



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 24, 2018

**A meeting of the Farmington Planning Commission will be held on
Monday, September 24, 2018 at 6:00 p.m. at City Hall
354 W. Main Street, Farmington, Arkansas.**

1. Roll Call
2. Approval of the minutes - August 27, 2018
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. **Rezone Request:** 34.22 acres on Hwy. 170 rezone from A-1 to R-1
Property owned by: Richard Grubbs
Property Location: Hwy. 170
Presented by: Jorgensen and Associates

Planning Commission Minutes
August 27, 2018

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

PRESENT

Gerry Harris
Robert Mann, Chair
Judy Horne
Howard Carter
Matt Hutcherson
Bobby Wilson
Toni Lindsey
Jay Moore

ABSENT

None

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

2. **Approval of Minutes:** July 23, 2018 Minutes were approved as written.

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

Public Hearing:

4A. Telecommunication Permit located at 41 W. Main St. presented by Kayla Kramer:

Opening comments from City staff were made by Melissa. She stated that they have met all requirements that were outlined in our Ordinance and also Federal Regulations. Judy Horne asked why there were sixteen places in the check list that said N/A. Melissa addressed her question with the answer of that it was not a necessary item or requirement per the ordinance. They have turned in everything as per the application and ordinance outline.

Public Comment:

Terry Swift- 73 & 81 S Hunter St: Mr. Swift addressed the Commission and stated that his mother, Jean Swift, had the option for a cell tower to be placed on the property of 81 S. Hunter. He feels that cell towers need to be placed outside the city. He went on to say later that he was concerned about property values because of the cell tower being in the backyards of these homes.

Mike Bailey- 56 Old Depot Rd: Mr. Bailey stated he would like to have more information as far as the cosmetics and health risks due to the radio frequencies and power levels that are emitted while the tower is transponding.

Nikki Watkins- 80 Church St: Mrs. Watkins expressed concerns for the property values. She stated she had talked with realtors as well as a professor of Environmental Science. The realtors that she had spoken to stated that the property values will decrease due to no one looking in an area with a cell tower in close vicinity. They have shown that 90% of people will not look at a property near a telecommunication pole. The Professor of Environmental Science stated that it will attract a lot of bird activity.

Kayla Kramer with Smith Communications tried to address some of the questions that were asked by the property owners as well as Commissioners and City employees. She started off with addressing the question of property value. She has no knowledge or backing in that field. As for the emittance of frequencies and related health risks she went on to explain that the RF Engineers will operate within the spectrum authorized by the FCC. The bird problem is not relevant in this case because the workings of the pole are inside which eliminates the possibility of birds being attracted to the pole. The ascetics of the slick stick monopole will have less of an impact of visual obstruction or appeal. The Telecommunication Act addresses a lot of these questions for safety as well as health. Gerry Harris stated that if they didn't like it that if they take it to Court it will not apply and will be overturned and a Court won't do anything about it as long as it meets the criteria. Matt Hutcherson stated that he believes that the property values will decrease and that he feels that it should be placed outside of the city. Jay Moore went on to explain that if they can sue if we turn down the application because they have followed the ordinance and the Federal Regulations. Kayla stated that if the cell tower did not meet the FCC requirements that it would not be permitted. Mrs. Harris stated that there are dead zones within the city and that the City is growing. This means we need to expand. Jay asked how many carriers that are permitted to lease the tower. Kayla replied that it has 5 leases and that two are taken by Verizon. This leaves 3 leases for other companies or growth for Verizon. She stated that it will fill quickly due to most companies wanting to expand their coverage area. Robert Mann asked if the cell tower was going to be a relay tower or another type. Kayla answered that it will help fill in the gaps of coverage as well as data. It is a transmitting station which is a relay tower. Jay addressed Kayla about the health risks of having the tower close to proximity of residential areas. Kayla stated that prolonged exposure can have effects but the direction of the signal has a lot to do with it. The FCC reserves the right to determine what the MPE (maximum permitted exposure) is. Jay countered with the question of if there were any checks and balances to make sure that followed the regulations. Kayla answered that they have monitoring and testing to make sure that they are operating within regulation. Judy asked if they had looked in other areas. It was stated that they had but the coverage would not improve the dead zones which they are trying to eliminate.

Robert Mann called the questions to approve the Telecommunication Permit as presented by Kayla Kramer. Upon roll call, the ayes were: Howard Carter, Jay Moore, Toni Lindsey, Gerry Harris, Bobby Wilson; the no's were: Judy Horne and Matt Hutcherson; absent, none. Motion passed 5-2.

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

Judy Horne - Secretary

Robert Mann - Chair

City of Farmington Application for Rezoning

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.

