

Planning Commission Minutes
May 24, 2021 at 6 PM

1. ROLL CALL – Meeting was held using Zoom on-line service for visitors; commissioners were present at City Hall. Meeting was called to order by Chairman Robert Mann. A quorum was present.

PRESENT

Robert Mann, Chair
Chad Ball
Keith Macedo
Gerry Harris
Judy Horne
Howard Carter
Bobby Wilson
Jay Moore

ABSENT

City Employees Present:

Melissa McCarville, City Business Manager;
Chris Brackett, City Engineer; Rick Bramall, City
Inspector; Mayor, Ernie Penn; Steve Tennant,
City Attorney

2. Approval of Minutes: April 26, 2021 meeting minutes were approved as written.

3. Comments from Citizens: none

Public Hearings:

4A. Future Land Use Plan:

Consultant Sarah Guertz of Earthplan Design Alternatives presented a proposed future land use plan, based upon previous work session discussions. She began by reminding about the difference between land use and zoning. The Land Use Plan is a guiding document about where zoning will occur in the future. There could be several different zones within one large land-use area. Planning Commissioners felt that these new land use categories were too broad and needed to be more specific. Different types of categories were debated such as Highway Commercial, High-, Medium- and Low-Density Residential, Neighbor-hood Commercial, and how to define areas such as church properties. Sarah explained that will require a new map and another meeting with this group.

Zoning is a plan about where the city will grow and what will happen specifically in the next few years.

With considerable concern regarding the land use designations, it was decided to table further action but to allow public comment at this meeting.

Public Comment:

Brady Ghan- 9 Locust: He is worried about his area being surrounded by commercial properties when it primarily has been residential, including some new residences that have built nearby. Now, his neighborhood is shown as Highway Commercial.

Kara Gardenhire- 10815 Blue Sky: She wants to see the Commission manage the city's growth and limit the residential areas from being too high density. She asked how many proposed units for single family and multi- family are being built right now. There are currently 140 houses permitted and 32 multi- family units. In total to date, over 1800 single family homes are proposed to be built in Farmington. She later requested better clarification of numbers because as the Williams Elementary School principal, she is concerned about handling the increased number of students. She was also

concerned about sidewalks and crosswalks as a safety issue. Further, she agreed that the classifications of “low-medium residential” and “medium-high residential” were too vague. She was encouraged to call Rick Bramall for detailed information about building construction now under way.

Allison Brashears- 960 Foster Lane (located east of Double Springs): She was concerned about the extremely rapid growth and questioned the city’s ability to keep up with fire and police protection, and road improvements for increasingly traveled roads like Double Springs Road. It was explained that this will be discussed on the future Master Transportation Plan. However, the City Council has the authority to approve the funding for various improvements—not the Planning Commission. She was encouraged to go to City Hall and see the City’s Transportation Plan.

Sheila Andrews- 52 Woldale: like others, she wanted the categories of the land use plan more defined. She also spoke about her concern regarding the Cox development just adjacent to her property; if they develop the 10 acres it can potentially hold up to 70 residential units.

Chris Bryson- 324 S. Hunter: He appreciated the Land Use Plan being tabled for more discussion. He said this new, proposed Land Use Plan shows high density use exactly in the area where recently the Commission denied the proposed higher density development, City Council denied it, but developer sued to get the rezoning. He was concerned that showing it high density then legally allows such as multi-family to be built in that area. He reminded that the city attorney said at the last City Council meeting that the city is legally obligated to follow the future land use plan.

City Attorney Steve Tennant said the Land Use Plan is intended to be used as a guide to determine the future development of the city as well as creating transition areas from low density to high density. Anyone could look at the LUP and see what could be developed in the various areas of the city.

Keith Lipford- 280 S. Hunter: he said he, and many others, do not want more high-density areas. They are asking for areas of single-family homes, so he felt the new Land Use Plan should reflect the wishes of the citizens.

It was brought to the attention of the City staff that the public should be able to see the current version of the land use map and the proposed one side by side. Also, the PDF copy needs to be more visible on the website. Bobby Wilson said that getting meeting items only 3-4 hours before a meeting isn’t enough time to be prepared.

Having no further discussion, Chad Ball moved to table this item until the next meeting, Motion was seconded by Jay Moore and passed unanimously.

4B. Preliminary Plat- Hillcrest Subdivision located off Hwy 170 property owned by EBL Investments as presented by Blew & Associates, PA:

Cody Sexton was present to discuss the request which was being resubmitted at request of Commission. Developer has made modifications to the detention pond since the current golf course detention pond floods. The new pond is in a stormwater easement and should address a lot of problems and improve problems of the past. It will contain the current as well as the future storm water that comes off the property.

