

Planning Commission Minutes September 28, 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
Jay Moore, via zoom
Chad Ball, via zoom
Keith Macedo
Gerry Harris
Judy Horne, via zoom
Bobby Wilson

ABSENT

Howard Carter

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

2. **Approval of Minutes:** August 24, 2020 Minutes were approved as written.

3. **Comments from Citizens:** none

Public Hearings:

4A. Rezone for property located at 14 Double Springs from R-1 to C-1; property owned by Farmington Public Schools as presented by Bates & Associates, Inc.:

Coleman Warren was present via zoom to discuss the request. He explained that this would be a non-profit business to help end childhood hunger in the area. The School District will be renting the cafeteria area to his company for manufacturing of ice cream after school and on weekends only. There will be no customer foot traffic. Proceeds from sales will be used to feed children in the summer.

Gerry Harris was concerned that this would be spot zoning. This opens up opportunity for that to become commercial allowing other businesses to come in even after they are no longer using the facility. It was suggested that they do a Use on Appeal in place of the rezone. This makes sure that no other commercial operation can be there in the future. The Use on Appeal only carries to the individual (Coleman Warren) not the property. This operation is considered retail as per Arkansas Health Department.

Public Comment:

Diamond Moore- 11473 Clubhouse Parkway: She directed questions to Mr. Warren about the business and how it was going to be set up. He said he hopes to have a mobile pantry / food truck and will partner with Northwest Arkansas Food Bank. It will be used while children are out of school in the summer. There will be a sales website called Simplestweetcreamery.com.

Having no further discussion, Robert Mann called the questions to approve the rezoning for 14 Double Springs from R-1 to C-1. Upon roll call, the vote was No – 6 and no Yes votes. The motion failed.

Gerry Harris moved that a Use on Appeal be granted to Coleman Warren for his proposed non-profit operation located on public school property (14 N. Double Springs Rd). Motion seconded by Bobby Wilson and upon roll call, the motion passed unanimously.

4B. Re-plat of lot 12 of Owl Creek Subdivision, property owned by Keith and Sandra Thompson located at 10835 Blue Sky Rd as presented by Bates & Associates, Inc.:

Justin Reid with Bates & Associates was present to discuss the request. He explained that the Thompsons wish to split their 9.98 acre lot into a 5.49 acre lot and a 4.5 acre lot which the son/daughter-in-law will purchase. They have to replat the lot due to the fact that it is included in a platted subdivision.

Judy Horne had questions concerning the set back requirements for the pool/ patio area which is very close to the proposed new lot line. Mr. Reid said there is a 20 foot set back and Melissa McCarville explained that the setback is not applicable to the pool. It can be close to the lot line.

Judy noted a probable error on the Arkansas Department of Health Individual Onsite Wastewater System Permit Application, item #12 #Bedrooms and #People. The application stated 500. It was deemed an error.

Public Comment:

Diamond Moore- 11473 Clubhouse Parkway: observed that about 75% of the surrounding property owners had signed an approval statement (which was required by the property covenants). In answer to another question, she was told that there is no prohibition on who the owners could sell the split lot to, if not purchased by their family member. It was noted that the City does not have jurisdiction over these sorts of issues.

Having no further discussion, Robert Mann called the question to approve the revised plat for Lot 12 of Owl Creek Subdivision with correction of the typo on item #12. Motion was passed unanimously.

5. Preliminary Plat for Briarwood Estates located off Clyde Carnes Rd, property owned by Landmarc Custom Homes, LLC as presented by Sand Creek Engineering:

Tim Soring with Sand Creek Engineering was present to discuss the request. This subdivision will have one road leading to a cul de sac at the end of road. Subdivision will have 15 buildable lots and two lots that will be used for detention ponds. There will be septic due to not being connected to any sewer lines. Chris Brackett read his memo as follows:

“The Preliminary Plat for the Briarwood Estates Subdivision 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 utility plans must be reviewed and approved by the Fire Department.
2. The water and improvements must be reviewed and approved by the Washington Water Authority and the Arkansas Department of Health prior to any 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 (15 buildable lots= \$9,000).
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 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 at 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 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.”

There were questions concerning the covenants. City Attorney Steve Tennant explained that this is not our jurisdiction and cannot enforce them. They will be reviewed by Steve Tennant at the time of final plat.

Keith Macedo inquired about the detention pond screening requirements for the two ponds that will be just adjacent to Clyde Carnes Road. Chris Brackett said that the plants and shrubs that are proposed to surround the detention ponds will not be a sight line problem. They are strictly there to create a visual buffer between the driveway and the ponds. The sidewalk will be built as per City ordinance, but the ordinance does not specify a certain width of the different street classifications. ADA compliance requires at least 4 foot wide sidewalk. Chris Brackett said most times a 5 foot sidewalk is installed.

Public Comment:

Diamond Moore-11473 Clubhouse Parkway: will it be 15 total lots including the two unbuildable lots or will it be 17 in total? It is 17 in total. There will be 15 buildable and 2 unbuildable lots (detention ponds). Are the ponds detention or retention? They will be detention meaning they will catch rainwater temporarily but there will not be standing water in them all the time. The POA will maintain the ponds.

Having no further discussion, Robert Mann called the question to approve the Preliminary Plat for Briarwood Estates subject to Chris Brackett’s memo. Upon roll call, the motion passed unanimously.

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



Judy Horne - Secretary



Robert Mann - Chair