

Planning Commission Minutes
April 25, 2016

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

PRESENT

Jay Moore
Sean Schader
Toni Bahn
Robert Mann, Chair
Gerry Harris
Judy Horne
Bobby Wilson

ABSENT

Matt Hutcherson

City Employees Present: Melissa McCarville-
City Business Manager; Rick Brammall – City
Inspector; Steve Tennant – City Atty;
Chris Brackett – City Engineer

2. Approval of Minutes: Minutes of March 28, 2016 were unanimously approved as written.

3. Comments from Citizens: Allan Thomas spoke, requesting status of First Baptist Church property on Rheas Mill Road because he owns land there and was concerned that the Street Master Plan shows a 60' right-of-way through his property which is now zoned A-1. He was referred to Melissa McCarville for information and assistance.

4. A. Public Hearing – Proposed Amended Landscape Ordinance

There were no comments from the audience. Chairman Mann called for question regarding sending the ordinance amendments to the City Council at their next regularly scheduled meeting and it was approved unanimously.

4. B. Conditional Use – Sale of Fireworks – Meramec Specialty Company at 380 West Main Street: Dave Stewart was present to answer questions. This company has previously sold fireworks at the same location. Upon question, the Commission unanimously approved this conditional use.

4. C. Rezoning Request – Lots 101, LLC from A-1 to RE-2

The property requested for rezoning from A-1 to RE-2 (1 acre residential lots) is east of North Garland McKee Road. It would include 6 to 8 lots. Joseph Orr for Blew and Associates, PA represented owner Tom Sims.

Melissa McCarville stated that the rezoning request meets with the Farmington Land Use Plan.

Three e-mail messages were read by Gerry Harris. They are included in these minutes exactly as they were written in their e-mail.

1) Malinda Rector: “My name is Malinda Rector. I live at 11105 MeadowSweet Dr Prairie Grove, AR 72753 in Farmington city limits. I am unable to attend tonight’s meeting due to being medical coverage for Farmington Athletics and we have a game tonight. Our subdivision has a drainage problem where water tends to stand in our back yards the creek behind us floods. I am concerned if they do build on this acreage that they will disrupt the creek that flows from there into our subdivision. With added driveways, streets, and concrete there will be less land to soak up the water that runs off of the mountain down into our subdivision. Also most of our homes are around 2,000

sq ft and 4br. Most of the developers have been building smaller homes across Farmington and I'm concerned that would lower our property value. I hope you take into consideration of the concerns of the residents already in this area. Thanks."

2) Kevin Lewis – 11148 Waterleaf Lane, Farmington: "I am writing to you as a concerned citizen of Farmington and as a resident of the Meadowsweet Subdivision located at HWY 170 and Garland McKee. I am unable to attend the commission meeting tonight and wanted to relay not only my concerns but those of my neighbors in Meadowsweet.

I have lived in Meadowsweet for 6 years now and for the most part find it an enjoyable/quiet place to reside. Back in 2010 or 2011 we had a period of heavy rains and the southern part of the neighborhood was flooded severely on two occasions due to inadequate drainage. Thankfully that was resolved and there has not been any issue to that extent since. However we do have concerns that the development in the acreage to the east will cause this to be an issue again as there will be extra runoff from the ridge that the current natural drainage and neighborhood drainage cannot handle.

The developer listed as being involved with this project, Tom Sims, was also the developer of the Meadowsweet Subdivision and whom most of the properties were bought from until his company at that time DTS, filed for bankruptcy. Further research shows numerous complaints regarding the warranties on the homes not being upheld fully if at all. I can verify that several of the issues I voiced to the company were ignored or band-aided rather than repaired correctly. Such as a crack in my patio only being filled with caulk rather than being redone since it was not poured correctly in the first place causing it to crack/sink. The company also left several empty lots that remain empty rather than being developed as he stated his company would.

My concern is that this company will either not take drainage into account or do it in a minimalistic way that will cause issue down the road. Also is the area going to be fully completed or left uncompleted when the need to file bankruptcy arises again? This is a scenic area and we would hate to see that ruined by a 1/2 complete project. I just feel that the commission should explore this developer's track record before proceeding to permit any projects to commence.

