

Planning Commission Minutes
August 26, 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
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

2. **Approval of Minutes:** The July 22, 2024, minutes were unanimously approved as written.

3. Comments from Citizens:

Phyllis Young - 546 Goose Creek stated that the subdivision being built behind her property is flooding the land and the city does not want to do anything about it. Ms. Young went on to say that she has attended numerous meetings and someone asked a question about something the commission is voting on that night and City Attorney Jay Moore gives his opinion and tells the Planning Commission they can do whatever they want to do but when Mr. Moore talks about what I want to do or not to do, he says it has to play out in court and that the City of Farmington is no longer in a law suit but City Engineer Chris Brackett is. Ms. Young said her question is Mr. Moore is here to give advice, he's not here to tell you what to do. I have never heard him say this needs to play out in court, but you do what you want to do. Ms. Young had one other question if you voted on something and the commission how you decide if you voted on something but later wished you voted a different way. Do you know how you would get that changed? Ms. Young went on to say she wonders when it becomes intentional for the City Attorney to let it play out in court. I never wanted to be in court, but I did wish the city would take some type of action to see if my assumption about what's happening to my land is true or not and at least have the Planning Commission come and look at it. Mr. Moore tells you to let it play out in court. Ms. Young stated that they started phase five a while back and last week I drove the property up to the fence where they are doing work and saw that the workers had thrown their bottles and cans on my side of the fence.

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

Unfinished Business

1A. 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 revised plans to the Planning Commission and presented an updated presentation showing the changes that were made from the July 22, 2024, meeting. Mr. Merriott stated that the Planning Commission asked for changes, and we listened to those comments. The Planning Commission wanted a reduction in lots, there was not enough parking and lack of yard and green space we heard the commission and made some changes. Went from 367 lots to 307, added more parking and green space. Mr. Merriott said he reached out to Bill Hellard, Fire Chief, to make sure the parking was correct. The Fire Chief asked that they remove the parallel parking in the back of the subdivision and the cul-de-sac in the south part of the community and to make sure we meet the requirements for a fire truck to turn around.

Mr. Merriott stated that looking over the revised plan the commissioners probably noticed some dramatic changes from the original concepts. 50% of the greenspace will allow for 48 feet between the closest point from one home to another. There will be 65 feet of greenspace frontage between homes, there will be parallel parking with two driveways on same side, meaning three parking spaces per home throughout the community.

Chad Ball asked will there be crosswalks from the trails to the park? Mr. Merriott answered yes. Keith Macedo wanted to know if the traffic study would remain the same with reducing the lots from 367 to 307 and if any of the service levels exceeding? OWN, Inc. Engineer Joshua Oathout said the traffic study identified that Old Farmington Road needed to be widened in front of the subdivision to the highway and as part of the improvements they would be doing that. Mr. Oathout went on to say that as part of the improvements will perform with the level service of A which is the best.

Norm Toering commented on the parking that is on the plan that was handed out, 315 parking spaces total, that is not counting the driveway. That would make 600 plus parking, 307 homes being 2 cars per unit. Mr. Merriott said that was the previous concept and they had made some adjustments.

Judy Horne stated in June Schuber Mitchell sent a letter and they had asked for five variances, with this change will you still be asking for the same variances, with this change will you still be asking for the same variances? Mr. Merriott said yes, they will be asking for the setback. City Business Manager Melissa McCarville said that it's not really a variance, it's the rezoning creating the PUD. City Attorney, Jay Moore said they won't be phrased as variances it's a PUD.

Public Comment: None

Chairman Mann called for question to approve PUD as presented by OWN Inc., from R-1 to PUD owned by Schuber Mitchell Homes, LLC. Upon roll call vote, failed 6-1 Keith Macedo voting yes.

After the vote, Gerry Harris made a comment to Tyler Merriott with Schuber Mitchell saying she appreciated trying to appease our concerns. Farmington is not an urban area yet and that they are a few years ahead of us. Farmington does not have public transportation or walkability yet.

2B. Request extension of Preliminary Plat- Wagon Wheel Crossing Ph. II.

Jason Higgens with Halff said they are requesting an extension trying to work through utility approval for development, they are not ready to go to construction and the approval expires in October.

