

Planning Commission Minutes
April 24, 2017

1. **ROLL CALL** – Meeting was called to order by Chairman Robert Mann. A quorum was present.

PRESENT

Howard Carter
Jay Moore
Robert Mann, Chair
Gerry Harris
Judy Horne
Bobby Wilson

ABSENT

Toni Bahn
Matt Hutcherson

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

2. **Approval of Minutes:** March 27, 2017 minutes were approved as written.

3. **Comments from Citizens:** No comments by citizens.

4. **Public Hearings**

4A. Conditional Use for Sale of Fireworks – Meramec Specialty Company

David Stewart, representing the company, said the location is same as last year: 350 West Main Street, next to the Fire Station. Commissioners had no questions and there was no public comment. Chairman Mann called for question and conditional use request passed unanimously.

4B. Rezoning Request – 65 N. Double Springs Road from R-1 to MF-2 by Home Star Rentals, LLC, presented by Ferdi Fourie of Civil Design Engineers, Inc.

Melissa McCarville said that based upon the City’s Land Use Plan, this would be an acceptable location for MF-2. The acreage is 5.6 acres. Steve Tennant reminded that the area around the proposed land is residential.

There is a stub at west end of the residential area in question that would be the entry into the proposed site.

Chairman Mann reminded the 18 people present to oppose the rezoning that they would have 3 minutes if speaking individually and 5 minutes if speaking for a group of people.

Leon Glenn – 97 Kimberly – had big concern about the drainage because his area gets flooded out; he is afraid the water has no where to go but onto his property.

Chairman Mann assured Mr. Glenn that there are several steps in the process and that if the rezoning is approved, they would have to present a detailed plan that clearly shows how the water flow will be handled to prevent making flooding worse.

Barbara Bryan – 236 Ridgedale Drive opposed rezoning and presented a petition list with signatures of 71 residents who live near proposed MF-2 rezoning. She said all the area has single family with

private ownership, not rentals. She was concerned about the safety of children. She also questioned why the highest density housing was being asked for. She quoted from City Council minutes of a previous meeting where a builder had stated that “no one wants to be next to town homes or apartments.” Further she said she is not opposed to the City’s growth, but the best use of the land in question is to remain R-1 Single-Family Residential

Engineer Ferdi Fourie decided that with the large opposition he would pull the rezoning request from the agenda because if the Planning Commissioners voted to deny the rezoning, they could not come back with it for one year. Therefore, no vote was taken by Planning Commission.

4C. Preliminary Plat – Farmington Heights Subdivision – West Sellers Road

Property owned by Lots 101, LLC and plat was presented by Ferdi Fourie of Civil Design Engineers, Inc.

At last meeting it appeared that the citizens in the area of proposed subdivision might not have received notification of the Planning Commission meeting because no one was present. This time, the people were notified by certified mail.

Ferdi Fourie said his comments were same as last meeting, with nothing changed.

Jay Moore reminded that the people near proposed subdivision had been very concerned about water runoff and flooding. Fourie said he had carefully reviewed this again in even more detail and he still came up with the same decision that the runoff will actually be controlled better by being routed underground through drain pipe and will discharge directly into the creek.

City Engineer Chris Brackett reviewed the conditions for approval:

1. The fire hydrant locations shown on the plat and the utility plans 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 any further construction activities.
3. 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.
4. After a final review set of plans and drainage report has been approved by McGoodwin & Yates, the applicant should submit to the City three (3) sets of full size plans and two (2) sets of half size plans, and two (2) more copies of the final drainage report that have been sealed by the engineer for final approval and distribution.

Commissioners had no further comments. Chairman Mann called for question to approve Preliminary Plant for Farmington Heights Subdivision on West Sellers Road, subject to City Engineer’s requirements. The motion passed unanimously.

4D. Preliminary Plat – Hillside Estates – Garland McKee Road – property owned by Lots 101, LLC. Presented by Jorge DuQuesne of Blew and Associates, PA

This proposal includes 3 one-acre lots, all on septic system.

City Engineer Brackett presented a memo outlining conditions for approval of the proposed preliminary plat:

1. The detention method is acceptable but the detention design calculations have several corrections needed.
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 improvements must be reviewed and approved by Washington Water Authority and the Arkansas Department of Health prior to any construction activities.
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 McGoodwin, Williams & Yates, the applicant should submit to the City three (3) sets of full size plans and two (2) sets of half size plans, and two (2) more copies of the final drainage report that have been sealed by the engineer for final approval and distribution.

