

Planning Commission Minutes January 23, 2023 at 6 PM

1. **ROLL CALL** – Meeting which was available in person was called to order by Chair Robert Mann. A quorum was present.

PRESENT

Robert Mann, Chair
Gerry Harris, Vice Chair
Bobby Wilson
Chad Ball
Keith Macedo
Norm Toering
Howard Carter

ABSENT

Judy Horne

City Employees Present: Melissa McCarville, City Business Manager; Rick Bramall, City Building Inspector; Mayor Ernie Penn; Jay Moore, City Attorney; Bill Hellard, Fire Chief; Chris Brackett, City Engineer

2. **Approval of Minutes:** The November and December 2022 minutes were approved as written.

3. **Comments from Citizens:** None.

Public Hearings:

4A. Preliminary Plat- Goose Creek Ph. 5; Owner - Red Canyon Development; Location - west of Goose Creek Ph. 2; Presented by Jorgensen & Associates:

Jared Inman with Jorgensen & Associates was present to discuss the request. There will be 101 buildable lots. Mr. Inman had received City Engineer Brackett's memo that listed conditions for approval of the Preliminary Plat. We added a condition of no construction traffic is to go through Silverthorne Subdivision. They need to block off McCloud until the streets are paved and houses are built. This would then be referred to the Fire Marshall for further review.

Chris Brackett's memo with conditions is as follows:

“The Preliminary Plat for the Goose Creek Village Phase V has been reviewed and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. The fire hydrant locations and traffic circle shown on the plat must be reviewed and approved by the Fire Department.
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. Payment in lieu of Park Land Conveyance will be required for this subdivision at \$600 per single family unit. This fee will be \$60,600 for the 101 lots.
4. Lot 263 shall be shown as unbuildable.
5. 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, their engineering consultant, and their contractor responsible for the best management practices will be required to attend this conference.
6. After a final review set of plans and drainage report has been approved by KMS, the applicant should submit to the City two (2) sets of full size plans and three (3) sets 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.”

Public Comment:

Phyllis Young- 546 Goose Creek: She objects to any further development until the drainage is fixed. She stated that she is not there to argue the merits of the lawsuit. This has caused the drainage to channel onto her property causing damage. There is more velocity from the subdivisions going down her property. There have been many other citizens that are stating the same things for their properties. She wants the Planning Commission to not approve the preliminary plat for the fifth phase. She has pictures to share showing the damage done to her property.

Derek Travis-13975 Little Elm: He has given his impact statement. He has lived next to Goose Creek for a year. His land has flooded and caused damage. Since his land is not in the flood plain he didn't have flood insurance. In order to purchase flood insurance the cost was very high. We need to consider the growth and the effect that it will have on drainage. Can they not get more retention or drainage plans?

Mark Bradley - 693 Goose Creek: He owns 50 acres along Goose Creek. He would like a committee be formed to study before and after development impacts. We would like to have scientific studies and erosion studies done as well. The erosion has taken some of his farmland and he wonders how much that will take from his farmland in future.

Delcina Cunico - 31671 Goose Creek: She agrees with the other citizens. Goose Creek encompasses Farmington, Fayetteville and Washington County. There were floods on her property back in 2011, 2017 and 2022. Her other concern about phase 5 is does it encompass an additional 12 acres.. She doesn't believe that one detention area will handle the drainage.

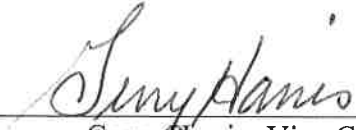
Shane Sparks- 13579 Goose Creek: He had flooding on his property. He had 18 inches of water running through his house. He is concerned for his 74 year old mother who lived on the property. He did have flood insurance but they have taken a lot of time to evaluate the damages and it is still not fixed. It has been a difficult process and the flooding has impacted their lives.

Hal Henson- 11651 E. Creek Lane: He is concerned about some possible drainage issues behind his house. About three months ago, he saw trucks in the 40 acre field behind his house. He is concerned with the growth of Farmington which will continue to be an issue. The 400 homes that are in his subdivision will be impacted and will continue to be impacted as development proceeds. He wants to raise the level of decision making.


The committee to document the before and after of each development would be a good idea. City Attorney, Jay Moore addressed the room. If a development meets everything set forth in our Ordinances and State/Federal Laws we can not deny the developers. They have a right to build as long as they have met these criteria. If denied the City becomes open to a lawsuit from the developer. The Planning Commission reviews the ordinances to see if the developer meets all of our requirements. In order for change to happen, the ordinances have to be changed. There is a legal burden to determine if the developer has met all our ordinance requirements. Robert Mann stated going forward we will need to make tweaks to our ordinances. Jay Moore, City Attorney, stated Phyllis Young has filed more legal documents which may change things. Keith Macedo asked if the plats are available to view online. The plats will always be available to review at City Hall. We also have the capability to get them the plats via email or in person. Keith asked if the detention was the same as Phase I, II, and III. This was confirmed by Jared Inman with Jorgensen & Associates. Chris Brackett explained that for the Final Plat will be the next step. There will be a preconstruction conference. They will be issued a grading permit to build and pave the roads. Houses can not be built until the infrastructure is complete.

Having no further discussion, Robert Mann called the question to approve the Preliminary Plat for Goose Creek Ph. 5. This is subject to Chris Brackett's memo as well as no construction traffic through Silverthorne subdivision. Upon roll call, the motion passed unanimously.

Adjournment: Having no further business, the in-person Planning Commission meeting was adjourned at 6:35 PM.



Gerry Harris- Vice Chair



Robert Mann, Chair