Chad Ball asked for Jason to explain the issues that they were having. Mr. Higgens stated they had two different utility providers, City of Fayetteville and Washington Water Authority. They have spent almost four months trying to get comments back from the City of Fayetteville and that has held them back. Judy Horne commented that in October 2023 they had talked about the water flow at the high school and wanted to know if they worked that out. City Engineer, Chris Brackett answered yes, and he has approved it.

Public Comment: None

Judy Horne commented that a year ago there was mention that there be a school bus cut through at Hammerhead and if it was going to remain the same. Mr. Higgens answered the plans have not changed.

Chad Ball made a motion to extend from October 23, 2024, for 1 year to October 2025. Norm Toering seconded the motion. The motion passed unanimously.

Chairman Mann called for question to approve the request to extend the preliminary Plat for Wagon Wheel Crossing Ph. II upon roll call vote, the request to extend passed unanimously.

2C. Variance - Property owned by Mort Marshall, Location –10935 N. Appleby, Presented by Mort Marshall.

Mort Marshall, property owner, stated he is asking for a variance, the section B is under contract is on the other side of A and Side E eastern boundary line, needs 50-foot setbacks. The people trying to purchase the property have it under contract and are trying to position where the home will be and extra 25 feet and pull setback from 50 feet to 25 feet on eastern borderline on section B. City Business Manager, Melissa McCarville said that the way the survey is drawn the setback line may or may not affect the way the house is positioned. Chad Ball asked where does the city maintenance end on the property and where the parcel stops? Mr. Marshall answered, it stops at their parcel.

There was no public comment.

No further comments were made and upon roll call vote, request was approved 7-0

2D. Variance – Property owned by Jill Storlie, location – 9 S. Locust, Presented by Jill Storlie.

Jill Storlie, property owner, requesting a variance to allow rezoning of property, property was rezoned within the last year back in February 2024 before she purchased the property.

There was no public comment.

No further comments were made and upon roll call vote, request was approved 7-0

2E. Rezoning – Property owned by Jill Storlie, location – 9 S. Locust, Present by Jill Storlie.

Jill Storlie, property owner stated she purchased the property in March with the intention of living with her three children on the top floor and running her business on the bottom floor and needs to rezone from C-2 to R-O.

Public Comment Comments from Citizens:

Diane Bryant, 11761 East Creek Lane, asked what kind of business she was going to run downstairs. Ms. Storlie answered a floral studio.

No further comments were made and upon roll call vote, the request was approved 7-0.

2F. Large Scale Development – 7 Brew- 321 S. Main St., Presented by Bates & Associates.

Addie Manzi, 7230 S. Pleasant Ridge Dr., I am here to answer any questions you might have.

City Engineer Chris Brackett read a memo listing conditions for approval for the Large-Scale Development:

1. The fire flow, fire hydrant and fire lane locations must be reviewed and approved by the Farmington Fire Department prior to construction plan approval.
2. The water and sewer improvements must be reviewed and approved by the City of Fayetteville Engineering Department and the Arkansas Department of Health prior to construction plan approval.
3. Submit two (2) copies of the filed easement plat prior to building permit approval. A copy of the proposed easement plat shall be submitted to KMS for review and approval prior to signatures.
4. A sign permit will be required for the construction of any signage for this project.
5. The required fence will be required along the eastern property line of the parent

tract since the lot split is finalized at the time of this development.

6. 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.
7. 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.
8. 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.

Judy Horne stated that she did not see a screening for the walk-in cooler and wanted to know if there would be trees out front and it looked like those were going to be oak trees, there needs to be fewer trees but add low growing shrubs. Addie said that they will provide the screening and Chairman Robert Mann said Judy Horne would have to make a motion to request the fewer trees and add shrubs.

Chad Ball asked about the three connectors, one to connect to Casey's, one to Taco Bell and one to the right of way. Addie said that in the future they will connect, and the ROW will extend. City Engineer Chris Brackett said that they will have to submit for a lot split for separate development for the back of the property where the green space. Chad Ball stated there will be a lot of pedestrian traffic and asked if there would be places to sit? Wade Harden with 7 Brew said they typically just have one drive through, but we do have the ability to have pedestrian walk up with one canopy for cars and one canopy for walk ups.

Comments from Citizens:

Jeremy Lingo, 157 Angus Lane- Stated that this development is in my backyard and will create a bunch of traffic in my backyard, what will be done to prevent cut down on visible and the sound of traffic.

