

Planning Commission Minutes
April 26, 2021 6 PM

1. ROLL CALL – Meeting was called to order by Chairman Robert Mann. A quorum was present in person at City Hall. Interested citizens were on Zoom.

PRESENT

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

ABSENT

Jay Moore

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

2. Approval of Minutes: February 22, 2021, Special Meeting March 1, 2021, and March 22, 2021, minutes were approved as written.

3. Comments from Citizens: There were no comments from citizens.

Public Hearings:

4A. Rezoning from R-2 and C-2 to MF-2 - property owned by Sycamore Investments LLC located at 272 Old Farmington Road presented by Max Deitchler.

Max Dietchle, and Brad Smith of Sycamore Investments were present to discuss the request. Mr. Smith said the townhomes would be located on the site of the old 2-story house that has been razed. The townhomes will be similar to the ones he built just west on Old Farmington Road: 3 bedroom, 2 ½ bath high-end rental properties.

Melissa McCarville's April 26 memo gave the City's recommendation of approval of the rezoning request. Mr. Smith had received a copy of the memo.

Current zoning for this property is R-2 and C-2. The land use plan indicates Low-Medium residential for a portion of this area and Commercial for the remainder. While this request is not strictly in keeping with the current land use plan; it would provide a buffer between the C-2 to the north and the R-1 to the south. Several of the surrounding properties are currently zoned R-2. The property immediately to the west is owned by the petitioner. This property owner has developed in a similar manner to the west of this request. Staff recommends approval of this request.

Gerry Harris had concerns about drainage but Chairman Mann reminded that since only rezoning is being considered (not actual plat) the drainage could be considered at another step in the process.

Public Comments: None

Chad Ball agreed this would be an appropriate buffer between commercial on Highway 62 and residences on the south side of Farmington Road. He questioned having only one major entry for all the units. Mr. Smith said each unit will have its own driveway; this will be addressed in the Large Scale Development.

Upon roll call, the motion for rezoning from R-2 and C-2 to MF-2 passed unanimously.

4B. Rezoning from R-O to MF-2 - property owned by KSDA Inc./Keith Marrs, 81 S. Hunter, parcel #760-01563-000 presented by Keith Marrs:

Keith Marrs of KSDA, Inc. said he wished to rezone a parcel of land that is 500 ft. from the Highway 62/ Hunter Street intersection. There is a duplex adjacent to this property and a church property is west of the property. He felt it would be a good fit for the property with upscale townhomes planned.

Melissa McCarville presented the City's recommendation. Mr. Marrs had also received a copy.

Current zoning for this property is R-0. R-0 provides for office areas, it also allows residential uses or a combination of office and residential. To the immediate north, south and east of the area is zoned R-0. There is also adjacent R-1 and C-2. The Land Use Plan indicates Low-Medium Residential and Commercial. While the exact development plan for this area is not germane to this request; the improvements on Hwy 170 and the proximity to Hwy 62 makes access to this property compatible with multi-family use. Under R-0, for office use, a 52,000 square foot building could be constructed, at a maximum. Under MF-2, 14 (6,000 square feet/each) units could be built, at a maximum. (Both of these scenarios are without, parking, access, drainage or building setback being considered.) Staff recommends approval of this request.

Chad Ball asked about restrictions on the cell tower located on church property to the west. City Inspector Rick Bramall stated the "safe zone" is the length of the tower plus 10%.

Public Comment:

Cody Traywick, 26 Old Depot Road, had two concerns with his property. 1. He wanted to be sure the trees on his property line were protected. 2. He was concerned about drainage issues with new construction.

Chairman Mann stated these concerns will be addressed when Mr. Marrs presents a Large Scale Development in the future. He will be contacted when the LSD is on the Planning Commission Agenda. City Engineer Chris Brackett said on a shared property line, the developer (Marrs) will have to confer with Mr. Traywick about protection of the vegetation.

Upon roll call, the motion to rezone from R-O to MF-2 passed unanimously.

4C. Preliminary Plat for property owned by EBL Investments, on Hwy 170 as presented by Blew & Associates, PA:

Chris Brackett read his memo (which Bart Bauer had seen) as follows:

The Preliminary Plat for the Hillcrest Subdivision has been reviewed and we cannot recommend that the Planning Commission approve the current plan based on deficiencies in detention calculations. The current drainage report still shows that the pond bank will overflow in the 100-year storm. This is not acceptable. A minimum of one foot of freeboard will be required due to the structures immediately downstream of this pond. The agreement to enlarge this pond and convert it to a dry detention pond will also be required to be submitted prior to Planning Commission from the owner of the property.

If the Planning Commission decides to approve this plan against our recommendation, this approval should be conditional on the following comments.

1. The Highway 170 improvement are shown on the plat (excluding the drainage). It is our understanding that the owner would like to pay money in lieu of these improvements. The Planning Commission must approve paying money in lieu of these improvements.
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 and sewer improvements must be reviewed and approved by the Washington Water Authority, Washington County Improvement District No. 5, and the Arkansas Department of Health prior to any construction activities.
4. The developer will be required to pay the City of Prairie Grove sewer access fees at the cost of \$1,100 per lot. Proof of this payment will be required prior to any construction activities.
5. The applicant has requested to use Lot 62 (0.14 Acres) for Parkland Dedication. The Planning Commission will have to make a determination to accept this Parkland.
 - a. If Lot 62 is accepted as Parkland, then Lot 62 will count for 7 lots and the payment in lieu of Park Land Conveyance for the remaining 75 lots will be \$600 per lot or \$45,000.
 - b. If Lot 62 is not accepted as Parkland, the payment in lieu of Park Land Conveyance for 82 lots will be \$600 per lot or \$49,200.
6. 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.
7. After a final review set of plans and drainage report has been approved by Olsson, the applicant should submit to the City three (3) 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 can be addressed in the construction plan submittal.

