

Planning Commission Minutes
July 22, 2024, at 6 PM

1. **ROLL CALL** – The meeting was called to order by Chair Robert Mann. A quorum was present.

PRESENT

Robert Mann, Chair
Bobby Wilson
Chad Ball
Gerry Harris
Judy Horne
Keith Macedo - Zoom
Norm Toering
Howard Carter

ABSENT –

City Employees Present: Melissa McCarville, City Business Manager; Jay Moore, City Attorney; Rick Bramall, City Building Inspector; Chris Brackett, City Engineer; Bill Hellard, Fire Chief; LeAnn Tolleson, City Administrative Assistant

Chairman Robert Mann stated that agenda item 1B. **Rezoning – From A-1 to MF-2, Property owned by MRS Enterprises, LLC. Location –229 N. Broyles St., Presented by Engineering Services** has been removed from tonight’s agenda.

2. **Approval of Minutes:** The June 24, 2024, minutes were unanimously approved as written.

3. **Comments from Citizens:**

Phyllis Young - 546 Goose Creek wanted to let those who were in attendance know the background of what was happening to her property. She stated that since December 17, 2021, her property floods almost every time it rains. The City of Farmington has a storm water drainage manual that they are supposed to go by stating that they cannot build a detention pond upstream from where it is going to cause erosion. The subdivision that is being built is causing major erosion to her land and she can’t get anyone to do anything about it. Ms. Young said, “she has asked repeatedly for the commissioners to come look at her property, but no one has”. Mr. Mann told her before they ever started building that the contractors could not cause more runoff on her property, and it has caused more runoff and destroying her land. Ms. Young asked the commissioners to think about the Bella Vista article that came out this week talking about a developer that built a house outside of the area it was supposed to and presented it to the City of Bella Vista, the city is letting them finish the houses that they have approved but banning the developer for three years. Ms. Young said, “why do we need a court for something that we already have rules”.

City Attorney Jay Moore stated that for those who were in attendance that didn’t know the city is no longer involved in the lawsuit with Ms. Young, but the city engineer is and that is why we are not speaking to Ms. Young about it and why we are not going out to her place and that is why we are letting it play out in court.

Having no further comments, Chairman Robert Mann closed the floor for public comments.

Unfinished Business

1A. Rezoning – From R-1 & R-2 to R-3, Property owned by DRP Holdings. Location –North side of Wilson Street, Presented by Jorgensen & Associates

No one from Jorgensen & Associates showed up. City Attorney Jay Moore said to move it to the end of the meeting to give them time to show up.

Public Hearings

2B. Rezoning – From A-1 to MF-2, Property owned by MRS Enterprises, LLC. Location –229 N. Broyles St., Presented by Engineering Services

This item has been removed from the agenda.

3B. Rezoning – From R-1 to PUD, Property owned by Schuber Mitchell Homes, Location –275 E. Old Farmington Rd., Presented by Schuber Mitchell Homes.

Tyler Merriott, Schuber Mitchell Homes; Mr. Merriott handed out a brochure to the Planning Commission. Schuber Mitchell Homes is requesting a PUD for the Dunn property at S. Holland Dr. and Old Farmington Rd. Mr. Merriott gave a presentation with information about the Silo Trails community.

Mr. Merriott introduced Laura Beckelman with Robson Properties, a management group who will manage the HOA with Silo Trails Community. Chairman Robert Mann stated to the Commissioners this is about rezoning, we are not deciding on a PUD tonight. City Business Manager, Melissa McCarville said yes you are deciding tonight, Schubert Mitchell Homes must meet all the criteria they are suggesting. The Preliminary Plat will be questions about the infrastructure, tonight you are discussing the rezoning, setbacks and these types of questions.

Laura Beckelman, Robson Properties Management; Ms. Beckelman stated that Robson Properties will manage the Silo Trails Community HOA and will help in the early stages of development. Ms. Beckelman stated that it is Robson's job as a managing agency to inspect the property and uphold all the convenance of the property.

Judy Horne asked where their property management office for NWA was located. Ms. Beckelman stated that they currently have just started partnering with Schuber Mitchell and as of now they are in Tulsa but plan on expanding to Missouri, Oklahoma and Arkansas.

Josh Oathout, OWN Engineering, Mr. Oathout stated that they have contracted with CJW to perform a traffic assessment on 363 units. They wanted to understand the potential impact on the roadway six intersections and four of the intersections are proposed connections, Sprague Lane, Old Farmington Road and Holland Drive. The Traffic team went out between the hours of 7am-9am and 4pm-6pm to obtain counts and analyze peak time traffic flow. A study for level of service from A (being the best) to F, this would tell if turn lane improvements were needed. The study showed that all these intersections behave and operate at a level of service A. No traffic concern at these intersections and no turning lane needed. Gerry Harris asked when this study was conducted, and Mr. Oathout answered February 2024. Mr. Oathout stated that the study did find that improvements were needed at Old Farmington Road and recommended widening the road and making those improvements with curb and gutter. They will be widening Holland Drive with curb and gutter. Norm Toering asked how many cars will be going in and out of the development, Mr. Oathout answered approximately 2,716 trip events, 1100 leaving the community and 1100 returning.

