

Planning Commission Minutes
April 6, 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.

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:** February 24, 2020 Minutes were approved as written.

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

Public Hearings:

4A. Rezoning request from RE-1 to RE-2 - property owned by Bleaux and Samantha Barnes located at 12266 N. Hwy 170 as presented by Bates & Associates, Inc.:

Geoff Bates was present to discuss the request. Mr. Bates stated these are single family homes. No public comments were made.

Upon roll call, the motion was passed unanimously.

4B. Rezoning from R-1 to PUD - property owned by Hampton Holdings, LLC located west of Broyles St. & south of South 54th Street, parcel #760-02400-200 presented by Morrison Shipley:

Patrick Foy of Morrison Shipley was present to discuss the request. The request is for a PUD to allow mixed housing with single-family on the north portion and a mixture of duplexes and townhomes on the south.

Mayor Ernie Penn stated that the property was a perfect location for a PUD.

Jay Moore said people at the school are concerned about the increased number of children due to this development. It was noted that this matter should not be a consideration of the Planning Commission.

Chad Ball was concerned about the greatly increased population density proposed by the development plans. He also agreed regarding increased number of children in Williams Elementary. He felt the current zoning of R-1 was the appropriate zone.

Gerry Harris was concerned that a one-car garage will not be enough, and Bobby Wilson also expressed the same concern. Gerry asked also if the administration at Williams expressed concerns to the City. Mr. Foy said the school had been contacted as required, but there had been no actual contact with

school people. He noted that they will build sidewalk on west side of Broyles according to City standards requirements.

Regarding parking, Mr. Foy said the one-car garage residences would have room on the driveway for 2 cars to park.

Gerry Harris asked if they plan to allow parking on the streets, but it was noted that the Fire Department can put up “No Parking” signs and the Police Department can give citations for street parking.

Judy Horne had concerns with the developer’s statement in the sample POA agreement that townhomes and most other residences will be leased out by the company with few private ownership homes.

Mr. Foy stated that the townhomes and duplexes are intended for lease but the single family homes are meant to be sold. But, in further discussion he said some duplexes might be sold for private ownership. He stated that the bylaws of the POA agreement would allow them control over keeping the area clean.

Judy Horne had concerns about the greatly increased traffic count and suggested that a traffic light should be located at the intersection of Broyles and 54th due to the large number of homes being built throughout this area.

Judy further noted that the proposed retention pond can’t be included in park land dedication, as the ordinance states, and as Chris Brackett has noted. She suggested that a solution might be to allow them to pay a fee into the City’s park fund in lieu of that amount of land.

Jay addressed the question of Williams School administration concerns. He had talked to Principal Gardenhire of the school. She expressed a concern with the growth of the school district and having so many residents within that close proximity. However, this was her own opinion and not necessarily that of the Farmington School Administration.

Chris Brackett read his memo (of which Patrick Foy was aware) as follows:

“The Planned Unit District for the Cedar Crest Subdivision has been reviewed and it is our opinion that the Planning Commission’s approval should be conditional on the following comments.

The fire hydrant locations shown on the plat and the utility plans must be reviewed and approved by the Fire Department.

1. 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.
2. The street that is constructed thru park land dedication is required for the street connection of the subdivision so this street will be required to have a 50’ right-of-way. This right-of-way should be taken out of the calculation for the park land.
3. The Planning Commission will have to make a determination on the park land conveyance for this subdivision. The condition will vary dependent that determination.
 - a. If the park land is accepted, the park land must be deeded over to the City prior to any building permits being issued on this property. If the required 2.96 acres is not deeded, the excess must be paid with payment in lieu of park land conveyance.
 - b. If the park land is no accepted, the payment in lieu of park land conveyance will be required for this subdivision. This fee will be \$600 per single family unit and \$300 per multifamily unit (\$80,800).

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.”

Regarding item #2 (50’ right of way through the park area) Mr. Foy said he had understood in Plat Review that they would not have to provide that width right of way. Mr. Brackett said 50’ width is needed for street connection.

Commissioners seemed in general agreement that a one-car garage was not sufficient in today’s world. City Attorney Steve Tennant said a PUD allows the Planning Commission to require whatever they think best, so two car garages can be required. It was also discovered in discussion that for townhomes, two will have a one-car garage and 10 townhomes will not have any garage.

Mr. Foy said the price of the unit has to cover the expense of the garage and it will be higher if it is a two-car garage.

Chad Ball felt that the location which is on the outskirts of Farmington meant that people would go to Fayetteville to shop, thus potentially hurting revenue for our town. Further, he was concerned about 222 units going in near the school, the retention pond issue, and the garage size.

Toni Lindsey requested square footage and number of multi-family and townhome units.

Dwelling Unit	Lot Area (sq. ft)	Dwelling Unit (sq. ft)
Duplex	8,275	4,137
Townhome	11,088	1,848

Gerry Harris noted that the information provided shows a discrepancy in some data. Mr. Foy said there would be 8.77 units per acre.

