

Planning Commission Minutes
August 24, 2020 at 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, via zoom
Jay Moore, via zoom
Chad Ball, via zoom
Keith Macedo, via zoom
Gerry Harris
Judy Horne, via zoom
Bobby Wilson

ABSENT

None

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

2. **Approval of Minutes:** July 27, 2020 Minutes were approved as written.

3. **Comments from Citizens:** none

Public Hearings:

4A. Preliminary Plat for Hillcrest Subdivision; property owned by Nick Limbird located off Hwy 170 as presented by Blew & Associates, P.A.:

Chairman Robert Mann welcomed new Planning Commission member Keith Macedo.

Melissa opened the meeting with comments concerning the development and false information that needed to be addressed. The development is not part of Valley View golf course. There can not be multi-family in that area due to the zoning which is for R-1 Single-Family housing only.

George DuQuesne was present to discuss the request. Keith Macedo asked about the width of the sidewalk along Hwy 170. Chris Brackett answered that it is going to be 5 foot in width.

Judy Horne asked if there will be a property owners association where developer/ property owners will be responsible for maintenance. Since there will be detention ponds they will be required to have one. Jorge DuQuesne called the developer who stated that a POA is planned.

Chris Brackett read his memo stating conditions that Planning Commission should require with their approval. It read as follows:

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

1. The Highway 170 improvements 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. Payment in lieu of Park Land Conveyance will be required for this subdivision. This fee will be \$600 per single family unit (82 buildable lots= \$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. How will the detention pond on Lot 84 be accessed to maintenance?
2. The handicap ramps shown are not acceptable. Two separate ramps at each corner instead of the one ramp pointed into the middle of the intersection.”

Jorge DuQuesne conferred with the developer via phone and they agreed to all the conditions presented by City’s Engineer Chris Brackett.

Gerry Harris asked about Item #1 on the memo: “The Highway 170 improvements 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.”

DuQuesne said that they do not wish to put in anything except the sidewalk because they assume the highway will be widened by the Highway Department in the future.

Public Comment:

Diane Bryant- 11761 E. Creek Lane: She had concerns about potential for increased flooding in the Valley View Subdivision to the west of this proposed development. She mentioned the new FEMA study done in Farmington and she wondered if this area has been cleared? Chris Brackett stated that FDN is in the process of being submitted to FEMA. He did check the new study results and the land in question is not in 100 year flood plain.

Tammy Scribner- 11164 Frisco Drive: there is an issue with the retention ponds flooding/ overflowing. How will developer prevent any further water flowing downhill from the development? Brackett explained that the water does flow west. However, developer is required by law to detain what flows off of their property and cannot make the adjacent property owners’ flooding worse. However, they are not required to improve any current flooding.

Her next inquiry was about improvements for Highway 170. Brackett said the current Highway 170 improvements will end at Clyde Carnes Road and will not continue on to location of this proposed

subdivision. However, the developer is required to provide improvements in front of the Hillcrest Subdivision property on 170.

In answer to her question about sewer, the taps exist due to a prior deal several years ago. The sewer line will connect to the Prairie Grove waste system. The plan will have to be approved by Washington County authorities prior to installation.

Michael Gaudern - 11181 Bear Drive: He has lived in his home in Valley View since 2010. Flooding is a major problem for people in his neighborhood of Bear Drive, Shark Lane, Riviera Place and Payne Stewart Drive. His house has flooded due to the water and has reached 5 feet in depth at a repair cost of \$60,000. He strongly believes that there needs to be a drainage study done. Residents have tried to meet with Joe Stewart about the drainage solutions with an engineer, but he wouldn't comply. Mayor Ernie Penn said that he had talked to Joe Stewart as well. In addition City Maintenance Manager Floyd Shelley met with the engineer, but Stewart would not work with them.

It was explained that the flooding is not due to the city's actions, but rather the engineer who stamps the plans as approved and that would be who to talk to about damage costs.

Robert Mann stated again that engineers have to design a plan that will not increase current water flow to neighboring property. He said that the Planning Commission has no jurisdiction over the flooding issues that are in Valley View now. He suggested that they make their appeal to the City Council at a regularly scheduled meeting.

Sharon Ibarra- 11566 Clubhouse Pkwy: she is the POA president for Valley View Estates. She had done a quick survey and over 50 residents voted against the development being proposed. She said she knew there would have been more opposition if she had had more time to obtain a larger survey.

Diamond Moore- 11473 Clubhouse Pkwy: She had looked at the developer's application and said they had said there would be NO POA but this evening they say there will be one. Mr. Brackett said one requirement in order to get detention ponds approved, they will have to have a POA. It will be required. The Final plat has to be approved and the City Attorney has to review the POA documents, so they will have to have a POA.

