asked about design

standards; when they might be approved. Steve Tennant indicated the design standard ordinance will be on the City Council agenda September 8th, 2014.

Chair called for question of preliminary plat approval per Chris' memo 8/25/14. Preliminary plat passed. Four votes in favor, one no and one recusal.

Sean made motion to adjourn and Matt seconded. Meeting adjourns.

Gerry Harris, Acting Secretary
Farmington Planning Commission

Robert Mann, Chairman
Farmington Planning Commission

Attachment to
8-25-14 minutes

August 24, 2014

Farmington Planning Commission
354 W Main Street
P O Box 150
Farmington AR 72730

Dear Planning Commission members,

My name is Linda Peters. My husband Huey and I own and reside at 5065 W Colfax Loop, in The Coves subdivision. We also own two properties in Walnut Crossing and another in The Coves.

Never in my wildest imagination did I think I would be forced to defend the integrity of my new neighborhood within 45 days of closing escrow and moving in.

We bought in The Coves, which was described as *"Fayetteville's newest premier home community, where modern day living meets historical charm."* It is indeed a charming mix of homes, and residents of all age groups and professions. The two or three primary company contacts involved in the completion of our home were very good to work with. The best part of the community, though, is the wonderful group of neighbors that we have become acquainted with the last few weeks. We all selected this neighborhood expecting a small community lifestyle a little way out from the hustle and bustle of the university, but close enough to enjoy all the amenities of Fayetteville, as I imagine many of our Walnut Crossing neighbors did.

And now we receive notice of this proposed duplex development right in the middle of all single family residential neighborhoods. This is rocking my world, and not in a good way. And clearly most other residents feel the same, residents of the communities that Rausch Coleman made a trademarked commitment of *"Improving quality of life, one home at a time"*.

Frankly, this is duplex proposal is a terrible idea. Let me count the ways:

1. We have seen duplex developments, such as the one across the street from the Southwinds SFR subdivision just a few blocks away from this City Hall, start out looking great and wind up badly in need of a good clean up and repair and a strong POA. With the exception of very high end projects, the sad reality of many multi-res developments is deteriorating neighborhood pride and responsibility that affects not only that project but the surrounding housing communities.
2. Even if each duplex is allowed to be sold as an individual unit, the likelihood of owner occupancy of the units is slim. These units are much more likely to be purchased by investors for rental purposes. Without a powerful POA, renters seldom demonstrate the pride of ownership of an owner-occupied residence.

3. With the blight of a multi-res development that lacks home ownership pride, the surrounding neighborhoods will experience a corresponding reduction in property values. The Walnut Crossing and Coves homes attract citizens whose primary residence is their greatest asset. Our nation has already gone through a horrible economic recession, from which many of us are just now recovering. We don't need another assault on our on our economic well-being.
4. Traffic congestion is a huge concern. We take our lives in our hands almost every time we try to turn from Holland onto Hwy 62. Until the state sees fit to take our concerns seriously by installing a traffic signal at that intersection, the congestion of a higher density housing development is not going to be helpful. Apparently Alberta may be extended to Ruppel Road, but that is not imminent either.
5. It is inevitable that we will experience a significant traffic increase on our local streets, posing a risk to the safety of current residents in an already busy recreation area utilized by walkers, bikers, and children.
6. This Thursday the City of Fayetteville Subdivision Committee is going to consider the Coves Phase II project that will consist of another 39 SFR's. Has Rausch Coleman not considered the likelihood that this proposed duplex development will negatively impact sales in the new phase?

I am a CPA. When I received my license I signed a code of professional ethics that I try to live by every day. I believe that ethics, morals and integrity begin with every one of us as individuals. We demonstrate our ethics, morals and integrity in our relationships with our families, friends and even strangers.

The Supreme Court has confirmed the premise that corporations are people. Fine. I personally believe that corporations should similarly be held accountable and responsible for the ethics, morals and integrity as any individual. So think of it this way: I can lie to you; but I should not, and I shall not. Rausch Coleman can renege on its commitment to its Walnut Crossing and Coves developments, but it should not. I hope it will not.

I would like to invite the corporate officers to buy and live in homes in Walnut Crossing, The Coves, or Coves Phase II. I'm sure they will want to share and experience the results of this ill-advised idea, because they "*will not settle for anything less than a satisfied customer*". I can guarantee that they will have a multitude of highly dissatisfied customers if this development isn't re-considered. And by "multitude", I mean homeowners with total property valued at tens of millions of dollars.