Judy Horne suggested the developer pull this from the agenda until Planning Commission concerns could be properly addressed. The developer’s name was requested and it is Robbie Bader.

Mr. Foy asked to table the issue until later in the meeting after he contacted the owner. This was agreed to.

At this point in the meeting, the Commission moved on to item 4.D. (See below.)

When the Commission returned to the Cedar Crest agenda item later in the meeting the representative for Hampton Holdings, Robbie Bader, was available on Zoom. Chairman Mann informally polled commissioners regarding 2-car or 1-car garage. Most preferred 2-car.

Gerry Harris asked about the townhouses with no garage; the answer was that a similar development in Rogers and Bentonville were built like that. Mr. Bader assured their intention is to design an up-scale, engaging community with walking trails, swimming pool, and areas for social interaction. Also he said they strictly enforce the POA standards and requirements and the rental rates are of a level that a trashy looking neighborhood will not occur.

Upon roll call, Robert Mann called the question to approve the Rezone and Preliminary Plat subject to the change to 2-car garage instead of one, pay a fee into City's Park Fund in lieu of retention pond land, and Chris Brackett's memo requirements. The motion passed 5-2 with Howard Carter and Chad Ball voting "No".

4C. Preliminary Plat for property owned by Hampton Holdings, LLC located off Broyles St. parcel #760-02400-200 as presented by Morrison Shipley:

With a PUD proposal both the rezoning and the Preliminary Plat approval are rolled into one item for consideration. With the 5-2 approval in 4B., this also included approval of the Preliminary Plat.

Chairman Mann noted that in the future, the manner in which PUD items are shown on the agenda and are considered needs to be improved.

4D. Variance - from required number of parking spaces for property owned by Cedar Mountain Properties, LLC located on Southwinds Dr., Parcel #760-01601-000 - presented by Bates & Associates, Inc.:

Geoff Bates of Bates Engineering and Brad Smith of Cedar Mountain Properties were present to discuss the zoning request to reduce parking spaces from 109 to 93 or 16 fewer parking spaces than the requirement. If they have to add 16 spaces, they would have to reduce building size and more paving would contribute to the "heat-island" effect created by large areas of paved surfaces.

Mayor Penn referred to his memo to commissioners in which he explained that "intended use" dictates number of parking spaces. Intended use is unknown at this time, but Chris Brackett has had to take the highest-traffic use when calculating number of spaces. The Mayor felt that there would be no problem with 16 fewer spaces. Further, he stated that this would be a much higher class and attractive Commercial Office project than surrounding properties. In addition, he said he knows the builder and the owner and the property will be a first class project.

Mayor Penn said if you calculate spaces based on 50% offices and 50% commercial use, then the developer's request is suitable.

Chad Ball wanted assurance that there would be a connection to the parking lot just north of this property which might be used for overflow parking. Mr. Smith has not received the property owner's permission yet.

Public comment:

Lynn Kutter asked if parking will be allowed on Southwinds Drive in front of the development and the answer is NO.

Steve Tennant pointed out that the building will probably not be all retail/commercial because many retailers would need more space than this building will offer.

Chairman Mann called for question and upon roll call, the motion passed unanimously.

4E. Large Scale Development- property owned by Cedar Mountain Properties, LLC located on Southwinds Dr. Parcel #760-01601-000 as presented by Bates & Associates, Inc.:

Geoff Bates was present to discuss the request. In Chris Brackett's March 3 memo, there were deficiencies with drainage and permitting along with parking issues and these have been corrected. The drainage is set up to flow down to the creek rather than a detention pond. Chris Brackett read his memo as follows:

"The Large Scale Development Plan for the Bristol Commons LSD has been reviewed and we cannot recommend that the Planning Commission approve the current plan based on this plan does not meet the minimum parking requirements in the Zoning Ordinance.

This plan shows 21,880 square feet of commercial building that would require 110 spaces at 1 space per 200 square feet. The plan currently shows 93 spaces. A variance of this requirement would have to be approved the Planning Commission or the building would have to be reduced to no more than 18,600 square feet.

If the Planning Commission grants the variance of the parking requirements or if the developer agrees to reduce the building size, the approval of the Large Scale Development should be conditional on the following comments.

1. All connections to the water and sanitary sewer systems must be approved by the City of Fayetteville.
2. A Flood Plain Development Permit will be required for this project prior to construction plan approval.
3. A completed Grading Permit Application and fee must be submitted prior to final acceptance 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 accepted by Olsson, the applicant should submit to City two (2) sets of full size plans and three (3) 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."

Project engineer Bates was familiar with the City Engineer's report and had no issues with it.

Public Comments: None

Chairman Mann called for question and upon roll call, the motion, subject to the City Engineer's memo passed unanimously.

5. Adjournment: Having no further business, Commissioners were thanked for their patience in participating in the City's historic first on-line meeting, and the Planning Commission meeting was adjourned.



Judy Horne - Secretary



Robert Mann - Chair