Chris Brackett read his memo as follows:

“The Preliminary Plat for the Hillcrest Subdivision has been reviewed and it is our opinion that the Planning Commission’s approval should be conditional on the following comments.

1. The Highway 170 improvements are shown on the plat (excluding the drainage). It is our understanding that the owner would like to pay money in lieu of these improvements. The Planning Commission must approve paying money in lieu of these improvements.
2. The fire hydrant locations shown on the plat and the utility plans must be reviewed and approved by the Fire Department.
3. The water and sewer improvements must be reviewed and approved by the Washington Water Authority, Washington County Improvement district no. 5, and the Arkansas Department of Health prior to any construction activities.
4. The developer will be required to pay the City of Prairie Grove sewer access fees at the cost of \$1,100 per lot. Proof of this payment will be required prior to any construction activities.
5. Payment in lieu of Park Land Conveyance will be required for this subdivision. The payment for 82 lots will be \$600 per lot or 449,200.
6. A completed Grading Permit Application and fee must be submitted prior to final approval of the plans. A preconstruction conference will be required prior to any mass grading on the site. The owner, the engineering consultant, and their 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 has been approved by Olsson, the applicant should submit to the City two (2) set of full-size plans and three (3) set of half size plans, and two (2) copies of the final drainage report that have been sealed by the engineer of record for final approval and distribution.

Mr. Sexton accepted the conditions in Chris Brackett’s memo. Lot 62 containing only .14 acre will not be dedicated to the City as park land. They agree to pay money in lieu of the park land conveyance. The lot is not suitable for residence construction.

Public Comment:

Peggy Hodapp- 11102 Payne Stewart Dr: wanted to know if water runoff would flood her property more than she has now. The golf course behind her house floods her back yard constantly. An expensive French drain was installed but did not improve flooding. Others in her area also have flooding, and water erosion is starting to collapse the sidewalk.

Chris Brackett stated that the builder has changed the plan so water flow will not increase on current property owners. However, developer doesn’t have to correct the already existing problem in Valley View, although Mr. Sexton believes it will improve their situation. By law, developer cannot release any more water than what is already flowing onto the property.

Mr. Sexton said the pond has been enlarged more and they have a drainage easement agreement between the golf course owner and EBL Investments to use a golf course pond as part of the storm drainage system. He felt that their plan will slow the water flow from what it is now.

A long discussion followed with the Planning Commissioners agreeing that developer could pay a fee in lieu of making street improvements but must build the sidewalks, even though they do not yet connect to other sidewalks in Valley View or on Clyde Carnes. Jay Moore moved that Hillcrest Subdivision’s Highway 170 street requirements be waived, but sidewalk construction on Highway 170 will be required. Chad Ball seconded the motion and upon vote, motion passed unanimously.

Chairman Robert Mann called for question to approve the Preliminary Plat for Hillcrest Subdivision, subject to City Engineer Brackett's conditions and to the requirement that sidewalk improvements the length of the development on Highway 170 shall be made. Upon roll call, motion passed unanimously.

4C. Final Plat- Cedar Crest property located off Broyles St. Parcel #760-02400-200 owned by Hampton Holdings, LLC as presented by Morrison Shipley:

Engineer Patrick Foy was present to discuss the PUD Final Plat and approval request.

Steve Tennant questioned a part of the covenants which mentioned "two phases", however Cedar Crest is only one phase. He also reminded that with a PUD, what is originally stated and agreed to can't be changed if the builder abandons project and later there's a new owner. Robbie Bader stated that they put that wording in all their contracts but agreed this portion can be stricken from the contract, and the City Attorney could strike whatever he wished. He assured the Planning Commission as well as Steve that they will not be building another phase. In answer to question by Jay Moore, Robbie Bader said they would build on each buildable lot. Also, they will retain ownership of the multifamily homes.

Chris Brackett read his memo:

"The Final Plat for the Cedar Crest PUD has been reviewed and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. The required Payment in Lieu of Park Land Conveyance must be paid prior to the signatures on the Final Plat. this fee will be \$600 per single family unit and \$300 per multifamily unit. The fee will be \$44,400 for 74 single family lots, \$22,800 for 76 duplex units (38 lots) and \$21,600 for 72 townhome units (12 lots) for a total of \$88,800.
2. All public improvements including the sidewalk along Broyles Street and South 54th Avenue must be completed and a Final Inspection scheduled. All punch list items must be completed and accepted prior to final approval of the final plat.
3. A one- year Maintenance Bond to the City of Farmington for all public improvements with the exception to the water and sanitary sewer improvements must be provided prior to the signatures on the Final Plat. The engineer must submit an itemized cost of these improvements for approval prior to obtaining the bond.
4. If the sidewalk construction is to be delayed until the home construction then the developer shall provide an escrow account in accordance with Ordinance No. 8.1 ©, 3 (A). The engineer shall provide a cost estimate for the construction of the sidewalk for approval.
5. If the installation of the Street Lights has not been completed at the time of Final Plat signatures, then the developer shall provide the paid invoice from the electric company for these lights.
6. Provide one original and 6 copies of the recorded plat to the City."

