

Planning Commission Minutes
April 27, 2020 6 PM

1. **ROLL CALL** – Meeting which was held using Zoom on-line service due to Corona Virus pandemic, was called to order by Chairman Robert Mann. A quorum was present. It was announced that this will be Toni Lindsey’s last meeting because she is moving to another city.

PRESENT

Robert Mann, Chair
Howard Carter
Jay Moore
Chad Ball
Toni Lindsey
Gerry Harris
Judy Horne
Bobby Wilson

ABSENT

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:** April 20, 2020 Minutes were amended to correct a typo on p. 3 changing the word “sad” to “said”. Minutes were approved as corrected.

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

Public Hearings:

4A. Conditional Use for Sale of Fireworks: Meramec Specialty Company; property at 380 W. Main Street, owned by Farmington Commercial, LLC, presented by Julie Stewart.

Julie Stewart, 4368 W. Pecan, Fayetteville, AR was on-line to answer any questions. There was no public comment and no questions from Commissioners.

City Attorney Steve Tennant noted that they said they would sell only through July 5 but the Conditional Use would allow them to sell until July 7. Mrs. Stewart said they were aware of this option, but probably would close after July 5.

Upon roll call, the motion was passed unanimously to grant Conditional Use to Meramec Specialty Co.

4B. Conditional Use for Sale of Fireworks: Hale Fireworks; property at 120 N Holland & owned by Rausch Coleman, presented by Chase Hale, 4606 SW Skyline, Bentonville, AR.

Steve Tennant reminded set up and selling dates, but Mr. Hale said they usually allow the operator to close up at their discretion, and often before July 7 date. There was no public comment and no questions from Commissioners.

Upon roll call, the motion was passed unanimously to grant Conditional Use to Hale Fireworks.

4C. Variance – waive lot split regulations for property owned by Eagle Holdings; 27.39 acres on Clyde Carnes and Jim Brooks Road (Parcel #760-03131-00; presented by Keith Marrs

Keith Marrs, 14075 Bethel Blacktop Road explained to Commissioners that under City regulations, the lot split for these 27.39 acres could only be into 4 parcels and he was requesting to split into 6 very large parcels. The smallest lot would be 3 acres.

There was no public comment and no Commissioner comments.

Steve Tennant asked about the perc tests and Keith Marrs said that has been done.

Chairman Mann called for question and Commissioners voted unanimously to allow the requested lot split of 6 parcels.

4D. Preliminary Plat – Summerfield Subdivision, owned by Pitts Dynasty Trust #3 for property located on West side of North Hunter Street; presented by Charles Zardin of Jorgensen & Associates

Mayor Ernie Penn said he had met with the engineers to discuss several City requests for improvements. It was negotiated that the developer would make the street, sidewalk, curb and gutter, improvements for Watson Street, Wilson Street from Hunter to Broyles Ave., and the west side of Hunter. Also, additional drainage would be provided to improve the flooding problem for Watson Street area. This is detailed below in City Engineer Chris Brackett's Memo to the Commission.

“The Preliminary Plat for the Summerfield Subdivision Phase I has been reviewed and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. The Developer and City Staff have come to an agreement for the required offsite improvements for this development. This agreement is only binding if the Planning Commission agrees to the offsite improvements as follows.
 - a. Watson Street will be brought to city standards including curb and gutter, storm drainage and sidewalks.
 - b. The west side of Hunter Street will be brought to city standards including curb and gutter, storm drainage and sidewalk. These improvements will be installed adjacent to the development and extended to the south to the creek.
 - c. Wilson Street will be brought to city standards including curb and gutter, storm drainage and sidewalk. The sidewalk will only be required on the north side. These improvements will be installed from Hunter Street to Broyles Street.
 - d. Any additional right-of- way and/or easements required for the above- mentioned improvements shall be at the expense of the City. The developer will prepare the documents.
 - e. These will be the only offsite improvements required for this phase and the future phases of this development.
 - f. The City (Planning Commission) agrees to waive the payment in lieu of park land dedication.
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 City of Fayetteville Engineering Department and the Arkansas Department of Health prior to any further 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 Olsson, the applicant should submit to the City two (2) sets of full size plans and three (30 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.”

Charles Zardin, 124 W. Sunbridge, Fayetteville, AR, said they agreed to Mr. Brackett’s recommendations and requirements. He said Phase I will have 117 lots. They will start by building just a few houses and expand as market required. The entire development area is zoned R-1.

Regarding waiving payment in lieu of a park, Chris Brackett noted that Creekside Park is just east of this proposed development and also the City does not have the financial ability to cost-share on the needed street improvements on Watson, Wilson and North Hunter, thus the trade-off.