Another area is sewage. Meadowsweet is connected to the Valley View sewage treatment that has been in the news of late with indications that it is not being operated correctly. Will this new development add to an already strained system? Is this even a consideration? It is nice to see that Farmington is growing but we need to make sure that it is growth we can handle without future issues that will cost more to fix when issues have already happened. ***NOTE: Later in meeting it was explained by Melissa McCarville that the homes are not tied into the Valley View sanitation system but rather have septic systems.***

Thank you for your time and your anticipated assistance with our concerns. Please let me know if anything else is needed from myself or anyone in our subdivision."

3) William Lewis: "As a retired City Manager working in communities the size of Farmington up to 70,000 I am only concerned that your staff will do a through study to show that the area to be developed will support the additional traffic, adequate sewer facilities are provided and that any and all storm water will be maintained on the site should existing facilities be unable to handle the additional run-off of storm water."

Next, some of the many audience attendees who live in the area spoke:

Brian Snyder – he was concerned about drainage problems and flooding, loss of valuable greenspace, and lowering of property values of current homeowners.

Upon request for steps the developer would have to take Melissa McCarville explained.

- 1) Rezoning by Planning Commission from A-1 (Agriculture) to RE-2 (Residential with 1 acre lots per residence).
- 2) City Engineer Chris Brackett reviews the Preliminary Plat to ensure that the plans comply with all city ordinances and construction standards and this always includes close attention to water control/detention.
- 3) City Engineer meets with representative(s) of the developer company to discuss issues and non-compliance with instructions to correct the plans per his recommendations.
- 4) Final Plat of developers along with City Engineer's requirements goes to Planning Commission.
- 5) Planning Commission reviews Final Plat and hears City Engineer's requirements and votes to approve or deny.
- 6) If approved, builder may begin work on the development, but it is monitored throughout by the City Engineer Chris Brackett and City Inspector Rick Bramall, and others.

Melissa McCarville explained that when the Meadowsweet Subdivision was developed, it was in the County's jurisdiction and was built using County rules and regulations which were less strict than Farmington used. Farmington later annexed this area into the city.

Dennis Moore, a resident of the area, expressed concern about water erosion on and around the road near the large blue water tank.

Russell Pease, 1107 Rosebay, showed the Commission a newspaper photo showing Rosebay Street in the subdivision after a major flood in 2011. He stated that the City of Farmington drain improvements did resolve the flooding in December 2015 to some degree.

City Engineer Chris Brackett said that there definitely will have to be a large detention pond if the new development goes forward.

Dianna Lee, 10690 North Garland McKee, asked about extent of the requested rezoning. She was shown the proposed map of area in question. She asked if they would have to come back to the City again if they want to develop more lots there later and the answer is "Yes."

Lawson Osburn, Rosebay Lane, said the street flooded again December 2015 but this time did not enter homes. He also wondered if the other portion of the land would be developed and why it was not all planned at one time.

Mr. Dwayne Lee expressed concern about the dirt farm that Mr. Tom Sims plans to locate east of the residential lots. By stripping the topsoil, he and other neighbors fear it will increase the water volume and flow rate.

Mr. Sims, developer, said they plan to excavate only about 2 acres at a time then revegetate that portion of excavated land before continuing on to mine another 2 acres.

The City Engineer said that it would be necessary to “over-design” the detention pond. Also, they will have to get a grading permit from the City of Farmington and also from the State of Arkansas since they are using five acres which does require them to submit a plan on how they will control sediment, even though the excavation area will still be A-1. In addition, the Farmington ordinances state that they can’t cause additional drainage downstream.

There being no further discussion, Chairman Mann called for question and the final vote was 4 No and 2 Yes. Motion failed.

The developer now has the option of waiting one year to attempt to rezone the land to RE-2 or he can appeal to the City Council at their next regularly scheduled meeting.

Mr. Sims stated that he had not done the best job of presenting his request for rezoning.

4. D. Variance Request Regarding Landscaping Requirements for Dairy Queen by GT Management – Blew & Associates, Engineers

Mr. Joseph Orr represented GT Management. He explained that the requirement for trees on the east side of property on Double Springs Road would create a safety hazard for school children. They agreed to plant those required numbers of trees in a safe area of the property.

There was no one present to speak to this variance.

Chairman Mann called for question and the variance request was unanimously approved.

4. E. Variance Request To Use Gravel Instead of Paving - Broyles Street Storage Phase 2 (property owned by Broyles Street Storage, LLC and represented by Blew & Associates, Engineers)

Mr. Joseph Orr presented the request and Mr. Tom Sims, developer, was in attendance. Mr. Sims said that due to great success with Phase 1 Storage Buildings, they will be wanting to build Phase 2 buildings shortly. Therefore, they only wish to leave the lot in gravel for a short time; all the grading and leveling is done.