The city engineer's requirements were acceptable to the Cedar Crest representative.

Public Comment: None

In further discussion, it was stated that Cedar Crest streets will be public streets. Although, street names are not shown on the plat, they are in process. Gerry Harris asked for signs to prevent parking on the streets which are 27 feet from curb to curb. There will be covered parking for the townhomes;

and as requested by Commissioners, they have increased from one parking space to two. Also, there will be covenants with some parking restrictions including no overnight parking on streets.

Having no further discussion, Robert Mann called the question to approve the Final Plat for Cedar Crest subject to Chris Brackett's memo and striking the "second phase" language from covenants. Upon roll call, the motion to approve passed unanimously.

4D. Variance - tract split for property located off Hwy 62 & Jimmy Devault; owned and presented by Mark Silva:

Mark Silva, 12198 Little Elm Road, was present to discuss the request. He asked to split his land into four 5-acre tracts on Bethel Blacktop Road, and two 10-acre tracts to the north on Jimmy Devault.

Melissa McCarville read her memo with her recommendations:

"Current zoning for this property is RE-1, which allows for a 2-acre minimum lot size. The current land use plan indicates Agriculture for this area. The proposed land use plan also indicates Agriculture for this property. While this request is not strictly in keeping with the current land use plan, it is not objectionable; large lots, 5 acres or more are compatible with agricultural uses.

Since the 2 lots to the north would have drives on Jimmy Devault and the four lots to the south would have drives on Bethel Blacktop the increased traffic on either road would not be substantial. However, the reason the subdivision/ lot split ordinance is written to exclude this many splits, is so that developers are required to improve infrastructure in the vicinity of their developments. Allowing a variance gives the planning commission the option of requiring conditions on the petitioner. The Planning Commission could consider approving the variance with the condition that the developer pay in lieu of installing improvements, as required in the subdivision regulation, on the adjacent streets. With this condition, staff would recommend approval of this request." [End of Memo]

There are two options that he can take: he can get it approved with the improvements and have the six total lots or do an administrative lot split with Melissa and only have four lots. Then he cannot split it again until 10 years have passed. It was noted that this 40 acres ends at edge of the city limits, but is in our planning area.

Because the commissioners believe there will be rapid growth in that area in the near future, traffic problems will develop, thus their commitment to road and sidewalk improvements being completed. Also, the need for a variance was not viewed as a hardship situation. Mr. Silva would have to dedicate the right-of-way as well as do the improvements to get it approved.

Public Comment:

City Council member Bobby Morgan felt Jimmy Devault Road would not be able to handle traffic as it is a very narrow, almost one-lane road. Also, he believes there will be additional development in that area very soon. Commissioners, and also citizens on-line, agreed regarding traffic congestion.

The right of way dedication aspect was discussed but Mr. Silva was reluctant to lose part of the property. However, Jay Moore moved that dedication of right of way be made a part of the requirements for tract split. Seconded by Judy Horne and upon roll call, passed unanimously.

Chad Ball moved to add a condition to the variance that would include Melissa McCarville's memo with required infrastructure improvements on Jimmy Devault and Bethel Blacktop, with payment in

lieu of improvements, to city as set forth in the subdivision regulations of the city. Motion was seconded by Bobby Wilson and passed 5 - 2. Ayes: Ball, Carter, Horne, Moore, Wilson. No: Harris, Macedo.

Mr. Silva decided to pull the item from the agenda because he said the cost would be astronomical.

4D. Conditional Use for Sale of Fireworks by Hale Fireworks Central Arkansas; property owned by Rausch Coleman and leased by Reggie Hale located at 120 N. Holland St as presented by Reggie Hale:

Chase Hale was present via zoom to discuss the request. They lease the property from Rausch Coleman and this will be their 8th year. They have met all requirements for the fireworks operation.

Public Comments: None

Having no further discussion, Robert Mann called the question to approve the conditional use for fireworks. Upon roll call, the motion passed unanimously.

Robert Mann encouraged all commissioners to go view property next to his business in Fayetteville where a unique underground detention pond is being constructed that has a parking lot on top of the pond.

5. Adjournment: Having no further business, the on-line Planning Commission meeting was adjourned.



Judy Horne Secretary



Robert Mann - Chair