

## Planning Commission Minutes April 24, 2023 at 6 PM

1. **ROLL CALL** – The in-person meeting was called to order by Vice Chair Gerry Harris.  
A quorum was present.

### **PRESENT**

Gerry Harris, Vice Chair  
Bobby Wilson  
Chad Ball  
Keith Macedo  
Norm Toering  
Howard Carter  
Judy Horne

### **ABSENT**

Robert Mann, Chair

**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 March 27, 2023 minutes were approved as written.

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

Phyllis Young- 546 Goose Creek: She asked for the Planning Commission to withdraw approval of Phase 5 of Goose Creek Subdivision until the drainage is corrected. She said she had been told by the City Engineer and the Commissioners that legally, no more water could drain onto her property when the subdivision was built, but that was a lie. She stated that now there is much more water, the velocity of the water is much stronger, and is coming in from more places than it had previously. She felt that all people connected with the City were supposed to protect citizens, but they are not. She feels like she is fighting this Goliath alone with no one having her back. She stated the City has the power to protect her land. She invited the Mayor, Chris Brackett and the Planning Commissioners to tour the area in question to see all the rocks, debris and damage to her property. She stated that because of the lawsuit she would not be on the property when they visit if they will text her.

Jay Moore stated that Ms. Young's attorney, Mr. John Dixon, has filed an injunction to stop construction; due to the ongoing lawsuit, it would be inappropriate for anyone from the Planning Commission or city staff to have any discussion as a body or individually.

### **Public Hearings:**

#### **4A. Proposed Ordinance for the Multi-Family Residential Design Standards:**

Judy Horne mentioned a typo on page 11. Change "on" to "one." She also questioned the number of additional parking spaces shown on the image on page 11, but City Attorney Jay Moore said the text was what was important and the illustration would be all right as it is. There were no other suggested changes.

**Public comment:** None.

Judy Horne moved to pass the ordinance on to the City Council for approval at the May 2023 meeting. It was seconded by Norm Toering.

Upon roll call, the motion passed unanimously.

**4B. Conditional Use for Meramec Specialty Co. dba Fireworks City; property located at 380 W. Main owned by Meramec Specialty Co. as presented by Fireworks City:**

No one was present to represent the Conditional Use request; Bobby Wilson moved to table this item until the May 22<sup>nd</sup> meeting. It was seconded by Chad Ball and approved unanimously by voice vote.

**4C. Variance to add signage above building for property located at 169 W. Main St. owned by Pops Holdings as presented by Mike Thompson:**

Mike Thompson, 169 W. Main Street, was present to discuss. Mike Thompson stated that the original permit included a second story to the building but due to budget constraints, they have not yet added a second story. However, this variance would allow construction of just a portion of a second floor railing which would be the support for a lighted sign which will be placed on the second-story railing. The sign will be marquee type letters, and would only be lit during the day during business hours, not late night.

Building Inspector Rick Bramall said based on this proposed variance, the sign would be higher than the roof line. He noted that Casey's had been allowed a similar sign for their property. Mr. Thompson stated that it might go over the roof by 24 inches.

Chad Ball asked how the marquee sign would be attached and Mr. Thompson said that it would be attached to the second story railing with brackets; the railing would add support. Chad asked if the same type of railing would be used for the remainder of the second floor railing when it is built. Mr. Thompson assured the commissioners that yes, the same type of material would be consistent throughout.

**Public comment:** None

Bobby Wilson asked Building Inspector Rick Bramall what type of brackets would be used and Rick stated it will need to be an engineered type bracket. Keith Macedo asked if there is a Code height requirement for railing and it was noted that it is 42". Chad Ball made the comment that the lights cannot flash and be a distraction for drivers. As required by City Code, the sign will not blink on and off.

Keith Macedo moved that this 42" minimum railing height requirement be added to the other conditions. Motion was seconded by Chad Ball and passed unanimously.

Gerry Harris called for question to approve the Variance, as amended, for property located at 169 W. Main St. Upon roll call vote motion passed unanimously.

