

**Planning Commission Minutes
September 23, 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
Judy Horne
Keith Macedo 6:05 pm
Norm Toering
Howard Carter

ABSENT – Gerry Harris

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 August 26, 2024, minutes were unanimously approved as written.

3. **Comments from Citizens:**

Phyllis Young - 546 Goose Creek apologized to those that have already heard what she had to say at the City Council meeting on Sept. 9, 2024. Ms. Young brought a bucket of trash that she found on her property she picked up two weeks ago up against her fence. Ms. Young said that the trash was too heavy for the wind to blow it. She found a worker's boot setting up right against the fence, two workers gloves that did not blow across. Judy Horne had mentioned several meetings ago about Goose Creek Ph. 5 when Jorgensen's was here how bad the trash was. I know the city has laws about picking up trash, it is up to someone to enforce it. I called Rick Bramall's office and spoke to Chris McCarville; he gave me the number for DR Horton and the person I spoke with said he would take care of it. It was ok for a couple of days but then it was back to the way it was. I called Chris McCarville back and he would say he would talk to them again. Ms. Young stated someone needs to enforce the laws and they need to be stricter. Ms. Young went on to say that she still has water issues and that it didn't rain at her house today, but she had water going down the valley, and the city needs to help me and the citizens.

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

1A. Request extension of Preliminary Plat- The Grove at Engles Mill- Ph. 4.

Kendele Boyce from Crafton Tull explained that their project began last year without awareness of any sewer capacity issues. After progressing through planning and receiving city approval, the Department of Health raised concerns about capacity, prompting a sewer capacity study that identified several issues. They are now collaborating with the City of Fayetteville, RJM, and the City of Farmington's engineer to determine next steps. Due to these unexpected challenges, they are requesting a one-year extension on their timeline.

Chairman Robert Mann asked if she would go into more detail, asking Ms. Boyce what the issue was and if she would go into more depth of what's going on.

Ms. Boyce explained that much of Farmington relies on a main trunk line for sewer services, including the proposed development. During a sewer capacity analysis, concerns arose about the possibility of all toilets flushing simultaneously. The analysis revealed existing capacity issues, and due to health regulations, they cannot increase flow through the current pipes until they are upgraded.

Chris Brackett, City Engineer stated if the Planning Commission granted the extension, they will be subject to all conditions and approvals from the April 23, 2023, meeting.

Chad Ball asked the question, is there a timetable that City of Fayetteville gave you to complete their work so you can complete your study? Ms. Boyce mentioned that there have been several delays, but they are finally establishing a timetable, and she plans to meet with the City of Fayetteville in the next month or so.

Judy Horne asked Ms. Boyce if the city must expand the lines, or would that be City of Fayetteville? Ms. Boyce answered by saying a lot of the logistics is why we are asking for the extension. Judy Horne then said her concern and asked if we were running out of capacity. City Business Manager Melissa McCarville stated that it only involves the lines pertaining to this subdivision. The lift station that we built ten years ago has capacity for twenty-six thousand people in the City of Farmington.

Public Comment:

Mark Marquess, Riverwood Homes and developer of Engles Mill said about four and a half years ago, we purchased this property and collaborated with Riggins, who acquired Wagon Wheel. Together, we participated in the master planning process and contributed to the installation of a lift station. A sewer study was conducted at that time by Southwinds, and our combined investment in the project exceeded seven figures. We thought all these capacity issues had been taken care of and it came to a surprise to us about four to five months ago because it was already approved by the City of Fayetteville. When it goes to the City of Fayetteville it got sent to the Department of Health who is looking at everything differently. We don't know what the cost will be and will have to sit down and visit. We have the sewer study with RGM once we get that back from them, we will share it with everyone.

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

Keith Macedo asked what does the state say is wrong with the sewer? Ms. Boyce stated the state didn't call out any certain issues they mentioned they would like to see an in-depth sewer capacity analysis of our down streamlines.

Chad Ball expressed concern and explained that when any toilet at the high school or any toilet on Southwinds is flushed, it crosses a single line across Main Street. His worry is that this could lead to capacity problems.

Chairman Mann called for question to approve the request to extend the preliminary Plat for The Grove at Engles Mill-Ph. 4 upon roll call vote, the request to extend passed unanimously.

1B. 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 were in attendance.

Bobby Wilson commented this is twice no one has shown up. Chairman Robert Mann commented we can move on and maybe someone will be here soon. Bobby Wilson said he wanted to make a motion to take no action. City Attorney, Jay Moore stated you called it and if there is not enough evidence to vote it can be denied. You need to make a motion to vote on it considering the circumstances and that would be his recommendation. Keith Macedo commented it should be handled just like if they weren't here. We call the item, ask if anyone here to represent and move on.

Public Comment: None

Chad Ball voiced his concern and said over 50 acres of land with 35 feet of frontage is very concerning for him and he would not support it, said it is too small going from 75 feet to 35 feet.

City Business Manager Melissa McCarville said she had one issue if “we” the city erred by putting it back on the agenda and I would have to go back and look through emails to see if we weren’t given a direction from Jorgensen or the developer that they wanted to pursue it this month.

City Attorney, Jay Moore stated you could vote to turn it down tonight but could reconsider if they didn’t have proper notice to be here.

Chairman Mann called for question to approve Rezoning R-1 & R-2 to R-3, north side of Wilson St. subject to the vote will be revisited in the event if we find out the city made an error. upon roll call vote, failed 5-1 Keith Macedo voting yes.

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

Jason Apple, Engineering Services, Inc.; Commented that he is here to discuss the rezoning at 229 N. Broyles. We discussed this at the last work session and are looking at getting an MF-2 zoning for the property.

Chad Ball asked Mr. Apple why those chose MF-2 opposed to MF-1 and where it describes MF-1 as being the buffer between residential and high-density transition and that’s what you said on your application when we spoke last week. Mr. Apple answered and said we said that the MF-2 buffer would start from Broyles and work into the side streets. Based on feedback they are concerned with traffic.

Judy Horne voiced her concern stating she was concerned about the setbacks behind where people already live there. Judy Horne asked the planning commission could they request to change the setbacks. Chairman Robert Mann, answered no, it’s an ordinance and then asked if there are residents adjacent to the property and was told no. Judy Horne said she was just concerned because there are some houses that are adjacent. City Attorney, Jay Moore then asked Ms. Horne what do you propose the people do with the land? Ms. Horne answered she would be more favorable with a PUD then the commission could look at it and say you can’t put them there. Chairman Mann stated this is about rezoning.

Public Comment:

Steven Claypool, 221 Broyles; Mr. Claypool said his property is bordered by the north and the west property. There are two houses on Broyles that border the property, there are three or four houses on the southside of the property. He went on to say that he has lived there since 2009 and is very familiar with the property, there are drainage issues, and his biggest concern is going to be traffic. Broyles has turned into a major thoroughfare and it’s getting worse.

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

Chairman Mann called for question to approve Rezoning A-1 to MF-2 upon roll call vote, passed 5-1 Judy Horne 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