

## **Planning Commission Minutes October 25, 2021 at 6 PM**

**1. ROLL CALL** – Meeting which was held using Zoom on-line service due to Corona Virus pandemic, was called to order by Chairman Robert Mann. A quorum was present.

**PRESENT**

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

**ABSENT**

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

**2. Approval of Minutes:** September 27, 2021 meeting minutes were approved as written.

**3. Comments from Citizens:** none

**Public Hearings:**

**4A. Rezoning from A-1 to R-1 property located at 12650 N. Hwy 170 property owned by Damon McDonald as presented by Jorgensen & Associates:**

Justin Jorgensen was present to discuss the request and reminded that their request had been tabled at the September 27 meeting due to the revised Land Use Plan that was in process. He gave reasons he thought their request would fit with the new LUP: The land is flat with a slight slope. They believe it fits into the surrounding properties. The property has R-1 zoning nearby, and is on a collector highway (Hwy 170).

Melissa McCarville said zoning across the street is R-1 and to north are some even smaller parcels. Highway 170 is to be a collector and it's not unusual to have this type of density in relation to the highway.

Public comment: None

Chad Ball stated that the revised Land Use Plan indicates this area as low density and City Council approved the LUP. He also stated that there is agricultural use in the surrounding properties. He felt there could also be drainage issues from runoff on Kessler Mountain into this area and that lower density would be more appropriate.

Jay Moore brought up a point of Wolfdale already having issues, and he also felt RE-1 zoning would be a better fit than R-1.

Having no further discussion, Robert Mann called the question to approve the rezoning of property located at 12650 N. Hwy 170 from A-1 to R-1. Upon roll call, the motion failed 6 "No" votes and 1 "Yes" vote by Gerry Harris.

Melissa explained that they can't return to the Planning Commission with a rezoning proposal for one year. However, they can appeal the Planning Commission's decision at a City Council meeting.

**4B. Preliminary Plat- Wagon Wheel West property located at 11828 Clyde Carnes Rd; property owned by Riggins Construction as presented by ESI:**

Blake Murray of ESI was present to discuss the request. This phase of construction will have 123 buildable single-family lots. The Wagon Wheel development will have to connection points to Clyde Carnes Road and eventually will connect with a subdivision to the north. Drainage for this project runs from north to south and discharges through an 8x4 foot box culvert that runs under Clyde Carnes. There will be two connections to run sewer and water. There are no zoning changes from current R-1. Mr. Murray said they had received a copy of Chris Brackett's recommendations shown below.

Chris Brackett read his memo with recommendations as follows:

“The Preliminary Plat for the Wagon Wheel Subdivision 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 shown on the plat and the utility plans must be reviewed and approved by the Fire Department. The traffic circle fire truck turning movements currently show conflicts with the curb. The radius will have to be adjusted to accommodate the design truck.
2. The water and sewer improvements must be reviewed and approved by Washington Water Authority, 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 \$73, 800 for the 123 lots.
4. 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.
5. After a final review set of plans and drainage report has been approved by Olsson, 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.”

Chad Ball had concern about parking on streets. However, there will be no restricted parking unless required by City Ordinances or request from the Fire Department.

Water and sewer will be connected to a lift station that will connect into lines up north. This will be done through an easement off of Pennsylvania Avenue.

Bobby Wilson was concerned about adequate drainage because there is very often road flooding in the Clyde Carnes, Appleby Road, and Spring Mountain Road area.

Public comment:

Diane Bryant -11761 E. Creek Lane: Will there be sidewalk access to the High School?  
Clyde Carnes will have sidewalks on both sides of the road but there will be no sidewalk connections to the High School property because the school administration does not want it because of safety purposes and pedestrian traffic control.

Tommy Johnson- 441 Driftwood Drive: He is concerned with flooding and the amount of existing drainage that would increase with development because there was already a “massive amount of water” in that area prior to this development. He hoped there was sufficient planning for drainage for the homes there.

Jill Toering- 306 Claybrook: What will the lot sizes be to the back of Twin Falls? She feels like they should be larger next to the very large 1+ acre lots in Twin Falls.

Mr. Murray of ESI said a transition did not matter because none of their proposed subdivision lots are adjacent to Twin Falls properties.

It was clarified that, yes, many Wagon Wheel lots are directly adjacent to Twin Falls lots on Orchard Creek. Judy Horne reminded the Commissioners that this inappropriate transitioning between very large lots and much smaller lots needs to be addressed when possible zoning changes are studied at the next work session. She noted that many Orchard Creek lots will have two houses behind their property and this is unacceptable. She further questioned why other Planning Commissions in surrounding cities seemed able to negotiate such things as this with developers while we seem unable to do so.