City Engineer Brackett noted that the developer had been granted the right in Phase 1 to install a security fence for 4 acres, but instead they have fenced around all 8 acres of land. Gerry Harris inquired why they did not follow the guidelines set forth by the City. Tom Sims said it was his fault; that he did not know he had to come back to City again and forgot.

After further discussion, Jay Moore moved to require them to meet the conditions stated by Mr. Brackett and also to allow them only a six-month variance where gravel will be permitted. Motion seconded by Bobby Wilson and motion passed with a vote of 5 “Yes” and 1 “No”.

5. A. New Business – Large Scale Development – Farmington Baptist Church

Property owned by First Baptist Church, located at 49 W. Main and presented by Bates & Associates, Inc. with Mr. Geoff Bates present.

City Engineer Chris Brackett had reviewed the plan and he recommended the Planning Commission approval with these conditions:

1. The construction plans and drainage report must be reviewed and accepted by the City prior to any construction activities on the site. These plans and report must include detailed plans for the improvements to the drainage system to the north and the report must prove that these improvements met the requirements of the Farmington Drainage Criteria Manual. The condition of the site in 2004 will not be accepted as the predevelopment condition for this site.
2. The construction plans must include improvements to Vine and Church to current Street Standards, including curb and gutter or a variance must be submitted and approved prior to final approval of the construction plans.
3. The landscape plan submitted will require a variance of the landscape ordinance requirements. This variance must be submitted and approved by the Planning Commission prior to final approval of the construction plans.
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, and Yates, the applicant should submit to the City three (3) sets of full-size plans, one (1) set of half-size plans and two (2) copies of the final drainage report that have been sealed by the engineer for final approval and distribution.

Mr. Brackett said the plan would reduce the water flow that now goes into homeowners' yards and would send it into the street instead.

Caleb Slate, resident of Vine Street, made an appeal regarding a proposed 9 foot wood fence that will block the sun on their property. Mr. Geoff Bates agreed that he would work with the neighbors regarding their request.

Chairman Mann called the question with understanding that Mr. Bates would work with neighbors and would meet conditions set forth by City Engineer Chris Brackett. Motion passed unanimously.

5.B. New Business – Large Scale Development – Broyles Street Storage Phase 2

Owned by Broyles Street Storage, LLC located on Broyles Street and presented by Joseph Orr of Blew & Associates, Engineers.

Mr. Brackett said the Commission's approval should be conditional on the following comments:

1. After a final review set of plans and drainage report has been approved by MWY, the applicant should submit to the City three (3) sets of full-size plans, one (1) set of half-size plans and two (2) copies of the final drainage report that have been sealed by the engineer for final approval and distribution.

Upon roll call vote, the vote to accept large scale plan, with Mr. Brackett's conditions, passed unanimously.

5.C. New Business – Proposed concept plat for Tom Sims

Joseph Orr, Blew & Associates was present to discuss. Mr. Tom Sims asked commissioners why they voted down the rezoning request. It was explained that within the meeting, no explanation was necessary; however, he was welcome to talk with individual commissioners after meeting.

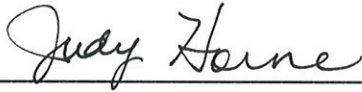
Mr. Sims stated that he only wanted to develop the 8 lots and put larger homes there; that the rest was not suitable to build on because it would be too expensive. He mentioned that he was willing to build a regional detention area. He further stated that he should have come to the Commission with the “whole enchilada” and that they had not provided enough information to the Commissioners.

Judy Horne asked about his plan to mine dirt east of the 8 lots he had wanted to rezone. He explained that he would dig the land 2 acres at a time and only one foot depth. Then he would replace the excavation area with not-so-good dirt and reseed it.

He said he would gather more information and come before the Commission in May, but City Manager Melissa McCarville explained that he could not ask to rezone that land RE-2 for one year. They can make an appeal at the next regularly scheduled City Council Meeting in May.

Mr. Sims withdrew his proposed concept plat for the eight lots on North Garland McKee.

6. Adjournment: Having no further business, Sean Schader moved to adjourn, seconded by Toni Bahn and passed unanimously.



Judy Horne
Secretary, Planning Commission



Robert Mann
Chair, Planning Commission