Applicant: Michael Brand Day Phone: _____

Address: _____ Fax: _____

Representative: Jorgensen & Assoc Day Phone: 442-9127

Address: 124 W. Sunbridge Fax: _____

Property Owner: Richard Grobbs Day Phone: _____

Address: _____ 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 -- Hwy 170
Current Zoning -- R-1 Proposed Zoning -- R-1

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

SEE ATTACHED

Type of zoning requested and reason for request:

TO R-1 FOR SINGLE FAMILY RESIDENTIAL

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 must be 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 \$25.00 application fee
3. Provide a copy of the deed of the property.
4. Written authorization from the property owner if someone other than the owner will be representing the request.
5. Publish the following notice of public hearing in a newspaper serving the City (*Northwest Times, the Morning News, Arkansas Democrat-Gazette or The Farmington Post*). **THE NOTICE MUST APPEAR IN THE PAPER A MINIMUM OF 15 DAYS BEFORE THE PUBLIC HEARING DATE.**

NOTICE OF PUBLIC HEARING

A petition to rezone the property as described below has been filed with the City of Farmington on the 20th day of Aug, 2018.

PLACE LEGAL DESCRIPTION OF PROPERTY HERE

A public hearing to consider this request to rezone the above described property from A-1 to R-1 will be held on the 24th day of SEPTEMBER, 2018, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

A copy of the proof of publication from the newspaper must be provided to the City 10 days before the meeting.

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

✓ [Signature] Date 8/15/18
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.)

[Signature] Date 8/15/18
Owner/Agent Signature

RECEIPT

DATE 8-20-18

No. 318

RECEIVED FROM Argeman & Associates \$ 25.00

Twenty Five & 00/100 DOLLARS

FOR RENT
 FOR No-zone parcel # 760-02909-00 &

760-02953-000

FROM _____ TO _____
BY D. Collier

ACCOUNT		<input type="checkbox"/> CASH
PAYMENT	<u>25.00</u>	<input checked="" type="checkbox"/> CHECK
BAL. DUE	<u>0</u>	<input type="checkbox"/> MONEY ORDER
		<input type="checkbox"/> CREDIT CARD

City of Farmington, AR

08/30/2018 12:44PM 01
000000#4691 CLERK01

Development Fees \$25.00

ITEMS 10
CHECK \$25.00

WARRANTY DEED

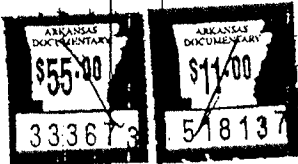
With Relinquishment of Dower and Curtesy

FILED FOR RECORD
98 NOV 16 PM 3 06
WASHINGTON CO AR
K. HARNES

KNOW ALL MEN BY THESE PRESENTS:

That Nathan D. Mefford and Charlotte Ann Mefford, husband and wife, hereinafter called GRANTOR, for and in consideration of the sum of One (\$1.00) and other good and valuable consideration DOLLARS in hand paid by Richard Lee Grubbs, Jr. the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Richard Lee Grubbs, Jr. hereinafter called GRANTEE, and unto his heirs and assigns forever, the following lands lying in Washington County, Arkansas, to wit:

A part of the SW 1/4 of the NE 1/4 of Section 3 Township 15 North Range 31 West, Washington County, Arkansas and being more particularly described as follows: Beginning and the Northeast corner of said forty acre tract, thence S00°50'10"W 462.07 feet; thence S59°50'06"W 390.16 feet, thence N02°57'34"E 656.21 feet; thence N89°31'08"E 310.19 feet to the Point of Beginning, containing 4.108 acres, more or less, subject to easements and restrictions, if any.



Waco do 76-234

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument.

Grantee Richard Lee Grubbs
Address _____

To have and to hold the same unto the said GRANTEE, and unto his heirs and assigns forever, with all appurtenances thereunto belonging.

And we hereby covenant with said GRANTEE that we will forever warrant and defend the title to the said lands against all claims whatsoever.

And we, Nathan D. Mefford, husband and Charlotte Ann Mefford wife, for and in consideration of the sum of money, do hereby release and relinquish unto the said GRANTEE a all our rights of dower and homestead in and to the said lands.

Witness my hand and seal as such Notary Public this 12th day of November, 1998

Prepared under the direction (L.S.) Nathan D. Mefford (L.S.)
of the Grantor/Grantee. (L.S.) Charlotte Ann Mefford (L.S.)
(L.S.)