1. The grading needed to convert the pond to a dry detention pond will have to be shown along with instructions to muck out the existing pond bottom.
2. A trickle channel will be required to be added to the detention pond.

Mr. Brackett said that there is lots of land which can be used to meet the requirements he has set forth. If changes are not made, the detention pond will fail in a 100-year flood; pond must be bigger. Mr. Bauer said they will work to make whatever changes are needed.

Public Comment: None

Chad Ball objected to having a small .14 acre park that the City would have to drive a long way to maintain. Mayor Penn said the maintenance on pocket parks is a nightmare for the city. So Mr. Bauer said they could eliminate the small pocket park.

Keith Macedo suggested being consistent with street names.

By unanimous vote this agenda item was tabled until the May 24th meeting.

4D. Preliminary Plat - property owned by Riverwood Homes, located between Folsom & High School & Twin Falls south of phase 1 and 2 as presented by Bates and Associates, PA:

Geoff Bates of Bates Engineering stated the next phase will be similar to the other phases.

Chris Brackett presented his recommendations (which Geoff Bates had received):

The Preliminary Plat for the Grove at Engles Mill Subdivision Phases 3 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.
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. Payment in lieu of Park Land Conveyance will be required for this subdivision. This fee will be \$600 per single family unit (83 lots=\$49,800).
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.

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

1. Sidewalk will be required to be built with the infrastructure along Grace Lane on the side of the detention pond to the intersection of Street 7.
2. Lots 131, 132 and 133 will need minimum floor elevations that are two foot above the 100- year WSE of the detention pond.

Gerry Harris asked if Street 7 will have an extension for a sidewalk into the trail around the ball park. It was explained that this could be done without creating a problem of children slipping out of the currently fenced ball park. The trail is outside of the fenced ball park. Mr. Marquess believed that a sidewalk extension might be provided.

Difficulty in finding parking availability at the ball park was discussed. Mayor Penn stated there is enough parking but people don't want to walk from the Methodist Church and high school parking areas.

Public Comment:

Tommy Johnson, 4413 Driftwood Drive, Twin Falls, asked if Copperwood Road in Twin Falls will be connected to this new subdivision. Mr. Bates commented there will be no connection to Twin Falls.

Jill Toering, 306 Claybrook Drive, asked for assurance that all the plans and restrictions set out in the PUD would still be honored in Phase 3. It was stated that they will.

Upon roll call, the motion to approve the Preliminary Plat, with City Engineer's conditions, passed unanimously.

4E. Re-Plat- property owned by PBS Properties located on Double Springs Road, presented by James Koch:

The land in question is the former Ecology Park which the City sold recently.

Mr. James Koch representative for Paul Schmidt said they wish to consolidate parcels and vacate City of Fayetteville utility easements (that were never utilized) into a single tract of land in preparation for a multi-family development. This will be presented as a Large Scale Development. They are working with FTN on drainage and the existing flood plain is being reviewed also.

Chris Brackett presented his suggested conditions:

The Replat of Lots 12, 13, 14, 15, 16, 19, 20, 21 and the open space area of the Farmington Creek Subdivision has been reviewed and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. Provide one original and 6 copies of the recorded replat to the City.

In general discussion, it was noted that this LSD will have tri-plexes and quad-plexes and Chad Ball was very concerned about the increased density this re-platting will allow and reminded that he had voted against selling this city property. There will be green space but not a park. Mr. Brackett said the developer will be very limited with what they can do with the land. There were concerns about flooding since Farmington Branch is the north border of this property. Judy Horne reminded that in initial discussions, a request had been made to provide for a future trail head, perhaps at east edge of property and near the creek. Mr. Koch said before Large Scale Development they will discuss pedestrian access going through development and a sidewalk where a future trailhead might be located. Keith Macedo wanted assurance that the buildings would be built 2' above the 100-year flood plain.

Public Comment: Cindy Kuhns of 277 Ecology Drive was concerned about existing utilities if unused lines were vacated. Mr. Koch said they will not be changing what is there now and contained in an easement for her property. Commissioner Mann stated this was not part of the agenda and that existing water and sewer would not be moved.

Mayor Penn noted that the property has been ten times better than it was and that it was a really good investment.

Upon roll call, Robert Mann called the question to approve the motion passed 6-1 with Chad Ball voting "No".

5. Adjournment: Having no further business the Planning Commission meeting was adjourned.

4F. Conditional Use for Sale of Fireworks: Meramec Specialty Company. Property owned by Farmington Commercial, LLC, located at 380 W. Main Street, presented by Kevin Bailey.

Julie Steward, representative for Meramec Specialty Co. said that the tent will be located far from Main Street.

Upon roll call vote, motion to approve passed unanimously.


5. Land Use Discussion

The Proposed Revised Land use Plan was reviewed by Commissioners. And after general discussion, Chad Ball moved to set a public hearing for May 24, 2021. Bobby Wilson seconded the motion which passed unanimously.

Having no further business, meeting was adjourned.



Judy Horne Secretary



Robert Mann - Chair