**4D. Preliminary Plat for The Grove at Engles Mill Ph. 4 located at Grace Lane. owned by Riverwood Homes as presented by Crafton Tull:**

Ali Karr with Crafton Tull was present to discuss the request. She stated that the corrected rezoning for Ph. 4 had come to the Planning Commission for approval previously and now has been corrected. Phase 4 will have 85 lots, a detention pond lot and lift station and they have submitted it to all utility contractors involved with the project.

Norm Toering asked if all of Ph. 4 homes adjacent to the larger homes in Twin Falls will be cottages or manors. Ali Karr stated that the manor homes will be adjacent to Twin Falls subdivision and then there will be a transition to more dense housing away from Twin Falls.

Norm Toering asked about changes to the water runoff and the detention pond in Ph. 3. Ms. Karr said engineering of that pond has been improved; water will be channelized with pipes (no open ditches) and all runoff will drain into the pond. Norm Toering asked if any of the water would flow into Twin Falls. Ali Karr responded "No."

**Public comment:**

Jill Toering 306 Claybrook, Farmington, said she saw online about a 40 ft. easement and wanted to make sure that Crafton Tull wasn't speaking about Twin Falls 40 ft easement. Mrs. Toering also stated that water comes from several directions and goes into the Twin Falls pond and the pond can't hold any water coming from The Grove at Engles Mill. Ali Karr assured her that Engles Mill runoff will not flow into the Twin Falls pond.

Chad Ball asked if the pond will be stagnant, thus attracting mosquitoes as the pond in Phase 1 does. Ali Karr checked with Mr. Mark Marquess, developer, who was present at the meeting, and he agreed to install an aeration system and a fence which will be a wrought iron fence like the first phase. Judy Horne stated the other pond is stagnant and causes an increased mosquito population and reminded again that it had not met the landscape requirements for landscaping; Ms. Karr said there will be an update to the maintenance of that pond and it will be addressed. City Engineer Chris Brackett said he would see to it that they do aerate the new detention pond in this Phase 4.

Chris Brackett read his memo outlining conditions for approval of the Preliminary Plat as follows: The Preliminary Plat for the Grove at Engles Mill Phase IV 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 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, the Washington Water Authority 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 \$51,000 for the 85 lots.
4. The wet detention pond will be required to be fenced around the entire perimeter with a chain-link fence no less than six feet tall. A decorative iron fence can be installed with City Staff approval.
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 one (1) copy of the final drainage report that have been sealed by the engineer of record for final approval and distribution.
7. This approval of this preliminary plat is effective for a period of one year and thereafter as long as work is actively progressing on the installation of the required improvements.

The following comments can be addressed in the construction plan submittal.

1. Number the Pond and Lift Station lots.
2. Extend Street A including the right-of-way, street, drainage, and sidewalk to the eastern edge of the lift station lot.
3. The Detention Pond lot will have to be dedicated as a drainage easement.

4. The sidewalk along the frontage of the Detention Pond and Lift Station will be required to be constructed with the infrastructure of the subdivision.

Having no further discussion, Gerry Harris called the question to approve the Preliminary Plat Development for The Grove at Engles Mill Ph. 4. Upon roll call, the motion passed unanimously.

Judy Horne mentioned that during the Planning Commission work session there was discussion about parks for Farmington. She read from the current issue of Arkansas Municipal League's City and Town magazine that \$6.5 million in Outdoor Recreation Grants had been funded to cities in Arkansas by the Arkansas Department of Parks, Heritage, and Tourism. Goshen was awarded \$120,800 to acquire an additional 19.3 acres of park land for a park, so it appears that the state gives grants for obtaining land, and also for major park improvements, and the City needs to be considering this source of funding.

She also recommended that two representatives from the Planning Commission should serve on the Council's Parks Committee.

City Business Manager, Melissa McCarville said that Sherry Mathews is in charge of the committee and it is up to her on who joins the committee. Melissa also stated that if two members are present it becomes a public meeting. Judy Horne felt that the Parks Committee should have public meetings.

**Adjournment:** Having no further business, the in-person Planning Commission meeting was adjourned at 6:40 PM.

  
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Judy Horne, Secretary

  
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Gerry Harris, Vice-chair