Tyler Merriott stated 42% of citizens in Farmington make less than \$75,000, as of June 14, zero homes were available in Farmington under \$250,000. Medium rent is \$1650 a month, and in Silo Trails the mortgage rate will be \$1575. Schuber Mitchell wants to provide affordable luxury housing that residents can afford. Gerry Harris said "\$1575 a month for mortgage, plus \$75 for yard maintenance, and \$200 a month for HOA dues". She went on to say that she went to Centerton to see the

development Schuber Mitchell has that is comparable to Silo Trails and there were no play structures for kids, no fence around the detention pond, and no place to park. There is a sidewalk out the backdoor and there is no place to put a grill to BBQ. Gerry Harris went on to say that she is afraid this is going to become college housing, or rentals or Airbnb's. She said that she spoke with a lady that owned an Airbnb but personally wouldn't live there. We understand affordable housing but not this dense of housing here in Farmington.

Chad Ball said we don't see the sidewalks that you said would be in the front of the houses, but we see every vehicle at the curb, will the sidewalk be obstructed? Mr. Merriott answered not every home will have a front sidewalk, majority of the homes will have a backdoor sidewalk. Chad Ball stated our Land Use Plan has this as an R-1, 10,000 square foot lot, this is less than 2,000 square foot lots and the current zoning is R-1. The future of Farmington as we look at the Land Use Plan zoning and does it fit the high density 8.77 acre and this is why I can't support this, with the high density.

Norm Toering said with parking spaces at each additional home that would make 263 additional spaces and that is not counting the two spaces at the pads, is that what you are proposing? Mr. Merriott said they will be strategically placed throughout the community. Kit Akard with OWN said there will be 249 additional parking spaces.

Keith Macedo asked City Engineer, Chris Brackett about the traffic study and Chris said that he reviewed it and agreed with their finding.

Chairman Robert Mann asked if the city had any questions. City Attorney, Jay Moore said to the commissioners to ask questions about rezoning, does it fit with the Land Use Plan and is it stair stepping from C-2 to R-1.

Keith Macedo asked Fire Chief, Bill Hellard how he felt about the 20-foot roads. Bill Hellard answered there will be no public parking on either side of the streets and asked if the property management would be the ones handling that or will it become a police matter and if no parking the width was fine.

Comments from Citizens:

Jill Toering, 306 Claybrook Drive; Went and saw the development in Centerton and it did not seem family friendly. The sidewalk is 2 feet in front of the house, someone had a BBQ grill right next to their house. Where will the children put their bikes, scooters and other toys. The inside of the house was wonderful.

Phyllis Young, 546 Goose Creek; I would not want my car parked down the road and away from my house. I agree with Gerry Harris, I believe it will turn into a college town.

Stephanie Ouyoumjian, 92 Wesley Stevens; My daughter found the community in Centerton, and we (parents) advised against it for the same reason the commission is against it. It won't appeal to everyone but will appeal to some, ultimately ask the builder to build more space.

Wesley Davis, 289 Old Farmington Road; Will they widen the whole road or just the part of the road, this is my biggest concern.

Having no further comments, Chairman Robert Mann closed the floor for public comments.

Chairman Robert Mann said if the commission votes no, Schuber Mitchell is done for a year. City Business Manager Melissa McCarville said that Schuber Mitchell could appeal to the City Council. Chairman Mann told Mr. Merriott that if they wanted to rework the plan and table it.

Bobby Wilson made a motion to table until the Aug. 26th meeting. Keith Macedo seconded the motion. Passed 6-1 Judy Horne voting no.

2D. Conditional Use Permit – Telecommunications Tower, Property owned by J-Z Farmington, LLC. Location –231 Lossing Street, Presented by Greg Farris

Greg Farris, SCI Wireless and Tillman Infrastructure, Mr. Farris stated that the conditional use permit went before the commission a couple of years ago. We originally asked for a monopole, but the commission said no you can only do what the code allows, internal mounted pole tree or a stealth application and doing this as a monopole tree was approved by the commission. We went through the process with the FCC, we always get local approval first then approval from the FAA, the SEC, in doing so it exceeded the time limit and now we are back asking for Conditional Use Permit to build communications tower.

Chairman Robert Mann said for the record the reason they are back is because the FCC held them up. Mr. Farris went on to say that it is a very wooded piece of property, and they would build an access road from the city road on the far west side up against the school's property. The nearest residents are 195 feet to the north and the rest of the residential property is a significant distance away. The conditional use permit meets code 100 percent with regulations that we have. Mr. Farris said that he wanted to remind the commission according to FCC regulations that if they demonstrate that they have a need for the cell tower the commission must have an overriding reason for us to not be approved. We have met your code and provided propagation maps that we have that need.