So is it possible to turn a lose-lose into a win-win by considering alternatives? Here are three:

1. SFR cottages, like those on Craftsman in Walnut Crossing. Smaller, dense, but less dense than duplexes.
2. Instead of an uncontrolled duplex development, why not turn it into a premier retirement residential community? Bella Vista is quite a distance away, and I believe there is only one each in Fayetteville and Springdale now. Baby boomers make up the largest demographic group in the nation, with stable incomes and a wealth of talent and energy to contribute to the local community. There are many active people 50 years old and above who are empty nesters,

ready to relieve themselves of large family homes in favor of smaller, cozier homes with less care and maintenance responsibilities. And they will still be able to enjoy the many activities and cultural events that Northwestern Arkansas offers. If one or two of the duplex units were replaced with a community center-type building, this could be accessed and supported by the retirement development, Walnut Crossing and The Coves communities. In addition, the community center could be made available to people outside of our subdivisions on a reservation and fee basis, for wedding receptions, celebrations, meetings, lectures and classes. This could create really great press for Rausch Coleman, an all-encompassing community that serves families at all stages of their lives. And if we wanted to take this a step further, we might even consider including a tornado or storm shelter that could be utilized by residents of our communities.

3. If duplexes are absolutely the final decision, then make them high-end, almost gated-community quality, with rigorous CCR's to enhance their desirability AND the value of the existing communities.

Any one of these alternatives is a better proposal than the one currently up for consideration. We respectfully request that the Farmington Planning Commission reject the current variance request and large scale development/preliminary plat for Holland Crossing Duplexes to allow consideration of a proposal that will not devastate existing and future SFR communities. We have skin in the game. It is in all of our best interests that Rausch Coleman continue to build successful, attractive communities, but ones that will enhance the quality of life for those customers who already bought into their vision.

Attached to this cover letter is a petition signed by nearly every resident of The Coves.

Sincerely,



Linda Peters

Attachment: Petition

/lp



Conditional Use on Appeal Renewal Application

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 until all information is furnished. Please complete the application checklist also.

Applicant: Lee Dancer Day Phone: 236-8080
 Address: 233 e main ste 18 Fax: _____
 Representative: Same Day Phone: 267-3232
 Address: 1620 elmsprins RD Fax: _____
 Property Owner: wallase andrade Day Phone: 857-4683
 Address: 734 W Pridemore Fax: _____

Indicate where correspondence should be sent (circle one): Applicant – Representative -- Owner

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

Property Description
 Site Address -- 233 e main ste 18
 Current Zoning -- C2

Attach a site plan (a scaled drawing of the property, showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow is required.)

Type of conditional use requested:

Pawn Shop

Responsibilities of the Applicant:

1. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners either by personal visit or a letter sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit (see attached), that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the City of Farmington has accepted the application and the date of the public hearing has been confirmed. The required Affidavit and supporting exhibits (mailing receipts, list of property

owners of record and copy of notice) shall be filed with the City of Farmington no later than seven (7) days prior to the meeting date. A sample notice is attached.

2. Pay a \$50.00 application fee
3. Provide a copy of the deed of the property.
4. Written authorization (by a signature below) from the property owner that the use presented is agreeable to them.
5. Complete the conditional use checklist.

The City will post a sign on the property at a location visible to the public, notifying the public of the intent to request a conditional use on the property.

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.

Jee Jovan Date 8-8-14
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 that the agent is authorized to act on his behalf.)

Marianne Andrade Ford Date 8-8-14
Owner/Agent Signature



Conditional Use on Appeal Checklist

Initial Application

Renewal Application

CONDITIONAL USE ON APPEAL MUST BE RENEWED EACH YEAR.

Applicant's Name Lee Dancer Date 8-8-14
Address 233 e main Ste 18 Zoning C-
Phone # 267-3232 Email @2 Pawn @ Att.net
Description of proposed use: Pawn shop

The following criteria must be answered with a "yes" finding before the Farmington Planning Commission will hold a public meeting on the Conditional Use on Appeal application. For #3 through #10, provide a brief explanation on the back of this form.