However, at the moment, Wagon Wheel’s R-1 zone is the next zone size down from larger estate-size zoning and there is no legal authority to deny this Preliminary Plat request with two homes behind one Twin Falls home and this could be appealed by the developer.

It was pointed out that Twin Falls was developed while in the County and was annexed into the City limits. When it was out in the County the lots were larger in part for septic requirements. When brought into the City, this did not change. Jill Toering stated that Twin Falls should not be penalized for having been built when land was in the County and then later annexed by Farmington. She further noted that developers most often use the smallest minimum lot size they can get away with in any zone, as they have done in this subdivision.

Chris Brackett, city’s engineer, said that the City of Fayetteville takes all surrounding properties into consideration when it makes its calculations regarding adequacy of a proposed sewer system.

Keith Macedo said it would be helpful to have a checklist available to Commissioners to guide them through considerations such as these.

Having no further discussion, Robert Mann called the question to approve the Preliminary Plat subject to Chris Brackett’s memo. Upon roll call, the motion passed with 6 “Yes” votes and 1 “No” vote by Bobby Wilson.

**4C. Large Scale Development at Farmington Jr. High located at 42 S. Double Springs Rd. - owned by Farmington Jr. High as presented by Bates & Associates:**

Geoff Bates was present to discuss the request. This will add two new buildings with no demolition of existing structures. It does not provide additional parking since it is a junior high, with no student drivers. He said he had received a copy of City Engineer Brackett’s memo.

Chris Brackett read his memo with recommendations:

“The Large Scale Development Plan for the Farmington Jr. High Expansion has been reviewed and it is our opinion that the Planning Commission’s approval should be conditional on the following comments.

1. All connections to the water and sewer systems must be approved by the City of Fayetteville.
2. 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.
3. After a final review set of plans and drainage report has been approved by Olsson, 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.

The following comments were not adequately addressed after Technical Plat Review and can be addressed in the construction plan submittal.

1. The asphalt paving that was outside of the old gym is not acceptable sidewalk. Add a new 5' sidewalk along Double Springs including a new handicap ramp at the mid-block crossing. Show the new ramp to the mid-block crossing.
2. The report indicated an increase in the post development flow in Basin 1. You must include an analysis that the downstream system (Highway 62 drainage) can accept this increase in flow. You must include an analysis of the existing drainage along the highway that shows that it has the capacity to accept the increase in flow from this development.”

In discussion about this development, it was noted that Double Springs is a Minor Arterial road with 70 foot width. Water drainage flows to the east; they have addressed the drainage issues and will get those corrected. They will be connecting the sidewalk to the handicap ramp.

The sidewalks have been improved all along Double Springs. Code calls for a 4' sidewalk and they put in a 5' but legally, they can't be required by the City to widen it to 6'. We do not have anything in our Ordinances addressing this. The City could appeal to the School Administration for a wider sidewalk but that would be up to them. Chad Ball noted that an additional foot would be very helpful for the safety of school children walking on Double Springs Road. He felt it should be addressed with Administration.

Public Comment: None

Having no further discussion, Robert Mann called the question to approve the Large Scale Development at Farmington Jr. High subject to Chris Brackett's memo conditions. Upon roll call, the motion passed unanimously.

#### **4D. Variance- Tract Split for property located at 508 Drain Rd. - owned by Jordan and Sarah Hucekba as presented by Jordan & Sarah Hucekba:**

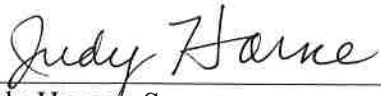
Jordan and Sarah Hucekba were present to discuss the request. They requested a lot split in an A-1 zone, giving them a 2-acre lot and a 1-acre lot to the north. The reason for this request is that they had four acres of land and they had sold 1 acre off. This caused them to have to merge the two other tracts back together for a septic easement in order to help their neighbor. They hope to build another home in the future on one of their lots. Their septic easement is on the 2-acre lot which meets septic requirements.

Having no further discussion, Robert Mann called the question to approve the Variance for tract split at 508 Drain Rd. Upon roll call, the motion passed unanimously.

**Other Business:**

- 1) Public Hearing Set for Sidewalk Ordinance: Chad moved, seconded by Bobby to place the proposed revised Sidewalk Ordinance on the November PC Meeting agenda. Upon roll call, the motion was approved.
- 2) During the November Work Session it was decided to start looking into zoning issues.
- 3) There is a park survey online link available at the City's website as well as on its Facebook page. Commissioners were urged to take the survey.

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



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Judy Horne - Secretary



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Robert Mann - Chair