In discussion with Commissioners, Mr. Zardin said they have agreed to pave the west half of North Hunter and to include sidewalk and curb and gutter and drainage all the way south to the creek. They are not required to improve the east half of Hunter since they don’t own those properties. The City would have to do that. On west side, the sidewalk will be at the very edge of the right of way.

There was concern about taking some of residents’ front yards on the west side, but Chris Brackett said it would not be much wider and would be improved in appearance and function.

Chad Ball requested that another requirement that a crosswalk on Hunter Street by the Creekside Park entrance will be provided by the developer.

Judy Horne noted the traffic problem this development (which eventually will have 429 homes not just 117) and often there are 2 to 3 cars at homes will create. It is currently almost impossible to get onto Broyles from Wilson or Rob Street in early morning and when Williams’ school day ends. This large development will multiply the access problem onto Broyles and she wondered if a traffic light at Wilson or Rob could be added. Also, there have been two traffic accidents at the other outlet at the very dangerous intersection of Hunter and Main Street near Briar Rose and Steve Tennant’s office. So that is not an easy way out either.

Gerry Harris agreed that the traffic situation is very worrisome when trying to get onto Main Street or Broyles from this area. She wanted to know how and when the dangerous Hunter/Main Street intersection could be fixed.

Mayor Penn explained that at the present time, the City has a major project on the 170 widening and improvement and could not take on another major project at this time (which the Hunter/Main Street project would be.)

Judy Horne pointed out that the subdivision design had areas that were not good, including small lots immediately adjacent to existing homes on Watson that could have been flip-flopped with large lots put there. Also she was very concerned about the health and safety of another area where about 8 homes would have a street in front and another street directly behind them. People in the end houses would be surrounded by streets on three sides. She felt this was totally inappropriate and requested that the Commission take a long, careful look at the zoning ordinance and see if some of these types of encroachments could be prevented in future developments.

It was noted that we cannot legislate that change and their Plat does follow the City Ordinance.

Public Comment:

Sherry Matthews, 65 North Hunter, had concerns about the current lack of maintenance of some of the land adjacent to her property. She said it is allowed to become very overgrown and then she has snakes in her yard in addition to the unsightly appearance. It is only mowed about twice a year.

Melissa McCarville said a small piece is zoned A-1 but the remainder is R-1.

Charles Zardin said that they own that land in question and it will be part of a large detention pond so that area could possibly be maintained as part of the detention pond. In answer to Chad Ball's question, he said there is a narrow access off of Hunter into the pond area for maintenance. Judy Horne referred Mr. Zardin to the detention pond requirements in the Landscaping Ordinance.

Sherry Matthews also asked that if at all possible, a very large old tree in that area be maintained and not cut down. Also, with regard to the Highway 62/ Hunter intersection near Briar Rose, she said she never goes that way because you simply can't turn left onto Main Street.

Chairman Mann called for question to approve the Preliminary Plat, contingent upon Chris Brackett's Memo dated April 27, 2020 and with the understanding that developer would add a crosswalk on Hunter Street into the west entrance into Creekside Park. Upon roll call vote, there were 6 "Yes" votes and Judy Horne voted "No." Preliminary Plat was approved.

5. Discussion of Concept Plat; Tim Sorey, President/Owner; Sand Creek Engineers, Bentonville
Tim Sorey, 1610 NW 12th Street, Bentonville, AR was present to discuss the request to put 15 one-acre estate-type homes on a 17 acre tract located east of Jim Brooks Road and on the north side of Clyde Carnes Road. Entry would be on Clyde Carnes. This property is adjacent to property owned by Riggins developers and near Keith Marrs' property approved at this meeting.

In meetings with City, cross connections into other adjacent areas was mentioned. There were concerns with emergency access for the first responders having to respond in that area. However, Mr. Sorey said cross-connection to other streets would diminish the uniqueness of this large-lot subdivision and he requested Commissioners' view on this.

Bobby Wilson asked about the #1 priority of fire trucks or other emergency vehicles getting into the subdivision. Mr. Sorey said the 30' streets and the radius of the cul-de-sac would provide needed access. The street length north-to-south is a quarter mile.

Mr. Sorey said when the perc testing is completed, this could affect the layout of houses slightly but they will be maintaining the spacious lot size and homes. Also, there will be a small detention pond at the front of the property on Clyde Carnes.

All Commissioners favored the idea of the layout of large lots and homes.

Toni Lindsey was thanked for her years of service on the Planning Commission.

5. Adjournment: Having no further business, the second on-line Planning Commission meeting was adjourned.



Judy Horne - Secretary



Robert Mann - Chair