Carol Bruce, 110 Bonny Lane- Asked will the elementary school connect to Bonny Lane to 7 Brew? We don't want it to open the dead end because the kids play at the end of the street. Will you be adding drainage in conjunction with the 7Brew construction. A lot of people have had a lot of flooding issues. We did not have any communication letting us know about the development going on in our neighborhood.

Charlene Hobbs, 150 Bonny Lane- Will there be a drainage pond, and will you have a cut through on Bonny Lane, we don't want the road to go all the way through and we don't want the drainage pond because the children play at the end of the street.

Chairman Robert Mann addressed the communication issue and said that Ms. Bruce and Ms. Hobbs are not adjacent so they wouldn't have been notified. Everything is on the website and in the newspaper.

City Engineer Chris Brackett addressed the drainage issue and said that the field floods back through Angus and Bonny Lane goes in to ditch and goes toward the school. This is an existing problem they will have a detention pond, they will pipe it down Bonny Lane and into

ditch which they have agreed to do and in doing so it will take the problem off of Angus. The developers do not want to make a connection to Bonny Lane and Bonny Lane does not have a stub out to this property. Addie said due to the slope of extension the condition is shallow and they can reduce the drainage.

Chairman Mann called for question to approve the Large-Scale Development for 7Brew subject to Chris Brackett's memo dated 8/26/24 upon roll call vote, the Large-Scale Development passed unanimously.

2G. Variance – Brand New Church Property owned by Brand New Church, location – 700 W. Main, Presented by Bates & Associates.

Jerry Coyle- Coyle Construction stated that as he was looking at the Large-Scale Development, he needed to ask for a variance for a few things. Privacy fence where one section where house stops on the west side is a cow pasture and cows are tearing up the wooden fence. Other section shows a misprint in the Large-Scale Development, because it is not residential not required by code and does not have to have a fence put between church and fire department.

Chad Ball said one issue with the pasture, where is the second issue located? Mr. Coyle said the lot between the fire department and the church. City Attorney Jay Moore said that is correct, the commercial backs up the last slide, the way it was approved he must ask for a variance. Chairman Robert Mann said all commissioners received an email from Ashlee Phillips and will be part of official record.

Jerry Coyle said that Grace Lane being in back created a setback and because of easement created a 50-foot setback. We are looking for a place for the freezer, we want to put a building over it, and we need to ask a variance and be able to construct it. Gerry Harris said this is a 20 X 30 storage and it should have been included originally.

Chairman Mann asked how does an outdoor freezer fall legally? Jay Moore said he doesn't know, he will have to look in to it.

Chairman Mann stated he was told there are three items that we are discussing and only one variance on the agenda. City Business Manager Melissa McCarville said that one variance, but it listed them all. City Attorney Jay Moore said you can list them individually.

Chairman Mann the variances are listed as 1st variance: Pasture fence on the west side. 2nd variance: Fencing around east side by fire department. 3rd variance: Storage building setback for freezer.

Norm Toering asked what we approved was fences everywhere, now we aren't doing it? Mr. Coyle said no, we aren't saying we aren't doing it, asking not to do it. Norm Toering stated he was concerned about parking and now you want to take space away to put a shed with a freezer. Mr. Coyle said that is incorrect, we aren't taking any parking away and that does not affect parking at all.

Comments from Citizens:

Linda Braun, 323 Kelly, I need to understand where the building will be located, is it going to be on my side of Grace Lane or the church side of Grace Lane? City Attorney Jay Moore showed her on the map where it was located.

Ash Phillips, 12771 Tyler Road; Regarding the west fence, there is already a barbed wire fence to keep the cattle away. I would like a fence there so people aren't tempted to park on that side.

Chad Ball asked if the privacy fence will be normal wood fence on the west side? Mr. Coyle said they have not really designed it yet. Going to build something with longevity to it.

Chairman Mann called for question to approve the Variance for Brand New Church to waive pasture fence on westside upon roll call vote, the variance failed 5-2 Norm Toering, Judy Horne, Gerry Harris, Bobby Wilson and Chad Ball voting no.

Chairman Mann called for question to approve the Variance for Brand New Church to waive requirement previously agreed on Eastside upon roll call vote, the variance passed 5-2 Judy Horne and Norm Toering voting no.

Chairman Mann called for question to approve the Variance for Brand New Church for setback from 50ft to 15 ft. upon roll call vote, the variance failed 4-3 Norm Toering, Judy Horne, Gerry Harris and 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