Jeff Magyar- 10880 Windswept way: He asked what house size would be. There isn't a house size requirement, but the lot size for R-1 zone is a minimum of 10,000 square feet. Then, there are setback requirements for all sides of each lot. Judy Horne noted that it appears on this plat that they will build larger homes on the outer edge of the subdivision and smaller homes in the middle of the development.

Wayne and Lisa Negem - 10971 Windswept Way: Asked about any upgrades that will be done on the Hwy 170 project because they said there is a severe traffic problem already on 170. Chris Brackett said developer is dedicating a 40 foot right-of-way that will be developed. The 170 frontage will include greenspace and a 5 foot sidewalk. The Highway Department is the proper authority to ask questions about future improvements to the roadway.

Shaunna Nastasi- 11142 Payne Stewart: Will there be a cut through street on the backside of hole 7? No access will be through Valley View. It will be only off of Hwy 170.

Diamond Moore: will the streets be public or private? Who will maintain the street lights? The streets will be maintained by the City; street lights will be installed by the developer, and City pays the electric bill and the electric provider will maintain them.

Jim Duffy- 11324 Frisco Dr: He was concerned about the effects of the drainage and detention ponds which he considered a public nuisance. He believes the Valley View residents flooding *will* be made worse by this development.

Diane Bryant asked if these would qualify for Rural Development loans. This area will be qualified.

Judy Horne asked if the ponds could be dug deeper but they cannot be. They can be dug wider to accommodate more room. This is governed by the ordinance.

Having no further discussion, Robert Mann called the question for the Preliminary Plat for Hillcrest Subdivision to be approved subject to Chris Brackett's memo and the developer paying money in lieu of Hwy 170 improvements except the sidewalks. Motion passed unanimously.

4B. Revised Preliminary Plat for Farmington Height Phase II; property owned by Indian Territory, LLC located off S. 54th Street as presented by Civil Design Engineers, Inc.:

Ferdi Fourie was present to discuss the request. Melissa made opening comments that this plat had already been approved but the developer is now back asking to amend the agreement so they can pay into the Park Fund in lieu of park land dedication.

In answer to Gerry Harris's question, Mr. Fouri stated this will allow them to have four more buildable lots.

Keith Macedo asked if the park land would be maintained by the City. Answer is yes, once it is deeded over to the City.

Chad Ball noted that this proposed park land is adjacent to designated park area in Phase I. He said the Phase I park has not yet been made into a neighborhood park. He remembered that when Planning Commission granted developer a variance, Commission agreed to giving them additional time to meet the total land area required of the development – Phase I park area + Phase II park area.) He reminded that the Commission did ask them to go ahead and develop the park area for Phase I. He did not favor approving this request for a revised Preliminary Plat that deletes the park land in Phase II. He did not believe it was the best choice for the City or for residents of the subdivision.

Rick Bramall reiterated that the park has not been developed in Phase I; it is only green space currently.

Diamond Moore - 11473 Clubhouse Pkwy: She agreed with Chad Ball that allowing the developer to back out of the park agreement was not a good idea. She noted that the developer has been buying other properties in the area.

Diane Bryant - 11761 E. Creek Lane: asked for clarification of the park land dedication. Rick Brammell explained that if Commission approves this request, it would eliminate the Phase II portion of the park. The only remaining dedicated park land is in Phase I.

Keith Macedo asked the developer's representative, Mr. Fouri, if they plan to comply with ordinance-required amenities for the park land in Phase I. Mr. Fouri said there intent was to not develop it. To Keith Macedo's question about what is required in the park, it was explained that the Landscape Ordinance has a section that lists what they can put on the park land.

Judy Horne noted that the requirements for what must be done to make a neighborhood park are very, very minimal. The requirements are very simple and basic. She summarized the agreement the Commission thought they had with the developer for the park land when Commission considered the Phase I Plat.

Melissa McCarville stated there had been a variance approved on Phase I for the park land dedication contingent upon the developer later dedicating the Phase II park land to the City.

Gerry Harris said Maumelle, AR has small green-space pocket parks for easy access by citizens. She saw lots of people utilizing the small parks. Chad Ball agreed about the importance of green space, mentioning the green space by the city's Library that is used for the annual Christmas Tree Lighting celebration. He noted how it brings community members together.

Having no further discussion, Robert Mann called the question to approve the revised plat for Farmington Heights Phase II that would eliminate the previously proposed park land. Motion was denied 6-1. Voting NO: Chad Ball, Howard Carter, Gerry Harris, Judy Horne, Keith Macedo, Jay Moore. Voting YES: Bobby Wilson.

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



Judy Horne - Secretary



Robert Mann - Chair