

## **Planning Commission Minutes March 27, 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  
Judy Horne

### **ABSENT**

**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 February 27, 2023 minutes were approved as written after correction of Jill Toering's address from 206 to 306 Claybrook.

### **3. Comments from Citizens:**

Phyllis Young- 546 Goose Creek: She stated that she was asking again for a reversal of approval of Phase 5 of Goose Creek Subdivision until the drainage is corrected. She said her property had not flooded prior to the Goose Creek developments but now it is. She stated that the water is coming in from more places than it had previously. She said the Planning Commission should do more research on water flows and not approve developer's requests until drainage problems are corrected. This should have been done with Phase 5 of Goose Creek Subdivision. The developer should not be allowed to destroy someone's property. She also didn't like the idea of allowing approval on more phases before the other phases are nearly completed. The Planning Commission told her it would be OK; however, it is not OK, and no one in the city has done anything to correct it. She asked the City to protect the citizens by strengthening the rules and regulations regarding water flow in Farmington. At present, there are no incentives for the developers, so they go ahead and destroy adjacent properties. She concluded by asking again that the drainage be corrected.

### **Public Hearings:**

#### **4A. Conditional Use for Freedom Fireworks, LLC; property located at 233 E. Main owned by Freedom Fireworks, LLC as presented by Freedom Fireworks:**

Cheslee Mahan, 16092 Malico Mountain Road, West Fork, 72774, was present to discuss the request. Keith Macedo asked if this would be in the same location as last year and Ms. Mahan said yes.

**Public comment:** None.

Robert Mann called for question to approve the Conditional Use for 233 E. Main and upon roll call vote motion passed unanimously.

**4B. Variance to waive the landscape ordinance for property located at 30 W. Main St. owned by Farmington Clinic Properties, LLC as presented by Engineering Services, Inc.:**

Brandon Rush, 1207 Old Missouri Road, an engineer with ESI was present to discuss the request. They are seeking a waiver from having to construct a fence along the north property line (White Street). He stated that the existing grade and vegetation already there will be sufficient. Adding a fence would have limited screening benefit. The owner also asked a waiver from adding landscaping in front of proposed dumpster which will not be seen from the street. Judy Horne agreed with the waiver, but wanted to make sure that the trees would not be torn down by an uninformed sub-contractor. Judy Horne also requested they use a different type of landscaping plant than Compact Inkberry Holly because its berries are poisonous to animals and humans.

Keith Macedo noted that the sidewalk on Main Street was not shown as a full sidewalk on the plan. It is only a partial sidewalk. Bobby Wilson said the Highway Department has the final say on sidewalk since it is their right-of-way. Chris Brackett agreed but said that the sidewalk should go from the drive and continue the full width of the property unless Arkansas Department of Transportation decided otherwise because they have ultimate, final authority regarding sidewalks on the Highway.

**Public comment:** None.

Robert Mann called for question to approve the Variance to waive the landscape ordinance for property located at 30 W. Main St. and upon roll call vote motion passed unanimously.

**4C. Variance to waive subdivision regulation and connectivity standards for property located at 30 W. Main St. owned by Farmington Clinic Properties, LLC as presented by Engineering Services, Inc.:**

Brandon Rush with ESI was present to discuss. They are seeking a waiver from having to add a connectivity access point on the southeast side of the parking lot due to the steep change in grade, and from having to make improvements to White Street, a dead-end street with very little traffic. The large cost would not be proportional to the street improvement's small impacts.

Melissa McCarville said the City had no issue with this variance request.

**Public comment:**

Heather Hendrix with Redi Lube Garage located to the east, was concerned about large trucks and other cars driving through their parking lot if connectivity is allowed. City Attorney Jay Moore said because of the steep grade between the properties, the Clinic does not want to build a connector.

It was noted that there will be connectivity with the adjacent property to the west of the Clinic.

Hal Henson 11651 E. Creek Lane: He was concerned that if a drive was constructed on the steep slope, it could create issues regarding water run off flow, speed, and velocity onto the Garage property.

Bobby Wilson asked if the State would be responsible for maintaining the sidewalk. Chris Brackett said yes.

Robert Mann called for question to approve the Variance to waive the subdivision regulations and connectivity requirements for property located at 30 W. Main Street. Upon roll call vote, the motion passed unanimously.

**4D. Large Scale Development for Farmington Vet Clinic located at 30 W. Main St. owned by Farmington Clinic Properties, LLC as presented by Engineering Services, Inc.:**

Brandon Rush with ESI was present to discuss the request. The new clinic will be 3,300 sq. ft. and will be constructed behind the old building. Chris Brackett read his memo as follows:

“The Large Scale Development for the Thrive Pet Healthcare has been reviewed and it is my opinion that the Planning Commission’s approval should be conditional on the following comments.

1. The fire flow, fire hydrant and fire lane locations must be reviewed and approved by the Farmington Fire Department prior to construction plan approval.
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. Submit two (2) copies of the filed easement plat prior to construction plan approval. A copy of the proposed easement plat shall be submitted to KMS for review and approval prior to signatures.
4. A sign permit will be required for the construction of any signage for this project.
5. A completed Grading Permit Application and fee must be submitted to the City prior to final approval of the construction plans. A preconstruction conference will be required prior to any grading on the site. The owner, their engineering consultant, and the 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 have been approved by KMS, the applicant shall submit to the City two (2) sets of the full size plans and two (2) sets of the half size plans, and one (1) copy of the final drainage report that have been sealed by the engineer of record for final approval and distribution.”

Bobby Wilson made the request to let the State know we want a full sidewalk in front of the Clinic.

It was noted that because they have decided to install a sprinkler system in the new building, the fire lane is not needed. In answer to Norm Toering, Mr. Rush said the eventual 2000 square foot addition will also have a sprinkler system.

**Public comment:** None

Having no further discussion, Robert Mann called the question to approve the Large Scale Development for Farmington Vet Clinic. Upon roll call, the motion passed unanimously.

Judy Horne moved to set a public hearing for the Multi-Family Residential Design Standards to April 24, 2023. Norm Toering seconded the motion. Motion passed unanimously.

Chad Ball moved to ask the City Council to consider extending the multi-family construction moratorium for six more months at the April 10, 2023 meeting. Norm Toering seconded the motion, which passed unanimously.

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

  
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Judy Horne, Secretary

  
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Robert Mann, Chair