

Planning Commission Minutes January 22, 2018

1. **ROLL CALL** – Meeting was called to order by Vice Chairman Gerry Harris. A quorum was present.

PRESENT

Howard Carter
Jay Moore
Matt Hutcherson
Toni Bahn
Gerry Harris
Bobby Wilson

ABSENT

Judy Horne
Robert Mann, Chair

City Employees Present: Melissa McCarville, City Business Manager; Steve Tennant, City Attorney; Chris Brackett, City Engineer

2. **Approval of Minutes:** December 18, 2017 Minutes were approved as written.

3. **Comments from Citizens:**

Gerry Harris commented the City is working on a solution regarding the flooding issues. Letters were sent to let residents know there will be a meeting in February to discuss issues with City officials and engineers. Please no personal comments or attacks to members of the planning commission or City Staff. There is an officer in the room if needed.

Neil Barnes-11034 North Hwy 170 – stated he did go to city council meeting to speak with them about the drainage issue. Mr. Barnes asked Chris Brackett if there was a 404 permit. Chris Brackett answered that a 404 permit was not necessary. Mr. Barnes stated he appreciates everyone trying to work together to solve the issue.

Diana Lee- 10690 North Garland McKee Rd. - posed the question if the February meeting works together or independently of the drainage issue. Chris Brackett explained that the money the developer would have spent on the detention pond will be given to the city to make improvements needed to better drainage overall. The 10 acre pond wasn't going to work for downstream effects. The money will be paid before the city signs the plat. Diana asked if development will start before knowing what drainage issue and solution are. Chris Brackett explained that money was better spent if given to city to work to fund a more effective solution. Developer could have proceeded in meeting city ordinances but would have the same problems with drainage they have now. The City is going to spend a lot of money to make this a good solution. Developer will end up spending \$100,000-150,000 toward this. Diana pointed out that they have been given multiple options that haven't been followed through with. Jay explained that we now finally have a plan and have heard issues, to work with citizens, developer, engineer, etc. to find a solution to the drainage issues. He went on to remind everyone that the developer is giving money toward the solution and will move us further along than just following city ordinances. Gerry encouraged all to come to Feb. meeting. Bring ideas and be a part of the solution.

PUBLIC HEARING

4. **Rezone request for Farmington Heights Phase II from A-1 to R-1 and R-3 (Single- Family Residential), Property owned by Indian Territory, LLC:**

Ferdi Fourie of Civil Design Engineers, Inc. was present to answer questions.

No comments were made by the City.

Vice Chairman Harris asked if everyone had read the memo from City Engineer, Chris Brackett. Mr. Brackett's memo follows:

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

1. The final cost estimate for the agreement accepted with the Preliminary Plat between the City and the Developer must be accepted by the City and payment must be paid prior to final plat signatures by the City.
2. An inspection to verify that the new property corners have been set must be made prior to final plat signatures by the City."

Public Comment:

Ashley Swafford-5581 Sellers Rd.- lives north of the area. She is opposed to R-3 because it doesn't fit in the area. Supports rezoning to R-1. High density housing doesn't fit in with existing land use. Also concerned with addition of traffic with more housing in the area. Ferdi Fourie stated that he would be willing to amend it from A-1 to R-1 only and leave out the R-3. Ashley Swafford asked Melissa McCarville and Steve Tennant if they could vote on it since they are changing the request from A-1 to R-1 and R-3 to A-1 to R-1 only. Steve Tennant addressed the question and said that they legally are fine to hear and vote on it now rather than waiting the 12 months to hear it again. Jay Moore asked for clarification and said that he feels that Ashley is right that the area is not right for the R-3 zoning.

Gerry Harris called the question to approve the rezone request for Farmington Heights phase 2 from A-1 to R-1. Upon roll call, ayes were Howard Carter, Jay Moore, Matt Hutcherson, Gerry Harris, Toni Bahn and Bobby Wilson; absent, Judy Horne and Robert Mann.

NEW BUSINESS

5. Final Plat for Hillside Estates located on North Garland McKee, owned by Lots 101, LLC (Tom Sims) property owner:

George Duquesne of Blew and Associates, P.A. was present to discuss the request.

Representatives of the City had no comments.

Chris Brackett went over the memo dated 1-22-18 (see Memo)

Public Comment:

Neil Barnes, 11034 North Hwy 170- wants to make sure city doesn't lose bargaining power. Tom Sims said has already received two bids and is waiting on a third. He is concerned with increase of water

drainage. Mr. Barnes also stated that there is another 500 acres that could be developed. Wants to make sure city and tax payers don't lose leverage.

Steve Tennant clarified Chris Brackett's memo stating that everything has to be paid before city signs off on final plat

Diana Lee-10690 North Garland McKee Rd. - stated why approve now; why not delay. Chris Brackett answered that negotiation is give and take. City will let the developer move forward because three houses will matter minutely. City has committed to the money spent. Diana Lee pointed out that two other solutions haven't happened. Chris Brackett clarified that we could let developer just make improvements called for by city ordinance and pass it but there won't be a major change with decrease in the issues. But what city is trying to do will be a substantial improvement with costs shared with city and developer. City would have spent \$250,000 for a tiny improvement or can improve much more with money from developer. Diana Lee doesn't understand what the hurry is. Chris Brackett explained it again. Bobby Wilson explained that a small pond was required by our ordinances, but developer even came back and offered a bigger pond. The longer we drag out discussion the longer it takes until work is being done.

Tenant further explained that developer wouldn't be adding to the problem so would have met the ordinances and drainage manual. This work will get closer to really truly fixing the problem. He asked Chris for a ballpark figure. Chris said would be upwards of half a million dollars or more.

Robert Caster- wanted clarification on spending money from developer. City will pay majority. And clarify that the new development won't add to the problem. Jay clarified that citizens are worried that Planning Commission is putting developer above citizens but they aren't.

Neil Barnes- wanted to clarify for neighbors. Sims is only asking for 3 houses and is negotiating with the city to give money to help fund solution. Planning Commission is handcuffed when developer meets the ordinances and regulations. This needs to be taken into consideration.

Gerry Harris stated again that since the developer meets the city ordinances, we are legally bound to approve.

Diana Lee- hopes when Commission makes future decisions to keep in mind when asked for rezoning, etc. to look forward. She also stated she appreciates work the Planning Commission does.

Robert Caster- still wanted more clarification on ordinance and previous explanations were given again.

Chris Brackett said City is trying to fix problem caused by a subdivision development that was built years ago under Washington County guidelines because it wasn't in Farmington at that time.

Gerry Harris closed the floor public comment. She called the question for approving Hillside Estates final plat. Upon roll call, ayes were Howard Carter, Bobby Wilson, Gerry Harris and Toni Bahn. The no's were Jay Moore and Matt Hutcherson; absent Judy Horne and Robert Mann.

Motion passed 4-2.

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



Judy Horne - Secretary



Robert Mann - Chair