Jay Moore asked several questions regarding the water drainage. Jorge DuQuesne stated the pond will be 5.5 feet deep with no fence because it is a “dry” detention pond that only has water when it rains and no fence is required in City ordinances. He said he went “above and beyond” in the design to try and control the water flow.

Jay Moore asked if the water would flow into the pond naturally or would it be engineered into the pond. Jorge DuQuesne said the majority of the water does flow into the creek; also, the Army Corps of Engineers requires certain things with regard to water but they are currently so busy he had not met with them. Houses can’t be built in that channel; they had to stay out of flood-prone areas. Therefore, he had to figure out other ways to slow down the water.

With regard to the detention pond, a resident said he had been flooded twice and the water coming off the hill wouldn’t flow into the proposed detention pond. He said it heads straight down Rosebay Lane. He was also concerned that grading and more houses will make flooding worse.

Fifteen neighborhood residents were present in opposition. Chairman Mann requested that the people not repeat the same points others had made but only speak if they had something new to add.

Dennis Moore who lives up the hill from the pond observes the water flow down the hill and said water will not run into the engineer’s proposed pond. He asked how they are going to divert the water off the hill and then when it is done, will it wash out his driveway?

Robert Costner – 10684 N. Garland McKee asked about future additional lots east of the current proposal. He agreed that the water doesn’t flow into the area of the proposed detention pond.

Neal Barnes owns land south of Rosebay Lane where creek runs into the creek. He said the Corps has never mapped the creek. He didn’t want more septic load from the systems of the proposed homes. It was mentioned that with rains the previous week, water flowed over the road.

Diana Lee of Garland McKee Road was also concerned about future development, the two very large lots shown on plan, number of new houses eventually allowed to be built, and lot sizes since it seemed odd to her that there had been split from 2-acre lots into 1 acre lots. She said that 1 acre lots were not what were presented when land was rezoned originally.

Melissa McCarville stated that this owner can't get any more lot splits for 10 years.

Chris Brackett explained with the original plan presented, they would have to build a very costly public access street up the steep hill. Even if the big lots are sold, they can't be split, even by new owners.

Bill Catt - 11315 Effie Way said water comes behind his house from three different areas and then runs into the creek that runs diagonally through the land in question.

Robert Costner also was concerned that the developer would be allowed to "get the door cracked" and build up the area more. He further stated he felt there was a lack of transparency in dealing with people whose lives are badly affected by the flooding.

Bobby Wilson noted the area after large rain has water running everywhere. He reminded citizens of the neighborhood that Planning Commission had voted against the Preliminary Plat last meeting but the City Council voted to reverse the decision of the Commission. He further stated that he did trust the City Engineer's calculations but that something had to be done to lessen the flooding in the area.

Jay Moore wanted to know the calculation for size of detention pond for the seven lots. Chris Brackett said they are looking at what is needed for the 7 lots. He said it would not make the flooding situation worse, but would not make it better, either.

Chris Brackett explained that the water will be detained above the lots in question and that the water running off the steep hill would mean a little bit less running onto the Meadowsweet Subdivision and Rosebay Street in particular. He had also included expected runoff from the three houses already approved by City for construction at north portion of the acreage.

Chairman Mann called for question to approve Preliminary Plat for Hillside Estate Subdivision, subject to City Engineer's conditions being done. Aye: Jay Moore, Howard Carter. No: Gerry Harris, Judy Horne, Bobby Wilson. Motion failed 3-2.

5. Conceptual Subdivision Layout Plan – Southwinds Drive - presented by Keith Marris

Keith Marris wishes to build 8 up-scale single family homes, all built under the same parcel instead of eight individual lots and the homes will be rented.

Chris Brackett said the development would have to meet fire code for driveway access. Also he thought rear access to the homes might be considered. One-way access was also suggested.

Keith Marris said he could not line up an entry with Cedar Brook Place (located on west side of Southwinds Drive) because he would have to build fewer homes and it would not be cost effective.

Chairman Mann said there is currently a desperate need for rental property in the City.

General consensus was that this could be a good use of the property which has limited area for building due to flooding of a portion of the land by the creek.

6. Public Hearing Set for Proposed Parking Lot Paving Ordinance – May 2017 meeting

City Attorney will provide Commissioners with a rough draft prior to the May meeting. Chairman Mann called for question to set a public hearing and motion passed unanimously.

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



Judy Horne - Secretary



Robert Mann - Chair