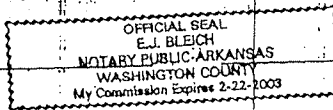
ACKNOWLEDGMENT

98100032

STATE OF Arkansas) ss.
COUNTY OF Washington
BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, Nathan D. Mefford and Charlotte Ann Mefford to me well known as the Grantor and his foregoing Deed, and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

Witness my hand and seal as such Notary Public this 12th day of November, 1998

My Commission expires: 12/22/2003



E.J. Bleich Notary Public

WARRANTY DEED.

With Relinquishment of Dower and Curtesy

FILED FOR RECORD
'98 JUN 9 PM 3 28
WASHINGTON CO AR
K. HARNESS

KNOW ALL MEN BY THESE PRESENTS:

That Max C. Tate and Elizabeth Arlene Tate, husband and wife, hereinafter called GRANTOR s, for and in consideration of the sum of One (\$1.00) and other good and valuable consideration DOLLARS paid by Richard Lee Grubbs, Jr. in hand the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Richard Lee Grubbs, Jr. hereinafter called GRANTEE, and unto his heirs and assigns forever, the following lands lying in Washington County, Arkansas, to wit:

A part of the SW1/4 of the NE1/4 and the SE1/4 of the NW1/4 of Section 3, Township 15 North, Range 31 West, Washington County Arkansas and being more particularly described as follows: Beginning at point which is the NE corner of said SW1/4 of the NE1/4 of Section 3; thence S00'50'10"W 1324.19 feet; thence S89'30'40"W 233.16 feet; thence N02'53'23"E 223.98 feet; thence S88'01'49"W 436.18 feet; thence N02'25'59"W 225.63 feet; thence S59'50'06"W 275.60 feet; thence Southwesterly along a curve to the left having a radius of 308.00 feet and an arc length of 113.01 feet; thence S38'48'46"W 27.60 feet; thence N89'21'39"W 857.10 feet; thence Northwesterly along a Non-tangent curve to the left having a radius of 6430.66 feet and an arc length of 1217.72 feet; thence N89'31'08"E 1375.14 feet to the P.O.B., Less and Except, tract 1 described as Beginning at a point which is the NE corner of said SW 1/4 of the NE1/4 of Section 3; thence S00'50'10"W 462.07 feet; thence S59'50'06"W 390.16 feet; thence N02'57'34"E 656.21 feet; thence N89'31'08"E 310.19 feet to the point of beginning, AND LESS AND EXCEPT: Commencing at the NE corner of said SW1/4 of the NE1/4 of Section 3; thence run S00'50'10"W 532.07 feet to the P.O.B, thence S00'50'10"W 331.85 feet; thence N89'09'50"W 211.30 feet; thence N03'38'04"E 211.34 feet; thence N59'50'06"E 234.47 feet to the P.O.B. The Grantee herein agrees that no new improvements may be constructed on the above described property within 40 feet from the centerline of Arkansas Highway 170 in order to accomodate future road improvements.

ARKANSAS DOCUMENTARY \$110 215824

ARKANSAS DOCUMENTARY \$550 0012514

48-1794 (50) Grubbs LB. WACC

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument.

Grantee [Signature] Address 11294 S Hwy 170 Farmington, AR 72730

To have and to hold the same unto the said GRANTEE, and unto his heirs and assigns forever, with all appurtenances thereunto belonging. And we hereby covenant with said GRANTEE that we will forever warrant and defend the title to the said lands against all claims whatever.

And we, Max C. Tate, husband and Elizabeth Arlene Tate wife, for and in consideration of the sum of money, do hereby release and relinquish unto the said GRANTEE a all our rights of curtesy, dower and homestead in and to the said lands.

Witness my hand and seal as such Notary Public this 5th day of June, 1998

Prepared under the direction of the Grantor/Grantee. Max C. Tate (L.S.) Elizabeth Arlene Tate (L.S.)

STATE OF Arkansas } ss. ACKNOWLEDGMENT
COUNTY OF Washington }
BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, Max C. Tate and Elizabeth Arlene Tate, husband and wife in the foregoing Deed, and stated that they to me well known consideration and purposes therein mentioned and set forth. had executed the same for the

Witness my hand and seal as such Notary Public this 5th day of June, 1998

My Commission expires: 2/22/2003

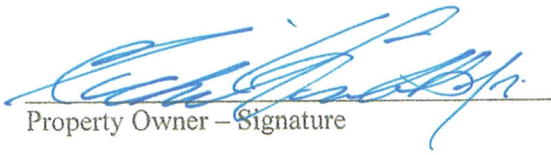
Prepared by

OFFICIAL SEAL E.J. BLEICH NOTARY PUBLIC-ARKANSAS WASHINGTON COUNTY My Commission Expires 2-22-2003

98048939 NotaryPublic

AGENT AUTHORIZATION

I (We), Richard L. Grubbs Jr., the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s), Jorgensen & Assoc., to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City of Farmington considering this application and to act in all respects as our agent in matters pertaining to the attached application.