City Business Manager Melissa McCarville mentioned she gave a copy of the minutes from the Dec. 2021 meeting where it was approved to the commissioners. City Attorney Jay Moore stated that it meets all requirements of our ordinance. Chad Ball asked why we need a conditional use permit; Melissa McCarville answered every tower has to have a conditional use permit.

Mr. Farris was asked if he had seen the memo and he had not, City Engineer Chris Brackett said it was the same memo as before. Mr. Brackett read the memo:

The Conditional Use Permit for the SCI Wireless Telecommunications Tower has been reviewed and it is my opinion that the Planning Commission's approval should be conditional on the following comments.

1. A completed Grading Permit Application and fee must be submitted to the City prior to final approval of the construction plans. A preconstruction conference will be required prior to any grading on the site. The owner, their engineering consultant, and the contractor responsible for the best management practices will be required to attend this conference.
2. After a final review set of plans and drainage report have been approved by KMS, the applicant shall submit to the City one (1) set of the full-size plans and two (3) sets of the half-size plans, and one (1) copy of the final drainage report that have been sealed by the engineer of record for final approval and distribution.
3. This approval of this large-scale development is effective for a period of one year and thereafter as long as work is actively progressing on the installation of the required improvements.

Gerry Harris asked how high the cell tower will be above the tree line? Mr. Farris answered 40 feet.

Comments from Citizens:

Guy Von Bergen, 11512 Giles Road, asked if the tower fell, would it be 150 feet from the easement on his house.

Dustin Gamble, 25 Tolman Tree, the tower looks like it is going to be 40 feet above the tree line, what will that look like in the winter. Asked if there would be some kind of confirmation that the tower will go where they are saying it is going to go. He went on to say that when the tower gets built there will be people who will want to go and explore the area, and his biggest concern is why do we need two towers across the street from each other.

Jennie Mills, 68 St. John Place, I am the person who will be looking at this cell tower and is an eye sore inside of Farmington. Ms. Mills said she doesn't like that it will be close to schools with radio frequency radiation. She said her property value will decrease because of the tower. Ms. Mills asked where the access point would be off MLK and in order to build the fence to go around the tower a lot of trees would have to be knocked down. Ms. Mills stated that her neighbor Mr. Hauenstein, an adjacent property owner could not be at the meeting sent Melissa McCarville a letter saying he disapproved of the tower.

Sara Gamble, 25 Tolman Tree, asked about the lighting on the tower, will it have red, white lights, said that is something to think about with it being in her backyard.

Mr. Farris answered the questions that were asked by the citizens.

- The fall zone is 70 feet and towers don't fall from the bottom.
- There was nothing he could do about that, said the tower must be above the tree line so the signal could get through.
- The plans confirm the tower will be where the commission approves the exact location.
- The FAA determines if the area needs to be lit. If under 200 feet it requires no lighting. We plan on having security lighting and it will be motion censored inside the compound.

Chairman Mann asked about the security area and how they will keep people from getting in. City Attorney Jay Moore asked Building Inspector Rick Bramall if the city allows barbed wire on fence tops, Rick Bramall said usually there is a chain link fence with wire on top. Mr. Farris said it would be an eight-foot-tall wood fence with three string barbed wire at the top. There will be no cameras. There will be an access point off Lossing, and the dead end the access road will be built.

Chairman Mann asked City Attorney Moore to refresh the commissioner's memory about where state law, federal law, SEC law and our ordinances where they bump into each other. Mr. Moore said that when Steve Tennant (previous City Attorney) drafted the most recent cell tower ordinance he covered everything in conflict with SEC and brought it up to date two years ago. Everything at this point is up to date and meets our qualifications.

City Business Manager, Melissa McCarville received a phone call from Alan Hauenstein, he is adjacent property owner and is against it.

Keith Macedo made a motion to add light shield to the perimeter to the security fence Chad Ball seconded the motion. upon roll call vote, passed unanimously.

Chairman Mann called for question to approve the Conditional Use Permit, subject to City Attorney Brackett's memo and subject to the telecommunications tower agrees to shield its lighting and stay within the perimeter of fence and upon roll call vote, the CUP passed unanimously.

1A. Rezoning – From R-1 & R-2 to R-3, Property owned by DRP Holdings. Location –North side of Wilson Street, Presented by Jorgensen & Associates

City Business Manager, Melissa McCarville stated Jorgensen & Associates wanted to table to the August 26th meeting. Upon roll call vote, passed 6-1 Bobby Wilson voting no.

Adjournment: Having no further business, motion was made and seconded to adjourn; it was approved unanimously, and meeting was adjourned.



Chad Ball, Secretary



Robert Mann, Chair