- Yes 1. A written application has been filed with the City and the \$50.00 permit application fee or renewal application fee has been paid.
- No
- Yes 2. Does applicant reside at the address that this conditional use was applied for?
- No
- Yes 3. The applicant has provided proof that each adjacent property owner has been notified by Return Receipt mail (initial applicants) or personal contact (for renewal only). If personal contact is used, a signed affidavit by the owner must be submitted. The affidavit must contain information notifying of the proposed intent and the date of the public hearing, at a minimum.
- No
- Yes 4. Are public services and utilities available and adequate?
- No
- Yes 5. Is fire protection adequate? Farmington Fire Chief must inspect and sign-off below.
- No
- Yes 6. Is the proposed use compatible with the surrounding area and the planned use for the area?
- No
- Yes 7. Is screening and egress safe and convenient?
- No
- Yes 8. Are off-street parking and loading areas adequate?
- No
- Yes 9. Will refuse and service areas **not** cause adverse effects on adjacent property?
- No
- Yes 10. Will off street parking and loading areas **not** cause adverse effects on adjacent property?
- No
- Yes 11. Will signs be in compliance with the City's sign ordinance? (In some zoning classifications signs are not permitted.)
- No
- Yes 12. Do the subdivision covenants* allow this use (if applicable)?
- No

Mark Cunningham
Farmington Fire Chief

APPLICANT MUST BE PRESENT AT THE PLANNING COMMISSION MEETING FOR THIS CONDITIONAL USE PUBLIC HEARING.

*The City of Farmington does not enforce covenants however; property owners and renters need to be aware of the requirements of their subdivision.

RECEIPT

DATE

8-12-74

No.

795707

RECEIVED FROM

Joe Daniels

\$ 50.00

DOLLARS

FOR RENT

FOR

Advertising the Democrat

ACCOUNT

PAYMENT

BAL. DUE

50.00

FROM

TO

BY

B. Coleman

- CASH
 CHECK
 MONEY
 ORDER

1182



AFFIDAVIT

I hereby certify that I Lee Dancer
Print name

acting as agent/owner, have provided notice to affected parties in accordance with the requirements set forth in the instruction given with the application and that the notice information provided is to the best of my knowledge true and factual. I am hereby enclosing the following supporting documents: copies of the notice, mailing receipts, return cards, and nay notices that were undeliverable.

Signature: [Handwritten Signature] Date: 8-8-14

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Melton Hall
14900 Prairie View
Prairie Grove, AR
72753

2. Article Number
(Transfer from service label)

PS Form 3811, July 2013

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Bette Nail

Agent

Addressee

B. Received by (Printed Name)

Bette Nail

C. Date of Delivery

8/9/14

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail®

Priority Mail Express™

Registered

Return Receipt for Merchandise

Insured Mail

Collect on Delivery

4. Restricted Delivery? (Extra Fee)

Yes

Domestic Return Receipt

7014 0510 0000 9308 6366

Domestic Return Receipt

PS Form 3811, July 2013

2. Article Number (Transfer from service label)

4. Restricted Delivery? (Extra Fee) Yes

3. Service Type

Certified Mail®

Priority Mail Express™

Return Receipt for Merchandise

Insured Mail

Collect on Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

B. Received by (Printed Name)

Melton Hall

C. Date of Delivery

8-9-14

A. Signature

X [Signature]

COMPLETE THIS SECTION ON DELIVERY

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Melton Hall
PO Box 28
Goshen, AR 72735



NOTICE OF HEARING BEFORE THE FARMINGTON PLANNING COMMISSION ON AN APPLICATION FOR CONDITINAL USE

To all Owners of land laying adjacent to the property at:

233 E main Ste 18

Location:

wallace andrade

Owned by:

NOTICE IS HEREBY GIVEN THAT an application has been filed for CONDITIONAL USE at the above property.

The purpose of this request is to use this property for:

Explanation: E2 Pawn shop

A hearing on said application will be held by the Farmington Planning Commission at Farmington City Hall, 354 W. Main Street, on September 22, 2014 at 6:00 p.m.

All parties interested in this matter may appear and be heard at said time and place, or may notify the Planning Commission of their views on this matter by letter. All persons interested in this request are invited to call or visit the City Business Manager at City Hall, 354 W. Main St., Farmington, AR 72730. Ph. #267-3865.

west and south

[Signature] - Jon Lamb Tractor Supply Co.