Property Owner – Signature

Richard L. Grubbs Jr.
Property Owner - Print

Property Owner – Signature

Property Owner - Print

**NOTICE OF PUBLIC HEARING BEFORE
THE FARMINGTON PLANNING COMMISSION
ON AN APPLICATION TO REZONE PROPERTY**

To All Owners of land lying adjacent to the property at:

Location HWY 170 JUST EAST OF VALLEY VIEW
(See ATTACHED)

Owned by RICHARD CRUBBS

NOTICE IS HEREBY GIVEN THAT an application has been filed for REZONING of the above property from A-1 to R-1.

A public hearing on said application will be held by the Farmington Planning Commission at Farmington City Hall, 354 W. Main St. on Sept 24 2018 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, 479-267-3865.

**NOTICE OF PUBLIC HEARING BEFORE
THE FARMINGTON PLANNING COMMISSION
ON AN APPLICATION TO REZONE PROPERTY**

To All Owners of land lying adjacent to the property at:

HWY 170 JUST EAST OF VALLEY VIEW
Location (See ATTACHED)

RICHARD CRUBBS
Owned by

NOTICE IS HEREBY GIVEN THAT an application has been filed for REZONING of the above property from A-1 to R-1.

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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, 479-267-3865.

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FARMINGTON, AR 72730

OFFICIAL USE

Certified Mail Fee	\$3.45	0190
Extra Services & Fees (check box, add fee as appropriate)	\$2.75	12
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$6.70	

Sent To: Valley View Golf Club
 Street and Apt. No., or PO Box No.: 11522 CLUBHOUSE PKWY
 City, State, ZIP+4: FARMINGTON AR 72730

Postmark Here: CLARENCE B. CRABTREE STATION, FAIETTEVILLE, AR 72703-0827 08/27/2018

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$6.70	

Sent To: Jimmy Black
 Street and Apt. No., or PO Box No.: 11209 N. Hwy 170
 City, State, ZIP+4: Farmington, Ar 72730

Postmark Here: CLARENCE B. CRABTREE STATION, FAIETTEVILLE, AR 72703-0827 08/27/2018

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$6.70	

Sent To: Tuley Boyd
 Street and Apt. No., or PO Box No.: 11272 N. Hwy 170
 City, State, ZIP+4: Farmington, Ar 72730

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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$6.70	

Sent To: Travis Ratchford
 Street and Apt. No., or PO Box No.: P.O. Box 320
 City, State, ZIP+4: FARMINGTON AR 72730

Postmark Here: CLARENCE B. CRABTREE STATION, FAIETTEVILLE, AR 72703-0827 08/27/2018

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Extra Services & Fees (check box, add fee as appropriate)	\$2.75	12
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$6.70	

Sent To: Jacob McPores
 Street and Apt. No., or PO Box No.: 11247 N. Hwy 170
 City, State, ZIP+4: Farmington, Ar 72730

Postmark Here: CLARENCE B. CRABTREE STATION, FAIETTEVILLE, AR 72703-0827 08/27/2018

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Extra Services & Fees (check box, add fee as appropriate)	\$2.75	12
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$6.70	

Sent To: Larry Blakemore
 Street and Apt. No., or PO Box No.: 11918 N. Hwy 170
 City, State, ZIP+4: Farmington, Ar 72730

Postmark Here: CLARENCE B. CRABTREE STATION, FAIETTEVILLE, AR 72703-0827 08/27/2018

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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BENTONVILLE, AR 72712
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Certified Mail Fee	\$3.45	0190
Extra Services & Fees (check box, add fee as appropriate)	\$2.75	12
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$6.70	

Sent To: Richard G. Gibbs
 Street and Apt. No., or PO Box No.: 1215 NE Waverly
 City, State, ZIP+4: Bentonville, AR 72712

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Extra Services & Fees (check box, add fee as appropriate)	\$2.75	12
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$6.70	

Sent To: Billy Carnes
 Street and Apt. No., or PO Box No.: 11423 W. Hwy 170
 City, State, ZIP+4: Farmington, AR 72730

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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PRAIRIE GROVE, AR 72753
 OFFICIAL USE

Certified Mail Fee	\$3.45	0190
Extra Services & Fees (check box, add fee as appropriate)	\$2.75	12
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$6.70	

Sent To: Tom Frisbie
 Street and Apt. No., or PO Box No.: 113 S. Pittman St.
 City, State, ZIP+4: Prairie Grove, AR 72753

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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